

§2160. Procedure in exercise of right of eminent domain

The right of eminent domain granted in section 2159 may only be exercised after complying with the following procedures. [PL 1989, c. 585, Pt. A, §7 (NEW).]

1. Notice to owner. The bureau shall provide to the owner or owners of record notice of the following:

A. The determination of the bureau that it proposes to exercise the right of eminent domain; [PL 2011, c. 655, Pt. GG, §45 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

B. A description and scale map of the land or easement to be taken; [PL 1989, c. 585, Pt. A, §7 (NEW).]

C. The final amount offered for the land or easement to be taken, based on the fair value as estimated by the bureau; and [PL 2011, c. 655, Pt. GG, §45 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

D. Notice of the time and place of the hearing provided in subsection 4. [PL 1989, c. 585, Pt. A, §7 (NEW).]

Notice may be made by personal service in hand by an officer duly qualified to serve civil process in this State or by certified mail, return receipt requested, to the last known address of the owner or owners. If the owner or owners are not known or can not be notified by personal service or certified mail, notice may be given by publication in the manner provided in subsection 4.

[PL 2011, c. 655, Pt. GG, §45 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

2. Notice to tenant. Notice shall be given to any tenant in the same manner notice is given to the owner of the property.

[PL 1989, c. 585, Pt. A, §7 (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 notice is given to the owner of the property and shall be addressed to the municipal officers.

[PL 1989, c. 585, Pt. A, §7 (NEW).]

4. Hearing. The bureau shall hold a public hearing on the advisability of its 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 published once a week for 2 successive weeks, the last publication to be at least 2 weeks before the time appointed in the hearing. The hearing notice must include:

A. The time and place of the hearing; [PL 1989, c. 585, Pt. A, §7 (NEW).]

B. A description of the land or easement to be taken; and [PL 1989, c. 585, Pt. A, §7 (NEW).]

C. The name of the owners, if known. [PL 1989, c. 585, Pt. A, §7 (NEW).]

[PL 2011, c. 655, Pt. GG, §46 (AMD); PL 2011, c. 655, Pt. GG, §70 (AFF).]

SECTION HISTORY

PL 1989, c. 585, §A7 (NEW). PL 1995, c. 656, §A47 (AMD). PL 2011, c. 655, Pt. GG, §§45, 46 (AMD). PL 2011, c. 655, Pt. GG, §70 (AFF).

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