

# A BILL

FOR AN ACT PROVIDING FOR ACQUIRING BY CONDEMNATION PROCEEDINGS BY CITIES AND TOWNS OF HEATING PLANTS, WATER WORKS, GAS WORKS, ELECTRIC LIGHT OR ELECTRIC POWER PLANTS, AND A MODE OF PROCEDURE THEREFOR, AND AMENDING SECTION SEVEN HUNDRED TWENTY-TWO (722) OF THE SUPPLEMENT TO THE CODE, 1907.

*Be it Enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section seven hundred twenty-two (722) of the Supplement to the Code, 1907, be amended by adding thereto as follows:

“That when any city or town shall have voted at an election as is provided in sections seven hundred twenty (720) and seven hundred twenty-one (721) of the Supplement to the Code, 1907, to purchase, establish, erect, maintain, and operate heating plants, water works, gas works, or electric light or electric power plants, or when any such city or town shall have voted to contract indebtedness and issue bonds as is provided in sections thirteen hundred and six-b (1306-b), thirteen hundred and six-c (1306-c), thirteen hundred and six-d (1306-d), and thirteen hundred and six-e (1306-e) of the Supplement to the Code, 1907, for any of the purposes therein enumerated, and in such city or town there shall then exist any such heating plant, water works, gas works, electric light or electric power plants, or incomplete parts thereof or more than one, not publicly owned, and the contract or franchise of the owner of which utility has expired or been surrendered and such owner and city or town cannot agree upon terms of purchase; such city or town may, by resolution, proceed to acquire by condemnation, as hereinafter provided, any one or more of such heating plants, water works, gas works, electric light or electric power plants or incomplete parts thereof and when so acquired may apply the proceeds of the bonds voted or issued in payment therefor and in making extensions and improvements to such works or plants so acquired; but not more than one of such utilities shall be so acquired when any such city or town shall be indebted in excess of the statutory limitation of indebtedness for such purposes for any such acquired property.

SEC. 2. That upon the passage of the resolution as provided under section 1 hereof and presentation of a certified copy thereof to the Supreme Court while in session, or to the Chief Justice of the Supreme Court, the said court or chief justice shall, within five days thereafter,

4 appoint three district court judges from three judicial districts, of which one shall be from the  
5 district wherein such city or town is located, if he be not a resident of such city or town, as a  
6 court of condemnation, and shall enter an order requiring said judges to attend as such court  
7 of condemnation at the county seat in the county in which said city or town is located, within  
8 ten days thereafter, which judges shall so attend as ordered, and a copy of which order and  
9 the time and place of the meeting of said court of condemnation shall be served upon the owner  
10 or owners of such plants or works in the same manner as the service of original notice. And  
11 if such owner be a non-resident, then by service upon the person in charge of such plant or  
12 works. Such court of condemnation shall have the power to summon and swear witnesses, take  
13 evidence, order the taking of depositions, and require the production of any books and papers, as  
14 is provided in chapter 1, title XXIII of the Code, and a reporter may be appointed as is pro-  
15 vided for the district court; and such court shall perform all the duties of commissioners in the  
16 condemnation of property and such duties and the method of condemnation and procedure, in-  
17 cluding provisions for appeal, shall, except as is herein otherwise specially provided, be the  
18 same, as nearly as may be, as is provided in chapter 4, title X of the Code, but the clerk of the  
19 district court of the county where such city or town is located shall perform all the duties re-  
20 quired of the sheriff in said chapter and, in case of a vacancy in said court of condemnation,  
21 such vacancy shall be filled in the same manner in which the original appointment was made  
22 and the court may review any evidence of its record made necessary by reason of such va-  
23 cancy.

SEC. 3. The costs of said proceedings shall be the same and paid in the same manner as in  
2 proceedings in the district court, and the said district court judges of said court of condemna-  
3 tion shall receive, while engaged in such service, their actual expenses, which expenses shall  
4 be taxed as costs in the case.