

## CHAPTER 346.

## PAVING EAST WASHINGTON STREET, MT. PLEASANT.

S. F. 230.

AN ACT to appropriate money to aid in paving East Washington street in the city of Mount Pleasant, Iowa.

WHEREAS the city of Mount Pleasant is requiring to be paved the street known as East Washington street, which leads from the public square of the city eastward in front of a part of the grounds of the Mount Pleasant state hospital, and

WHEREAS said street is much used for heavy traffic of the hospital, particularly so much of the street as is in front of and adjacent to the grounds of the hospital, and

WHEREAS the state should bear its just proportion of the cost; therefore  
*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Amount appropriated.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars, or as much thereof as may be necessary, for the purpose of curbing, guttering and paving East Washington street, Mount Pleasant, Iowa. The money hereby appropriated shall be used to curb, gutter and pave said street in front of the grounds of said institution and the street intersection adjoining.

SEC. 2. **Direction of board of control.** The money hereby appropriated shall be expended under the direction of the board of control of state institutions and be drawn from the state treasury on vouchers and abstracts approved by said board.

SEC. 3. **When available.** The above appropriation nor no part thereof shall be available until the city of Mount Pleasant paves that part of said street extending from the state hospital grounds to a point in said street where the paving is already laid.

Approved April 14 A. D. 1913.

## CHAPTER 347.

## AUTHORIZING THE CONSTRUCTION OF A BUSINESS MEN'S COLISEUM AND CONVENTION HALL OVER THE CEDAR RIVER IN WATERLOO.

H. F. 671.

AN ACT to authorize the construction of a business men's coliseum and convention hall over the Cedar river in the city of Waterloo, Iowa.

WHEREAS, the Cedar river is a meandered stream, and

WHEREAS, the title to the bed and banks of such stream is claimed by the state of Iowa and under the control of its legislature, and

WHEREAS, the said stream divides the city of Waterloo into two approximately equal parts, one of which is known as East Waterloo and the other as West Waterloo, and

WHEREAS, the said stream is already spanned by two re-inforced concrete Melan arched bridges, one of which is located on Fourth street and the other on Fifth street across the said river, and

WHEREAS, it is desired to construct over a portion of the Cedar river between said bridges a business men's coliseum and convention hall, whose use will be devoted to conventions and gatherings of the general public, and

WHEREAS, the same can be constructed in such a way as not to materially impede the flow of the water of such stream, now therefore

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

**SECTION 1. Petition—question submitted.** That whenever one hundred (100) electors of the city of Waterloo, Iowa, shall petition, requesting it, or whenever the council of said city by a two-thirds vote passed at a regular meeting of said council, shall request it, the mayor of said city shall by proclamation submit to the voters at the next regular city election or at a special election called for that purpose the question as to whether or not a franchise, license or lease for a length of time, which shall be stated in said proclamation, and which in no case shall be for a longer period than ninety-nine (99) years, shall be granted or made to or with a named corporation or individuals acting for themselves or for a corporation to be formed, for the purpose of erecting over the bed of the Cedar river within the limits of said city of Waterloo, Iowa, and at a place to be designated in said proclamation, a building to be known and used as business men's coliseum and convention hall.

**SEC. 2. Proposition.** That at such election the proposition to be submitted shall be: "Shall the river front improvement commission of the city of Waterloo, Iowa, make a franchise, license or lease with (here insert the name of the corporation or individuals) for a period of (here insert the number of years) for the purpose of providing for the erection of a building to be known and used as a business men's coliseum and convention hall over the bed of the Cedar river at a point situated (here insert a description of the proposed location of the building to be erected) in accordance with the provisions of chapter — of the acts of the thirty-fifth general assembly."

**SEC. 3. Cost of election—how paid—question re-submitted.** That at such election in case a special election is held for that purpose the cost thereof shall be borne by the corporation or individuals petitioning for such franchise, license or lease and in case said proposition is not adopted at the election at which it is submitted, then a similar question shall not be submitted again within one year thereafter, when it may be re-submitted in the same manner as the original.

**SEC. 4. Favorable results certified.** If a majority of the votes cast at such election shall be in favor thereof, then the mayor of the said city shall immediately certify the result of said election to the river front improvement commission of said city who shall file such certification as authority for their future acts.

**SEC. 5. River front improvement commission—duties—franchise—terms.** Within thirty (30) days from the time of the receipt of this certification from the mayor of said city stating that the proposition has carried by a majority of votes, the river front improvement commission of said city shall prepare, execute in duplicate and offer for signature to the said corporation or individuals to whom was voted the right thereto, a franchise, license or lease

which shall have been approved as to form by the attorney general of the state of Iowa authorizing said corporation or individuals to enter upon the bed of said Cedar river at the point designated and for the period of time fixed by the said referendum vote. Such franchise, license or lease shall also provide and shall be granted only upon the express terms that the erection of the building shall not materially impede the natural flow of the waters and shall not interfere with any previously designated rights of riparian land owners, and shall provide that at the expiration of the term of years fixed, that the corporation or individuals receiving said franchise, license or lease shall vacate and remove the building and all obstruction adjacent thereto, unless the period of time is extended in the same manner and method as was required for the securing of the original lease, and that in case they should fail to remove said building or obstructions at the expiration of the term fixed, then that the entire building, including foundations and equipment, shall become the property of and be vested in the river front improvement commission of the said city of Waterloo, Iowa, to be used as the said river front improvement commission shall see fit. Said franchise, license or lease shall further provide that in the construction of the building the plans shall be subject to supervision and review by the river front improvement commission, who may change or alter them by a majority vote, and shall further provide that all moneys received by grantees, from the use of the building as rentals in excess of the cost of maintenance of said building, including taxes, repairs, improvements, insurance, labor, interest, operation expenses, etc., and in excess of a sum which shall not exceed ten per cent per annum of the amount of any bond issue or mortgage which may be placed upon said building to aid in its construction, to be paid and applied upon the reduction of said bond issue or mortgage; and in excess of a sum which shall not exceed eight per cent per annum upon the money actually invested by the said corporation or individuals shall be paid to the treasurer of the river front commission of the city of Waterloo, Iowa, as rental of the portion of the meandered stream bed used, to be used by the said river front improvement commission in the enhancing and improvement of the natural beauty of the said stream.

**SEC. 6. Failure to accept—forfeiture.** Upon receipt of the said franchise, license or lease from the river front improvement commission, the corporation or individuals who are entitled to the rights thereunder by reason of the referendum vote, shall have ninety (90) days within which they may execute in duplicate the said franchise, license or lease, and return one copy to the river front improvement commission; and in case they should fail to execute the said franchise, license or lease, and should fail to return one copy thereof within the said time, then and in that event all their rights secured by virtue of the referendum vote shall be forfeited and of no further effect.

**SEC. 7. Acceptance—rights vested.** In case the parties named shall appear within ninety (90) days of said date, and enter into such franchise, license or lease, and agree to the terms therein named, then and in that event they shall become vested with the right to proceed with the erection of the building designated in the referendum vote, and shall be entitled to receive the rentals from the use of said buildings, which shall be disbursed in the manner provided in the franchise, license or lease under which the building was erected.

**SEC. 8. Plans—how approved or rejected.** Before the building is erected, the plans shall be submitted to the river front improvement commission, who, at a regular session or at a special session called for that purpose, shall review said plans and shall have the power to change or revise them in case they believe them not to be suited for the purpose for which the building is intended, and its surroundings. The river front improvement commission of

the said city shall either approve or reject the plans submitted within a period of thirty (30) days from the time they are submitted, and in case of rejection, the river front improvement commission shall, within a period of sixty (60) days from the time of the original submission of the plans to them have prepared and shall furnish to the said corporation or individuals a set of plans which shall have been approved by them and which shall be followed in the erection of the building and in carrying out of the franchise, license or lease granted.

**SEC. 9. Construction of building—supervision.** During the erection of the building, the river front improvement commission of the said city shall have the right and authority to oversee, supervise, and direct the construction of the building and may cause changes to be made if it shall appear that the plans adopted will materially impede or interfere with the natural flow of the waters.

**SEC. 10. Annual reports—how made.** Upon the erection and equipment of the building aforesaid, the grantees of the franchise, license or lease shall make to the river front improvement commission of the said city at the last regular meeting in June of each year, a full and detailed report, which shall be verified, of the business transacted by the corporation or individuals during the preceding year, which shall show a complete statement of the receipts and expenditures, and a statement from the treasurer of said river front improvement commission showing that he has received from the grantees of such lease a sum of money purporting to be the property of the city as hereinbefore provided, or a statement from the river front improvement commission treasurer to the effect that the grantees claim that the earnings of the building so erected were less than the amount provided to care for the expense of, maintenance, etc., hereinbefore provided, which report shall be received by the river front improvement commission and approved or rejected by them and for the purpose of ascertaining the correctness of such report, the river front improvement commission or any one representing them shall, at all times, have access to the books of the corporation or individuals, and may audit the accounts thereof at any time.

**SEC. 11. Reports—how approved.** In case the report submitted as above provided is not approved by the river front improvement commission, then in that event, the books of the corporation or individuals shall be examined by the river front improvement commission or someone representing them and a report made to the river front improvement commission at its next meeting if practicable, or as soon thereafter as possible, at which time the previous report shall be approved as originally presented, or corrected and approved in case error is discovered, and when approved, shall be placed on file.

**SEC. 12. False statement—penalty.** The verification above provided shall be to the best knowledge and belief of the person making it, and any person acting either for himself or for the grantees, who knowingly subscribes to a false statement or record concerning the earnings of said building for the period covered by the statement, shall be deemed guilty of perjury and shall be subject to punishment in accordance with section forty-eight hundred seventy-two (4872) of the code of Iowa, and in the manner therein provided.

**SEC. 13. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 18 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader April 25, 1913, and in the Des Moines Capital April 24, 1913.

W. S. ALLEN,  
Secretary of State.