

the time the ordinance providing for the improvement takes effect; and all parties claiming or holding through or under such owners or persons interested, shall be bound by such proceedings.

(C) The commissioners shall ascertain the just compensation to be paid as follows:

First: For each piece of property taken, when the public use thereof shall be such that the town must have exclusive possession thereof, the actual value of the property taken.

Second: For each piece of property taken, when the public use thereof may be such that the town need only have such possession and control as will not wholly exclude the possession and beneficial use thereof by the owner, the actual damage from the public use specified in the ordinance. To pay such compensation, the commissioners shall assess against the town the amount of benefit to the town and public generally, and against the several lots and parcels of private property deemed benefited the balance of such compensation; each lot or parcel of ground to be assessed with an amount bearing the same ratio to such balance as the benefit to each lot or parcel bears to the whole benefit to all the private property assessed. Parties interested may submit evidence to the commissioners, and the latter shall examine personally the property to be taken and assessed. The party owning any property taken may remove any improvements thereon. The verdict of the commissioners shall be signed by each commissioner and delivered to the Mayor or person acting in his stead, and shall contain correct description of each lot or parcel of private property to be taken, and the value thereof, and the amount assessed against the town, together with a correct description of each lot or parcel of private property assessed, and the amount assessed against the same.

(D) The Mayor, or person acting in his stead, shall after rendition of the verdict, report the same to the Council; and if the same be not confirmed within sixty days from such report, the proceedings and verdict shall be void. If the verdict and proceedings be confirmed by the Council within said sixty days, an appropriation shall be made to pay such sum as has been assessed against the town, and the amount assessed by the commissioners against private property shall be a lien superior to all other liens on the several lots charged from the day the ordinance providing for the improvement takes effect until paid; and if not paid within thirty days after the confirmation of the verdict, shall bear interest at the same rate as delinquent general taxes, and shall be forthwith collected by the Treasurer of the town, either by suit brought in the name of the town or under this Charter. Money collected on such assessments shall be used only to pay such compensation and whatever interest shall be collected, and no more, shall be apportioned among the owners of the property taken.

(E) The town shall be entitled to immediate possession of any lot or parcel of property taken upon payment to the owner of the compensation for such lot or property; provided, however, that in the event that the person entitled to such compensation be absent, unable or unwilling to