

**416.580 Commissioners -- Appointment -- Report -- Compensation -- Vacancy -- Majority required -- Eminent domain proceedings.**

- (1) (a) The Circuit Court, or in the absence of the Circuit Judge from the county, the Circuit Court Clerk, shall appoint as commissioners three (3) impartial housekeepers of the county who are owners of land. They shall be sworn to faithfully and impartially discharge their duties under this section. The commissioners shall view the land or material sought to be condemned and award to the owner or owners such a sum as will fairly represent the reduction in the market value of the entire property, all of or a portion of which is sought to be condemned, said sum being the difference between the market value of the entire property immediately before the taking and the market value of the remainder of the property immediately after the taking thereof, together with the fair rental value of any temporary easements sought to be condemned. Within fifteen (15) days from the date of their appointment they shall return a written report to the office of the Circuit Court, stating the above values in their award and shall describe in their report the property sought to be condemned. They shall be allowed a reasonable fee which shall be taxed as costs.
  - (b) If any person appointed to serve as commissioner fails, refuses or becomes incapable of acting, the court, or judge thereof shall forthwith appoint a qualified person to fill the vacancy. A majority of the commissioners appointed and qualified have the power to act and to make and sign the award and report. If a majority of the commissioners do not agree on a decision, three (3) new commissioners shall be appointed by the court on application by any of the parties to the action.
- (2) In eminent domain proceedings instituted pursuant to KRS 99.700 to 99.730, in determining the market of value blighted or deteriorated property, the commissioners shall consider:
    - (a) The estimated cost of repairs necessary to bring the property up to the minimum standards of the local housing or nuisance code as determined by an independent appraiser, general building or residential contractor or inspector; or
    - (b) The cost of demolition of the property, if the commissioners determine that demolition would be the most cost-effective manner of addressing the blighted or deteriorated structures on the property.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 127, sec. 10, effective July 15, 2016. -- Created 1976 Ky. Acts ch. 140, sec. 6.