

January 13, 1970

SENATE FILE 1048

Passed on File

*County Government 1-14, Pass 1-27
3-4-70*

By VAN GILST
(Pierson and Dougherty)

Senate Passed **House**, Date *2-3-70* Passed **Senate**, Date *3-30-70*.....

Vote: Ayes *43* Nays *9* Vote: Ayes *102* Nays *0*.....

Approved *April 10, 1970*
Passed Senate as amended by House
4/3/70
aye 56, nays 1 **A BILL FOR**

- 1 An Act relating to township halls.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section three hundred sixty point one (360.1),
- 4 Code 1966, is hereby amended by inserting in line four (4)
- 5 after the comma the words "or acquiring by a lease with pur-
- 6 chase option,".
- 7 Sec. 2. Section three hundred sixty point two (360.2),
- 8 Code 1966, is hereby amended by striking line eight (8) and
- 9 inserting in lieu thereof the following:
- 10 "the township, except that such five-year limitation shall
- 11 not apply in case of a public hall acquired by a lease with a
- 12 purchase option. When such tax is collected".
- 13 Sec. 3. Section three hundred sixty point eight (360.8),
- 14 Code 1966, is hereby amended by inserting in line three (3)
- 15 after the word "purchase" the words ", lease with purchase
- 16 option,".

EXPLANATION

This bill will permit townships to acquire public halls by use of a lease with a purchase option.

1 Amend Senate File 1048 by adding thereto the following
2 new section:

3 Sec. 4. Chapter three hundred sixty (360), Code 1966,
4 is hereby amended by adding thereto the following:

5 Any real estate, including improvements thereon, situated
6 wholly outside of a city or town, owned by a township and
7 heretofore used for township purposes and which is no longer
8 necessary for township purposes, shall revert to the present
9 owner of the tract from which the same was taken, provided
10 that said owner of the tract last aforesaid shall, within
11 the time hereinafter prescribed, pay the value thereof to
12 the township clerk. In the event the township trustees and
13 said owner of the tract from which such real property was
14 taken do not agree as to the value of such property and
15 improvements thereon, the township clerk shall, on written
16 application of either party, appoint three disinterested
17 residents of the township to appraise such property and
18 improvements thereon.

19 The township clerk shall give notice to said trustees
20 and said owner of the time and place of making such
21 appraisal, which notice shall be served in the same
22 manner and for the same time as for the commencement of
23 action in the district court. Such appraisers shall inspect
24 the real estate and improvements and, at the time and place
25 designated in the notice, appraise the same in writing, which
26 appraisal, after being duly verified, shall be filed with
27 the township clerk.

28 If the present owner of the tract from which said site was
29 taken fails to pay the amount of such appraisal to such
30 township within twenty days after the filing of same with
31 the township clerk, the township trustees may sell said site,
32 including any improvements thereon, to any person at the
33 appraised value, or may sell the same at public auction
34 for the best bid.

35 Any real estate, including improvements thereon,
36 situated within a city or town, owned by a township and
37 heretofore used for township purposes and which is no
38 longer necessary for township purposes, may be sold by the
39 township trustees at public auction for the best bid.

40 The township trustees in the case of joint ownership, in
41 conjunction with any city or town authorities, shall not sell
42 such real estate including improvements thereon unless the
43 city or town authorities concur in such sale. The proceeds
44 of such sale of jointly owned real estate including
45 improvements located thereon shall be prorated between the
46 township and the city or town on the basis of their respective
47 contribution to the acquisition and maintenance of such property.

48 Sales at public auction contemplated herein shall be made
49 only after the township trustees advertise for bids for such
50 property. Such advertisement shall definitely describe said
51 property and be published by at least one insertion each week
52 for two consecutive weeks in some newspaper having general
53 circulation in the township.

54 The township trustees shall not, prior to two weeks after
55 the said second publication, nor later than six months after
56 said second publication, accept any bid. The township
57 trustees may accept only the best bid received prior to
58 acceptance. The township trustees may decline to sell if
59 all the bids received are deemed inadequate.

*Senate concurred
4/3/70*

1 Amend Senate File 1048 by adding thereto the following new
section:
2 Sec. 4. Chapter three hundred sixty (360), Code 1966, is hereby
amended
3 by adding thereto the following:
4 Any real estate, including improvements thereon, situated wholly
5 outside of a city or town, owned by a township and heretofore used for
6 township purposes and which is no longer necessary for township
7 purposes, shall revert to the present owner of the tract from which the
8 same was taken, provided that said land owner of the tract last
aforesaid
9 shall, within the time hereinafter prescribed, pay the value thereof
10 to the township clerk. In the event the township trustees and said
owner
11 of the tract from which such real property was taken, do not agree as
12 to the value of such property and improvements thereon, the township
13 clerk shall, on written application of either party, appoint three dis-
14 interested residents of the township to appraise such property and
15 improvements thereon.
16 The township clerk shall give notice to said trustees and said
17 owner of the time and place of making such appraisement, which
notice
18 shall be served in the same manner and for the same time as for the
19 commencement of action in the district court. Such appraisers shall
20 inspect the real estate and improvements and, at the time and place
21 designated in the notice, appraise the same in writing, which appraise-
22 ment, after being duly verified, shall be filed with the township clerk.
23 If the present owner of the tract from which said site was taken
24 fails to pay the amount of such appraisement to such township within
25 twenty days after the filing of same with the township clerk, the
township
26 trustees may sell said site, including any improvements thereon, to any
27 person at the appraised value, or may sell the same at public auction
28 for the best bid.
29 Any real estate including improvements thereon situated within a
30 city or town, owned by a township and heretofore used for township
31 purposes and which is no longer necessary for township purposes,
32 may be sold by the township trustees at public auction for the best bid.
33 The township trustees in the case of joint ownership, in conjunction
34 with any city or town authorities, shall not sell such real estate in-
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such
36 sale. The proceeds of such sale of jointly owned real estate including
37 improvements located thereon shall be prorated between the township
38 and the city or town on the basis of their respective contribution to the
39 acquisition and maintenance of such property.
40 Sales at public auction contemplated herein shall be made only
41 after the township trustees advertise for bids for such property.
42 Such advertisement shall definitely describe said property and be
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44 in some newspaper having general circulation in the township.
45 The township trustees shall not, prior to two weeks after the
46 said second publication, nor later than six months after said second
47 publication, accept any bid. The township trustees may accept only
48 the best bid received prior to acceptance. The township trustees may
49 decline to sell if all the bids received are deemed inadequate.

Offered from the floor and adopted.
March 30, 1970

McCARTNEY of Floyd
PETERSON of Woodbury