

of art between state-owned buildings whenever in their judgment the loan will be to the benefit of the citizens of this state. However, all such works shall be returned to the principal user or the contracting agency at its request.

Approved June 2, 1978

CHAPTER 1107

RIGHT-OF-WAY TRANSFERS

S.F. 2068

AN ACT relating to transfer of rights-of-way between the state and political subdivisions of the state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter three hundred six (306), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter ninety-nine (99), is amended by adding the following new section:

NEW SECTION.

1. This section is intended to vest all documents of title in road right-of-way in the jurisdiction responsible for the road. This section establishes a simple method to transfer road rights-of-way by quit claim deed and to authorize the use of available descriptions, plats, maps or engineering drawings to effect such transfers and to provide an orderly method by which such transfers may be filed, indexed and recorded.

2. The state department of transportation shall transfer by quit claim deed to the county or to the city having jurisdiction over a road, all of the state's legal or equitable title and interest in right-of-way for the road or street and may transfer any adjacent unused right-of-way or land in excess of that needed as right-of-way. The deed shall be executed by the director of the department by order of the state transportation commission.

3. The county or the city shall transfer by quit claim deed to the state department of transportation when having jurisdiction over a road, all of the county's or the city's legal or equitable title and interest in rights-of-way for the road and may transfer any adjacent unused right-of-way or land in excess of that needed as right-of-way. The deed

shall be executed by the chairman of the board of supervisors by order of the board for county roads and by the mayor or city manager by order of the city council for city streets.

4. Transfers under this section shall be subject to the right of a utility, association, company or corporation to continue in possession of a right-of-way in use at the time of the transfer. Transfers shall be subject to rights of ingress and egress whether excepted, reserved or granted by the transferring authority to land or to owners of land adjacent to the right-of-way. Transfers shall include an index of parcels transferred by the character of the instrument or proceeding, the grantor and grantee, and date of the last instrument or proceeding acquiring rights to each parcel. Transfers shall locate the right-of-way by quarter-quarter section, township and range or if so acquired, by lot, block and subdivision. The transferring jurisdiction shall transmit to the receiving jurisdiction all available original documents of title or a certified true copy if the right-of-way was acquired by condemnation or the original deed is lost. Transfers shall be recorded and indexed in the county in which the land is located.

5. Notwithstanding requirements of chapter one hundred fourteen (114) and sections three hundred six point twenty-two (306.22), three hundred thirty-two point three (332.3), subsection thirteen (13), sections three hundred sixty-four point seven (364.7), four hundred nine point twelve (409.12), four hundred nine point fourteen (409.14) and four hundred seventy-one point twenty (471.20) of the Code, legal descriptions, plats, maps or engineering drawings used to describe transfers of right-of-way shall, where available, be descriptions, plats, maps or engineering drawings of record and shall be incorporated by reference to such title instrument or proceedings. Where a part but not all of the land acquired by a single conveyance or condemnation is being transferred, the description of that part to be transferred shall be abstracted from the present legal description, plat, map or engineering drawing of record.

Sec. 2. The provisions of this Act shall become effective January 1, 1979.

Approved June 27, 1978