

306.22 Sale of unused right-of-way.

When title to any tract of land has been or may be acquired for the construction or improvement of any highway, and when in the judgment of the agency in control of the highway, the tract will not be used in connection with or for the improvement, maintenance, or use of the highway, the agency in control of the highway may sell the tract for cash.

The department may contract for the sale of any tract of land subject to the following terms and conditions:

1. The discounted present market value of the contract offer, including the cash down payment, shall exceed one hundred ten percent of the highest cash offer submitted for the tract if a cash offer is received. The discount rate shall be the rate of interest stated in the contract.
2. The cash down payment shall be equal to or in excess of five percent of the total purchase price.
3. The term of the contract shall not exceed ten years.
4. The rate of interest stated in the contract shall not be less than the prevailing rate of interest charged on contract land sales by sellers in the county or general area in which the tract of land is located.
5. The department shall advertise for cash bids and contract offers before accepting a contract offer.
6. The appraised value of property sold under a land contract sale shall be at least five thousand dollars.
7. Any tract of land sold on contract shall be listed on the tax rolls by and taxed to the contract purchaser, as provided in [chapters 428](#) and [443](#); assessed and valued as provided in [chapter 441](#); taxes levied as provided in [chapter 444](#); collected as provided in [chapter 445](#); and subject to tax sale, redemption, and apportionment of taxes as provided in [chapters 446](#) to [449](#). The contract purchaser shall discharge and pay all taxes.

If any tract of land is sold, the sale shall be subject to the right of a utility association, company, or corporation to continue in possession of a right-of-way in use at the time of the sale.

[C35, §4755-f1; C39, **§4755.44**; C46, 50, §313.53; C54, 58, 62, 66, §306.16; C71, 73, 75, 77, 79, 81, §306.22]

86 Acts, ch 1245, §1987; 92 Acts, ch 1163, §71

Referred to in [§306.42](#)