

CHAPTER 80**LEVEE AND DRAINAGE DISTRICTS***H.F. 480*

AN ACT relating to common outlet determination and constructive notice of levee and drainage districts.

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

Section 1. Section 468.27, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Following its establishment, the drainage district is deemed to have acquired by permanent easement all right-of-way for drainage district ditches, tile lines, settling basins and other improvements, unless they are acquired by fee simple, in the dimensions shown on the survey and report made in compliance with sections 468.11 and 468.12 or as shown on the permanent survey, plat and profile, if one is made. The filing of the survey and report or permanent survey, plat and profile, as set forth in sections 468.172 and 468.173, shall constitute constructive notice to all persons of the rights conferred by this section. The permanent easement includes the right of ingress and egress across adjoining land and the right of access for maintenance, repair, improvement, and inspection. The owner or lessee shall be reimbursed for any crop damages incurred in the maintenance, repair, improvement, and inspection except within the right-of-way of the drainage district.

Sec. 2. Section 468.38, Code 1991, is amended to read as follows:

468.38 COMMISSIONERS TO CLASSIFY AND ASSESS.

When a levee or drainage district shall have has been located and finally established or, unless otherwise provided by law, when the required proceedings have been taken to enlarge, deepen, widen, change, or extend any of the ditches, laterals, settling basins, or drains of such a district, or the required proceedings have been ~~had~~ taken to annex additional lands to such a district, or a plan of the United States government for original construction of the improvements in such a district has been ~~heretofore~~ or hereafter adopted by such the district under the provisions of sections 468.201 through 468.216, the board shall appoint three commissioners to assess benefits and classify the lands affected by such the improvement. One of such the commissioners shall be a competent civil engineer and two of them shall be resident freeholders of the county in which the district is located, but not living within, nor interested in, any lands included in said the district, nor related to any party whose land is affected ~~thereby~~ by the district. The commissioners shall take and subscribe an oath of their qualifications and to perform the duties of classification of said the lands, to fix the percentages of benefits, and apportion and assess the costs and expenses of constructing the said improvement, divide and rename original improvements, and, if included in the boards' resolution, adopt special common outlet classifications to be maintained independent of the district's regular assessment schedules, according to law and their best judgment, skill, and ability. If said the commissioners or any of them fail or neglect to act or perform the duties in the time and as required of them by law, the board shall appoint others with like qualifications to take their places and perform said the duties.

Sec. 3. Section 468.65, Code 1991, is amended by adding the following new unnumbered paragraph after subsection 4:

NEW UNNUMBERED PARAGRAPH. The board may include in its resolution an order to the commissioners that they prepare special common outlet classifications, if needed, in conjunction with the reclassification of the district.

Approved April 30, 1991