

Senate File 152 - Introduced

SENATE FILE 152
BY SCHNEIDER

A BILL FOR

1 An Act relating to the procedures and requirements for
2 condemnation of property and for disposition of certain
3 condemned property and including effective date and
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 6B.2C, Code 2015, is amended to read as
2 follows:

3 **6B.2C Approval of the public improvement.**

4 The authority to condemn is not conferred, and the
5 condemnation proceedings shall not commence, unless the
6 governing body for the acquiring agency approves the final
7 route or site location and design of the proposed public
8 improvement, approves the use of condemnation, and finds that
9 there is a reasonable expectation the applicant will be able
10 to achieve its public purpose, comply with all applicable
11 standards, and obtain the necessary permits.

12 Sec. 2. Section 6B.56, subsection 1, Code 2015, is amended
13 to read as follows:

14 1. If all or a portion of real property condemned pursuant
15 to this chapter is not used for the purpose stated in the
16 application filed pursuant to section 6B.3 and the acquiring
17 agency seeks to dispose of the unused real property, the
18 acquiring agency shall first offer the property for sale to
19 the prior owner of the condemned property as provided in
20 this section. If real property condemned pursuant to this
21 chapter is used for the purpose stated in the application filed
22 pursuant to section 6B.3 and the acquiring agency seeks to
23 dispose of the real property by sale to a private person or
24 entity within five years after acquisition of the property, the
25 acquiring agency shall first offer the property for sale to
26 the prior owner of the condemned property as provided in this
27 section. For purposes of this section, the prior owner of the
28 real property includes the successor in interest of the real
29 property.

30 Sec. 3. Section 6B.56A, subsection 1, Code 2015, is amended
31 to read as follows:

32 1. When five years have elapsed since property was condemned
33 and all or a portion of the property has not been used for the
34 purpose stated in the application filed pursuant to section
35 6B.3, and the acquiring agency has not taken action to dispose

1 of the unused property pursuant to section 6B.56, the acquiring
2 agency shall, within sixty days, adopt a resolution reaffirming
3 the purpose for which the property will be used or offering the
4 property for sale to the prior owner at a price as provided in
5 section 6B.56. If the resolution adopted approves an offer of
6 sale to the prior owner, the offer shall be made in writing
7 and mailed by certified mail to the prior owner. The prior
8 owner has one hundred eighty days after the offer is mailed to
9 purchase the property from the acquiring agency.

10 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
11 immediate importance, takes effect upon enactment.

12 Sec. 5. APPLICABILITY. The section of this Act amending
13 section 6B.2C applies to public improvement projects for which
14 an application under section 6B.3 is filed on or after the
15 effective date of this Act.

16 Sec. 6. APPLICABILITY. The sections of this Act amending
17 sections 6B.56 and 6B.56A apply to public improvement projects
18 for which an application under section 6B.3 is filed before,
19 on, or after the effective date of this Act.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to procedures and requirements for
24 condemning property and for disposing of certain condemned
25 property.

26 The bill amends Code section 6B.2C by specifying that the
27 authority to condemn property is not conferred on an acquiring
28 agency unless the governing body for the acquiring agency first
29 approves the final route or site location and design of the
30 proposed public improvement.

31 The bill also amends Code sections 6B.56 and 6B.56A
32 relating to the disposition of condemned property by an
33 acquiring agency. The bill specifies that the requirements
34 and procedures for property that has not been used for the
35 purpose stated in the condemnation application, including the

1 requirement for first offering such property for sale to the
2 prior owner, also apply to any portion of the property that has
3 not been used for the purpose stated in the application.

4 The bill takes effect upon enactment. The section of the
5 bill amending Code section 6B.2C applies to public improvement
6 projects for which an application for condemnation is filed on
7 or after the effective date of the bill.

8 The sections of the bill amending Code sections 6B.56
9 and 6B.56A apply to public improvement projects for which an
10 application is filed before, on, or after the effective date
11 of the bill.