

CHAPTER 364.

THE TOWN OF ATLANTIC.

S. F. 358.

AN ACT legalizing a resolution passed by the council of the city of Atlantic on February twenty-seventh (27th), nineteen hundred thirteen (1913), transferring the sum of eighteen hundred dollars (\$1800.00) from the sewer fund of said city to the general fund of said city of Atlantic, Iowa, and legalizing such transfer.

WHEREAS; on the 5th day of September, 1911, the city council of Atlantic, Iowa, by resolution provided for the raising of a sewer fund with which to remedy an overflow condition on Chestnut street, between Ninth and Tenth streets in said city, and providing for the construction of a storm sewer at said point and that there has been realized from said levy the sum of nineteen hundred fifty-six dollars and ninety-seven cents (\$1956.97); and,

WHEREAS: a controversy arose in reference to the construction of said storm sewer and as to whether such construction was the proper way in which to remedy the overflow conditions at such point, and litigation was had in reference thereto, and thereafter a settlement was made whereby instead of constructing a storm sewer the grade at said point was changed and the street and sidewalks raised at a cost of eighteen hundred dollars (\$1800.00) and said improvement was paid for from the general fund of said city instead of from the sewer fund specifically provided for that purpose; and,

WHEREAS: the council of the city of Atlantic on February 27, 1913, passed the following resolution:

"Be it resolved, that the city council of the city of Atlantic, Iowa, hereby transfers from the sewer fund the sum of eighteen hundred dollars (\$1800.00) to the general fund to comply with the original intention and purpose in increasing the said sewer levy on September 11, 1911, and the proper officers of the said city of Atlantic, Iowa, are hereby authorized and directed to make the said transfer as above." And,

WHEREAS: doubts have arisen as to the legality of said resolution and the legality of said city council in so making the transfer of said fund; therefore,

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

SECTION 1. Resolution legalized. That the act of the city council of the city of Atlantic, Iowa, on February 27, 1913, in passing the foregoing resolution and making a transfer of said eighteen hundred dollars (\$1800.00) from the sewer fund to the general fund is hereby legalized and made binding and effective, with the same force and effect as though there was a law upon the statute book at the time authorizing and empowering said city council of the city of Atlantic, Iowa, to pass said resolution and make transfer of said fund. This act not to affect pending litigation.

SEC. 2. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Capital, a newspaper published in Des Moines, Iowa, and the Atlantic News-Telegraph, a newspaper published at Atlantic, Iowa, said publication to be made without expense to the state.

Approved April 9th A. D. 1913.

I hereby certify that the foregoing act was published in the Des Moines Capital April 14, 1913, and in the Atlantic News-Telegraph April 12, 1913.

W. S. ALLEN,
Secretary of State.