

## CHAPTER 86

## HIGHWAYS

H. F. 634

AN ACT to amend section fourteen (14), chapter two hundred thirty-seven (237), acts of the thirty-eighth general assembly, (C. C. 2922), relating to the construction, improvement and maintenance of highways.

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

1 SECTION 1. **Notice of apportionment—service.** Amend section four-  
2 teen (14) of chapter two hundred thirty-seven (237), acts of the  
3 thirty-eighth general assembly, (C. C. 2922), by inserting after the  
4 word "served" in line thirty-five (35), the following: "by publication  
5 as hereinafter provided."

6 Amend section fourteen (14) of chapter two hundred thirty-seven  
7 (237), acts of the thirty-eighth general assembly, (C. C. 2922), by  
8 inserting after the word "be" in line fifty-two (52), the following:  
9 "served by having the same".

Approved April 20, A. D. 1923.

## CHAPTER 87

## HIGHWAYS

H. F. 268

AN ACT to repeal section thirty-five (35) of chapter two hundred thirty-seven (237) acts of the thirty-eighth general assembly (S. C. C. 2943) as amended by chapters fifty-six (56) and one hundred four (104) acts of the thirty-ninth general assembly relating to the primary road system and to enact a substitute therefor.

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

1 SECTION 1. **Improvement within cities and towns.** That section  
2 thirty-five (35) of chapter two hundred thirty-seven (237) acts of the  
3 thirty-eighth general assembly (S. C. C. 2943) as amended by chap-  
4 ters fifty-six (56) and one hundred four (104) acts of the thirty-  
5 ninth general assembly be and the same is hereby repealed and the  
6 following enacted in lieu thereof: "The board of supervisors is hereby  
7 given plenary jurisdiction subject to the approval of the council to  
8 purchase or condemn right of way therefor and grade, drain, gravel,  
9 or hard surface any road or street which is a continuation of the  
10 primary road system of the county, within any town or within any  
11 city including special charter commission plan and manager plan  
12 cities having a population of less than twenty-five hundred (2500),  
13 and to make said hard surfacing the same width within the town as  
14 the hard surfacing outside of the town on the primary road system,  
15 but no hard surfacing shall be done except as authorized by a vote of  
16 the electors of the county.

17 After the completion of such improvement the same shall be main-  
 18 tained by the city or town and such city or town shall rest under  
 19 the same obligation of care as to such improvements as is now pro-  
 20 vided by law for roads and streets generally.

21 Any such city or town through its council and each county of the  
 22 state through its board of supervisors are hereby authorized to enter  
 23 into written agreements subject to the approval of the state highway  
 24 commission to determine the location of such improvements within  
 25 such cities or towns. In case of disagreement the matter shall be  
 26 referred to the state highway commission, whose decision shall be  
 27 final. The board of supervisors shall not drain, grade, gravel or  
 28 hard surface any highway within the limits of cities other than those  
 29 specified herein.

1 **SEC. 2. Condemnation of lands.** In the improvement of extensions  
 2 of the primary road system within cities or towns hereunder, the  
 3 board of supervisors shall have power to purchase or condemn the  
 4 necessary right of way therefor, and such condemnation proceedings  
 5 shall be under the same laws as now apply to the condemnation of  
 6 right of way for roads outside of cities and towns on primary roads.

1 **SEC. 3. Publication.** This act being deemed of immediate im-  
 2 portance shall be in full force and effect from and after its publication  
 3 in the Des Moines Register and Des Moines Capital, newspapers pub-  
 4 lished in Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Register  
 April 21, 1923, and the Des Moines Capital April 21, 1923.

W. C. RAMSAY, *Secretary of State.*

## CHAPTER 88

### HIGHWAYS

H. F. 437

AN ACT to amend section thirty-five (35), chapter two hundred thirty-seven (237) laws  
 of the thirty-eighth (38th) general assembly (S. C. C. 2943) as amended by chapter  
 fifty-six (56), laws of the thirty-ninth (39th) general assembly, relating to the  
 construction, improvement and maintenance of highways within towns on the pri-  
 mary road system.

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

1 **SECTION 1. Application for improvement—hearing—appeal.** That  
 2 section thirty-five (35), chapter two hundred thirty-seven (237) laws  
 3 of the thirty-eighth (38th) general assembly, (S. C. C. 2943), as  
 4 amended by chapter fifty-six (56) laws of the thirty-ninth (39th)  
 5 general assembly, be and the same is hereby amended by adding at  
 6 the end of said section the following:

7 "Any town, through its council, may by resolution, make application  
 8 to the board of supervisors of its county for the grading, draining,  
 9 graveling, or hard surfacing of any road or street in said town or along