

2/4/98 amend/Do Pass w/H. 8049  
Referred 3/24/98 Local Gov.

JAN 26 1998  
LOCAL GOVERNMENT

HOUSE FILE 2089  
BY MUNDIE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to preferences concerning the disposition of  
2 private property condemned or purchased as highway right-of-  
3 way property.

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

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HF 2089

1 Section 1. Section 306.23, Code Supplement 1997, is  
2 amended to read as follows:

3 306.23 NOTICE -- PREFERENCE OF SALE.

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

15 2. The notice shall give an opportunity ~~to the present~~  
16 ~~owner of adjacent property and~~ to the person who owned the  
17 land at the time it was purchased or condemned for highway  
18 purposes to be heard and make ~~offers~~ an offer within sixty  
19 days of the date the notice is mailed for the tract, parcel,  
20 or piece of land to be sold. ~~An offer which equals or exceeds~~  
21 ~~in amount any other offer received and which equals or exceeds~~  
22 ~~the fair market value of the property shall be given~~  
23 ~~preference by the agency in control of the land.~~ If no offers  
24 ~~are~~ offer is received within sixty days or if no offer equals  
25 or exceeds the fair market value of the land, the agency shall  
26 transfer the land for a public purpose or proceed with the  
27 sale of the property.

28 3. For the purposes of this section, "public purpose"  
29 means the transfer to a state agency or a city, county, or  
30 other political subdivision for a public purpose.

31 EXPLANATION

32 This bill eliminates the ability of the present owner of  
33 land adjacent to unused right-of-way property condemned or  
34 purchased for highway purposes which is to be sold by the  
35 agency who had acquired the property to make an offer to

1 acquire the property prior to the agency offering the property  
2 to the public. The bill does not eliminate the ability of the  
3 prior owner of the unused property from making an offer on the  
4 property at or above the property's fair market value prior to  
5 the agency who acquired the property offering the property to  
6 the public.

7 LSB 3104YH 77

8 ec/cf/24

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