

416.560 Initiation of condemnation proceedings -- Costs -- Right of entry -- Notice to property owner -- Damages.

- (1) Notwithstanding any other provision of law, a department, instrumentality or agency of a consolidated local government, city, county, or urban-county government, other than a waterworks corporation the capital stock of which is wholly owned by a city of the first class or a consolidated local government, having a right of eminent domain under other statutes shall exercise such right only by requesting the governing body of the consolidated local government, city, county, or urban-county government to institute condemnation proceedings on its behalf. If the governing body of the consolidated local government, city, county, or urban-county government agrees, it shall institute condemnation proceedings under KRS 416.570, and all costs involved in the condemnation shall be borne by the department, instrumentality, or agency requesting the condemnation.
- (2) If any department, instrumentality, or agency of a consolidated local government, city, county, or urban-county government, other than a waterworks corporation the capital stock of which is wholly owned by a city of the first class or a consolidated local government, operates in more than one (1) governmental unit, it shall request the governing body of the consolidated local government, city, county, or urban-county government wherein the largest part of the individual tract of the property sought to be condemned lies, to institute condemnation proceedings on its behalf.
- (3) A department, instrumentality, or agency of the Commonwealth of Kentucky, other than the Transportation Cabinet and local boards of education, having a right of eminent domain under other statutes shall exercise that right only by requesting the Finance and Administration Cabinet to institute condemnation proceedings on its behalf. If the Finance and Administration Cabinet agrees, it shall institute such proceedings under KRS 416.570, and all costs involved in the condemnation shall be borne by the department, instrumentality, or agency requesting the condemnation.
- (4)
 - (a) Prior to the filing of the petition to condemn, the condemnor or its employees or agents shall have the right to enter upon any land or improvement which it has the power to condemn, in order to make studies, surveys, tests, sounding, and appraisals, provided that the owner of the land or the party in whose name the property is assessed has been notified in accordance with paragraph (b) of this subsection no later than ten (10) days prior to entry on the property.
 - (b) Notification under paragraph (a) of this subsection shall:
 1. Be delivered to the property owner by:
 - a. Certified mail, return receipt requested, to the last known address of the property owner listed on the real property tax rolls of the county; or
 - b. Hand delivery to the property owner, verified by government-issued identification and accompanied by the signature of the property owner; and
 2. Include the following information:
 - a. That all or a portion of the property is necessary for a public

- project;
- b. The nature of the project for which the property is considered necessary and the parcel designation of the property to be acquired. If disclosure of specific project details is restricted by a legally binding nondisclosure agreement entered into in connection with an economic development project, the condemnor may describe the project in general terms sufficient to identify the public purpose without disclosing confidential or proprietary information;
 - c. A copy of the provision of law granting the condemnor the power of eminent domain;
 - d. The estimated timeline for completion of the portion of the project for which the property is to be taken;
 - e. That, within fifteen (15) business days after receipt of a request by the property owner, the condemnor will provide copies, to the extent prepared, of:
 - i. Right-of-way maps or other documents that depict the proposed taking; and
 - ii. Nonconfidential construction plans that depict project improvements to be constructed on the property taken and improvements to be constructed adjacent to the remaining property, including but not limited to plan, profile, cross-section, drainage, pavement marking sheets, and driveway connection detail;
 - f. That the property owner may obtain an independent appraisal of the property as described in KRS 416.550(2); and
 - g. That the property owner has the right to request one (1) public meeting under subsection (6)(a) of this section if a public meeting regarding the proposed project, of which the property owner was notified, has not previously been held.
- (c) Surveys and appraisals conducted under paragraph (a) of this subsection shall be:
- 1. Conducted using only up-to-date data; and
 - 2. Provided to the property owner within fifteen (15) days of completion.
- (d) Any actual damages sustained by the owner of a property interest in the property entered upon by the condemnor shall be paid by the condemnor and shall be assessed by the court or the court may refer the matter to commissioners to ascertain and assess the damages sustained by the condemnee, which award shall be subject to appeal.
- (5) The condemnor shall notify the property owner of a material change to the information disclosed under subsection (4)(b)2. of this section via:
- (a) Certified mail, return receipt requested; or
 - (b) Hand delivery, verified by government-issued identification and accompanied

by the signature of the property owner;
within fifteen (15) days of the condemnor's determination to proceed with the material change.

- (6) (a) 1. After receiving notification under subsection (4)(b) or (5) of this section, the property owner may, within thirty (30) days of receipt, request that the condemnor host a public meeting regarding the proposed taking if a public meeting regarding the proposed taking, of which the property owner was notified, has not previously been held. The public meeting shall be held in the county where the property needed for the project is located and at a site secured by the condemnor.
2. The meeting shall be held within thirty (30) days of the request, and the condemnor shall attend the meeting.
3. The sole purpose of the meeting shall be to accept comments from the public regarding the proposed project.
- (b) Failure to provide notification under subsection (4)(b) or (5) of this section shall result in a dismissal of the condemnation action pursuant to KRS 416.610(4).

Effective: April 13, 2026

History: Amended 2026 Ky. Acts ch. 112, sec. 4, effective April 13, 2026. -- Amended 2002 Ky. Acts ch. 346, sec. 230, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 45, sec. 1, effective July 14, 2000. -- Amended 1982 Ky. Acts ch. 239, sec. 1, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 140, sec. 4.