

DIVISION V  
EFFECTIVE DATE

Sec. 9. EFFECTIVE DATE. This Act takes effect January 1, 1998.

Approved May 19, 1997

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**CHAPTER 149**

DISPOSITION OF CONDEMNED PROPERTY AND UNUSED RIGHT-OF-WAY

S.F. 432

**AN ACT** relating to the disposition of private property condemned under eminent domain or condemned or purchased as highway right-of-way property and providing an applicability date.

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

Section 1. NEW SECTION. 6B.56 DISPOSITION OF CONDEMNED PROPERTY.

1. If real property condemned pursuant to this chapter is not used for the purpose stated in the application filed pursuant to section 6B.3 and the condemner seeks to dispose of the real property, the condemner shall first offer the property for sale to the prior owner of the condemned property as provided in this section. For purposes of this section, the prior owner of the real property includes the successor in interest of the real property.

2. Before the real property may be offered for sale to the general public, the condemner shall notify the prior owner of the real property condemned in writing of the condemner's intent to dispose of the real property, of the current appraised value of the real property, and of the prior owner's right to purchase the real property within sixty days from the date the notice is served at a price equal to the current appraised value of the real property. The notice sent by the condemner as provided in this subsection shall be filed with the office of the recorder in the county in which the real property is located.

3. If the prior owner elects to purchase the real property at the price established in subsection 2, before the expiration of the sixty-day period, the prior owner shall notify the condemner in writing of this intention and file a copy of this notice with the office of the recorder in the county in which the real property is located.

4. The provisions of this section do not apply to the sale of unused right-of-way property as provided in chapter 306.

Sec. 2. Section 306.23, Code 1997, is amended to read as follows:

306.23 NOTICE — PREFERENCE OF SALE.

1. For the sale of unused right of way notice of intention to sell the tract, parcel, or piece of land, or part thereof, must be sent, not less than ten days prior to the sale, by certified mail, by the The agency in control of the land, a tract, parcel, or piece of land, or part thereof, which is unused right-of-way shall send by certified mail to the last known address of the present owner of adjacent land from which the tract, parcel, piece of land, or part thereof, was originally bought purchased or condemned for highway purposes, and if located in a city, to the mayor to the person who owned the land at the time it was purchased or condemned for highway purposes, notice of the agency's intent to sell the land, the name and address of any other person to whom a notice was sent, and the fair market value of the real property based upon an appraisal by an independent appraiser.

2. The notice shall give an opportunity to the present owner of adjacent property and to the person who owned the land at the time it was purchased or condemned for highway purposes to be heard and make offers within sixty days of the date the notice is mailed for the tract, parcel, or piece of land to be sold, and if the offer is equal to. An offer which equals or exceeds in amount any other offer received, it and which equals or exceeds the fair market value of the property shall be given preference by the agency in control of the land. Neglect or failure for any reason, to comply with the notice, does not prevent the giving of a clear title to the purchaser of the tract, parcel, or piece of land. If no offers are received within sixty days or if no offer equals or exceeds the fair market value of the land, the agency shall transfer the land for a public purpose or proceed with the sale of the property.

3. For the purposes of this section, "public purpose" means the transfer to a state agency or a city, county, or other political subdivision for a public purpose.

Sec. 3. APPLICABILITY DATE. Section 2 of this Act applies only to decisions to dispose of unused right-of-way made on or after July 1, 1997.

Approved May 19, 1997

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## CHAPTER 150

### CONSTRUCTION OR EXPANSION OF ANIMAL FEEDING OPERATION STRUCTURES

S.F. 472

**AN ACT** prohibiting a habitual violator or person charged with violation from constructing or expanding an animal feeding operation structure, and providing an effective date.

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

Section 1. **NEW SECTION. 455B.202 CONFINEMENT FEEDING OPERATIONS — PENDING ACTIONS AND HABITUAL VIOLATORS.**

1. As used in this section, "construction" means the same as defined by rules adopted by the department applicable to the construction of animal feeding operation structures as provided in this part.

2. a. A person shall not construct or expand an animal feeding operation structure which is part of a confinement feeding operation, if the person is a party to a pending action for a violation of this chapter concerning a confinement feeding operation in which the person has a controlling interest and the action is commenced in district court by the attorney general.

b. A person shall not construct or expand an animal feeding operation structure which is part of a confinement feeding operation for five years after the date of the last violation committed by a person or confinement feeding operation in which the person holds a controlling interest during which the person or operation was classified as a habitual violator under section 455B.191.

3. This section shall not prohibit a person from completing the construction or expansion of an animal feeding operation structure, if any of the following apply:

a. The person has an unexpired permit for the construction or expansion of the animal feeding operation structure.

b. The person is not required to obtain a permit for the construction or expansion of the animal feeding operation structure.