

416.675 Public use required -- No condemnation for indirect benefit -- Exemption.

- (1) Every grant of authority contained in the Kentucky Revised Statutes to exercise the power of eminent domain shall be subject to the condition that the authority be exercised only to effectuate a public use of the condemned property.
- (2) "Public use" shall mean the following:
 - (a) Ownership of the property by the Commonwealth, a political subdivision of the Commonwealth, or other governmental entity;
 - (b) The possession, occupation, or enjoyment of the property as a matter of right by the Commonwealth, a political subdivision of the Commonwealth, or other governmental entity;
 - (c) The acquisition and transfer of property for the purpose of eliminating blighted areas, slum areas, or substandard and insanitary areas in accordance with KRS Chapter 99;
 - (d) The use of the property for the creation or operation of public utilities or common carriers; or
 - (e) Other use of the property expressly authorized by statute.
- (3) No provision in the law of the Commonwealth shall be construed to authorize the condemnation of private property for transfer to a private owner for the purpose of economic development that benefits the general public only indirectly, such as by increasing the tax base, tax revenues, or employment, or by promoting the general economic health of the community. However, this provision shall not prohibit the sale or lease of property to private entities that occupy an incidental area within a public project or building, provided that no property may be condemned primarily for the purpose of facilitating an incidental private use.
- (4) The exercise of the power of eminent domain for the acquisition of property financed by state road funds or federal highway funds shall be exempt from the provisions of this section.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 73, sec. 1, effective July 12, 2006.