

**358C.12 Real estate improvement district to be a body corporate — eminent domain.**

1. Each district organized under [this chapter](#) shall be a body corporate and politic, with the name and style under which it was organized, and by that name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and exercise all the powers conferred in [this chapter](#).

2. All courts of this state shall take judicial notice of the existence of real estate improvement districts organized under [this chapter](#).

3. A district shall not own or hold land in excess of ten acres unless the land is actually used for a public purpose within three years of its acquisition. A district which owns or holds land in excess of ten acres for more than three years without devoting it to a public purpose as provided in [this chapter](#) shall divest itself of the land by public auction to the highest bidder.

4. A district may acquire by purchase, condemnation, or gift, real or personal property, right-of-way, and easement within or without its corporate limits necessary for its corporate purposes specified in [section 358C.4](#).

5. If the board of trustees of the district decide to make a public improvement pursuant to [this chapter](#) which requires that private property be taken or damaged, the board may exercise the power of eminent domain. The procedure to condemn property shall be exercised in the manner provided in [chapter 6B](#).

6. A district shall comply with all city building and use codes for owner-occupied residential housing and shall comply with all city design and construction standards for the public improvements authorized in [section 358C.4](#).

7. A district shall not incorporate as a city if all or the major part of the district is within two miles of the boundaries of a city at the time the district is approved.

8. The provisions of [chapters 21](#) and [22](#) applicable to cities, counties, and school districts apply to the district. The records of the district are subject to audit pursuant to [section 11.6](#).

[95 Acts, ch 200, §12](#)