

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 819

TO REVISE THE LAW CONCERNING THE PROCESS FOR A COUNTY JUDGE TO ESTABLISH ACCESS EASEMENTS FOR LANDLOCKED OWNERS OF REAL PROPERTY TO COMPORT WITH DUE PROCESS.

Amendment No. 2 to Senate Bill No. 819

Amend Senate Bill No. 819 as engrossed, S3/18/13 (version: 03/18/2013 09:41:21 AM)

Page 1, line 31, delete "§ 27-66-401(f)(2)(B)" and substitute "§ 27-66-401(f)(2)"

AND

Page 1, delete line 32, and substitute the following:

"establishment of certain access easements, is amended to read as follows:

(2)(A)(i) If the court determines at the preliminary hearing that required notices and service have been provided to the ~~respondent~~ adjoining owner who has refused the landlocked petitioner an access easement or to any other adjoining owner that has been included in the petition and the petition sufficiently demonstrates the requirements of subsection (b) of this section, the court shall appoint viewers as provided under this section.

(ii) The court shall give each party at least ten (10) business days to submit three (3) potential viewers.

(iii) The court shall give due consideration to all potential viewers that were submitted by the parties and shall select at least one (1) of the potential viewers submitted from each party."

AND

Page 2, delete line 16, and substitute the following:

"exclusively for the purposes stated under this subsection.

SECTION 3. Arkansas Code § 27-66-402(c), concerning the duties of viewers, is amended to read as follows:

(c) If ~~they or~~ a majority of ~~them~~ the viewers are of the opinion state under oath that a road an access easement is necessary and proper, as prayed in the petition, ~~they~~ the viewers shall lay out and describe the road access easement in a manner that produces the least inconvenience, damage, and devaluation of the property to the parties through whose land the road shall pass adjoining owners.



SECTION 4. Arkansas Code § 27-66-402(d)(1), concerning the duties of viewers, is amended to read as follows:

(d)(1)(A) The viewers shall make a written report under oath to the county court, describing the route of the road and the land through which it shall pass to allow location and identification of the access easement by land records, naming the owner, if known, and by decision of a majority of the viewers the damages sustained by each owner of lands through which the road passes. The damages shall include the value of each owner's land sought to be appropriated.

(B)(i) The parties shall stipulate to or dispute the report of the viewers.

(ii) Each party shall be given at least ten (10) business days to respond in writing to the viewers' report."

AND

Page 2, line 18, delete "SECTION 3." and substitute "SECTION 5."

AND

Page 2, line 29, delete "§ 27-66-401(j)" and substitute "§ 27-66-401"

AND

Delete SECTION 4 of the bill in its entirety

AND

Page 3, line 10, delete "SECTION 5." and substitute "SECTION 6."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator A. Clark

KLL/BAT - 03-26-2013 17:37:53

KLL302

Secretary