

*See Judiciary 3/20
D.C. Case 4/3 (p. 1067)*

MAR 23 1979

HOUSE FILE 704

Place On Calendar

By COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly House File 617)

Passed House, Date 3-28-79 (p. 1176) Passed Senate, Date 4-20-79 (p. 1303)

Vote: Ayes 86 Nays 5 Vote: Ayes 35 Nays 2

Approved May 4, 1979

A BILL FOR

1 An Act to legalize proceedings taken by the board of
 2 supervisors of Appanoose County relating to the sale
 3 of all of their interest in and to lot 3 of Block 1
 4 of the original town of Cincinnati, Appanoose County,
 5 Iowa.

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101.

1 WHEREAS, the board of supervisors of Appanoose County
2 acquired a portion of Lot 3 Block 1 of the original town of
3 Cincinnati, Appanoose County, Iowa, including the second story
4 of a structure located upon said lot by tax deed; and

5 WHEREAS, the board of supervisors of Appanoose County
6 subsequently determined it to be necessary to obtain title
7 to the remainder of said lot and building so as to reduce
8 their potential liability for upkeep as to that part previously
9 owned; and

10 WHEREAS, said board of supervisors did purchase the
11 remaining interest in Lot 3 Block 1 of the original town of
12 Cincinnati, Appanoose County, Iowa; and

13 WHEREAS, the board of supervisors subsequently determined
14 that said property in its entirety held under two separate
15 titles should be returned to private ownership by sale; and

16 WHEREAS, in effectuating said sale the board of supervisors
17 caused notice to be published 15 and 8 days prior to the time
18 of sale on October 20, 1978, and said notices solicited sealed
19 bids; and

20 WHEREAS, said property was sold to the person submitting
21 the highest sealed bid in accordance with said notices; and

22 WHEREAS, some doubt has arisen as to the validity of the
23 acquisition and sale of Lot 3 Block 1 of the original town
24 of Cincinnati, Appanoose County, Iowa, by the Appanoose County
25 Board of Supervisors on or prior to October 20, 1978, and
26 such doubts may raise an issue concerning the merchantability
27 of title to said lot, and said act should be legalized and
28 the matter once and for all put to rest; NOW THEREFORE,

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

30 Section 1. That all proceedings taken by the board of
31 supervisors of Appanoose County, Iowa, pertaining to the
32 acquisition and sale of Lot 3 Block 1 of the original town
33 of Cincinnati, Appanoose County, Iowa, on or before October
34 20, 1978, by the board of supervisors of Appanoose County,
35 Iowa, are validated, legalized, and confirmed and shall

1 constitute a valid, legal and binding purchase and subsequent
2 sale of said Lot 3 Block 1 of the original town of Cincinnati,
3 Appanoose County, Iowa, by the board of supervisors of
4 Appanoose County, Iowa.

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6 EXPLANATION

6 The Appanoose County Board of Supervisors, in selling
7 property owned by the county, inadvertently failed to follow
8 proper notice of selling provisions of the Code of Iowa.
9 The attorney for the purchaser in doing a title opinion noted
10 this error, and presently a cloud of doubt on the title exists.

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HOUSE FILE 704

AN ACT

TO LEGALIZE PROCEEDINGS TAKEN BY THE BOARD OF SUPERVISORS OF APPANOOSE COUNTY RELATING TO THE SALE OF ALL OF THEIR INTEREST IN AND TO LOT 3 OF BLOCK 1 OF THE ORIGINAL TOWN OF CINCINNATI, APPANOOSE COUNTY, IOWA.

WHEREAS, the board of supervisors of Appanoose County acquired a portion of Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa, including the second story of a structure located upon said lot by tax deed; and

WHEREAS, the board of supervisors of Appanoose County subsequently determined it to be necessary to obtain title to the remainder of said lot and building so as to reduce their potential liability for upkeep as to that part previously owned; and

WHEREAS, said board of supervisors did purchase the remaining interest in Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa; and

WHEREAS, the board of supervisors subsequently determined that said property in its entirety held under two separate titles should be returned to private ownership by sale; and

WHEREAS, in effectuating said sale the board of supervisors caused notice to be published 15 and 8 days prior to the time of sale on October 20, 1978, and said notices solicited sealed bids; and

WHEREAS, said property was sold to the person submitting the highest sealed bid in accordance with said notices; and

WHEREAS, some doubt has arisen as to the validity of the acquisition and sale of Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa, by the Appanoose County Board of Supervisors on or prior to October 20, 1978, and such doubts may raise an issue concerning the merchantability of title to said lot, and said act should be legalized and the matter once and for all put to rest; NOW THEREFORE,

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

Section 1. That all proceedings taken by the board of supervisors of Appanoose County, Iowa, pertaining to the acquisition and sale of Lot 3 Block 1 of the original town of Cincinnati, Appanoose County, Iowa, on or before October 20, 1978, by the board of supervisors of Appanoose County, Iowa, are validated, legalized, and confirmed and shall constitute a valid, legal and binding purchase and subsequent sale of said Lot 3 Block 1 of the original town of Cincinnati.

Appanoose County, Iowa, by the board of supervisors of
Appanoose County, Iowa.

FLOYD H. MILLEN
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 704, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 5/4/, 1979

ROBERT D. RAY
Governor