

FILED FEB 23 1971

*Judging 2/24, Pass 3/3  
See " 3/22*

SENATE FILE 263

By KEITH

Passed Senate, Date 3-12-71 Passed House, Date \_\_\_\_\_  
Vote: Ayes 40 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act to legalize and validate the proceedings of the Board  
2 of Directors of Iowa Lakes Community College of the Counties  
3 of Emmet, Dickinson, Clay, Palo Alto, and Kossuth, Iowa,  
4 (Merged Area III) and the Estherville Community School  
5 District of the Counties of Emmet and Dickinson, Estherville,  
6 Iowa, in regard to the transfer of buildings, real estate,  
7 equipment, books and the repayment of operational costs  
8 necessary in the transfer of the existing Estherville  
9 Junior College operated by the Estherville Community School  
10 District to the Iowa Lakes Community College (Merged Area III)  
11 and to authorize and direct the Board of Directors of the  
12 Iowa Lakes Community College (Merged Area III) to execute  
13 and deliver to the Estherville Community School District a  
14 warranty deed for the real estate involved and to authorize  
15 and direct said Boards of Directors to execute any and all  
16 other instruments necessary to complete said transition agree-  
17 ments.

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*Proof of Publication 2/23  
Estherville Daily News 2/11*

1       WHEREAS, during the year 1965 the Estherville Community  
2 School District of the Counties of Emmet and Dickinson, Iowa,  
3 at Estherville, Iowa (hereinafter referred to as Estherville  
4 School), constructed a college classroom building to be used  
5 by the Estherville Junior College, then operated by the  
6 Estherville School upon 1.728 acres of real estate owned by  
7 the Estherville School for a total cost of \$391,622.06, the  
8 funds for said construction being obtained from the following  
9 sources:

10       (a) \$143,000.00 was provided as a gift from the Estherville  
11 Junior College Foundation, Inc. of Estherville, Iowa;

12       (b) \$144,237.00 was received from the federal government  
13 under the Higher Education Facilities Act;

14       (c) \$104,385.06 was provided by the Estherville School  
15 from tax money; and

16       WHEREAS, the Board of Directors of Iowa Lakes Community  
17 College (Merged Area III) for the Counties of Emmet, Dickinson,  
18 Clay, Palo Alto and Kossuth, State of Iowa, (hereinafter  
19 referred to as "Area III"), and the Board of Directors of  
20 the Estherville School, did on the 28th day of February, 1968,  
21 enter into an agreement for an orderly transfer of the property  
22 of the college, formerly operated by the Estherville School,  
23 and for the transfer of buildings, real estate, equipment,  
24 books, supplies, special accounts and the payment of  
25 operational costs for the 1967-1968 school year so that the  
26 college could be operated by Area III all as contemplated  
27 by Chapter 280A of the 1971 Code of Iowa; and

28       WHEREAS, the agreement between Area III and the Estherville  
29 School provided for the sale and transfer of said real estate  
30 and classroom building to the Area III for the sum of  
31 \$85,382.50 which agreement provided among other things that  
32 the real estate and classroom building would revert to the  
33 Estherville School if said property was no longer used for  
34 college purposes; and

35       WHEREAS, the Area III did use said classroom building and

1 is still using said classroom building for college purposes  
2 in Estherville and Area III has paid said Estherville School  
3 a total of \$25,382.50 for said building and presently there  
4 is a balance owing of \$60,000.00 under said agreement; and

5 WHEREAS, after the acquisition of said property, the Area  
6 III did make valuable improvements and additions to said prop-  
7 erty and continued to use the property for college purposes;  
8 and

9 WHEREAS, during the year 1970 the Area III learned that  
10 it was eligible to receive federal funds for the construction  
11 of a new and larger classroom facility, if it could provide  
12 matching funds; and in addition, the Estherville School deter-  
13 mined that it needed the classroom building for its own purpose  
14 and for necessary additional classroom space required for  
15 the Estherville School; and

16 WHEREAS, on the 7th day of December, 1970, a further agree-  
17 ment was entered into between Area III and the Estherville  
18 School providing for the sale and transfer by Area III to  
19 the Estherville School of the classroom building and the 1.728  
20 acres for the total sum of \$350,000.00 payable as follows:

21 (a) \$150,000.00 as a down payment;

22 (b) \$60,000.00 by cancelling the balance owing on the  
23 contract for the purchase of the building;

24 (c) The balance of \$140,000.00 on or before January 1,  
25 1973; and

26 This agreement provided Area III with the necessary matching  
27 funds to qualify for the federal grant and would provide the  
28 Estherville School with the additional classroom space it  
29 now requires; and

30 WHEREAS, as a part of said agreement, Area III has agreed  
31 that the proceeds received from the sale of the building and  
32 real estate to the Estherville School will be used entirely  
33 for the construction of an additional classroom for college  
34 purposes in Estherville, Iowa; and

35 WHEREAS, on or about January 27, 1971, Area III did enter

1 into contracts for the construction of a new classroom facility  
2 in Estherville and said classroom facility is presently under  
3 construction and in accordance with the last agreement entered  
4 into with the Estherville School the monies received from  
5 the sale of the classroom building to the Estherville School  
6 will be used together with the federal funds for the  
7 construction of the new classroom facility; and

8 WHEREAS, the Board of Directors of Area III and the Board  
9 of Directors of the Estherville School have performed the  
10 terms of the agreements and acted in reliance upon the provi-  
11 sions of said agreements and the agreements set forth the  
12 understanding and the meeting of the minds of the two boards  
13 had in regard to the completion and performance of said  
14 agreements; and

15 WHEREAS, doubts have arisen as to the validity of the  
16 agreement of December 7, 1970, and the transfer and subsequent  
17 retransfer of 1.728 acres more or less by warranty deed to  
18 be executed and delivered by Area III to the Estherville  
19 School and it is deemed advisable to put such doubts to rest  
20 and to confirm the action of the two boards and to authorize  
21 Area III to transfer said real estate to the Estherville  
22 School. NOW, THEREFORE,

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

24 Section 1. All proceedings and actions of the Board of  
25 Directors of the Iowa Lakes Community College (Merged Area  
26 III), for the Counties of Emmet, Clay, Dickinson, Palo Alto  
27 and Kossuth, and the Board of Directors of the Estherville  
28 Community School District of the Counties of Emmet and Dick-  
29 inson, State of Iowa, in regard to the transfer of the  
30 building, real estate, equipment, books and the repayment  
31 of operational expenses, the retransfer of said real estate  
32 necessary for the operation of the college is hereby ratified,  
33 confirmed, legalized, and valid and the Board of Directors  
34 of the Estherville School is authorized and directed to  
35 complete the payments provided for in the agreement dated

1 December 7, 1970, including making of all payments of money  
2 due under said contract and upon full payment of monies owing  
3 under said contract, the Board of Directors of Area III,  
4 through its President and Secretary, is authorized and directed  
5 to immediately and forthwith execute and deliver a warranty  
6 deed to the following described premises, to-wit:

7 Commencing at the SE corner of the SW 1/4 SE 1/4 of  
8 Section 11, Township 99. North of Range 34 West of the  
9 5th P.M., thence North 133.0 feet along the east line  
10 of South 17th Street; thence West 66 feet on a parallel  
11 with the South line of said Section 11, to point of  
12 beginning; thence West 251.0 feet on said line; thence  
13 North 300 feet; thence East 251.0 feet; thence South  
14 300 feet to point of beginning, located in Estherville,  
15 Emmet County, Iowa, containing 1.728 acres,  
16 to the Estherville School.

17 Sec. 2. This Act, being deemed of immediate importance,  
18 shall take effect and be in force from and after its publi-  
19 cation in \_\_\_\_\_, a newspaper published in \_\_\_\_\_,  
20 Iowa, and in \_\_\_\_\_, a newspaper published in  
21 \_\_\_\_\_, Iowa.

22 EXPLANATION

23 This Act legalizes proceedings involving the transfer and  
24 retransfer of land by the Area III merged area to the  
25 Estherville Community School District.

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