

Judiciary

FILED MAR 20 1989

SENATE FILE **504**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 98)

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

A BILL FOR

1 An Act relating to entry by a public agency with condemnation
2 power onto private property for certain purposes related to
3 that power.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 504

S-3406

1 Amend Senate File 504 as follows:
2 1. Page 1, line 19, by inserting after the word
3 "agency" the following: "as provided in sections
4 479.45 through 479.47, where applicable,".

By RAY TAYLOR

S-3406 FILED MARCH 23, 1989

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504

1 Section 1. NEW SECTION. 472.54 RIGHT TO ENTER PROPERTY.
2 A public agency, as defined in section 28E.2, authorized to
3 condemn private property for works of internal improvement or
4 for other public uses or purposes, or an authorized person em-
5 ployed by the public agency, may enter upon private property
6 for the purpose of making surveys, soundings, drillings,
7 appraisals, and examinations as the public agency deems ap-
8 propriate or necessary to determine the advisability or prac-
9 ticability of commencing or continuing a condemnation proceed-
10 ing. The agency shall give written notice by restricted cer-
11 tified mail addressed to the owner at the owner's last known
12 address and to the occupant of the property at least thirty
13 days prior to the entry. The public agency may seek an
14 injunction to ensure peaceful entry. The public agency shall
15 pay actual damages caused by the entry, surveys, soundings,
16 drillings, appraisals, or examinations. The amount of damages
17 caused by the entry, surveys, soundings, drillings,
18 appraisals, or examinations shall be determined by agreement
340a-19 between the owner and the public agency or in the manner
20 provided for the awarding of damages in a proceeding for
21 condemnation of land.

22 A sounding or drilling shall not be done within twenty rods
23 of a dwelling house or buildings on the land without the prior
24 written consent of the owner.

25 EXPLANATION

26 This bill permits a public agency with power of condemna-
27 tion to enter property sought for possible condemnation to
28 make appropriate surveys, soundings, drillings, appraisals, or
29 examinations. Thirty-day written notice is to be given to the
30 owner and occupant of the property prior to entry. Damages
31 resulting from the entry are to be paid by the public agency
32 as determined by agreement between the owner and the public
33 agency, or in the manner provided in chapter 472 for the
34 awarding of damages in a condemnation proceeding.

35

MANN, CH.
VARN
TAYLOR

SSB 98
Judiciary
Now

SENATE FILE 564
BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

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

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34 awarding of damages in a condemnation proceeding.

35 BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

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