

## LEGISLATIVE BILL 363

Approved by the Governor April 2, 1977

Introduced by Warner, 25

AN ACT to amend section 23-107, Revised Statutes Supplement, 1976, relating to counties; to remove the requirement that the county board obtain voter approval to sell and convey certain real property, as prescribed; to provide for conveyance in certain cases; and to repeal the original section, and also section 23-118, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 23-107, Revised Statutes Supplement, 1976, 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 any 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. If, for any reason, such sale of the public grounds by a county board was irregular, illegal, or void, and 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. Except as otherwise provided, no sale or lease for a period of more than ten years shall be made by any

county-board-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 original section 23-107, Revised Statutes Supplement, 1976, and also section 23-118, Reissue Revised Statutes of Nebraska, 1943, are repealed.