

Appeal from the Order of Expropriation

A final order sustaining the right to expropriate the property may be appealed by any party aggrieved thereby. Such appeal, however, shall not prevent the court from determining the just compensation to be paid. The appeal from such final order requires a record on appeal.

Just Compensation

Upon the rendition of the order of expropriation, the court shall appoint not more than three competent and disinterested persons as commissioners to ascertain and report to the court the just compensation for the property sought to be taken. The order of appointment shall designate the time and place of the first session of the hearing to be held by the commissioners and specify the time within which their report shall be submitted to the court.

Copies of the order shall be served on the parties. Objections to the appointment of any of the commissioners shall be filed with the court within 10 days from service of such order. These objections shall be resolved within 30 days after all the commissioners shall have received copies thereof.

Oath of Commissioners

Before entering upon the performance of their duties, the commissioners shall take and subscribe an oath that they will faithfully perform their duties as commissioners, which oath shall be filed in court with the other proceedings in the case.

Proceedings by Commissioners

Evidence may be introduced by either party before the commissioners who are authorized to administer oaths on hearings before them. After due notice to the parties, they shall attend, view, and examine the property sought to be expropriated and its surroundings, and may measure the same, unless the parties consent to the contrary.

After which, either party, by himself or herself or by counsel, may argue the case. The commissioners shall assess the consequential damages to the property not taken and deduct from such consequential damages the consequential benefits to be derived by the owner from the public use or purpose of the property taken, the operation of its franchise by the corporation, or the carrying on of the business of the corporation or person taking the property.