

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/28/13
A Bill

HOUSE BILL 2157

By: Representative Barnett

For An Act To Be Entitled

AN ACT TO PERMIT THE HIGHWAY DEPARTMENT TO TRANSFER LAND IN FEE SIMPLE WHEN RIGHT OF WAY IS TRANSFERRED TO A COUNTY OR MUNICIPALITY; AND FOR OTHER PURPOSES.

Subtitle

TO PERMIT THE HIGHWAY DEPARTMENT TO TRANSFER LAND IN FEE SIMPLE WHEN RIGHT OF WAY IS TRANSFERRED TO A COUNTY OR MUNICIPALITY.

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

27-65-109. Transfer agreements.

(a) ~~The State Highway Commission and the county judges of the respective counties are~~ is authorized to enter into agreements ~~whereof certain highways in the state highway system become a part of the county highway system and certain~~ to exchange highways with appropriate county and municipal authorities ~~county highway system become a part of the state highway system.~~

(b) County and municipal authorities are authorized to enter into agreements with the commission to exchange highways in their respective highway systems.

(c) An exchange under this section shall include all property interests held by the transferring party.

~~(d) All such transfer agreements shall be recorded in the minutes of the commission and spread upon the appropriate county court record.~~



27-67-322. Reacquisition of surplus property by former owner.

(a) The State Highway Commission is authorized to sell in the manner provided by § 27-67-321 ~~any~~ real or personal property, or ~~any an~~ interest ~~therein~~ in real or personal property, which ~~is no longer necessary or desirable for state highway purposes and~~ has been declared by commission resolution to be surplus and for sale.

(b)(1) The owner from whom the property was acquired or his or her heirs, successors, or assigns shall be notified; ~~in writing or by publication of the resolution and shall have the option to reacquire the property. Publication shall be in any newspaper in the county where the property is located which is authorized by law to publish legal notices~~

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

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

(ii) If no newspaper 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.

(2) Within sixty 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 may proceed to dispose of the property at public sale.

(c)(1) When an entire right-of-way parcel is declared surplus, it may be reacquired under this option by refunding the price for which it was acquired by the State Highway Commission.

(2) When only remnants or portions of the original acquisition are declared surplus by the commission, they may be ~~se~~ reacquired at ~~the~~ its market value ~~thereof~~ at the time ~~they are~~ it is declared surplus.

(3) The market value ~~of the remnants or portions~~ shall be determined by three (3) ~~competent~~ appraisers certified or licensed under § 17-14-101 et seq.

~~(d)(1) If the option is not exercised within sixty (60) days after due~~

~~notice, the State Highway Commission may proceed to dispose of the property at public sale. 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 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.~~

(2) The market value of the real property and improvements shall be determined by three (3) appraisers certified or licensed pursuant to 17-14-101 et seq.

(e) When any real or personal property acquired for state highway purposes is either sold or returned to the owner from whom it was acquired and the price paid ~~therefor~~ is refunded, any county ~~which~~ that participated in the cost of the acquisition of the property shall share in the amount obtained from the sale, or the amount refunded, in the proportion in which it shared in the cost of acquisition.

(f)(1) The transfer of surplus rail and other railroad track material purchased in part with federal transportation enhancement funds and granted to the State Parks, Recreation, and Travel Commission or the Department of Parks and Tourism, or both, by the State Highway Commission shall not be subject to the procedures set forth in subsections (a)-(e) of this section.

(2) Surplus rail and other track material described under this subsection may be transferred by gift or contract to a regional intermodal facilities authority, a metropolitan port authority, or a planning and development district.

(3) The purposes of this section shall be satisfied upon:

(A) The adoption of a resolution by the State Highway Commission that the transfer will promote the continuation of rail service, economic development, or industrial growth; and

(B) A transfer document executed by the State Parks, Recreation, and Travel Commission or the Department of Parks and Tourism, or both.

/s/Barnett