

CHAPTER 86.

GOVERNMENT LEVEES.

S. F. 252.

AN ACT to repeal section one thousand nine hundred eighty-nine (1989) of the code, 1897, relating to government levees, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repeal—levee through two or more counties. That section one thousand nine hundred eighty-nine (1989) of the code, 1897, be and the same is hereby repealed, and the following enacted in lieu thereof:

“The boards of supervisors of any two or more adjoining counties where a government levee has been constructed or partly constructed by the government and partly by other means, may carry on the work provided for in this chapter concurrently, provided that they first agree upon a plan or system and a basis of an equitable apportionment of the work to be done and the share of the cost and expense of the same to be borne by each of said counties; or when said levee has been built and separate districts have been heretofore formed the boards of supervisors may unite said districts into one district, but before said districts can be so united each board of supervisors acting separately must by resolution vote in favor of such consolidation and upon said separate votes being favorable the said levee districts shall be consolidated into one district and thereafter the same shall be governed in all respects as now provided, except all action governing the new district shall be by the boards of supervisors acting jointly.”

Approved March 16, A. D. 1911.

CHAPTER 87.

WATERS, WATER COURSES, LEVEES, DRAINS AND DRAINAGE DISTRICTS.

H. F. 369.

AN ACT to amend the law as it appears in sections nineteen hundred eighty-nine-a-two (1989-a2), nineteen hundred eighty-nine-a-eight (1989-a8), as amended by section eight (8), chapter one hundred eighteen (118), acts of the thirty-third general assembly, nineteen hundred eighty-nine-a-twelve (1989-a12) as amended by section eleven (11) chapter one hundred eighteen (118) acts of the thirty-third general assembly, nineteen hundred eighty-nine-a-fourteen (1989-a14) as amended by section thirteen (13) chapter one hundred eighteen (118) acts of the thirty-third general assembly, nineteen hundred eighty-nine-a-forty-nine (1989-a49), of the supplement to the code, 1907, and to amend the law as it appears in section three (3) and section ten (10), chapter one hundred eighteen (118) acts of the thirty-third general assembly relating to the subject of waters, water courses, levees, drains and drainage districts.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Engineer to give bond. That section nineteen hundred eighty-nine-a2 (1989-a2) of the supplement to the code, 1907, as amended by section two (2) chapter one hundred eighteen (118) acts of the thirty-third general assembly be amended by adding immediately after the words “a disinterested and competent engineer” in the 16th line of said section nineteen hundred eighty-nine-a2 (1989-a2) the words “who shall give bond to the county for the use and benefit of the proposed levee or drainage district, if it be estab-

lished, in amount and with sureties to be approved by the county auditor and conditioned for the faithful and competent performance of his work,".

SEC. 2. Notice of hearing—proof of service. That section three (3) chapter one hundred eighteen (118), acts of the thirty-third general assembly be amended as follows: by inserting after the word "served" and before the word "by" in the 29th line of said section, the words, "except as otherwise hereinafter provided". Also by changing the period after the word "auditor" in the 33rd line of said section, to a comma, and inserting thereafter the following: "provided further, however, that when any resident, non-resident, corporation, railroad company, or other persons owning or having an interest in any land or property affected by the proposed improvement shall have filed with the county auditor of the county wherein such improvement is proposed, an instrument in writing, duly signed, and designating the name and post office address of his or its agent upon whom service of notice in said matter shall be made, the county auditor shall, at least twenty (20) days prior to the date set for hearing upon said petition, mail a true copy of said notice in a registered letter addressed to the person or agent so designated in said written instrument, as aforesaid. Proof of such service of said notice shall be made by affidavit of said county auditor and filed by him in said matter in his said office on or before the date of the hearing upon the petition, and such service shall be in lieu of all other service of notice to such residents, non-residents, corporations, railroad companies or other persons."

SEC. 3. Notice of letting work—how published. That section nineteen hundred eighty-nine-a8 (1989-a8) of the supplement to the code, 1907, as amended by section eight (8) chapter one hundred eighteen (118) acts of the thirty-third general assembly be amended by inserting immediately after the word, "thereof" in the seventh line of said section nineteen hundred eighty-nine-a8 (1989-a8) the following: "and when the estimated cost of said improvement exceeds \$15,000.00 the board shall make additional publication for two consecutive weeks in some contracting journal of general circulation, of such notice as they may prescribe".

SEC. 4. Changes in dimensions. That section ten (10), chapter one hundred eighteen (118), laws of the thirty-third general assembly is hereby amended by inserting immediately after the word "taken" and before the word "thereby" in the eleventh line the words and language, "or whose assessments shall be increased"; and by inserting immediately after the comma following the word "chapter" and before the word "and" in the fifteenth line, the words, language and punctuation marks, "or file objection to such assessment as provided in section nineteen hundred eighty-nine-a12 (1989-a12) of this chapter, as the case may be,"; and by changing the period at the end of the section to a comma and adding the following: "or section nineteen hundred eighty-nine-a14 (1989-a14) of this chapter, as the case may be,"; and by inserting after the comma following the word "district" and before the word "it" in the fifth line, the words and language, "and before the completion of the drainage improvements therein,".

SEC. 5. Assessment of costs and damages—how levied. That section nineteen hundred eighty-nine-a12 (1989-a12) of the supplement to the code, 1907, as amended by section eleven (11) chapter one hundred eighteen (118), acts of the thirty-third general assembly be amended by adding the following immediately after the word "date" in the eleventh line of said section eleven (11), chapter one hundred eighteen (118), acts of the thirty-third general assembly: "provided that if the owner of any parcel of land, lot or premises against which any such levy shall have been made and certified, shall, within twenty (20) days from the date of such assessment, promise and agree in

writing filed in the office of the county auditor that in consideration of his having the right to pay his assessments in installments he will not make any objection of illegality or irregularity as to the assessment of benefits or levy of such taxes upon or against his property, but will pay said assessment, then said taxes levied against said land, lot or premises of such owner shall be payable as follows; one-third (1-3) of the amount of said assessment at the time of filing the above agreement; one-third (1-3) within ten (10) days after the engineer in charge of said drainage improvement shall file a certificate in the office of the county auditor that said improvement is one-half completed, and the remaining one-third (1-3) within ten (10) days after the said improvement shall have been accepted by the board of supervisors, and if said installments are not paid as above provided, the failure to pay any installment shall cause the whole sum to become due and payable at once with interest at the rate of one per cent (1%) per month from the date of filing said agreement, and such assessments shall thereupon be collected as other taxes on real estate". And by striking out the period (.) between the word "district" in the forty-fourth line of said section and the word "if" in the forty-fifth line of said section and inserting in lieu thereof the following: "and in case the board of supervisors shall increase said apportionment service of notice thereof shall be made upon the owner of such tract or lot of land as shown by the transfer books in the auditor's office, in the same manner in which original notices are required to be served, where such owner is a resident of the county, and in case such owner is a non-resident of the county such notice as to him shall be served on the actual occupant of the tract or lot of land, provided that in case any railroad company shall be affected by such increased apportionment said notice shall be served upon the station agent of the said railroad company nearest the proposed improvement."

SEC. 6. Appeal from order increasing apportionment. That section nineteen hundred eighty-nine-a14 (1989-a14) of the supplement to the code, 1907, be amended by striking out the period (.) at the end of the first sentence and inserting a comma (,) in lieu thereof and adding immediately thereafter the following, "and such appeal may be taken from the order of the board of supervisors increasing the apportionment within twenty (20) days after the completed service of notice of such increased apportionment in the same manner as herein provided for appeals in assessment for damages, whether objection was made to the report of the commissioner or not."

SEC. 7. Pumping stations. That section nineteen hundred eighty-nine-a49 (1989-a49) be amended by adding after the word "district" in the seventh line the words "or any portion thereof" and by adding after the word "district" in the ninth line the words, "or the lands benefited by such pumping station or stations" and by striking out the period (.) at the end of said section and inserting a semi-colon (;) in lieu thereof and adding the following:

"provided that such pumping station or stations shall not be established or maintained unless a petition therefor shall be presented to the board of supervisors signed by not less than one-third of the owners of lands benefited thereby, and the lands benefited by such pumping station or stations shall be determined by the board of supervisors on the report of the engineer, nor shall additional land be taken into any such drainage district after the improvements therein have been substantially completed, unless thirty-three and one-third per cent (33 1-3%) of the owners of the land proposed to be taken in shall have petitioned therefor of [or] consented in writing thereto."

SEC. 8. Pending litigation or proceedings heretofore had. Nothing contained in this act shall be held to affect pending litigation or any proceedings heretofore had under the laws hereby amended.

SEC. 9. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 19, 1911, and in the Register and Leader April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 88.

LEVEES, DRAINS AND DITCHES.

H. F. 266.

AN ACT to amend section nineteen hundred eighty-nine-a-two (1989-a2), section nineteen hundred eighty-nine-a-four (1989-a4), section nineteen hundred eighty-nine-a-five (1989-a5), and section nineteen hundred eighty-nine-a-six (1989-a6) of the supplement to the code, 1907, relating to securing right of way for levees, drains and ditches.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Engineer to report number of acres to be appropriated. That section nineteen hundred eighty-nine-a2 (1989-a2) of the supplement to the code, 1907, be amended by placing a comma after the word "land" in the twenty-eighth line, and inserting the following: "together with the number of acres appropriated from said tract for construction of said improvement".

SEC. 2. Claims for damages. That section nineteen hundred eighty-nine-a4 (1989-a4) of the supplement to the code, 1907, be amended by striking out the period at the end thereof and adding the following: "provided, however, that it shall not be necessary to file claims covering value of land appropriated for right of way for construction of proposed improvements."

SEC. 3. Appraisers to be freeholders of state. That section nineteen hundred eighty-nine-a5 (1989-a5), of the supplement to the code, 1907, be amended by striking out the word "county" in the twenty-fifth line thereof, and inserting the word "state".

SEC. 4. Appraisers to place valuation on right of way acreage. That section nineteen hundred eighty-nine-a6 (1989-a6), of the supplement to the code, 1907, be amended by placing a comma after the word "entitled" in the third line thereof, and inserting the following: "and shall place a valuation upon all acreage taken for right of way as shown by plat of engineer".

Approved April 6, A. D. 1911.

CHAPTER 89.

LEVEES, DRAINS AND DITCHES.

H. F. 164.

AN ACT to amend section one thousand nine hundred eighty-nine-a-eight (1989-a8) of the supplement to the code, 1907, relating to the letting of contracts for levees, drains and ditches.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Letting of contracts. That section one thousand nine hundred eighty-nine-a8 (1989-a8) of the supplement to the code, 1907, be and hereby is,