

HOUSE BILL No. 2931

By Representative Horst

2-14

9 AN ACT concerning eminent domain; amending K.S.A. 26-507 and re-
10 pealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 26-507 is hereby amended to read as follows: 26-
14 507. (a) *Payment of award; vesting of rights.* If the plaintiff desires to
15 continue with the proceeding as to particular tracts ~~it shall the plaintiff,~~
16 within ~~thirty (30)~~ 30 days from the time the appraisers' report is filed,
17 *shall* pay to the clerk of the district court the amount of the appraisers'
18 award as to those particular tracts and court costs accrued to date, in-
19 cluding appraisers' fees. Such payment shall be without prejudice to plain-
20 tiff's right to appeal from the appraisers' award. Upon such payment being
21 made the title, easement or interest appropriated in the land condemned
22 shall thereupon immediately vest in the plaintiff, and it shall be entitled
23 to the immediate possession of the land to the extent necessary for the
24 purpose for which taken and consistent with the title, easement or interest
25 condemned. *At least three days prior to the plaintiff paying to the clerk*
26 *the amount of the appraiser's award and title vesting in the plaintiff pur-*
27 *suant to this section, the plaintiff shall give written notice to all defendants*
28 *that any personal property of the defendant's shall be removed from the*
29 *property within such three-day time period.* The plaintiff shall be entitled
30 to all the remedies provided by law for the securing of such possession.

31 (b) *Abandonment.* If the plaintiff does not make the payment pre-
32 scribed in subsection (a) ~~hereof~~ for any of the tracts described in the
33 petition, within ~~thirty (30)~~ 30 days, from the time the appraisers' report
34 is filed, the condemnation is abandoned as to those tracts, and judgment
35 for costs, including the appraisers' fees together with judgment in favor
36 of the defendant for ~~his~~ *the* reasonable expenses incurred in defense of
37 the action, shall be entered against the plaintiff. After such payment is
38 made by the plaintiff to the clerk of the court, as provided in subsection
39 (a) ~~hereof~~, the proceedings as to those tracts for which payment has been
40 made can only be abandoned by the mutual consent of the plaintiff and
41 the parties interested in the award.

42 Sec. 2. K.S.A. 26-507 is hereby repealed.

1 Sec. 3. This act shall take effect and be in force from and after its
2 publication in the statute book.