

Senate Bill 49

By: Senators Streat of the 19th, Cheeks of the 23rd and Butler of the 55th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to eminent domain, so as to change the provisions relating to
3 requirement of just compensation as a limitation on exercise of power of eminent domain;
4 to provide that interference with a property owner's exclusive rights includes interference
5 with access rights incident to the property which may include but are not limited to any
6 median or other interference creating increased circuitry of travel or a change in traffic
7 patterns; to provide that certain rights are considered exclusive to the owner of the property
8 and the measure of consequential damages shall be any diminution in market value of the
9 property or business affected by reason of such interference; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 1 of Title 22 of the Official Code of Georgia Annotated, relating to general
14 provisions applicable to eminent domain, is amended by striking in its entirety Code Section
15 22-1-5, relating to requirement of just compensation as a limitation on exercise of power of
16 eminent domain, and inserting in lieu thereof a new Code Section 22-1-5 to read as follows:

17 "22-1-5.

18 Except in cases of extreme necessity and great urgency, the right of eminent domain cannot
19 be exercised without first providing for just compensation to the owner for the interference
20 with his or her exclusive rights. Pursuant to this Code section, interference with a property
21 owner's exclusive rights includes interference with access rights incident to the property
22 which may include but are not limited to any median or other interference creating
23 increased circuitry of travel or a change in traffic patterns. Such rights are considered
24 exclusive to the owner of the property and the measure of consequential damages shall be
25 any diminution in market value of the property or business affected by reason of such
26 interference."

1 **SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.