

Reprint 3/16

MAR 1 1982

HOUSE FILE 2394

BY COMMITTEE ON CITIES

Place On Calendar

(Formerly House File 2043)

Passed House, Date 3-1-82 (p. 763) Passed Senate, Date 4-5-82 (p. 1037)

Vote: Ayes 82 Nays 14 Vote: Ayes 40 Nays 0

Approved April 19, 1982

A BILL FOR

1 An Act relating to the replacement of curbing and gutters
2 through the use of special assessments in cities with a
3 population of less than ten thousand.

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

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2394

1 Section 1. Section 384.49, Code 1981, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. To replace curbing and gutters in cities
4 with a population of less than ten thousand, the council may
5 adopt a preliminary resolution as provided in subsection 1.
6 The description of the curbing and gutters to be replaced
7 may be prepared by the council's staff or the public works
8 staff. The council may, by resolution, provide for the
9 computation of the assessments on the basis of the lineal
10 footage of the curbing and gutters to be replaced and for
11 levying the special assessments against only the adjacent
12 property on a lineal footage basis. Public improvements
13 initiated under this subsection shall in all other respects
14 comply with this division.

15 EXPLANATION

16 The bill provides that in cities with a population of less
17 than ten thousand, the replacement of curbing and gutters
18 may be done without the use of engineers and permits the
19 council to levy the special assessments against only the
20 adjacent property on a lineal footage basis. The bill takes
21 effect July 1 following enactment.

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HOUSE FILE 2394

H-5339

1 Amend House File 2394 as follows:

2 1. Page 1, by striking lines 7 through 14, and
3 inserting in lieu thereof the following: "shall be
4 prepared under the council's supervision. The council
5 may, by resolution, provide for the computation of the
6 assessments on the basis of the lineal footage of the
7 curbing and gutters to be replaced. Public improvements
8 initiated under this subsection shall in all other
9 respects comply with this division."

H-5339 FILED MARCH 8, 1982

BY POFFENBERGER of Dallas

*Adopted as amended by 5367
3/11 (p. 762)*

HOUSE FILE 2394

H-5345

1 Amend House File 2394 as follows:

2 1. Page 1, by striking lines 3 through 8 and
3 inserting in lieu thereof the following:
4 "NEW SUBSECTION. In the case of replacement of
5 curbing and gutters, the council may, by resolution,
6 provide for the".

7 2. Page 1, line 12, by inserting after the period
8 the following: "This subsection shall not be appli-
9 cable to public improvements where the estimated costs
10 exceed ten thousand dollars."

11 3. Amend the title, lines 2 and 3, by striking
12 the words "with a population of less than ten thousand".

H-5345 FILED MARCH 8, 1982

BY HALL of Linn

Lost 3/10 (p. 752)

HOUSE FILE 2394

H-5364

1 Amend House File 2394 as follows:

2 1. Page 1, by inserting after line 14 the
3 following:

4 "For purposes of this subsection, "replace" means
5 to substitute new curb and gutter at the same location
6 where old curb and gutter is located and being re-
7 constructed due to deterioration or destruction.
8 "Replace" does not include the reconstruction of curb
9 and gutter to change the grade or reconstruction
10 required because of a street widening project."

H-5364 FILED MARCH 9, 1982

BY HOFFMANN-BRIGHT of Muscatine

Adopted 3/11 (p. 763)

HOUSE FILE 2394

H-5367

1 Amend amendment H-5339 to House File 2394 as
2 follows:

3 1. Page 1, line 6, by inserting after the word "basis"
4 the following: "of the original assessment or".

H-5367 FILED MARCH 10, 1982

BY POFFENBERGER of Dallas

Adopted 3/11 (p. 761)

Sen. Cities 3/16 Do Pass 3/24 (p. 897)

HOUSE FILE 2394

Cities
Waldstein, Chair
Carney
Wells

HOUSE FILE 2394

BY COMMITTEE ON CITIES

(As Amended and Passed by the House)

Passed House, Date 3-11-82 (p. 763) Passed Senate, Date 4-5-82 (p. 1027)

Vote: Ayes 82 Nays 14 Vote: Ayes 40 Nays 0

Approved April 19, 1982

A BILL FOR

1 An Act relating to the replacement of curbing and gutters
2 through the use of special assessments in cities with a
3 population of less than ten thousand.

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

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House Amendments _____

1 Section 1. Section 384.49, Code 1981, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. To replace curbing and gutters in cities
4 with a population of less than ten thousand, the council may
5 adopt a preliminary resolution as provided in subsection 1.
6 The description of the curbing and gutters to be replaced
7 shall be prepared under the council's supervision. The council
8 may, by resolution, provide for the computation of the
9 assessments on the basis of the original assessment or of
10 the lineal footage of the curbing and gutters to be replaced.
11 Public improvements initiated under this subsection shall
12 in all other respects comply with this division.

13 For purposes of this subsection, "replace" means to
14 substitute new curb and gutter at the same location where
15 old curb and gutter is located and being reconstructed due
16 to deterioration or destruction. "Replace" does not include
17 the reconstruction of curb and gutter to change the grade
18 or reconstruction required because of a street widening
19 project.

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or reconstruction required because of a street widening project.

HOUSE FILE 2394

AN ACT

RELATING TO THE REPLACEMENT OF CURBING AND GUTTERS THROUGH THE USE OF SPECIAL ASSESSMENTS IN CITIES WITH A POPULATION OF LESS THAN TEN THOUSAND.

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

Section 1. Section 394.49, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. To replace curbing and gutters in cities with a population of less than ten thousand, the council may adopt a preliminary resolution as provided in subsection 1. The description of the curbing and gutters to be replaced shall be prepared under the council's supervision. The council may, by resolution, provide for the computation of the assessments on the basis of the original assessment or of the lineal footage of the curbing and gutters to be replaced. Public improvements initiated under this subsection shall in all other respects comply with this division.

For purposes of this subsection, "replace" means to substitute new curb and gutter at the same location where old curb and gutter is located and being reconstructed due to deterioration or destruction. "Replace" does not include the reconstruction of curb and gutter to change the grade

DELWYN STROMER
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 2394, Sixty-ninth General Assembly.

Approved 4/19, 1982

ELIZABETH A. ISAACSON
Chief Clerk of the House

ROBERT D. RAY
Governor