

20 section four hundred fifty-five point fifty-six (455.56) of the Code.  
 21 The landowners shall have the same right of appeal from this classi-  
 22 fication as they would have if the petition had not requested a classi-  
 23 fication prior to establishment and the classification had been made  
 24 after establishment."

Approved April 5, 1957.

## CHAPTER 219

### NOTICE AFFECTING INTERESTS IN LAND

#### H. F. 551

AN ACT relating to the notice given to owners of land or interests or rights therein, in certain types of procedures and other matters affecting such land.

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

1 SECTION 1. Section four hundred fifty-five point twenty-one  
 2 (455.21), Code 1954, is hereby repealed and the following enacted in  
 3 lieu thereof:

4 "The notice provided in section four hundred fifty-five point twenty  
 5 (455.20) shall be served, except as otherwise hereinafter provided,  
 6 by publication thereof once each week for two consecutive weeks in  
 7 some newspaper of general circulation published in the county, the  
 8 last of which publications shall be not less than twenty days prior to  
 9 the day set for hearing. Proof of such service shall be made by affi-  
 10 davit of the publisher. Copy of such notice shall also be sent by ordi-  
 11 nary mail to each person named therein at his last known mailing  
 12 address unless there is on file an affidavit of the auditor, or of a person  
 13 designated by the board to make the necessary investigation, stating  
 14 that no mailing address is known and that diligent inquiry has been  
 15 made to ascertain it. Such copy of notice shall be mailed not less  
 16 than twenty days before the day set for hearing and proof of such  
 17 service shall be by affidavit of the auditor. Proofs of service required  
 18 by this section shall be on file at the time the hearing begins."

1 SEC. 2. Section four hundred fifty-five point fifty-five (455.55),  
 2 Code 1954, is hereby repealed and the following enacted in lieu  
 3 thereof:

4 "The board shall cause notice to be served upon the owner of any  
 5 tract of land or easement against which it is proposed to increase the  
 6 assessment, requiring him to appear at a fixed date and show cause  
 7 why such assessment should not be so increased. Such notice shall  
 8 be served for the time and in the manner prescribed in section four  
 9 hundred fifty-five point twenty-one (455.21) or section four hundred  
 10 fifty-five point twenty-two (455.22), as the case may be, except that  
 11 personal service in the same manner as an original notice may be  
 12 made in lieu of the other methods."

1 SEC. 3. Section four hundred fifty-five point eighty-one (455.81),  
 2 Code 1954, is hereby amended by striking the sentence beginning with  
 3 the word "Such" in line thirty-one (31) and inserting in lieu thereof  
 4 the following:

5 "Such notice shall be given by publication and by mailing for the  
6 same time in advance of hearing and in the same manner prescribed  
7 in section four hundred fifty-five point twenty-one (455.21)."

1 SEC. 4. Section four hundred fifty-five point two hundred seven  
2 (455.207), Code 1954, is hereby repealed and the following enacted  
3 in lieu thereof:

4 "Such notice shall be captioned in the name of the district and shall  
5 be directed to the owners of each tract or lot within said levee or  
6 drainage district, including railroad companies having rights of way,  
7 lienholders and encumbrancers, and to all owners, lienholders or en-  
8 cumbrancers of lands which an adoption of the plan would exclude  
9 from benefits and of lands outside the district which will benefit there-  
10 from and to all other persons whom it may concern and, without  
11 naming them, to the occupants of all lands affected and shall set forth  
12 that there is on file in the office of the auditor a plan of construction  
13 of the federal agency (naming it), together with reports of an engi-  
14 neer thereon, which the board has tentatively approved, and that such  
15 plan may be amended before final action; also the day and hour set  
16 for hearing on the adoption of said plan, and that all claims for dam-  
17 ages, except claims for land required for right of way or construction,  
18 and all objections to the adoption of said plan for any reason must be  
19 made in writing and filed in the office of the auditor at or before the  
20 time set for hearing. Provisions of this chapter for giving notice,  
21 waiver of notice, waiver of objection and damages and adjournment  
22 for service contained in sections four hundred fifty-five point twenty-  
23 one (455.21) to four hundred fifty-five point twenty-six (455.26), in-  
24 clusive, shall apply."

1 SEC. 5. Section four hundred sixty-nine point eighteen (469.18),  
2 Code 1954, is hereby amended by striking therefrom the last sentence  
3 in said section and inserting in lieu thereof the following:

4 "Where the owner of any land affected is a nonresident of the state,  
5 service of the notice may be made by publication thereof once each  
6 week for three consecutive weeks in some newspaper of general cir-  
7 culation published in the county, the last of which publications shall  
8 be not less than twenty (20) days prior to the day set for hearing.  
9 Proof of such service shall be made by affidavit of the publisher.  
10 Copy of such notice shall also be sent by ordinary mail to such person  
11 at his last known mailing address unless there is on file an affidavit  
12 of the plaintiff or his attorney stating that no mailing address is  
13 known and that diligent inquiry has been made to ascertain it. Such  
14 copy of notice shall be mailed not less than twenty (20) days before  
15 the day set for hearing and proof of such service shall be by affidavit  
16 of the plaintiff or his attorney, as the case may be. Proofs of service  
17 required by this section shall be on file at the time the hearing begins."

1 SEC. 6. Section four hundred sixty-five point three (465.3), Code  
2 1954, is hereby repealed and the following is enacted in lieu thereof:

3 "In case any such owner is a nonresident of the county he may be  
4 personally served in the manner required for original notices or, in  
5 lieu thereof, he may be given notice as provided in section four hun-  
6 dred fifty-five point twenty-one (455.21)."

1 SEC. 7. Section four hundred sixty-four point four (464.4), Code  
 2 1954, is hereby amended by striking all after the word "petition" in  
 3 line twenty-five (25) and adding in lieu thereof the following:  
 4 "and a copy of such notice shall also be sent by ordinary mail to  
 5 his last known address unless there is on file an affidavit of one of  
 6 the petitioners or his attorney stating that no mailing address is  
 7 known and that diligent inquiry has been made to ascertain it. Such  
 8 copy of notice shall be mailed not less than twenty (20) days prior  
 9 to the date set for hearing. Proof of publication and mailing shall  
 10 be by affidavit and shall be included in the records of the proceedings."

Approved April 26, 1957.

## CHAPTER 220

### DRAINAGE DISTRICT IMPROVEMENTS

H. F. 476

AN ACT to amend section four hundred fifty-five point forty-five (455.45), Code 1954, relating to time for appointment of commissioners to assess benefits and classify the lands affected by a drainage district improvement.

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

1 SECTION 1. Section four hundred fifty-five point forty-five  
 2 (455.45), Code 1954, is hereby amended by inserting after the comma  
 3 (,) following the word, "district" in line nine (9) the following: "or  
 4 a plan of the United States Government for original construction of  
 5 the improvements in such district has been heretofore or hereafter  
 6 adopted by such district under the provisions of sections four hun-  
 7 dred fifty-five point two hundred one (455.201) to four hundred fifty-  
 8 five point two hundred sixteen (455.216), inclusive, of the Code,".

1 SEC. 2. This Act being deemed of immediate importance shall take  
 2 effect and be in force and effect from and after its publication in the  
 3 Onawa Sentinel, a newspaper published at Onawa, Iowa, and the Dun-  
 4 lap Reporter, a newspaper published at Dunlap, Iowa.

Approved April 26, 1957.

I hereby certify that the foregoing Act, House File 476, was published in the Onawa Sentinel, Onawa, Iowa, May 9, 1957, and in the Dunlap Reporter, Dunlap, Iowa, May 2, 1957.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 221

### DRAINAGE AND LEVEE ASSESSMENTS

H. F. 117

AN ACT to provide for the payment of drainage and levee assessments on certain state-owned lands.

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

1 SECTION 1. Chapter four hundred fifty-five (455), Code 1954, is  
 2 amended by adding the following new section: