

**68-117c. Same; hearing; publication of notice; copy of proceedings to owners; limitation on time for appeal.** The board of county commissioners shall set a day for a hearing in connection with the establishment of the benefit district, and the fixing of damages and benefits, which date of hearing shall be not less than three weeks subsequent to the date of fixing of such damages and benefits.

It shall thereupon be the duty of the county clerk to insert in the official county paper an appropriate notice of the time, place and purpose of such hearing, which notice shall appear in such official county paper at least twice, and the date of the last notice shall be at least three days before the date set for the hearing. The county clerk shall also mail to the owner of each tract of land for which damages have been allowed, or against which benefits have been assessed, a summarized copy of the proceedings insofar as the fixing of the benefit district, and of damages and benefits is concerned, and which notice shall also set forth the time and place and purpose of the hearing. This notice shall be mailed at least five days before the date of the hearing to all owners of land taken, or within the benefit district, as shown on the records in the office of the county treasurer at the last address given at the time of the payment of the taxes: *Provided, however,* That failure to receive said notice shall not affect the validity of any of these proceedings. Copies of said notice, with an affidavit or affidavits of service attached, shall be filed in the county clerk's office before the date of the final hearing.

Upon the date provided for above, there shall be a final hearing before the county commissioners or viewers, at which time said findings contained in said certificate of view shall be considered, and the final order entered in the record of the board of county commissioners, which may amend, modify, approve or disapprove the findings contained in the certificate of the commissioners or viewers. If no appeal to the district court is had within a period of ten days from the date of the final hearing as fixed by the county commissioners, then the award of damages and the assessment of benefits shall become final.

**History:** L. 1947, ch. 352, § 3; April 15.