

465C.11 Area held in trust.

1. An area designated as a preserve within the system is hereby declared put to its highest, best, and most important use for public benefit. It shall be held in trust and shall not be alienated except to another public use upon a finding by the department of imperative and unavoidable public necessity and with the approval of the commission, the general assembly by concurrent resolution, and the governor. The department's interest or interests in any area designated as a preserve shall not be taken under the condemnation statutes of this state without such a finding of imperative and unavoidable public necessity by the department, and with the consent of the commission, the general assembly by concurrent resolution, and the governor.

2. The department, with the approval of the governor, may enter into amendments to any articles of dedication upon its finding that such amendment will not permit an impairment, disturbance, or development of the area inconsistent with the purposes of [this chapter](#).

3. Before the department shall make a finding of imperative and unavoidable public necessity, or shall enter into any amendment to articles of dedication, the department shall provide notice of such proposal and opportunity for any person to be heard. Such notice shall be published at least once in a newspaper with a general circulation in the county or counties wherein the area directly affected is situated, and mailed within ten days of such published notice to all persons who have requested notice of all such proposed actions. Each notice shall set forth the substance of the proposed action and describe, with or without legal description, the area affected, and shall set forth a place and time not less than sixty days thence for all persons desiring to be heard to have reasonable opportunity to be heard prior to the finding of the department.

[C66, 71, 73, 75, 77, 79, 81, §111B.11]

[86 Acts, ch 1245, §1877](#)

C93, §465C.11

[2018 Acts, ch 1041, §97](#); [2024 Acts, ch 1170, §341](#)

Section amended