

House Bill 703 (AS PASSED HOUSE AND SENATE)

By: Representative Smith of the 168<sup>th</sup>

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 style="text-align:center">**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 style="text-align:center">**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.