

CHAPTER 369

MECHANICSVILLE LEGALIZING ACT

S. F. 230

AN ACT to legalize the proceedings of the town council of the town of Mechanicsville, Iowa, in the passing of a resolution of necessity, as amended, and in connection with the making of a contract for street improvements with the Iowa Road Building Company in connection therewith, and to legalize said contract, and authorize its performance by said town council, and the financing thereof.

WHEREAS, on February 15, 1961, the town council of Mechanicsville, Iowa passed a resolution adopting a resolution of necessity, as amended, providing for street improvements in said town, and

WHEREAS, on March 22, 1961, the town council of Mechanicsville, Iowa entered into a contract for the construction of the improvements ordered by the said resolution of necessity, as amended, with the Iowa Road Building Company, which thereafter filed its performance bond, and

WHEREAS, an appeal was filed by resident property owners of said town, under chapter twenty-three (23) of the Code, with the state appeal board, which on April 28, 1961, made a ruling disapproving the said street improvement program, which ruling the Polk County, Iowa district court on June 28, 1961, ruled said board had no jurisdiction to render, and which later ruling was reversed by the Iowa Supreme Court on October 17, 1961, in a decision reported at 111 NW (2d) 317, and

WHEREAS, in a declaratory judgment action, the Cedar County, Iowa district court, on February 13, 1963, held the aforesaid contract to be valid and subsisting, except that the property owned by Mrs. Helen Simpson, Mrs. Beulah East, Mrs. Merle O'Connor and Mrs. Velma Taylor, could not be specially assessed or taxed to pay the cost thereof, and

WHEREAS, one hundred thirteen thousand four hundred seven and fifteen one-hundredths (113,407.15) dollars of work valued at contract unit prices had been done by the Iowa Road Building Company to October 17, 1961 and none since, and

WHEREAS, doubts have arisen concerning the fact said contract was not finally approved by the state appeal board, and concerning the power of the town council to order disbursement of the town's funds, to levy special assessments against benefitted property, and to issue and sell bonds to pay the cost of said improvement, and it is deemed advisable 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 proceedings heretofore taken by the town council
- 2 of Mechanicsville, Iowa in connection with and pertaining to the exe-
- 3 cution of a contract with the Iowa Road Building Company on March
- 4 21, 1961 for the construction of street improvements in said town, and
- 5 said contract itself, are hereby legalized, validated and confirmed, and
- 6 shall constitute full authority for the said town council, upon comple-
- 7 tion and acceptance of said improvement, to order the disbursement
- 8 of funds of the said town, to levy special assessments against bene-
- 9 fitted property, and to issue and sell bonds in anticipation of the col-

10 lection of said assessments, and to issue general obligation bonds to
11 pay for the balance of the cost of said improvements, in the manner
12 otherwise prescribed by law to pay the cost thereof, and said bonds,
13 when so issued shall be valid, legal and binding.

1 SEC. 2. This Act shall not authorize the levy of special assessments
2 against benefitted property owned by Mrs. Helen Simpson, Mrs. Beulah
3 East, Mrs. Merle O'Connor and Mrs. Velma Taylor as shown by the
4 revised preliminary plat and schedule of assessments, 1961, on file in
5 the office of the town clerk, or of any levy against their property to
6 retire indebtedness incurred to provide funds to pay any part of the
7 cost of said improvement.

1 SEC. 3. This Act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in The Anamosa
3 Journal, a newspaper published at Anamosa, Iowa, and in The Pioneer-
4 Press & Stanwood Herald, a newspaper published at Mechanicsville,
5 Iowa, all without expense to the state of Iowa.

Approved April 3, 1963.

I hereby certify that the foregoing Act, Senate File 230, was published in The Anamosa Journal, Anamosa, Iowa, April 8, 1963, and in The Pioneer-Press & Stanwood Herald, Mechanicsville, Iowa, April 11, 1963.

MELVIN D. SYNHORST, *Secretary of State.*