

CHAPTER 365.

THE TOWN OF AURELIA.

H. F. 189.

AN ACT legalizing and curing the acts and proceedings of the incorporated town of Aurelia and the town council of the said incorporated town, in the county of Cherokee and state of Iowa, in relation to the establishment, erection, maintenance and operation of a system of water works and a gas plant and the issuance of bonds and warrants of said town in payment thereof, and authorizing the town council of said town to issue bonds for the purpose of taking up its floating indebtedness represented by its bonds and warrants.

WHEREAS, the qualified electors of the incorporated town of Aurelia, in the county of Cherokee and state of Iowa, did on or about the 15th day of June, 1903, at a special election held for such purpose, vote in favor of the establishment, maintenance, erection and operation of a system of water works and a gas plant, and,

WHEREAS, the town council of said town in pursuance of said election, erected, established, operated and maintained a system of water works and a gas plant within and for said town, and,

WHEREAS, the electors of the above named town did at aforesaid election vote to issue bonds in the sum of four thousand five hundred dollars (\$4500.00) for the purpose of defraying the costs thereof, and,

WHEREAS, the indebtedness of said town created for the establishment, erection, maintenance and operation of said water works and gas plant exceeded the amount authorized, and,

WHEREAS, the sum of four thousand five hundred dollars (\$4500.00) was insufficient to defray the expense of erecting, maintaining, establishing and operating the aforesaid water works and gas plant, and,

WHEREAS, the town council issued in addition to the four thousand five hundred dollars (\$4500.00) in bonds as above authorized, the warrants of said town in the payment of the indebtedness created and incurred by reason of the erection, establishment, maintenance and operation of said water works and gas plant, and,

WHEREAS, the town has used its general revenues for the purpose of paying the interest, bonds, and the taking up of a portion of the warrants issued in payment of the said water works and gas plant and the operation of the same and has issued warrants against its general fund in payment of the establishment, erection, maintenance and operation of aforesaid water works and gas plant, and,

WHEREAS, the town council was unable to issue bonds in payment of the aforesaid indebtedness, and,

WHEREAS, a large number of the said warrants so issued are outstanding and unpaid, and,

WHEREAS, doubts have arisen as to the legality of the acts and proceedings of said town in issuing the warrants in payment for the establishment, erection, maintenance and operation of said system of water works and gas plant, and,

WHEREAS, the amount of the aforesaid indebtedness has never exceeded the limit prescribed by section 3, article 11 of the constitution of the state of Iowa, and,

WHEREAS, it is the desire of said incorporated town and the citizens thereof that the acts and proceedings of the said incorporated town and the said town council in relation to the establishment, erection, maintenance and operation of said water works and gas plant, and the indebtedness created and incurred therefor, and the warrants issued in payment of said indebtedness, shall be cured and legalized and the said town council be authorized to issue bonds to pay indebtedness so created and incurred, therefore,

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

SECTION 1. Establishment of water and gas plant—issuance of bonds—warrants—legalized. That all of the acts of the incorporated town of Aurelia, in the county of Cherokee, in the state of Iowa, and of the town council of said incorporated town of Aurelia, relating to the establishment, erection, maintenance and operation of water works and gas plant within said incorporated town, and relating to the indebtedness created and incurred therefor and relating to the issuance of bonds and warrants of said town in payment of said indebtedness, be and the same are hereby cured and legalized and the said indebtedness and the outstanding warrants of said town are hereby legalized as a valid and binding indebtedness of said town and with the same force and effect as if the same had been legal and valid at the time of the incurring of the said indebtedness and issuing of said warrants.

SEC. 2. Bonds to liquidate indebtedness. That the incorporated town of Aurelia and the town council of said town, be and are hereby authorized to issue the bonds of said town for the purpose of liquidating and taking up the floating indebtedness of said town, represented by the said town warrants now outstanding, provided however, that the amount thereof including all other indebtedness of said town shall not exceed in the aggregate five per cent (5%) of the actual value of the taxable property within said incorporated town, said value to be ascertained by the state and county tax, last previous to the incurring of such indebtedness.

SEC. 3. How paid. That the said incorporated town of Aurelia and the town council of said incorporated town, be and are hereby authorized to provide for the payment of the said bonds and the interest thereon, in the same manner as is provided by the statutes of Iowa in relation to the payment of bonds and interest thereon issued for the construction of water works and gas plants.

SEC. 4. Pending litigation. Nothing in this act shall affect pending litigation.

SEC. 5. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Aurelia Sentinel, a newspaper published at Aurelia, Iowa, without expense to the state.

Approved March 17th, 1913

I hereby certify that the foregoing act was published in the Register and Leader March 21, 1913 and in The Aurelia Sentinel March 28, 1913.

W. S. ALLEN,
Secretary of State.