

JAN 8 1996
TRANSPORTATION

HOUSE FILE 2031
BY MURPHY

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

A BILL FOR

1 An Act providing for the sale of unused highway right-of-way
2 property to present owners of adjacent property.

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

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HF 2031

1 Section 1. Section 306.23, Code 1995, is amended to read
2 as follows:

3 306.23 NOTICE -- PREFERENCE OF SALE.

4 For the sale of unused right-of-way notice of intention to
5 sell the tract, parcel, or piece of land, or part thereof,
6 must be sent, not less than ten days prior to the sale, by
7 certified mail, by the agency in control of the land, to the
8 last known address of the present owner of adjacent land from
9 which the tract, parcel, piece of land, or part thereof, was
10 originally bought or condemned for highway purposes, and if
11 located in a city, to the mayor. The If the tract, parcel, or
12 piece of land was acquired by purchase and not through
13 condemnation, the notice shall give an opportunity to the
14 present owner of adjacent property to be heard and make offers
15 for the tract, parcel, or piece of land to be sold, and if the
16 offer is equal to or exceeds in amount any other offer
17 received, it shall be given preference by the agency in
18 control of the land. If the tract, parcel, or piece of land
19 was acquired through condemnation, the notice shall also
20 provide that the present owner of adjacent property from which
21 the tract, parcel, or piece of land was condemned may purchase
22 the tract, parcel, or piece of land, prior to the sale, for an
23 amount equal to the damages awarded through condemnation for
24 the tract, parcel, or piece of land. Neglect or failure for
25 any reason, to comply with the notice, does not prevent the
26 giving of a clear title to the purchaser of the tract, parcel,
27 or piece of land.

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EXPLANATION

29 This bill provides that when land acquired for highway
30 purposes through condemnation is not needed for that purpose
31 and will be sold, the present owner of adjacent property shall
32 be notified and allowed to purchase the property for an amount
33 equal to the damages awarded for the condemnation of the
34 property.

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