

FILED FEB 5 1997

SENATE FILE 113
BY MCKEAN

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

A BILL FOR

1 An Act relating to the disposition of private property condemned
2 under eminent domain.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 113

1 Section 1. NEW SECTION. 6B.56 DISPOSITION OF CONDEMNED
2 PROPERTY.

3 1. If real property condemned pursuant to this chapter is
4 not used for the purpose stated in the application filed
5 pursuant to section 6B.3 and the condemner seeks to dispose of
6 the real property, the condemner shall first offer the
7 property for sale to the prior owner of the condemned property
8 as provided in this section. For purposes of this section,
9 the prior owner of the real property includes the successor in
10 interest of the real property.

11 2. Before the real property may be offered for sale to the
12 general public, the condemner shall notify the prior owner of
13 the real property condemned in writing of the condemner's
14 intent to dispose of the real property, of the amount of
15 damages awarded the prior owner for the real property when the
16 real property was condemned pursuant to this chapter, and of
17 the prior owner's right to purchase the real property within
18 sixty days from the date the notice is served at a price equal
19 to the amount of damages awarded the prior owner for the real
20 property when the real property was condemned. The notice
21 sent by the condemner as provided in this subsection shall be
22 filed with the office of the recorder in the county in which
23 the real property is located.

24 3. If the prior owner elects to purchase the real property
25 at the price established in subsection 2, before the
26 expiration of the sixty-day period, the prior owner shall
27 notify the condemner in writing of this intention and file a
28 copy of this notice with the office of the recorder in the
29 county in which the real property is located.

30 4. The provisions of this section do not apply to the sale
31 of unused right-of-way property as provided in chapter 306.

32 EXPLANATION

33 This bill provides that a prior owner of condemned real
34 property shall be given 60 days to reacquire that property if
35 the condemner has not used the property for the purpose of the

1 condemnation and if the entity that condemned the real
2 property seeks to otherwise dispose of the property to the
3 public. The bill provides that the prior owner can reacquire
4 the property at a price equal to the amount of damages awarded
5 the prior owner through condemnation. The bill does not apply
6 to the sale of unused right-of-way property as provided in
7 chapter 306.

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