

9 shall be collected when the mortgages mature and be paid to the state
10 treasurer to become a part of the permanent school fund.

11 "All bonds, whether federal, state or municipal, held by the counties
12 which were purchased with permanent school funds by the counties
13 shall be surrendered to the state treasurer to become a part of the
14 permanent school fund."

Approved May 2, 1951.

CHAPTER 102

DESTRUCTION OF PUBLIC DOCUMENTS

S. F. 142

AN ACT relating to the public archives and authorizing destruction of certain documents after custody for a fixed period and for amending section three hundred three point ten (303.10), Code 1950.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred three point ten (303.10), Code
2 1950, is amended by adding thereto the following:

3 "The curator shall not be required to preserve permanently, cancelled
4 or redeemed state warrants or duplicate warrant registers, respec-
5 tively, of the state comptroller and the treasurer of state, but is hereby
6 empowered to destroy by burning any such warrants, having no his-
7 torical value, that have been in his custody for a period of ten (10)
8 years, and likewise to destroy by burning any duplicate warrant
9 registers after having been in his custody for a period of five (5)
10 years."

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in The
3 Red Oak Express, a newspaper published at Red Oak, Iowa, and The
4 Villisca Review, a newspaper published at Villisca, Iowa.

Approved March 27, 1951.

I hereby certify that the foregoing act was published in The Red Oak Express, Red Oak, Iowa, March 29, 1951, and in The Villisca Review, Villisca, Iowa, April 5, 1951.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 103

HIGHWAYS

H. F. 59

AN ACT to amend chapters three hundred six (306), three hundred eight (308), three hundred nine (309), three hundred ten (310), three hundred thirteen (313), four hundred seventy-one (471) and four hundred seventy-three (473), Code 1950, all relating to classification, jurisdiction, control, establishment, alteration and vacation of highways.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter three hundred six (306), Code 1950, except
2 sections three hundred six point forty-eight (306.48), three hundred

3 six point fifty-one (306.51), to three hundred six point fifty-nine
4 (306.59), both inclusive, and three hundred six point sixty-one
5 (306.61), is hereby repealed.

1 **SEC. 2. Classification of highways.** The highways of the state are
2 hereby classified into three systems, to-wit: The primary road sys-
3 tem, the state park and institutional road system, and the secondary
4 road system.

5 The secondary road system is subdivided into farm to market roads
6 and local secondary roads.

1 **SEC. 3. Definition of road systems.** The following words and
2 phrases when used in this chapter or in any chapter of the code re-
3 lating to highways shall respectively have the following meaning:

4 1. *Primary roads.* The term "primary roads" or "primary road
5 system" shall include those main market roads and highway traffic
6 arteries, outside of cities and towns, which have been designated as
7 primary roads under section three hundred thirteen point two (313.2),
8 Code 1950, or which may hereafter be so designated as the law may
9 provide.

10 2. *State park and institutional roads.* The term "state park and
11 institutional roads" shall include those highways, either inside or out-
12 side of cities and towns, upon or adjacent to land belonging to the state
13 at any state park or state institution.

14 3. *Secondary roads.* The term "secondary roads" or "secondary
15 road system" shall include all public highways, outside of cities and
16 towns, except primary roads and state park and institutional roads.

17 4. *Farm to market roads.* The term "farm to market roads" or
18 "farm to market road system" shall include those main secondary
19 roads which have been designated as farm to market roads under
20 section three hundred ten point ten (310.10), Code 1950, or which may
21 hereafter be so designated as the law may provide.

22 5. *Local secondary roads.* The term "local secondary roads" or
23 "local secondary road system" shall include all those secondary roads
24 which are not now, or may not hereafter be, included in the farm to
25 market road system.

1 **SEC. 4. Jurisdiction—control.** Jurisdiction and control over the
2 highways of the state are hereby vested in and imposed on (a) the
3 state highway commission as to primary roads; (b) the county board
4 of supervisors as to secondary roads within their respective counties;
5 and (c) the board or commission in control of any state park or insti-
6 tution as to any state park or institutional road at such state park or
7 state institution.

1 **SEC. 5. Power to establish, alter or vacate.** In the construction,
2 improvement, operation or maintenance of any highway, or highway
3 system, the board or commission which has control and jurisdiction
4 over such highway or highway system, shall have power, on its own
5 motion, to alter or vacate and close any such highway or railroad
6 crossing thereon, and to establish new highways or railroad crossing
7 thereon which are or are intended to become a part of the highway

8 system over which said board or commission has jurisdiction and
9 control.

1 **SEC. 6. Hearing—place—date.** In proceeding to the vacation and
2 closing of any road, part thereof, or railroad crossing, the board or
3 commission in control of said road, or road system, shall fix a date
4 for a hearing thereon in the county where said road, or part thereof,
5 or crossing, is located, and if located in more than one county, then in
6 a county wherein any part of such road or crossing is located. If the
7 road to be vacated or changed is a secondary road located in more than
8 one county, the boards of supervisors of such counties, acting jointly,
9 shall fix a date for a hearing thereon in either or any of the counties
10 where such road, or part thereof, is located.

1 **SEC. 7. Notice—service.** Notice of such hearing shall be published
2 in some newspaper of general circulation in the county or counties
3 where such road is located, at least twenty (20) days prior to the date
4 of hearing. The board or commission which instituted said proceed-
5 ings and is holding such hearing, shall notify the state highway com-
6 mission, the board or boards of supervisors, or board or commission
7 in control of affected state lands, as the case may be, of the time and
8 place of such hearing, by registered mail addressed to the state high-
9 way commission, the county auditor, or the board or commission in
10 control of affected state lands, as the case may be.

1 **SEC. 8. Notice—requirements.** Said notice shall state the time
2 and place of such hearing, the location of the particular road, or part
3 thereof, or crossing, the vacation and closing of which is to be con-
4 sidered, and such other data as may be deemed pertinent.

1 **SEC. 9. Objections—claims for damages.** At such hearing, the
2 state highway commission, the board of supervisors, or the board or
3 commission in control of affected state lands, as the case may be, and
4 any interested person, may appear and object and be heard. Any
5 person owning land abutting on a road which it is proposed to vacate
6 and close, shall have the right to file, in writing, a claim for damages
7 at any time on or before the date fixed for hearing.

1 **SEC. 10. Purchase and sale of property.** If as to any one or more
2 properties affected by the proposed vacation and closing of any second-
3 ary road, it should appear to the board of supervisors to be in the
4 interest of economy or public welfare, the board may purchase or con-
5 demn, by proceeding as this act provides, the said entire property or
6 properties, and make payment therefor out of the secondary road fund.
7 After the road has been vacated and closed the board shall sell such
8 property or properties at the best attainable price, and credit the
9 proceeds of such sale to the secondary road fund.

1 **SEC. 11. Final order.** After such hearing, the commission, board
2 or boards which instituted such proceedings and conducted such hear-
3 ing, shall enter an order. Said commission or board may dismiss the
4 proceedings, or it may vacate and close such road, part thereof, or
5 crossing, in which event it shall determine and state in the order the
6 amount of the damages allowed to each claimant. Said order thus
7 entered shall be final except as to the amount of the damages. A copy

8 of such order shall be filed with the county auditor of the county or
 9 counties in which the road, part thereof, or crossing, is located and
 10 with the state highway commission and the board or commission in
 11 control of any affected state land.

1 **SEC. 12. Appeal.** Any claimant for damages may, by serving,
 2 within twenty (20) days after the said final order has been issued,
 3 a written notice upon the commission, board or boards which insti-
 4 tuted and conducted such proceedings, appeal as to the amount of
 5 damages, to the district court of the county in which the land is located,
 6 in the manner and form prescribed in chapter four hundred seventy-
 7 two (472), Code 1950, with reference to appeals from condemnation,
 8 and such proceedings shall thereafter likewise conform to the appli-
 9 cable provisions of said chapter.

1 **SEC. 13. Establishment.** In the establishment of any road, the
 2 board or commission in control of such road or road system need not
 3 cause a hearing to be held thereon or notice to be published thereof,
 4 but may do so.

1 **SEC. 14. Purchase or condemnation of right of way—procedure.**
 2 Proceedings for the condemnation of land for any highway shall be
 3 under the provisions of chapter four hundred seventy-one (471) and
 4 chapter four hundred seventy-two (472), Code 1950, or as said chap-
 5 ters may be amended.

6 Provided that, in the condemnation of right of way for secondary
 7 roads, the board of supervisors may proceed as provided in sections
 8 three hundred six point fifty-one (306.51) to three hundred six point
 9 fifty-nine (306.59), both inclusive, and three hundred six point sixty-
 10 one (306.61), Code 1950.

1 **SEC. 15.** No road shall be established through any cemetery or
 2 burying ground without the consent of all the parties affected by the
 3 same, nor shall any ground be taken for the rounding of a corner where
 4 the dwelling house, lawn and ornamental trees connected therewith are
 5 located at such corner, except by consent of the owner thereof.

1 **SEC. 16. Plat and field notes.** After any road has been finally
 2 established or altered, a plat and field notes thereon must be filed by
 3 the commission or board having control and jurisdiction over said
 4 road, with and recorded by the county auditor.

1 **SEC. 17. Sale of unused right of way.** When title to any tract or
 2 parcel of land has been or may hereafter be acquired for the improve-
 3 ment of any highway, and when in the judgment of the board or com-
 4 mission in control of said highway, said tract or parcel of land, or part
 5 thereof, is not now and will not hereafter be used in connection with
 6 or for the improvement, maintenance, or use of said highway, the
 7 board or commission in control of such highway may sell said tract,
 8 parcel, or piece of land, or any part thereof, for cash. If such tract,
 9 parcel, or piece of land or part thereof is held or used in connection
 10 with any primary road, or state park or institutional road, such sale
 11 shall be subject to approval of the executive council of the state of
 12 Iowa.

13 In the event any such tract or parcel of land is sold, such sale shall

14 be subject to the right of a utility association, company or corporation
15 to continue in possession of a right of way in use at the time of such
16 sale.

1 **SEC. 18. Notice—preference of sale.** Notice of intention to sell
2 such tract, parcel, or piece of land, or part thereof, must, not less than
3 ten (10) days prior to the sale thereof, be sent by registered mail, by
4 the board or commission in control of such land, to the last known
5 address of the present owner of adjacent land from which said tract,
6 parcel, piece of land or part thereof, was originally bought or con-
7 demned for highway purposes, and if located in a city or town, to the
8 mayor thereof. Said notice shall give an opportunity to the present
9 owner of adjacent property to be heard and make offers for the tract,
10 parcel or piece of land to be sold, and if such offer is equal to or ex-
11 ceeds in amount any other offer received, it shall be given preference
12 by the board in control of said land. Neglect or failure for any reason,
13 to comply with the provisions of said notice, shall in no way prevent
14 the giving of a clear title to the purchaser of said tract, parcel or piece
15 of land.

1 **SEC. 19. Conditions.** Any sale of land as herein authorized shall be
2 upon the conditions that the tract, parcel, or piece of land so sold shall
3 not be used in any manner so as to interfere with the use of the high-
4 way by the public, or to endanger public safety in the use of the high-
5 way, or to the material damage of the adjacent owner.

1 **SEC. 20. Execution of conveyance.** Where a sale of land in con-
2 nection with any primary road or state park or institutional road has
3 been authorized as herein provided, written conveyances containing
4 the conditions as prescribed by the executive council shall be made in
5 the name of the state and signed by the governor and secretary of
6 state, and the great seal of the state of Iowa attached thereto. Where
7 a sale of land in connection with any secondary road has been author-
8 ized by the board of supervisors as herein provided, written con-
9 veyances containing the provisions prescribed by the board of super-
10 visors shall be made in the name of the county and signed by the chair-
11 man of the board of supervisors and the county auditor.

1 **SEC. 21. Payment of damages and right of way cost—proceeds of**
2 **sale.** Damages allowed on account of the vacation of any highway and
3 costs incident thereto, right of way or land purchased or condemned
4 for or on account of any highway and costs incident thereto, and the
5 funds received from the sale of any highway right of way or land, shall
6 be paid from or credited to, as the case may be, the road fund or funds
7 applicable to said highway or highway system.

1 **SEC. 22.** Sections three hundred eight point two (308.2), three
2 hundred nine point one (309.1), three hundred nine point two (309.2),
3 three hundred nine point sixty-four (309.64), three hundred ten point
4 twenty-three (310.23), three hundred ten point twenty-four (310.24),
5 three hundred thirteen point twenty-five (313.25), three hundred
6 thirteen point twenty-six (313.26), three hundred thirteen point forty-
7 two (313.42), three hundred thirteen point forty-six (313.46), to
8 three hundred thirteen point fifty-seven (313.57), both inclusive, four

9 hundred seventy-three point three (473.3) and four hundred seventy-
10 three point four (473.4), Code 1950, are hereby repealed.

1 SEC. 23. Section three hundred ten point one (310.1), Code 1950,
2 is hereby amended by striking subsections one (1) and two (2) of
3 said section and renumbering the remaining subsections of said sec-
4 tion, one (1) and two (2), respectively.

1 SEC. 24. Section four hundred seventy-one point four (471.4),
2 Code 1950, is hereby amended by striking the period (.) at the end of
3 subsection one (1) of said section and adding thereto the following:
4 "and the construction, improvement or maintenance of highways."

1 SEC. 25. **Constitutionality.** If any part of this Act shall be held
2 to be unconstitutional, such unconstitutionality shall not affect the
3 validity of the remaining parts of this Act. The legislature hereby
4 declares that it would have passed the remainder of this Act if it had
5 known that such part thereof would have been declared unconsti-
6 tutional.

Approved April 26, 1951.

CHAPTER 104

HIGHWAY WEIGHING STATIONS

H. F. 409

AN ACT to amend section three hundred thirteen point twenty-five (313.25), Code 1950, relating to the condemnation of land by the highway commission.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred thirteen point twenty-five
2 (313.25)*, Code 1950, is hereby amended by inserting following the
3 word "therefor" in line nine (9) thereof the following: ", for the
4 drainage thereof, for yards for storage of road material and storage
5 and repair of maintenance equipment, for traffic weighing stations".

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect upon its passage and publication in the Oskaloosa
3 Tribune-Press, a newspaper published at Oskaloosa, Iowa, and in The
4 Oakland Acorn, a newspaper published at Oakland, Iowa.

Approved April 14, 1951.

I hereby certify that the foregoing act was published in the Oskaloosa Tribune-Press, Oskaloosa, Iowa, April 20, 1951, and in The Oakland Acorn, Oakland, Iowa, April 19, 1951.

MELVIN D. SYNHORST, *Secretary of State.*

*Section repealed by chapter 103, §22.