

21 to the board of supervisors by filing the same with the county
 22 auditor and in the event said board shall not approve said lease or sale,
 23 the same shall be referred to the district court of the county where
 24 the land is situated and there tried and determined in the manner pre-
 25 scribed in section seventy-five hundred ninety-c one (7590-c1), code,
 26 1931. Any funds realized from the lease or sale of said land shall be
 27 first applied in extinguishing the lien of the holder of the certificate
 28 herein provided for and the balance shall be paid to the said drainage
 29 bond fund of said district."

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in force from and after its publication in the Daily Times
 3 and The Davenport Democrat, newspapers published in Davenport,
 4 Iowa.

Senate File 249. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Davenport Daily Times
 and the Davenport Democrat, May 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 89

DRAINAGE OR LEVEE DISTRICTS. ABANDONMENT AND DISSOLUTION

S. F. 297

AN ACT to provide for the abandonment and dissolution of drainage or levee districts
 in certain cases; to provide procedure for same; to provide for appeal from order
 of board for same and to provide for payment of expense of same and refund of
 any balance; to provide for sale of property and distribution of proceeds and to
 provide for abandonment of rights of way.

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

1 SECTION 1. Jurisdiction to abandon and dissolve. When any drain-
 2 age or levee district is free from indebtedness and it shall appear that
 3 the necessity therefor no longer exists or that the expense of the con-
 4 tinued maintenance of the ditch or levee is in excess of the benefits
 5 to be derived therefrom, the board of supervisors or board of trustees,
 6 as the case may be, shall have power and jurisdiction, upon petition
 7 of a majority of the land owners, who, in the aggregate, own sixty
 8 per cent of all land in such district, to abandon the same and dissolve
 9 and discontinue such districts.

1 SEC. 2. Notice of hearing. Upon the filing of such petition the
 2 board shall enter an order fixing the date for hearing thereon not less
 3 than forty days from the date of the filing thereof and shall enter an
 4 order directing the county auditor, if such district is under the con-
 5 trol of the board of supervisors, or the clerk of the board, if under
 6 the control of a board of trustees, to immediately cause notice of hear-
 7 ing thereon to be served on the owners of lands in such district as may
 8 then be provided by law in proceedings for the establishment of a
 9 drainage or levee district.

1 SEC. 3. Hearing on petition. At the time set for hearing on said
 2 petition the board shall hear and determine the sufficiency of the pe-
 3 tition as to form and substance, which petition may be amended at any

4 time before final action thereon, and all objections filed against the
 5 abandonment and dissolution of such district. If it shall find that
 6 such district is free from indebtedness and that the necessity for the
 7 continued maintenance thereof no longer exists or that the expense of
 8 the continued maintenance of such district is not commensurate with
 9 the benefits derived therefrom, it shall enter an order abandoning and
 10 dissolving such district, which order shall be filed with the county
 11 auditor of the county or counties in which such district is situated and
 12 noted on the drainage record.

1 SEC. 4. Appeal. Appeal may be taken from the order of the board
 2 to the district court of the county in which such district or a part
 3 thereof is situated, in the same time and manner as appeal may be
 4 taken from an order of the board of supervisors establishing a district.

1 SEC. 5. Expense—Refund. In case there are sufficient funds on
 2 hand in such district, or there are unpaid assessments outstanding or
 3 other property belonging to such district in an amount sufficient to
 4 pay such expense, the expense of abandonment and dissolution shall be
 5 paid out of such funds or out of funds realized by the sale of such
 6 property. Where such district is free of indebtedness but there are
 7 not sufficient funds on hand or unpaid assessments outstanding or
 8 other assets to pay such expense the board shall assess such expense
 9 against the property in the district in the same proportions as the
 10 last preceding assessments of benefits. Any excess remaining to the
 11 credit of such district after sale of its assets and after payment of
 12 such expenses shall be prorated back to the property owners in the
 13 district in the proportions according to class and benefits as last
 14 assessed. If the petition is denied, the costs of said proceedings shall
 15 be paid by the petitioning owners.

1 SEC. 6. Abandonment of rights of way. If such a dissolution is
 2 effected, the rights of way of the district for all purposes of the dis-
 3 trict shall be deemed abandoned.

1 SEC. 7. This act being deemed of immediate importance shall be in
 2 full force and take effect from and after its passage and publication
 3 in the Farmington News Republican, a newspaper published at Farm-
 4 ington, Iowa, and in the Dyersville Commercial, a newspaper published
 5 at Dyersville, Iowa.

Senate File 297. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Farmington News Repub-
 lican, May 9, 1935, and the Dyersville Commercial, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*