

## **Eminent Domain Procedure**

Buyers, as used in this document, shall mean appropriate governmental subdivision of the State of Nebraska.

The purpose of this statement is to generally outline for the property owner the steps that are taken to acquire property by eminent domain. This statement should not be considered as a complete statement of all the laws and procedures governing eminent domain.

When agreement with the landowner cannot be reached, appropriate documents instituting eminent domain proceedings are filed by the buyer with the County Judge in the county where the property is located. The County Judge then appoints three local property owners as appraisers who are familiar with local real property values. After proper notification to the landowner of the time and place of hearing, the appointed board of appraisers view the property and listen to statements of the owner or the owner's representatives as to their opinion of land value and damages and to statements of the buyer. The appointed board of appraisers then file a formal report of their findings of value with the County Judge.

While the landowner is not required to attend the hearing, it is to their interest to do so. The landowner may elect to present a statement to the board of appraisers or may wish to retain an attorney to represent them. Unless the landowner elects to retain an attorney, the above described hearing is conducted at no expense to the landowner.

The buyer shall deposit with the County Judge and make available to the property owner the amount of the appraiser's award before the buyer shall take physical possession of the property. If neither party appeals to the District Court, the money is available to the landowner after 30 days from the filing of the award by the appraisers. The landowner should make inquiry of the County Judge as to when the award was filed.

If either the landowner or the buyer is not satisfied with the report of the appraisers appointed by the County Judge, either may appeal to the District Court for a determination of value by a Jury. In the event of such an appeal by either party, it is the usual practice of the landowner to retain an attorney to represent them for the jury trial in District Court.

If either party appeals from the award of appraisers, the landowner may, by stipulating with the buyer, withdraw a portion of the award in an amount not to exceed 100% of the buyer's established fair market value.

It is pointed out that prior to the hearing date, the landowner may accept the buyer's offer, and the eminent domain proceedings will be dismissed by the buyer.