

6B.56A Disposition of condemned property — five-year time period.

1. When five years have elapsed since property was condemned and all or a portion of the property has not been used for the purpose stated in the application filed pursuant to [section 6B.3](#), and the acquiring agency has not taken action to dispose of the unused property pursuant to [section 6B.56](#), the acquiring agency shall, within sixty days, adopt a resolution reaffirming the purpose for which the unused property will be used or offering the unused property for sale to the prior owner at a price as provided in [section 6B.56](#). However, if all or a portion of such property was condemned for the creation of a lake subject to the requirements of [section 6A.22, subsection 2](#), paragraph “c”, subparagraph (1), subparagraph division (b), the acquiring agency shall not adopt a resolution reaffirming the purpose for which the property was to be used and shall instead adopt a resolution offering the property for sale to the prior owner at a price as provided in [section 6B.56](#). If the resolution adopted approves an offer of sale to the prior owner, the offer shall be made in writing and mailed by certified mail to the prior owner. The prior owner has one hundred eighty days after the offer is mailed to purchase the property from the acquiring agency.

2. If the acquiring agency has not adopted a resolution described in [subsection 1](#) within the sixty-day time period, the prior owner may, in writing, petition the acquiring agency to offer the property for sale to the prior owner at a price as provided in [section 6B.56](#). Within sixty days after receipt of such a petition, the acquiring agency shall adopt a resolution described in [subsection 1](#). If the acquiring agency does not adopt such a resolution within sixty days after receipt of the petition, the acquiring agency is deemed to have offered the property for sale to the prior owner.

3. The acquiring agency shall give written notice to the owner of the right to purchase the property under [this section](#) at the time damages are paid to the owner.

4. [This section](#) does not apply to property acquired for street and highway projects undertaken by the state, a county, or a city.

[2006 Acts, 1st Ex, ch 1001, §23, 49; 2015 Acts, ch 138, §147, 148, 150](#)

2015 amendment to subsection 1 takes effect July 2, 2015, and applies to disposition of condemned property occurring on or after that date; 2015 Acts, ch 138, §148, 150