

House Study Bill 152

Bill Text

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1 1 Section 1. NEW SECTION. 6B.56 DISPOSITION OF CONDEMNED
1 2 PROPERTY - STATE DEPARTMENT OF TRANSPORTATION.
1 3 1. If real property condemned pursuant to this chapter by
1 4 the state department of transportation is not used for the
1 5 purpose stated in the application filed pursuant to section
1 6 6B.3 and the condemner seeks to dispose of the real property,
1 7 the condemner shall first offer the property for sale to the
1 8 prior owner of the condemned property as provided in this
1 9 section. For purposes of this section, the prior owner of the
1 10 real property includes the successor in interest of the real
1 11 property.
1 12 2. Before the real property may be offered for sale to the
1 13 general public, the condemner shall notify the prior owner of
1 14 the real property condemned in writing of the condemner's
1 15 intent to dispose of the real property, the fair market value
1 16 of real property, and the prior owner's right to purchase the
1 17 real property within sixty days from the date the notice is
1 18 served at a price equal to the fair market value of the real
1 19 property. The notice sent by the condemner as provided in
1 20 this subsection shall be filed with the office of the recorder
1 21 in the county in which the real property is located.
1 22 3. If the prior owner elects to purchase the real property
1 23 at the price established in subsection 2, the prior owner
1 24 shall notify the condemner in writing of this intention and
1 25 file a copy of this notice with the office of the recorder in
1 26 the county in which the real property is located, before the
1 27 expiration of the sixty-day period.
1 28 4. The provisions of this section do not apply to the sale
1 29 of unused right-of-way property as provided in chapter 306.
1 30 Sec. 2. Section 306.23, Code 1997, is amended to read as
1 31 follows:
1 32 306.23 NOTICE - PREFERENCE OF SALE.
1 33 For the sale of unused right-of-way, notice of intention to
1 34 sell the tract, parcel, or piece of land, or part thereof,
1 35

~~must~~

- shall be sent, not less than ten days prior to the sale,
2 1 by certified mail, by the agency in control of the land, to
2 2 the last known address of the

~~present owner of adjacent land~~

-
2 3

~~from which~~

- person who presently owns the land which originally
2 4 included the tract, parcel, piece of land, or part thereof,
2 5

~~was originally~~

- which was bought or condemned for highway
2 6 purposes, to the person who conveyed the land which originally
2 7 included the tract, parcel, or piece of land bought or
2 8 condemned for highway purposes, and if located in a city, to
2 9 the mayor.

~~The~~

- If the tract, parcel, or piece of land was
2 10 acquired by purchase and not through condemnation, the notice
2 11 shall contain an appraisal of the parcel and shall give an
2 12 opportunity to the present owner of adjacent property and to
2 13 the past owner who conveyed the property to be heard and make
2 14 offers for the tract, parcel, or piece of land to be sold, and
2 15 if the offer is equal to or exceeds in amount any other offer
2 16 received, it shall be given preference by the agency in
2 17 control of the land. If the tract, parcel, or piece of land
2 18 was acquired through condemnation, the notice shall also
2 19 provide that the present owner of adjacent property from which
2 20 the tract, parcel, or piece of land was condemned or the
2 21 immediate past owner who conveyed the tract, parcel, or piece
2 22 of land may purchase the tract, parcel, or piece of land,
2 23 prior to the sale, for an amount at least equal to the damages
2 24 awarded through condemnation for the tract, parcel, or piece
2 25 of land through a bid process. Neglect or failure for any
2 26 reason, to comply with the notice, does not prevent the giving
2 27 of a clear title to the purchaser of the tract, parcel, or
2 28 piece of land.

EXPLANATION

2 29
2 30 This bill provides that a prior owner of real property
2 31 condemned by the state department of transportation shall be
2 32 given 60 days to reacquire that property if the condemner has
2 33 not used the property for the purpose of the condemnation and
2 34 if the department seeks to otherwise dispose of the property
2 35 to the public. The bill provides that the prior owner can
3 1 reacquire the property at the fair market value of the
3 2 property. The bill does not apply to the sale of unused
3 3 right-of-way property as provided in chapter 306.
3 4 The bill provides that the past owner who conveyed a parcel
3 5 of land which is an unused right-of-way may buy the parcel if
3 6 the property was not acquired by condemnation. The bill also
3 7 provides that when land acquired for a right-of-way through
3 8 condemnation is not needed for that purpose and will be sold,
3 9 the present owner and past owner who conveyed adjacent
3 10 property shall be notified and allowed to purchase the
3 11 property for an amount equal to the damages awarded for the
3 12 condemnation of the property.
3 13 LSB 1390HC 77
3 14 mk/jj/8