

4/12/93 Referred to Local Gov.
(P. 61) 1-14-94 Do Pass

MAR 22 1993

HOUSE FILE 605
BY COMMITTEE ON LOCAL GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 183)

Passed House, Date ^(p. 334) 2/23/94 Passed Senate, Date _____
Vote: Ayes 97 Nays 0 Vote: Ayes _____ Nays _____
Approved March 25, 1994

A BILL FOR

1 An Act relating to damage claims for the vacating and closing of
2 roads.

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

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HOUSE FILE 605

H-5006

1 Amend House File 605 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 306.12, Code 1993, is amended
5 to read as follows:
6 306.12 NOTICE -- SERVICE.
7 Notice of the hearing under section 306.11 shall be
8 published in a newspaper of general circulation in the
9 county or counties where the road is located, not less
10 than four nor more than twenty days prior to the date
11 of hearing. The agency which is holding the hearing
12 shall notify all adjoining property owners, all
13 utility companies whose facilities adjoin the road
14 right of way or are on the road right of way, and the
15 department, boards of supervisors, or agency in
16 control of affected state lands, of the time and place
17 of the hearing, by certified mail, and shall notify
18 all property owners within one mile of the road by
19 regular mail."

20 2. By renumbering as necessary.
By DICKINSON of Jackson

H-5006 FILED JANUARY 25, 1994

(p. 334) 2/23/94 ADOPTED

HF 605

1 Section 1. Section 306.14, Code 1993, is amended to read
2 as follows:

3 306.14 OBJECTIONS -- CLAIMS FOR DAMAGES.

4 ~~At such hearing, the~~ The department, the board of
5 supervisors, or the agency in control of affected state lands,
6 ~~as the case may be,~~ and any interested person, may appear and
7 object and be heard at the hearing. Any person owning land
8 abutting on a road ~~which it is~~ proposed to ~~vacate~~ be vacated
9 and ~~close~~ closed, shall have the right to file, in writing, a
10 claim for damages at any time on or before the date fixed for
11 hearing. However, for purposes of this chapter, if an
12 occupied homestead is not located on the abutting land and if
13 the vacating and closing of the road will not landlock the
14 abutting land, a person shall not have a right to claim
15 damages.

16 EXPLANATION

17 This bill limits the ability of persons with land abutting
18 a road which is to be vacated and closed to claim damages. A
19 person cannot claim damages if there is not an occupied
20 homestead on the land abutting the road and if there is
21 another road which allows access to the property.

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(P 424) 2/24/94 Senate - *Imposed*
(P 627) 3.10.94 Senate - *Do take*

HOUSE FILE 605
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 183)

(As Amended and Passed by the House February 23, 1994)

Passed House, Date _____ Passed Senate, Date ^(P 150) 3-21-94
Vote: Ayes _____ Nays _____ Vote: Ayes 48 Nays 0
Approved _____

A BILL FOR

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

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House Amendments _____

1 Section 1. Section 306.12, Code 1993, is amended to read
 2 as follows:
 3 306.12 NOTICE -- SERVICE.
 4 Notice of the hearing under section 306.11 shall be
 5 published in a newspaper of general circulation in the county
 6 or counties where the road is located, not less than four nor
 7 more than twenty days prior to the date of hearing. The
 8 agency which is holding the hearing shall notify all adjoining
 9 property owners, all utility companies whose facilities adjoin
 10 the road right of way or are on the road right of way, and the
 11 department, boards of supervisors, or agency in control of
 12 affected state lands, of the time and place of the hearing, by
 13 certified mail, and shall notify all property owners within
 14 one mile of the road by regular mail.

15 Sec. 2. Section 306.14, Code 1993, is amended to read as
 16 follows:

17 306.14 OBJECTIONS -- CLAIMS FOR DAMAGES.
 18 ~~At such hearing, the~~ The department, the board of
 19 supervisors, or the agency in control of affected state lands,
 20 ~~as the case may be,~~ and any interested person, may appear and
 21 object and be heard at the hearing. Any person owning land
 22 abutting on a road ~~which it is~~ proposed to vacate be vacated
 23 and ~~close~~ closed, shall have the right to file, in writing, a
 24 claim for damages at any time on or before the date fixed for
 25 hearing. However, for purposes of this chapter, if an
 26 occupied homestead is not located on the abutting land and if
 27 the vacating and closing of the road will not landlock the
 28 abutting land, a person shall not have a right to claim
 29 damages.

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HSB 183

LOCAL GOVERNMENT

Iverson Ch.
Royer
Mundie

HOUSE FILE 605

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON IVERSON)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to damage claims for the vacating and closing of
2 roads.

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11 hearing. However, for purposes of this chapter, if an
12 occupied homestead is not located on the abutting land and if
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EXPLANATION

17 This bill limits the ability of persons with land abutting
18 a road which is to be vacated and closed to claim damages. A
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HOUSE FILE 605

AN ACT

RELATING TO DAMAGE CLAIMS FOR THE VACATING AND CLOSING OF ROADS.

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

Section 1. Section 306.12, Code 1993, is amended to read as follows:

306.12 NOTICE -- SERVICE.

Notice of the hearing under section 306.11 shall be published in a newspaper of general circulation in the county or counties where the road is located, not less than four nor more than twenty days prior to the date of hearing. The agency which is holding the hearing shall notify all adjoining property owners, all utility companies whose facilities adjoin the road right of way or are on the road right of way, and the department, boards of supervisors, or agency in control of affected state lands, of the time and place of the hearing, by certified mail, and shall notify all property owners within one mile of the road by regular mail.

Sec. 2. Section 306.14, Code 1993, is amended to read as follows:

306.14 OBJECTIONS -- CLAIMS FOR DAMAGES.

At such hearing, the department, the board of supervisors, or the agency in control of affected state lands as the case may be, and any interested person, may appear and object and be heard at the hearing. Any person owning land abutting on a road which it is proposed to vacate be vacated and close closed, shall have the right to file, in writing, a claim for damages at any time on or before the date fixed for hearing. However, for purposes of this chapter, if an occupied homestead is not located on the abutting land and if

the vacating and closing of the road will not landlock the abutting land, a person shall not have a right to claim damages.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 605, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved March 25, 1994

TERRY E. BRANSTAD
Governor