ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1226

By: Ownbey, Reynolds, Ritze, Wesselhoft and Walker of the House

and

Simpson of the Senate

An Act relating to eminent domain; requiring an unused portion of condemned real property to be offered for resale to the original owner or heirs; specifying how to determine resale 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 sale under certain conditions; providing for codification; and providing an effective date.

AUTHOR: Add the following Senate Coauthor: Shortey

AMENDMENT NO. 1. Page 1, line 24, after the word "property" and before the comma, insert the language "<u>within fifteen (15) years</u>"

AMENDMENT NO. 2. Page 1, strike the title to read

"[eminent domain - notice - codification - effective date]"

and when the title is restored, amend the title to conform

Passed the Senate the 19th day of April, 2011.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2011.

_____
Presiding Officer of the House
of Representatives

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

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

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

portion of the real property that is not used shall be declared surplus and shall be first offered for resale to the person from whom the property was taken or the heirs or assignees of the person at the appraised value or the original price at which the acquiring agency or entity purchased that portion of the property, whichever is less.

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

SECTION 2. This act shall become effective November 1, 2011.

Passed the House of Representatives the 2nd day of March, 2011.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2011.

_____
Presiding Officer of the Senate