

House File 728
Judiciary
Hill of Polk, Chairman
Coleman
Carr 16 1975

HOUSE FILE 728

Place On Calendar

Sen. Judiciary 4/24, Pass 5/7

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

Passed House, Date 4-21-75 (1215) Passed Senate, Date 5-9-75 (1329)
Vote: Ayes 82 Nays 2 Vote: Ayes 33 Nays 4
Approved 5-15-75

A BILL FOR

- 1 An Act to legalize proceedings taken by the county supervisors
- 2 of Buchanan County relating to the purchase of certain land.
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1 WHEREAS, on the 1st day of April, 1974, at its regular
2 meeting, Buchanan County Board of Supervisors adopted a
3 Resolution to purchase for a landfill site, the hereinafter
4 described property from Donald Kayser for \$94,000.00, and
5 authorized and directed the Chairman of the Board of
6 Supervisors to enter into a contract with Mr. Donald Kayser:
7 The South Half (S1/2) of the Northwest Quarter (NW1/4)
8 of Section Two (2), Township Eighty-Nine (89) North, Range
9 Nine (9) West of the 5th P.M. in Buchanan County, Iowa.

10 WHEREAS, a real estate contract was on July 5, 1974, entered
11 into between Buchanan County and Donald Kayser and executed
12 by Donald Kayser and by the Chairman of Board of Supervisors
13 of Buchanan County, and said contract was filed for record
14 September 18, 1974, in Book 382, Page 551, in the office of
15 the Buchanan County, Iowa Recorder.

16 WHEREAS, Buchanan County was in need of a landfill site,
17 in view of the requirement of the State that such a facility
18 be available by July 1, 1975, and said land was purchased
19 for a landfill site.

20 WHEREAS, Buchanan County did purchase said land with the
21 funds available and without the levy of additional taxes.

22 WHEREAS, the purchase price of the land exceeded \$50,000.00
23 and said purchase was not submitted to the voters of the
24 County pursuant to Section 345.1 of the 1973 Code of Iowa
25 nor did the Board provide notice and hold a public hearing
26 on the project pursuant to Section 345.1 of the 1973 Code
27 of Iowa as amended by the Acts of the Sixty-Fifth General
28 Assembly, 1973 Session, Chapter 136, Section 357, set forth
29 in Section 345.1 of the 1975 Code of Iowa and doubts have
30 arisen concerning the legal sufficiency of the Buchanan County
31 Board of Supervisors' compliance with the provisions of Section
32 345.1 of the 1973 Code of Iowa and said Section as amended
33 by the Acts of the Sixty-fifth General Assembly, 1973 Session,
34 set forth in Section 345.1 of the 1975 Code of Iowa; and it
35 is deemed advisable and necessary to put such doubts and all

1 others that might arise concerning the same to rest; NOW,
2 THEREFORE,

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

4 Section 1. That all acts and proceedings heretofore taken
5 by Buchanan County Board of Supervisors in connection with
6 purchasing the hereinafter described land from Donald Kayser
7 for a landfill site are hereby legalized, validated and
8 confirmed:

9 The South Half (S1/2) of the Northwest Quarter (NW1/4)
10 of Section Two (2), Township Eighty-Nine (89) North, Range
11 Nine (9) West of the 5th P.M. in Buchanan County, Iowa.

12 Sec. 2. This Act, being deemed of immediate importance,
13 shall take effect and be in force from and after its publi-
14 cation in The Bulletin-Journal, a newspaper published in
15 Independence, Iowa, and in the Independence Conservative,
16 a newspaper published in Independence, Iowa, without expense
17 to the State.

18 EXPLANATION

19 This bill legalizes the purchase of land by Buchanan County
20 to be used for landfill purposes. The question of purchasing
21 such land was not submitted to the voters of Buchanan County
22 nor was notice and a hearing provided. Thus the legal suf-
23 ficiency of purchasing the land is in question.

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25 *Certification of publication 6/6(2226)*
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HOUSE FILE 728

AN ACT

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

WHEREAS, on the 1st day of April, 1974, at its regular meeting, Buchanan County Board of Supervisors adopted a Resolution to purchase for a landfill site, the hereinafter described property from Donald Kayser for \$94,000.00, and authorized and directed the Chairman of the Board of Supervisors to enter into a contract with Mr. Donald Kayser:

The South Half (S1/2) of the Northwest Quarter (NW1/4) of Section Two (2), Township Eighty-Nine (89) North, Range Nine (9) West of the 5th P.M. in Buchanan County, Iowa.

WHEREAS, a real estate contract was on July 5, 1974, entered into between Buchanan County and Donald Kayser and executed by Donald Kayser and by the Chairman of Board of Supervisors of Buchanan County, and said contract was filed for record September 18, 1974, in Book 382, Page 551, in the office of the Buchanan County, Iowa Recorder.

WHEREAS, Buchanan County was in need of a landfill site, in view of the requirement of the State that such a facility be available by July 1, 1975, and said land was purchased for a landfill site.

WHEREAS, Buchanan County did purchase said land with the funds available and without the levy of additional taxes.

WHEREAS, the purchase price of the land exceeded \$50,000.00 and said purchase was not submitted to the voters of the County pursuant to Section 345.1 of the 1973 Code of Iowa nor did the Board provide notice and hold a public hearing on the project pursuant to Section 345.1 of the 1973 Code of Iowa as amended by the Acts of the Sixty-Fifth General Assembly, 1973 Session, Chapter 136, Section 357, set forth in Section 345.1 of the 1975 Code of Iowa and doubts have arisen concerning the legal sufficiency of the Buchanan County Board of Supervisors' compliance with the provisions of Section 345.1 of the 1973 Code of Iowa and said Section as amended

by the Acts of the Sixty-fifth General Assembly, 1973 Session, set forth in Section 345.1 of the 1975 Code of Iowa; and it is deemed advisable 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. That all acts and proceedings heretofore taken by Buchanan County Board of Supervisors in connection with purchasing the hereinafter described land from Donald Kayser for a landfill site are hereby legalized, validated and confirmed:

The South Half (S1/2) of the Northwest Quarter (NW1/4) of Section Two (2), Township Eighty-Nine (89) North, Range Nine (9) West of the 5th P.M. in Buchanan County, Iowa.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Bulletin-Journal, a newspaper published in Independence, Iowa, and in the Independence Conservative, a newspaper published in Independence, Iowa, without expense to the State.

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 728, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 5/15, 1975

ROBERT D. RAY
Governor