

224.80-100 Definitions for subchapter.

As used in this subchapter:

- (1) "Activity and use limitations" means restrictions or obligations created under KRS 224.80-100 to 224.80-210.
- (2) "Applicant" means a person applying to the cabinet for approval of an environmental covenant.
- (3) "Cabinet" means the Energy and Environment Cabinet.
- (4) "Common interest community" means a condominium, cooperative, or other real property owned by a person as part of a parcel of real property for which there is an obligation to pay property taxes, insurance premiums, or maintenance, or to make improvements to the real property as described and established in a recorded environmental covenant.
- (5) "Environmental covenant" means a servitude arising under an environmental response project that imposes activity and use limitations.
- (6) "Environmental response project" means a plan or work performed for the environmental remediation of real property conducted:
 - (a) Under a federal or state program governing environmental remediation of real property including programs established pursuant to KRS 224.1-400, 224.1-405, 224.46-530, and 224.1-450 to 224.1-465;
 - (b) Incident to closure of a solid or hazardous waste management unit, if the closure is conducted with approval of the cabinet; or
 - (c) Under a Commonwealth voluntary cleanup program authorized under KRS 224.1-510 to 224.1-532.
- (7) "Holder" means the grantee of an environmental covenant.
- (8) "Indexing" means the practice or method kept by a county clerk's office to record legal property transactions.
- (9) "Interest" means all or part of a legal equitable claim to a right in real property which shall include both possessory and nonpossessory interests.
- (10) "Owner" means a person that owns a fee simple interest or any other interest in real property that is subject to an environmental covenant.
- (11) "Person" shall have the meaning specified in KRS 224.1-010(16).
- (12) "Public notice" means the publication of required information in a daily or weekly newspaper of major circulation located in the county or counties where the property subject to the proposed environmental covenant is located. If there is no daily or weekly newspaper of major circulation in the county or counties where the property is located, public notice shall mean publication of required information in a daily or weekly newspaper of major circulation in a county adjacent to the county or counties where the property is located.
- (13) "Subordination agreement" means an agreement affecting priority of interests in a real property that is subject to an environmental covenant.
- (14) "Servitude" means a right, burden, or restriction on the use of real property that passes from the current owner or tenant to any owners or tenants in succession.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 117, sec. 26, effective June 29, 2017. -- Amended 2010 Ky. Acts ch. 24, sec. 383, effective July 15, 2010. -- Created 2005 Ky. Acts ch. 92, sec. 1, effective June 20, 2005.