

## LEGISLATIVE BILL 270

Approved by the Governor April 12, 1983

Introduced by Law Enforcement & Justice Advisory  
Committee, Beutler, 28, Chairperson;  
R. Johnson, 34; Jacobson, 33;  
Chronister, 18; Von Minden, 17;

AN ACT to amend section 76-717, Reissue Revised Statutes of  
Nebraska, 1943, relating to eminent domain; to  
change provisions relating to appeals as  
prescribed; and to repeal the original section.  
Be it enacted by the people of the State of Nebraska,

Section 1. That section 76-717, Reissue  
Revised Statutes of Nebraska, 1943, be amended to read as  
follows:

76-717. Within thirty days after the filing of  
such notice of appeal, the county judge shall prepare and  
transmit to the clerk of the district court a duly  
certified transcript of all proceedings had concerning the  
parcel or parcels of land as to which the particular  
condemnee takes the appeal upon payment of the fees  
provided by law for preparation thereof. When notice of  
appeal is filed by both the condemner and the condemnee,  
such transcript shall be prepared only in response to the  
first notice of appeal; the transcript prepared in  
response to the second notice of appeal shall contain only  
a copy of such notice and the proceedings shall be docketed  
in the district court as a single cause of action.

The filing of the notice of appeal shall confer  
jurisdiction on the district court. Regardless of which  
party appeals, the condemnee shall file a petition on  
appeal in the district court within fifty days of the  
filing of the notice of appeal. If no petition is filed,  
the court shall direct the condemnee to file a petition and  
impose such sanctions as are reasonable. The proceeding  
shall in all cases be docketed in the district court,  
showing the condemnee as the plaintiff and the condemner as  
the defendant. The appeal shall be tried de novo in the  
district court. Such appeal shall not delay the  
acquisition of the property and placing of same to a public  
use if the condemner shall first deposit with the county  
judge the amount assessed by the appraisers.

Sec. 2. That original section 76-717, Reissue

LB 270

LB 270

Revised Statutes of Nebraska, 1943, is repealed.