

1 said county to summon three disinterested freeholders, to be
2 selected by said judge as commissioners, and who shall not be
3 interested in a like question.

4 B. The condemnor shall give notice to a condemnee by personal
5 service or by leaving a copy of the notice at the condemnee's place
6 of residence with some member of his family over fifteen (15) years
7 of age, or by publication in the case of a condemnee who resides out
8 of this state or a resident of this state who has departed herefrom
9 with intent to avoid service of notice, or whose whereabouts or
10 identity the condemnor, or his attorney, upon diligent inquiry is
11 unable to ascertain, or an unknown heir, successor or assign of one
12 in whom some right, title or interest in the property concerned was
13 possessed, by publishing such notice once a week for two (2)
14 consecutive weeks in a newspaper authorized by law to publish legal
15 notices in the county where the petition is filed, the ten-day
16 period provided in subsection A of this section to begin with the
17 first publication. A copy of such notice and a copy of the petition
18 shall be mailed to such opposite party's last-known mailing address
19 within five (5) days of the first publication thereof. The
20 procedure for service by publication as authorized herein shall in
21 all other respects be as provided by law for service by publication
22 in civil actions, except summons need not first be issued.

23 C. The commissioners shall be sworn to ~~perform~~_____
24

1 1. Perform their duties impartially and justly; ~~and they shall~~
2 ~~inspect said~~

3 2. Inspect the real property and consider the injury which ~~said~~
4 the owner may sustain by reason of the condemnation ~~and they shall~~
5 ~~assess;~~

6 3. Assess the just compensation to which ~~said~~ the owner is
7 entitled; and ~~they shall forthwith make~~

8 4. Make report in writing to the clerk of the court, setting
9 forth the quantity, boundaries, and just compensation for the
10 property taken, and amount of injury done to the property, either
11 directly or indirectly, which they assess to the owner, ~~which.~~ The
12 report must be filed and recorded by the clerk. A certified copy of
13 the report may be transmitted to the county clerk of the county
14 where the land lies, to be by him filed and recorded, without
15 further acknowledgment or proof, in the manner and with like force
16 and effect as is provided for the recording of deeds. ~~And if said~~
17 If the corporation shall, at any time before it enters upon ~~said~~ the
18 real property for the purpose of constructing ~~said~~ the road, pay to
19 ~~said~~ the clerk for the use of ~~said~~ the owner the sum so assessed and
20 reported to ~~him~~ the owner as aforesaid, it shall thereby be
21 authorized to construct and maintain its road over and across ~~said~~
22 the premises.

23 D. "Just compensation", as used in subsection C of this
24 section, shall mean the value of the property taken, ~~and,~~ and, in

1 addition, any injury to any part of the property not taken. Any
2 special and direct benefits to the part of the property not taken
3 may be offset only against any injury to the property not taken. If
4 only a part of a tract is taken, just compensation shall be
5 ascertained by determining the difference between the fair market
6 value of the whole tract immediately before the taking and the fair
7 market value of that portion left remaining immediately after the
8 taking. The fair market value calculation shall include comparable
9 sales used to value the interest taken and shall include the actual
10 amount paid or awarded for other tracts of any type.

11 SECTION 2. This act shall become effective November 1, 2016.

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13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,
14 dated 02/15/2016 - DO PASS, As Coauthored.

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