

ENROLLED 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; providing an effective date; and declaring an emergency.

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 July 1, 1997.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 26th day of March, 1997.

Speaker of the House of
Representatives

Passed the Senate the 18th day of March, 1997.

President of the Senate