

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

*As Engrossed: S3/28/13*  
**A Bill**

HOUSE BILL 2157

5 By: Representative Barnett  
6

7 **For An Act To Be Entitled**

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

14 TO PERMIT THE HIGHWAY DEPARTMENT TO  
15 TRANSFER LAND IN FEE SIMPLE WHEN RIGHT OF  
16 WAY IS TRANSFERRED TO A COUNTY OR  
17 MUNICIPALITY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 27-65-109. Transfer agreements.

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

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

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

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



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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~~

1 ~~notice, the State Highway Commission may proceed to dispose of the property~~  
2 ~~at public sale. When real property originally acquired by the State Highway~~  
3 ~~Commission has been improved by the State Highway Commission with offices,~~  
4 ~~shops, storage yards, or other necessary or auxiliary facilities and the real~~  
5 ~~property is later declared surplus, the real property may be reacquired at~~  
6 ~~the market value of the real property and all improvements at the time the~~  
7 ~~real property and improvements are declared surplus.~~

8 (2) The market value of the real property and improvements shall  
9 be determined by three (3) appraisers certified or licensed pursuant to 17-  
10 14-101 et seq.

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

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

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

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

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

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

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35 /s/Barnett  
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