

LEGISLATIVE BILL 165

Approved by the Governor March 5, 1971

Introduced by Richard Maresh, 32nd District; Terry Carpenter, 48th District

AN ACT to amend sections 3-155 and 3-156, Reissue Revised Statutes of Nebraska, 1943, relating to aeronautics; to change the conditions of sale as prescribed; to restate the use of proceeds of the sale and the investment thereof; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 3-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-155. The Department of Aeronautics is hereby authorized and directed to dispose of all real property held by the department and formerly used by the United States as army airfields, and which is not required for airport operational use purposes. The department shall seek approval from the Federal Aviation Administration to dispose of such property. When approval is received, the department shall have such property appraised by two noninterested appraisers qualified to make appraisals based on experience and who have professional status as appraisers of real property. Each appraiser's report shall contain (1) an opinion as to the fair market value of the lands appraised, showing a segregation of actual land value, elements and basis of damage, and depreciated in place value of buildings and improvements, if any, (2) a report of income derived from the land in recent years, (3) the adaptability of the land, including the most profitable or highest and best use, (4) a report of a personal inspection of the lands appraised, including a detailed description of their physical characteristics and conditions, (5) the general history of the property and its environs, and a statement of the character of the area surrounding the land being appraised, indicating any of the favorable and unfavorable influences, (6) a listing of recent sales of similar property in the area, showing seller, purchaser, date of sale, selling price, acreage involved, buildings and improvements involved, if any, and an estimate of the value of such improvements, and if there is a difference in value between comparable sales and the property appraised, a discussion of the

difference in value to be included, (7) a listing of recent offerings for sale of property in the same general area, including the property being appraised, if recently offered, and the prices quoted, if any, (8) a trend of land values in the area and current land or real estate market conditions, (9) the assessed valuation of real property in the community and the percentage of assessed value to real value, (10) the effective date of valuation, (11) a statement of the qualifications of the appraiser including a statement by the appraiser that he has no personal interest, present or prospective, in the land being appraised, and (12) the signature of the appraiser and date of report. Such property shall be ~~offered-in-units-not-larger-than-three hundred-twenty-acres; and shall be~~ sold in units to the highest bidder, but in no case shall such property be sold at less than the appraised value. Notice of such sale and time and place where the same will be held shall be given as provided in section 72-258. When the highest bid is less than the appraised value, the sale shall be canceled and the property offered for sale again within one year after the date of the previous offering, and a new appraisal of the property shall be made. Such property may be leased until such time as a sale may be completed, and when property is sold subject to a lease, the value of the lease shall be included in determining the appraised value of the property.

Sec. 2. That section 3-156, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-156. The necessary expenses incurred in the sale of such property shall be paid from the Department of Aeronautics Cash Fund, and the proceeds from the sale of such property shall be deposited in ~~a special fund~~ the Department of Aeronautics Trust Fund after reimbursement of costs of sale have been made to the Department of Aeronautics Cash Fund. The net proceeds from the disposal of such property shall be used by the Department of Aeronautics ~~for future appropriation by the legislature~~ in conformance with any agreements upon which the Federal Aviation Administration conditions its consent to the sale of the aforementioned land and the quit claim deeds (1) filed in the office of the register of deeds of Dodge County on November 17, 1947, and recorded in Deeds Record 89 on page 342 and September 16, 1948, and recorded in Deeds Record 89 on page 578, (2) filed in the office of the register of deeds of Red Willow County on September 16, 1948, in Deeds Record 71 on page 17, September 14, 1966, in Deeds Record 91 on page 281, and December 17, 1968, in Deeds Record 93 on

page 549, (3) filed in the office of the register of deeds of Clay County on November 17, 1947, in Deeds Record 86 on page 561, September 16, 1948, in Deeds Record 87 on page 148, and March 14, 1968, in Deeds Record 95 on page 321, (4) filed in the office of the register of deeds of Fillmore County on September 16, 1948, in Deeds Record 39 on page 229, February 21, 1968, in Deeds Record 25 on page 90, January 26, 1948, in Deeds Record 39 on page 189, September 21, 1948, in Deeds Record 39 on page 236, and February 13, 1968, in Deeds Record 25 on page 83, and (5) filed in the office of the register of deeds of Thayer County on January 31, 1948, in Deeds Record 48 on page 493, September 16, 1948, in Deeds Record 48 on page 581, and December 29, 1967, in Deeds Record 58 on page 531, and the rules and regulations of the Federal Aviation Administration, part 155, adopted December 7, 1962. Such ~~special fund--shall be invested pursuant to--sections--72-1237--to--72-1259, with the interest accruing therefrom to be deposited-- in the special fund~~ Department of Aeronautics Trust Fund when invested shall be invested pursuant to the Nebraska State Funds Investment Act.

Sec. 3. That original sections 3-155 and 3-156, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.