

FEB 13 1976

HOUSE FILE 1299

House File 1299
Judiciary and Law Enforcement, Pass 2/19
Nielsen of Polk, Chair
Clark
Hennessey

BY BENNETT, Miller of Callahan 2/18

House File 1299
Judiciary, Pass 4/28
Shaw, Chairperson
Kelly
Miller of Des Moines

Passed House, Date 4-6-76 (1642) Passed Senate, Date 4-30-76 (1652)

Vote: Ayes 81 Nays 6 Vote: Ayes 42 Nays 0

Approved 5-13-76

A BILL FOR

1 An Act to legalize proceedings taken by the county board of
2 supervisors of Sac county relating to the purchase of
3 certain land.

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1 WHEREAS, on February 17, 1974 the Sac county board of
2 supervisors adopted a resolution to lease with the agreement
3 to buy real estate for a landfill site, the hereinafter de-
4 scribed property for a yearly lease price of two thousand
5 four hundred dollars per year with the option price to be
6 ninety-six thousand dollars and authorized and directed the
7 chairman of the board of supervisors to enter into a lease
8 with the agreement to buy real estate:

9 The East Half of the Northeast Quarter (E 1/2 NE 1/4) and
10 the Northwest Quarter of the Northeast Quarter (NW 1/4 NE
11 1/4) of Section Twenty-five (25), Township Eighty-eight (88)
12 North, Range Thirty-seven (37), West of the Fifth P.M., in
13 Sac County, Iowa.

14 WHEREAS, a lease with the agreement to buy real estate
15 was entered into and executed by the property owners and by
16 the chairman of the board of supervisors of Sac county, Iowa
17 and the property owners gave notice to the Sac county board
18 of supervisors to exercise the option to purchase and the
19 land was purchased for a landfill site for the price of ninety-
20 six thousand dollars payable on installments over a ten-year
21 period.

22 WHEREAS, the purchase price of the land exceeded fifty
23 thousand dollars and the purchase was not submitted to the
24 voters of the county, nor did the board provide notice and
25 hold a public hearing on the project as required by section
26 three hundred forty-five point one (345.1) of the Code of
27 Iowa, 1973, and doubts have arisen concerning the legal suf-
28 ficiency of the Sac county board of supervisors in compliance
29 with the provisions of section three hundred forty-five point
30 one (345.1) of the Code of Iowa, 1973; and it is deemed ad-
31 visable and necessary to put such doubts and all others that
32 might arise concerning the same to rest, NOW THEREFORE;

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
34 Section 1. All acts and proceedings taken by Sac county
35 board of supervisors in connection with purchasing the fol-

1 lowing described land for a landfill site are hereby legalized,
2 validated and confirmed;

3 The East Half of the Northeast Quarter (E 1/2 NE 1/4) and
4 the Northwest Quarter of the Northeast Quarter (NW 1/4 NE
5 1/4) of Section Twenty-five (25), Township Eighty-eight (88)
6 North, Range Thirty-seven (37) West of the Fifth P.M., in
7 Sac County, Iowa.

8 EXPLANATION

9 The bill legalizes the purchase of property for a landfill
10 by the Sac County Board of Supervisors without submission
11 to the voters or holding a public hearing as required by
12 section 345.1 of the Code, 1973.

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*Proof of Publication in The Sac Bee, Sac City on 2-4-76
appears in House Journal, 2-13, page 349.*

LSB 3540
dsb/rh/31

HOUSE FILE 1299

AN ACT

TO LEGALIZE PROCEEDINGS TAKEN BY THE COUNTY BOARD OF SUPERVISORS OF SAC COUNTY RELATING TO THE PURCHASE OF CERTAIN LAND.

WHEREAS, on February 17, 1974 the Sac county board of supervisors adopted a resolution to lease with the agreement to buy real estate for a landfill site, the hereinafter described property for a yearly lease price of two thousand four hundred dollars per year with the option price to be ninety-six thousand dollars and authorized and directed the chairman of the board of supervisors to enter into a lease with the agreement to buy real estate:

The East Half of the Northeast Quarter (E 1/2 NE 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twenty-five (25), Township Eighty-eight (88) North, Range Thirty-seven (37), West of the Fifth P.M., in Sac County, Iowa.

WHEREAS, a lease with the agreement to buy real estate was entered into and executed by the property owners and by the chairman of the board of supervisors of Sac county, Iowa and the property owners gave notice to the Sac county board of supervisors to exercise the option to purchase and the land was purchased for a landfill site for the price of ninety-six thousand dollars payable on installments over a ten-year period.

WHEREAS, the purchase price of the land exceeded fifty thousand dollars and the purchase was not submitted to the voters of the county, nor did the board provide notice and hold a public hearing on the project as required by section three hundred forty-five point one (345.1) of the Code of Iowa, 1973, and doubts have arisen concerning the legal sufficiency of the Sac county board of supervisors in compliance with the provisions of section three hundred forty-five point one (345.1) of the Code of Iowa, 1973; and it is deemed ad-

visable and necessary to put such doubts and all others that might arise concerning the same to rest, NOW THEREFORE;

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

Section 1. All acts and proceedings taken by Sac county board of supervisors in connection with purchasing the following described land for a landfill site are hereby legalized, validated and confirmed;

The East Half of the Northeast Quarter (E 1/2 NE 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twenty-five (25), Township Eighty-eight (88) North, Range Thirty-seven (37) West of the Fifth P.M., in Sac County, Iowa.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1299, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 5/13, 1976

ROBERT D. RAY
Governor