

#### **6B.46 Special proceedings to condemn existing utility.**

When any city has voted at an election to purchase, establish, erect, maintain and operate heating plants, waterworks, gasworks or electric light or power plants, or when it has voted to contract an indebtedness and issue bonds for such purposes, and in such city there exists any such utility, or incomplete parts thereof or more than one, not publicly owned, and the contract or franchise of the owner of the utility has expired or been surrendered, and the owner and the city cannot agree upon terms of purchase, it may, by resolution, proceed to acquire by condemnation any one or more of the utilities or incomplete parts thereof. When so acquired it may apply the proceeds of the bonds in payment therefor and in making extensions and improvements to such works or plants so acquired, but not more than one utility may be so acquired when the municipality is indebted in excess of the statutory limitation of indebtedness for such purposes for any such acquired property.

[C73, § 474; C97, § 722; S13, § 722; C24, 27, 31, 35, 39, § **6135**; C46, 50, 54, 58, 62, 66, 71, § 397.20; C73, 75, 77, 79, 81, § 472.46]

C93, § 6B.46