

## CHAPTER 121.

## LEVEES, DITCHES AND DRAINS, ETC.

H. F. 118.

AN ACT to amend the law as it appears in section nineteen hundred eighty-nine-a twenty-one (1989-a21) of the supplement to the code, 1913, relating to obstructions to levees, ditches and drains; the relaying of tile drains; removal of obstructions therein; the condemnation of right of way to remove cause of obstructions; the right of appeal for award as to damages for condemnation; and the payment of damages for the cost of said proceedings and for repairs so made.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. Ditches, drains, etc.—obstructions—removal—damage to owner—appeal from award, costs, etc. That the law as it appears in section nineteen hundred eighty-nine-a twenty-one (1989-a21) of the supplement to the code, 1913, be and the same is hereby amended by adding to said section the following:

“Whenever any ditch, drain or watercourse which has been heretofore, or may be hereafter constructed by any drainage district shall become obstructed by the roots of trees or by the roots of Osage orange, willow or any other hedge, it shall be the duty of the board of supervisors to repair the same and remove the cause of the obstruction, they may cause any tile drain so obstructed to be relaid in concrete or other protection, and they may if deemed best cause the trees or hedge causing such obstruction to be removed and if said trees or hedge are not within the area of the right of way originally acquired for the construction of said improvement and if said board cannot agree with the owner thereof as to his damage for the destruction of said trees they may proceed to acquire jurisdiction of said trees and the right to destroy and remove the same by the same proceedings as are provided for acquiring right of way for said drainage improvement in the first instance, and the owner shall have the same right of appeal from the award of damages made in said proceedings as is provided in section 1989-a6 of the supplement to the code, 1913, and the damages, if any, allowed the owner, together with all other costs of said proceedings and repairs shall be paid out of the drainage fund of such district.”

Approved March 31, A. D. 1919.