

House File 734

May 22, 1967  
Judiciary, *Pass 5-24*

By ALLEN and GITTINS

*Sub. for S.F. 808 - 6-7-67*

Passed House, Date 6-6-67 Passed Senate, Date 6-7-67  
Vote: Ayes 92 Nays 0 Vote: Ayes 44 Nays 0  
Approved June 22, 1967

## A BILL FOR

An Act to legalize the proceedings of the Iowa state highway commission and the board of supervisors of Pottawattamie county, Iowa, relating to their granting permission and authority to Bennett Avenue Development Corporation, an Iowa corporation, to install sanitary sewer lines in the rights-of-way of certain primary and secondary roads in Pottawattamie county, Iowa, in connection with the construction and installation of a sanitary sewer system.

WHEREAS, on May 17, 1956, June 21, 1956, April 4, 1957, April 21, 1958, September 8, 1958, December 18, 1958, May 25, 1959, and June 15, 1959, on written application previously filed by the Bennett Avenue Development Corporation with the board of supervisors of Pottawattamie county, Iowa, to construct and install a sanitary sewer system in certain specified rights-of-way of secondary roads in Pottawattamie county, Iowa, the board of supervisors of Pottawattamie county, Iowa acted favorably on said applications and did in each instance grant permission and authority to construct and install said sanitary sewers in the rights-of-way of said county roads; and

WHEREAS, on the 11th day of September, 1961, on written application previously filed by the Bennett Avenue Development Corporation with the Iowa state highway commission, the Iowa state highway commission did grant permission and authority to Bennett Avenue Development Corporation to construct and install sanitary sewers in certain specified primary road right-of-way; and

WHEREAS, upon reliance of said permissions and authorities granted by the board of supervisors of Pottawattamie county, Iowa, and the Iowa state highway commission, said Bennett Avenue Development Corporation did construct and install said sanitary sewer system, all being in operation and use today and some for the past ten years; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said applications and permissions and it is deemed advisable to put such doubts and all others that might arise concerning same to rest; NOW THEREFORE,

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

1 Section 1. All proceedings heretofore taken by the board of  
2 supervisors of Pottawattamie county, Iowa and the Iowa state  
3 highway commission in connection with said applications and  
4 the permissions and authorities granted the Bennett Avenue  
5 Development Corporation, for the construction and installa-  
6 tion of a sanitary sewer system in certain specified primary  
7 highways and secondary roads in Pottawattamie county, Iowa,  
8 are hereby legalized, validated, and confirmed, and said per-  
9 missions and authorities granted are hereby declared to be  
10 legal and to constitute valid and binding obligations of said  
11 county and state.

1 Sec. 2. This Act being of immediate importance shall be in  
2 full force and effect from and after its passage and publica-  
3 tion in the Council Bluffs Nonpareil, a newspaper published at  
4 Council Bluffs, Iowa, and the Atlantic News-Telegraph, a news-  
5 paper published at Atlantic, Iowa, without expense to the state.

#### EXPLANATION

The County of Pottawattamie granted authority to the Bennett Avenue Development Corporation to install and construct certain sewer lines in the rights-of-way of certain secondary roads, and the State of Iowa did likewise when the lines entered State right-of-way. A question has arisen as to the authority for the Board of Supervisors of Pottawattamie County and the State Highway Commission action. This bill will legalize their actions. Some two thousand residents of Pottawattamie County, businesses, schools and churches use the sewer connections. Included is the Iowa School for the Deaf, a State institution.