

LEGISLATIVE BILL 191

Approved by the Governor May 12, 1971

Introduced by J. James Waldron, 42nd District; Ellen E. Craft, 45th District; Maurice A. Kremer, 34th District

AN ACT to amend section 76-711, Reissue Revised Statutes of Nebraska, 1943, relating to eminent domain; to change condemnation provisions as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 76-711, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-711. The condemner shall not acquire any interest in or right to possession of the property condemned until he has deposited with the county judge for the use of the condemnee the amount of the condemnation award in effect at the time the deposit is made. The condemner shall have sixty days from the date of the award of the appraisers to deposit with the county judge the amount of the award or the proceeding will be considered as abandoned. When the amount of the award is deposited with the county judge by the condemner, the condemner will be deemed to have accepted the award, unless he gives notice of appeal from the award of the appraisers pursuant to section 76-715. ~~if no-appeal-is-taken-by-the-condemner-from--the--award--of appraisers;--the--condemner--will--be--deemed--to--have accepted-the-award-unless-he-has-within-sixty-days--from the-date-of-the-award-filed-an-election--in--writing--to abandon-the-proceeding;~~ If the proceeding is abandoned, proceedings may not again be instituted by the condemner to condemn the property within two years from the date of abandonment. If an appeal is taken from the award of the appraisers by the condemnee and the condemnee obtains a greater amount than that allowed by the appraisers, the condemnee shall be entitled to interest from the date of the deposit with the county judge at the rate of six per cent per annum on the amount finally allowed less interest at the same rate on the amount withdrawn, or on the amount which the condemner offers to stipulate for withdrawal, as provided by the provisions of section 76-719.01. If an appeal is taken from the award of the appraisers by the condemner, the condemnee shall be entitled to interest from the date of

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the deposit with the county judge at the rate of six per cent per annum on the amount finally allowed, less interest at the same rate on the amount withdrawn, or on the amount which the condemner offers to stipulate for withdrawal, as provided by ~~the--provisions--of~~ section 76-719.01, which provision shall apply to all appeals by the condemner pending on June 6, 1961. Upon deposit of the condemnation award with the county judge, the condemner shall be entitled to a writ of assistance to place him in possession of the property condemned.

Sec. 2. That original section 76-711, Reissue Revised Statutes of Nebraska, 1943, is repealed.