

Sen. Judiciary 5/10 Do Pass 5/11 (p. 1481)

HOUSE FILE 2383

Judiciary
Coleman, Chairperson
Doderer
Hill of Polk

30 1978
On Calendar

HOUSE FILE 2383

By COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly Study Bill 444)

Passed House, Date 5-8-78 (p. 2304) Passed Senate, Date 5-11-78 (p. 1471)

Vote: Ayes 78 Nays 1 Vote: Ayes 36 Nays 3

Approved 6-2-78

A BILL FOR

1 An Act to legalize and validate the procedures whereby the
2 Fremont-Mills Community School District in the Counties
3 of Fremont and Mills contracted for the sale of tracts
4 of real estate and the contracts entered into with the
5 respective purchasers.

Proof of publication 3/30 H. J. 1299

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1 WHEREAS, the electors of Fremont-Mills Community School
2 District in Fremont and Mills Counties, State of Iowa, at
3 their regular school election held September 10, 1974,
4 authorized sale by public auction of the following described
5 parcels of real estate situated wholly in Fremont County,
6 Iowa, to-wit:

7 Parcel 1: Lot Two (2) in Block Seven (7) in Randolph,
8 Iowa, situated in the Southeast Quarter of the Southwest
9 Quarter (SE. 1/4 SW 1/4) of Section Nine (9), Township
10 Seventy (70) North, Range Forty-One (41) West of the 5th
11 P.M.

12 Parcel 2: Lots Eleven (11) and Twelve (12) in Block "U"
13 in the Town of Thurman, Iowa, situated in and being a part
14 of the North Half of the Southeast Quarter (N. 1/2 SE.
15 1/4) of Section Thirty-Five (35), Township Seventy (70)
16 North, Range Forty-Three (43) West of the 5th P.M.; and

17 WHEREAS, said property was not appraised by three resi-
18 dent free holders appointed in the manner prescribed by Section
19 297.22, Code of Iowa, 1977, although Parcel 1 was informally
20 appraised by a resident free holder at the request of the
21 District at a value of \$5,000.00 to \$7,000.00; and

22 WHEREAS, the Board of Directors advertised for bids on
23 said property, but through error or misunderstanding notice
24 of public auction was published in one publication only of
25 the Beacon-Enterprise, a newspaper of general circulation
26 within the District, rather than by two consecutive publi-
27 cations in said newspaper as required by Section 297.23, Code
28 of Iowa, 1977; and

29 WHEREAS, said parcels were sold at public auction on
30 November 5, 1977, at which there was competitive bidding after
31 one published notice thereof in the November 2, 1977 issue
32 of the Beacon Enterprise and after substantial handbill
33 advertising by the auctioneer; and

34 WHEREAS, contracts of sale were entered into with the high
35 bidders on the parcels offered as follows:

<u>Parcel</u>	<u>Name of Purchaser</u>	<u>Consideration</u>
1	Albert Pearson	\$ 8,190.00
2	Dan Gold	6,070.00

which said bids and contracts were accepted by the Board of Directors of the Fremont-Mills Community School District on November 23, 1977; and

WHEREAS, doubts have arisen concerning the legal effect of the failure to meet the statutory requirements with respect to appraisal and the legality of the notice to bidders and subsequent proceedings for the sale of said lands, and it is deemed advisable to remove forever all such doubts as to the validity of these contracts; NOW THEREFORE,

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

Section 1. All proceedings heretofore taken by the Board of Directors of Fremont-Mills Community School District in the Counties of Fremont and Mills, State of Iowa, in connection with the failure to have proper appraisals, the advertising for bids, public auction and contracting for sale of the following described parcels, to-wit:

Parcel 1: Lot Two (2) in Block Seven (7) in Randolph, Iowa, situated in the Southeast Quarter of the Southwest Quarter (SE. 1/4 SW. 1/4) of Section Nine (9), Township Seventy (70) North, Range Forty-One (41) West of the 5th P.M.

Parcel 2. Lots Eleven (11) and Twelve (12) in Block "U" in the Town of Thurman, Iowa, situated in and being a part of the North Half of the Southeast Quarter (N. 1/2 SE. 1/4) of Section Thirty-Five (35), Township Seventy (70) North, Range Forty-Three (43) West of the 5th P.M.,

and the contracts of sale entered into with Albert Pearson for sale and purchase of Parcel 1 and Dan Gold for sale and purchase of Parcel 2 are hereby legalized, validated and confirmed.

EXPLANATION

This bill legalizes proceedings of the Fremont-Mills

1 Community School District, which appear to require legaliza-
2 tion because of improper appraisal procedures and publication
3 of notice.

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HOUSE FILE 2383

AN ACT

TO LEGALIZE AND VALIDATE THE PROCEDURES WHEREBY THE FREMONT-MILLS COMMUNITY SCHOOL DISTRICT IN THE COUNTIES OF FREMONT AND MILLS CONTRACTED FOR THE SALE OF TRACTS OF REAL ESTATE AND THE CONTRACTS ENTERED INTO WITH THE RESPECTIVE PURCHASERS.

WHEREAS, the electors of Fremont-Mills Community School District in Fremont and Mills Counties, State of Iowa, at their regular school election held September 10, 1974, authorized sale by public auction of the following described parcels of real estate situated wholly in Fremont County, Iowa, to-wit:

Parcel 1: Lot Two (2) in Block Seven (7) in Randolph, Iowa, situated in the Southeast Quarter of the Southwest Quarter (SE. 1/4 SW 1/4) of Section Nine (9), Township Seventy (70) North, Range Forty-One (41) West of the 5th P.M.

Parcel 2: Lots Eleven (11) and Twelve (12) in Block "U" in the Town of Thurman, Iowa, situated in and being a part of the North Half of the Southeast Quarter (N. 1/2 SE. 1/4) of Section Thirty-Five (35), Township Seventy (70) North, Range Forty-Three (43) West of the 5th P.M.;

and

WHEREAS, said property was not appraised by three resident free holders appointed in the manner prescribed by Section 297.22, Code of Iowa, 1977, although Parcel 1 was informally appraised by a resident free holder at the request of the District at a value of \$5,000.00 to \$7,000.00; and

WHEREAS, the Board of Directors advertised for bids on said property, but through error or misunderstanding notice of public auction was published in one publication only of the Beacon-Enterprise, a newspaper of general circulation within the District, rather than by two consecutive publications in said newspaper as required by Section 297.23, Code

of Iowa, 1977; and

WHEREAS, said parcels were sold at public auction on November 5, 1977, at which there was competitive bidding after one published notice thereof in the November 2, 1977 issue of the Beacon-Enterprise and after substantial handbill advertising by the auctioneer; and

WHEREAS, contracts of sale were entered into with the high bidders on the parcels offered as follows:

<u>Parcel</u>	<u>Name of Purchaser</u>	<u>Consideration</u>
1	Albert Pearson	\$ 8,190.00
2	Dan Gold	6,070.00

which said bids and contracts were accepted by the Board of Directors of the Fremont-Mills Community School District on November 23, 1977; and

WHEREAS, doubts have arisen concerning the legal effect of the failure to meet the statutory requirements with respect to appraisal and the legality of the notice to bidders and subsequent proceedings for the sale of said lands, and it is deemed advisable to remove forever all such doubts as to the validity of these contracts; NOW THEREFORE,

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

Section 1. All proceedings heretofore taken by the Board of Directors of Fremont-Mills Community School District in the Counties of Fremont and Mills, State of Iowa, in connection with the failure to have proper appraisals, the advertising for bids, public auction and contracting for sale of the following described parcels, to-wit:

Parcel 1: Lot Two (2) in Block Seven (7) in Randolph, Iowa, situated in the Southeast Quarter of the Southwest Quarter (SE. 1/4 SW. 1/4) of Section Nine (9), Township Seventy (70) North, Range Forty-One (41) West of the 5th P.M.

Parcel 2. Lots Eleven (11) and Twelve (12) in Block "U"

in the Town of Thurman, Iowa, situated in and being a part of the North Half of the Southeast Quarter (N. 1/2 SE. 1/4) of Section Thirty-Five (35), Township Seventy (70) North, Range Forty-Three (43) West of the 5th P.M., and the contracts of sale entered into with Albert Pearson for sale and purchase of Parcel 1 and Dan Gold for sale and purchase of Parcel 2 are hereby legalized, validated and confirmed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2383, Sixty-seventh General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 2, 1978

ROBERT D. RAY
Governor