

## CHAPTER 238

## MILLDAMS AND RACES

## H. F. 308

AN ACT relating to milldams and to amend sections four hundred sixty-nine point five (469.5) and four hundred sixty-nine point nine (469.9), Code 1954.

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

1 SECTION 1. Section four hundred sixty-nine point five (469.5),  
2 Code 1954, is amended by adding after the word, "project" in line  
3 eight (8) the words, ", excepting water taken by a municipality for  
4 distribution in its watermains,".

1 SEC. 2. Section four hundred sixty-nine point nine (469.9), Code  
2 1954, is amended by adding after the word, "constructed" in line  
3 seventeen (17) the words, "for power production"; and by striking  
4 the period (.) following the word, "capacity" in line eighteen (18)  
5 and inserting in lieu thereof the words, ", nor shall they apply to dams  
6 developed solely for recreational use where the recreational facilities  
7 thus created are open to the public without charge."

Approved April 1, 1957.

## CHAPTER 239

## EMINENT DOMAIN

## H. F. 330

AN ACT relating to procedure under the power of eminent domain.

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

1 SECTION 1. Section four hundred seventy-two point fourteen  
2 (472.14), Code 1954, is hereby repealed and the following enacted in  
3 lieu thereof:

4 "The commissioners shall, at the time fixed in the aforesaid notices,  
5 view the land sought to be condemned and assess the damages which  
6 the owner will sustain by reason of the appropriation; and they shall  
7 file their written report with the sheriff. Where the land sought to be  
8 condemned is a part of a larger tract of land, and in making such  
9 assessment at the request of the condemnee the commissioners shall  
10 divide the damages into two (2) parts, namely, the value of the land  
11 (including improvements thereon), sought to be condemned, and the  
12 consequential damages resulting to the owner from such condemna-  
13 tion and appropriation. The appraisement and return may be in par-  
14 cels larger than forty (40) acres belonging to one (1) person and  
15 lying in one (1) tract, unless the agent or attorney of the applicant,  
16 or the commissioners, have actual knowledge that the tract does not  
17 belong wholly to the person in whose name it appears of record; and  
18 in case of such knowledge, the appraisement shall be made of the dif-  
19 ferent portions as they are known to be owned."

1 SEC. 2. This Act being deemed of immediate importance shall be  
2 in full force and effect after its passage and publication in The Daily