

2006 First Extraordinary Session

of the

Eighty-First General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE

FIRST EXTRAORDINARY SESSION HELD THE FOURTEENTH DAY OF JULY, A.D. 2006
IN THE ONE HUNDRED SIXTIETH YEAR OF THE STATE

CHAPTER 1001

EMINENT DOMAIN

H.F. 2351

AN ACT relating to government authority, including eminent domain authority and condemnation procedures, and other properly related matters, and including effective and applicability provisions.

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

Section 1. Section 6A.4, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Upon the owner or lessee of lands, which have no public or private way to the lands, for the purpose of providing a public way, ~~not exceeding forty feet in width~~, which will connect with an existing public road. The condemned public way shall not exceed forty feet in width when such lands are agricultural or have a single residence located on them. For all other uses, the condemned public way shall not exceed sixty-six feet. The condemned public way shall be located on a division, subdivision or “forty” line, or immediately adjacent thereto, and along the line which is the nearest feasible route to an existing public road, or along a route established for a period of ten years or more by an easement of record or by use and travel to and from the property by the owner and the general public. The public way shall not interfere with buildings, orchards, or cemeteries. When passing through enclosed lands, the public way shall be fenced on both sides by the condemner upon request of the owner of the condemned land. The condemner or the condemner’s assignee, shall provide easement for access to the owner of property severed by the condemnation. The public way shall be maintained by the condemner or the condemner’s assignee, and shall not be considered any part of the primary or secondary road systems.