

SENATE SUBSTITUTE TO HB 703

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend various provisions of the Official Code of Georgia Annotated, so as to provide
 2 powers and duties regarding disposition of certain property of local governments; to amend
 3 Code Section 20-2-520 of the Official Code of Georgia Annotated, relating to acquiring and
 4 disposing of school sites, so as to provide for sale or conveyance of a schoolhouse site to the
 5 state; to amend Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to
 6 county property generally, so as to provide that certain persons be granted first right to
 7 purchase property previously condemned by the county; to provide for related matters; to
 8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 0.5**

11 Code Section 20-2-520 of the Official Code of Georgia Annotated, relating to acquiring and
 12 disposing of school sites, is amended by revising subsection (b) as follows:

13 "(b) If a schoolhouse site has become unnecessary or inconvenient, as provided by
 14 subsection (a) of this Code section, and if the state or the county or municipality whose
 15 territorial boundaries include such schoolhouse site needs such site for any governmental
 16 purpose, then the county board may sell or convey such schoolhouse site to the state or
 17 such county or municipality for such consideration and subject to such conditions, if any,
 18 as may be determined by such county board."

19 **SECTION 1.**

20 Chapter 9 of Title 36 of the Official Code of Georgia Annotated, relating to county property
 21 generally, is amended by revising paragraphs (2) and (3) of subsection (g) of Code Section
 22 36-9-3, relating to the sale or disposition of county property, as follows:

23 (2) Notwithstanding any provision of this Code section or any other law to the contrary,
 24 whenever any county has acquired property for the creation or development of a lake,
 25 including but not limited to property the acquisition of which was reasonably necessary
 26 or incidental to the creation or development of that lake, and the governing authority of

27 such county thereafter determines that all ~~or any part~~ of the property ~~or any interest~~
 28 ~~therein~~ is no longer needed for such purposes because of changed conditions because of
 29 a decision by the county to not construct the lake, that county is authorized to dispose of
 30 such property or interest therein as provided in this subsection.

31 (3)(A) In disposing of property, as authorized under this subsection, the county shall
 32 notify the owner of such property at the time of its acquisition or, if the tract from
 33 which the county acquired its property has been subsequently sold, shall notify the
 34 owner of abutting land holding title through the owner from whom the county acquired
 35 its property. ~~The notice~~ Any notice required pursuant to this subparagraph shall be in
 36 writing and delivered to the appropriate owner or by publication if such owner's address
 37 is unknown; ~~and such.~~ Such owner shall have the right to acquire such property, as
 38 provided in this subsection, ~~the property with respect to which the notice is given.~~
 39 ~~Publication, if necessary, shall be in a newspaper of general circulation in the county~~
 40 ~~where the property is located.~~

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

60 SECTION 2.

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