

House Bill 1182

By: Representatives Taylor of the 173rd and Campbell of the 171st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-9-3 of the Official Code of Georgia Annotated, relating to sale
2 or disposition of county real property generally, right of certain counties to make private sale,
3 and right of county to negotiate and consummate private sales of recreational set-asides, so
4 as to provide that provisions regarding the disposition of property acquired for lake projects
5 do not apply if any portion of such lake was constructed; to provide an effective date; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 36-9-3 of the Official Code of Georgia Annotated, relating to sale or
10 disposition of county real property generally, right of certain counties to make private sale,
11 and right of county to negotiate and consummate private sales of recreational set-asides, is
12 amended by revising subsection (g) as follows:

13 "(g)(1) As used in this subsection, the term 'lake' means an impoundment of water in
14 which at least 1,000 acres of land were to be submerged.

15 (2) Notwithstanding any provision of this Code section or any other law to the contrary,
16 whenever any county has acquired property for the creation or development of a lake,

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17 including but not limited to property the acquisition of which was reasonably necessary
18 or incidental to the creation or development of that lake, and the governing authority of
19 such county thereafter determines that all of the property is no longer needed because of
20 a decision by the county to not construct the lake, that county is authorized to dispose of
21 such property or interest therein as provided in this subsection. In the event that any
22 portion of a lake was constructed, the provisions of this subsection shall not apply.

23 (3)(A) In disposing of property, as authorized under this subsection, the county shall
24 notify the owner of such property at the time of its acquisition or, if the tract from
25 which the county acquired its property has been subsequently sold, shall notify the
26 owner of abutting land holding title through the owner from whom the county acquired
27 its property. Any notice required pursuant to this subparagraph shall be in writing and
28 delivered to the appropriate owner or by publication if such owner's address is
29 unknown. Such owner shall have the right to acquire such property, as provided in this
30 subsection.

31 (B) If the original owner of the property at the time of the county's acquisition of such
32 property is deceased, the original owner's spouse, child, or grandchild shall have the
33 first opportunity to purchase the property which the county is disposing of pursuant to
34 this subsection; provided, however, that the owner's child shall have such right only if
35 the owner's spouse is deceased or has waived his or her right to purchase the property,
36 and the owner's grandchild shall have such right only if both the owner's spouse and
37 child either are deceased or have waived their right to buy the property. If the original
38 owner's spouse is deceased and the original owner had more than one child or
39 grandchild and such children or grandchildren have a right to purchase the property
40 pursuant to this paragraph, then such children or grandchildren shall be entitled to
41 purchase the property as tenants in common. The county shall place a notice of a sale
42 proposed pursuant to this subparagraph once in the county legal organ. If after 45 days
43 from the date of such publication the original owner's spouse, child, or grandchild has

44 not come forward, or if the tract from which the county acquired its property has been
45 subsequently sold, the county shall notify the owner of abutting land holding title
46 through the owner from whom the county acquired its property as provided in
47 subparagraph (A) of this paragraph. Publication pursuant to this subparagraph, if
48 necessary, shall be in a newspaper of general circulation in the county where the
49 property is located.

50 (4) When an entire parcel acquired by the county or any interest therein is being disposed
51 of, it may be acquired under the right created in paragraph (3) of this subsection at such
52 price as may be agreed upon, but in no event less than the price paid for its acquisition.
53 When only remnants or portions of the original acquisition are being disposed of, they
54 may be acquired for the market value thereof at the time the county decides the property
55 is no longer needed.

56 (5) If the right of acquisition is not exercised within 60 days after due notice, the county
57 shall proceed to sell such property as provided in subsection (a) of this Code section. The
58 county shall thereupon have the right to reject any and all bids, in its discretion, to
59 readvertise, or to abandon the sale."

60 **SECTION 2.**

61 This Act shall become effective upon its approval by the Governor or upon its becoming law
62 without such approval.

63 **SECTION 3.**

64 All laws and parts of laws in conflict with this Act are repealed.