

Stricken language would be deleted from and underlined language would be added to present law.
Act 1036 of the Regular Session

State of Arkansas *As Engrossed: H3/14/17 H3/20/17 S3/29/17*
91st General Assembly **A Bill**
Regular Session, 2017

HOUSE BILL 2182

By: Representative Ballinger

By: *Senator Hester*

For An Act To Be Entitled

AN ACT TO MODIFY THE PROCESS BY WHICH THE STATE
HIGHWAY COMMISSION MAY SELL OR DISPOSE OF SURPLUS
PROPERTY; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE PROCESS BY WHICH THE STATE
HIGHWAY COMMISSION MAY SELL OR DISPOSE OF
SURPLUS PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-67-321(d), concerning the sale of surplus highway property, is amended to read as follows:

(d) When the sale is approved by a resolution of the commission, then the ~~chairman~~ chair or other presiding officer of the commission is authorized to execute to the county, city, incorporated town, person, company, or corporation purchasing the real estate or other property, a deed conveying all the right, title, interest, and equity of the commission, the Arkansas State Highway and Transportation Department, and the State of Arkansas in and to the lands.

SECTION 2. Arkansas Code § 27-67-322(b), concerning the sale of surplus property, is amended to read as follows:

(b)(1) ~~The owner from whom the property was acquired or his or her heirs, successors, or assigns shall be notified:~~

~~(A) In writing at their last known address; or~~



~~(B)(i) By publication in one (1) newspaper in the county where the property is located one (1) time per week for three (3) consecutive weeks; or~~

~~(ii) If no newspaper is published in the county, then publication shall be made by posting written or printed notices in a conspicuous location in the county courthouse for three (3) consecutive weeks.~~

(A) The owner from whom the property was acquired or his or her heirs, successors, or assigns shall be notified:

(i) In writing at their last known address; or

(ii) By:

(a) A one-time publication in one (1) newspaper either in the county where the real property is located or if a county newspaper does not exist, in one (1) newspaper of statewide circulation; and

(b) A publication placed on the website of the Arkansas State Highway and Transportation Department for a period of twenty-one (21) consecutive calendar days.

(B) The newspaper publication required under subdivision (b)(1)(A)(ii) of this section shall:

(i) Identify the real property by:

(a) Legal description consisting of job number and tract number; and

(b) Physical address, if available; and

(ii) Contain a reference or website link to the publication required under (b)(1)(A)(ii) of this section on the website of the Arkansas State Highway and Transportation Department.

(C) The publication placed on the website of the Arkansas State Highway and Transportation Department as provided under subdivision (b)(1)(A)(ii) of this section shall contain the legal description of the real property in metes and bounds.

(2) Within sixty (60) days after written notice or ~~first~~ publication the owner from whom the property was acquired or his or her heirs, successors, or assigns shall have the option to purchase the property.

(3) If the option to purchase under this section is not exercised within sixty (60) days of written notice or ~~first~~ publication, the

~~commission~~ State Highway Commission may proceed to dispose of the property at public sale or by a negotiated sale.

SECTION 3. Arkansas Code § 27-67-322(d), concerning the sale of surplus property, is amended to read as follows:

~~(d)(1) When real property originally acquired by the State Highway Commission has been improved by the State Highway Commission with offices, shops, storage yards, or other necessary or auxiliary facilities and the real property or a portion of the real property held as a capital asset by the State Highway Commission is later declared surplus, the real property may be reacquired at the market value of the real property and all improvements at the time the real property and improvements are declared surplus the owner from whom the property was acquired or his or her heirs, successors, or assigns shall be notified as required under subdivision (b)(1)(B) of this section.~~

~~(2) The market value of the real property and improvements at the time the real property is declared surplus shall be determined by three (3) appraisers certified or licensed pursuant to § 17-14-101 et seq under the Arkansas Appraiser Licensing and Certification Act, § 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301 et seq.~~

~~(3) The option to purchase authorized under subsection (c) of this section shall not apply to a capital asset.~~

~~(4) As used in this subsection, "capital asset" means real property acquired by the State Highway Commission and improved by the State Highway Commission with offices, shops, storage yards, or other necessary or auxiliary facilities, or property purchased as an uneconomic remnant.~~

SECTION 4. Arkansas Code § 27-67-323 is repealed.

~~27-67-323. Reacquisition of abandoned land by city or town.~~

~~(a) Whenever the State Highway Commission obtains title to land from any city or incorporated town in this state for state highway purposes and thereafter abandons and discontinues using the land for those purposes, the commission shall, in writing, notify the city or incorporated town that the land has been abandoned and shall offer to reconvey the title thereof to the city or town for the same consideration that the commission had paid the city or town initially for title to such land.~~

~~(b) If the city or incorporated town, within thirty (30) days from the date of receiving the offer, accepts the offer, the commission shall reconvey title to the land to the city or incorporated town originally conveying the title to the commission, upon the payment by the city or town of the consideration initially paid by the commission for title to the land.~~

~~(c) If the city or town has not accepted the offer within the thirty-day period above provided, the commission shall proceed to dispose of the land as now provided by law.~~

/s/Ballinger

APPROVED: 04/06/2017