

CHAPTER 135**CONDEMNATION DAMAGES – RIGHT-OF-WAY NOTICES – SCENIC
HIGHWAY ADVERTISING***H.F. 460*

AN ACT relating to governmental control of property by providing for the interest rates assessed for condemnation damages, providing for right-of-way notice filings, and concerning advertising control laws on scenic highways.

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

Section 1. Section 6B.24, Code 1995, is amended to read as follows:

6B.24 REDUCTION OF DAMAGES — INTEREST ON INCREASED AWARD.

If the amount of damages awarded by the commissioners is decreased on ~~the trial of the~~ appeal, the reduced amount ~~only~~ shall be paid to the landowner. If the amount of damages awarded by the commissioners is increased on appeal, interest shall be paid from the date of the condemnation. Interest shall not be paid on any amount which was previously paid. Interest shall be calculated at an annual rate equal to the coupon issue yield equivalent, as determined by the United States secretary of the treasury, of the average accepted auction price for the last auction of fifty-two-week United States treasury bills settled immediately before the date of the award.

Sec. 2. Section 306.19, subsection 5, paragraph a, Code 1995, is amended to read as follows:

a. The department may notify a city or county that a road under the jurisdiction or control of the department will be established, improved, relocated, or maintained and that the department may need to acquire additional right-of-way or property rights within an area described by the department. The notice shall include a depiction of the area on a map provided by the city, county, or the department. This notice shall be valid for a period of three years from the date of notification to the city or county and may be refiled by the department ~~for an additional three-year period~~ every three years. Within seven days of filing the notice, the department shall publish in a newspaper of public record a description and map of the area and a description of the potential restrictions applied to the city or county with respect to the granting of building permits, approving of subdivision plats, or zoning changes within the area.

Sec. 3. Section 306C.11, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Subject to the ~~provision~~ provisions made in section 306C.13 regarding control of bonus interstate highways and section 306D.4 regarding scenic highways or byways, ~~no~~ an advertising device shall not be erected or maintained within any adjacent area ~~as defined in section 306C.10~~, or on the ~~right-of-way~~ right-of-way of any primary highway, except the following:

Sec. 4. NEW SECTION. 306D.4 SCENIC HIGHWAY ADVERTISING.

The department of transportation shall have the authority to adopt rules to control the erection of new advertising devices on a highway designated as a scenic highway or scenic byway in order to comply with federal requirements concerning the implementation of a scenic byways program.

Approved May 1, 1995