

A BILL

FOR AN ACT MAKING FURTHER PROVISION WITH RESPECT TO CONTRACTS BY CITIES ORGANIZED UNDER SPECIAL CHARTERS FOR PAVING AND CURBING STREETS, AND THE CONSTRUCTION OF SEWERS AND THE MAKING AND COLLECTION BY SUCH CITIES OF ASSESSMENTS AND THE ISSUANCE OF BONDS OR CERTIFICATES BY SUCH CITIES TO PAY FOR SUCH IMPROVEMENTS.

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

SECTION 1. That all cities in this state organized and existing under special charter, shall
2 have all the powers and be subject to the provisions of this act.

SEC. 2. When the council of any such city shall direct the paving and curbing of any
2 street or streets, or the construction of any sewers, such council or the board of public works
3 in case such board shall exist, shall make and enter into contracts for furnishing materials,
4 and for the curbing and paving or sewerage as the case may be, either for the entire work in
5 one contract or parts thereof in separate and specified sections as to them may seem best.

SEC. 3. All such contracts shall be made by the council or the board of public works when
2 such board shall exist, in the name of the city, and shall be made with the lowest bidder or
3 bidders upon sealed proposals after public notice for not less than ten days in at least two
4 newspapers of said city, which notice shall state as nearly as practicable the extent of the
5 work, the kind of materials to be furnished, when the work shall be done, and at what time
6 the proposals shall be acted upon.

SEC. 4. Each contractor shall be required to give bond to the city with sureties to be ap-
2 proved by the council, or by the board of public works where such board shall exist, for the
3 faithful performance of the contract, and the council or such board shall have power to in-
4 stitute suit in the name of the city to enforce all such contracts.

SEC. 5. It shall be the duty of the city engineer to furnish the council or board of public
2 works in case such board shall exist, with proper grades and lines, and see that the work is
3 done in accordance with the ordinances and regulations of the city, with respect to said
4 grades and lines.

SEC. 6. For the purpose of providing for the payment of the cost and expenses of any such
2 improvement or improvements, the council or board of public works in case such board shall

3 exist, shall be authorized from time to time as the work progresses, to make requisitions upon
4 the mayor of the city, for the issue of bonds of the city in such sums as shall be deemed best,
5 and it shall be the duty of the mayor to make and execute bonds accordingly in the name of the
6 city, to an amount not exceeding the amount of the contract price of any such improvement
7 and the incidentals attending the same. Said bonds shall bear the name of the place or places
8 improved, and shall be signed by the mayor and countersigned by the city clerk, and sealed
9 with the corporation seal of the city, and shall all bear the same date and be payable seven
10 years after date, and be redeemable at any time at the option of the city, and shall bear inter-
11 est at the rate of not exceeding six per cent per annum, payable semi-annually.

SEC. 7. When such bonds shall have been issued by the mayor and sealed with the cor-
2 poration seal of the city, they shall be delivered to the city clerk, who shall register them in
3 a book to be kept for that purpose and countersigned and then delivered to the committee or
4 person authorized to negotiate the same, taking receipt therefor.

SEC. 8. Said committee or person authorized to negotiate said bonds, shall negotiate
2 the same in such manner as they or he may deem best and for such prices as may be obtain-
3 able for the same not less the par, and shall pay all moneys received therefrom to the treasurer
4 of the city, and report to the city clerk the number of bonds sold, and the amount received
5 therefor, and before delivering the same to the purchaser, said bonds shall be countersigned
6 by the person or committee authorized to negotiate the same.

SEC. 9. All moneys received by the city treasurer from the sale of said bonds shall be
2 kept by him in a separate fund, and paid out on requisition of the council accompanied by affi-
3 davit of the city engineer that work has been done or material furnished to the amount of
4 said requisition, and that it is required for the payment of the same, and all moneys received
5 by said treasurer shall be kept in the same manner and subject to all the regulations regard-
6 ing other money of the city, except he shall keep a separate account of same and all interest
7 received upon the same shall be credited to such fund.

SEC. 10. When any such improvement shall have been completed, it shall be the duty of
2 the council to ascertain the entire cost of the improvement, and also what portion of such cost,
3 may be by law assessable on adjacent property and the portion of such cost so assessable, shall
4 then be assessed as provided by law, or by ordinance of such city upon the property fronting,
5 or abutting on said improvement. Whenever any street railway may have been constructed
6 and shall remain upon any street which the council may direct to be paved, at the time when
7 such direction shall be given, and when the owner of such street railway may be bound to pave
8 any portion of said street by any action of the city under section 1 of chapter 16 of the acts of
9 the Twenty-second General Assembly, or by virtue of the provisions or conditions of any ordin-
10 ance of the city under which said street railway may have been constructed, or may be main-
11 tained, and if the owner shall fail or refuse to comply with the order of the council to do such

12 paving, then the portion of the cost of paving such street, assessable upon such street railway,
13 shall be ascertained, and shall be assessed against such street railway.

SEC. 11. The council shall cause a plat to be made and filed with the city clerk for public
2 inspection of the place or places on which such improvement shall be made, showing the sep-
3 arate lots or parcels of ground subject to assessment for such improvement, and the names as
4 far as practicable of the several owners, and the amount to be assessed against each lot or
5 piece of ground, and if such improvement shall be the paving of any street, said plat shall also
6 show any and all street railway tracks thereon, and the amount, if any, to be assessed against
7 such street railway, and shall after the making and filing of said plat, as aforesaid, cause to be
8 given ten days, public notice in two newspapers, published in such city, that such plat is on file
9 in the office of the city clerk, for the inspection of any person or company interested therein,
10 and that any such person or company having any objection to the same or the tax proposed to
11 be assessed thereby, shall file with the said city clerk, his or their objections in writing
12 at or before the next meeting of such council, after the publication of such notice, that such
13 council at such meeting, or as soon thereafter as practicable, and after hearing and deciding
14 upon any objection so filed, if any, and after making all necessary corrections in the assess-
15 ment as proposed by said plat, shall assess and levy as a special tax upon the property of
16 each owner, liable to special assessments as aforesaid, its just and true proportion according
17 to law, and according to said assessment proposed by said plat as corrected and approved, of
18 the amount to be specially assessed for any such improvement, said assessment shall be duly
19 entered on the proper tax books of such city, and shall be payable at the office of the city
20 collector of said city, or other officer authorized to collect city taxes, in seven equal install-
21 ments with interest at the rate of six per cent per annum from the date of the assessment upon
22 the unpaid portion thereof, the first of which with interest on the whole amount at six per
23 cent per annum shall be payable on and after the date of such assessment as aforesaid, and
24 others annually, after the date of such assessment, and said assessment shall be collected like
25 other special taxes, as may be provided by the ordinance of such city.

SEC. 12. Said assessment, with interest accruing thereon, shall be a lien upon the property
2 abutting upon the street or streets on which any said improvement is made, or upon such
3 improvement from the commencement of the work, and shall remain a lien until fully paid,
4 and shall have precedence over all other liens except ordinary taxes, and shall not be divested
5 by any judicial sale, provided that such lien shall be limited to the lots or lands bounding or
6 abutting on such street or streets, or on such improvement, and not exceeding in depth
7 therefrom 150 feet. Any assessment against any street railway for the paving of any street
8 shall be a first and paramount lien upon the entire track of said street railway in the limits
9 of the city making such assessments.

SEC. 13. The owner of any property against which an assessment shall have been made

6 will pay the same with interest thereon, at such rate not exceeding six per cent per annum,
7 as shall by ordinance or resolution of the city council of such city be prescribed and required,
8 he or they shall have the benefit and be subject to all the provisions of this act, authorizing
9 the payment of assessments in annual installments, relating to the lien and collection and
10 payment of assessments so far as applicable.

SEC. 17. Any owner of any lot or lots, or any street railway assessed for payment of cost
2 of any such improvement, who will not promise and agree in writing as provided by section
3 16 hereof, shall be required to pay his assessment in full when made, and the same shall be
4 collectable by or through any of the methods provided by law for the collection of assessments
5 for local improvements including the provisions of this act.

SEC. 18. Any mistake in the description of the property, or in the name of the owner
2 shall not vitiate the lien.

SEC. 19. The council of any such city shall not have the right to authorize any improve-
2 ment under this act, unless the owners of a majority of the feet front of the property abutting
3 upon the street or streets to be improved, or any such improvement shall petition therefor,
4 or unless the same shall be voted for by three-fourths of the members of the council.

SEC. 20. Any part of any street may be improved under this act, as well as an entire
2 street.

SEC. 21. All acts and parts of acts in conflict with this act, are hereby repealed provided
2 nothing herein contained, shall be construed as prohibiting or preventing such cities, from
3 making special assessments to pay for the construction of sewers upon adjacent property, ac-
4 cording to area, or from paying for such construction by any method of assessment, or any
5 combination of methods now provided by law.

SEC. 22. This act, being deemed of immediate importance, shall be in force and effect
2 from and after its publication in the Iowa State Register and Des Moines Leader, newspapers
3 published in Des Moines, Iowa.