

268.510 Board may make improvements, control water power -- Condemn property.

- (1) In order to effect the drainage, protection and reclamation of the land and other property in any district organized under this chapter subject to assessment, to protect cities from overflow, and to promote the public health or general welfare of the community, the board acting for the district may clean out, alter, construct or maintain any drain in or out of the district, and construct and maintain any levees, dikes, dams, revetments, reservoirs, holding basins, floodways, pumping stations, syphons and any other work and improvements deemed necessary to preserve and maintain the works or prevent overflow of land or protect any city or parts thereof in or out of the district. The board may construct or enlarge any bridge needed in or out of the district across any drain or other improvement or any public highway, railroad right-of-way, track, grade, fill or cut, subject to the provisions of KRS 268.530; construct roadways upon, along and over levees and embankments; remove any fence, building or improvement in or out of the district.
- (2) The board may hold, control and acquire by donation or purchase, or, if need be, condemn any land, easement, railroad right-of-way, sluice, conduit, sewer, holding basin or franchise in or out of the district for any purpose provided for in this chapter.
 - (a) The board may also condemn, pursuant to the Eminent Domain Act of Kentucky, for the use of the district any property within or without the district not acquired or condemned by the board on the report of the appraisers.
- (3) The board may control all water power created by the construction of improvements in the district, and construct and maintain any hydroelectric power plants to develop such power for the use of the district and use any funds in the treasury of the district not otherwise appropriated for the construction and maintenance of such plants. The board may lease any power in excess of that required for the use of the district. The proceeds of such lease shall be turned in to the treasury of the district.
- (4) However, the construction or maintenance of any improvement shall not impair navigation upon any navigable stream in this state.

Effective: January 2, 1978

History: Amended 1976 (1st. Extra. Sess.) Ky. Acts ch. 14, sec. 252, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 140, sec. 104. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2380b-2, 2380b-32.