

### **6B.56 Disposition of condemned property.**

1. If all or a portion of 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 acquiring agency seeks to dispose of the unused real property, the acquiring agency shall first offer the unused real property for sale to the prior owner of the condemned property as provided in [this section](#). If real property condemned pursuant to [this chapter](#) is used for the purpose stated in the application filed pursuant to [section 6B.3](#) and the acquiring agency seeks to dispose of the real property by sale to a private person or entity within five years after acquisition of the property, the acquiring agency 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. *a.* Before the real property described in [subsection 1](#) may be offered for sale to the general public, the acquiring agency shall notify the prior owner of such real property in writing of the acquiring agency's intent to dispose of the real property, of the current appraised value of the real property to be offered for sale, and of the prior owner's right to purchase the real property to be offered for sale within sixty days from the date the notice is served at a price equal to the current appraised value of the real property to be offered for sale or the fair market value of the property to be offered for sale at the time it was acquired by the acquiring agency from the prior owner plus cleanup costs incurred by the acquiring agency for the property to be offered for sale, whichever is less. However, the current appraised value of the real property to be offered for sale shall be the purchase price to be paid by the previous owner if any other amount would result in a loss of federal funding for projects funded in whole or in part with federal funds. The notice sent by the acquiring agency as provided in [this subsection](#) shall be filed with the office of the recorder in the county in which the real property is located.

*b.* For purposes of [this subsection](#), "cleanup costs" means costs incurred to abate a nuisance or a public nuisance as those terms are defined in [chapters 657](#) and [657A](#) and costs incurred to recycle and remediate land pursuant to [chapter 455H](#).

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 acquiring agency 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](#).

[97 Acts, ch 149, §1; 2006 Acts, 1st Ex, ch 1001, §20 – 22, 49; 2008 Acts, ch 1032, §201; 2015 Acts, ch 138, §145, 146, 148, 150](#)

Referred to in [§6B.56A](#)

2015 amendments to subsection 1 and subsection 2, paragraph a, take effect July 2, 2015, and apply to disposition of condemned property occurring on or after that date; 2015 Acts, ch 138, §148, 150

Subsection 1 amended

Subsection 2, paragraph a amended