

CHAPTER 370

DRAINAGE DISTRICTS

H. F. 253

AN ACT relating to drainage districts, and to amend various sections of the Code relating thereto.

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

1 SECTION 1. Section four hundred fifty-five point two (455.2), Code
2 1962, is amended by inserting in line two (2) after the word "lands"
3 the words "and all other lands".

1 SEC. 2. Section four hundred fifty-five point eighteen (455.18),
2 subsection two (2), Code 1962, is amended by adding the following
3 sentence at the end thereof:

4 "Said plat shall describe the width of the right of way to be taken
5 from each forty-acre tract or fraction thereof."

1 SEC. 3. Section four hundred fifty-five point twenty (455.20),
2 Code 1962, is amended by striking from lines fifteen (15), sixteen
3 (16), seventeen (17) and eighteen (18) the words "and to each lien-
4 holder or encumbrancer of any land within the proposed district as
5 shown by the county records," and inserting in lieu thereof the words
6 "and to all lienholders or encumbrancers of any land within the pro-
7 posed district without naming them,".

1 SEC. 4. Section four hundred fifty-five point twenty-one (455.21),
2 Code 1962, is amended by striking from lines three (3) and four (4)
3 the words "each week for two consecutive weeks".

4 Said section is further amended by striking from line six (6) the
5 words "the last of which publications" and inserting in lieu thereof
6 the words "which publication".

1 SEC. 5. Section four hundred fifty-five point forty (455.40), Code
2 1962, is amended by adding the following sentence:

3 "Except, however, when the estimated cost of the improvement is
4 less than twenty-five hundred dollars, the board may let the contract
5 for such construction without taking bids therefor and without pub-
6 lishing any notice as above provided."

1 SEC. 6. Section four hundred fifty-five point forty-eight (455.48),
2 Code 1962, is amended by adding the following paragraph:

3 "When there has been a repair or improvement to a lateral ditch or
4 drain as provided in section four hundred fifty-five point one hundred
5 thirty-five (455.135) of the Code and the lands benefited by the lateral
6 have not been classified as provided in this section, then the board may
7 order a classification of said lands and the commission shall ascertain
8 and fix the percentage of benefits and apportionment of costs to the
9 lands benefited by such lateral ditches or drains on the same basis and
10 in the same manner as if said lateral was with its sublaterals being
11 constructed as a subdistrict as provided in this chapter. Once this
12 procedure has been followed for the classification of any lateral ditch
13 or drain in a given district, the board shall follow the same procedure

14 for all other lateral ditches or drains in the same district when a repair
15 or improvement is made on any such lateral."

1 SEC. 7. Section four hundred fifty-five point fifty-seven (455.57),
2 Code 1962, is amended by striking from line seven (7) the word "four"
3 and inserting in lieu thereof the words "not to exceed five".

1 SEC. 8. Section four hundred fifty-five point sixty-four (455.64),
2 subsection one (1), Code 1962, is amended by striking from line twelve
3 (12) the words* "four" and inserting in lieu thereof the words "not
4 to exceed five".

5 Said section is further amended by striking from subsection two
6 (2), line five (5) the word "four" and inserting in lieu thereof the
7 word "five".

1 SEC. 9. Section four hundred fifty-five point seventy-two (455.72),
2 Code 1962, is hereby amended by adding the following subsection:

3 "If after a district has been reclassified, the board in its judgment
4 concludes there were errors in the reclassification or there is an in-
5 equitable assessment of benefits, the board may on its own motion,
6 after notice to the landowners involved as provided in sections four
7 hundred fifty-five point twenty (455.20) to four hundred fifty-five
8 point twenty-four (455.24), inclusive, of the Code, and by resolution,
9 order the district or any portion of the district to again be reclassified
10 as prescribed in this section and in section four hundred fifty-five point
11 seventy-four (455.74) of the Code."

1 SEC. 10. Section four hundred fifty-five point seventy-three
2 (455.73), Code 1962, is amended by inserting in line two (2) after the
3 word "changes" the words "as defined in section four hundred fifty-five
4 point sixty-nine (455.69) of the Code".

1 SEC. 11. Section four hundred fifty-five point seventy-nine
2 (455.79), Code 1962, is amended by striking from line three (3) the
3 word "four" and inserting in lieu thereof the word "five".

1 SEC. 12. Section four hundred fifty-five point one hundred ten
2 (455.110), Code 1962, is amended by striking from line thirteen (13)
3 the word "eighty" and inserting in lieu thereof the word "ninety".

1 SEC. 13. Section four hundred fifty-five point one hundred twelve
2 (455.112), Code 1962, is amended by adding the following sentence:

3 "Any interested party having a claim for damages arising out of the
4 construction of the improvement or repair shall file said claim with the
5 board at or before the time fixed for hearing on the completion of the
6 contract, which claim shall not include any claim for land taken for
7 right of way or for severance of land."

1 SEC. 14. Section four hundred fifty-five point one hundred thirteen
2 (455.113), Code 1962, is amended by adding the following:

3 "If any claims for damages have been filed as provided in section
4 four hundred fifty-five point one hundred twelve (455.112) of the
5 Code, the board shall review said claims and determine said claims.
6 If the determination by the board on any claim for damages results in

*According to enrolled Act.

7 a finding by the board that the damages resulting to the claimant were
8 due to the negligence of the contractor, then the board shall provide
9 for payment of said claim out of the remaining funds owing to the
10 contractor. If the determination by the board results in a finding that
11 the damages resulting to the claimant were not due to the negligence
12 of the contractor but resulted from unavoidable necessity in the per-
13 formance of the contract, then the board shall allow for payment of
14 said claim in the amount fixed by the board out of the funds in said
15 drainage district.”

1 SEC. 15. Section four hundred fifty-five point one hundred thirty-
2 five (455.135), Code 1962, is amended by adding thereto the following
3 new subsection:

4 “If land for additional right of way, beyond the land for right of
5 way originally acquired by the district, is required for any repair or
6 improvement under section four hundred fifty-five point one hundred
7 thirty-five (455.135) of the Code, said additional land for right of way
8 shall be appraised and determined in the same manner as provided for
9 the appraisalment for land taken for right of way in the original estab-
10 lishment of the district, and the current landowner shall be compen-
11 sated therefor accordingly. This subsection shall not apply to drain-
12 age or levee districts with a pumping station.”

13 Said section is further amended by adding thereto the following new
14 subsection:

15 “If the drainage records on file in the auditor’s office for a particular
16 district do not define specifically the land taken for right of way for
17 drainage purposes, the board may at any time upon its own motion
18 employ an engineer to make a survey and report of said district and
19 to actually define the right of way taken for drainage purposes. After
20 the engineer has filed his survey and report with the board, the board
21 shall fix a date for hearing on said report and shall serve notice of said
22 hearing upon all landowners and lienholders of lands included in said
23 right of way report in the manner and for the time required for serv-
24 ice of original notices in the district court. In the event that there is
25 a repair or improvement constructed under section four hundred fifty-
26 five point one hundred thirty-five (455.135) of the Code in an existing
27 district where the land taken for right of way was not specifically
28 defined, this procedure shall be followed by the board in determining
29 the land taken for right of way purposes. This subsection shall not
30 apply to drainage or levee districts with a pumping station.”

1 SEC. 16. Section four hundred fifty-five point one hundred forty-
2 two (455.142). Code 1962, is amended as follows:

3 1. By inserting in line nineteen (19) after the word “work” the
4 following:

5 “In those instances where two (2) or more districts involved are
6 under the supervision of the same board, or joint board if the district
7 is intercounty, the notice shall be given to all landowners affected as
8 prescribed for in sections four hundred fifty-five point twenty (455.20)
9 to four hundred fifty-five point twenty-four (455.24), inclusive, of the
10 Code.”

11 2. By adding thereto the following:

12 “Common outlet for the purpose of this section shall mean an outlet

13 where two (2) adjacent districts have an outlet common to both of
 14 said districts and which districts are also contiguous, one (1) to the
 15 other."

1 SEC. 17. Section four hundred fifty-five point forty (455.40), Code
 2 1962, is amended by striking from line twenty-two (22) the word
 3 "shall" and inserting in lieu thereof the word "may".

1 SEC. 18. Section four hundred fifty-five point sixty-one (455.61),
 2 Code 1962, is amended by adding at the end thereof the words "All
 3 drainage districts may invest funds not immediately needed for cur-
 4 rent operating expenses as provided in chapter four hundred fifty-
 5 three (453) of the Code.*

1 SEC. 19. Section four hundred fifty-five point one hundred forty-
 2 four (455.144), Code 1962, is hereby amended by adding thereto the
 3 following:

4 "In those instances where two (2) or more districts are under the
 5 supervision of the same board, or joint board if the district is inter-
 6 county, the notice shall be given to all landowners affected as pre-
 7 scribed in sections four hundred fifty-five point twenty (455.20) to
 8 four hundred fifty-five point twenty-four (455.24), inclusive, of the
 9 Code."

1 SEC. 20. Section four hundred sixty-two point fifteen (462.15),
 2 Code 1962, is hereby repealed and the following enacted in lieu there-
 3 of:

4 "Candidates for drainage district trustee shall have their names
 5 placed on printed ballots provided a petition therefor is signed by ten
 6 qualified electors of the district and filed with the clerk of the board
 7 at least fourteen days before the election. Space shall also be provided
 8 on the ballot for write-in votes."

1 SEC. 21. Section four hundred sixty-five point twenty-two
 2 (465.22), Code 1962, is amended by inserting after the word "con-
 3 structing" in lines two (2) and three (3) the words "or reconstruct-
 4 ing".

5 Further amend said section by adding in line nine (9) after the
 6 word "therefor" the words "nor shall any such owner in constructing
 7 a replacement drain, wholly on his own land, and in the exercise of due
 8 care be liable in damages to another in case a previously constructed
 9 drain on his own land is rendered inoperative or less efficient by such
 10 new drain, unless in violation of the terms of a written contract".

1 SEC. 22. The provisions of this Act shall not affect any proceed-
 2 ings or litigation commenced before the effective date of this Act.

Approved May 27, 1965.

*According to enrolled Act