

§1903. Procedure in exercise of right of eminent domain

The right of eminent domain granted in section 1902 may only be exercised after complying with the following procedures. [PL 2003, c. 228, §1 (NEW).]

1. Notice to owner. The jail authority shall provide notice to the owner of property subject to seizure as follows.

A. The owner or owners of record shall be:

- (1) Notified that the directors are exercising the right of eminent domain;
- (2) Provided with a description and scale map of the land or easement to be taken;
- (3) Presented with the final amount offered for the land or easement to be taken, based on the fair market value as estimated by the jail authority; and
- (4) Notified of the time and place of the hearing under subsection 4. [PL 2003, c. 228, §1 (NEW).]

B. Notice may be made:

- (1) By personal service in hand by an officer duly qualified to serve civil process in this State; or
- (2) By certified mail, return receipt requested, to the last known address of the owner or owners. [PL 2003, c. 228, §1 (NEW).]

C. If the owner or owners are not known or if the owner or owners can not be notified by personal service or certified mail, notice may be given by publication in the same manner under subsection 4. [PL 2003, c. 228, §1 (NEW).]
[PL 2003, c. 228, §1 (NEW).]

2. Notice to tenant. Notice under subsection 1 must be given to any tenants in the same manner as for the owner of the property.
[PL 2003, c. 228, §1 (NEW).]

3. Notice to the affected municipality. Notice under subsection 1 must be given to the municipality in which the property to be acquired is located in the same manner as for the owner of the property and must be addressed to the municipal officers.
[PL 2003, c. 228, §1 (NEW).]

4. Hearing. The directors shall hold a public hearing on the advisability of the proposed exercise of the right of eminent domain. Notice of the hearing must be made by publication in a newspaper of general circulation in the area of the taking and must be given once a week for 2 successive weeks, the last publication to be at least 2 weeks prior to the time appointed in the hearing. The hearing notice must include:

- A. The time and place of the hearing; [PL 2003, c. 228, §1 (NEW).]
- B. A description of the land or easement proposed to be taken; and [PL 2003, c. 228, §1 (NEW).]
- C. The name of the owners, if known. [PL 2003, c. 228, §1 (NEW).]

[PL 2003, c. 228, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 228, §1 (NEW).

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