

A BILL

FOR AN ACT TO LEGALIZE THE PROCEEDINGS OF THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA, IN LOCATING AND CAUSING TO BE CONSTRUCTED A DITCH IN FREMONT TOWNSHIP IN SAID COUNTY, KNOWN AS THE ALCOCK DITCH, AND TO PROVIDE FOR AN ASSESSMENT AND LEVY OF THE COSTS AND EXPENSES THEREOF ON THE LANDS BENEFITED THEREBY.

WHEREAS, The proceedings of the board of supervisors of Johnson county, Iowa, in the
2 years 1882, '83, '84, in respect to the location and construction of a ditch, known as the Alcock
3 ditch, in Fremont township, Johnson county, Iowa, and in assessing and levying the costs
4 and expenses thereof on the land benefited thereby, are claimed to be invalid, because said
5 proceedings do not show upon their face that said ditch was petitioned for by a majority of
6 persons resident in the county and owning land adjacent to such ditch, and because, as it is
7 claimed, such majority did not in fact petition therefor, and because of a failure to serve notice
8 of the pendency of such proceedings, as provided by law; and for irregularities in letting the
9 contract for the construction of said ditch; and because such ditch is not necessary; and be-
10 cause of other irregularities and informalities, as alleged, in the proceedings of the board of
11 supervisors in locating and constructing said ditch; and in the assessment and levy of the
12 costs and expenses thereof; and

13 WHEREAS, On a writ or writs of certiorari, issued out of the circuit court of Johnson county,
14 on the petition of sundry owners of land in said county, assessed for the costs of said ditch,
15 the assessment of the lands of said petitioners have been, by a judgment of said court and of
16 the circuit court of Iowa, adjudged invalid, and set aside; and

17 WHEREAS, The collection of the tax levied, or attempted to be levied, by the said board of
18 supervisors on the lines adjacent to said ditch, has been enjoined by the circuit court of John-
19 son county, Iowa, in sundry cases; and

20 WHEREAS, The said ditch was constructed under and in pursuance of the said order and
21 proceedings of the said board of supervisors, and under contracts entered into under the same
22 and on the faith thereof; and

23 WHEREAS, The auditor of Johnson county issued certain warrants for the cost and expenses
24 of locating and constructing said ditch; and

25 WHEREAS, In sundry suits brought upon some of said warrants in the district court of John-
26 county, Iowa, against said county, judgment has been rendered for the defendant, and said
27 warrants held to be invalid, and the county not liable therefor; and

28 WHEREAS, The said warrants were issued in good faith and for a valuable consideration,
29 based upon the said order and proceedings of the said board of supervisors; therefore,

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

SECTION 1. That the proceedings of the board of supervisors of Johnson county, Iowa, in
2 the years 1882, '83, '84, in respect to the location and construction of a ditch, known as the
3 Alcock ditch, in Fremont township, Johnson county, Iowa, including the orders of the said
4 board of supervisors for the location and construction of said ditch, the letting and making
5 of contracts therefor, the order or orders for issuing warrants for payment for work done and
6 expenses of said location and construction and the warrants issued therefor by the auditor of
7 Johnson county, be and the same are hereby legalized, and shall be held and decreed valid
8 and effectual to the same extent and effect in all respects as to the said proceedings as if the
9 same had fully conformed to the law when taken; and said ditch as actually constructed shall
10 be held to be a lawful ditch; and all provisions of the law applicable to a ditch constructed
11 under chapter 2, title 10 of the code, and the amendments thereto, shall apply to the said
12 ditch.

SEC. 2. The board of supervisors of Johnson county shall, at their last meeting next to the
2 expiration of 30 days from the taking effect of this act, proceed to ascertain anew the total
3 amount of the costs and expenses of the construction of said ditch, including interest accrued
4 and to accrue on the excess of the amount of any unpaid warrants issued for payment for
5 work done or expenses in locating and constructing said ditch over and above the amount
6 of money applicable to such payments now in the hands of the treasurer of Johnson county,
7 including the costs and expenses of the proceedings in locating and constructing said ditch
8 (exclusive of any expense or cost of litigation in reference thereto). The said board shall re-
9 apportion and reassess said amounts so ascertained among the, and upon the lands, in said
10 county benefited by the location and construction of the said ditch in proportion to the
11 amount of benefit to the said lands respectively. Said board shall take as the basis for said
12 apportionment and reassessment the list or schedule of lands in said county heretofore
13 assessed by them for said ditch as benefited thereby; but all persons interested in or bene-
14 fited by said assessments shall have the right to appear and be heard before said board in re-
15 spect to said apportionments and assessments, and the said board shall on such hearings make
16 such changes, both in respect to the lands to be assessed and the amounts to be assessed
17 thereon respectively, as in their judgment may be necessary to make such apportionments
18 and assessments just and equitable. On the completion of said apportionments and reassess-
19 ments all the provisions of law applicable to apportionments and assessments made under and

20 by virtue of chapter 2, of title 10 of the code, and the amendments thereto in respect to the
21 mode of levy and collection and application of the proceeds thereof and appeals therefrom,
22 shall apply to the said reassessments hereby directed, provided that the owners of any lands
23 so assessed shall be entitled to credit upon their reassessment for any payments made and not
24 refunded upon any previous assessment, or assumed to be made upon said land, for or on ac-
25 count of the construction of said levy; and provided further, that when any previous assess-
26 ment made by the said board of supervisors against any of said land to pay for the construc-
27 tion of said ditch has been paid in full, the said land shall not be reassessed for said ditch.

Sec. 3. This act, being deemed of immediate importance, shall take effect from and after
2 its publication in the "Iowa State Press," a newspaper published at Iowa City, Iowa, and in
3 the "Des Moines Leader," a newspaper published at Des Moines, Iowa, such publication to be
4 without expense to the state.