

JAN 23 1998
LOCAL GOVERNMENT

HOUSE FILE 2088
BY REYNOLDS-KNIGHT and FALLON

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

A BILL FOR

1 An Act relating to approval of urban renewal plans by referendum
2 and providing an applicability date.

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

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HF 2088

1 Section 1. Section 403.5, subsection 6, Code 1997, is
2 amended to read as follows:

3 6. a. Upon the approval by a municipality of an urban
4 renewal plan or of any modification thereof, such plan or
5 modification shall be deemed to be in full force and effect
6 for the respective urban renewal area, and the municipality
7 may then cause such plan or modification to be carried out in
8 accordance with its terms. However, the question of whether
9 to approve or disapprove the urban renewal plan shall be
10 submitted to the registered voters if, within twenty-eight
11 days following the approval of the urban renewal plan by the
12 governing body, the clerk or auditor, as the case may be,
13 receives a valid petition asking that an election be called to
14 approve or disapprove the action of the governing body in
15 approving the urban renewal plan.

16 b. The petition must meet the requirements of section
17 331.306, except the signature requirements shall be as
18 follows:

19 (1) In the case of an urban renewal plan approved by the
20 governing body of a city, the petition must be signed by
21 eligible electors residing within the corporate boundaries of
22 the city and the signatures must be equal in number to ten
23 percent of the persons who voted at the last preceding regular
24 city election, but not less than ten persons.

25 (2) In the case of an urban renewal plan approved by the
26 governing body of a county, the petition must be signed by
27 eligible electors residing in the unincorporated areas of the
28 county and the signatures must be equal in number to ten
29 percent of the votes cast in the unincorporated areas of the
30 county for the office of president of the United States or
31 governor at the preceding general election.

32 c. Within thirty days of the receipt of a valid petition,
33 the governing body shall direct the commissioner of elections
34 to submit the proposition to the registered voters. In the
35 case of a city, the proposition shall be submitted to

1 registered voters residing within the corporate boundaries of
2 the city. In the case of a county, the proposition shall be
3 submitted to registered voters residing in the unincorporated
4 areas of the county. Notice of the election shall be
5 published as provided in section 49.53.

6 d. In the case of a city, in lieu of a special election,
7 the proposition shall be submitted at the regular city
8 election if the petition calling for the referendum is filed
9 not more than seventy-one days nor less than forty-seven days
10 before the date of the regular city election. In the case of
11 a county, the proposition shall be submitted at the general
12 election if the petition calling for the referendum is filed
13 not more than ninety-two days nor less than sixty-nine days
14 before the date of the general election.

15 e. When a proposition to approve an urban renewal plan has
16 been submitted to the electors under this subsection and the
17 proposition fails to gain approval, the proposition, or any
18 proposition which incorporates any portion of the defeated
19 proposition, shall not be submitted to the electors for a
20 period of twelve months from the date of the election.

21 Sec. 2. APPLICABILITY. This Act applies to urban renewal
22 plans, or modifications to urban renewal plans, approved by
23 the governing body of a municipality on or after July 1, 1998.

24 EXPLANATION

25 This bill requires that, as of July 1, 1998, urban renewal
26 plans and amendments to urban renewal plans approved by a city
27 or county governing body shall be subject to referendum if,
28 within 28 days of approval of the plan or plan amendment, a
29 petition is filed calling for an election on the matter. For
30 a county urban renewal plan, the petition must be signed by
31 eligible electors equal in number to 10 percent of the votes
32 cast by residents of the unincorporated areas for United
33 States president or governor in the preceding general
34 election. For a city urban renewal plan, the petition must be
35 signed by eligible electors equal in number to 10 percent of

1 the persons who voted at the last regular city election, but
2 not less than 10 persons. Urban renewal plans approved by a
3 city council must be petitioned and voted on by residents of
4 the city only. Urban renewal plans approved by a county board
5 of supervisors must be petitioned and voted on by residents of
6 the unincorporated areas of the county only. The bill also
7 provides that if an urban renewal plan is defeated at
8 election, the same or a similar plan may not be submitted to
9 the electors for 12 months following the election.

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H-8049

1 Amend House File 2089 as follows:

2 1. Page 1, by striking lines 3 through 30 and
3 inserting the following:

4 "306.23 NOTICE -- PREFERENCE OF SALE.

5 1. The agency in control of a tract, parcel, or
6 piece of land, or part thereof, which is unused right-
7 of-way shall send by certified mail to the last known
8 address of the present owner or owners of adjacent
9 land from which the tract, parcel, piece of land, or
10 part thereof, was originally purchased or condemned
11 for highway purposes, and to the person who owned the
12 land at the time it was purchased or condemned for
13 highway purposes, notice of the agency's intent to
14 sell the land, the name and address of any other
15 person to whom a notice was sent, and the fair market
16 value of the real property based upon an appraisal by
17 an independent appraiser.

18 2. The notice shall give an opportunity to the
19 present owner of adjacent property and to the person
20 who owned the land at the time it was purchased or
21 condemned for highway purposes to be heard and make
22 offers within sixty days of the date the notice is
23 mailed for the tract, parcel, or piece of land to be
24 sold. An If the person who owned the land at the time
25 it was purchased or condemned for highway purposes
26 makes an offer which equals or exceeds in amount any
27 other-offer-received-and-which-equals-or-exceeds the
28 fair market value of the property, the person shall be
29 given preference by the agency in control of the land.
30 If the person who owned the land at the time it was
31 purchased or condemned for highway purposes makes no
32 offer within sixty days or if the offer does not equal
33 or exceed the fair market value of the land, and a
34 present owner of adjacent property makes an offer
35 which equals or exceeds in amount any other offer
36 received and which equals or exceeds the fair market
37 value of the property, then the present owner making
38 the offer shall be given preference by the agency in
39 control of the land. If no offers are received within
40 sixty days or if no offer equals or exceeds the fair
41 market value of the land, the agency shall transfer
42 the land for a public purpose or proceed with the sale
43 of the property.

44 3. For the purposes of this section, "public
45 purpose" means the transfer to a state agency or a
46 city, county, or other political subdivision for a
47 public purpose.

48 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
49 immediate importance, takes effect upon enactment."

50 2. Title page, line 3, by inserting after the

H-8049

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H-8049

Page 2

1 word "property" the following: "and providing an
2 effective date".

By COMMITTEE ON LOCAL GOVERNMENT
VANDE HOEF of Osceola, Chairperson

H-8049 FILED FEBRUARY 13, 1998