416.130 Dam and electric companies may make surveys and condemn property.

(1) Every corporation organized for the purpose of constructing, or empowered to construct, a dam in any stream in this state for the purpose of improving navigation or developing, distributing and selling water power or electricity, and every corporation authorized under the laws of this state to conduct the business of producing and supplying electricity for the purpose of light, heat or power, may cause examinations and surveys to be made for its proposed dams, reservoirs, ponds, locks, bridges, power stations, roads, conduits and transmission lines, as well as the land that may be overflowed by the erection of any dam or other structure, and for such purposes may, by its officers, agents or servants, enter from time to time upon any lands or waters for the purpose of making such surveys or examinations, subject to liability for actual damage done. Before entering upon any land for such purposes, the corporation shall deposit with the clerk of the county in which the property is located, a bond to the Commonwealth in a penal sum fixed by the county judge/executive at not more than double the last assessed valuation of the property to be surveyed or examined, conditioned to indemnify all persons for actual damages sustained on account of making any examination or survey. When the location of the dam or other structure, and the land that may be overflowed by the erection of the dam, is determined, the corporation shall cause a survey and map to be made of the land to be taken and entered upon, which map shall be signed by the president and secretary and filed in the office of the county clerk of the county in which the land shown on the map is situated.

(2) When any such corporation cannot, by agreement with the owner, acquire the property rights, privileges or easements needed for any of the uses or purposes referred to in subsection (1) of this section, the corporation may condemn such property, property rights, privileges or easements in the manner provided in the Eminent Domain Act of Kentucky. Any corporation constructing or maintaining such dam shall be liable for any damages resulting from overflowing any property, public or private.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 384, sec. 522, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 140, sec. 123. -- Repealed, reenacted, and amended 1956 Ky. Acts ch. 52, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599b-1, 1599b-2.