

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 4106

By: Menz

AS INTRODUCED

An Act relating to eminent domain; amending 27 O.S. 2021, Section 17, which relates to resale of surplus eminent domain property; providing that the procedure for resale of surplus eminent domain property also applies to land purchased by negotiation; and providing an effective date.

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

SECTION 1. AMENDATORY 27 O.S. 2021, Section 17, is amended to read as follows:

Section 17. 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~~ this title or purchased by negotiation, as prescribed by the policies set for in Section 13 of this title, for a public purpose as described in Section 9 of ~~Title 27 of the Oklahoma Statutes~~ this title is not used for the purposes for which it was condemned or purchased for or for another public use by the agency or other entity which acquired the real

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

7 B. For purposes of complying with subsection A of this section,  
8 the agency or entity which acquired the real property by  
9 condemnation shall notify the former landowner of the right of first  
10 refusal by sending notice by certified mail, return receipt  
11 requested, to the last-known address of the person as provided by  
12 the person. If the mail is returned as not subject to delivery or  
13 the former landowner is deceased, notice of the right of first  
14 refusal shall be provided by publication in a newspaper of general  
15 circulation in the community where the real property is located.  
16 The notice shall contain the name of the former landowner and a  
17 legal description of the surplus property. If the offer to  
18 repurchase is not accepted within ninety (90) days from the date of  
19 notice or if the offer to repurchase is not accepted from the date  
20 the resale price on the property is determined, the property may  
21 then be sold at public sale.

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

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SECTION 2. This act shall become effective November 1, 2024.

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