

Commerce 1-12-71, Pass 1-25
See " 2-1, Pass 3-2

SENATE FILE 8

By BRILES, OLLENBURG,
GRIFFIN, and POTGETER
(Holden, Stromer, and
Priebe)

Passed Senate, Date 1- Passed House, Date 3-9-71

Vote: Ayes 38 Nays 1 Vote: Ayes 27 Nays 3

Approved March 16, 1971

A BILL FOR

1 An Act relating to the acquisition of bridges.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section three hundred eighty-three point one
2 (383.1), Code 1971, is amended as follows:

3 383.1 PRINCIPAL GRANT OF POWER. Any city in this state ~~is~~
4 ~~hereby-authorized-and-empowered-to~~ may acquire by purchase,
5 ~~condemnation,~~ bargain and sale, lease, sublease, gift, or other-
6 wise, any existing bridge, including approaches and avenues,
7 rights of way or easements of access to approaches, necessary
8 real and personal property incident thereto and franchises,
9 special privileges, leases and contracts in connection with
10 such bridges, and to so acquire any bridge and aforesaid facil-
11 ities; and ~~is-also-authorized-and-empowered-to~~ may construct
12 and contract for the construction of, and to acquire by pur-
13 chase, lease, sublease, gift, or otherwise, bridges, including
14 all of aforesaid appurtenances, facilities, and property; and
15 ~~is-also-authorized-and-empowered-thereafter-to~~ may repair,
16 maintain, extend, renew, reconstruct, replace, or enlarge and
17 to mortgage or lease and to use and operate any such as toll
18 or free bridges, either or both from time to time, for public
19 use and travel of all kinds by railroads, street railways, bus
20 lines, vehicles, and pedestrians and other uses, any or all as
21 may be determined by the governing body of the city, and to
22 use same for public utility purposes, and to fix the rates of
23 toll or the charges for the use of same, and to grant non-
24 exclusive franchises for use of same for public utility pur-
25 poses upon such terms and conditions as may be prescribed by
26 ordinance, and to exercise all such powers within the city
27 limits and five miles outside thereof within the state of Iowa,
28 and any adjoining state, but only across any navigable or non-
29 navigable stream forming the boundary between such states,
30 after having obtained any authority which may be necessary from
31 such states and the United States, and to exercise such powers
32 either directly through the governing body of the city or any
33 committee thereof or through a bridge commission created as in
34 this chapter provided, or part any one and part any other.

35 Sec. 2. Section three hundred eighty-three point nine

1 (383.9), Code 1971, is amended as follows:

2 383.9 POWER TO ISSUE BONDS. To finance any of the pur-
3 poses or powers provided for in this chapter, the city council
4 or governing body of any such city shall in the first instance
5 determine whether any purchase~~7-condemnation7~~, or construction
6 authorized by this chapter shall be financed by bonds which
7 are general obligations of the city and which may also be
8 supported by a lien or mortgage on the bridge itself or upon
9 the tolls to be derived therefrom, or both, or by revenue bonds
10 as provided for in this chapter and which are charges solely
11 against the revenue to be derived from such bridge through the
12 collection of tolls, or part one kind of bonds and part the
13 other, but shall not have authority to purchase, ~~eendemn7~~, nor
14 construct any bridge, nor to issue any bonds, except preliminary
15 bonds specially authorized by this chapter, until first autho-
16 rized by the majority vote of the electors voting on such
17 proposition, which proposition shall indicate the method of
18 acquiring the bridge and the kind or kinds of bonds, at a spe-
19 cial election called for that purpose or at any general or
20 city election. This grant of power to issue bonds is in addi-
21 tion to any other which may now have been or hereafter may be
22 conferred upon such city, and shall be free from the restric-
23 tions now imposed on cities upon the issuance of bonds and
24 incurring of indebtedness, and subject only to the provisions
25 of the Constitution of Iowa. At such election the proposition
26 shall be separate as to each bridge to be acquired or con-
27 structed and the amount of bonds may be either a specific
28 amount equal to the estimated total cost of every nature plus
29 not to exceed twenty-five percent, or may be general and autho-
30 rize the issuance of bonds in such amount as may be found
31 necessary from time to time to complete the acquisition,
32 construction, and equipment of the bridge and all costs incident
33 thereto, or may be part one and part the other. For all pur-
34 poses of financing, the total cost of any improvement autho-
35 rized by this chapter may include every item of expense in con-

1 nection with the project, and among other items shall also
2 include the cost of acquiring every interest of every nature
3 and of every person in any existing bridge, the cost of con-
4 structing the superstructure, roadway, and substructure of any
5 bridge, the approaches, and avenues or rights of way of access
6 thereto and necessary real estate in connection therewith, toll-
7 houses and equipment thereof and of the bridge, franchises,
8 easements, rights or damages incident to or consequent upon
9 the complete project, expenses preliminary to construction,
10 including investigation and expenses incident thereto, and
11 prior to and during construction the proper traffic estimates,
12 interest upon bonds, and all such other expenses as after the
13 beginning of operation would be properly chargeable as cost of
14 operation, maintenance, and repairs.

15 Sec. 3. Section three hundred eighty-three point twenty-
16 eight (383.28), Code 1971, is amended as follows:

17 383.28 SUBMISSION TO THE ELECTORS. Any proposition or
18 propositions arising in connection with the exercise of any of
19 the powers granted by this chapter, may be submitted by the
20 governing body of the city to the electors thereof at any
21 general or city election or at any special election called for
22 that purpose, and any proposition shall be carried if the
23 majority of the electors voting thereon vote in favor thereof.
24 No bridge shall be finally or irrevocably acquired, ~~whether~~ by
25 purchase ~~or-by-condemnation-or-by-construction,~~ unless and
26 until such action and the necessary financing shall have been
27 approved by the majority of the electors voting on the proposi-
28 tion at a general or city election or at a special election
29 called for that purpose. Two or more propositions or ques-
30 tions may be submitted at the same election and on the same
31 ballot provided each is so presented that the electors may
32 vote separately upon each proposition. A vote of the electors
33 authorizing independent action shall by operation of law be
34 held to also authorize joint action for the purpose so autho-
35 rized, but a vote on a proposition of joint action shall not

1 be held to authorize independent action. The governing body
2 of the city is hereby authorized to determine what shall be
3 included in the proposition to be stated in notices of elec-
4 tion and upon the ballots in its full discretion except that
5 any proposition must indicate ~~whether~~ that the bridge ~~shall be~~
6 to be acquired by the purchase or by the condemnation of is an
7 existing bridge or ~~by the construction of~~ a new bridge is to
8 be constructed and the kind of bonds to be issued to finance
9 the same, and the amount of such bonds may be set forth in any
10 manner authorized in this chapter.

11 Sec. 4. Sections three hundred eighty-three point seven
12 (383.7), three hundred eighty-three point eighteen (383.18),
13 and three hundred eighty-three point twenty-five (383.25),
14 Code 1971, are repealed.

15 EXPLANATION

16 This bill takes away the power of eminent domain for
17 acquiring existing bridges. It appears that the eminent
18 domain provisions are no longer used.

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