

THE HOUSE OF REPRESENTATIVES
Thursday, February 25, 2010

Committee Substitute for
House Bill No. 3053

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3053 - By: OWNBEY of the House and CRUTCHFIELD of the Senate.

An Act relating to eminent domain; requiring real property taken by eminent domain to be used for a public purpose within certain time; requiring unused condemned real property to be offered for resale to the original owner or heirs at certain price; requiring certain person, agency or entity to provide certain notice to former landowner; specifying manner of notification; allowing property to be sold at public auction under certain conditions; requiring an unused portion of condemned real property to be offered for resale to the original owner or heirs; specifying application of certain provisions; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 17 of Title 27, unless there is created a duplication in numbering,
3 reads as follows:
4 A. In the event that real property taken by eminent domain under the procedures
5 set forth in Title 27 of the Oklahoma Statutes for a public purpose as described in Section
6 9 of Title 27 of the Oklahoma Statutes is not used for the purposes for which it was
7 condemned or for another public use by the agency or other entity which acquired the
8 real property within ten (10) years of the date when title to the real property was
9 acquired, the acquiring agency or entity shall declare the property surplus and shall be

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

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

13 C. In the event that a portion of the total amount of real property taken by eminent
14 domain under the procedures set forth in Title 27 of the Oklahoma Statutes for a public
15 purpose as described in Section 9 of Title 27 of the Oklahoma Statutes is not used for the
16 purposes for which it was condemned or for another public use by the agency or other
17 entity which acquired the real property, the portion of the real property that is not used
18 shall be declared surplus and shall be first offered for resale to the person from whom the
19 property was taken or the heirs or assignees of the person at the original price at which
20 the acquiring agency or entity purchased that portion of the property. The procedure
21 providing notice as set forth in subsection B of this section shall apply to the repurchase
22 of a portion of real property as required pursuant to this section.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 2. This act shall become effective November 1, 2010.
2 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-
3 24-10 - DO PASS, As Amended and Coauthored.