**183.122 Condemnation -- Effect on zoning of adjacent property.**

(1) Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports acquired or operated under the provisions of this chapter, the cabinet is hereby granted authority to condemn and acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports and such other airport protection privileges, together with rights of ingress and egress thereto and therefrom, as are necessary to insure safe approaches to the landing areas of said airports and the safe and efficient operation thereof. The cabinet is authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights or marks for the night marking of airport hazards, including the right of ingress and egress to and from such airport hazards for the purpose of maintaining and repairing such lights and marks.

(2) The secretary may, by order, authorize any airport board or governmental unit to condemn and acquire, with the full power of the Commonwealth, in the manner provided in the Eminent Domain Act of Kentucky, any of the interests, easements, airport protection privileges, interests in air space, rights, or hazard marking privileges described in subsection (1), or any real or personal property. Any condemnation proceeding which may be necessary for such acquisition, if filed under this subsection, shall be filed in the name of the Commonwealth on relation of the secretary of transportation, and of the airport board or governmental unit making such acquisition.

(3) The authority granted in subsections (1) and (2) shall not be so construed as to limit the right, power, or authority of the state or any municipality or governmental unit to zone property adjacent to any airport pursuant to any law of this state.

**History:** Amended 1976 Ky. Acts ch. 140, sec. 85. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(6). -- Amended 1960 Ky. Acts ch. 179, sec. 17. -- Amended 1958 Ky. Acts ch. 153, sec. 14. -- Created 1946 Ky. Acts ch. 48, sec. 7.