

MAY 1 1973

HOUSE FILE 732

Place On Calendar
In Judiciary 5/15, Pass 5/30

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Passed House, Date 5-14-73 (1310) Passed Senate, Date 6-11-73 (1642)
Vote: Ayes 63 Nays 17 Vote: Ayes 37 Nays 0
Approved 6-19-73

A BILL FOR

1 An Act to legalize and validate the proceedings of the
2 City Council of the City of Muscatine, Iowa, preliminary to
3 and in connection with an election on the proposition of
4 annexing certain territory to the City of Muscatine, and
5 declaring the validity of said proceedings and said election.

6 WHEREAS, It appears from the records of the City of
7 Muscatine, Iowa, that, pursuant to published notice, the Coun-
8 cil held a public hearing, and heard objectors and proponents
9 for the annexation of certain territory to the City of Musca-
10 tine described as follows:

11 A tract of land situated in Muscatine County, Iowa, and
12 located adjacent to the City of Muscatine, Iowa, more par-
13 ticularly described as follows:

14 Beginning at the southwest corner of Section 10, T 76N,
15 R 2W, of the Fifth PM, which point is also the present
16 southwest corner of said City; thence north along the west
17 line of said Section 10, and Section 3, T 76N, R 2W, and
18 Section 34, T 77N R 2W, to a point 200 feet south of the
19 intersection of said west section line, and the centerline
20 of Lucas Street in said City; thence due west to the cen-
21 terline of the east half of Section 33, T 77N, R 2W; thence
22 north along the centerline of the east half of Sections 33
23 and 28, T 77N, R 2W, to the north line of said Section 28
24 thence east along the north line of Sections 28, 27, 26, and
25 25, T 77N, R 2W, to a point on said line 95.50 feet east of

1 the south quarter corner of Section 24, T 77N, R 2W; thence
2 north 00 degrees 07' 00" west a distance of 514.49 feet;
3 thence north 89 degrees 52' 37" east a distance of 130.00
4 feet; thence north 00 degrees 07' 00" west distance of 294.00
5 feet; thence north 89 degrees 52' 37" a distance of 1109.99
6 feet; thence south 00 degrees 25' 55" east a distance of
7 808.50 feet; thence east to the east line of said Section
8 24; thence north along the east line of said Section 24, to
9 the northeast corner of the southeast quarter of the northeast
10 quarter of said Section 24; thence west to the northwest
11 corner of the southwest quarter of the northwest quarter of
12 said Section 24; thence south along the west line of said
13 Section 24, to the northwest corner of the southwest quarter
14 of the southwest quarter of said Section 24; thence west to
15 the northwest corner of the southwest quarter of the southeast
16 quarter of Section 21, T 77N, R 2W; thence south along the
17 centerline of Sections 21, 28, and 33, T 77N, R 2W, and Sec-
18 tions 4 and 9, T 76N, R 2W, to the south quarter corner of
19 said Section 9; thence west along the north line of Sections
20 16 and 17, T 76N, R 2W, to the north quarter corner of said
21 Section 17; thence south to the center of said Section 17,
22 thence west to the west quarter corner of said Section 17;
23 thence south to the southwest corner of said Section 17;
24 thence west along the north line of Section 19, T 76N, R 2W,
25 to the northwest corner of said Section 19; thence south to
26 the southwest corner of the northwest quarter of the northwest
27 quarter of said Section 19; thence west to the southwest
28 corner of the northwest quarter of the northwest quarter of
29 Section 24, T 76N, R 3W; thence south to the southwest corner
30 of the northwest quarter of the northwest quarter of Section
31 25, T 76N, R 3W; thence east along the centerline of the north
32 half of said Section 25, and Section 30, T 76N, R 2W, to the
33 intersection of said line with the centerline of the main
34 tract of the Chicago, Rock Island and Pacific Railroad; thence
35 northeasterly along the centerline of the main track of said

1 railroad to its point of intersection with the south line
2 of Section 9, T 76N, R 2W; thence east to the southeast corner
3 of said Section 9, the point of beginning; and

4 WHEREAS, at a subsequent meeting of the City Council held
5 on September 21, 1972, a resolution was adopted directing
6 the submission of the proposition of annexing the
7 aforementioned territory to the City of Muscatine and directing
8 the City Clerk to publish notice thereof; and

9 WHEREAS, thereafter and on the 7th day of November, 1972,
10 an election was held on the proposition of annexing the
11 territory described above to the City of Muscatine and such
12 proposition carried by a majority of those voting thereon;
13 and

14 WHEREAS, doubts have arisen concerning the validity and
15 legal sufficiency of the proceedings of the City Council
16 preliminary to such election and the validity and legal
17 sufficiency of such election and it is deemed advisable to
18 put such doubts and all others that might arise concerning
19 same forever at rest; now, therefore,

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

21 Section 1. That all proceedings heretofore taken by the
22 City Council of the City of Muscatine, Iowa, preliminary to
23 and in connection with the election on the proposition of
24 annexing the aforescribed territory to the City of Muscatine,
25 on November 7, 1972, and said election, are hereby legalized,
26 validated and confirmed.

27 Sec. 2. This Act, being deemed of immediate importance,
28 shall take effect and be in force from and after its publica-
29 tion in the Muscatine Journal, a newspaper published in
30 Muscatine, Iowa, and in The Lone Tree Reporter, a newspaper
31 published in Lone Tree, Iowa, without expense to the state.

32 EXPLANATION

33 On August 17, 1972, the City Council of Muscatine held
34 a public hearing on a proposed resolution for the annexation
35 of certain territory to the City and at a subsequent meeting,

1 set the regular election, of November 7, 1972, as the date
2 of election on the proposition of annexing the territory.
3 Although both the hearing and the election were well publicized
4 and notification thereof was published, there is a question
5 as to the technical legal sufficiency of the notice. The
6 proposition of annexing the territory carried at the elec-
7 tion of November 7, 1972. This Act would validate the elec-
8 tion and the proceedings preliminary thereto.
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