

CHAPTER 24

OTTUMWA LEGALIZING ACT

S. F. 9

AN ACT to legalize the proceedings of the city council of the city of Ottumwa, Iowa, including all legal notices given, in connection with the authorization for the issuance of additional flood protection bonds of said city, the proceeds of which will be used to defray the remaining cost of constructing certain flood protection works in said city.

WHEREAS, the city of Ottumwa, Iowa, has caused to be constructed, during the last seven (7) years, certain flood protection works in said city by improving the course of the Des Moines river, which improvements, generally described as Stages I to V, inclusive, were awarded to various contractors during said period of time based upon competitive bidding, and,

WHEREAS, before said city became obligated by construction contracts, engineering contracts and incidental and related expense items, pertaining to the construction of said flood protection works, said city held bond issuance hearings, pursuant to the provisions of chapter four hundred eight A (408A), Code 1962, said hearing having been held on September 24, 1956, August 9, 1957, May 5, 1959, and January 30, 1961, which hearings covered the issuance of Flood Protection Bonds of said city in the total overall amount of two million six hundred seventy-five thousand dollars (\$2,675,000.00); and no petition contemplated by chapter four hundred eight A (408A), Code 1962, was submitted or filed at any of said bond issuance hearings, and,

WHEREAS, the city engineer filed on December 19, 1963, a final project cost report with the city council on said flood protection works, in which report it was stated that because of a substantial increase in the construction quantities over the original estimated quantity amounts, it would be necessary for said city to issue additional Flood Protection Bonds, to an amount not exceeding two hundred ten thousand dollars (\$210,000.00), for the purpose of providing funds to pay the remaining cost of constructing said flood protection works, since all of the proceeds of the bond issues previously authorized for this purpose had been expended, and cash funds of said city from other legal sources was not available, and,

WHEREAS, said city council adopted a resolution on February 3, 1964, fixing a date for a hearing on the proposition to issue additional Flood Protection Bonds of said city, in an amount not to exceed two hundred ten thousand dollars (\$210,000.00), based on the engineer's report as hereinabove referred to; and, thereafter, published a notice of said hearing on the issuance of said bonds, pursuant to the provisions of chapter four hundred eight A (408A), Code 1962, and,

WHEREAS, said hearing on the issuance of additional Flood Protection Bonds of said city, in an amount of not to exceed two hundred ten thousand dollars (\$210,000.00), was held on February 24, 1964, the proceeds of which bonds are to be used for the purposes hereinabove stated; and no petition contemplated by chapter four hundred eight A (408A), Code 1962, requesting that a bond election be called, was submitted or filed at said hearing on the issuance of said additional bonds; and,

WHEREAS, after said hearing on the issuance of said additional Flood Protection Bonds, the city council adopted a resolution authorizing the issuance of said additional two hundred ten thousand dollars (\$210,000.00) of Flood Protection Bonds; and,

WHEREAS, doubts have arisen concerning the legality of the council proceedings taken at the February 3, 1964, and February 24, 1964, council meetings, relating to the authorization for the issuance of additional Flood Protection Bonds of said city and the authority of the council to issue and sell said bonds to provide funds to pay the remaining cost of constructing said flood protection works; and it is deemed advisable and necessary to put such doubts forever at rest; Now Therefore.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. All said proceedings heretofore taken by the city coun-
2 cil of Ottumwa, Iowa, including all legal notices given, in connection
3 with and pertaining to the authorization for the issuance of additional
4 Flood Protection Bonds of said city, in an amount not exceeding two
5 hundred ten thousand dollars (\$210,000.00), are hereby legalized,
6 validated and confirmed, and shall constitute full authority for said
7 city council, to issue and sell additional general obligation Flood Pro-
8 tection bonds, so authorized, in an amount not exceeding two hundred
9 ten thousand dollars (\$210,000.00), to pay the balance of the contract
10 cost of constructing certain flood protection works in said city; and
11 said bonds, when so issued and sold, shall be valid, legal and binding
12 obligations of said city.

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in Ottumwa
3 Daily Courier, a newspaper published at Ottumwa, Iowa, and in The
4 Blakesburg Excelsior, a newspaper published at Blakesburg, Iowa, all
5 without expense to the state of Iowa.

Approved March 23, 1964.

I hereby certify that the foregoing Act, Senate File 9, was published in the Ottumwa Daily Courier, Ottumwa, Iowa, April 2, 1964, and in The Blakesburg Excelsior, Blakesburg, Iowa, April 4, 1964.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 25

TABOR LEGALIZING ACT

H. F. 3

AN ACT to legalize the proceedings of the town council of the town of Tabor, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the Municipal Sewage Works and Facilities with C. M. Shafer of Winterset, Iowa, in connection therewith, and to legalize said contract, and authorize its performance by said council, and the financing thereof.

WHEREAS, on January 28, 1963, the town council of Tabor, Iowa, passed a resolution ordering the construction of certain improvements to the Municipal Sewage Works and Facilities of said town, and directed publication of a notice of hearing and letting, pursuant to the provisions of