

## CHAPTER 165

## DAMAGES FROM STREET CHANGES

H. F. 448

AN ACT to repeal sections three hundred eighty-nine point twenty-three (389.23) to three hundred eighty-nine point thirty (389.30) inclusive, Code 1946, and to enact substitutes therefor, and to establish a method of determining the damage sustained by the owner of property abutting on any street or alley in cities and towns resulting from a change in the established grade of any street or alley in cities or towns, or resulting from the construction of viaducts, overhead crossings, or underpasses facilitating highway travel, which may be built in or over streets or alleys in cities and towns.

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

1 SECTION 1. Sections three hundred eighty-nine point twenty-  
2 three (389.23), three hundred eighty-nine point twenty-four  
3 (389.24), three hundred eighty-nine point twenty-five (389.25), three  
4 hundred eighty-nine point twenty-six (389.26), three hundred eighty-  
5 nine point twenty-seven (389.27), three hundred eighty-nine point  
6 twenty-eight (389.28), three hundred eighty-nine point twenty-nine  
7 (389.29), and three hundred eighty-nine point thirty (389.30),  
8 Code 1946, are hereby repealed.

1 SEC. 2. Whenever the Iowa state highway commission or any city  
2 or town in the state of Iowa, or both jointly, shall undertake the con-  
3 struction, within any city or town, of a street grade change or of a  
4 viaduct overhead crossing or underpass, in any street or alley  
5 whether the construction in fact causes a change of grade or not, the  
6 owner of any property abutting on said street or alley at the place of  
7 such construction, shall be entitled to receive from the city or town  
8 within which such construction is being made, as the case may be,  
9 damages by reason of any injury to the owner's right to ingress and  
10 egress to such property, or by reason of deprivation of light, air, or  
11 view which may be occasioned by such construction.

1 SEC. 3. For the determination of the damage or injury referred  
2 to in section three hundred eighty-nine point twenty-two (389.22),  
3 Code 1946, and under this Act, the procedure set forth in and pre-  
4 scribed by chapter four hundred seventy-two (472), Code 1946, as  
5 amended, relating to the condemnation of private property for works  
6 of internal improvement shall govern and control.

1 SEC. 4. Appeals from such awards of damage shall be allowed as  
2 provided in chapter four hundred seventy-two (472), Code 1946, and  
3 shall be in conformity with the provisions thereof.

1 SEC. 5. This act being deemed of immediate importance shall be  
2 in full force and effect upon and after its publication in the Council  
3 Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa, and  
4 the Oakland Acorn, a newspaper published at Oakland, Iowa.

Approved April 13, 1949.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil,  
April 29, 1949, and in the Oakland Acorn, May 5, 1949.

MELVIN D. SYNHORST, *Secretary of State.*