

to any vacancies occurring in said first and second circuits by this act created, as now apply to vacancies in judicial circuits.

Powers of
judges.

SEC. 6. The judges of said first and second circuits by this act created shall have and exercise within the counties constituting their said circuits all the rights powers and jurisdiction which are possessed and exercised at this date by the circuit judge within said counties and all provisions of law now applicable to the circuit court or to the judge thereof shall apply, and are hereby made to apply with the same force and effect to said court within said first and second circuits and to the judges whose appointment and election are herein provided for, except so far as the same may be inconsistent with the provisions of this act.

Records.

SEC. 7. The records and books heretofore kept for the business of the circuit court within and for said counties shall be continued and used within and for said respective counties for the same purposes and under the provisions of this act.

Repealing
clause.

SEC. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Publication.

SEC. 9. This act, being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published at Des Moines Iowa, the provisions of section 33 of the code to the contrary notwithstanding.

Approved, March 14, 1884.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader* March 19, 1884.

J. A. T. HULL, *Secretary of State.*

CHAPTER 20.

IMPROVEMENT OF STREETS IN CERTAIN CITIES.

S. F. 7.

AN ACT Granting Additional Powers to Certain Cities of the First Class, with Reference to the Improvements of Streets, Highways, Avenues or Alleys, and to Provide a System for Payment therefor.

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

Grading, pav-
ing, etc.

SECTION 1. That cities of the first class, that have been or may be so organized since January first, 1881, shall have power to open, widen, extend, grade, construct permanent side-walks, curb, pave, gravel, macadamize and gutter, or cause the same to be done in any manner they may by ordinance deem proper, any street, highway, avenue, or alley within the limits of such city, and may open, extend, widen, grade, park, pave, or otherwise as aforesaid, improve part of any such street, highway, avenue or

alley, and levy a special tax as hereinafter provided, on the lots and lands fronting and abutting on such street, highway, avenue or alley, and where said improvements are proposed to be made, to pay the expenses of the same. But unless the owners, resident in such city of a majority of the front feet owned by them, of the property subject to assessment as hereinafter provided, for such improvements, shall petition the council of such city to make the same; such improvements shall not be made until three-fourths of all the members of such council shall by vote, assent to the making of the same; *Provided*, that the construction of permanent side-walks, curbing, paving, graveling or macadamizing of any such street, highway, avenue or alley, shall not be done until after the bed of the same shall have been brought so near to the grade as established by the ordinances of such city, as that said side-walks, curbs, paving or other improvements as aforesaid, when fully completed will bring said streets, highways, avenues or alleys fully up to said established grade.

Tax abutting property.

Proviso.

Proviso.

Sec. 2. It shall be the duty of the council of said city to require all of the work necessary to the making of any improvements authorized by section one hereof, to be done under contract thereof, to be entered into with the lowest responsible bidder, and bonds with good and sufficient surety for the faithful performance of such work, shall be required to be given by the contractors; *provided*, that all bids for such work, or any part thereof, may be rejected by such council, and new bids ordered.

Contract.

Proviso.

Sec. 3. Any such city shall, for the purpose of effectuating the objects enumerated in section one hereof, have power, by ordinance, to create improvement districts, which shall be consecutively numbered. The cost of opening, extending, widening, grading, constructing permanent side-walks, curbing, paving, graveling, macadamizing and guttering any street, highway, avenue or alley, within any improvement district, except spaces in front of city property, and any other property exempt from special taxes except the intersections of streets, highways or avenues and space opposite alleys, and except as to paving, graveling or macadamizing between and outside the rails of railways and street railways, shall be assessed upon the lots and lands abutting the same, in proportion to the front feet so abutting upon such street, highway, avenue or alley, where said improvements are proposed to be made, the assessment of the special taxes herein provided for shall be made as follows: The total cost of the improvement except spaces in front of city property, and any other property exempt from special taxation, and except as to intersections of streets, highways or avenues, and space opposite alleys, and except as aforesaid, as to the paving, graveling or macadamizing, between and outside the rails of any railway or street railway, shall be levied upon the property as aforesaid, and become delinquent as herein provided; one fifth shall become delinquent in ninety days after such levy, one fifth in two years, one fifth in four years, one fifth in six years, and one fifth in eight years, after the levy is

Improvement districts.

Tax abutting property.

Tax system.

made. Such special taxes shall be payable by the owners of the property upon which they are levied as aforesaid, at or before the times they become delinquent, as hereinbefore provided and in the installments herein mentioned; and shall also be a lien upon the lots and lands so assessed, and shall draw interest at the rate of six per cent per annum from the time of the levy aforesaid, until the same shall be paid or become delinquent, whichever shall first happen, said interest to be payable semi-annually, or annually as the council of such city may deem best. The property so assessed may be sold for the payment of any installment of said tax or interest as aforesaid, which is payable and delinquent at the time in the same manner, at any regular or adjourned sale or special sale called therefor, with the same forfeitures, penalties and right of redemption, and certificates and deeds on such sales shall be made in the same manner and with like effect as in case of sales for non-payment of the ordinary taxes of such city, as now or hereafter provided by law in respect thereto: *Provided* however, that the sale of any property for the non-payment of any installment as aforesaid, either of tax or interest shall not be taken or construed as in any manner affecting the validity of the lien on the same for any installment thereof, with interest as aforesaid, which may subsequently become delinquent and payable, such city council may provide by ordinance for the mode of making and returning the assessment hereinbefore authorized; and payment of such assessment after they become delinquent, and if interest as aforesaid, may, if so directed by said council, be enforced by suit in court, in the manner and by the proceedings provided by sections 478 and 481 of the code. In case of omissions, errors, or mistakes in making such assessment or levy, in respect of the total cost of the improvement, or in case of deficiencies or otherwise, it shall be competent for the council to make a supplemental assessment and levy to support such deficiencies, omissions, errors or mistakes; said supplemental assessment and levy shall be a lien on the lots and lands as aforesaid, shall be payable in the same manner and in the same installments, shall draw interest at the same rate, and shall be capable of enforcement in the same manner as hereinbefore provided, with respect to the original assessment and levy. Said taxes shall constitute a sinking fund for the payment of the costs of the opening, extending, widening, grading, or any other improvements herein specified, of the street, highway, avenue or alley, on which the property abuts, upon which the same are levied, and shall be used and appropriated to no other purpose than the payment of the costs of said improvements, and any bonds which may be issued as hereinafter provided, until the whole cost of said improvement, and all of said bonds, with interest, shall be fully paid and satisfied.

SEC. 4. For the purpose of paying the costs of the improvements mentioned and specified in section three, hereof, and which costs are to be assessed and levied as aforesaid, upon the

Tax interest.

Sale of property for delinquent taxes.

Proviso.

Supplemental assessment.

Tax lien.

Sinking fund.

Same: how used.

lots and lands as aforesaid, the council of any such city shall have power and may by ordinance cause to be issued bonds of such city, to be called "Improvement Bonds of District No. —," said bonds to be issued in four series, the first series in the aggregate to be for an amount not exceeding one fifth of the total cost of the expense of the opening, extending, widening, grading or other improvement as aforesaid of the particular street, highway, avenue or alley, to defray the cost at which said bonds are issued, and to be payable in not exceeding two years from date thereof; the second series to be for a like aggregate amount and payable in not exceeding four years from date thereof; the third series to be for a like aggregate amount and payable in not exceeding six years from date thereof, and the fourth series to be for a like aggregate amount and to be payable in not exceeding eight years from date thereof; all of said bonds to bear not exceeding six per cent. per annum interest, payable annually or semi-annually as said council may provide, with interest coupons attached, to express on their face the name of the street, highway, avenue or alley to defray the cost for which they are issued, and also that the last four installments of the special taxes and assessments assessed and levied or to be assessed and levied as aforesaid on the lots and lands abutting on the street, highway, avenue or alley so as aforesaid opened, extended, graded, or in any other manner as aforesaid improved, shall be and constitute a sinking fund for the payment of said bonds and interest thereon, and to be used and appropriated to no other purpose until the whole of said bonds with interest thereon shall have been paid and fully discharged. Said bonds shall not be negotiated or sold for less than their par value and may be respectively for amounts ranging from one hundred dollars to one thousand dollars as said council may provide by ordinance. The proceeds arising from said bonds shall be applied exclusively to and appropriated and used for no other purpose than the liquidation of the costs of the improvements as aforesaid to and upon the particular street, highway, avenue or alley, to defray the cost of which said bonds are issued.

Sec. 5. Whenever the council of any such city shall deem it expedient they shall have power for the purpose of paying the costs of opening, extending, widening, grading, paving, curbing, guttering, graveling or macadamizing spaces in front of city property and of other property exempt from special taxation, the intersections of any streets, highways, avenues or alleys and the space opposite alleys, to issue bonds of the city to run for not exceeding twenty years and to bear interest payable semi-annually at a rate not exceeding 6 per cent. per annum, with coupons attached, to be called "City Improvement Bonds," and which shall not be sold for less than par, and the proceeds of which shall be used for no other purpose than paying for the cost of the improvements aforesaid and upon the particular streets, highways, avenues or alleys, the intersections of which and spaces opposite which are improved as aforesaid: *provided*,

Tax bonds.

Same: maturity of.

Same: provision for payment of.

Same: to be sold at par.

Same: use of proceeds.

City bonds, account exempt property, etc.

Same: to be sold at par.

Provide

that no bonds can be issued to pay for any such improvements as aforesaid except when the same become a part of and are necessary to fully complete the improvements as aforesaid of any street, highway, avenue or alley undertaken to be made or made under section 3 hereof.

Railways to
pave between
rails.

SEC. 6. All railway companies and street railway companies in cities of the first class as provided in section one of this act, shall be required to pave, or repave between rails and one foot outside of their rails, at their own expense and cost. Whenever any street, highway, avenue or alley shall be ordered paved or repaved by the council of any such city, such paving or repaving between and outside of the rails, shall be done at the same time and shall be of the same material and character as the paving or repaving of the street, highway, avenue or alley upon which said railway track is located, or of such other material as said council may order, and when said paving or repaving is done said companies shall lay in the best approved manner the strap or flat rail, such railway companies shall keep that portion of the streets, highways, avenues or alleys between and one foot outside of their rails, up to grade and in good repair, using for such purpose the same material with which the street, highway, avenue or alley is paved upon which the track is laid, or such other material as said council may order. In the event of the neglect or refusal of such railway companies to pave, or repave, or repair as aforesaid, when so ordered and directed as aforesaid by the council of such city, such city shall have power to pave, repave or repair between and outside of said rails as herein required of such railway companies, and the cost and expenses of the same to assess and levy as a special tax upon any of the real estate or personal property of such railway company, within the corporate limits of said city, which tax shall be a lien upon said property shall become delinquent in sixty days after it is levied, shall draw interest at the rate of seven per cent per annum, and said city shall have power to enforce the payment of the same in the same manner and by the same means and with and under the same penalties as is provided herein with reference to special taxes upon the abutting property on the streets, highways, avenues or alleys, ordered to be improved as aforesaid, as hereinbefore provided.

Railway com-
panies to use
flat rails, and
keep road bed
at grade.

Where railway
companies re-
fuse to pave—
proceedings,
penalties, etc.

Publication.

SEC. 7. This act being deemed of immediate importance shall take effect and be in force on and after its publication in the Iowa State Register and the Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 15, 1884.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Iowa State Leader* March 18, 1884.

J. A. T. HULL, *Secretary of State.*