

Reported Recommending.....
Ind. Postponed.....
Passed House.....
Failed to Pass House.....
Passed Senate.....
Failed to Pass Senate.....

House File 140

January 25, 1943.
Judiciary No. 1.

By LATCHAW and HICKLIN (PINE).

A BILL FOR

An Act to authorize the Joint Boards of Supervisors of Muscatine and Louisa Counties acting as the governing body of Muscatine Island Levee District, to transfer jurisdiction of so much of said Muscatine Island Levee District as lies within the corporate limits of the City of Muscatine, Iowa, to said City, and requiring and empowering said city to repair, improve and maintain the same and providing procedure.

WHEREAS, there has been heretofore established under the laws of Iowa an inter-county levee district, known and designated as Muscatine Island Levee District, situated partly in Muscatine County and partly in Louisa County, said district extending along the Mississippi River with its southerly terminus in Louisa County and its northerly terminus within the corporate limits of the City of Muscatine, in Muscatine County; and

WHEREAS, there has also been constructed within the corporate limits of said City of Muscatine, a levee along the west bank of the Mississippi River extending from the northerly end of the levee improvement included in said Muscatine Island Levee District, for a distance of approximately thirteen hundred feet, which latter levee has been constructed and maintained solely by said city of Muscatine; and

WHEREAS, the City Council of the City of Muscatine desires to acquire jurisdiction over that part of the levee improvement in said Muscatine Island Levee District, situated within its corporate limits in order to combine the same as one improvement with the levee extension constructed by said city above described, and when such jurisdiction has been

acquired, to maintain said levee and reinforce and repair the same, as may be deemed advisable in the interest of the public health, convenience and welfare of the citizens of Muscatine; and

WHEREAS, the Joint Boards of Supervisors of Muscatine and Louisa Counties, as the governing body of said Muscatine Island Levee District, believe that it will be to the best interest of said District and advantageous to the public health, convenience and welfare of the citizens of Muscatine if that part of said levee district and the levee improvement established and maintained therein, which is situated within the corporate limits of said City of Muscatine, shall be severed from said Muscatine Island Levee District, and jurisdiction thereof transferred to the City Council of said City of Muscatine, or the Levee Improvement Commission of said City, as the case may be; and

WHEREAS, there is some question as to whether or not the present statutes of the State of Iowa pertaining to drainage and levee districts provide for the necessary procedure to effect such severance and transfer of jurisdiction; and

WHEREAS, there are no outstanding obligations or indebtedness owing by said Muscatine Island Levee District; now therefore

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

1 Section 1. That if the City Council of the City of
2 Muscatine, Iowa, shall deem it for the best interest of said
3 city, to pass, by majority vote, a resolution requesting the
4 Joint Boards of Supervisors of Muscatine and Louisa Counties,
5 to permit said city to take over, control and maintain that
6 part of the levee improvement constructed in said levee district
7 and situated within the corporate limits of the City of Muscatine,
8 and to sever from said Levee District that part thereof lying
9 wholly within the limits of the City of Muscatine, the said
10 City Council shall, upon the passage and adoption of such

11 resolution, cause the same to be certified to said Joint
12 Boards of Supervisors of Muscatine and Louisa Counties and
13 a copy thereof filed with the auditor of each of said counties,
14 and thereupon said resolution shall be spread upon the records
15 of said levee district by the secretary thereof.

1 Sec. 2. Upon the filing of said resolution the said
2 Joint Boards of Supervisors shall fix a time and place for the
3 hearing of said request and cause notice of the time and place
4 for the hearing of said request
5 to be given to all land owners whose
6 lands are situated within said Muscatine Island Levee
7 District, as well as to all lien holders or other persons
8 interested in said district or in the lands included
9 therein, naming said land owners and lien holders generally,
10 such notice to be given by one publication thereof in a
11 newspaper of general circulation in the City of Muscatine,
12 Iowa, and in the City of Wapello, Iowa, at least fifteen days
13 before the date of such hearing. Such notice shall provide
14 that any such land owners or others interested in said district
15 may file objections to the action proposed to be taken, or
16 that they may appear in person at such hearing to present day
17 objections to such proposed action.

1 Sec. 3. Upon said hearing, if it shall appear to
2 said Joint Boards of Supervisors that it will be to the best
3 interests of said levee district and that the health, conven-
4 ience and welfare of the citizens of Muscatine will be

5 promoted by such action, the Joint Boards of Supervisors shall
6 by resolution, duly adopted by a majority vote, cause so much
7 of said levee district as lies within the corporate limits of
8 the City of Muscatine to be severed from said district and
9 jurisdiction thereof to be transferred to said City Council
10 of the City of Muscatine, who shall thereafter control the
11 same, and said City of Muscatine shall be responsible for
12 the maintenance and upkeep of the levee improvement in that
13 part of said levee district lying wholly within the
14 corporate limits of said City of Muscatine, from and after
15 the date of such transfer.

1 Sec. 4. Appeal. Any person who is aggrieved by such
2 action may appeal therefrom in the manner and time pro-
3 vided by sections 7513 to 7527 inclusive of the Code of
4 Iowa, 1939, in so far as applicable.

1 Sec. 5. After that part of said levee district lying
2 within the corporate limits of the City of Muscatine, has
3 been transferred to the jurisdiction of said city, as above
4 provided, the same shall be controlled, maintained and
5 repaired in the same manner as provided for drainage
6 districts lying wholly within the corporate limits of a
7 city or town by section 7637 of the Code of Iowa, 1939, and
8 the management, control, and maintenance of said levee
9 improvement shall thereafter be vested in the Levee
10 Improvement Commission of said city, and the cost thereof
11 financed in the manner provided by sections 6823-6825 of

12 the Code of Iowa, 1939.

1 Sec. 6. This act being deemed of immediate
2 importance shall take effect upon publication in the
3 Muscatine Journal published at Muscatine, Iowa, and
4 the Wapello Republican published at Wapello, Iowa, at
5 no cost to the State of Iowa.