

**306.23 Notice — preference of sale.**

1. The agency in control of a tract, parcel, or piece of land, or part thereof, which is unused right-of-way shall send 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 purchased or condemned for highway purposes, and 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 one of the following:

a. An appraisal by an independent appraiser.

b. A comparable sales market analysis if the agency is the department, the sale is not a contract sale under [section 306.22, subsection 2](#), and the determined fair market value is fifty thousand dollars or less.

2. Notice required under [subsection 1](#) shall be hand-delivered or sent by verified mail, as defined in [section 578A.2](#). Hand-delivered notice is deemed delivered when the recipient signs an acknowledgment of delivery. Notice sent by verified mail is deemed delivered when the notice is deposited with the United States postal service or private delivery service, and such notice is properly addressed with postage prepaid.

3. 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. An offer which equals or exceeds in amount any other offer received and which equals or exceeds the fair market value of the property shall be given preference by the agency in control of the 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.

4. 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.

[C35, §4755-f2; C39, §4755.45; C46, 50, §313.54; C54, 58, 62, 66, §306.17; C71, 73, 75, 77, 79, 81, §306.23; [81 Acts, ch 98, §1](#); [82 Acts, ch 1104, §7](#)]

[87 Acts, ch 35, §1](#); [97 Acts, ch 149, §2, 3](#); [2024 Acts, ch 1060, §1, 2](#)

Referred to in [§331.361](#)

Subsection 1 amended

NEW subsection 2 and former subsections 2 and 3 renumbered as 3 and 4