

1 State of Arkansas *As Engrossed: H3/14/17 H3/20/17 S3/29/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 2182

4

5 By: Representative Ballinger

6 *By: Senator Hester*

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For An Act To Be Entitled

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AN ACT TO MODIFY THE PROCESS BY WHICH THE STATE

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HIGHWAY COMMISSION MAY SELL OR DISPOSE OF SURPLUS

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PROPERTY; AND FOR OTHER PURPOSES.

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Subtitle

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TO MODIFY THE PROCESS BY WHICH THE STATE

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HIGHWAY COMMISSION MAY SELL OR DISPOSE OF

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SURPLUS PROPERTY.

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

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

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*(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.*

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

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

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



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

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

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

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

11 (ii) By:

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

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

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

21 (i) Identify the real property by:

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

24 (b) Physical address, if available; and

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

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

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

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

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

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

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

16 (2) The market value of the real property and improvements at
17 the time the real property is declared surplus shall be determined by three
18 (3) appraisers certified or licensed ~~pursuant to § 17-14-101 et seq~~ under the
19 Arkansas Appraiser Licensing and Certification Act, § 17-14-101 et seq., §
20 17-14-201 et seq., and § 17-14-301 et seq.

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

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

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

29 ~~27-67-323. Reacquisition of abandoned land by city or town.~~

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

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

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

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10 /s/Ballinger

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13 **APPROVED: 04/06/2017**
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