

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3053

By: Ownbey

4
5
6 AS INTRODUCED

7 An Act relating to eminent domain; requiring real
8 property taken by eminent domain to be used for a
9 public purpose within certain time; requiring unused
10 condemned real property to be offered for resale to
11 the original owner or heirs at certain price;
12 providing method for determining resale price;
13 requiring certain person, agency or entity to provide
14 certain notice to former landowner; specifying manner
15 of notification; allowing property to be sold at
16 public auction under certain conditions; requiring an
17 unused portion of condemned real property to be
18 offered for resale to the original owner or heirs;
19 specifying application of certain provisions;
20 providing for codification; and providing an
21 effective date.

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

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

26 A. In the event that real property taken by eminent domain
27 under the procedures set forth in Title 27 of the Oklahoma Statutes
28 for a public purpose as described in Section 9 of Title 27 of the
29 Oklahoma Statutes is not used for the purposes for which it was

1 condemned or for another public use by the agency or other entity
2 which acquired the real property within five (5) years of the date
3 when title to the real property was acquired, the acquiring agency
4 or entity shall declare the property surplus and shall be required
5 to first offer the property for resale to the person from whom the
6 property was taken, or the heirs or assignees of the person, at the
7 then fair market value of the property or the original price at
8 which the acquiring agency or entity purchased the property,
9 whichever is greater. The resale price shall be determined by
10 either agreement of the parties or by the procedures for assessing
11 fair market value for purposes of condemnation set forth in state
12 law.

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

1 C. In the event that a portion of the total amount of real
2 property taken by eminent domain under the procedures set forth in
3 Title 27 of the Oklahoma Statutes for a public purpose as described
4 in Section 9 of Title 27 of the Oklahoma Statutes is not used for
5 the purposes for which it was condemned or for another public use by
6 the agency or other entity which acquired the real property, the
7 portion of the real property that is not used shall be declared
8 surplus and shall be first offered for resale to the person from
9 whom the property was taken or the heirs or assignees of the person.
10 The procedure for determining the resale price and for providing
11 notice as set forth in subsections A and B of this section shall
12 apply to the repurchase of a portion of real property as required
13 pursuant to this section.

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

15

16 52-2-8847 KB 01/11/10

17

18

19

20

21

22

23

24