

Jensen
McKibben
Judge

SSB-3132

Transportation
Succeeded By

SENATE FILE CF/HF 2194
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON DRAKE)

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

A BILL FOR

1 An Act relating to the vacation of roads and road rights-of-way.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 306.11, Code 1999, is amended to read
2 as follows:

3 306.11 HEARING -- PLACE -- DATE.

4 In proceeding to the vacation and closing of any a road,
5 part thereof, or railroad crossing, the agency in control of
6 said the road, or road system, shall fix a date for a hearing
7 thereon on the vacation and closing in the county where said
8 the road, or part thereof, or crossing, is located, and if
9 located in more than one county, then in a county wherein in
10 which any part of such the road or crossing is located. If
11 the road to be vacated or changed is a secondary road located
12 in more than one county, the boards of supervisors of such the
13 counties, acting jointly, shall fix a date for a hearing
14 thereon on the vacation or change in either or any of the
15 counties where such the road, or part thereof, is located. If
16 the proposed vacation is of a road right-of-way held by
17 easement and will not change the existing traveled portion of
18 the road or deny access to the road by adjoining landowners, a
19 hearing is not required.

20 Sec. 2. Section 306.12, Code 1999, is amended to read as
21 follows:

22 306.12 NOTICE -- SERVICE.

23 Notice of the hearing under section 306.11 shall be
24 published in a newspaper of general circulation in the county
25 or counties where the road is located, not less than four nor
26 more than twenty days prior to the date of hearing. The
27 agency which is holding the hearing shall notify all adjoining
28 property owners, all utility companies whose facilities adjoin
29 the road right-of-way or are on the road right-of-way, and the
30 department, boards of supervisors, or agency in control of
31 affected state lands, of the time and place of the hearing, by
32 certified mail, ~~and shall notify all property owners located~~
33 ~~outside the boundary of a city, who own ten or more acres of~~
34 ~~land within one mile of the road, by regular mail.~~

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EXPLANATION

1 This bill provides that the agency which has jurisdiction
 2 over a road may vacate a road right-of-way held by easement
 3 without a public hearing if the vacation will not change the
 4 existing traveled portion of the road or deny access to the
 5 road by adjoining landowners.

6 The bill also eliminates a requirement that an agency
 7 holding a hearing on the vacation of a road, part of a road,
 8 or railroad crossing within its jurisdiction notify by regular
 9 mail all property owners located outside the boundary of a
 10 city who own 10 or more acres of land within one mile of the
 11 road. The public notice requirements and the notice
 12 requirements for adjoining landowners remain in place.

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Substitutes for HF 1004
3-27-00
(P.1004)

FILED FEB 16 2000

SENATE FILE 2194
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3132)

Passed Senate, ^(P. 421) Date 2/28/00 Passed House, ^(P. 1004) Date 3-27-00
Vote: Ayes 46 Nays 0 Vote: Ayes 97 Nays 0
Approved 4-12-00

Re-Passed 3/28/00
Vote 49-0

A BILL FOR

1 An Act relating to the vacation of roads and road rights-of-way.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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~~HOUSE AMENDMENT TO~~
SENATE FILE 2194

S-5249

1 Amend Senate File 2194, as passed by the Senate, as
2 follows:
3 1. Page 1, line 16, by striking the words "of a"
4 and inserting the following: "part of a".

RECEIVED FROM THE HOUSE

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1 S-5249 FILED MARCH 27, 2000

1 Senate Concurred 3/28/00
1 (P.883)

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S.F. 2194

1 Section 1. Section 306.11, Code 1999, is amended to read
2 as follows:

3 306.11 HEARING -- PLACE -- DATE.

4 In proceeding to the vacation and closing of any a road,
5 part thereof, or railroad crossing, the agency in control of
6 said the road, or road system, shall fix a date for a hearing
7 thereon on the vacation and closing in the county where said
8 the road, or part thereof, or crossing, is located, and if
9 located in more than one county, then in a county wherein in
10 which any part of such the road or crossing is located. If
11 the road to be vacated or changed is a secondary road located
12 in more than one county, the boards of supervisors of such the
13 counties, acting jointly, shall fix a date for a hearing
14 thereon on the vacation or change in either or any of the
15 counties where such the road, or part thereof, is located. If
16 the proposed vacation is of a road right-of-way held by
17 easement and will not change the existing traveled portion of
18 the road or deny access to the road by adjoining landowners, a
19 hearing is not required.

20 Sec. 2. Section 306.12, Code 1999, is amended to read as
21 follows:

22 306.12 NOTICE -- SERVICE.

23 Notice of the hearing under section 306.11 shall be
24 published in a newspaper of general circulation in the county
25 or counties where the road is located, not less than four nor
26 more than twenty days prior to the date of hearing. The
27 agency which is holding the hearing shall notify all adjoining
28 property owners, all utility companies whose facilities adjoin
29 the road right-of-way or are on the road right-of-way, and the
30 department, boards of supervisors, or agency in control of
31 affected state lands, of the time and place of the hearing, by
32 ~~certified mail and shall notify all property owners located~~
33 ~~outside the boundary of a city, who own ten or more acres of~~
34 ~~land within one mile of the road, by regular mail.~~

35 EXPLANATION

1 This bill provides that the agency which has jurisdiction
2 over a road may vacate a road right-of-way held by easement
3 without a public hearing if the vacation will not change the
4 existing traveled portion of the road or deny access to the
5 road by adjoining landowners.

6 The bill also eliminates a requirement that an agency
7 holding a hearing on the vacation of a road, part of a road,
8 or railroad crossing within its jurisdiction notify by regular
9 mail all property owners located outside the boundary of a
10 city who own 10 or more acres of land within one mile of the
11 road. The public notice requirements and the notice
12 requirements for adjoining landowners remain in place.

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SENATE FILE 2194

H-8559

- 1 Amend Senate File 2194, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 16, by inserting after the words
- 4 "of a" the following: "part of a".

By PARMENTER of Story

H-8559 FILED MARCH 27, 2000

Adopted

3-27-00

(P 1004)

SENATE FILE 2194

H-8566

- 1 Amend the amendment H-8559, to Senate File 2194 as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 4, and
- 4 inserting the following:
- 5 _____. Page 1, line 16, by striking the words "of a"
- 6 and inserting the following: "part of a".

By GARMAN of Story

H-8566 FILED MARCH 27, 2000

ADOPTED BY UNANIMOUS CONSENT

3-27-00

(P 1004)

SENATE FILE 2194

AN ACT

RELATING TO THE VACATION OF ROADS AND ROAD RIGHTS-OF-WAY.

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

Section 1. Section 306.11, Code 1999, is amended to read as follows:

306.11 HEARING -- PLACE -- DATE.

In proceeding to the vacation and closing of any a road, part thereof, or railroad crossing, the agency in control of said the road, or road system, shall fix a date for a hearing thereon on the vacation and closing in the county where said the road, or part thereof, or crossing, is located, and if located in more than one county, then in a county wherein in which any part of such the road or crossing is located. If the road to be vacated or changed is a secondary road located in more than one county, the boards of supervisors of such the counties, acting jointly, shall fix a date for a hearing thereon on the vacation or change in either or any of the counties where such the road, or part thereof, is located. If the proposed vacation is part of a road right-of-way held by easement and will not change the existing traveled portion of the road or deny access to the road by adjoining landowners, a hearing is not required.

Sec. 2. Section 306.12, Code 1999, is amended to read as follows:

306.12 NOTICE -- SERVICE.

Notice of the hearing under section 306.11 shall be published in a newspaper of general circulation in the county or counties where the road is located, not less than four nor more than twenty days prior to the date of hearing. The agency which is holding the hearing shall notify all adjoining property owners, all utility companies whose facilities adjoin

the road right-of-way or are on the road right-of-way, and the department, boards of supervisors, or agency in control of affected state lands, of the time and place of the hearing, by certified mail, ~~and shall notify all property owners located outside the boundary of a city, who own ten or more acres of land within one mile of the road, by regular mail.~~

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2194, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/12, 2000

THOMAS J. VILSACK
Governor

SF 2194