

LEGISLATIVE BILL 698

Approved by the Governor April 5, 1971

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend sections 23-107 and 23-118, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to provide exceptions; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 23-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-107. The county board shall have power to make all orders respecting the property of the county; to keep the county buildings insured; to sell the public grounds or buildings of the county, and purchase other properties in lieu thereof; Provided, that the county board may, if it deems it for the best interests of the county, sell county property upon such terms of credit as shall be determined upon by resolution of the board; but such deferred payment shall be for not more than two-thirds of the purchase price, which shall be secured by note or notes, and a first mortgage upon the property so sold, and shall draw not less than six per cent interest per annum from date until paid, the interest to be paid annually except as otherwise provided in this section. The county board shall also have the power to sell or negotiate, without recourse upon the county, the notes and mortgages so taken; but they shall not be sold for less than par value including accrued interest. No Except as otherwise provided in this section, no sale or lease for a period of more than ten years shall be made of real estate costing the county more than three thousand dollars, until such proposition shall have been approved by a majority of the electors of the county voting thereon. If such sale or lease for a period of more than ten years shall be to another governmental subdivision, then no election shall be required and the sale or lease may be on such terms and conditions as may be agreed upon by the county and such other governmental subdivision evidenced by the adoption of a resolution or ordinance of each of the governmental subdivisions involved. Real estate acquired because of the existence of an old age assistance lien may be sold without submitting the matter to the electors regardless of the value of such property or the amount of the old age

assistance lien.

Sec. 2. That section 23-118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-118. Except when acquired because of the existence of an old age assistance lien, or when a sale or lease for any number of years is to another governmental subdivision, the county board shall not sell, or lease for a period of more than ten years or more, the public grounds as provided in section 23-107 without having first submitted the question of selling, or leasing, such public grounds to a vote of the electors of the county; Provided, in any case where the county has acquired real estate at a cost not to exceed three thousand dollars by gift, purchase or judicial proceedings in which the county is plaintiff or is interested, the county board may sell such real estate without submitting the question to a vote of the electors of the county; provided further, where the sale or lease for any period of time is to be to another governmental subdivision, then the sale or lease may be entered into without submitting the question to a vote of electors of the county; and provided further, where the county board shall have sold the public grounds and received the consideration thereof without having first submitted the question of selling such public grounds to a vote of the electors of said county, or if having submitted such question to a vote of the electors of said county, the requisite number of votes were not cast in favor of such question, or if for any other reason such sale of the public grounds was irregular, illegal or void, and where the purchaser of such public grounds or his grantees have been in open, notorious, undisputed, continuous, and adverse possession thereof for more than ten years, and during which ten years the county board has not refunded or offered to refund the purchase price, then in all such cases the county board is authorized and empowered, and when requested by the proper person is required to convey to the purchaser of such grounds or his grantees by good and sufficient deed without cost, the fee simple title to the public grounds so irregularly or illegally sold.

Sec. 3. That original sections 23-107 and 23-118, Reissue Revised Statutes of Nebraska, 1943, are repealed.