

1 HB136
2 147137-2
3 By Representatives Wallace and Jones
4 RFD: County and Municipal Government
5 First Read: 05-FEB-13

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8 SYNOPSIS: Under existing law, property condemned by
9 the state, a county or municipality, or a
10 governmental entity is required to be offered to
11 the former owner if the property is to be sold.

12 This bill would allow certain unused
13 property obtained through condemnation which is
14 less than one acre to be sold without offering it
15 to the former owner.

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17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 To amend Section 18-1B-2 of the Code of Alabama
22 1975, to allow certain unused property obtained through
23 condemnation which is less than one acre to be sold without
24 offering it to the former owner.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 18-1B-2 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§18-1B-2.

2 "(a) Neither the State of Alabama, nor any of its
3 departments, divisions, agencies, commissions, corporations,
4 boards, authorities, or other entities, nor any agency,
5 corporation, district, board, or other entity organized by or
6 under the control of any municipality or county in the state
7 and vested by law to any extent whatsoever with the power of
8 eminent domain may condemn property for the purpose of
9 nongovernmental retail, office, commercial, residential, or
10 industrial development or use; provided, however, the
11 foregoing provisions of this subsection shall not apply to the
12 exercise of the powers of eminent domain by any county,
13 municipality, housing authority, or other public entity based
14 upon a finding of blight in an area covered by any
15 redevelopment plan or urban renewal plan pursuant to Chapters
16 2 and 3 of Title 24, or to the exercise of eminent domain by
17 or for the benefit of public utilities or other entities
18 engaged in the generation, transmission, or distribution of
19 telephone, gas, electricity, water, sewer, or other utility
20 products or services. Nothing in this section shall be
21 interpreted to prohibit the state or a municipal or county
22 governing body from exercising the power of eminent domain for
23 the purpose of constructing, maintaining, or operating streets
24 and roadways, government buildings, or park and recreation
25 facilities.

26 "(b) Property condemned by an entity described in
27 subsection (a), except property of less than one acre, if not

1 ever used for the purpose or purposes for which it was
2 condemned or for some other public use, that is subsequently
3 determined to be sold, shall be first offered for sale to the
4 person or persons from whom the property was condemned, or his
5 or her known or ascertainable heirs or assigns, at the price
6 which was paid for the property, less such amount, if any, as
7 the person shall show by good and sufficient documentation to
8 be the amount of income and transaction taxes, if any,
9 actually paid in connection therewith, and if the offer shall
10 not be accepted within 90 days from the date it is made, the
11 property may be sold to any other person or persons but only
12 at public sale after legal notice is given."

13 Section 2. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.