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EMINENT DOMAIN - KENTUCKY

City of Cold Spring v. Campbell County Board of Education

Court of Appeals of Kentucky - December 16, 2022 - Not Reported in S.W. Rptr. - 2022 WL 17724455

“This case involves the proper exercise of the power of eminent domain. At issue is whether a school board possesses the right to invoke that power in order to acquire real property owned by a city.”

Appellant, the City of Cold Spring (the City), appealed the interlocutory order of the Circuit Court that concluded that the Campbell County Board of Education (the Board of Education or the Board) was entitled to exercise the power of eminent domain to acquire real property.

The Court of Appeals revered, finding no express — or necessarily implied — statutory authority permitting a Board of Education to condemn property owned by the City.

The Court ruled that the right of eminent domain granted to a school board under the relevant state statutes applied only to the acquisition of private property.

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