

Ways and Means: Conlon, Chair; Lorenzen and Hall.

HOUSE FILE 750

APR 30 1979

By HALVORSON of Clayton and AVENSON

Ways and Means

*Do Pass 5/2 (p. 2019)
Sen. Judiciary 5/7 Do Pass 5/9 (p. 1628)*

Passed House, Date 5-3-79 (p. 2052) Passed Senate, Date 5-11-79 (p. 1732)

Vote: Ayes 85 Nays 2 Vote: Ayes 46 Nays 0

Approved June 1, 1979

A BILL FOR

1 An Act to legalize and validate the proceedings of the city
 2 of Keokuk in Lee county, in connection with the vacation
 3 of the alley in Block Ten (10), Reeves, Perry and
 4 Williams Addition to the city of Keokuk, Lee county,
 5 Iowa.

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

100

1 WHEREAS, on August 15, 1965, the city council of the city
2 of Keokuk, in Lee county, enacted special ordinance number
3 nine hundred eighty-nine entitled "An Ordinance Vacating All
4 of the Alley in Block Ten (10), Reeves, Perry and Williams
5 Addition to the City of Keokuk, Lee County, Iowa" under
6 authority of sections three hundred seventy-three point twelve
7 (373.12), three hundred sixty-eight point thirty-nine (368.39)
8 and three hundred sixty-eight point forty (368.40) of the
9 1962 Code of Iowa, vacating the alley and transferring it,
10 by virtue of those provisions to Graham Hospital Association,
11 now Keokuk Area Hospital; and

12 WHEREAS, a major portion of the east unit building of
13 Keokuk Area Hospital which houses patients now stands upon
14 the former alley located in Block Ten (10), Reeves, Perry
15 and Williams Addition to the city of Keokuk; and

16 WHEREAS, the city council complied with all the require-
17 ments of sections three hundred seventy-three point twelve
18 (373.12), three hundred sixty-eight point thirty-nine (368.39)
19 and three hundred sixty-eight point forty (368.40) of the
20 1962 Code of Iowa except that the city council caused the
21 special ordinance to be published only once instead of twice
22 and did not give ten days notice of transfer as required by
23 the 1962 Code of Iowa; and

24 WHEREAS, some doubt has arisen as to the validity of the
25 proceedings vacating the alley and transferring it to Graham
26 Hospital Association and such doubt may raise an issue concern-
27 ing merchantability of the title to the property and it is
28 deemed advisable and necessary to put such doubts and all
29 others which might arise concerning the same to rest; NOW
30 THEREFORE,

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

32 Section 1. All the proceedings taken by the city council
33 of the city of Keokuk in Lee county pertaining to the vacation
34 and subsequent transfer to Graham Hospital Association, now
35 Keokuk Area Hospital, of all of the alley in Block Ten (10),

1 Reeves, Perry and Williams Addition to the city of Keokuk
2 where the city council failed to have notice published twice
3 and failed to give ten days notice before transfer of title
4 are validated, legalized and confirmed and shall constitute
5 a valid, legal and binding vacation of the alley and a valid,
6 legal and binding transfer of the interest of the city of
7 Keokuk in the alley to Graham Hospital Association, now the
8 Keokuk Area Hospital.

9 EXPLANATION

10 This bill legalizes the vacation of an alley by the city
11 of Keokuk to a hospital in 1965. The city published notice
12 only once and failed to give ten days notice of the transfer.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 750

AN ACT

TO LEGALIZE AND VALIDATE THE PROCEEDINGS OF THE CITY OF KEOKUK IN LEE COUNTY, IN CONNECTION WITH THE VACATION OF THE ALLEY IN BLOCK TEN (10), REEVES, PERRY AND WILLIAMS ADDITION TO THE CITY OF KEOKUK, LEE COUNTY, IOWA.

WHEREAS, on August 15, 1965, the city council of the city of Keokuk, in Lee county, enacted special ordinance number nine hundred eighty-nine entitled "An Ordinance Vacating All of the Alley in Block Ten (10), Reeves, Perry and Williams Addition to the City of Keokuk, Lee County, Iowa" under authority of sections three hundred seventy-three point twelve (373.12), three hundred sixty-eight point thirty-nine (368.39) and three hundred sixty-eight point forty (368.40) of the

1962 Code of Iowa, vacating the alley and transferring it, by virtue of those provisions to Graham Hospital Association, now Keokuk Area Hospital; and

WHEREAS, a major portion of the east unit building of Keokuk Area Hospital which houses patients now stands upon the former alley located in Block Ten (10), Reeves, Perry and Williams Addition to the city of Keokuk; and

WHEREAS, the city council complied with all the requirements of sections three hundred seventy-three point twelve (373.12), three hundred sixty-eight point thirty-nine (368.39) and three hundred sixty-eight point forty (368.40) of the 1962 Code of Iowa except that the city council caused the special ordinance to be published only once instead of twice and did not give ten days notice of transfer as required by the 1962 Code of Iowa; and

WHEREAS, some doubt has arisen as to the validity of the proceedings vacating the alley and transferring it to Graham Hospital Association and such doubt may raise an issue concerning merchantability of the title to the property and it is deemed advisable and necessary to put such doubts and all others which might arise concerning the same to rest; NOW THEREFORE,

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

Section 1. All the proceedings taken by the city council of the city of Keokuk in Lee county pertaining to the vacation and subsequent transfer to Graham Hospital Association, now Keokuk Area Hospital, of all of the alley in Block Ten (10), Reeves, Perry and Williams Addition to the city of Keokuk where the city council failed to have notice published twice and failed to give ten days notice before transfer of title are validated, legalized and confirmed and shall constitute a valid, legal and binding vacation of the alley and a valid, legal and binding transfer of the interest of the city of

Keokuk in the alley to Graham Hospital Association, now the Keokuk Area Hospital.

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 750, Sixty-eighth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 1, _____, 1979

ROBERT D. RAY
Governor