

§1154. Appeal

If a person sustaining damages by any taking by a sanitary district under section 1153 does not agree with the district upon the sum to be paid therefor, either party, upon petition to the county commissioners of the county in which the property is located, may have the damages assessed by them; the procedure and all subsequent proceedings and right of appeal thereon must be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways by the county commissioners, except only: [PL 2021, c. 293, Pt. B, §13 (RPR).]

1. Title not vested until payment. Title to the lands, real estate, easements or interests therein and other property and rights to be taken do not vest in the district until payment to the owner of the amount awarded therefor or, if such payment is refused upon tender, until tender thereof to the treasurer of the county in which lands and interests are located, for escrow at interest for the benefit of the owner pending final determination of the amount to which the owner is entitled; and [PL 2021, c. 293, Pt. B, §13 (NEW).]

2. Appeal. In the event of an appeal of the amount awarded as damages for such a taking:

A. The petition for assessment of damages must be filed with the clerk of the county commissioners, by either party, within 30 days following the filing and recording of plans of the location of all the property, facilities and rights taken; and [PL 2021, c. 293, Pt. B, §13 (NEW).]

B. If the return of the county commissioners has not been made within 120 days following the filing of the petition for assessment, the county commissioners must be conclusively presumed to have confirmed the award of damages by the district and either party may, within 30 days following that 120-day period, appeal the amount of the damages awarded by the district to the Superior Court. [PL 2021, c. 293, Pt. B, §13 (NEW).]

[PL 2021, c. 293, Pt. B, §13 (NEW).]

SECTION HISTORY

PL 1965, c. 310 (NEW). PL 1983, c. 444 (AMD). PL 2021, c. 293, Pt. B, §13 (RPR).

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