

CHAPTER 1297

MERGED AREA IV LEGALIZING ACT

S. F. 1271

AN ACT to legalize and validate the proceedings of the board of directors of Iowa Central Community College (merged area V) and the Fort Dodge Community School District, Fort Dodge, Iowa, in regard to the transfer of buildings, real estate, lease agreements, equipment, and books and the repayment of operational costs for the college for the year 1966-67 and to authorize and direct the board of directors of Fort Dodge Community School District to execute and deliver to Iowa Central Community College (merged area V) a warranty deed for the real estate involved, and to authorize and direct said boards of directors to execute any and all other instruments necessary to complete the transition agreement.

WHEREAS, the board of directors of Iowa Central Community College (merged area V) for the counties of Webster, Hamilton, Wright, Humboldt, Sac, Buena Vista, Pocahontas, Calhoun, and Greene, state of Iowa, hereinafter referred to as "area V" and the board of directors of the Fort Dodge Community School District, Fort Dodge, Iowa, hereinafter referred to as "Fort Dodge Schools" did on the 26th day of January, 1968, enter into an agreement for an orderly transfer of the operation of the college and for the transfer of buildings, real estate, lease agreements, equipment and books and the repayment of operational costs for the college for the year 1966-1967 so that the college could be operated by area V all as contemplated by chapter two hundred eighty A (280A) of the 1966 Code of Iowa; and

WHEREAS, certain real estate consisting of 72.02 acres more or less was given to Fort Dodge Schools by the Fort Dodge betterment foundation on August 9, 1965, for use for college purposes; and

WHEREAS, Fort Dodge Schools had obtained a bond issue for and had under construction on said real estate two classroom buildings and that area V agreed to pay to Fort Dodge Schools the following amounts at the following times for the purchase of the buildings and the transfer of the real estate:

FISCAL YEAR	AMOUNT	DATE TO BE PAID
1966-67	\$ 68,959.00	Included in operational costs for year 1966-67
1967-68	20,000.00	June 1, 1968
1968-69	72,154.50	June 1, 1969
1969-70	70,531.50	June 1, 1970
1970-71	74,260.50	June 1, 1971
1971-72	71,841.50	June 1, 1972
1972-73	59,300.52	June 1, 1973
1973-74	58,282.82	June 1, 1974
1974-75	62,205.77	June 1, 1975
1975-76	61,042.67	June 1, 1976
1976-77	59,879.57	June 1, 1977
1977-78	88,360.47	June 1, 1978
1978-79	86,325.05	June 1, 1979
1979-80	84,289.62	June 1, 1980
1980-81	82,219.10	June 1, 1981
1981-82	80,113.49	June 1, 1982

FISCAL YEAR	AMOUNT	DATE TO BE PAID
1982-83	78,007.88	June 1, 1983
1983-84	75,902.27	June 1, 1984
1984-85	78,697.22	June 1, 1985
1985-86	17,179.12	June 1, 1986

\$1,349,552.57

WHEREAS, Fort Dodge Schools transferred certain instructional equipment and library books valued at \$115,981.93 and that area V paid \$30,000.00 down and agreed to pay the same on the following schedule:

FISCAL YEAR	AMOUNT	DATE TO BE PAID
1967-68	\$50,000.00	June 1, 1968
1968-69	7,196.39	June 1, 1969
1969-70	7,196.39	June 1, 1970
1970-71	7,196.39	June 1, 1971
1971-72	7,196.39	June 1, 1972
1972-73	7,196.37	June 1, 1973

\$85,981.93

WHEREAS, area V operated the college during the year 1966-67 with funds advanced by Fort Dodge Schools, and the cost of said operation was in the sum of \$258,842.90 which area V agreed to pay on the following schedule:

FISCAL YEAR	AMOUNT	DATE TO BE PAID
1967-68	\$129,421.45	February 1, 1968
1968-69	25,884.29	February 1, 1969
1969-70	25,884.29	February 1, 1970
1970-71	25,884.29	February 1, 1971
1971-72	25,884.29	February 1, 1972
1972-73	25,884.29	February 1, 1973

\$258,842.90

WHEREAS, area V has made all of the payments to date on each of said schedules and each of the boards of directors acted in reliance upon the provisions in the agreement of January 26, 1968, and the meeting of the minds of the two boards in regard to the manner of giving effect to said provisions; and

WHEREAS, doubts have arisen as to the validity of the agreement of January 26, 1968, and as to the validity of the transfer of the 72.02 acres, more or less, by warranty deed to be executed and delivered by Fort Dodge Schools to area V and it is deemed advisable to put such doubts to rest, and to confirm the actions of the boards and to authorize Fort Dodge Schools to transfer said real estate to area V; NOW THEREFORE,

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

1 SECTION 1. All proceedings and actions of the area V board of
2 directors and the Fort Dodge schools board of directors in regard to
3 the transfer of buildings, real estate, lease agreements, equipment
4 and books and the repayment of operational costs for the operational
5 costs for the college for the year 1966-67 are hereby ratified, con-
6 firmed, legalized and validated and the board of directors of the Fort
7 Dodge schools is authorized and directed to immediately and forth-
8 with execute and deliver a warranty deed to the following described
9 premises to wit:
10 Commencing at the West Quarter Corner (W- $\frac{1}{4}$ Cor.) of Section
11 30, Township 89 North, Range 28 West of the Fifth Principal Merid-
12 ian, Webster County, Iowa, thence South 89 degrees 36 minutes East
13 733 feet, along the north line of the Southwest Quarter (SW- $\frac{1}{4}$) of
14 said section, to the northeasterly corner of the tract of land described
15 by warranty deed filed under date of December 7, 1959, in Book 99,
16 page 147, Deed Record of Webster County, Iowa; thence South 33
17 feet, along easterly line of tract of land described by above referenced
18 deed, to the point of beginning; thence South 89 degrees 36 minutes
19 East 330 feet, along south line of tract of land described by warranty
20 deed filed under date of August 19, 1964, in Book 115, page 461, Deed
21 Record of Webster County, Iowa; thence North 33 feet, along the east
22 line of said tract of land (Book 115, page 461), to a point on the north
23 line of the Southwest Quarter (SW- $\frac{1}{4}$) of Section 30-89-28; thence
24 South 89 degrees 36 minutes East 2270.6 feet, along north line of South
25 Half (S- $\frac{1}{2}$) of Section 30-89-28, to the northwesterly corner of
26 Lutheran Hospital property, being the northwesterly corner of the
27 five-acre tract of land in the West Half of the Southeast Quarter
28 (W- $\frac{1}{2}$ - SE- $\frac{1}{4}$) of Section 30-89-28, described by warranty deed filed
29 under date of March 12, 1931, in Book 39, page 171, Land Deed Record
30 of Webster County, Iowa; thence South 00 degrees 51 minutes West
31 711.19 feet, along the westerly line (as marked by present fence line)
32 of said Lutheran Hospital property, to the northeasterly corner of
33 Friendship Haven, Inc. property (Site 4) as described by quit claim
34 deed filed under date of September 23, 1964, in Book 116, page 97,
35 Deed Record of Webster County, Iowa; thence South 89 degrees 09
36 minutes West 881.57 feet, along the northerly line of said Friendship
37 Haven, Inc. property (Site 4), to the northwesterly corner thereof;
38 thence South 00 degrees 51 minutes East 400 feet, along the westerly
39 line of said Friendship Haven, Inc. property (Site 4), to the south-
40 westerly corner thereof; thence South 89 degrees 09 minutes West
41 1045.35 feet, along the northerly line (and westerly extension thereof)
42 of Friendship Haven, Inc. property (Site 3) as described by quit claim
43 deed filed under date of February 27, 1961, in Book 102, page 565,
44 Deed Record of Webster County, Iowa; thence South 706.04 feet, to
45 the northeasterly corner of the intersection of 'E' Street (now Tower
46 Drive) and Avenue 'M', in the City of Fort Dodge, Iowa; thence
47 South 88 degrees 01 minute West 530.04 feet, along the northerly line
48 of said Avenue 'M', to a point on the easterly line of property of
49 Webster County Agricultural Association, as described by quit claim
50 deed, filed under date of August 20, 1965, in Book 120, page 169, Deed

51 Record of Webster County, Iowa; thence North 951 feet, along the
52 easterly line of said property of Webster County Agricultural Associ-
53 ation, to the northeasterly corner thereof; thence South 88 degrees
54 01 minutes West 621.85 feet, along the northerly line of property of
55 Webster County Agricultural Association as described by above refer-
56 enced deed and along northerly line of property of Webster County
57 Agricultural Association as described by quit claim deed filed under
58 date of October 20, 1948, in Book 50, page 525, Land Deed Record
59 of Webster County, Iowa, to a point on the easterly line of the right
60 of way of U.S. Highway No. 169, as shown by Official plans for Proj-
61 ect F-FG-422(3), said point being the southeasterly corner of right
62 of way (center line Station 1254 + 50.8) as described by warranty
63 deed filed under date of May 26, 1959, in Book 97, page 257, Deed
64 Record of Webster County, Iowa, said point being, also, the north-
65 easterly corner of right of way as described by warranty deed filed
66 under date of August 15, 1959, in Book 98, page 105, Deed Record of
67 Webster County, Iowa; thence North 141.71 feet (sometimes given
68 as 149.2 feet), following along said easterly line of the highway right
69 of way; thence North 26 degrees 34 minutes West 111.8 feet, follow-
70 ing along easterly line of highway right of way; thence North 160.15
71 feet, following along easterly line of highway right of way, to the
72 southwesterly corner of tract of land owned by First Covenant Church
73 and described by warranty deed filed under date of December 7, 1959,
74 in Book 99, page 147, Deed Record of Webster County, Iowa; thence
75 East 532 feet, along southerly line of said property of First Covenant
76 Church, to the southeasterly corner thereof; thence North 517.84 feet,
77 along easterly line of First Covenant Church property, to the point of
78 beginning, containing 72.02 acres, more or less. Note: The west line
79 of the Southwest Quarter (SW- $\frac{1}{4}$) of Section 30-89-28 is assumed to
80 bear due north and south.

81 To area V, with a reversionary clause in said deed providing that
82 title to said real estate will revert back to Fort Dodge community
83 school district, Fort Dodge, Iowa, in the event area V does not make
84 the scheduled payments set out herein or in the event said property
85 is no longer used for college purposes.

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its final approval and publica-
3 tion in the Fort Dodge Messenger and Chronicle, a newspaper pub-
4 lished at Fort Dodge, Iowa, and in The Daily Freeman-Journal, a
5 newspaper published at Webster City, Iowa, all without expense to
6 the state of Iowa.

Approved April 10, 1970.

I hereby certify that the foregoing Act, Senate File 1271, was published in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, April 25, 1970, and in The Daily Freeman-Journal, Webster City, Iowa, April 23, 1970.

MELVIN D. SYNHORST, *Secretary of State.*