

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1226

By: Ownbey, Reynolds and Ritze  
of the House

and

Simpson of the Senate

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10                                   COMMITTEE SUBSTITUTE

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

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

21                   SECTION 1.           NEW LAW           A new section of law to be codified  
22                   in the Oklahoma Statutes as Section 17 of Title 27, unless there is  
23                   created a duplication in numbering, reads as follows:  
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1           A. 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 at the appraised value or the original price at which the acquiring  
11 agency or entity purchased that portion of the property, whichever  
12 is less.

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  
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1 from the date the resale price on the property is determined, the  
2 property may then be sold at public sale.

3 SECTION 2. This act shall become effective November 1, 2011.  
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-22-2011 - DO  
6 PASS, As Amended and Coauthored.  
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