

LEGISLATIVE BILL 637

Approved by the Governor April 24, 1978

Introduced by Agriculture and Environment Committee,
Schmit, 23, Chmn; Hefner, 19; R. Maresh, 32;
Kahle, 37; Venditte, 7; Burrows, 30

AN ACT to amend section 3-126, Reissue Revised Statutes of Nebraska, 1943, and section 3-155, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, relating to the Department of Aeronautics; to allow leases of real property held by the department; to provide for rental payments; and to repeal the original sections.

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

Section 1. That section 3-126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-126. All money received by the department, pursuant to sections 3-101 to 3-454 ~~3-156~~, shall be deposited in the state treasury and placed by the State Treasurer in the Department of Aeronautics Cash Fund. The department is authorized, whether acting for this state or as the agent of any of its municipalities, or when requested by the United States government or any agency or department thereof, to disburse such money. Any money in the Department of Aeronautics Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 2. That section 3-155, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, 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. The property may be platted and subdivided into lots or parcels to be sold separately so as to obtain the greatest total sale price.

The department shall dedicate the necessary roads for airport access and shall reserve such easements for access, utilities, drainage, and other purposes as may be necessary or convenient to maintain the airports as operational. The sales may be made subject to such terms, conditions, and restrictions as may be required by the deeds by which such property was conveyed to the State of Nebraska by the Federal Aviation Administration. When approval is received, the department shall have such property appraised by noninterested appraisers qualified to make appraisals based on experience and who have professional status as appraisers of real property. The appraisers shall be selected by the department based on competitive bids received after three weeks' notice of invitation for bids has been published in at least two newspapers of general circulation throughout the state. The notice shall state that the selection shall be made of the lowest and best qualified bidders, and that the department reserves the right to reject any and all bids and to readvertise for further bids. 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 actual valuation of real property in the community, (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 sold 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 except for property leased pursuant to section 3 of this act the property shall be offered for sale again within one year after the date of the previous offering. ~~7--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. 3. The Department of Aeronautics may lease for a period not exceeding twelve years real property held by the department that has been offered for sale for two consecutive years and has not been sold. The lease shall provide for annual rental payments equal to the income which would have been received had the land been sold at its latest appraised value and the proceeds invested in the Aeronautics Trust Fund as set forth in section 3-156. The rental payments shall be deposited in the Department of Aeronautics Cash Fund. The department shall cause reappraisals to be made of the land under lease when it deems it necessary due to changes in buildings or improvements, changes in the land, or for other reasons. A reappraisal shall be made at least once every five years. Rent shall be paid by the lessee upon the basis of the new appraised valuation. The department may, after the expiration of any lease, offer such land for sale by public auction as set forth in section 3-155 or may enter into another lease.

Sec. 4. That original section 3-126, Reissue Revised Statutes of Nebraska, 1943, and section 3-155, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 42, Eighty-fifth Legislature, First Session, 1977, are repealed.