

3 "When any state-owned lands under the jurisdiction of the state
4 conservation commission are situated within a levee or drainage dis-
5 trict, the commissioners to assess benefits shall ascertain and return
6 in their report the amount of benefits and the apportionment of costs
7 and expenses to such lands and the board of supervisors shall assess
8 the same against such lands.

9 "Such assessments against lands used by the fish and game division
10 of the state conservation commission shall be paid by the state conser-
11 vation commission from the state fish and game protection fund on
12 due certification of the amount by the county treasurer to said com-
13 mission, and against lands used by the division of lands and waters
14 from the state conservation funds."

Approved April 26, 1957.

CHAPTER 222

FUTURE DRAINAGE ASSESSMENTS

H. F. 75

AN ACT to amend section four hundred fifty-five point fifty-six (455.56), Code 1954, relating to classification as a basis for future assessments in drainage districts.

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

1 SECTION 1. Section four hundred fifty-five point fifty-six (455.56),
2 Code 1954, is hereby amended by adding thereto the following: "Ex-
3 cept districts established by mutual agreement in accordance with
4 section four hundred fifty-five point one hundred fifty-two (455.152),
5 Code 1954, in the event any forty-acre tract or less, or any lot, tract,
6 or parcel, as set forth in the existing classification or reclassification
7 of any drainage district now or hereafter established, is divided into
8 two or more tracts, whether such division is by sale or condemnation
9 or platted as a subdivision, the classification of the original tract shall
10 be apportioned to the resulting parcels, regardless of use, except for
11 land taken for additional drainage right-of-way. The classification of
12 the original tract may be apportioned between the resulting parcels
13 by agreement between the parties to such division. The parties shall
14 file with the county auditor a written agreement setting forth the
15 original description and the description of the tracts as subdivided
16 and the percentage of the original classification apportioned to each.
17 This agreement shall bear the signature of all of the parties to such
18 subdivision. The auditor shall enter this agreement in the drainage
19 record and amend the current classification of the district in accord-
20 ance with such agreement.

21 "In the event the parties to such subdivision cannot agree as to the
22 apportionment of the percentage classification, the board of super-
23 visors shall appoint a commission having the qualifications of commis-
24 sioners, in accordance with section 455.45. The commissioners shall
25 inspect the lands involved and apportion the existing classification of
26 the original tract equitably and fairly to each of the several tracts as
27 subdivided and shall make a full, accurate and detailed report thereof
28 and file the same with the county auditor within the time set by the

29 board. The report of the commissioners shall set forth the names of
 30 the owners thereof, the description of each of the tracts and the per-
 31 centage of the original classification that each such tract shall bear
 32 (a) for main ditches and settling basins, (b) for laterals, (c) for
 33 levees and pumping station. Thereafter all the proceedings in relation
 34 thereto as to notice of hearing and fixing of percentage benefits shall
 35 be as in this chapter provided in relation to original classification and
 36 assessments, and at such hearing, the board may affirm, increase or
 37 diminish the percentage of benefits so as to make them just and
 38 equitable, and cause the record of the existing classification, percent-
 39 age of benefits or assessments, or both, to be modified accordingly.
 40 No tract of land included within the boundary of any drainage district
 41 shall be exempt from drainage assessments or reassessments, except
 42 as herein provided”.

Approved May 14, 1957.

CHAPTER 223

DRAINAGE AND LEVEE DISTRICTS

H. F. 100

AN ACT relating to the reclassification of lands in drainage and levee districts.

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

1 SECTION 1. Section four hundred fifty-five point seventy-two
 2 (455.72), Code 1954, is hereby repealed and the following enacted in
 3 lieu thereof:

4 “When, after a drainage or levee district has been established, ex-
 5 cept districts established by mutual agreement in accordance with sec-
 6 tion four hundred fifty-five point one hundred fifty-two (455.152),
 7 Code 1954, and the improvements thereof constructed and put in
 8 operation, there has been a material change as to lands occupied by
 9 highway or railroad right-of-way or in the character of the lands
 10 benefited by the improvement, or when a repair, improvement, or
 11 extension has become necessary, the board may consider whether the
 12 existing assessments are equitable as a basis for payment of the
 13 expense of maintaining the district and/or of making the repair, im-
 14 provement or extension. If they find the same to be inequitable in
 15 any particular, they shall by resolution express such finding, appoint
 16 three commissioners possessing the qualifications prescribed in sec-
 17 tion four hundred fifty-five point forty-five (455.45) of the Code and
 18 order a reclassification as follows:

19 1. If they find the assessments to be generally inequitable they shall
 20 order a reclassification of all property subject to assessment, such as
 21 lands, highways, and railroads in said district.

22 2. If the inequity ascertained by the board is limited to the propor-
 23 tion paid by highways or railroads, a general reclassification of all
 24 lands shall not be necessary but the commissioners may evaluate and
 25 determine the fair proportion to be paid by such highways or railroads
 26 or both as provided in sections four hundred fifty-five point forty-nine
 27 (455.49) and four hundred fifty-five point fifty (455.50) of the Code.