

CHAPTER 168.

RELATING TO IMPROVEMENTS IN CERTAIN CITIES AND PROVISION FOR PAYMENT THEREOF.

S. F. 387.

AN ACT making further Provision with respect to Contracts by Cities of the First Class containing a Population of Over Thirty Thousand, for Paving and Curbing Streets, and Construction of Sewers, and the Making and Collection of Assessments and Issuance of Bonds or Certificates to Pay for Same.

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

Certain cities of over thirty thousand population subject to provisions of this act.

Council shall contract for material and for curbing, paving or sewer-
ing.

Copy of contract filed with city clerk.

Contracts how made and terms.

Lowest bidder. Sealed proposals.

Notice. Contain description of work to be done and materials, etc.

Contractor shall give bond.

Duty of city engineer to furnish grades and lines.

Provisions for payment.

Bonds may be issued as the work progresses.

SECTION 1. That all cities of the first class in this state, containing according to any legally authorized census or enumeration a population of over thirty thousand shall have the powers and be subject to all of the provisions of this act.

SEC. 2. When the council of any such city shall direct the paving and curbing or sewerage of any street or streets, they shall make and enter into contracts for furnishing materials, and for the curbing and paving or sewerage as the case may be, of such street or streets, either for the entire work in one contract or parts thereof, in separate and specified sections, as to them may seem best, *provided*, that no work shall be done under any such contract until a certified copy shall have been filed in the office of the city clerk.

SEC. 3. All such contracts shall be made by the council in the name of the city upon such terms of payment as shall be fixed by the council, and shall be made with the lowest bidder or bidders upon sealed proposals, after public notice for not less than three weeks, in at least two newspapers of said city, which notice shall contain a description of the kind and amount of work to be done and material to be furnished as nearly accurate as practicable.

SEC. 4. Each contractor shall be required to give a bond to the city with sureties to be approved by the council for the faithful performance of the contract, and the council shall have power to institute suit in the name of the city to enforce all such contracts.

SEC. 5. It shall be the duty of the city engineer to furnish the council with proper grades and lines and see that the work is done in accordance with the ordinances and regulations of the city with respect to said grades and lines.

SEC. 6. For the purpose of providing for the payment of the cost and expense of any such improvement or improvements, the council shall be authorized from time to time, as the work progresses, to make requisitions upon the mayor of the city for the issue of bonds of the city in such sums as shall be deemed best, and it shall be the duty of the Mayor to make and execute bonds accordingly in the name of the city, to an amount not exceeding the amount of the contract price of any such improve-

ment, and the incidentals attending the same. Said bonds to bear the name of the street or streets improved, to be signed by the mayor, and counter-signed by the city clerk, and sealed with the corporate seal of the city, and shall all bear the same date, and be payable seven years after date, and redeemable at any time at the option of the city, and shall bear interest at the rate of not exceeding six per cent per annum, payable semi-annually.

SEC. 7. When said bonds shall have been issued by the Mayor, and sealed with the corporate seal of the city, they shall be delivered to the clerk, who shall register them in a book to be kept for that purpose, and counter-signed and deliver them to the committee or person authorized to negotiate the same, taking receipts therefor.

SEC. 8. Said committee or person authorized to negotiate said bonds, shall negotiate the same in such manner as they or he may think best, and for such prices as may be obtainable for the same, not less than par, and shall pay all moneys received therefrom to the treasurer of the city, and report to the city clerk, the number of bonds sold, and the amount received therefor, and before delivering the same to the purchaser they shall be countersigned by the said committee or other person so authorized to negotiate the same.

SEC. 9. All *monies* [moneys] received by the city treasurer from the sale of said bonds, shall be kept by him in a separate fund and paid out on requisition of the council, accompanied by affidavit of the city engineer, that work has been done or material furnished to the amount of said requisition and that it is required for payment of the same, and all *monies* [moneys] received by said treasurer shall be kept in the same manner, and subject to all the regulations regarding other money of the city, except that he shall keep a separate account of the same and all interest received upon the same shall be credited to such fund.

SEC. 10. When any such improvement shall have been completed it shall be the duty of the council to ascertain the entire amount of the bonds sold, and the interest thereon, to the date of completion, which shall be taken to be the cost of such improvement, and such cost shall then be assessed as shall be provided by law or by ordinance of such city, upon the property fronting or abutting upon said improvement, *provided* nothing in this act shall be construed as authorizing the assessment of any such cost on property belonging to the State.

SEC. 11. The council shall cause a plat of the street or streets on which any such improvement shall be made, showing the separate lots of ground, and the names of the several owners, and shall make or cause to be made a list or schedule of the names of all such owners, and the amount assessed against each lot or piece of ground, and shall give two weeks public notice in two newspapers in the city, and by handbills posted in conspicuous places, on the line of such street or streets of the time and place where, for the period of twenty days thereafter, the

What the bonds shall contain.

Dated.

When due redeemable; interest.

Bonds delivered to clerk.

Registered and countersigned.

How negotiated.

Proceeds paid to city treasurer.

Number and amount reported to clerk.

Proceeds of bonds kept in separate fund.

How paid out.

Account of how kept.

When improvement completed.

Duty of council.

Cost shall be assessed.

Proviso.

Exception to the state.

Plat of street improved.

List of owners and amount assessed each.

Notice published where and when errors may be corrected.

When corrected shall file it in office of city clerk and copy to county auditor.

Assessment placed on tax duplicate and payable to county treasurer in seven installments.

Interest at six per cent.

Assessments a lien upon the property.

Precedence over other liens, except taxes.
Proviso.

Assessments may be paid in full any time after made, with interest.

Receipts from assessments shall be applied on bonds or certificates for said improvements.

Council may borrow money to pay interest.

same may be seen for the correction of errors, and after having corrected such errors as may be made known to them, they shall file the same in the office of the city clerk, and shall deliver a copy of said plat, and schedule to the auditor of the county in which said city is situated.

SEC. 12. Said assessment shall be placed on the tax duplicate or list of the county and shall be payable at the office of the county treasurer in seven equal installments, with interest at six per centum from the date of the assessment upon the unpaid portion thereof, the first of which, with interest on the whole amount at six per cent, shall be payable at the first semi-annual payment of taxes, next succeeding the time said assessment is placed on said duplicate, and the others annually thereafter, and said assessment shall be collected like other taxes.

SEC. 13. Said assessments with interest accruing thereon shall be a lien upon the property abutting upon the street or streets on which any such improvement is made from the commencement of the work, and shall remain a lien until fully paid and shall have precedence over all other liens excepting ordinary taxes and shall not be divested by any judicial sale, *provided* that such lien shall be limited to the lots bounding or abutting on such street or streets, and not exceeding in depth there from one hundred and fifty feet.

SEC. 14. The owner of any property against which an assessment shall have been made for the cost of any such improvement, shall have the right to pay the same in full with interest thereon at six per cent from the time said assessment was made, or after having paid one or more of said seven installments and interest, he may at any time pay in full the balance of his assessments remaining unpaid with interest thereon at six per cent from the time when the preceding payment became due, and such payment in full shall satisfy and discharge the lien upon said property, and any owner of such property who shall divide the same so that the feet front on any such improvement are divided into separate lots or parcels may discharge the lien in like manner upon any one or more of such lots or parcels, by payment of the amount unpaid thereon calculated by the ratio of feet front of such lot or lots or parcel or parcels to the feet front of the whole lot.

SEC. 15. All *monies* [moneys] received from assessments shall be appropriated to the payment of the interest and redemption or payment of the bonds, or of the certificates herein after provided for as the case may be that shall be issued for said improvements, and if any interest shall become due on any of said bonds, when there is no fund from which to pay the same, the council shall be authorized to make a temporary loan for the payment thereof.

SEC. 16. If by reason of the prohibition contained in section 8, article 11 of the constitution of this State it shall at any time be unlawful for any such city to issue bonds as by this act provided, it shall be lawful for such city to provide by ordinance for the issuance of certificates to contractors, who under contract with the city shall have constructed any such improvement, in payment therefor, each of which certificates shall state the amount or amounts of one or more of the assessments made against an owner or owners and lot or lots on account and for payment of the cost of any such improvement, and shall transfer to the contractor, and his assigns, all of the right and interest of such city to, in and with respect to every such assessment, and shall authorize such contractor and his assigns to receive, sue for and collect, or have collected every such assessment embraced in any such certificate, by or through any of the methods provided by law for the collection of assessments for local improvements, including the provisions of this act.

When council is prohibited by constitution from issuing bonds they may issue certificates to contractors for work done.

SEC. 17. Whenever the owner or owners of any lot or lots, the assessment or assessments against which is or are embraced in any such certificate shall severally promise and agree in writing endorsed on such certificate that, in consideration of having the right to pay his or their assessment or respective assessments in installments, they will not make any objection of illegality or irregularity as to their respective assessments, and will pay the same with interest thereon at such rate not exceeding six per cent, as shall by ordinance or resolution of the city council of such city be prescribed and required, he or they shall have the benefit and be subject to all of the provisions of this act authorizing the payment of assessments in annual installments relating to the lien and collection and payment of assessments so far as applicable.

Lot owners may avail themselves of the privilege of payment of certificates in installments, by promise in writing, etc.

SEC. 18. Any owner of any lot or lots assessed for payment of the cost of any such improvement who will not promise and agree in writing as provided by section seventeen hereof, shall be required to pay his assessment in full, when made, and the same shall be collectible by or through any of the methods provided by law for the collection of assessments for local improvements, including the provisions of this act.

Owners not complying with preceding section shall pay assessment in full.

SEC. 19. Any mistake in the description of the property or in the name of the owner shall not vitiate the lien.

Mistake does not vitiate lien.

SEC. 20. The council of any such city shall not have the right to authorize any improvement under this act unless the owners of two-thirds of the feet front of the property abutting upon the street or streets to be improved shall petition therefor, or unless the same shall be voted for by three fourths of the members of the council.

Two thirds of frontage must petition for improvement. And by vote of three fourths of council.

SEC. 21. Any part or section of any street may be improved under this act as well as an entire street.

Part of any street may be improved.

SEC. 22. All acts and parts of acts in conflict with this act are hereby repealed.

Repealing clause.

Publication. **SEC. 23.** This act being deemed of immediate importance shall be in full force and effect from an after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa.

Approved April 13, 1886.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 20, and *Des Moines Leader* April 19, 1886.

FRANK D. JACKSON, *Secretary of State.*

CHAPTER 169.

RELATING TO LIFE INSURANCE COMPANIES.

H. F. 307. **AN ACT** to Amend sections eleven hundred and sixty-nine and eleven hundred and seventy-nine (1169 and 1179) of the Code. [Relating to Life Insurance Companies.]

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

Code, sections 1169 and 1179, amended.

[SECTION 1.] That sections 1169 and 1179 of the Code of 1873, be amended so as to read as follows:

Auditor of state shall ascertain value of each policy.

Section 1169. As soon as practicable after the filing of said statement of any company organized and doing business under the laws of this State in the office of the Auditor of State, he shall proceed to ascertain the net cash value of each policy in force upon the basis of the American experience table of mortality and four and one half per cent interest; or actuaries combined experience table of mortality and four per cent interest. For the purpose of making such valuations, the Auditor may employ a competent actuary to do the same, who shall be paid by the company for which the service was rendered; but nothing herein shall prevent any company from making said valuation herein contemplated, which shall be received by the Auditor upon such proof as he may determine. Upon ascertaining the net cash value of all policies in force in any company organized under the laws of this State, the Auditor shall notify said company of the amount, and within thirty days after the date of such notification, the officers of such company shall deposit with the Auditor the amount of such ascertained valuation of all policies in force in the securities described in section 1179 of this chapter. But no joint stock company organized under the laws of this State shall be required to make such deposit until the cash value of the policies in force as ascertained by the Auditor exceed the

May employ an actuary.

Auditor may notify company of amount.