

FILED MAR 2 1988

H.F. 2355 introduced 9/24

SENATE FILE 2266
BY COMMITTEE ON TRANSPORTATION
Approved by me
(formerly 2096 55B)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act relating to the condemnation payment process.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2266

S-5293

1 Amend Senate File 2266 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Sec. ____ Section 472.8, Code 1987, is amended to
 5 read as follows:
 6 472.8 NOTICE OF ASSESSMENT.
 7 The applicant, or the owner or any lienholder or
 8 encumbrancer of any land described in the application,
 9 may, at any time after the appointment of the
 10 commissioners, have the damages to the lands of any
 11 such owner assessed by giving the other party, if a
 12 resident of this state, ten twenty days' notice, in
 13 writing. Such The notice shall specify the day and
 14 the hour when the commissioners will view the
 15 premises, and be served in the same manner as original
 16 notices."

S-5293

Filed March 9, 1988

BY BERL E. PRIEBE

2/10 2/24 (9.100)

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TL5B 7345SV 72

gk/sc/14

1 Section 1. Section 472.9, Code 1987, is amended by adding
2 the following new unnumbered paragraph immediately following
3 unnumbered paragraph 6:

4 NEW UNNUMBERED PARAGRAPH. That damages caused by the
5 condemnation shall only be paid to parties, other than the
6 owner or tenant of the real estate, who claim a right to share
7 in the award by filing a written claim with the sheriff prior
8 to the appraisement of damages.

9 Sec. 2. NEW SECTION. 472.13A DAMAGES PAID -- COSTS
10 ASSESSED FOR INVALID CLAIMS.

11 Damages shall be paid to the owner and the tenant, and in
12 addition to only those taxing authorities, lienholders,
13 encumbrancers, or other interested parties who claim a right
14 to share in the award by filing a written claim with the
15 sheriff prior to the appraisement of damages. If a court
16 determines that a person claiming a right to share in the
17 award of damages has no interest or ownership in the real
18 estate or that the person's interest is not materially
19 affected by the condemnation, the person shall pay all costs,
20 together with a reasonable attorney's fee, and also any
21 additional damages that the evidence warrants, to those
22 entitled to share in the award.

23 EXPLANATION

24 This bill requires interested parties in a condemnation,
25 other than the owner or tenant of the real estate, to file a
26 written claim prior to the real estate's appraisement in order
27 to share in the award.

28 The bill also assesses costs, including attorney's fees,
29 and additional damages against parties judged to have no
30 interest or ownership in the real estate or judged not to be
31 materially affected by the condemnation.

32 SUCCESSOR TO SSB 2096 (LSB 7345DS)

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TRANSPORTATION: Priebe, Chair; Gettings and Doyle

SENATE FILE ^{now} 2266 *Priebe, ch*
BY (PROPOSED STATE DEPARTMENT *Gettings*
OF TRANSPORTATION BILL) *Doyle*)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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23 EXPLANATION

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25 other than the owner or tenant of the real estate, to file a
26 written claim prior to the real estate's appraisalment in order
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28 The bill also assesses costs, including attorney's fees,
29 and additional damages against parties judged to have no
30 interest or ownership in the real estate or judged not to be
31 materially affected by the condemnation.

32 BACKGROUND STATEMENT

33 SUBMITTED BY THE AGENCY

34 The department as well as cities and counties purchase land
35 for highway projects and issue payment checks to all parties

1 with a legal interest in the property. Often times the agency
2 needs only a few feet of property and should compensate only
3 those who have a valid claim. Some payment checks issued by
4 the department list as many as thirty payees. Property owners
5 have complained that the department is not making proper
6 payment and that some claims are not valid. Some cases
7 require costly litigation by the landowner to collect payment.

8 The bill requires claimants, other than the owner or tenant
9 of the real estate, to file a claim in order to share in the
10 award. The notification to claimants includes their
11 responsibility to file a claim. The bill also requires
12 claimants who are not materially affected to pay costs
13 including attorney fees if they file a claim.

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