

Senate Bill 170

By: Senator Beach of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-7-4 of the Official Code of Georgia Annotated, relating to
2 procedures for disposition of property formerly acquired for public road purposes but later
3 abandoned, so as to provide for notice and right to acquire when such property is located
4 within a subdivision; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 32-7-4 of the Official Code of Georgia Annotated, relating to procedures for
9 disposition of property formerly acquired for public road purposes but later abandoned, is
10 amended by revising paragraph (1) of subsection (a) as follows:

11 "(a)(1) In disposing of property, as authorized under Code Section 32-7-3, the
12 department, a county, or a municipality shall notify the owner of such property at the time
13 of its acquisition or, if the tract from which the department, a county, or a municipality
14 acquired its property has been subsequently sold, shall notify the owner of abutting land
15 holding title through the owner from whom the department, a county, or a municipality
16 acquired its property. In the event that all or a portion of the property subject to
17 disposition is located in a subdivision with a duly formed property owner's association,
18 the notice for that portion of the property within such subdivision may be provided to the
19 association in lieu of the individual owners of abutting land. The notice shall be in
20 writing delivered to the appropriate owner or association or by publication if ~~his or her~~
21 the owner's or association's address is unknown; and ~~he or she~~ the owner or the
22 association, as applicable, shall have the right to acquire, as provided in this subsection,
23 the property with respect to which the notice is given. Publication, if necessary, shall be
24 in a newspaper of general circulation in the county where the property is located. If, after
25 a search of the land and probate records, the address of any interested party cannot be
26 found, an affidavit stating such facts and reciting the steps taken to establish the address
27 of any such person shall be placed in the department, county, or municipal records and

28 shall be accepted in lieu of service of notice by mailing the same to the last known
29 address of such person. After properly completing and filing such affidavit, the
30 department, county, or municipality may dispose of the property in accordance with the
31 provisions of subsection (b) of this Code section."

32 **SECTION 2.**

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

35 **SECTION 3.**

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