

CH. 93.]

CHAPTER XL.

[H. F. 327.]

APRIL 11. AN ACT Requiring Cities to pay Damages in certain Cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* [That] whenever any city or town in this State, authorized by law to establish and regulate the grades of the streets and alleys of such city or town, shall have established the grade of any street or alley, and any person shall have built or made any improvements on such street or alley according to the established grade thereof, and the city authorities shall alter said established grade in such a manner as to injure or diminish the value of said property, said city shall pay, to the owner or owners of said property so injured, the amount of such damage or injury.

Cities and towns liable for depreciation of property caused by change of grade of streets, when.

Assessment of damages.

Appraisers.

No alteration until damages are paid or tendered.

Qualification of appraisers.
Notice.

View and hearing.

Return of appraisement.

Council may confirm or annul.

SEC. 2. Said damage or injury shall be assessed by three persons, one of whom shall be appointed by the mayor of such city or town, one by the owner of the property, and one by these two so appointed, or, in case of their disagreement, by the mayor and owner, or, in case of their disagreement, by the city council or town trustees: *Provided*, That if the owner of such property shall fail to appoint one such appraiser in ten days from the time of receiving notice so to do, then the city council, or town trustees, shall appoint all such appraisers; and no such alteration of grade shall be made until said damages so assessed shall have been paid or tendered to the owner or owners of the property so injured or damaged.

SEC. 3. The appraisers shall be sworn faithfully to execute their duties according to the best of their ability. Before entering upon their duties they shall give notice by publication for three weeks in one or more newspapers printed in such city, to the persons interested, of the time and place of their meeting for the purpose of viewing the premises and making their assessment, at least ten days before the time of such meeting. They shall view the premises, and, in their discretion, receive any legal evidence, and may adjourn from day to day. When the appraisement shall be completed, the appraisers shall sign and return the same to the city council or town trustees, within thirty days of their appointment. The city council, or town trustees, shall have power, in their discretion, to confirm or annul the appraisement, and, if annulled all

the proceedings shall be void, but if confirmed an order of confirmation shall be entered. Effect.

SEC. 4. Any person interested may appeal from the order of confirmation to the district court of the district in which such city or town is situated, by notice in writing to the mayor, at any time before the expiration of twenty days after the entering of the order of confirmation. Upon trial of the appeal, all questions involved in the proceedings, including the amount of damages, shall be open to investigation, and the burden of proof shall in all cases be upon the city or town to show that the proceedings are in conformity with this act. Appeal from confirmation to district court. Trial of same; burden of proof.

SEC. 5. The cost of any proceeding under this act, incurred prior to the order of such city council or trustees confirming or annulling the appraisalment, shall, in all cases, be paid by such city or town. Costs.

Approved, April 11th, 1872.

SUBDIVISIONS OF LANDS AND LOTS TO BE PLATTED.

AN ACT to Provide for surveying Lands or Lots in certain Cases. APRIL 11.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where any person or persons, company or corporation, has [divided], or may hereafter divide, any town-lot or parcel of ground within any incorporated town or city, or any tract of land containing forty acres or less, in such a manner that the subdivisions cannot be accurately described without noting the metes and bounds, with a view to sell such lots or lands in parcels, it shall be the duty of such person or persons, company or corporation, to cause such lots or lands to be surveyed, and a plat thereof made by the surveyor of the county where such lots or lands are situated, which plat shall particularly describe and set forth the lots or parcels of land surveyed, as aforesaid; the lots or subdivisions thus made shall be numbered in progressive numbers, and the plat shall show the number and location of each lot or subdivision, and the description of the lot or tract of land of which such land is a part, and also the quantity of land in each lot. Said plat shall be certified to by the surveyor, and recorded in like manner as the Subdivisions of town-lots, and 40 acre tracts, to be surveyed, platted and numbered. Record.