

1 AN ACT relating to eminent domain.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 416.580 is amended to read as follows:

4 (1) (a) **1.** The ~~[-Circuit-]~~court, or in the absence of the Circuit Judge from the
5 county, the Circuit Court Clerk, shall appoint as commissioners three (3)
6 impartial housekeepers of the county who:

7 **a.** Are owners of land; ~~and[-. They]~~

8 **b.** Shall be sworn to faithfully and impartially discharge their duties
9 under this section.

10 **2.** The commissioners shall view the land or material sought to be
11 condemned and award to the owner or owners such a sum as ***provided***
12 ***under subsection (1) of Section 2 of this Act***~~[-will fairly represent the
13 reduction in the market value of the entire property, all of or a portion of
14 which is sought to be condemned, said sum being the difference
15 between the market value of the entire property immediately before the
16 taking and the market value of the remainder of the property
17 immediately after the taking thereof, together with the fair rental value
18 of any temporary easements sought to be condemned].~~

19 **3.** Within fifteen (15) days from the date of their appointment, ***the***
20 ***commissioners***~~[-they]~~ shall return a written report to the office of the
21 ~~[-Circuit-]~~court, stating the above values in their award and shall describe
22 in their report the property sought to be condemned. They shall be
23 allowed a reasonable fee which shall be taxed as costs.

24 (b) **1.** If any person appointed to serve as commissioner fails, refuses or
25 becomes incapable of acting, the court~~[-]~~ or judge thereof shall forthwith
26 appoint a qualified person to fill the vacancy.

27 **2.** A majority of the commissioners appointed and qualified have the

1 power to act and to make and sign the award and report.

2 **3.** If a majority of the commissioners do not agree on a decision, three (3)
3 new commissioners shall be appointed by the court on application by
4 any of the parties to the action.

5 (2) In eminent domain proceedings instituted pursuant to KRS 99.700 to 99.730, in
6 determining the market ~~of~~ value ***of*** blighted or deteriorated property, the
7 commissioners shall consider:

8 (a) The estimated cost of repairs necessary to bring the property up to the
9 minimum standards of the local housing or nuisance code as determined by an
10 independent appraiser ~~or~~ general building or residential contractor or
11 inspector; or

12 (b) The cost of demolition of the property, if the commissioners determine that
13 demolition would be the most cost-effective manner of addressing the
14 blighted or deteriorated structures on the property.

15 ➔Section 2. KRS 416.660 is amended to read as follows:

16 (1) In all actions for the condemnation of lands under the provisions of KRS 416.550 to
17 416.670, except temporary easements, there shall be awarded to the landowners as
18 compensation such a sum as will:

19 ***(a)*** Fairly represent the difference between the fair market value of the entire
20 tract, all or a portion of which is sought to be condemned, immediately before
21 the taking and the fair market value of the remainder thereof immediately
22 after the taking, including in the remainder all rights which the landowner
23 may retain in the lands sought to be condemned where less than the fee
24 simple interest therein is taken, together with the fair rental value of any
25 temporary easements sought to be condemned; ***and***

26 ***(b) If the owner or owners are required to relocate as a result of the***
27 ***condemnation, compensate the owner or owners for any discount points***

1 *necessary to obtain the same interest rate on the note to be secured by the*
2 *property to which the owner or owners are to relocate as the note secured by*
3 *the property to be condemned.*

4 (2) (a) Any change in the fair market value prior to the date of condemnation which
5 the condemnor or condemnee establishes was substantially due to the general
6 knowledge of the imminence of condemnation or the construction of the
7 project shall be disregarded in determining fair market value.

8 (b) The taking date for valuation purposes shall be either the date the condemnor
9 takes the land, or the date of the trial of the issue of just compensation,
10 whichever occurs first.