

1929, ch. 169, sec. 13.

959. (A) Whenever the Council shall, by ordinance, provide for establishing any public park, or for establishing, opening, widening, extending or altering any street, avenue, alley, route, for sewer or water pipes, for constructing water-works, or for carrying out any other powers granted by its Charter, and it becomes necessary to take private property for such public use, just compensation shall be paid to the owner or owners thereof, which shall be ascertained and assessed by three disinterested commissioners, who shall be qualified voters of the town and who shall be selected by the Mayor. Such proceedings shall be conducted by the Mayor, or in his absence or inability to act, or in case he be interested, then by some disinterested member of the Council designated by him; and while in the discharge of such duty the person conducting the same shall have and exercise the powers of the circuit court for the preservation of order and enforcing process issued in the course of the proceedings, and may summon and compel the attendance of witnesses and jurors, preside at the investigation, pass on the competency of evidence, and instruct the commissioners as to the law.

(B) When any ordinance shall provide for taking private property, for any public use, it shall describe said property and prescribe the limits within which private property shall be deemed benefited by the proposed improvement, and be assessed, and charged to pay compensation therefor, with a description of the property so benefited. The Mayor or member of the Council designated as above provided, shall thereupon appoint a day and place for inpaneling the commissioners to ascertain the compensation for the property to be taken, and issue a notice under his hand and the seal of the town, which shall give the names of the owners at the date of the ordinance of the property to be taken and to be assessed for compensation; the date and purpose of the ordinance; and shall state that their property will be taken, or assessed for compensation for the taking, for the purpose specified in the ordinance; and that commissioners will be empowered to ascertain said compensation and make such assessment on the day and at the place fixed by the Mayor or member of the Council, as the case may be. Said notice shall be served by delivering to such owner a copy thereof, or by leaving such copy for such owner at his usual place of abode with some member of his family over the age of fifteen years. Corporations shall be served with such notice in like manner as with summons in ordinary civil action. If service cannot be made on all or any of the parties aforesaid within the town the return shall so state and be prima facie evidence of the facts stated therein. Whereupon said notice shall be published once a week for two weeks before the day for the sitting of said commissioners, in some newspaper having a general circulation in said town; and affidavit of the publisher of said notice shall be evidence of the fact. Service of the notice shall be made at least three days before the commissioners meet. It shall be sufficient to bring in the owners of and all persons claiming any interest in the property affected by such proceedings, who may be the owners or be interested therein at