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JUDICIARY

HOUSE FILE 2120

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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

HF 2120

**A BILL FOR**

1 An Act relating to eminent domain authority and condemnation  
2 procedures and including effective and applicability  
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 6A.4, subsection 2, unnumbered  
2 paragraph 1, Code 2005, is amended to read as follows:

3 Upon the owner or lessee of lands, which have no public or  
4 private way to the lands, for the purpose of providing a  
5 public way~~7-not-exceeding-forty-feet-in-width7~~, which will  
6 connect with an existing public road. The condemned public  
7 way shall not exceed forty feet in width when such lands are  
8 agricultural or have a single residence located on them. For  
9 all other uses, the condemned public way shall not exceed  
10 sixty-six feet. The condemned public way shall be located on  
11 a division, subdivision, or "forty" line or "sixty-six" line  
12 whichever is applicable, or immediately adjacent thereto, and  
13 along the line which is the nearest feasible route to an  
14 existing public road, or along a route established for a  
15 period of ten years or more by an easement of record or by use  
16 and travel to and from the property by the owner and the  
17 general public. The public way shall not interfere with  
18 buildings, orchards, or cemeteries. When passing through  
19 enclosed lands, the public way shall be fenced on both sides  
20 by the condemner upon request of the owner of the condemned  
21 land. The condemner or the condemner's assignee, shall  
22 provide easement for access to the owner of property severed  
23 by the condemnation. The public way shall be maintained by  
24 the condemner or the condemner's assignee, and shall not be  
25 considered any part of the primary or secondary road systems.

26 Sec. 2. Section 6A.21, subsection 2, Code 2005, is amended  
27 to read as follows:

28 2. The limitation on the definition of public use, public  
29 purpose, or public improvement does not apply to a slum area  
30 or blighted area as ~~defined-in-section-403-17-or-to~~  
31 ~~agricultural-land-acquired-for-industry-as-that-term-is~~  
32 defined-in-section-260E-27, provided in section 6A.22 or to the  
33 establishment, relocation, or improvement of a road pursuant  
34 to chapter 306, or to the establishment of a railway under the  
35 supervision of the department of transportation as provided in

1 section 327C.2, or to an airport as defined in section 328.1,  
2 or to land acquired in order to replace or mitigate land used  
3 in a road project when federal law requires replacement or  
4 mitigation. This limitation also does not apply to utilities  
5 or persons under the jurisdiction of the Iowa utilities board  
6 in the department of commerce or to any other utility  
7 conferred the right by statute to condemn private property or  
8 to otherwise exercise the power of eminent domain.

9 Sec. 3. NEW SECTION. 6A.22 ADDITIONAL LIMITATIONS ON  
10 EXERCISE OF POWER -- DEFINITIONS.

11 1. In addition to the limitations in section 6A.21, the  
12 authority of an acquiring agency to condemn any private  
13 property through eminent domain may only be exercised for a  
14 public purpose, public use, or public improvement. However,  
15 if the owner of the property consents to the condemnation, the  
16 property may be condemned for any purpose.

17 2. a. "Public use", "public purpose", or "public  
18 improvement" means one or more of the following:

19 (1) The possession, occupation, and enjoyment of property  
20 by the general public or governmental entities.

21 (2) The acquisition of any interest in property necessary  
22 to the function of a public or private utility or common  
23 carrier.

24 (3) Private use that is incidental to the public use of  
25 the property, provided that no property shall be condemned  
26 solely for the purpose of facilitating such incidental private  
27 use.

28 (4) The acquisition of property pursuant to chapter 455H.

29 (5) The acquisition of property in that portion of an  
30 urban renewal area designated as a slum or blighted area if  
31 each parcel, or any improvements thereon, for which  
32 condemnation is sought is determined by the governing body of  
33 the municipality to be presently suffering from or is one or  
34 more of the following:

35 (a) Dilapidated or deteriorated structures located on the

1 parcel.

2 (b) Unsafe or unsanitary conditions or inadequate  
3 provisions for sanitation.

4 (c) Existence of conditions which endanger life or  
5 property by fire and other causes.

6 (d) Tax or special assessment delinquency exceeding the  
7 fair value of the land.

8 (e) Abandoned property for which the owner cannot be  
9 reasonably determined or located.

10 In any action contesting a determination made pursuant to  
11 this subparagraph (5), the burden of proof is on the  
12 municipality to prove by clear and convincing evidence that it  
13 did not abuse its discretion in making such a determination.

14 b. Except as specifically included in the definition in  
15 paragraph "a", "public use" or "public purpose" or "public  
16 improvement" does not mean economic development activities  
17 resulting in increased tax revenues, increased employment  
18 opportunities, privately owned or privately funded housing and  
19 residential development, privately owned or privately funded  
20 commercial or industrial development, the lease of publicly  
21 owned property to a private party, or recreational development  
22 paid for primarily with private funds.

23 c. Notwithstanding paragraph "a":

24 (1) Private property shall not be condemned for  
25 development or creation of a lake as a surface drinking water  
26 source or for recreational use, for construction of a  
27 landfill, or for construction of sewer treatment facilities,  
28 unless the acquiring agency demonstrates that no other  
29 feasible alternative exists to accomplish its purpose.

30 (2) Private property shall not be condemned to develop or  
31 create a park or recreational facility unless the acquiring  
32 agency demonstrates that a good faith effort has been made to  
33 purchase a feasible location from a willing seller for the  
34 park or facility.

35 3. In any action contesting whether eminent domain

1 authority is being exercised for a public use, public purpose,  
2 or public improvement, the burden of proof is on the acquiring  
3 agency to prove by clear and convincing evidence that the  
4 proposed use of the property meets the definition of public  
5 use, public purpose, or public improvement in subsection 2 and  
6 that there is no feasible alternative to condemnation of the  
7 property.

8 Sec. 4. Section 6B.2A, subsection 1, unnumbered paragraph  
9 1, Code 2005, is amended to read as follows:

10 An acquiring agency shall provide written notice of a  
11 public hearing to each owner and any contract purchaser of  
12 record of ~~agricultural-land~~ private property that may be the  
13 subject of condemnation. The authority under this chapter is  
14 not conferred and condemnation proceedings shall not begin  
15 unless a good faith effort is made to mail and publish the  
16 notice as provided in this section on the owner and any  
17 contract purchaser of record of the property subject to  
18 condemnation. The notice shall be mailed by ordinary mail,  
19 not less than thirty days before the date the hearing is held,  
20 to the owner and any contract purchaser of record of each  
21 property or property interest at the owner's and contract  
22 purchaser's last known address as shown in the records of the  
23 county auditor not less than seven days nor more than fourteen  
24 days prior to the date of mailing. A change in ownership of  
25 any such property which is not reflected in the records of the  
26 county auditor during the period those records are searched as  
27 above provided shall not affect the validity of the notice or  
28 any condemnation proceeding commenced on the basis of such  
29 notice. The notice shall be given and the public hearing held  
30 before adoption of the ordinance, resolution, motion, or other  
31 declaration of intent to fund the final site-specific design  
32 for the public improvement, to make the final selection of the  
33 route or site location for the public improvement, or to  
34 acquire or condemn, if necessary, all or a portion of the  
35 property or an interest in the property for the public

1 improvement. If the location of the public improvement is  
2 changed or expanded after the decision has been made to  
3 proceed with the public improvement, a notice shall be mailed  
4 by ordinary mail no less than thirty days before the adoption  
5 of the ordinance, resolution, motion, or other declaration of  
6 intent to proceed with a change in the location of the public  
7 improvement to the owner and any contract purchaser of record  
8 of the ~~land~~ property to be acquired or condemned, if  
9 necessary, in the new location of the public improvement  
10 affected by the change. The mailed notice shall, at a  
11 minimum, include the following information:

12 Sec. 5. Section 6B.2A, subsection 2, unnumbered paragraph  
13 1, Code 2005, is amended to read as follows:

14 The acquiring agency shall cause a notice to be published  
15 once in a newspaper of general circulation in the county or  
16 city where the ~~agricultural-land~~ property to be acquired or  
17 condemned is located. The acquiring agency shall also post  
18 the notice in a conspicuous place on the property. The notice  
19 shall be published and posted at least four but no more than  
20 twenty days before the public hearing is held as referred to  
21 in subsection 1. The ~~published~~ notice shall, at a minimum,  
22 include the following information:

23 Sec. 6. Section 6B.2B, Code 2005, is amended to read as  
24 follows:

25 6B.2B ACQUISITION NEGOTIATION STATEMENT-OF-RIGHTS.

26 The acquiring agency shall make a good faith effort to  
27 negotiate with the owner to purchase the private property or  
28 property interest before filing an application for  
29 condemnation or otherwise proceeding with the condemnation  
30 process. An acquiring agency shall not make an offer to  
31 purchase the property or property interest that is less than  
32 the fair market value the acquiring agency has established for  
33 the property or property interest pursuant to the appraisal  
34 required in section 6B.45 plus expenses listed in section  
35 6B.54, subsection 10, or less than the value determined under

1 the acquiring agency's waiver procedure established pursuant  
2 to section 6B.54, subsection 2, for acquisition of property  
3 with a low fair market value plus expenses listed in section  
4 6B.54, subsection 10. However, an acquiring agency need not  
5 make an offer in excess of that amount in order to satisfy the  
6 requirement to negotiate in good faith. ~~An-acquiring-agency~~  
7 ~~is-deemed-to-have-met-the-requirements-of-this-section-if-the~~  
8 ~~acquiring-agency-complies-with-section-6B-54.~~

9 Sec. 7. Section 6B.3, subsection 1, paragraph d, Code  
10 2005, is amended to read as follows:

11 d. The purpose for which condemnation is sought. For  
12 ~~purposes-of-section-6B-4A, if condemnation of agricultural~~  
13 ~~land is sought by a city or county, or an agency of a city or~~  
14 ~~county, for location of an industry as that term is defined in~~  
15 ~~section 260E-2, the application shall so state. --However, the~~  
16 ~~city or county shall not be required to disclose information~~  
17 ~~on an industrial prospect with which the city or county is~~  
18 ~~currently negotiating.~~

19 Sec. 8. Section 6B.3, subsection 2, unnumbered paragraph  
20 1, Code 2005, is amended to read as follows:

21 The applicant shall mail a copy of the application by  
22 certified mail to the owner at the owner's last known address  
23 and to any record lienholder or encumbrancer of the property  
24 at the lienholder's or encumbrancer's last known address. The  
25 applicant shall also cause the application to be published  
26 once in a newspaper of general circulation in the county, not  
27 less than four nor more than twenty days before the meeting of  
28 the compensation commission to assess the damages. Service of  
29 the application by publication shall be deemed complete on the  
30 day of publication. The applicant shall also post a copy of  
31 the application in a conspicuous place on the property not  
32 less than four nor more than twenty days before the meeting of  
33 the compensation commission to assess the damages.

34 Sec. 9. Section 6B.3, subsection 3, unnumbered paragraph  
35 2, Code 2005, is amended to read as follows:

1 When indexed, the proceeding is considered pending so as to  
2 charge all persons not having an interest in the property with  
3 notice of its pendency, and while pending no interest can be  
4 acquired by the third parties in the property against the  
5 rights of the applicant. If the appraisalment of damages  
6 pursuant to section 6B.14 is not made within one hundred  
7 twenty days, the proceedings instituted under this section are  
8 terminated and all rights and interests of the applicant  
9 arising out of the application for condemnation terminate.  
10 The applicant may reinstitute a new condemnation proceeding at  
11 any time. The reinstated proceedings are entirely new  
12 proceedings and not a revival of the terminated proceeding.

13 Sec. 10. NEW SECTION. 6B.3A CHALLENGE BY OWNER.

14 An owner of property described in an application for  
15 condemnation may bring an action to challenge the exercise of  
16 eminent domain authority or the condemnation proceedings in  
17 the district court of the county in which the private property  
18 is situated at any time up until the deadline for filing a  
19 notice of appeal of appraisalment of damages under section  
20 6B.18, subsection 1. The condemnation proceedings against  
21 such property shall be stayed while court action is pending.

22 Sec. 11. Section 6B.8, Code 2005, is amended to read as  
23 follows:

24 6B.8 NOTICE OF ASSESSMENT.

25 The applicant, or the owner or any lienholder or  
26 encumbrancer of any land described in the application, may, at  
27 any time after the appointment of the commissioners, have the  
28 damages to the lands of any such owner assessed by giving the  
29 other party, if a resident of this state, thirty days' notice,  
30 in writing. The notice shall specify the day and the hour  
31 when the compensation commission will meet, view the premises,  
32 and assess the damages. The notice shall be personally served  
33 upon all necessary parties in the same manner provided by the  
34 Iowa rules of civil procedure for the personal service of  
35 original notice. ~~if-a-city-or-county,-or-an-agency-of-a-city~~

~~1 or county, is seeking to condemn agricultural land for an  
2 industry as that term is defined in section 260E.2, the notice  
3 shall inform the landowner that the landowner may request that  
4 the compensation commission review the application as provided  
5 in section 6B.4A.~~

6 Sec. 12. Section 6B.14, unnumbered paragraph 2, Code 2005,  
7 is amended to read as follows:

8 Prior to the meeting of the commission, the commission or a  
9 commissioner shall not communicate with the applicant,  
10 property owner, or tenant, or their agents, regarding the  
11 condemnation proceedings. The commissioners shall meet in  
12 open session to view the property and to receive evidence, but  
13 may and shall deliberate in ~~closed~~ open session. After  
14 deliberations commence, the commission and each commissioner  
15 is prohibited from communicating with any party to the  
16 proceeding, unless such communication occurs in the presence  
17 of or with the consent of the property owner and the other  
18 parties who appeared before the commission. The commission  
19 shall keep minutes of all its meetings showing the date, time,  
20 and place, the members present, and the action taken at each  
21 meeting. The minutes shall show the results of each vote  
22 taken and information sufficient to indicate the vote of each  
23 member present. The vote of each member present shall be made  
24 public at the open session. The minutes shall be public  
25 records open to public inspection.

26 Sec. 13. Section 6B.14, Code 2005, is amended by adding  
27 the following new unnumbered paragraph after unnumbered  
28 paragraph 2:

29 NEW UNNUMBERED PARAGRAPH. In determining fair market value  
30 of property, the commissioners shall not consider only the  
31 assessed value assigned to such property for purposes of  
32 property taxation.

33 Sec. 14. Section 6B.42, subsection 1, Code 2005, is  
34 amended to read as follows:

35 1. a. The If condemnation of property will result in the

1 displacement of a person, the acquiring agency shall provide  
2 to the person, in addition to any other sums of money in  
3 payment of just compensation and upon proper application to  
4 the acquiring agency, the payments and assistance required by  
5 law, in accordance with chapter 316 payment for actual  
6 reasonable and necessary expenses incurred in moving the  
7 person, the person's family, business, farm operation, or  
8 other personal property. The payment may also provide for  
9 actual direct losses of tangible personal property, purchase  
10 of substitute personal property, business reestablishment  
11 expenses, storage expenses, and expenses incurred in searching  
12 for a replacement business or farm operation. If relocation  
13 of a business or farm operation is not economically feasible,  
14 the displaced person may also apply for payment of the loss of  
15 existing business relationships because of the inability to  
16 relocate the business or farm operation to a location similar  
17 in economic advantage to the location from which the business  
18 or farm operation was moved.

19 b. A person aggrieved by a determination made as to  
20 eligibility for relocation assistance, a payment, or the  
21 amount of the payment, ~~upon application,~~ may apply to have the  
22 matter reviewed by the appropriate acquiring agency.

23 c. An acquiring agency ~~subject to this section~~ that  
24 proposes to displace a person shall inform the person of the  
25 person's right to receive relocation assistance and payments,  
26 and of an aggrieved person's right to appeal a determination  
27 as to assistance and payments.

28 Sec. 15. Section 6B.45, Code 2005, is amended to read as  
29 follows:

30 6B.45 MAILING COPY OF APPRAISAL.

31 When any real property or interest in real property is to  
32 be purchased, or in lieu thereof to be condemned, the  
33 acquiring agency or its agent shall submit to the person,  
34 corporation, or entity whose property or interest in the  
35 property is to be taken, by ordinary mail, at least ten days

1 prior to the date upon which the acquiring agency or its agent  
2 contacts the property owner to commence negotiations, a copy  
3 of the appraisal in its entirety upon such real property or  
4 interest in such real property prepared for the acquiring  
5 agency or its agent, which shall include, at a minimum, an  
6 itemization of the appraised value of the real property or  
7 interest in the property, any buildings on the property, all  
8 other improvements including fences, severance damages, and  
9 loss of access. In determining fair market value of property,  
10 the commissioners shall not consider only the assessed value  
11 assigned to such property for purposes of property taxation.

12 The appraisal sent to the condemnee shall be that appraisal  
13 upon which the condemnor will rely to establish an amount  
14 which the condemnor believes to be just compensation for the  
15 real property. All other appraisals made on the property as a  
16 result of the condemnation proceeding shall be made available  
17 to the condemnee upon request. In lieu of an appraisal, a  
18 utility or person under the jurisdiction of the utilities  
19 board of the department of commerce, or any other utility  
20 conferred the right by statute to condemn private property,  
21 shall provide in writing by certified mail to the owner of  
22 record thirty days prior to negotiations, the methods and  
23 factors used in arriving at an offered price for voluntary  
24 easements including the range of cash amount of each  
25 component. An acquiring agency may obtain a signed written  
26 waiver from the landowner to allow negotiations to commence  
27 prior to the expiration of the applicable waiting period for  
28 the commencement of negotiations.

29 Sec. 16. Section 6B.54, Code 2005, is amended to read as  
30 follows:

31 ~~6B.54~~ ~~FEDERALLY-ASSISTED-PROJECT-AND-DISPLACING-ACTIVITIES~~  
32 ~~-- ACQUISITION POLICIES FOR ACQUIRING AGENCIES.~~

33 For any ~~project-or-displacing-activity-that-has-received-or~~  
34 ~~will-receive-federal-financial-assistance-as-defined-in~~  
35 ~~section-316-17-for-any-state-funded-projects,-or-for-any-other~~

1 public use, public purpose, or public improvement for which  
2 condemnation is sought, an acquiring agency shall, at a  
3 minimum, satisfy the following policies:

4 1. Every reasonable and good faith effort shall be made to  
5 acquire expeditiously real property by negotiation as provided  
6 in section 6B.2B.

7 2. Real property shall be appraised as required by section  
8 6B.45 before the initiation of negotiations, and the owner or  
9 the owner's designated representative shall be given an  
10 opportunity to accompany at least one appraiser of the  
11 acquiring agency during an inspection of the property, except  
12 that an acquiring agency may prescribe a procedure to waive  
13 the appraisal in cases involving the acquisition of property  
14 with a low fair market value. In lieu of an appraisal, a  
15 utility or person under the jurisdiction of the utilities  
16 board of the department of commerce, or any other utility  
17 conferred the right by statute to condemn private property,  
18 shall provide in writing by certified mail to the owner of  
19 record thirty days before negotiations, the methods and  
20 factors used in arriving at an offered price for voluntary  
21 easements including the range of cash amount of each  
22 component.

23 3. Before the initiation of negotiations for real  
24 property, the acquiring agency shall establish an amount which  
25 it believes to be just compensation for the real property, and  
26 shall make a prompt offer to acquire the property for the full  
27 amount established by the agency. In no event shall the  
28 amount be less than the ~~lowest-appraisal-of-the~~ fair market  
29 value of the acquiring agency has established for the property  
30 or property interest pursuant to the appraisal required in  
31 section 6B.45 plus expenses listed in subsection 10, or less  
32 than the value determined under the acquiring agency's waiver  
33 procedure established pursuant to subsection 2, plus expenses  
34 listed in subsection 10. In the case of a utility or person  
35 under the jurisdiction of the utilities board of the

1 department of commerce, or any other utility conferred the  
2 right by statute to condemn private property, the amount shall  
3 not be less than the amount indicated by the methods and  
4 factors used in arriving at an offered price for a voluntary  
5 easement.

6 4. The construction or development of a public improvement  
7 shall be so scheduled that, to the greatest extent  
8 practicable, no person lawfully occupying real property shall  
9 be required to move from a dwelling or to move the person's  
10 business or farm operation without at least ninety days'  
11 written notice of the date by which the move is required.

12 5. If after damages have been finally determined and paid,  
13 an owner or tenant is permitted to occupy the real property  
14 acquired on a rental basis for a short term or for a period  
15 subject to termination on short notice, the amount of rent  
16 required shall not exceed the fair rental value of the  
17 property to a short-term occupier.

18 6. In no event shall the time of condemnation be advanced,  
19 or negotiations or condemnation and the deposit of funds in  
20 court for the use of the owner be deferred, or any other  
21 coercive action be taken to compel an agreement on the price  
22 to be paid for the property.

23 7. If an interest in real property is to be acquired by  
24 exercise of the power of eminent domain, formal condemnation  
25 proceedings shall be instituted. The acquiring agency shall  
26 not intentionally make it necessary for an owner to institute  
27 legal proceedings to prove the fact of the taking of the  
28 owner's real property.

29 8. If the acquisition of only a portion of property would  
30 leave the owner with an uneconomical remnant, the acquiring  
31 agency shall offer to acquire that remnant. For the purposes  
32 of this chapter, an "uneconomical remnant" is a parcel of real  
33 property in which the owner is left with an interest after the  
34 partial acquisition of the owner's property, where the  
35 acquiring agency determines that the parcel has little or no

1 value or utility to the owner.

2 9. A person whose real property is being acquired in  
3 accordance with this chapter, after the person has been fully  
4 informed of the person's right to receive just compensation  
5 for the property, may donate the property, any part of the  
6 property, any interest in the property, or any compensation  
7 paid for it as the person may determine.

8 10. As soon as practicable after the date of payment of  
9 the purchase price or the date of deposit in court of funds to  
10 satisfy the award of compensation in a condemnation proceeding  
11 to acquire real property, whichever is earlier, the acquiring  
12 agency shall reimburse the owner, to the extent the acquiring  
13 agency deems fair and reasonable, for expenses the owner  
14 necessarily incurred for all of the following:

15 a. Recording fees, transfer taxes, and similar expenses  
16 incidental to conveying the real property to the acquiring  
17 agency.

18 b. Penalty costs for full or partial prepayment of any  
19 preexisting recorded mortgage entered into in good faith  
20 encumbering the real property.

21 c. Attorney fees and costs, including expert witness fees  
22 and fees relating to appraisal of the property.

23 Payments and expenditures under this subsection are  
24 incident to and arise out of the program or project for which  
25 the acquisition activity takes place. Such payments and  
26 expenditures may be made from the funds made available for the  
27 program or project.

28 A person aggrieved by a determination as to the eligibility  
29 for or amount of a reimbursement may apply to have the matter  
30 reviewed by the acquiring agency or in accordance with section  
31 316.9 if applicable.

32 11. An owner shall not be required to surrender possession  
33 of real property before the acquiring agency concerned pays  
34 the agreed purchase price.

35 Sec. 17. Section 6B.55, unnumbered paragraph 1, Code 2005,

1 is amended to read as follows:

2 For any ~~program or project that has received or will~~  
3 ~~receive federal financial assistance as defined in section~~  
4 ~~316.17, for any state-funded projects, or for any other~~ public  
5 use, public purpose, or public improvement for which  
6 condemnation is sought, an acquiring agency shall at a minimum  
7 satisfy the following policies:

8 Sec. 18. Section 6B.56, subsection 2, Code 2005, is  
9 amended to read as follows:

10 2. Before the real property may be offered for sale to the  
11 general public, the condemner shall notify the prior owner of  
12 the real property condemned in writing of the condemner's  
13 intent to dispose of the real property, of the current  
14 appraised value of the real property, and of the prior owner's  
15 right to purchase the real property within sixty days from the  
16 date the notice is served at a price equal to the current  
17 appraised value of the real property or the fair market value  
18 of the property at the time it was acquired by the prior  
19 owner, whichever is less. The notice sent by the condemner as  
20 provided in this subsection shall be filed with the office of  
21 the recorder in the county in which the real property is  
22 located.

23 Sec. 19. NEW SECTION. 6B.56A DISPOSITION OF CONDEMNED  
24 PROPERTY -- ACTION TO RECLAIM.

25 When five years have elapsed since property was condemned  
26 and the property has not been used for the purpose stated in  
27 the application filed pursuant to section 6B.3 and the  
28 acquiring agency has not taken action to dispose of the  
29 property pursuant to section 6B.56, the previous owner may  
30 bring an action in the district court where the property is  
31 located to reclaim title to the property. The action shall be  
32 brought within sixty days after the five-year time period has  
33 elapsed. Upon the filing of the action with the court, the  
34 previous owner shall pay to the county sheriff that portion of  
35 the damages which reflected the fair market value of the

1 property at the time of acquisition. After notice of the  
2 action has been served on the acquiring agency, the previous  
3 owner shall also file a copy of the notice with the county  
4 recorder for recording. Thirty days after service of the  
5 notice, and upon proof of payment to the sheriff being filed  
6 with the court, the court shall order that title to the  
7 property be transferred to the previous owner.

8 An acquiring agency shall give written notice to the owner  
9 of the right to reclaim title under this section at the time  
10 damages are paid to the owner.

11 Sec. 20. Section 6B.59, Code 2005, is amended to read as  
12 follows:

13 6B.59 SALE OF ACQUIRED PROPERTY -- REIMBURSEMENT TO  
14 LANDOWNER.

15 If an acquiring agency acquires property by condemnation,  
16 or by otherwise exercising the power of eminent domain, and  
17 that property is later sold by the acquiring agency for more  
18 than the acquisition price paid to the landowner, the  
19 acquiring agency shall pay to the landowner from whom the  
20 property was acquired the difference between the price at  
21 which it was acquired and the price at which it was sold by  
22 the acquiring agency less the cost of any improvements made to  
23 or benefiting the land by the acquiring agency. ~~This section~~  
24 ~~does not apply to property acquired by the state department of~~  
25 ~~transportation.~~

26 Sec. 21. NEW SECTION. 6B.60 RENTAL CHARGES PROHIBITED.

27 Rent for property for which damages have been determined  
28 shall not be charged and shall not accrue against the property  
29 owner until such damages have been finally determined and paid  
30 and all court challenges related to the condemnation have been  
31 finally adjudicated.

32 Sec. 22. Section 28F.11, Code 2005, is amended to read as  
33 follows:

34 28F.11 EMINENT DOMAIN.

35 Any public agency participating in an agreement authorizing

1 the joint exercise of governmental powers pursuant to this  
2 chapter may exercise its power of eminent domain to acquire  
3 interests in property, under provisions of law then in effect  
4 and applicable to the public agency, for the use of the entity  
5 created to carry out the agreement, provided that the power of  
6 eminent domain is not used to acquire interests in property  
7 which is part of a system of facilities in existence, under  
8 construction, or planned, for the generation, transmission or  
9 sale of electric power. In the exercise of the power of  
10 eminent domain, the public agency shall proceed in the manner  
11 provided by chapter 6B. Any interests in property acquired  
12 are acquired for a public purpose, as defined in chapter 6A,  
13 of the condemning public agency, and the payment of the costs  
14 of the acquisition may be made pursuant to the agreement or to  
15 any separate agreement between the public agency and the  
16 entity or the other public agencies participating in the  
17 entity or any of them. Upon payment of costs, any property  
18 acquired is the property of the entity.

19 Sec. 23. Section 316.4, subsection 1, Code 2005, is  
20 amended to read as follows:

21 1. If a program or project undertaken by a displacing  
22 agency will result in the displacement of a person, the  
23 displacing agency shall make a payment to the displaced  
24 person, upon proper application as approved by the displacing  
25 agency, for actual reasonable and necessary expenses incurred  
26 in moving the person, the person's family, business, farm  
27 operation, or other personal property subject to rules and  
28 limits established by the department. The payment may also  
29 provide for actual direct losses of tangible personal  
30 property, purchase of substitute personal property, business  
31 reestablishment expenses, storage expenses, and expenses  
32 incurred in searching for a replacement business or farm. If  
33 relocation of a business or farm operation is not economically  
34 feasible, the displaced person may also apply for payment of  
35 the loss of existing business relationships because of the

1 inability to relocate the business or farm operation to a  
2 location similar in economic advantage to the location from  
3 which the business or farm operation was moved.

4 Sec. 24. Section 327I.7, subsection 4, Code 2005, is  
5 amended to read as follows:

6 4. Exercise the power of eminent domain consistent with  
7 the provisions of chapters 6A and 6B.

8 Sec. 25. Section 330A.8, subsection 11, Code 2005, is  
9 amended to read as follows:

10 11. To have the power of eminent domain, ~~such-power-to-be~~  
11 ~~exercised-in-the-manner-provided-by-law-for-municipal~~  
12 ~~corporations-of-this-state~~ but only as provided in section  
13 330A.13.

14 Sec. 26. Section 330A.13, Code 2005, is amended to read as  
15 follows:

16 330A.13 ACQUISITION OF LANDS AND PROPERTY.

17 An authority shall have the power to acquire, within or  
18 without the geographical boundaries of the member  
19 municipalities, by purchase ~~or eminent domain proceedings~~,  
20 either the fees or such rights, title, interest, or easement  
21 in such lands and property, including but not limited to air  
22 rights and ~~avigation~~ navigation easements, as the authority  
23 may deem necessary for any of the purposes of this chapter.  
24 The authority may acquire property by eminent domain only if  
25 the property to be condemned is immediately adjacent to an  
26 existing airport. The right of eminent domain herein  
27 conferred shall be exercised by the authority in the manner  
28 provided by law, as though the authority were a municipal  
29 corporation.

30 Sec. 27. Section 346.27, subsection 9, paragraph b, Code  
31 2005, is amended to read as follows:

32 b. To acquire in the corporate name of the authority the  
33 fee simple title to the real property located within the area  
34 by purchase, gift, devise, or by the exercise of the power of  
35 eminent domain consistent with the provisions of chapters 6A

1 and 6B, or to take possession of real estate by lease.

2 Sec. 28. Section 364.4, subsection 1, Code 2005, is  
3 amended to read as follows:

4 1. Acquire, hold, and dispose of property outside the city  
5 in the same manner as within. However, the power of a city to  
6 acquire property outside the city does not include the power  
7 to acquire property outside the city by eminent domain.

8 Sec. 29. Section 389.3, unnumbered paragraph 2, Code 2005,  
9 is amended to read as follows:

10 A joint water utility is a political subdivision and an  
11 instrumentality of municipal government. The statutory  
12 powers, duties, and limitations conferred upon a city utility  
13 apply to a joint water utility, except that title to property  
14 of a joint water utility may be held in the name of the joint  
15 water utility. The joint water utility board shall have all  
16 powers and authority of a city with respect to property which  
17 is held by the joint water utility. A joint water utility  
18 shall have the power of eminent domain, including the powers,  
19 duties, and limitations conferred upon a city in chapters 6A  
20 and 6B, for the purposes of constructing and operating a joint  
21 water utility.

22 Sec. 30. Section 403.2, subsection 4, Code 2005, is  
23 amended to read as follows:

24 4. It is further found and declared that the powers  
25 conferred by this chapter are for public uses and purposes for  
26 which public money may be expended and for which the power of  
27 eminent domain, to the extent authorized, and police power  
28 exercised; and that the necessity in the public interest for  
29 the provisions herein enacted is hereby declared as a matter  
30 of legislative determination.

31 Sec. 31. Section 403.5, subsection 4, paragraph b,  
32 subparagraph (2), Code 2005, is amended to read as follows:

33 (2) If it is to be developed for nonresidential uses, the  
34 local governing body shall determine that such nonresidential  
35 uses are necessary and appropriate to facilitate the proper

1 growth and development of the community in accordance with  
2 sound planning standards and local community objectives.  
3 PARAGRAPH DIVIDED. The acquisition of open land authorized  
4 in subparagraphs (1) and (2) may require the exercise of  
5 governmental action, as provided in this chapter, because of  
6 defective or unusual conditions of title, diversity of  
7 ownership, tax delinquency, improper subdivisions, outmoded  
8 street patterns, deterioration of site, economic disuse,  
9 unsuitable topography or faulty lot layouts, or because of the  
10 need for the correlation of the area with other areas of a  
11 municipality by streets and modern traffic requirements, or  
12 any combination of such factors or other conditions which  
13 retard development of the area. If such governmental action  
14 involves the exercise of eminent domain authority, the  
15 municipality is subject to the limitations of this chapter and  
16 chapters 6A and 6B.

17 Sec. 32. Section 403.5, subsection 4, unnumbered paragraph  
18 2, Code 2005, is amended by striking the unnumbered paragraph.

19 Sec. 33. Section 403.6, subsection 3, Code 2005, is  
20 amended to read as follows:

21 3. Within its area of operation, to enter into any  
22 building or property in any urban renewal area in order to  
23 make inspections, surveys, appraisals, soundings or test  
24 borings, and to obtain an order for this purpose from a court  
25 of competent jurisdiction in the event entry is denied or  
26 resisted; to acquire by purchase, lease, option, gift, grant,  
27 bequest, devise, eminent domain or otherwise, any real  
28 property, or personal property for administrative purposes,  
29 together with any improvements thereon; to hold, improve,  
30 clear or prepare for redevelopment any such property; to  
31 mortgage, pledge, hypothecate or otherwise encumber or dispose  
32 of any real property; to insure or provide for the insurance  
33 of any real or personal property or operations of the  
34 municipality against any risks or hazards, including the power  
35 to pay premiums on any such insurance; and to enter into any

1 contracts necessary to effectuate the purposes of this  
2 chapter:--Provided, however, that no statutory provision with  
3 respect to the acquisition, clearance or disposition of  
4 property by public bodies shall restrict a municipality or  
5 other public body exercising powers hereunder in the exercise  
6 of such functions with respect to an urban renewal project,  
7 unless the legislature shall specifically so state. A  
8 municipality or other public body exercising powers under this  
9 chapter with respect to the acquisition, clearance, or  
10 disposition of property shall not be restricted by any other  
11 statutory provision in the exercise of such powers unless such  
12 statutory provision specifically states its application to  
13 this chapter or unless this chapter specifically applies  
14 restrictions contained in another statutory provision to the  
15 powers that may be exercised under this chapter.

16 Sec. 34. Section 403.7, Code 2005, is amended to read as  
17 follows:

18 403.7 CONDEMNATION OF PROPERTY.

19 1. A municipality shall have the right to acquire by  
20 condemnation any interest in real property, including a fee  
21 simple title thereto, which it may deem necessary for or in  
22 connection with an urban renewal project under this chapter,  
23 subject to the limitations on eminent domain authority in  
24 chapter 6A. However, a municipality shall not condemn  
25 agricultural land included within an economic development area  
26 for any use unless the owner of the agricultural land consents  
27 to condemnation or unless ~~the agricultural land is to be~~  
28 ~~acquired for industry as that term is defined in section~~  
29 260E-2 the municipality determines that the land is necessary  
30 or useful for any of the following:

31 a. The operation of a city utility as defined in section  
32 362.2.

33 b. The operation of a city franchise conferred the  
34 authority to condemn private property under section 364.2.

35 c. The operation of a combined utility system as defined

1 in section 384.80.

2     2. A municipality may shall exercise the power of eminent  
3 domain in the manner provided in chapter 6B, ~~and Acts~~  
4 ~~amendatory to that chapter or supplementary to that chapter,~~  
5 ~~or it may exercise the power of eminent domain in the manner~~  
6 ~~now or which may be hereafter provided by any other statutory~~  
7 ~~provisions for the exercise of the power of eminent domain.~~  
8 Property already devoted to a public use may be acquired in  
9 like manner. However, real property belonging to the state,  
10 or any political subdivision of this state, shall not be  
11 acquired without its consent, and real property or any right  
12 or interest in the property owned by any public utility  
13 company, pipeline company, railway or transportation company  
14 vested with the right of eminent domain under the laws of this  
15 state, shall not be acquired without the consent of the  
16 company, or without first securing, after due notice to the  
17 company and after hearing, a certificate authorizing  
18 condemnation of the property from the board, commission, or  
19 body having the authority to grant a certificate authorizing  
20 condemnation.

21     3. In a condemnation proceeding, if a municipality  
22 proposes to take a part of a lot or parcel of real property,  
23 the municipality shall also take the remaining part of the lot  
24 or parcel if requested by the owner.

25     Sec. 35. Section 403A.3, subsection 4, Code 2005, is  
26 amended to read as follows:

27     4. To lease or rent any dwellings, accommodations, lands,  
28 buildings, structures or facilities embraced in any project  
29 and (subject to the limitations contained in this chapter with  
30 respect to the rental of dwellings in housing projects) to  
31 establish and revise the rents or charges therefor; to own,  
32 hold and improve real or personal property; to purchase,  
33 lease, obtain options upon, acquire by gift, grant, bequest,  
34 devise or otherwise any real or personal property or any  
35 interest therein; to acquire by the exercise of the power of

1 eminent domain any real property subject to section 403A.20;  
 2 to sell, lease, exchange, transfer, assign, pledge or dispose  
 3 of any real or personal property or any interest therein; to  
 4 insure or provide for the insurance, in any stock or mutual  
 5 company of any real or personal property or operations of the  
 6 municipality against any risks or hazards; to procure or agree  
 7 to the procurement of federal or state government insurance or  
 8 guarantees of the payment of any bonds or parts thereof issued  
 9 by a municipality, including the power to pay premiums on any  
 10 such insurance.

11 Sec. 36. Section 403A.20, Code 2005, is amended to read as  
 12 follows:

13 403A.20 CONDEMNATION OF PROPERTY.

14 A municipality shall have the right to acquire by  
 15 condemnation any interest in real property, including a fee  
 16 simple title thereto, which it may deem necessary for or in  
 17 connection with a municipal housing project under this  
 18 chapter, subject to the limitations on eminent domain  
 19 authority in chapter 6A. A municipality ~~may~~ shall exercise  
 20 the power of eminent domain in the manner provided in chapter  
 21 ~~6B7-and-acts-amendatory-thereof-or-supplementary-thereto7-or~~  
 22 ~~it-may-exercise-the-power-of-eminent-domain-in-the-manner-now~~  
 23 ~~or-which-may-be-hereafter-provided-by-any-other-statutory~~  
 24 ~~provisions-for-the-exercise-of-the-power-of-eminent-domain~~.  
 25 Property already devoted to a public use may be acquired in  
 26 like manner: ~~---Provided7-that-no~~. However, real property  
 27 belonging to the state, or any political subdivision thereof,  
 28 may shall not be acquired without its consent, provided  
 29 ~~further-that-no~~ and real property or any right or interest  
 30 therein in the property owned by any public utility company,  
 31 pipeline company, railway or transportation company vested  
 32 with the right of eminent domain under the laws of this state,  
 33 shall not be acquired without the consent of such the company,  
 34 or without first securing, after due notice to such the  
 35 company and after hearing, a certificate authorizing

1 condemnation of such property from the board, commission, or  
2 body having the authority to grant a certificate authorizing  
3 condemnation.

4 In a condemnation proceeding, if a municipality proposes to  
5 take a part of a lot or parcel of real property, the  
6 municipality shall also take the remaining part of the lot or  
7 parcel if requested by the owner.

8 Sec. 37. Section 468.128, Code 2005, is amended to read as  
9 follows:

10 468.128 IMPOUNDING AREAS AND EROSION CONTROL DEVICES.

11 Levee and drainage districts are empowered to construct  
12 impounding areas and other flood and erosion control devices  
13 to protect lands of the district and drainage structures and  
14 may provide ways for access to improvements for the operation  
15 or protection thereof, where the cost is not excessive in  
16 consideration of the value to the district. Necessary lands  
17 or easements may be acquired within or without the district by  
18 purchase, lease or agreement, or by exercise of the right of  
19 eminent domain as provided for in chapter 6B and may be  
20 procured and construction undertaken either independently or  
21 in co-operation with other districts, individuals, or any  
22 federal or state agency or political subdivision.

23 Sec. 38. Section 468.146, subsection 1, Code 2005, is  
24 amended to read as follows:

25 1. When a drainage district is established and a  
26 satisfactory outlet cannot be obtained except through lands in  
27 an adjoining county, or when an improved outlet cannot be  
28 obtained except through lands downstream from the district  
29 boundary, the board shall have the power to purchase a right  
30 of way, to construct and maintain such outlets, and to pay all  
31 necessary costs and expenses out of the district funds. The  
32 board shall have similar authority relative to the  
33 construction and maintenance of silt basins upstream from the  
34 district boundary. In case the board and the owners of the  
35 land required for such outlet or silt basin cannot agree upon

1 the price to be paid as compensation for the land taken or  
2 used, the board is hereby empowered to exercise the right of  
3 eminent domain as provided for in chapter 6B in order to  
4 procure such necessary right of way.

5 Sec. 39. Section 468.366, Code 2005, is amended to read as  
6 follows:

7 468.366 SETTLING BASIN -- CONDEMNATION.

8 If, before a district operating a pumping plant is  
9 completed and accepted, it appears that portions of the lands  
10 within said district are wet or nonproductive by reason of the  
11 floods or overflow waters from one or more streams running  
12 into, through, or along said district and that said district  
13 or some other district of which such district shall have  
14 formed a part, shall have provided a settling basin to care  
15 for the said floods and overflow waters of said stream or  
16 watercourse, but no channel to said settling basin has been  
17 provided, said board or boards are hereby empowered to lease,  
18 buy, or condemn the necessary lands within or without the  
19 district for such channel. Proceedings to condemn shall be as  
20 provided in chapter 6B for the exercise of the right of  
21 eminent domain.

22 Sec. 40. CODE EDITOR DIRECTIVE.

23 1. The Code editor is directed to make the following  
24 transfers:

- 25 a. Section 6B.10 to become subsection 2 of section 6B.9.
- 26 b. Section 6B.20 to become subsection 4 of section 6B.18.
- 27 c. Section 6B.27 to become subsection 2 of section 6B.26.
- 28 d. Sections 6B.39 and 6B.41 to become subsections 3 and 4,  
29 respectively, of section 6B.38.
- 30 e. Section 6B.43 to become unnumbered paragraph 3 of  
31 section 6B.4.
- 32 f. Sections 6B.47 through 6B.51 to become subsections 2  
33 through 6, respectively, of section 6B.46.
- 34 g. Section 6B.58 to become subsection 2 of section 6B.1.

35 2. The Code editor is directed to correct internal

1 references in the Code as necessary due to enactment of this  
2 section.

3 Sec. 41. Section 6B.4A, Code 2005, is repealed.

4 Sec. 42. EFFECTIVE AND APPLICABILITY DATES. This Act,  
5 being deemed of immediate importance, takes effect upon  
6 enactment and applies to condemnation actions initiated on or  
7 after the effective date of this Act.

8 EXPLANATION

9 This bill makes changes to the law relating to eminent  
10 domain authority and the procedure by which eminent domain  
11 authority is exercised (condemnation).

12 The bill changes from 40 feet to 66 feet the width of a  
13 public way that may be acquired by eminent domain by an owner  
14 of land without a way to the land.

15 The bill provides limitations on the exercise of eminent  
16 domain authority for all private property by defining "public  
17 use", "public purpose", and "public improvement" to mean use  
18 of property by the general public, governmental entities,  
19 public or private utilities, or common carriers. "Public  
20 use", "public purpose", and "public improvement" are also  
21 defined in the bill to include the acquisition of property to  
22 remedy certain conditions in those portions of urban renewal  
23 areas designated as slum or blighted, acquisition of  
24 brownfield sites, and private use of property that is  
25 incidental to its public use. The bill further provides that  
26 "public use", "public purpose", and "public improvement" do  
27 not mean economic development activities or privately funded  
28 activities unless such activities are specifically included in  
29 the definition of these terms. The bill also provides that  
30 private property shall not be condemned for creation of a  
31 lake, construction of a landfill, or construction of sewer  
32 treatment facilities unless the acquiring agency demonstrates  
33 that no other feasible alternative exists to accomplish its  
34 purpose. The bill also provides that private property shall  
35 not be condemned for a park or recreational facility unless a

1 good faith effort has been made to purchase a feasible  
2 location from a willing seller.

3 The bill provides that, in an action contesting  
4 condemnation of property, the burden of proof is on the  
5 acquiring agency to demonstrate by clear and convincing  
6 evidence that the proposed use of the property meets the  
7 definition of "public use", "public purpose", and "public  
8 improvement" and that there is no reasonable alternative to  
9 condemnation of the property.

10 The bill extends the current notice requirements for  
11 condemnation of agricultural land to condemnation of all  
12 private property and requires the acquiring agency to post the  
13 notice in a conspicuous place on the property.

14 The bill strikes the exception for condemnation of  
15 agricultural land for industry and, correspondingly, repeals  
16 Code section 6B.4A that gave a compensation commission the  
17 authority to review an application by a city or county for  
18 condemnation of agricultural land for industry.

19 The bill provides that when engaging in negotiations with a  
20 landowner, the acquiring agency shall offer a price for the  
21 property that is not less than the acquiring agency's  
22 appraisal plus certain specified expenses that may be incurred  
23 by the property owner or that is not less than the value  
24 determined under the acquiring agency's appraisal waiver  
25 procedure for property with a low fair market value plus such  
26 expenses. Code section 6B.54 currently allows an acquiring  
27 agency to establish an appraisal waiver procedure for property  
28 with a low fair market value.

29 The bill requires the acquiring agency to post a copy of  
30 the application for condemnation in a conspicuous place on the  
31 property during the same time period in which the application  
32 is to be published.

33 The bill provides that a challenge to the exercise of  
34 eminent domain authority or to the condemnation proceedings  
35 may be brought by the owner of the property at any time up

1 until the deadline for filing the notice of appeal of  
2 appraisalment of the damages determined by the compensation  
3 commission. The condemnation proceedings against such  
4 property shall be stayed while court action is pending.

5 The bill provides that a compensation commission shall  
6 deliberate in open session.

7 The bill amends Code sections 6B.14 and 6B.45 to provide  
8 that when the compensation commission or the acquiring agency,  
9 respectively, are determining the fair market value of the  
10 property, neither may consider the assessed value of property  
11 that has been platted and is being developed but, by statute,  
12 retains its assessment as undeveloped property.

13 The bill specifies that payments for relocating persons  
14 displaced by condemnation, including expenses incurred in  
15 moving the person's family, business, or farm operation, shall  
16 be paid for any condemnation that displaces a person, not just  
17 those that are for projects or programs receiving federal  
18 financial assistance. For all condemnations, including those  
19 receiving federal financial assistance, the bill provides that  
20 if relocation of a business or farm operation is not  
21 economically feasible, the displaced person may also apply for  
22 payment of the loss of existing business relationships because  
23 of the inability to relocate the business or farm operation to  
24 a location similar in economic advantage to the location from  
25 which the business or farm operation was moved.

26 The bill specifies that Code sections 6B.54 and 6B.55,  
27 relating to requirements imposed on acquiring agencies, apply  
28 to condemnations for a public use, public purpose, or public  
29 improvement. The section is also amended to add attorney fees  
30 and costs, including expert witness fees and fees related to  
31 appraisals, to the list of expenses reimbursable by an  
32 acquiring agency to a property owner.

33 Current law provides that property obtained by condemnation  
34 that is later sold by the acquiring agency must be offered for  
35 sale first to the previous owner at a price equal to the

1 current appraised value. The bill provides that it must be  
2 offered for sale to the previous owner at the current  
3 appraised value or the fair market value at the time it was  
4 acquired by the prior owner, whichever is less.

5 The bill allows a previous owner to reclaim title to  
6 property acquired by condemnation if, after five years from  
7 the date of acquisition, the property has not been used for  
8 the purpose stated in the condemnation application and the  
9 acquiring agency has not taken action to dispose of the  
10 property.

11 Current law provides that the Iowa department of  
12 transportation is exempt from the requirement, if condemned  
13 property is later sold by the acquiring agency, to pay the  
14 difference between the price at which it was acquired from the  
15 previous owner and the price at which it was sold. The bill  
16 removes this exemption.

17 The bill provides that rent shall not be charged and shall  
18 not accrue until the damages for the property have been  
19 finally determined and paid and all court challenges related  
20 to the condemnation have been finally adjudicated.

21 The bill makes changes to various provisions of the Code  
22 where eminent domain authority is extended to an entity other  
23 than those listed in Code chapter 6A to specify that those  
24 entities, when condemning property, are subject to the  
25 provisions of Code chapters 6A and 6B.

26 The bill provides that an aviation authority may acquire  
27 property by eminent domain only if the property to be acquired  
28 is immediately adjacent to an existing airport.

29 The bill also provides that the power of a city to acquire  
30 property outside the city does not include the power to  
31 acquire property outside the city by eminent domain.

32 The bill provides that the authority to exercise the power  
33 of eminent domain under the urban renewal Code chapter and the  
34 Code chapter authorizing municipal housing projects is subject  
35 to the limitations on eminent domain authority in Code chapter

1 6A, "Eminent Domain Law (Condemnation)", and the general  
2 procedure for condemnation of property set out in Code chapter  
3 6B, "Procedure Under Eminent Domain". Also, relating to  
4 municipal housing projects, the bill provides that if a  
5 municipality proposes to take a part of a lot or parcel of  
6 real property, the municipality shall also take the remaining  
7 part of the lot or parcel if requested by the owner. The same  
8 requirement currently applies to condemnation of property for  
9 urban renewal purposes.

10 Finally, the bill directs the Code editor to make the  
11 following changes for organizational reasons and ease of  
12 reading:

13 1. The language of Code section 6B.10 is moved to Code  
14 section 6B.9.

15 2. The language of Code section 6B.20 is moved to Code  
16 section 6B.18.

17 3. The language of Code section 6B.27 is moved to Code  
18 section 6B.26.

19 4. The language of Code sections 6B.39 and 6B.41 are moved  
20 to Code section 6B.38.

21 5. The language of Code section 6B.43 is moved to Code  
22 section 6B.4.

23 6. The language of Code sections 6B.47 through 6B.51 is  
24 moved to Code section 6B.46.

25 7. The language of Code section 6B.58 is moved to Code  
26 section 6B.1.

27 The bill takes effect upon enactment and applies to  
28 condemnation actions initiated on or after the effective date  
29 of the bill.

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