

CHAPTER 39.

CITY OF IDA GROVE.

H. F. 163.

AN ACT to legalize certain warrants of the city of Ida Grove, Iowa and to legalize the assessment of the cost of paving street intersections by payment of the same out of the improvement fund of said city.

WHEREAS, the city of Ida Grove in the county of Ida, state of Iowa did by its city council by resolution proposed respectively on the fourteenth day of September 1915 and the eighth day of May 1916 propose to pave and otherwise improve certain streets of the said city of Ida Grove and did in said resolutions of necessity provide that the costs of said paving and improvement at the intersections of said streets together with all proper costs and incidentals thereof be paid out of the improvement fund of the said city of Ida Grove together with all deficiencies where the special assessment levied against the property to be assessed for the cost of the improvement shall be insufficient, and

WHEREAS, the said resolutions were adopted respectively on the eighteenth day of October 1915 and the third day of June 1916, and the said paving and street improvement was duly contracted for and has been put down under the contracts awarded under said resolution and said paving and improvement has been duly approved and accepted under the contract, and

WHEREAS, some question has arisen as to the validity of the action of the said council and of the rights of the city to use the respective funds in payment of the said cost of said paving and improvement, in so far as the same has not been paid by assessment of the cost thereof against private property, and

WHEREAS, warrants in payment of the costs of said paving and improvements, except where the same has been paid by assessing the same to private property, have been issued and some question has arisen as to the legality of the said warrants and unless same are legalized and the action of the city council relative to the using of the respective funds upon which the said warrants have been issued be legalized, the city of Ida Grove will be greatly handicapped in the use of its improvement fund and in the excessive cost of interest on said warrants, and

WHEREAS, the total amount of these warrants thus issued is fifty-three thousand sixty-four dollars and seventy-eight cents (\$53,064.78) and which includes warrants of the said city of Ida Grove numbered from 40 to 60 inclusive, and those numbered from 160 to 211 inclusive, and those numbered from 251 to 286 inclusive, and those numbered from 299 to 300 inclusive, and

WHEREAS, each and all of said warrants were for the sum of five hundred dollars (\$500.00) save and except warrants number 286 and 211 which were for smaller amounts necessary to make up the said balance of said sum, and

WHEREAS, the city of Ida Grove has been and now is enjoying, using and is benefited by said paving and street improvement and that there is no question or contest relative to the performance of the contract for said

improvements, but only as to the legality of the method of taxing the costs thereof, and of the legality of the warrants issued pursuant to said method of taxation and assessment of the costs of said paving and improvement, and

WHEREAS, question having arisen concerning the legality of the said assessment and of the issuance of said warrants on the ground that the expenditures for which said warrants were issued or a portion thereof, were not provided for in the city's annual appropriation and that the indebtedness for which said warrants were issued was contracted in excess of the statutory limitation of indebtedness, now therefore

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

SECTION 1. Proceedings of council and method of assessment
 1 legalized. That the acts of the city council or corporate authorities
 2 of the city of Ida Grove in the county of Ida, state of Iowa in provid-
 3 ing in said resolutions of necessity and in the subsequent proceedings
 4 for the payment of the cost of said paving and improvement at the
 5 intersection of streets, alleys and opposite property owned by the city
 6 and for the payment of deficiencies where the special assessments
 7 levied against private property were insufficient, be and the same are
 8 hereby legalized as though the law had in all respects been complied
 9 with and that the method of assessment of the costs of said paving
 10 and street improvement be and the same is hereby legalized as though
 11 the law had in all respects been complied with.

1 SEC. 2. Warrants legalized. That the aforesaid warrants of the
 2 said city in the sum of fifty-three thousand sixty-four dollars and
 3 seventy-eight cents (\$53,064.78) issued for the payment of the cost of
 4 said paving and street improvements at intersections and for pave-
 5 ment opposite property owned by the city and in payment of deficien-
 6 cies where the special assessment levied against private property was
 7 insufficient and for all other purposes in connection with the pay-
 8 ment of the cost of said paving and street improvements, be and the
 9 same are hereby legalized and declared to be valid, legal and subsist-
 10 ing obligations of said city and the same as though the law had in all
 11 respects been complied with.

1 SEC. 3. Publication clause. This act being deemed of immediate
 2 importance shall take effect and be in force from and after its publi-
 3 cation in the Des Moines Capital and the Des Moines Register, news-
 4 papers published at Des Moines, Iowa. Said publication to be with-
 5 out expense to the state.

Approved March 7, A. D. 1917.

I hereby certify that the foregoing act was published in the Des Moines Capital March 10, 1917, and in the Des Moines Register March 12, 1917.

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