

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 703:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county
2 property generally, so as to provide that certain persons be granted first right to purchase
3 property previously condemned by the county; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

6 Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property
7 generally, is amended by revising paragraphs (2) and (3) of subsection (g) of Code Section
8 36-9-3, relating to the sale or disposition of county property, as follows:
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10 (2) Notwithstanding any provision of this Code section or any other law to the contrary,
11 whenever any county has acquired property for the creation or development of a lake,
12 including but not limited to property the acquisition of which was reasonably necessary
13 or incidental to the creation or development of that lake, and the governing authority of
14 such county thereafter determines that all ~~or any part of the property or any interest~~
15 ~~therein~~ is no longer needed for such purposes because of changed conditions because of
16 a decision by the county to not construct the lake, that county is authorized to dispose of
17 such property or interest therein as provided in this subsection.

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

26 ~~Publication, if necessary, shall be in a newspaper of general circulation in the county~~
27 ~~where the property is located.~~

28 (B) If the original owner of the property at the time of the county's acquisition of such
29 property is deceased, the original owner's spouse, child, or grandchild shall have the
30 first opportunity to purchase the property which the county is disposing of pursuant to
31 this subsection; provided, however, the owner's child shall have such right only if the
32 owner's spouse is deceased or has waived his or her right to purchase the property, and
33 the owner's grandchild shall have such right only if both the owner's spouse and child
34 either are deceased or have waived their right to buy the property. If the original
35 owner's spouse is deceased and the original owner had more than one child or
36 grandchild and such children or grandchildren have a right to purchase the property
37 pursuant to this paragraph, then such children or grandchildren shall be entitled to
38 purchase the property as tenants in common. The county shall place a notice of a sale
39 proposed pursuant to this subparagraph once in the county legal organ. If after 45 days
40 from the date of such publication the original owner's spouse, child, or grandchild has
41 not come forward, or if the tract from which the county acquired its property has been
42 subsequently sold, the county shall notify the owner of abutting land holding title
43 through the owner from whom the county acquired its property as provided in
44 subparagraph (A) of this paragraph. Publication pursuant to this subparagraph, if
45 necessary, shall be in a newspaper of general circulation in the county where the
46 property is located."

47 **SECTION 2.**

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