

An Act

ENROLLED HOUSE
BILL NO. 1226

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

and

Simpson, Shortey, Marlatt
and Sparks 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 exception for certain conveyances; providing for codification; and providing an effective date.

SUBJECT: Eminent domain

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 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 or the former landowner is deceased, notice of the right of first refusal shall be provided by publication in a newspaper of general circulation in the community where the real property is located. The notice shall contain the name of the former landowner and a legal description of the surplus property. 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.

C. This section shall not apply to conveyances for redevelopment under Sections 38-101 through 38-123 of Title 11 of the Oklahoma Statutes.

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

Passed the House of Representatives the 18th day of May, 2011.

Presiding Officer of the House of
Representatives

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

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this _____
day of _____, 20____,
at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma the _____ day of
_____, 20____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
_____ day of _____, 20____,
at _____ o'clock _____ M.

By: _____