

MAR 1 1999

LOCAL GOVERNMENT

HOUSE FILE
BY TEIG

435

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

A BILL FOR

1 An Act relating to easements created by eminent domain
2 procedures.

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

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HF 435

1 Section 1. NEW SECTION. 6B.46A RESTRICTIONS UPON USE OF
2 UTILITY EASEMENTS.

3 1. This section governs the acquisition of an interest in
4 real estate by the state or local government through a
5 proceeding brought under this chapter for purposes of
6 extending a utility.

7 2. The scope of the interest shall be limited to the
8 express creation of an appurtenant easement to the extent
9 necessary in order to extend the utility over the property of
10 the owner.

11 3. The dominant estate shall not undergo a change in use.
12 The person holding the dominant estate may maintain the
13 utility system, but shall not expand the size or capacity of
14 the utility.

15 4. The owner of the land subject to the proceeding
16 creating the easement shall hold a servient estate, and may
17 use the property in any manner that does not unreasonably
18 interfere with the easement.

19 5. The easement shall expire when the utility is no longer
20 used for the purpose intended.

21 EXPLANATION

22 This bill provides for the acquisition of an interest in
23 real estate by the state or local government through a
24 condemnation proceeding brought under Code chapter 6B for
25 purposes of extending infrastructure which is a utility
26 system. The bill provides that the scope of the interest must
27 be limited to the express creation of an appurtenant easement
28 to the extent necessary in order to extend the utility system
29 over the property of the owner.

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