

1 ENGROSSED HOUSE
2 BILL NO. 3053

By: Ownbey, Terrill, Faught,
Tibbs, Peterson, Ritze,
Scott, Kern and Williams of
the House

4 and
5 Crutchfield of the Senate

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9 (eminent domain - public purpose within certain
10 time - resale - codification -
11 effective date)

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 17 of Title 27, unless there is
17 created a duplication in numbering, reads as follows:

18 A. In the event that real property taken by eminent domain
19 under the procedures set forth in Title 27 of the Oklahoma Statutes
20 for a public purpose as described in Section 9 of Title 27 of the
21 Oklahoma Statutes is not used for the purposes for which it was
22 condemned or for another public use by the agency or other entity
23 which acquired the real property within ten (10) years of the date
24 when title to the real property was acquired, the acquiring agency

1 or entity shall declare the property surplus and shall be required
2 to first offer the property for resale to the person from whom the
3 property was taken, or the heirs or assignees of the person, at the
4 original price at which the acquiring agency or entity purchased the
5 property.

6 B. For purposes of complying with subsection A of this section,
7 the agency or entity which acquired the real property by
8 condemnation shall notify the former landowner of the right of first
9 refusal by sending notice by certified mail, return receipt
10 requested, to the last-known address of the person as provided by
11 the person. If the mail is returned as not subject to delivery,
12 notice shall be provided by publication in a newspaper of general
13 circulation in the community where the real property is located. If
14 the offer to repurchase is not accepted within ninety (90) days from
15 the date of notice or if the offer to repurchase is not accepted
16 from the date the resale price on the property is determined, the
17 property may then be sold at public sale.

18 C. In the event that a portion of the total amount of real
19 property taken by eminent domain under the procedures set forth in
20 Title 27 of the Oklahoma Statutes for a public purpose as described
21 in Section 9 of Title 27 of the Oklahoma Statutes is not used for
22 the purposes for which it was condemned or for another public use by
23 the agency or other entity which acquired the real property, the
24 portion of the real property that is not used shall be declared

1 surplus and shall be first offered for resale to the person from
2 whom the property was taken or the heirs or assignees of the person
3 at the original price at which the acquiring agency or entity
4 purchased that portion of the property. The procedure providing
5 notice as set forth in subsection B of this section shall apply to
6 the repurchase of a portion of real property as required pursuant to
7 this section.

8 SECTION 2. This act shall become effective November 1, 2010.

9 Passed the House of Representatives the 8th day of March, 2010.

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Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2010.

Presiding Officer of the Senate