

ENGROSSED HOUSE
BILL NO. 1776

By: Toure and Braddock of
the House

and

Henry of the Senate

An Act relating to cities and towns; amending 11 O.S.
1991, Section 42-112, which relates to notice and
service of summons in actions by owners to
foreclose the right to reopen public ways or to
reopen public ways; requiring mailing of petition
and notice by first class mail within a certain
time to owners of abutting land; removing
requirement that owners of abutting land be sent a
copy of the summons; requiring verification of
mailing; modifying time for publication of notice
to public; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 11 O.S. 1991, Section 42-112, is
amended to read as follows:

Section 42-112. Notice of the verified petition by a property
owner to foreclose the right to reopen the public way or to reopen
the public way shall be given by:

1. Service of summons to the municipality as provided in civil
action;

2. Service of summons to public service corporations, transmission and utility companies or franchise holders having rights in the public way or easement; and

3. a. Mailing by first class mail at least thirty (30) days before the hearing a copy of the petition and ~~summons~~ a copy of the notice to be published as provided in subparagraph b of this paragraph to all owners of record, as shown by the current year's tax rolls in the office of the county treasurer, of property abutting that portion of the public way or easement sought to be vacated, and such other owners of record whose property abuts said public way or easement within three hundred (300) feet from that portion of said public way or easement sought to be vacated; and to any person, firm or corporation, not otherwise required to be notified, that is known by the petitioner to claim an interest or rights in the public way or easement. An affidavit verifying the mailing of the petition and notice as provided for in this subparagraph shall be filed in the action.

b. Notice to the public shall be given by one (1) publication in a newspaper of general circulation published in the county where the property is located, which publication shall be at least ~~fifteen (15)~~ thirty (30) days prior to the hearing. The summons or publication notice shall provide for an answer date not less than twenty (20) days after issuance of the summons or first publication notice.

SECTION 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 11th day of February, 1997.

Speaker

of the House of
Representatives

Passed the Senate the ____ day of _____, 1997.

President

of the Senate