

416.550 Right to condemn -- Requirements and restrictions regarding agreement to acquire property rights prior to condemnation proceedings.

- (1) Whenever any condemnor cannot, by agreement with the owner thereof, acquire the property right, privileges or easements needed for any of the uses or purposes for which the condemnor is authorized by law, to exercise its right of eminent domain, the condemnor may condemn such property, property rights, privileges or easements pursuant to the provisions of KRS 416.540 to 416.670.
- (2) In obtaining an agreement under subsection (1) of this section:
 - (a) The condemnor and its employees or agents shall not make any materially false statements or engage in intimidating or misleading negotiating tactics;
 - (b) Any offer for the purchase of property shall be in writing and delivered to the property owner via:
 1. Certified mail, return receipt requested; or
 2. Hand delivery, verified by government-issued identification and accompanied by the signature of the property owner; and
 - (c)
 1.
 - a. The property owner shall be afforded the opportunity to obtain an independent appraisal of the property, conducted by an appraiser certified or licensed under KRS Chapter 324A, within sixty (60) days of the receipt of the initial offer for purchase under paragraph (b) of this subsection.
 - b. If the property owner refuses to take delivery of the initial offer for purchase under paragraph (b) of this subsection, the independent appraisal period shall be reduced to thirty (30) days from the date of the refusal. The condemnor shall certify the refusal in a sworn affidavit.
 2. The condemnor and property owner may continue to negotiate following the initial offer for the purchase of property. Subsequent offers following negotiation between the property owner and the condemnor shall not be subject to the independent appraisal period described in subparagraph 1. of this paragraph.
 3. The condemnor shall:
 - a. Take into consideration the property value indicated by the independent appraisal obtained by the property owner under subparagraph 1. of this paragraph at all stages of negotiation for purchase of the property; and
 - b. If it conducts its own appraisals on the property, use an appraiser certified or licensed under KRS Chapter 324A unless the value of the portion of the property to be condemned is reasonably estimated by the condemnor to be less than twenty-five thousand dollars (\$25,000), in which case the condemnor may use in-house appraisal services.
 4. The condemnor shall not file a petition for the initiation of a condemnation action until after the independent appraisal period

described in subparagraph 1. of this paragraph has expired.

A violation of any requirement in this section shall result in a dismissal of the condemnation action pursuant to KRS 416.610(4). A violation of subsection (2)(a) of this section shall, in addition to dismissal of the action, entitle the property owner to recovery of costs, expenses, and reasonable attorney's fees in the action.

- (3) It is not a prerequisite to an action to attempt to agree with an owner who is unknown or who, after reasonable effort, cannot be found within the state or with an owner who is under a disability.

Effective: April 13, 2026

History: Amended 2026 Ky. Acts ch. 112, sec. 3, effective April 13, 2026. -- Created 1976 Ky. Acts ch. 140, sec. 3.