

April 15, 1999

**H 1238. CONDEMNATION LAW MODIFIED. TO AMEND THE GENERAL STATUTES**

*RELATING TO CONDEMNATION PROCEEDINGS.* For public, private, and highway condemnations: (1) Permits court to award owners of condemned property reimbursement for costs, including attorneys', appraisal and engineering fees, if the judgment in a condemnation action exceeds the commissioners' assessment by at least \$700 and 20%. (2) Provides separate compensation for (a) a taking or restriction of reasonable access or other disruption of remaining parts of property and (b) damages due to an announcement of plans to condemn in advance of a condemnation. (3) Permits as evidence of fair market value (a) evidence of property's value if it were subdivided and developed, less costs of development, and (b) price paid by condemnor for other comparable properties (other than judgments in condemnation actions). (4) Requires condemnation complaints to give a statement of the basis for the condemnor's estimate of just compensation, including the identity of estimators, methods and data used for the estimate, and copies of all appraisals. Effective Oct. 1, 1999 and applicable to actions filed on or after that date.

**Intro. by Nesbitt.**

Ref. to Judiciary I

GS 136, 40A