

**§246. Acquisition of air rights**

In any case in which:

**1. Nonconforming use.** It is desired to remove, lower or otherwise terminate a nonconforming use; or

**2. Approach protection.** The approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this chapter; or

**3. Acquisition of property rights.** It appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations; the political subdivision within which the property or nonconforming use is located, or the political subdivision owning the airport or served by it, may acquire by purchase, grant or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, such an air right, easement or other estate or interest in the property or nonconforming use in question as may be necessary to effectuate the purpose of this chapter.

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