

A BILL

FOR AN ACT PROVIDING FOR THE ESTABLISHMENT, ALTERATION AND VACATION OF ROADS, AND PROVIDING THE NECESSARY FUNDS THEREFOR, AND REPEALING SECTIONS ONE THOUSAND FOUR HUNDRED EIGHTY-FIVE (1485), ONE THOUSAND FOUR HUNDRED EIGHTY-SIX (1486), ONE THOUSAND FOUR HUNDRED EIGHTY-SEVEN (1487), ONE THOUSAND FOUR HUNDRED EIGHTY-EIGHT (1488), ONE THOUSAND FOUR HUNDRED EIGHTY-NINE (1489), ONE THOUSAND FOUR HUNDRED NINETY (1490), ONE THOUSAND FOUR HUNDRED NINETY-ONE (1491), ONE THOUSAND FOUR HUNDRED NINETY-TWO (1492), ONE THOUSAND FOUR HUNDRED NINETY-THREE (1493), ONE THOUSAND FOUR HUNDRED NINETY-FOUR (1494), ONE THOUSAND FOUR HUNDRED NINETY-FIVE (1495), ONE THOUSAND FOUR HUNDRED NINETY-SIX (1496), ONE THOUSAND FOUR HUNDRED NINETY-SEVEN (1497), ONE THOUSAND FOUR HUNDRED NINETY-EIGHT (1498), ONE THOUSAND FOUR HUNDRED NINETY-NINE (1499), ONE THOUSAND FIVE HUNDRED (1500), ONE THOUSAND FIVE HUNDRED ONE (1501), ONE THOUSAND FIVE HUNDRED TWO (1502), ONE THOUSAND FIVE HUNDRED THREE (1503), ONE THOUSAND FIVE HUNDRED FOUR (1504), ONE THOUSAND FIVE HUNDRED FIVE (1505), ONE THOUSAND FIVE HUNDRED THIRTEEN (1513), ONE THOUSAND FIVE HUNDRED FOURTEEN (1514), ONE THOUSAND FIVE HUNDRED SEVENTEEN (1517), ONE THOUSAND FIVE HUNDRED EIGHTEEN (1518), OF THE CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That section one thousand four hundred eighty-five (1485) of the code of Iowa be and the same is hereby repealed, and in lieu thereof the following is enacted; upon such petition being filed the board of supervisors shall within thirty (30) days thereafter investigate the matters covered by the said petition and file its report in writing as to the expediency and necessity of granting the petition.

Sec. 2. That sections one thousand four hundred eighty-six (1486), one thousand four hundred eighty-seven (1487), one thousand four hundred eighty-eight (1488) and one thousand four hundred eighty-nine (1489) be and the same are hereby repealed, and in lieu thereof the following is enacted: If the petition asks for the establishment of a road on a township or section line and the report of the board of supervisors is that the proposition is expedient and necessary a day shall be set by the board of supervisors within thirty days (30) thereafter;

7 at which time objections may be filed on account of the proposed establishment of the said
8 road, and it shall be the duty of the county auditor to notify in writing, in the same manner
9 as original notices are served, all parties affected by the proposed establishment of the said
10 road. When the board of supervisors has filed its original report to the effect that it is ex-
11 pient and necessary that the road be established as asked in the said petition, the county
12 auditor shall designate a competent civil engineer, who shall prepare and file a plat of the
13 said proposed road and a bill of the expense thereof shall be filed with the county auditor.

Sec. 3. That at the time of the hearing as fixed by the said board of supervisors, if no ob-
2 jections or claims for damages are filed, the board of supervisors shall order said road opened
3 forthwith, and all expense incident thereto shall be paid from the county road fund upon
4 sworn bills duly filed and audited by the board of supervisors.

Sec. 4. If claims for damages are filed the board of supervisors shall appoint three (3)
2 appraisers, who shall be free holders residing within the county and in nowise interested in
3 the said matter directly or indirectly, whose duty shall be to appraise the damages and re-
4 port their findings under oath to the board of supervisors within fifteen (15) days thereafter.
5 Upon final hearing, at a time to be fixed by the said board of supervisors the findings of
6 the appraisers may be approved, rejected or modified by the board of supervisors, and the
7 said board of supervisors shall provide for the opening of said road and all expense incident
8 thereto, including damages awarded, which shall be paid from the county road fund. In the
9 event that the said road as established is upon a township line the board of supervisors shall
10 have authority to determine what portion of the expense of the establishment thereof shall
11 be paid by the township abutting the said road, but in no event shall the amount assessed
12 against the said townships exceed fifty per cent (50 per cent) of the total cost of the same.

Sec. 5. If the road sought to be established shall be other than on a township or section
2 line the board of supervisors shall determine what portion, if any, of the expense incident
3 thereto the petitioners shall be required to pay, and after the said sum is so determined and
4 the amount as fixed be paid unto the county by the said petitioners, the balance shall be paid
5 from the county road fund.

Sec. 6. Nothing in this act shall be construed to authorize roads or highways to be estab-
2 lished or constructed through any burial ground or so as to cause the removal of any dwell-
3 ling house unless with the approval and consent of the owner of the same.

Sec. 7. Appeals from actions of the board of supervisors to the district court of the county
2 in which the said road is located by the board of supervisors or any of the parties interested
3 and the appeal shall be perfected by serving notice on the county auditor within twenty (20)
4 days after the decision is made, and filing bond conditioned to pay all costs and expenses in-
5 cluding attorney fees if the result in the district court is not more favorable than before the
6 board of supervisors. It is further provided that in the event the board of supervisors elects

7 to appeal, as provided in this section, it shall not be required to give bond. It is further
8 provided that in the event the road proposed to be established is upon a county line appeal
9 from the concurrent action of the board of supervisors of the respective counties interested
10 may be taken to the district court in the county in which the appellant resides by complying
11 with the provisions of this section.

Sec. 8. That sections one thousand four hundred ninety (1490), one thousand four hun-
2 dred ninety-one (1491), one thousand four hundred ninety-two (1492), one thousand four hun-
3 dred ninety-three (1493), one thousand four hundred ninety-four (1494), one thousand four
4 hundred ninety-five (1495), one thousand four hundred ninety-six (1496), one thousand four
5 hundred ninety-seven (1497), one thousand four hundred ninety-eight (1498), one thousand
6 four hundred ninety-nine (1499), one thousand five hundred (1500), one thousand five hun-
7 dred one (1501), one thousand five hundred two (1502), one thousand five hundred three
8 (1503), one thousand five hundred four (1504), one thousand five hundred five (1505), one
9 thousand five hundred thirteen (1513), one thousand five hundred fourteen (1514), one thou-
10 sand five hundred seventeen (1517) and one thousand five hundred eighteen (1518) of the
11 code, the same be and is hereby repealed.