

**96.600 Procedure for condemnation -- Report of commissions -- Jury award --  
Procedure when condemnor not a utility.**

- (1) When the board of any municipality authorized to acquire, construct, own or operate an electric plant under the provisions of KRS 96.550 to 96.900 shall be unable to contract with the owner of any land, easement, right of way, electric plant, or any facilities or property needed by such board for its use for the purposes thereof and desires to exercise the right of eminent domain, the board shall proceed to condemn the property pursuant to the Eminent Domain Act of Kentucky except that, in lieu of determining the award to the owners in the manner prescribed in KRS 416.580(1) the commissioners shall ascertain and determine the value of the property taken; the value of real estate, tangible personal property, intangible property and franchises, if any such value is found to exist, shall be determined and stated separately in their report; and they shall also award damages, if any, resulting to the remainder of the electric plant or system of the owner, considering the purposes for which the property is taken, and the amount of said damages, if any, shall be stated separately in their report. The jury award shall be made in this manner rather than in the manner prescribed in KRS 416.660(1).
- (2) Notwithstanding the provisions of subsection (1) of this section, when the owner of any land, easement, right of way or facility to be acquired by exercise of the right of eminent domain is not a utility, the award to the owners thereof shall be determined pursuant to the Eminent Domain Act of Kentucky.

**Effective:** July 13, 1984

**History:** Amended 1984 Ky. Acts ch. 83, sec. 1, effective July 13, 1984. -- Amended 1976 Ky. Acts ch. 140, sec. 47. -- Amended 1974 Ky. Acts ch. 386, sec. 23. -- Amended 1970 Ky. Acts ch. 92, sec. 20. -- Amended 1952 Ky. Acts ch. 84, sec. 61, effective July 1, 1953. -- Created 1942 Ky. Acts ch. 18, sec. 4.