

House File 1009
County Government
Jordan, Chair
Tauke
West 1976

COUNTY GOVERNMENT, *Pass 4/28*
House File 1009
Ways and Means *3/3, Pass 3/18*
Curtis, Chairperson
Jenkins
Nolting

HOUSE FILE 1009

BY DOYLE

Passed House, Date 2-26-76 (p 687) Passed Senate, Date 3-24-76 (1023)

Vote: Ayes 87 Nays 0 Vote: Ayes 43 Nays 0

Approved 4-7-76

A BILL FOR

1 An Act relating to the effective date of special assessments.

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

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1 Section 1. Section three hundred eighty-four point sixty
2 (384.60), subsection five (5), Code 1975, is amended to read
3 as follows:

4 5. Direct the clerk to certify the final schedule to the
5 recorder and the auditor of the county or counties in which
6 the assessed property is located, and to publish notice thereof
7 once each week for two consecutive weeks in the manner provided
8 in section 362.3, the first publication of which shall be
9 not more than fifteen days from the date of filing of the
10 final schedule. On or before the second publication of the
11 notice, the clerk shall send by certified mail to each property
12 owner whose property is subject to assessment for the
13 improvement, as shown by the records in the office of the
14 county auditor, a copy of the notice. Such notice shall also
15 include a statement in substance that assessments may be paid
16 in full without interest within thirty days after the date
17 of certification, and thereafter all unpaid special assessments
18 will draw annual interest at seven percent, computed to the
19 December 4 first next following the due dates of the respective
20 installments, and each installment will be delinquent on
21 September 30 thirtieth following its due date, and will draw
22 additionally the same delinquent interest and the same
23 penalties as ordinary taxes. Such notice shall also state
24 substantially that property owners may elect to pay any
25 installment semiannually in advance. If a property is shown
26 by the records to be in the name of more than one owner at
27 the same mailing address, a single notice may be mailed to
28 all owners at that address. Failure to receive a mailed
29 notice is not a defense to the special assessment.

30 Sec. 2. Section three hundred eighty-four point sixty
31 (384.60), Code 1975, is amended by adding the following new
32 unnumbered paragraph:

33 NEW UNNUMBERED PARAGRAPH. A special assessment against
34 property shall become effective upon the filing of the final
35 assessment schedule with the recorder of the county in which

1 the assessed property is located.

2 EXPLANATION

3 This bill provides that a special assessment against
4 property shall not become effective until the date that the
5 final assessment schedule is filed with the recorder of the
6 county in which the assessed property is located.

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LSB 3056
tj/jw/5

HOUSE FILE 1009

H-5317

1 Amend House File 1009 by striking everything after
2 the enacting clause and inserting in lieu thereof
3 the following:

4 "Section 1. Section three hundred eighty-four
5 point fifty-one (384.51), Code 1975, is amended by
6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. After adopting the
8 resolution of necessity, the clerk shall certify to
9 the county auditor of each county in which the city
10 is located, a copy of the resolution of necessity,
11 the plat and the schedule of assessments. In counties
12 in which taxes are collected in two or more places,
13 the resolution of necessity, the plat and the schedule
14 of assessments shall be certified to the office of
15 county auditor where the special assessments are
16 collected. The county auditor shall preserve such
17 resolution, plat and schedule as a part of the records
18 of his or her office until the city certifies final
19 assessment schedule as provided in section three
20 hundred eighty-four point sixty (384.60) of the Code
21 or certifies that the public improvement has been
22 abandoned.

23 Sec. 2. Section three hundred eighty-four point
24 sixty-five (384.65), subsection five (5), Code 1975,
25 is amended to read as follows:

26 5. From the date of ~~adoption of the resolution~~
27 ~~of necessity~~ filing of a certified copy of the resolu-
28 tion of necessity, the plat, and the schedule of as-
29 sessments as provided in section three hundred eighty-
30 four point fifty-one (384.51) of the Code, all special
31 assessments with all interest and penalties become
32 and remain a lien on the benefited properties until
33 paid, and have equal precedence with ordinary taxes,
34 and are not divested by any judicial sale."

H-5317 FILED. *Adopted 2/26* BY DOYLE of Woodbury
FEBRUARY 24, 1976 (*p. 687*) BITTLE of Polk
OAKLEY of Clinton
CONNORS of Polk
GRIFFEE of Chickasaw

HOUSE FILE 1009

until paid, and have equal precedence with ordinary taxes, and are not divested by any judicial sale.

AN ACT

RELATING TO THE EFFECTIVE DATE OF SPECIAL ASSESSMENTS.

DALE M. COCHRAN
Speaker of the House

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

ARTHUR A. NEU
President of the Senate

Section 1. Section three hundred eighty-four point fifty-one (384.51), Code 1975, is amended by adding the following new unnumbered paragraph:

I hereby certify that this bill originated in the House and is known as House File 1009, Sixty-sixth General Assembly.

NEW UNNUMBERED PARAGRAPH. After adopting the resolution of necessity, the clerk shall certify to the county auditor of each county in which the city is located, a copy of the resolution of necessity, the plat and the schedule of assessments. In counties in which taxes are collected in two or more places, the resolution of necessity, the plat and the schedule of assessments shall be certified to the office of county auditor where the special assessments are collected. The county auditor shall preserve such resolution, plat and schedule as a part of the records of his or her office until the city certifies final assessment schedule as provided in section three hundred eighty-four point sixty (384.60) of the Code or certifies that the public improvement has been abandoned.

DAVID L. WRAY
Chief Clerk of the House

Approved 4/7, 1976

Sec. 2. Section three hundred eighty-four point sixty-five (384.65), subsection five (5), Code 1975, is amended to read as follows:

ROBERT D. RAY
Governor

5. ~~From the date of adoption of the resolution of necessity~~ filing of a certified copy of the resolution of necessity, the plat, and the schedule of assessments as provided in section three hundred eighty-four point fifty-one (384.51) of the Code, all special assessments with all interest and penalties become and remain a lien on the benefited properties