

68-117d. Same; appeal from award; appraisers; report; exceptions to report; notice of hearing; copy of judgment to county clerk. Any person owning land within the benefit district, and feeling himself aggrieved by the orders made by the board of county commissioners, or viewers, including any order of dismissal by reason of total damages exceeding total benefits, may within ten days from the date of such final order by said board, appeal from the decision of said board of county commissioners, or viewers, to the district court, upon the same terms and in the same manner and with like effect, except as hereinafter provided, as in appeals from judgments of justices of the peace in civil cases.

Whenever such appeal is taken, whether by one or more parties in interest, no further action shall be taken by the board of county commissioners until such appeal shall have been finally determined, and the matters shall be tried *de novo* by the district court without the aid of a jury. No appeal bond or supersedeas bond shall be required. Within thirty days after such an appeal has been filed in the district court, the court or judge thereof shall appoint a board of three disinterested freeholders, residents of the county in which the action is pending, who shall view the land taken, award the damages and fix the boundaries of the benefit district within the limitations hereinbefore prescribed, and assess the benefits.

Before such appraisers begin their duties as such, each appraiser shall take and subscribe to an oath that he will fairly and honestly discharge his duties as such appraiser. Within thirty days after their appointment, unless the court for good cause shown shall extend the time therefor, said appraisers shall file with the court their report setting forth the amount of damages awarded for each tract of land taken, the boundaries of the benefit district, and the amounts to be assessed as benefits against the county and against each tract of land within the benefit district. Within ten days after such report is filed, the court shall fix a time for a hearing upon said report and any interested party may file his exceptions to said report before such hearing. The court or the judge thereof shall direct the clerk of the district court to give notice of the time of such hearing by a notice published for two consecutive weeks in the official county paper, the date of which hearing shall be not less than ten nor more than thirty days after the date of the last publication. At such hearing, the court shall hear such competent evidence and testimony as any interested party may offer in like manner as in the trial of civil cases.

Within twenty days after such hearing, the court shall enter judgment, which judgment shall provide that the costs incurred in such appeal including such appraisers' fees as the court may allow, shall be assessed in such manner as the court shall deem just and equitable. Within ten days after the entry of judgment, the clerk of the district court shall transmit to the county clerk a certified copy of such judgment.

History: L. 1947, ch. 352, § 4; April 15.