

MAY 3 1973

Place On Calendar

HOUSE FILE 741

By COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

Passed House, Date 5-14-73 (1215) Passed Senate, Date 6-23-73 (2095)

Vote: Ayes 85 Nays 0 Vote: Ayes 42 Nays 0

Approved 7-12-73

A BILL FOR

1 An Act relating to eminent domain.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter four hundred seventy-two (472), Code
2 1973, is amended by adding the following new section:

3 NEW SECTION. In any condemnation proceedings instituted
4 under this chapter by the state highway commission in any
5 court of the state wherein the property owner has delivered
6 proper notice of appeal to the sheriff of the proper county
7 with the intent that it be served immediately upon the per-
8 son selected by the owner from among those persons designated
9 for such service in section four hundred seventy-two point
10 nineteen (472.19) of the Code, the delivery of the notice
11 of appeal to the sheriff shall be deemed a commencement of
12 the appeal proceedings. If the sheriff, after delivery to
13 him of notice of appeal, fails or is unable to serve the no-
14 tice of appeal upon such designated person within the statu-
15 tory period required under section four hundred seventy-two
16 point eighteen (472.18) of the Code, such inability or fail-
17 ure shall not deprive the court of jurisdiction of the appeal
18 if the property owner shall, within twenty days after delivery
19 of notice of appeal to the sheriff, make application for fur-
20 ther direction as to service to the proper district court
21 as provided by section four hundred seventy-two point nine-
22 teen (472.19) of the Code.

23 Sec. 2. Any condemnation proceeding pending or filed sub-
24 sequent to December 1, 1971 which has been dismissed by rea-
25 son of the failure to serve notice of appeal on a person as
26 selected from among the three persons designated in section
27 four hundred seventy-two point nineteen (472.19) of the Code,
28 within the statutory period required under section four hun-
29 dred seventy-two point eighteen (472.18) of the Code, shall
30 be reinstated by the court wherein such proceeding was dis-
31 missed, after notice and hearing as prescribed by the court.

32 EXPLANATION

33 This bill requires reinstatement by the court of any con-
34 demnation proceeding which has been dismissed, because the
35 appellant property owner was unable to complete service of

1 the notice of appeal within thirty days as required by sec-
2 tion 472.19 of the Code, if the property owner within twenty
3 days after timely delivery of notice to the sheriff within
4 the thirty-day period shall make application for further di-
5 rection to the proper district court as provided in section
6 472.19 of the Code.

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