

CHAPTER 1225

EMINENT DOMAIN COMPENSATION COMMISSION

S. F. 1171

AN ACT relating to determining compensation in eminent domain proceedings.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred seventy-two point four (472.4),
2 Code 1966, is hereby repealed and the following enacted in lieu there-
3 of:

4 "Annually the board of supervisors of a county shall appoint not
5 less than twenty-eight residents of the county and the names of such
6 persons shall be placed on a list and they shall be eligible to serve
7 as members of a compensation commission. One-fourth of the persons
8 appointed shall be owner-operators of agricultural property, one-
9 fourth of the persons appointed shall be owners of city or town prop-
10 erty, one-fourth shall be licensed real estate salesmen or real estate
11 brokers, and one-fourth shall be persons having knowledge of prop-
12 erty values in the county by reason of their occupation, such as bank-
13 ers, auctioneers, property managers, property appraisers, and persons
14 responsible for making loans on property.

15 The chief judge of the judicial district shall select by lot six per-
16 sons from the list, two persons who are owner-operators of agricul-
17 tural property when the property to be condemned is agricultural
18 property; two persons who are owners of city or town property when
19 the property to be condemned is other than agricultural property; and
20 two persons from each of the remaining two representative groups,
21 and shall name a chairman from the persons selected. No member
22 of the compensation commission selected shall possess any interest in
23 the proceeding which would cause such person to render a biased
24 decision, who shall constitute a compensation commission to assess
25 the damages to all real estate to be taken by the applicant and located
26 in the county."

1 SEC. 2. Section four hundred seventy-two point five (472.5), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the word "sheriff" and inserting
4 in lieu thereof the words "chief judge of the judicial district".

5 2. By striking lines three (3), four (4), and five (5), and insert-
6 ing the words "appoint another person from the list, possessing the
7 same qualifications as the person who is being replaced to complete
8 the membership of the commission."

1 SEC. 3. Section four hundred seventy-two point six (472.6), Code
2 1966, is hereby repealed.

1 SEC. 4. Section four hundred seventy-two point thirty-three
2 (472.33), Code 1966, is hereby amended by inserting in line three (3)
3 after the word "commissioners" the words "and reasonable attorney
4 fees and costs incurred by the condemnee as determined by the com-
5 missioners if the award of the commissioners exceeds one hundred
6 ten percent of the final offer of the applicant prior to condemnation.
7 The applicant shall file with the sheriff an affidavit setting forth the
8 most recent offer made to the person whose property is sought to be

9 condemned. Members of such commissions shall receive a per diem
10 of fifty dollars and actual and necessary expenses incurred in the
11 performance of their official duties”.

1 SEC. 5. Chapter four hundred seventy-two (472), Code 1966, is
2 hereby amended by adding thereto the following new section:

3 “Written instructions for members of compensation commissions
4 shall be prepared under the direction of the chief justice of the su-
5 preme court and distributed to the sheriff in each county. The sheriff
6 shall transmit copies of the instructions to each member of a compen-
7 sation commission, and such instruction shall be read aloud to each
8 commission before it commences its duties.”

1 SEC. 6. Section four hundred seventy-two point three (472.3),
2 Code 1966, is hereby amended by striking from line three (3) the
3 word “sheriff” and inserting in lieu thereof the words “chief judge of
4 the judicial district”.

1 SEC. 7. When real property or an interest therein is purchased or
2 condemned for highway purposes and a fence or building is located
3 on such property, the governmental agency shall be responsible for
4 all costs incurred by the property owner in replacing or moving the
5 fence or moving the building onto property owned by the landowner
6 and abutting the property purchased or condemned for highway pur-
7 poses, or the governmental agency may replace or move the fence
8 or move the building. Such costs shall not constitute an additional
9 element of damages which would permit unjust enrichment or a
10 duplication of payments to any condemnee.

Approved April 6, 1970.

CHAPTER 1226

CONDEMNATION APPRAISAL FOR HIGHWAY

S. F. 1136

AN ACT relating to information to be furnished property owners in negotiations for land for highway purposes.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. When any real property or interest therein is to be
2 purchased, or in lieu thereof to be condemned for highway, street or
3 road purposes, the purchasing state agency, county, city or town or
4 their agent shall submit to the person, corporation or entity whose
5 property or interest therein is to be taken, by ordinary mail, at least
6 ten days prior to the date of contact, a copy of the appraisal upon
7 such real property or interest therein which shall include, at least, an
8 itemization of the appraised value of the real property or interest
9 therein, any buildings thereon, all other improvements including
10 fences, severance damages and loss of access.

Approved March 16, 1970.