

SENATE FILE 2068

State Government
Nystrom, Chairperson
Glenn
Coleman

Reprinted

FILED JAN 26 1978

SENATE FILE 2068

By SCHWENGELS

Passed Senate, Date 3-15-78 (p. 578) Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to transfer of rights-of-way between the
2 state and political subdivisions of the state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SENATE FILE 2068

S-5330

1 Amend Senate File 2068 as follows:
2 1. Page 2, line 15, by inserting after the word
3 "sections" the words and figures "three hundred six
4 point twenty-two (306.22), three hundred thirty-two
5 point three (322.3), subsection thirteen (13),
6 sections".

S-5330 FILED *w/d 3/15* BY MINNETTE DODERER, CHAIRPERSON
MARCH 8, 1978 (*p. 577*) COMMITTEE ON STATE GOVERNMENT

SENATE FILE 2068

S-5155

1 Amend Senate File 2068 as follows:
2 1. Page 2, line 15, by inserting after the word
3 "sections" the words and figures "three hundred six
4 point twenty-two (306.22), three hundred thirty-two
5 point three (332.3), subsection thirteen (13),
6 sections".

S-5155 FILED - *Adopted 3/15 (577)* BY FORREST V. SCHWENGELS
FEBRUARY 8, 1978

1 Section 1. Chapter three hundred six (306), Code 1977,
2 as amended by Acts of the Sixty-seventh General Assembly,
3 1977 Session, chapter ninety-nine (99), is amended by adding
4 the following new section.

5 NEW SECTION.

6 1. This section is intended to vest all documents of title
7 in road right-of-way in the jurisdiction responsible for the
8 road. This section establishes a simple method to transfer
9 road rights-of-way by quit claim deed and to authorize the
10 use of available descriptions, plats, maps or engineering
11 drawings to effect such transfers and to provide an orderly
12 method by which such transfers may be filed, indexed and
13 recorded.

14 2. The state department of transportation shall transfer
15 by quit claim deed to the county or to the city having
16 jurisdiction over a road, all of the state's legal or equitable
17 title and interest in right-of-way for the road or street
18 and may transfer any adjacent unused right-of-way or land
19 in excess of that needed as right-of-way. The deed shall
20 be executed by the director of the department by order of
21 the state transportation commission.

22 3. The county or the city shall transfer by quit claim
23 deed to the state department of transportation when having
24 jurisdiction over a road, all of the county's or the city's
25 legal or equitable title and interest in rights-of-way for
26 the road and may transfer any adjacent unused right-of-way
27 or land in excess of that needed as right-of-way. The deed
28 shall be executed by the chairman of the board of supervisors
29 by order of the board for county roads and by the mayor or
30 city manager by order of the city council for city streets.

31 4. Transfers under this section shall be subject to the
32 right of a utility, association, company or corporation to
33 continue in possession of a right-of-way in use at the time
34 of the transfer. Transfers shall be subject to rights of
35 ingress and egress whether excepted, reserved or granted by

1 the transferring authority to land or to owners of land
2 adjacent to the right-of-way. Transfers shall include an
3 index of parcels transferred by the character of the instrument
4 or proceeding, the grantor and grantee, and date of the last
5 instrument or proceeding acquiring rights to each parcel.
6 Transfers shall locate the right-of-way by quarter-quarter
7 section, township and range or if so acquired, by lot, block
8 and subdivision. The transferring jurisdiction shall transmit
9 to the receiving jurisdiction all available original documents
10 of title or a certified true copy if the right-of-way was
11 acquired by condemnation or the original deed is lost.
12 Transfers shall be recorded and indexed in the county in which
13 the land is located.

14 5. Notwithstanding requirements of chapter one hundred
15 fourteen (114) and sections three hundred sixty-four point
16 seven (364.7), four hundred nine point twelve (409.12), four
17 hundred nine point fourteen (409.14) and four hundred seventy-
18 one point twenty (471.20) of the Code, legal descriptions,
19 plats, maps or engineering drawings used to describe transfers
20 of right-of-way shall, where available, be descriptions,
21 plats, maps or engineering drawings of record and shall be
22 incorporated by reference to such title instrument or
23 proceedings. Where a part but not all of the land acquired
24 by a single conveyance or condemnation is being transferred,
25 the description of that part to be transferred shall be
26 abstracted from the present legal description, plat, map or
27 engineering drawing of record.

28 Sec. 2. The provisions of this Act shall become effective
29 January 1, 1979.

30 EXPLANATION

31 This bill provides a procedure for the transfer of title
32 and interest to road rights-of-way owned by a jurisdiction
33 that is not responsible for the road to the jurisdiction that
34 is responsible of the road. Transfers among the state,
35 counties, and cities are provided for with indexing and

1 recording requirements in the county in which the right-of-
2 way is located.

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21 the state transportation commission.

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34 of the transfer. Transfers shall be subject to rights of
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15 fourteen (114) and sections three hundred six point twenty-
16 two (306.22), three hundred thirty-two point three (332.3),
17 subsection thirteen (13), sections three hundred sixty-four
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SF 2068
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SENATE FILE 2068

AN ACT

RELATING TO TRANSFER OF RIGHTS-OF-WAY BETWEEN THE STATE
AND POLITICAL SUBDIVISIONS OF THE STATE.

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

Section 1. Chapter three hundred six (306), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter ninety-nine (99), is amended by adding the following new section:

NEW SECTION.

1. This section is intended to vest all documents of title in road right-of-way in the jurisdiction responsible for the road. This section establishes a simple method to transfer road rights-of-way by quit claim deed and to authorize the use of available descriptions, plats, maps or engineering drawings to effect such transfers and to provide an orderly method by which such transfers may be filed, indexed and recorded.

2. The state department of transportation shall transfer by quit claim deed to the county or to the city having jurisdiction over a road, all of the state's legal or equitable title and interest in right-of-way for the road or street and may transfer any adjacent unused right-of-way or land in excess of that needed as right-of-way. The deed shall be executed by the director of the department by order of the state transportation commission.

3. The county or the city shall transfer by quit claim deed to the state department of transportation when having jurisdiction over a road, all of the county's or the city's legal or equitable title and interest in rights-of-way for the road and may transfer any adjacent unused right-of-way or land in excess of that needed as right-of-way. The deed

shall be executed by the chairman of the board of supervisors by order of the board for county roads and by the mayor or city manager by order of the city council for city streets.

4. Transfers under this section shall be subject to the right of a utility, association, company or corporation to continue in possession of a right-of-way in use at the time of the transfer. Transfers shall be subject to rights of ingress and egress whether excepted, reserved or granted by the transferring authority to land or to owners of land adjacent to the right-of-way. Transfers shall include an index of parcels transferred by the character of the instrument or proceeding, the grantor and grantee, and date of the last instrument or proceeding acquiring rights to each parcel. Transfers shall locate the right-of-way by quarter-quarter section, township and range or if so acquired, by lot, block and subdivision. The transferring jurisdiction shall transmit to the receiving jurisdiction all available original documents of title or a certified true copy if the right-of-way was acquired by condemnation or the original deed is lost. Transfers shall be recorded and indexed in the county in which the land is located.

5. Notwithstanding requirements of chapter one hundred fourteen (114) and sections three hundred six point twenty-two (306.22), three hundred thirty-two point three (332.3), subsection thirteen (13), sections three hundred sixty-four point seven (364.7), four hundred nine point twelve (409.12), four hundred nine point fourteen (409.14) and four hundred seventy-one point twenty (471.20) of the Code, legal descriptions, plats, maps or engineering drawings used to describe transfers of right-of-way shall, where available, be descriptions, plats, maps or engineering drawings of record and shall be incorporated by reference to such title instrument or proceedings. Where a part but not all of the land acquired by a single conveyance or condemnation is being transferred, the description of that part to be transferred shall be

abstracted from the present legal description, plat, map or engineering drawing of record.

Sec. 2. The provisions of this Act shall become effective January 1, 1979.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2068, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved _____, 1978

ROBERT D. RAY
Governor