

February 21, 1963.

Senate File 230

By ELIJAH.

Passed on File.

Judiciary 2, 2/21, Pass 3/27

Passed Senate, Date.....*3-28-63*

Passed House, Date.....*4-26-63*

Vote: Ayes.....*35*..... Nays.....*13*.....

Vote: Ayes.....*100*..... Nays.....*2*.....

Approved.....*4-3-63*.....

*Judiciary 2 3/29
Motion to Reconsider
Lost 3/29*

A BILL FOR

An Act to legalize the proceedings of the town council of the town of Mechanicsville, Iowa, in the passing of a resolution of necessity, as amended, and in connection with the making of a contract for street improvements with the Iowa Road Building Company in connection therewith, and to legalize said contract, and authorize its performance by said town council, and the financing thereof.

WHEREAS, on February 15, 1961, the town council of Mechanicsville, Iowa passed a resolution adopting a resolution of necessity, as amended, providing for street improvements in said town, and

WHEREAS, on March 22, 1961, the town council of Mechanicsville, Iowa entered into a contract for the construction of the improvements ordered by the said resolution of necessity, as amended, with the Iowa Road Building Company, which thereafter filed its performance bond, and

WHEREAS, an appeal was filed by resident property owners of said town, under chapter twenty-three (23) of the Code, with the state appeal board, which on April 28, 1961, made a ruling disapproving the said street improvement program, which ruling the Polk County, Iowa district court on June 28, 1961, ruled said board had no jurisdiction to render, and which later ruling was reversed by the Iowa Supreme Court on October 17, 1961, in a decision reported at 111 NW (2d) 317, and

WHEREAS, in a declaratory judgment action, the Cedar County, Iowa district court, on February 13, 1963, held the aforesaid contract to be valid and subsisting, except that the property owned by Mrs. Helen Simpson, Mrs. Beulah East, Mrs. Merle O'Connor and Mrs. Velma Taylor, could not be specially assessed or taxed to pay the cost thereof, and

WHEREAS, one hundred thirteen thousand four hundred seven and fifteen one-hundredths (113,407.15) dollars of work valued at contract unit prices had been done by the Iowa Road Building Company to October 17, 1961 and none since, and

WHEREAS, doubts have arisen concerning the fact said contract was not finally approved by the state appeal board, and concerning the power of the town council to order disbursement of the town's funds, to levy special assessments against benefitted property, and to issue and sell bonds to

pay the cost of said improvement, and it is deemed advisable to put such doubts forever at rest; NOW, THEREFORE,

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

1 Section 1. All proceedings heretofore taken by the
2 town council of Mechanicsville, Iowa in connection with and
3 pertaining to the execution of a contract with the Iowa Road
4 Building Company on March 21, 1961 for the construction of
5 street improvements in said town, and said contract itself,
6 are hereby legalized, validated and confirmed, and shall
7 constitute full authority for the said town council, upon
8 completion and acceptance of said improvement, to order
9 the disbursement of funds of the said town, to levy special
10 assessments against benefitted property, and to issue and
11 sell bonds in anticipation of the collection of said assess-
12 ments, and to issue general obligation bonds to pay for
13 the balance of the cost of said improvements, in the manner
14 otherwise prescribed by law to pay the cost thereof, and
15 said bonds, when so issued shall be valid, legal and binding.

1 Sec. 2. This Act shall not authorize the levy of
2 special assessments against benefitted property owned by
3 Mrs. Helen Simpson, Mrs. Beulah East, Mrs. Merle O'Connor
4 and Mrs. Velma Taylor as shown by the revised preliminary
5 plat and schedule of assessments, 1961, on file in the
6 office of the town clerk, or of any levy against their
7 property to retire indebtedness incurred to provide funds
8 to pay any part of the cost of said improvement.

1 Sec. 3. This Act being deemed of immediate importance
2 shall be in full force and effect from and after its publi-

3 cation in The Anamosa Journal, a newspaper published at
4 Anamosa, Iowa, and in The Pioneer-Press & Stanwood Herald,
5 a newspaper published at Mechanicsville, Iowa, all without
6 expense to the state of Iowa.

SENATE FILE 230

1 Amend Senate File 230 as follows:
2 Senate File 230 is hereby amended by adding as section
3 three (3) the following:
4 "Sec. 3. This Act shall not authorize the levy of special
5 assessments against benefited property in any amount greater
6 than provided for in section three hundred ninety-one point
7 forty-eight (391.48), Code 1962."
8 Also amend by renumbering section three (3) as section
9 four (4).

Filed
April 1, 1963.

*Vote: - ayes 20
4/2 nays 78
Lodv*

GOODB of Davis.