

January 29, 1963.  
Judiciary 1.

**House File 102**  
By REPPERT and DENMAN.

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

## A BILL FOR

An Act relating to damages resulting from the establishment  
of building lines by cities and towns.

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

- 1 Section 1. Section three hundred sixty-eight point ten
- 2 (368.10), subsection four (4), Code 1962, is hereby amended by
- 3 inserting in line four (4) after the word "thereby" the words
- 4 " , which was a present and existing use or enjoyment of the
- 5 property at the time the ordinance was adopted".

### EXPLANATION OF HOUSE FILE 102

The purpose of this bill is to clarify the statute relating to the establishment of building lines in cities and towns so as to remove any doubt that the loss of use and enjoyment for which a municipality is required to give compensation must be a real, present and existing loss and not one based on conjecture as to what might or might not have been built outside such line at some future time. In other words, to preclude claims against the city for loss of castles in the air.