

**68-1401. Reconstruction of bridges in counties over \$90,000,000 valuation; bonds; railroad grade separation structures, apportionment of cost; special assessments, when.** Whenever in any county having an assessed valuation for taxation purposes of over ninety million dollars the board of directors of any drainage district organized under the laws of this state, under the powers vested in them, shall prescribe, regulate or fix the height of any public bridge located within said district or the length of spans and the location of piers or abutments of any such bridge, or shall locate harbor lines for or establish the channel of any stream within such district, and shall notify and request, in writing, the board of county commissioners to change, alter or reconstruct any such bridge or bridges to conform to such harbor lines, channel or requirements; or whenever in any county the secretary of war of the United States, or any other competent authority, shall request, order or direct, in writing, the reconstruction, raising or lengthening of any public bridge, or the spans thereof, over any navigable stream, or shall request, order or direct the reconstruction or relocation of the piers or abutments of any public bridge over a navigable stream, or shall establish harbor lines or otherwise designate the channel for any navigable stream, and shall request, order or direct the reconstruction of bridges to conform thereto; the board of county commissioners of the county wherein such public bridge is located is hereby authorized and empowered to reconstruct such bridges and approaches thereto, and grade separation structures connected therewith, raise, lengthen and repair such bridges, and to reconstruct, remove and relocate the abutments and piers thereof, and to improve such bridges in any other respect required, and to do any and all acts necessary to conform to such requirements, in the manner hereinafter provided, and for the purpose of paying for such improvements may issue bonds of such county without the same being authorized by any election, and subject only to the limitations contained in this act.

The amount of bonds so authorized to be issued shall not exceed the actual cost of such improvements: *Provided*, That whenever any bridge is reconstructed under the provisions of this act and said bridge is or may be connected with grade separation structures over the tracks and rights of way of any railroad company or companies, the cost of constructing or reconstructing said grade separation structures shall be paid for in the following proportions:

The county shall pay one-half of the cost of constructing or reconstructing said grade separation structures and issue its general obligation bonds to pay the cost of the same; the remaining cost shall be paid by the railroad company or companies over whose tracks and rights of way such grade separation structure is constructed. When two or more railroad companies own and operate separate lines of track to be crossed by any such grade separation structure, the proportion of the cost thereof, including the approaches thereto, to be borne by each shall be determined by the board of county commissioners. Such cost to any railroad company as determined by the board of county commissioners shall from the time of notification to such company constitute a lien against all of its properties in favor of the county and may be collected by an action brought in any court of competent jurisdiction.

The bonds for which provision is made in this section shall be issued as now provided by law; or in lieu of enforcing the cost of such amount by a suit at law the county may issue special improvement bonds of the county to pay for said improvement and levy special assessment against the property of such railroad company or companies to pay such bonds and interest.

**History:** L. 1909, ch. 64, § 1; R.S. 1923, 68-1401; L. 1949, ch. 348, § 1; April 15.