

That no county is hereby released from its obligations to make the necessary drains and levees contemplated by Act of Congress, passed Sept. 28th, 1850, and the Act of the General Assembly of this State, passed January 13, 1853.

SEC. 2. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Times.

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Daily Iowa State Register April 3rd, 1862, and in the Des Moines Daily Times, April 5th 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 78.

### TOWN PLATS.

#### AN ACT providing for the vacation of Town Plats.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases wherein any person or persons, body politic or corporate, have laid out or may hereafter lay out any lands into town plats, or any additions to a town plat, or sub-divisions of town lots, and the maps or plats have been recorded, they, their heirs, assigns, grantees or successors or executors under order of the proper Probate Court, may at any time before making sale of any lot or lots therein, by executing a writing duly acknowledged or proved as is or may be required in respect to deeds, and causing the same to be recorded in the office in which the plat or map was recorded, declare such plat to be vacated; and the execution and recording of such writing shall operate to destroy the force and effect of the recording of the map or plat so vacated, and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such plat or map. And in cases wherein any single lot or lots shall have been sold, the town-plat or addition or subdivision of town lots, in which said lot or lots so sold is situated, may be vacated as herein provided, by all the owners of lots in such town plat, or ad-

Town plats may be vacated before the sale of lots.

May be vacated after the sale of lots by consent of lot owners.

dition or sub-division of town lots, joining in the execution of the writing aforesaid.

No injury shall be done by vacating town plats.

SEC. 2. Any part of a town plat, or addition, or sub-division of town lots, may be vacated under the provisions and subject to the conditions of this Act, provided such vacating does not abridge or destroy any of the rights and privileges of any other proprietors in said town plat, or addition thereto, or subdivision of town lots, and provided further that nothing contained in this Act shall authorize the closing or obstructing of any public roads laid out according to law.

Rights of persons owning lots in a vacated town plat.

SEC. 3. When any part of a town plat, or addition or subdivision of town lots shall be vacated as aforesaid, the proprietors of the lots so vacated may enclose the streets, alleys and public grounds adjoining said lots, in equal proportions.

Recorder shall note up on the record book the vacation of the town plat.

SEC. 4. It shall be the duty of the county Recorder in whose office the maps or plats of the towns, additions or sub-divisions aforesaid, are recorded, to write in plain legible letters across that part of said map or plat so vacated, the word "vacated," and also make a reference on the same to the volume and page in which the said instrument of vacation is recorded.

Lots may be laid out and numbered in a vacated town, and may be assessed by said numbers.

SEC. 5. For the purpose of assessing or conveying any of the lots described in any map or plat so vacated, the owner or owners of said lots may cause the same to be platted and numbered in accordance with section 1022 of the Revision of 1860, said lots including the proportionate part of the adjacent streets, alleys and public grounds, all of which can be estimated and platted without re-survey by county surveyor.

Shall not be released from prior tax, nor from liability upon corporate debts.

SEC. 6. Nothing in this Act shall have the effect to discharge any lands or town lots, or improvements lying or being within the limits of any addition so vacated from any corporate tax legally levied upon the same before such vacation; but such addition and the property therein shall remain liable for such corporate taxes the same as if no vacation had taken place. And provided further that nothing herein contained, shall be held to impair the liability of such addition or sub-division from its proportion of any existing debts, which may have been incurred by such village or town.

SEC. 7. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

This Bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.