

## CHAPTER 29.

## CITY OF AUDUBON.

H. F. 275.

AN ACT to legalize certain proceedings of the mayor and city council of the city of Audubon, Iowa.

WHEREAS, the city of Audubon, Audubon county, Iowa, is a city of the second class, and

WHEREAS, at the regular city election held in March, 1916, one H. J. Mantz was duly elected as mayor of said city and thereafter qualified and continued to act as such mayor until the present time, and,

WHEREAS, at the general election held in November, 1916, the said H. J. Mantz was duly elected as state representative in the general assembly for Audubon county, and,

WHEREAS, on the 8th day of December, 1916, the said H. J. Mantz tendered, in writing, and filed with the clerk of said city of Audubon his resignation as mayor of such city, which resignation the council refused to accept, and,

WHEREAS, a certain proposed resolution of necessity was adopted by the city council of the city of Audubon, Iowa, and approved by the said H. J. Mantz acting as mayor of said city on the 21st day of December, 1916, all of which will more fully appear by reference to the record of said resolution and the proceedings of said council as shown at pages 163, 164, 165, 166, 167, 169 and 170 of minute record No. 10 of the minutes of the proceedings of the council of the city of Audubon as kept by the city clerk, and notice of said resolution was duly published in the Audubon Advocate on December 29, 1916, and on January 2nd, 1917, and

WHEREAS, on the 23rd day of January, 1917, the city council of the city of Audubon passed and adopted a certain resolution of necessity for the construction of improvements by paving, guttering and curbing certain streets, alleys and intersections, which resolution was approved by said H. J. Mantz as mayor on the 29th day of January, 1917, all of which will more fully appear by reference to the record of the proceedings of said council and the said resolution shown at pages 186, 187, 188 and 189 of said minute record No. 10, and,

WHEREAS, the said council on the 29th day of January, 1917, adopted a certain resolution approving and adopting certain plans and specifications for paving, curbing and guttering certain streets and parts of streets of said city, which said resolution was approved by the said H. J. Mantz as mayor on the said 29th day of January, 1917, all of which will more fully appear by reference to the record of said resolution and the proceedings of said mayor and council as shown at pages 190 and 191 of said minute record No. 10, and,

WHEREAS, on the 29th day of January, 1917, said mayor and council adopted a certain resolution ordering the construction of certain street improvements in said city, which resolution was approved by the said H. J. Mantz as mayor on the said 29th day of January, 1917, all of which will

more fully appear by reference to the record of the proceedings of said council and the said resolution as shown at pages 191, 192, 193, 194 and 195 of said minute record No. 10, and,

WHEREAS, said mayor and council on the 29th day of January, 1917, adopted a certain resolution requiring the grading of certain streets, which resolution was approved by the said H. J. Mantz as mayor on the 29th day of January, 1917, all of which will more fully appear by reference to the record of the proceedings of said council and said resolution as the same appears on pages 195 and 196 of said minute record No. 10, and,

WHEREAS, on the said 29th day of January, 1917, the said mayor and city council adopted a certain resolution requiring certain grading between the curb lines and lot lines and in intersections of certain streets and the reconstruction of sidewalks made necessary by the other street improvements hereinbefore referred to, which resolution was approved by the said H. J. Mantz as mayor on the 29th day of January, 1917, all of which will more fully appear by reference to the record of the proceedings of said council and said resolution as shown at pages 196, 197 and 198 of the said minute record No. 10, and,

WHEREAS, the said council on the 17th day of January, 1917, passed a certain ordinance known and designated as Ordinance No. 21 of the city of Audubon, Iowa, the purpose of which ordinance was to establish the grade of certain streets of said city, which said ordinance was approved by the said H. J. Mantz as mayor on the 29th day of January, 1917, all of which will more fully appear by reference to the original ordinance, as well as to the record thereof in the ordinance book of said city of Audubon, Iowa, and to the record of the proceedings of said council adopting said ordinance and as the same appears of record at pages 180, 181 and 182 of said minute record No. 10, and,

WHEREAS, the said city of Audubon, Iowa on the 29th day of January, 1917, adopted a certain ordinance known and designated as Ordinance No. 10 of said city and entitled "An ordinance providing for the regulating and building of cement sidewalks, providing the material to be used therefor and regulating the construction thereof and providing a penalty for the violation of any of the provisions hereof" which ordinance was approved by the said H. J. Mantz on the said 29th day of January, 1917, all of which will more fully appear by reference to said original ordinance and the record thereof in the ordinance book of said city, as well as to the record of the proceedings of said council by which said ordinance was adopted, which record appears at pages 198 and 199 of said minute record No. 10, and,

WHEREAS, the council of said city on the 17th day of January, 1917, adopted a certain resolution accepting a certain conveyance of lot eighteen (18) in block forty-two (42) of said city which had been deeded to the said city for use as a public street and making such lot a part of Freeman avenue, which said resolution was approved by the said H. J. Mantz as mayor on the 29th day of January, 1917, all of which will more fully appear by reference to the record of said resolution shown at pages 182 and 183 of said minute record No. 10, and,

WHEREAS, said council on the 2nd day of January, 1917, adopted a certain resolution making special assessments for sewer and water connections in said city, which resolution was approved by the said H. J. Mantz as mayor on the same day, all of which will more fully appear by reference

to the record of said resolution and the proceedings of said council with reference thereto as shown on pages 175, 176, 177 and 178 of said minute record No. 10, and,

WHEREAS, on the 2nd day of January, 1917, the said city council adopted a resolution to purchase certain pumping machinery and to enter into a contract therefor, which resolution was approved by the said H. J. Mantz, mayor, on the same day, all of which will more fully appear by reference to the record of the proceedings of said council and said resolution as shown at pages 178 and 179 of said minute record No. 10, and,

WHEREAS, on the same day the said council, pursuant to the resolution last referred to, made and entered into a written contract with the Chicago, Pneumatic Tool Company for the purchase of certain pumping machinery and other machinery and fixtures, which contract was signed and approved by the said H. J. Mantz as mayor of the said city of Audubon, and,

WHEREAS, the said H. J. Mantz has performed other official acts as mayor of the said city of Audubon after the date of the filing of his resignation with the clerk of said city, to-wit: December 8, 1916, and,

WHEREAS, doubts have arisen as to the legality of the various resolutions of the city council of the said city of Audubon hereinbefore mentioned and referred to by reason of the resignation of the said H. J. Mantz as mayor of said city of Audubon, and also by reason of the fact of his election and qualification as state representative in the general assembly for Audubon county, Iowa, and,

WHEREAS, doubts have arisen as to the legality of the ordinances hereinbefore specifically referred to for the same reasons, and,

WHEREAS, doubts have arisen and may arise as to the legality of other acts and proceedings of the city council and of the said mayor for the same reasons, now, therefore,

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

1 SECTION 1. Proceedings legalized. That each, every and all of  
2 the resolutions, ordinances or other proceedings of the city council of  
3 Audubon, Iowa, referred to in the preamble hereof, as well as any and  
4 all other acts and proceedings of the said city council or of the said  
5 mayor, H. J. Mantz, had or done between the 8th day of December,  
6 1916, the date on which he tendered his resignation as mayor of such  
7 city, and this date, be and the same are each hereby legalized and made  
8 effectual and binding and given the same force and effect as though  
9 the said H. J. Mantz had at all times been the duly qualified mayor of  
10 said city of Audubon, Iowa.

1 SEC. 2. Publication clause. This act being deemed of immediate  
2 importance shall take effect and be in force from and after its publica-  
3 tion in the Des Moines Capital and the Des Moines News, newspapers  
4 published in Des Moines, Iowa, such publication to be without expense  
5 to the state.

Approved March 7, A. D. 1917.

I hereby certify that the foregoing act was published in the Des Moines Capital March 12, 1917, and in the Des Moines News March 12, 1917.

W. S. ALLEN, *Secretary of State.*