

APR 19 1973

HOUSE FILE 677

Place On Calendar

Judiciary STY, Pass 6/22

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(507)

Passed House, Date 4-30-73 (1072) Passed Senate, Date 6-23-73 (2059)

Vote: Ayes 85 Nays 1 Vote: Ayes 43 Nays 0

Approved June 29, 1973

A BILL FOR

1 An Act to legalize and validate the proceedings of the Board
2 of Supervisors of Worth county, Iowa, acting for and on
3 behalf of Drainage Districts No. 24, No. 34 and No. 52,
4 Worth County, Iowa, in connection with the assessing of
5 benefits for a common outlet for such Drainage Districts,
6 the levying of special assessments against the lands in
7 such Drainage Districts, and the issuance of Special As-
8 sessment Bonds of such Drainage Districts, and declaring
9 the validity of such special assessments, and proceedings
10 authorizing the issuance of Special Assessment Bonds and
11 declaring that such bonds issued pursuant to and autho-
12 rized thereby shall constitute valid and binding obliga-
13 tions according to their terms.

14 WHEREAS, it appears from the records of the Board of Su-
15 pervisors of Worth County, Iowa, that heretofore, and in the
16 year 1963, and thereafter, action was taken pursuant to Chap-
17 ter 455, and Sections 455.202 through 455.217, of the Code
18 of Iowa, to establish the Deer Creek Watershed Work Plan in-
19 volving, in part, Drainage Districts No. 24, No. 34 and No.
20 52, Worth County, Iowa; and

21 WHEREAS, thereafter and pursuant to a resolution adopted
22 by such Board of Supervisors acting for and on behalf of such
23 Drainage Districts, on August 8, 1967, a hearing was set on
24 the clean-out and repair work set out in such work plan; and

25 WHEREAS, thereafter and on November 19, 1971, such Board

1 of Supervisors, acting for and on behalf of such Drainage
2 Districts ordered hearing on the assessment of common out-
3 let benefits for such Drainage Districts and, pursuant to
4 notice, a hearing was held on such assessment of common out-
5 let benefits on January 7, 1972, and thereafter, on January
6 19, 1972, such Board of Supervisors by resolution assessed
7 benefits for a common outlet to Drainage Districts No. 24,
8 No. 34 and No. 52; and

9 WHEREAS, thereafter on May 8, 1972, such Board of Super-
10 visors, acting for and on behalf of such Drainage Districts,
11 adopted resolutions levying such assessments against the lands
12 in such Drainage Districts and authorized publication of no-
13 tice thereof and, thereafter, notice was duly published and
14 no appeals from such action, or any other prior action of
15 the Board of Supervisors has ever been taken by any owners
16 of any property within such Drainage Districts; and

17 WHEREAS, thereafter and on August 22, 1972, such Board
18 of Supervisors, acting for and on behalf of Drainage Dis-
19 trict No. 24, authorized the issuance of \$8,200 of Special
20 Assessment Drainage Bonds, and acting for and on behalf of
21 Drainage District No. 34, authorized the issuance of \$19,600
22 of Special Assessment Drainage Bonds, and acting for and on
23 behalf of Drainage District No. 52, authorized the issuance
24 of \$1,400 of Special Assessment Drainage Bonds, all of such
25 Drainage Bonds to be sold at public sale; and

26 WHEREAS, doubts have arisen concerning the validity and
27 legal sufficiency of the acts and proceedings of such Board
28 of Supervisors in making assessments for common outlet bene-
29 fits, levying and assessing such special benefits, and autho-
30 rizing the issuance of such Special Assessment Bonds, and
31 it is deemed advisable to put such doubts and all others that
32 might arise concerning same forever at rest, now, therefore,

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

34 Section 1. That all proceedings heretofore taken by the
35 Board of Supervisors of Worth County, Iowa, acting for and

1 on behalf of Drainage District No. 24, Drainage District No.
2 34 and Drainage District 52 preliminary to and in connec-
3 tion with the assessing of benefits for a common outlet, as
4 referred to in the resolution of such Board of Supervisors
5 adopted on January 19, 1972, and such assessing of benefits,
6 are hereby legalized, validated and confirmed.

7 Sec. 2. That all proceedings heretofore taken by the Board
8 of Supervisors of Worth County, Iowa, acting for and on be-
9 half of Drainage District No. 24, Drainage District No. 34
10 and Drainage District No. 52 preliminary to and in connection
11 with the levying of assessments by resolutions of such Board
12 of Supervisors made on May 8, 1972, and such special assess-
13 ments, are hereby legalized, validated and confirmed.

14 Sec. 3. That all proceedings heretofore taken by the Board
15 of Supervisors of Worth County, Iowa, acting for and on be-
16 half of Drainage District No. 24, Drainage District No. 34,
17 and Drainage District No. 52 preliminary to and in connection
18 with the authorization of the issuance of the aforementioned
19 Special Assessment Drainage Bonds, authorized pursuant to
20 resolutions adopted on August 22, 1972, are hereby legalized,
21 validated and confirmed and such Special Assessment Drainage
22 Bonds to be issued, sold and delivered pursuant to and by
23 authority of such resolutions shall constitute valid and
24 binding obligations of such Drainage Districts, according
25 to their terms.

26 Sec. 4. This Act, being deemed of immediate importance,
27 shall take effect and be in force from and after its publi-
28 cation in The Northwood Anchor, a newspaper published in
29 Northwood, Iowa, and in the Manly Signal, a newspaper pub-
30 lished in Manly, Iowa, without expense to the state.

31 EXPLANATION

32 This Act is necessary to put to rest doubts which have
33 been raised concerning the validity of three Special Assess-
34 ment Bond issues for Drainage Districts No. 24, No. 34 and
35 No. 52, Worth County, Iowa, prior to the sale and issuance

1 of such bonds. The bonds are secured by special assessments
2 relating to a Work Program which was instituted in 1963 and
3 is presently in the process of being constructed.

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