

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1226

By: Ownbey

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to eminent domain; requiring an  
9 unused portion of condemned real property to be  
10 offered for resale to the original owner or heirs;  
11 specifying how to determine resale price; requiring  
12 certain person, agency or entity to provide certain  
13 notice to former landowner; specifying manner of  
14 notification; allowing property to be sold at public  
15 sale under certain conditions; providing for  
16 codification; and providing an effective date.

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

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

21 A. In the event that a portion of the total amount of real  
22 property taken by eminent domain under the procedures set forth in  
23 Title 27 of the Oklahoma Statutes for a public purpose as described  
24 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

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 appraised value or the original price at which the acquiring  
4 agency or entity purchased that portion of the property, whichever  
5 is less.

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

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20 53-1-6798 EK 02/22/11

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