

FILED JAN 27 2005

SENATE FILE
BY MCKINLEY

87

JUDICIARY

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 87
JUDICIARY

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

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

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

29 EXPLANATION

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