

**§1733. Procedure in exercise of right of eminent domain**

The right of eminent domain granted in section 1732 may only be exercised after complying with the following procedures. [PL 1983, c. 820, §2 (NEW).]

**1. Notice to owner.** The district shall provide notice to the owner as follows.

A. The owner or owners of record shall be notified as follows:

- (1) The determination of the directors that they will exercise the right of eminent domain;
- (2) A description and scale map of the land or easement to be taken;
- (3) The final amount offered for the land or easement to be taken, based on the fair value as estimated by the district; and
- (4) Notice of the time and place of the hearing provided in subsection 4. [PL 1983, c. 820, §2 (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 last known address of owner or owners. [PL 1983, c. 820, §2 (NEW).]

C. If the owner or owners are not known or if they cannot be notified by personal service or certified mail, notice may be given by publication in the same manner as provided for in subsection 4. [PL 1983, c. 820, §2 (NEW).]

[PL 1983, c. 820, §2 (NEW).]

**2. Notice to tenant.** Notice shall be given to any tenants in the same manner as for the owner of the property.

[PL 1983, c. 820, §2 (NEW).]

**3. Notice to the affected municipality.** Notice shall 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 shall be addressed to the municipal officers.

[PL 1983, c. 820, §2 (NEW).]

**4. Hearing.** The directors of the district shall hold a public hearing on the advisability of the proposed exercise of the right of eminent domain. Notice of the hearing shall be made by publication in a newspaper of general circulation in the area of the taking and shall 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 shall include:

- A. The time and place of the hearing; [PL 1983, c. 820, §2 (NEW).]
- B. A description of the land or easement taken; and [PL 1983, c. 820, §2 (NEW).]
- C. The name of the owners, if known. [PL 1983, c. 820, §2 (NEW).]

[PL 1983, c. 820, §2 (NEW).]

**SECTION HISTORY**

PL 1983, c. 820, §2 (NEW).

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