

*to County, etc. etc.*  
*(to New Statute 1979)*

FILED FEB 2 1981

SENATE FILE 158

BY COMMITTEE ON COUNTY GOVERNMENT  
*(Approved 2/2/81)*

Passed Senate, Date 2-9-81 (p. 300) Passed House, Date 4-24-81 (p. 1271)  
Vote: Ayes 24 Nays 0 Vote: Ayes 95 Nays 0  
Approved May 5, 1981

### A BILL FOR

1 An Act relating to the disposition of unused highway right  
2 of way.

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

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1 Section 1. Section 306.23, Code 1981, is amended to read  
2 as follows:

3 306.23 NOTICE--PREFERENCE OF SALE. Notice For the sale  
4 of unused right of way, except right of way under the  
5 jurisdiction of a county, notice of intention to sell ~~such~~  
6 the tract, parcel, or piece of land, or part thereof, must,  
7 not less than ten days prior to the sale thereof, be sent  
8 by certified mail, by the agency in control of ~~such~~ the land,  
9 to the last known address of the present owner of adjacent  
10 land from which ~~said~~ the tract, parcel, piece of land or part  
11 thereof, was originally bought or condemned for highway  
12 purposes, and if located in a city, to the mayor thereof.  
13 ~~Said~~ The notice shall give an opportunity to the present owner  
14 of adjacent property to be heard and make offers for the  
15 tract, parcel or piece of land to be sold, and if ~~such~~ the  
16 offer is equal to or exceeds in amount any other offer  
17 received, it shall be given preference by the ~~board~~ agency  
18 in control of ~~said~~ the land. Neglect or failure for any  
19 reason, to comply with the ~~provisions-of-said~~ the notice,  
20 shall in no way prevent the giving of a clear title to the  
21 purchaser of ~~said~~ the tract, parcel or piece of land. A  
22 county shall dispose of unused right of way in the manner  
23 specified under section 332.3, subsection 13.

24 EXPLANATION

25 The bill provides that unused highway right of way is to  
26 be sold in the manner provided in section 306.23 if the  
27 property is held by the state or a city. If the unused highway  
28 right of way is owned by the county, the property shall be  
29 disposed of in the same manner as other county property  
30 pursuant to section 332.3, subsection 13. The bill takes  
31 effect July 1 following enactment.

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shall in no way prevent the giving of a clear title to the purchaser of ~~said~~ the tract, parcel or piece of land. A county shall dispose of unused right of way in the manner specified under section 332.3, subsection 13.

SENATE FILE 158

AN ACT  
RELATING TO THE DISPOSITION OF UNUSED HIGHWAY RIGHT OF WAY.

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

Section 1. Section 306.23, Code 1981, is amended to read as follows:

306.23 NOTICE--PREFERENCE OF SALE. Notice For the sale of unused right of way, except right of way under the jurisdiction of a county, notice of intention to sell such the tract, parcel, or piece of land, or part thereof, must, not less than ten days prior to the sale thereof, be sent by certified mail, by the agency in control of such the land, to the last known address of the present owner of adjacent land from which said the tract, parcel, piece of land or part thereof, was originally bought or condemned for highway purposes, and if located in a city, to the mayor thereof. Said the notice shall give an opportunity to the present owner of adjacent property to be heard and make offers for the tract, parcel or piece of land to be sold, and if such the offer is equal to or exceeds in amount any other offer received, it shall be given preference by the board agency in control of said the land. Neglect or failure for any reason, to comply with the provisions of said the notice.

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TERRY E. BRANSTAD  
President of the Senate

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DELLWYN STROMER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 158, Sixty-ninth General Assembly.

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LINDA HOWARTH MACKAY  
Secretary of the Senate

Approved 5/5, 1981

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ROBERT D. RAY  
Governor

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