

Agriculture  
Hester, Chairperson  
Hulse  
Priebe

FILED FEB 20 1980

SENATE FILE 2230

By TAYLOR

Passed Senate, Date 3/28/80 (p. 1145) Passed House, Date 4/11/80 (P1554)  
Vote: Ayes 37 Nays 2 Vote: Ayes 61 Nays 24  
Approved 5/26/80

### A BILL FOR

1 An Act relating to the reversion of railroad property out-  
2 side of a city or contiguous to agricultural land in  
3 a city.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5

SENATE FILE 2230

S-5555

1 Amend Senate File 2230 as follows:  
2 1. Page 1, by striking lines 4 through 10 and  
3 inserting in lieu thereof the following:  
4 "NEW UNNUMBERED PARAGRAPH. The provisions of this  
5 section requiring the filing of a verified claim shall  
6 not apply to the reversion of railroad property outside  
7 the limits of a city or contiguous to property  
8 classified as agricultural property within the limits  
9 of a city if the reversion is caused by the property  
10 being abandoned for railway purposes and the  
11 abandonment occurs after the effective date of this  
12 Act. The holder of such a reversionary interest may  
13 bring an action based upon the interest regardless of  
14 whether a verified claim has been filed under this  
15 section at any time after July 4, 1965."

S-5555 FILED

MARCH 27, 1980

*Adopted 3/28 (p. 1144)*

BY RAY TAYLOR

ARTHUR A. SMALL, JR.

RICHARD R. RAMSEY

1 Section 1. Section six hundred fourteen point twenty-four  
2 (614.24), Code 1979, is amended by adding the following new  
3 unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The provisions of this section  
5 do not apply to reversions of railroad property outside the  
6 limits of a city or contiguous to property classified as  
7 agricultural property for tax purposes within the limits of  
54928 a city.

9 Sec. 2. This Act takes effect January first following  
10 its enactment.

11 EXPLANATION

12 This bill provides that the statute prohibiting the bringing  
13 of an action based on a reversionary interest or use  
14 restriction which has not been recorded or a claim filed  
15 within twenty-one years does not apply to the reversion of  
16 railroad property outside the limits of a city or contiguous  
17 to agricultural property within the limits of a city.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

S-5461

SENATE FILE 2230

1 Amend Senate File 2230 as follows:

- 2 1. Page 1, line 4, by inserting after the word
- 3 "section" the following: "requiring the filing of
- 4 a verified claim,".
- 5 2. Page 1, line 8, by inserting after the word
- 6 "city" the following: ", and the holder of such a
- 7 reversionary interest may bring an action based upon
- 8 the interest regardless of whether a verified claim
- 9 has been filed at any time subsequent to July 4, 1965
- 10 under this section".

S-5461 FILED  
MARCH 20, 1980

BY RAY TAYLOR

*w/d 3/25 (p. 1054)*

S-5492

SENATE FILE 2230

1 Amend Senate File 2230 as follows:

- 2 1. Page 1, by striking lines 8 through 10 and
- 3 inserting in lieu thereof the following: "a city,
- 4 created by deed, conveyance, contract or will, which
- 5 instruments were executed after July 1, 1980."

S-5492 FILED  
MARCH 21, 1980

BY RAY TAYLOR  
DICK RAMSEY

*Adopted 3/25 (p. 1054)*  
*Motion to reconsider (p. 1068) w/d 3/28*  
*" " " prevailed 3/28*  
*Reconsidered w/d 3/28 (p. 1144)*

Agriculture: Hummel, Chair; Van Maanen and Hinkhouse.

SENATE FILE 2230

By TAYLOR

(AS AMENDED AND PASSED BY THE SENATE MARCH 28, 1980)

Passed Senate, Date 4/26/80 (p.1803) Passed House, Date 4/11/80 (p.1554)

Vote: Ayes 40 Nays 8 Vote: Ayes 61 Nays 24

Approved May 26, 1980  
*motion to reconsider. Tabled 4/15*

### A BILL FOR

1 An Act relating to the reversion of railroad property out-  
2 side of a city or contiguous to agricultural land in  
3 a city.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

**██████████** = New Language  
by the Senate

5997 amended  
5992 >

1 Section 1. Section six hundred fourteen point twenty-four  
2 (614.24), Code 1979, is amended by adding the following new  
3 unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The provisions of this section  
5 requiring the filing of a verified claim shall not apply to  
6 the reversion of railroad property outside the limits of a  
7 city or contiguous to property classified as agricultural  
8 property within the limits of a city if the reversion is  
9 caused by the property being abandoned for railway purposes  
10 and the abandonment occurs after the effective date of this  
11 Act. The holder of such a reversionary interest may bring  
12 an action based upon the interest regardless of whether a  
13 verified claim has been filed under this section at any time  
14 after July 4, 1965.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SENATE FILE 2230

S-5830

1 Amend the House amendment S-5748 to Senate File 2230  
2 as amended, passed and reprinted by the Senate as follows:  
3 1. Page 1, line 10, by inserting after the word  
4 "way" the words "with a right of reversion".

S-5830 FILED

BY ARTHUR A. SMALL, JR.

APRIL 23, 1980

*w/d 4/26 (p. 1802)*

SENATE FILE 2230

S-5833

1 Amend the House Amendment S-5748 to Senate File  
2 2230 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by striking lines 14 through 17 and in-  
5 serting in lieu thereof the following: "shall revert  
6 at the time of abandonment to the owner of the property  
7 from which the right of way was originally taken."

S-5833 FILED

BY ARTHUR A. SMALL, JR.

APRIL 23, 1980

*w/d 4/26 (p. 1802)*

SENATE FILE 2230

S-5854

1 Amend the House amendment S-5748 to Senate File  
2 2230 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 3, by inserting after line 8, the following:  
5 "\_\_\_\_. Page 1, by inserting after after line 14 the  
6 following new section:  
7 "Sec. \_\_\_\_\_. The department of transportation in  
8 cooperation with the department of agriculture and the  
9 conservation commission shall catalog all railroad  
10 beds which have been abandoned in this state after  
11 January 1, 1978, and all railroad beds which are scheduled  
12 to be abandoned in the future and determine which railroad  
13 beds should be acquired or retained for future use. The  
14 department shall submit to the general assembly by  
15 January 15, 1981, any legislative proposals necessary to  
16 carry out the provisions of this paragraph.""

S-5854 FILED

BY ARTHUR A. SMALL, JR.

APRIL 24, 1980

*w/d 4/26 (p. 1802)*

SENATE FILE 2230

S-5855

1 Amend the House amendment S-5748 to Senate File  
2 2230 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, lines 7 and 8, by striking the words  
5 "section and inserting in lieu thereof the following:"  
6 and inserting in lieu thereof the word "section".  
7 2. Page 1, by striking lines 9 through 41.

S-5855 FILED

BY ARTHUR A. SMALL, JR.

APRIL 24, 1980

*w/d 4/26 (p. 1802)*

SENATE FILE 2230

S-5776

- 1 Amend the House amendment S-5748 to Senate File  
2 2230 as amended, passed and reprinted by the Senate  
3 as follows:  
A 4 1. Page 1, line 24, by striking the word "rail"  
5 and inserting in lieu thereof the word "public".  
6 2. Page 1, lines 36 and 37, by striking the words  
B 7 "if it is used for railway purposes".  
8 3. Page 1, line 39, by striking the word "railway"  
A 9 and inserting in lieu thereof the word "public".

S-5776 FILED

BY ARTHUR A. SMALL, JR.

APRIL 21, 1980

DIVISION A - LOST (p. 1548)

DIVISION B - (DEFERRED)

*Lost 4/22 (p. 1564)*

SENATE FILE 2230

S-5780

- 1 Amend the House amendment S-5748 to Senate File 2230  
2 as amended, passed and reprinted by the House as follows:  
3 1. Page 1, by striking lines 5 through-41.

S-5780 FILED

BY ARTHUR A. SMALL, JR.

APRIL 21, 1980

*Lost 4/22 (p. 1564)*

S-5796

- 1 Amend the House amendment S-5748 to Senate File  
2 2230 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, by inserting before line 5 the following:  
5 "Section 1. Section three hundred twenty-seven  
6 G point seventy-six (327G.76), Code 1979, is amended  
7 by striking the section."  
8 2. Page 1, line 29, by inserting after the word  
9 "purposes" the words ", including reversionary rights  
10 granted under subsection one (1) of this section,".

S-5796 FILED

BY DICK RAMSEY

APRIL 22, 1980

*4/26 (p. 1802)*

SENATE FILE 2230

S-5820

- 1 Amend the House amendment S-5748 to Senate File 2230  
2 as amended, passed and reprinted by the Senate as follows:  
3 1. Page 1, line 10, by inserting after the word  
4 "way" the words "with a right reverter".

S-5820 FILED

BY ARTHUR A. SMALL, JR.

APRIL 22, 1980

*4/26 (p. 1802)*

HOUSE AMENDMENT TO SENATE FILE 2230

S-5748

1 Amend Senate File 2230 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section three hundred twenty-seven  
6 G point seventy-seven (327G.77), Code 1979, is amended  
7 by striking the section and inserting in lieu thereof  
8 the following:

9 327G.77 REVERSION OF RAILROAD RIGHT OF WAY.

10 1. If a railroad right of way acquired by  
11 condemnation is abandoned by order of the federal  
12 interstate commerce commission or the state  
13 transportation regulation board, that right of way  
14 shall revert to owners of the adjacent properties  
15 at the time of the abandonment. If there are different  
16 owners on each side of the right of way, each owner  
17 shall take title to the center of the right of way.  
18 The provisions of section six hundred fourteen point  
19 twenty-four (614.24) of the Code requiring the filing  
20 of a verified claim shall not apply to the reversionary  
21 interest granted by this subsection.

22 2. If the state department of transportation finds  
23 that a railroad right of way is suitable for present  
24 or future rail use at least fifteen days before the  
25 effective date of an order of abandonment and the  
26 railroad right of way was acquired by condemnation,  
27 deed or conveyance and is subject to a reversionary  
28 interest, the reversion which would occur upon the  
29 abandonment of the right of way for railway purposes  
30 shall not occur until two years after the effective  
31 date of the order of abandonment by the federal  
32 interstate commerce commission or the state  
33 transportation regulation board. During that two  
34 year period another railroad company or the state  
35 may succeed to the interest of the abandoning railroad  
36 company in the right of way if it is used for railway  
37 purposes. A railroad company or the state which  
38 succeeds to that interest shall hold that interest  
39 as long as it is used for railway purposes subject  
40 to the interests as when it was held by the abandoning  
41 railroad company.

42 Sec. 2. Section four hundred seventy-one point  
43 six (471.6), Code 1979, is amended to read as follows:

44 471.6 RAILWAYS. Any The state or any railway,  
45 ~~incorporated under the laws of the United States or~~  
46 ~~of any state thereof,~~ corporation may acquire by  
47 condemnation or otherwise so much real-estate property  
48 as may be necessary for the location, construction,  
49 and convenient use of its a railway. Such The  
50 acquisition shall carry the right to use for the

PAGE 2

1 construction and repair of ~~said~~ the railway and its  
2 appurtenances any earth, gravel, stone, timber, or  
3 other material, on or from the land ~~so~~ taken.

4 Sec. 3. Section four hundred seventy-one point  
5 nine (471.9), Code 1979, is amended to read as follows:  
6 471.9 ADDITIONAL PURPOSES. Any-such The state  
7 or a railway corporation owning, operating, or  
8 constructing a railway may, by condemnation or  
9 otherwise, acquire lands for the following additional  
10 purposes:

11 1. For necessary additional depot grounds or  
12 yards.

13 2. ~~For the purpose of~~ constructing a track or  
14 tracks to any mine, quarry, gravel pit, ~~manufactory~~  
15 manufacturing plant, warehouse, or mercantile  
16 establishment.

17 3. For additional or new right of way for  
18 constructing double track, reducing or straightening  
19 curves, changing grades, shortening or relocating  
20 portions of the line, and for excavations, embankments,  
21 or places for depositing waste earth.

22 4. ~~For the purpose of constructing water stations,~~  
23 ~~dams or reservoirs for supplying its engines with~~  
24 water preservation of abandoned railroad right-of-  
25 way for future railroad use.

26 Sec. 4. Section five hundred fifty-eight point  
27 forty-four (558.44), Code 1979, is amended by adding  
28 the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. If a real estate contract  
30 or lease is required to be recorded under this section,  
31 the requirement is satisfied by recording either the  
32 entire real estate contract or lease or a memorandum  
33 of the contract or lease containing at least the names  
34 and addresses of all parties named in the contract  
35 or lease, a description of all real property and  
36 interests therein subject to the contract or lease,  
37 the length of the contract or initial term of the  
38 lease, and in the case of a lease a statement as to  
39 whether any of the named parties have or are subject  
40 to renewal rights, and if so, the event or condition  
41 upon which renewal occurs, the number of renewal terms  
42 and the length of each, and in the case of a real  
43 estate contract a statement as to whether the seller  
44 is entitled to the remedy of forfeiture and as to  
45 the dates upon which payments are due. This unnumbered  
46 paragraph is effective July 1, 1980 for all contracts  
47 and leases of agricultural land made on or after July  
48 1, 1980.

49 Sec. 5. Section five hundred fifty-eight point  
50 forty-four (558.44), unnumbered paragraph five (5),  
PAGE 3

1 Code 1979, is amended to read as follows:

2 The provisions of this section except as otherwise  
3 provided, are effective July 1, 1979, for all  
4 conveyances and leases of agricultural land made on  
5 or after July 1, 1979."

6 2. Page 1, by striking lines 6 through 8 and in-  
7 serting in lieu thereof the words "the reversion of  
8 railroad property if the reversion is".

9 3. By renumbering the sections to conform with  
10 this amendment.

H-6026

1 Amend amendment H-5992 to Senate File 2230 as  
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 41 the following:

4 "Sec. \_\_\_\_\_ Section five hundred fifty-eight point  
5 forty-four (558.44), Code 1979, is amended by adding the  
6 following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. If a real estate con-  
8 tract or lease is required to be recorded under this  
9 section, the requirement is satisfied by recording  
10 either the entire real estate contract or lease or  
11 a memorandum of the contract or lease containing at  
12 least the names and addresses of all parties named in  
13 the contract or lease, a description of all real pro-  
14 perty and interests therein subject to the contract or  
15 lease, the length of the contract or initial term of  
16 the lease, and in the case of a lease a statement as  
17 to whether any of the named parties have or are sub-  
18 ject to renewal rights, and if so, the event or con-  
19 dition upon which renewal occurs, the number of re-  
20 newal terms and the length of each, and in the case  
21 of a real estate contract a statement as to whether  
22 the seller is entitled to the remedy of forfeiture  
23 and as to the dates upon which payments are due. This  
24 unnumbered paragraph is effective July 1, 1980 for all  
25 contracts and leases of agricultural land made on or  
26 after July 1, 1980.

27 Sec. \_\_\_\_\_ Section five hundred fifty-eight point  
28 forty-four (558.44), unnumbered paragraph five (5),  
29 Code 1979, is amended to read as follows:

30 The provisions of this section except as other-  
31 wise provided, are effective July 1, 1979, for all  
32 conveyances and leases of agricultural land made on  
33 or after July 1, 1979."

H-6026 FILED  
APRIL 11, 1980  
ADOPTED (p. 1551)

BY SHIMANEK of Jones  
SCHROEDER of Pottawattamie  
HUMMEL of Benton

## SENATE FILE 2230

H-6030

1 Amend amendment H-5992 to Senate File 2230 as  
2 follows:

3 1. Page 1, line 24, by inserting after the word  
4 "use" the following: "or the state conservation  
5 commission finds that the railroad right of way is  
6 suitable for present or future recreational use".

7 2. Page 1, line 41, by adding after the word  
8 "company." the following: "If the state department  
9 of transportation determines that the railroad right  
10 of way is not suitable for present or future rail use,  
11 or if after two years no railroad company has  
12 exercised its claim to use of the railroad right of  
13 way for railway purposes, then the state conservation  
14 commission shall have the option to purchase the  
15 land."

H-6030 FILED  
APRIL 11, 1980  
LOST (p. 1551)

BY BRANDT of Black Hawk

SENATE FILE 2230

H-6025

1 Amend amendment H-5992 to Senate File 2230, as  
2 amended, passed and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking line 41 and inserting in  
5 lieu thereof the following: "abandoning railroad  
6 company.

7 Sec. 2. Section four hundred seventy-one point  
8 six (471.6), Code 1979, is amended to read as follows:

9 471.6 RAILWAYS. Any The state or any railway,  
10 ~~incorporated under the laws of the United States or~~  
11 ~~of any state thereof,~~ corporation may acquire by  
12 condemnation or otherwise ~~so much real-estate property~~  
13 as may be necessary for the location, construction,  
14 and convenient use of ~~its a~~ railway. ~~Such The~~  
15 acquisition shall carry the right to use for the  
16 construction and repair of ~~said the~~ railway and its  
17 appurtenances any earth, gravel, stone, timber, or  
18 other material, on or from the land ~~so~~ taken.

19 Sec. 3. Section four hundred seventy-one point  
20 nine (471.9), Code 1979, is amended to read as follows:

21 471.9 ADDITIONAL PURPOSES. Any-such The state  
22 or a railway corporation owning,-operating,-or  
23 constructing-a-railway may, by condemnation or  
24 otherwise, acquire lands for the following additional  
25 purposes:

26 1. For necessary additional depot grounds or  
27 yards.

28 2. For ~~the-purpose-of~~ constructing a track or  
29 tracks to any mine, quarry, gravel pit, ~~manufactory~~  
30 manufacturing plant, warehouse, or mercantile  
31 establishment.

32 3. For additional or new right of way for  
33 constructing double track, reducing or straightening  
34 curves, changing grades, shortening or relocating  
35 portions of the line, and for excavations, embankments,  
36 or places for depositing waste earth.

37 4. For ~~the purpose of constructing water stations,~~  
38 ~~dams or reservoirs for supplying its engines with~~  
39 water preservation of abandoned railroad right-of-  
40 way for future railroad use."

H-6025 FILED  
APRIL 11, 1980  
ADOPTED (p. 1550)

BY SCHROEDER of Pottawattamie

H-5997

1 Amend Senate File 2230 as follows:  
 2 1. Page 1, by striking lines 1 through 14 and  
 3 inserting in lieu thereof the following:  
 4 "Section 1. Section three hundred twenty-seven G  
 5 point seventy-six (327G.76), Code 1979, is repealed.  
 6 Sec. 2. Section three hundred twenty-seven G  
 7 point seventy-seven (327G.77), Code 1979, is amended  
 8 by striking the section and inserting in lieu thereof  
 9 the following:  
 10 327G.77. REVERSION OF CONDEMNED RIGHT-OF-WAY.  
 11 Right-of-way abandoned by order of the interstate  
 12 commerce commission or the transportation regulation  
 13 board shall revert upon abandonment to the owner of  
 14 the property adjacent to the right-of-way if the  
 15 railroad had obtained the right-of-way by condemnation.  
 16 If there are different owners on either side of the  
 17 right-of-way, each owner shall take title to the  
 18 center. The reversionary interest granted by this section  
 19 is not subject to the recording provisions of section  
 20 six hundred fourteen point twenty-four (614.24)."

H-5997 FILED  
 APRIL 10, 1980

BY SHIMANEK of Jones  
 POFFENBERGER of Dallas

*Placed out of order  
 4-11 (p. 1533)*

H-6021

1 Amend amendment H-5992 to Senate File 2230 as  
 2 amended, passed and reprinted by the Senate as follows:  
 3 1. Page 1, line 34, by inserting after the word  
 4 "company" the words "or the state".  
 5 2. Page 1, line 36, by striking the words "uses  
 6 the right of way" and inserting in lieu thereof the  
 7 words "is used".  
 8 3. Page 1, line 37, by inserting after the word  
 9 "company" the words "or the state".  
 10 4. Page 1, line 39, by striking the words "uses  
 11 the right of way" and inserting in lieu thereof the  
 12 words "is used".

H-6021 FILED  
 APRIL 11, 1980  
 ADOPTED (*p. 1549*)

BY LAGESCHULTE of Bremer  
 BRANSTAD of Winnebago  
 DAVITT of Warren  
 PELLETT of Cass

SENATE FILE 2230

H-5992

1 Amend Senate File 2230 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section three hundred twenty-seven  
6 G point seventy-seven (327G.77), Code 1979, is amended  
7 by striking the section and inserting in lieu thereof  
8 the following:

9 327G.77 REVERSION OF RAILROAD RIGHT OF WAY.

10 1. If a railroad right of way acquired by  
11 condemnation is abandoned by order of the federal  
12 interstate commerce commission or the state  
13 transportation regulation board, that right of way  
14 shall revert to owners of the adjacent properties  
15 at the time of the abandonment. If there are different  
16 owners on each side of the right of way, each owner  
17 shall take title to the center of the right of way.  
18 The provisions of section six hundred fourteen point  
19 twenty-four (614.24) of the Code requiring the filing  
20 of a verified claim shall not apply to the reversionary  
21 interest granted by this subsection.

22 2. If the state department of transportation finds  
23 that a railroad right of way is suitable for present  
24 or future rail use at least fifteen days before the  
25 effective date of an order of abandonment and the  
26 railroad right of way was acquired by condemnation,  
27 deed or conveyance and is subject to a reversionary  
28 interest, the reversion which would occur upon the  
29 abandonment of the right of way for railway purposes  
30 shall not occur until two years after the effective  
31 date of the order of abandonment by the federal  
32 interstate commerce commission or the state  
33 transportation regulation board. During that two  
34 year period another railroad company may succeed to  
35 the interest of the abandoning railroad company in  
36 the right of way if it uses the right of way for  
37 railway purposes. A railroad company which succeeds  
38 to that interest shall hold that interest as long  
39 as it uses the right of way for railway purposes  
40 subject to the interests as when it was held by the  
41 abandoning railroad company."

42 2. Page 1, by striking lines 6 through 8 and in-  
43 serting in lieu thereof the words "the reversion of  
44 railroad property if the reversion is".

45 3. By renumbering the sections to conform with  
46 this amendment.

H-5992 FILED  
APRIL 10, 1980

BY SCHROEDER of Pottawattamie

*Adopted as amended by  
6021, 6025, 6026  
4-11 (p. 1553)*

SENATE FILE 2230

S-5953

- 1 Amend the House amendment S-5748 to Senate File
- 2 2230 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 30, by striking the word "two"
- 5 and inserting in lieu thereof the word "five".

S-5953 FILED

BY ARTHUR A. SMALL, JR.

APRIL 25, 1980

*w/d 4/26 (p. 1502)*

SENATE FILE 2230

S-5954

- 1 Amend the House amendment S-5748 to Senate File
- 2 2230 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 36, by striking the word "is"
- 5 and inserting in lieu thereof the words "could be".

S-5954 FILED

BY ARTHUR A. SMALL, JR.

APRIL 25, 1980

*w/d 4/26 (p. 1501)*

SENATE FILE 2230

S-5955

- 1 Amend the House amendment S-5748 to Senate File 2230
- 2 *am* amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, lines 7 and 8, by striking the words
- 4 "section and inserting in lieu thereof the following:"
- 5 and inserting in lieu thereof the word "section."
- 6 2. Page 1, by striking lines 9 through 41.

S-5955 FILED

BY ARTHUR A. SMALL, JR.

APRIL 25, 1980

*w/d 4/26 (p. 1303)*

SENATE FILE 2230

AN ACT

RELATING TO THE REVERSION OF RAILROAD PROPERTY OUTSIDE OF  
A CITY OR CONTIGUOUS TO AGRICULTURAL LAND IN A CITY.

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

Section 1. Section three hundred twenty-seven G point seventy-seven (327G.77), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

327G.77 REVERSION OF RAILROAD RIGHT OF WAY.

1. If a railroad right of way acquired by condemnation is abandoned by order of the federal interstate commerce commission or the state transportation regulation board, that right of way shall revert to owners of the adjacent properties at the time of the abandonment. If there are different owners on each side of the right of way, each owner shall take title to the center of the right of way. The provisions of section six hundred fourteen point twenty-four (614.24) of the Code requiring the filing of a verified claim shall not apply to the reversionary interest granted by this subsection.

2. If the state department of transportation finds that a railroad right of way is suitable for present or future rail use at least fifteen days before the effective date of an order of abandonment and the railroad right of way was acquired by condemnation, deed or conveyance and is subject to a reversionary interest, the reversion which would occur upon the abandonment of the right of way for railway purposes shall not occur until two years after the effective date of the order of abandonment by the federal interstate commerce commission or the state transportation regulation board. During that two year period another railroad company or the state may succeed to the interest of the abandoning railroad

company in the right of way if it is used for railway purposes. A railroad company or the state which succeeds to that interest shall hold that interest as long as it is used for railway purposes subject to the interests as when it was held by the abandoning railroad company.

Sec. 2. Section four hundred seventy-one point six (471.6), Code 1979, is amended to read as follows:

471.6 RAILWAYS. ~~Any The state or any railway~~~~incorporated under the laws of the United States or of any state thereof, corporation~~ may acquire by condemnation ~~or otherwise so much real-estate property~~ as may be necessary for the location, construction, and convenient use of ~~its~~ a railway. ~~Such The~~ acquisition shall carry the right to use for the construction and repair of ~~said the~~ railway and its appurtenances any earth, gravel, stone, timber, or other material, on or from the land ~~so~~ taken.

Sec. 3. Section four hundred seventy-one point nine (471.9), Code 1979, is amended to read as follows:

471.9 ADDITIONAL PURPOSES. ~~Any-such The state or a railway corporation owning, operating, or constructing a railway~~ may, by condemnation or otherwise, acquire lands for the following additional purposes:

1. For necessary additional depot grounds or yards.
2. For ~~the-purpose-of~~ constructing a track or tracks to any mine, quarry, gravel pit, ~~manufactory~~ manufacturing plant, warehouse, or mercantile establishment.
3. For additional or new right of way for constructing double track, reducing or straightening curves, changing grades, shortening or relocating portions of the line, and for excavations, embankments, or places for depositing waste earth.
4. For the ~~purpose-of-constructing-water-stations, dams or reservoirs-for-supplying-its-engines-with-water~~ preservation of abandoned railroad right-of-way for future railroad use.

Sec. 4. Section five hundred fifty-eight point forty-four (558.44), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a real estate contract or lease is required to be recorded under this section, the requirement is satisfied by recording either the entire real estate contract or lease or a memorandum of the contract or lease containing at least the names and addresses of all parties named in the contract or lease, a description of all real property and interests therein subject to the contract or lease, the length of the contract or initial term of the lease, and in the case of a lease a statement as to whether any of the named parties have or are subject to renewal rights, and if so, the event or condition upon which renewal occurs, the number of renewal terms and the length of each, and in the case of a real estate contract a statement as to whether the seller is entitled to the remedy of forfeiture and as to the dates upon which payments are due. This unnumbered paragraph is effective July 1, 1980 for all contracts and leases of agricultural land made on or after July 1, 1980.

Sec. 5. Section five hundred fifty-eight point forty-four (558.44), unnumbered paragraph five (5), Code 1979, is amended to read as follows:

The provisions of this section except as otherwise provided, are effective July 1, 1979, for all conveyances and leases of agricultural land made on or after July 1, 1979.

Sec. 6. Section six hundred fourteen point twenty-four (614.24), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The provisions of this section requiring the filing of a verified claim shall not apply to the reversion of railroad property if the reversion is caused by the property being abandoned for railway purposes and the abandonment occurs after the effective date of this Act.

The holder of such a reversionary interest may bring an action based upon the interest regardless of whether a verified claim has been filed under this section at any time after July 4, 1965.

---

TERRY E. BRANSTAD  
President of the Senate

---

WILLIAM H. HARBOR  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2230, Sixty-eighth General Assembly.

---

FRANK J. STORK  
Secretary of the Senate

Approved 5/26, 1980

---

ROBERT D. RAY  
Governor