

January 25, 1957.
Passed on File.

House File 75
By RIEHM and NELSON.

Passed House, Date 2-25
Vote: Ayes 98 Nays 0

Passed Senate, Date 5-23
Vote: Ayes 36 Nays 1

Approved.....

A BILL FOR

*House Date 5-2
Ayes 94 Nays 0*

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

21 agreement in the drainage record and amend the current
22 classification of the district in accordance with such
23 agreement.

24 In the event the parties to such subdivision cannot
25 agree as to the apportionment of the percentage
26 classification, the board of supervisors shall appoint a
27 commission having the qualifications of commissioners,
28 in accordance with section 455 45. The commissioners
29 shall inspect and apportion the existing classification
30 of the original tract equitably and fairly to each of
31 the several tracts as subdivided and shall make a full,
32 accurate and detailed report thereof and file the same
33 with the county auditor within the time set by the board.

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

50 reassessments, except as herein provided".

EXPLANATION OF HOUSE FILE 75

This section provides for all future assessments in a drainage district to be made on the basis of the original classification as finally adopted by the board, unless revised by the board in the manner provided for reclassification, but specifically excepting therefrom such land as may have been destroyed, in whole or in part, by erosion of a river or which has been taken for additional right-of-way for drainage purposes.

It is suggested that this section be amended to provide for an equitable division of the existing classification occasioned by the subdivision of any tract, lot, or parcel as set forth in the original classification or reclassification, by reason of the sale or condemnation of a portion of any such tract or parcel.

The subdivision of such tracts within drainage districts are becoming more of a problem by reason of highway and road improvements, the purchase of small tracts or acreages for residence or industrial purposes and, in some instances, suburban residence developments.

It would seem that the practical solution to this problem is to provide a means by which the percentage classification on any tract so divided would be apportioned between the resulting parcels, whether the owners thereof be private individuals, corporations, or public bodies such as school districts, municipalities, the state highway commission, or the county road system.

It is further suggested that the existing classification on any tract or parcel being subdivided should be divided between the smaller parts (1) by agreement between the parties concerned or (2) by providing a means for the board of supervisors or trustees having jurisdiction in the district to equitably apportion such classification between the subdivided tracts, in the event the parties involved in the subdivision cannot agree.

HOUSE FILE 75

*adopted
2-25*

- 1 Amend House File 75, line twenty-nine (29) by
- 2 inserting the words "the lands involved" following
- 3 the word "inspect".

Filed
February 1, 1957.

NELSON of Winnebago.

HOUSE FILE 75

- 1 Amend House File 75, section 1, line 3, by striking the
- 2 word "In" and inserting in lieu thereof the following: "Except
- 3 districts established by mutual agreement in accordance with
- 4 section four hundred fifty-five point one hundred fifty-two
- 5 (455.152), Code 1954, in".

Filed and adopted
May 2, 1957.

*House Concurs
5-2*

By McMANUS and LYNES.

