

EHB 3160

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THE STATE SENATE
Wednesday, March 24, 2010

ENGROSSED

House Bill No. 3160

ENGROSSED HOUSE BILL NO. 3160 - By: Osborn, Fields and Duncan of the House and Justice of the Senate.

An Act relating to eminent domain; amending 11 O.S. 2001, Section 36-202, which relates to street improvements; requiring certain property owners to concur before an area is assessed; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 36-202, is amended to read as follows:

Section 36-202. A. The owners of more than one-half, in area, of the land liable to assessment for any improvement may petition the municipal governing body for the improvement of any street, alley, lane or avenue, or part thereof, not less than one block in length. However, property zoned for agricultural use in the petitioned area shall not be assessed without the concurrence of the owners of such property. The petition shall be filed with the municipal clerk. The petition shall state in bold, capitalized letters at the top of the page that the cost of the proposed improvements shall be assessed against the property benefited by the improvements. The petition shall:

1 1. Describe the character of the improvement desired and the
2 width of the improvement;

3 2. Indicate the materials preferred by the petitioners for the
4 improvement; and

5 3. Show that the petitioners are the record owners of the land
6 liable to assessment.

7 B. The governing body shall determine the sufficiency of the
8 petition and its finding shall be conclusive and binding for all
9 purposes and against all persons. The governing body may conduct
10 hearings on the sufficiency of the petition and compel the
11 attendance of witnesses under oath. No action or suit to question
12 the findings of the governing body on the sufficiency of the
13 petition may be commenced later than fifteen (15) days after such
14 finding.

15 C. Upon making a satisfactory determination of the sufficiency
16 of the petition, the governing body shall direct the engineer to
17 prepare preliminary plans and estimates, as provided in Section
18 36-203 of this title, and proceed with the improvement in the manner
19 provided by Sections 36-201 through 36-226 of this title.

20 SECTION 2. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

1 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT,
2 dated 3-22-10 - DO PASS.