

No. 592, S.]

[Published July 19, 1955.

CHAPTER 417

AN ACT to repeal and recreate 32.10 of the statutes, relating to appraisal of property in condemnation proceedings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

32.10 of the statutes is repealed and recreated to read:

32.10 APPRAISAL, HEARING ON. (1) The commissioners shall view the property described in the request and hear any evidence produced by the parties thereto and shall determine the value of the property taken. Such value shall be determined by deducting the value of the property as it will be immediately after the taking from the value of the property immediately prior to such taking, the remainder being the compensation to which the owner is entitled. In making such determination the commissioners shall consider the property upon the basis of its most advantageous use, but only such use as actually affects its present market value. Where part of a parcel of land is condemned severance damage shall be allowed if shown to exist. Special benefits accruing to the property and affecting its market value because of the planned public improvement shall be considered and used as an offset to damages, but in no event shall benefits be allowed in excess of damages. Where a depreciation in value results from an exercise of the police power, even though in conjunction with the taking by eminent domain, no compensation shall be paid for such depreciation. The rules for the determination of compensation to be paid land owners set forth above shall be controlling in all condemnation actions and any appeal thereon including, but not limited to, those instituted under ss. 83.07, 83.08 and 84.09.

(2) A majority of the commissioners may adjourn from time to time but not more than twice or for more than 30 days. A majority of the commissioners, all being present, may determine all matters. The commissioners shall, within 20 days after hearing the parties to the condemnation, unless the time be extended by the judge, file in the office of the clerk of the circuit court of the county, a report showing an award made for the property condemned. They shall file with the report proof of the service of notice of hearing or appearance of each party.

(3) The commissioners shall be paid such compensation as the judge shall direct by the party by whom the property is taken.

Approved July 15, 1955.