

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

10 its limits, which is a continuation of the primary road system of the  
11 county, by filing the resolution making application therefor with the  
12 county auditor.

13 The board of supervisors shall examine said application and shall  
14 within thirty days after the filing thereof with the county auditor  
15 take action thereon. The board may approve said application in whole  
16 or in part or may wholly reject the same, whereupon the resolution,  
17 together with a record of the board's action thereon, shall be for-  
18 warded to the state highway commission for final review.

19 The state highway commission shall examine said resolution and  
20 the action of the board thereon, and shall within thirty days make  
21 final determination thereof. It may approve the application in whole  
22 or in part or may wholly reject the same. The town council and the  
23 board of supervisors shall be immediately notified of the action taken.

24 The provisions of section six (6) of chapter two hundred thirty-  
25 seven (237), acts of the thirty-eighth (38) general assembly (S. C. C.  
26 2914) relative to voting on the question of hard surfacing the primary  
27 roads shall not apply to improvements made hereunder. Provided,  
28 that in counties which have not authorized the hard surfacing of the  
29 primary roads, and in which the said primary roads have not all been  
30 built to finished grade and drained, the state highway commission  
31 shall give preference to such grading and draining projects, and not  
32 to exceed twenty (20) per cent of the annual allotment of the primary  
33 road funds may be spent on projects within towns hereunder."

1 **SEC. 2. Publication clause.** This act, being deemed of immediate  
2 importance, shall be in full force and effect from and after its publi-  
3 cation in the Des Moines Capital and the Des Moines Register, news-  
4 papers published in the city of Des Moines, Iowa.

Approved April 18, A. D. 1923.

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

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

## CHAPTER 89

### HIGHWAYS

H. F. 400

AN ACT to amend section 39, of chapter 237 of the laws of the thirty-eighth general  
assembly (C. C. 2947) authorizing the board of supervisors to use a part of the  
primary road fund for the purpose of improving the secondary roads of the county.

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

1 **SECTION 1. Repeal.** The first eight lines and the word "act" in  
2 line 9 of section 39, of chapter 237, of the laws of the 38th general  
3 assembly, is hereby repealed and the following enacted in lieu thereof:

1 **SEC. 2. Use of primary road fund.** After the primary road system  
2 as now constituted, or as it may hereafter be constituted in any