FILED MAR 14 2005

SENATE FILE 382
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 87)

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

A BILL FOR

1 An Act limiting the preference to purchase an unused right-of-
2 way.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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SF 382

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S.F. 382 H.F. _____

Section 1. Section 306.23, subsections 1 and 2, Code 2005, are amended to read as follows:

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

2. The notice shall give <u>the present owner of adjacent land from which the tract, parcel, piece of land, or part thereof, was originally purchased or condemned for highway purposes</u> an opportunity ~~to the present owner of adjacent property and to the person who owned the land at the time it was purchased or condemned for highway purposes~~ to be heard and make offers within sixty days of the date the notice is mailed for the tract, parcel, or piece of land to be sold. An offer which equals or exceeds in amount any other offer received and which equals or exceeds the fair market value of the property shall be given preference by the agency in control of the land. If no offers are received within sixty days or if no offer equals or exceeds the fair market value of the land, the agency shall transfer the land for a public purpose or proceed with the sale of the property.

EXPLANATION

This bill limits the persons having a preference to purchase an unused right-of-way. The present owner of adjacent property has the preferential right to purchase the unused right-of-way. However, under the bill, the person who owned the adjacent property when it was purchased or condemned for a right-of-way no longer has such a preference.