

CHAPTER 98

UNUSED HIGHWAY RIGHT OF WAY

S. F. 158

AN ACT relating to the disposition of unused highway right of way.

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

Section 1. Section 306.23, Code 1981, is amended to read as follows:

306.23 NOTICE--PREFERENCE OF SALE. ~~Notice~~ For the sale of unused right of way, except right of way under the jurisdiction of a county, notice of intention to sell ~~such~~ the tract, parcel, or piece of land, or part thereof, must, not less than ten days prior to the sale ~~thereof~~, be sent by certified mail, by the agency in control of ~~such~~ the land, to the last known address of the present owner of adjacent land from which ~~said~~ the tract, parcel, piece of land or part thereof, was originally bought or condemned for highway purposes, and if located in a city, to the mayor ~~thereof~~. ~~Said~~ The notice shall give an opportunity to the present owner of adjacent property to be heard and make offers for the tract, parcel or piece of land to be sold, and if ~~such~~ the offer is equal to or exceeds in amount any other offer received, it shall be given preference by the ~~board~~ agency in control of ~~said~~ the land. Neglect or failure for any reason, to comply with the ~~provisions-of-said~~ the* notice, shall in no way prevent the giving of a clear title to the purchaser of ~~said~~ the tract, parcel or piece of land. A county shall dispose of unused right of way in the manner specified under section 332.3, subsection 13.

Approved May 5, 1981

CHAPTER 99

TRANSPORTATION DEPARTMENT TRANSFER OF RIGHT OF WAY

H. F. 164

AN ACT to authorize the state department of transportation to transfer unused right of way by quit claim deed to a county for the use and benefit of the county conservation board.

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

Section 1. Section 306.42, subsection 2, Code 1981, is amended to read as follows:

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

*According to enrolled Act

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. However, if the state department of transportation owns any adjacent unused right of way in excess of that needed as right of way which is located outside the incorporated limits of a city and is suitable for purposes specified in section 111A.4, subsection 2, the department may, at the request of the county and the county conservation board, transfer the property by quit claim deed to the county for the use and benefit of the county conservation board.

Approved May 4, 1981

CHAPTER 100
SECONDARY ROADS SERVICE SYSTEM

H. F. 786

AN ACT permitting the county board of supervisors to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads.

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

Section 1. Chapter 309, Code 1981, is amended by adding the following new section:

NEW SECTION. The county board of supervisors, after consultation with the county engineer, and for purposes of specifying levels of maintenance effort, may classify the area service system into two classifications termed area service A and area service B. The area service A classification shall be maintained in conformance with applicable statutes. Roads on the area service B classification may have a lesser level of maintenance as specified by the county board of supervisors, after consultation with the county engineer.

Roads within area service B classification shall have appropriate signs, conforming to the Iowa state sign manual, installed and maintained by the county at all access points to roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads.

The county and officers, agents, and employees of the county are not liable for injury to any person or for damage to any vehicle or equipment, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as area service B, if the road