

Judiciary  
Doyle, Chairperson  
Dreeszen  
Coleman

*ing. 4/5/81  
Do Pass 4/15/81  
(p. 1296)*

**MAR 25 1981**

HOUSE FILE 787

Place On Calendar

BY COMMITTEE ON JUDICIARY  
AND LAW ENFORCEMENT

(Formerly Study Bill 303)

Passed House, Date 4-3-81 (p. 1029) Passed Senate, Date 4-23-81 (p. 1374)

Vote: Ayes 88 Nays 2 Vote: Ayes 44 Nays 3

Approved May 5, 1981

# A BILL FOR

1 An Act to legalize the sale of certain property in Sioux City,  
2 Woodbury County, Iowa.

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## COMMUNICATIONS FROM THE SECRETARY OF STATE

May 18, 1981

Ms. Linda Howarth Mackay  
Secretary of the Senate  
State Capitol Building  
LOCAL

I hereby certify that House File 745 was published in the Anamosa Journal-Eureka, Anamosa, Iowa, on May 13, 1981, and in the Monona Billboard, Monona, Iowa, on May 14, 1981.

ALSO:

I hereby certify that House File 787 was published in the Sioux City Journal, Sioux City, Iowa, on May 12, 1981, and in The Daily Reporter, Sioux City, Iowa, on May 8, 1981.

Respectfully submitted,  
MARY JANE ODELL  
Secretary of State

787

1 WHEREAS, the Floyd River as it existed prior to January  
2 1, 1960 from the northerly city limits of the City of Sioux  
3 City, Woodbury County, Iowa extending southerly to the Missouri  
4 River traversing sections one (1), eleven (11), twelve (12),  
5 fourteen (14), fifteen (15), twenty-two (22), twenty-seven  
6 (27) and thirty-four (34) all in Township eighty-nine (89),  
7 North, Range forty-seven (47) West of the Fifth (5th) Prinicipal  
8 Meridian has been relocated pursuant to Urban Renewal and  
9 Flood Control Projects; and,

10 WHEREAS, the City of Sioux City, Iowa has sold and conveyed  
11 and erected public improvements on portions of the Floyd River  
12 channel as it existed prior to January 1, 1960; and,

13 WHEREAS, the title to the City of Sioux City, Iowa to the  
14 abandoned Floyd River channel as it existed prior to January  
15 1, 1960 has been clouded because of the question as to whether  
16 the former channel of the Floyd River as it existed prior  
17 to January 1, 1960 was a navigable stream as described in  
18 Code Chapter 568; and,

19 WHEREAS, some doubt has arisen as to the validity of the  
20 sales by the City of Sioux City, Iowa of portions of the  
21 former channel of the Floyd River as it existed prior to  
22 January 1, 1960 and the merchantability of the title of the  
23 City of Sioux City, Iowa as to the former channel of the Floyd  
24 River as it existed prior to January 1, 1960, and the prior  
25 sales of the former channel and the merchantability of the  
26 title of the City of Sioux City, Iowa, to the former channel  
27 should be legalized and the matter once and for all should  
28 be put to rest and all issues be resolved;

29 NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
30 THE STATE OF IOWA:

31 Section 1. That the sales and conveyances by the City  
32 of Sioux City, Iowa after January 1, 1960 of portions of the  
33 Floyd River channel as it existed prior to the date from the  
34 northerly city limits of the City of Sioux City, Woodbury  
35 County, Iowa extending southerly to the Missouri River

1 traversing sections one (1), eleven (11), twelve (12), fourteen  
2 (14), fifteen (15), twenty-two (22), twenty-seven (27), and  
3 thirty-four (34) all in Township eighty-nine (89), North,  
4 Range forty-seven (47) West of the Fifth (5th) principal  
5 Meridian are validated, legalized, confirmed and shall  
6 constitute valid, legal and binding sales, and the title of  
7 the City of Sioux City, Iowa to the remaining portions of  
8 the described channel is validated, legalized and confirmed.

9 Section 2. This Act, being of immediate importance, takes  
10 effect from and after its publication in the Sioux City  
11 Journal, a newspaper published in Sioux City, Iowa, and in  
12 the Daily Reporter, a newspaper published in Sioux City, Iowa.

13 EXPLANATION

14 This bill legalizes the sale of portions of the former  
15 channel of the Floyd River in Sioux City, Iowa, and confirms  
16 the merchantability of the title of the City of Sioux City,  
17 Iowa to the portion of the channel not sold.

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HOUSE FILE 787

AN ACT

TO LEGALIZE THE SALE OF CERTAIN PROPERTY IN SIOUX CITY,  
WOODBURY COUNTY, IOWA.

WHEREAS, the Floyd River as it existed prior to January 1, 1960 from the northerly city limits of the City of Sioux City, Woodbury County, Iowa extending southerly to the Missouri River traversing sections one (1), eleven (11), twelve (12), fourteen (14), fifteen (15), twenty-two (22), twenty-seven (27) and thirty-four (34) all in Township eighty-nine (89), North, Range forty-seven (47) West of the Fifth (5th) Principal Meridian has been relocated pursuant to Urban Renewal and Flood Control Projects; and,

WHEREAS, the City of Sioux City, Iowa has sold and conveyed and erected public improvements on portions of the Floyd River channel as it existed prior to January 1, 1960; and,

WHEREAS, the title to the City of Sioux City, Iowa to the abandoned Floyd River channel as it existed prior to January 1, 1960 has been clouded because of the question as to whether the former channel of the Floyd River as it existed prior to January 1, 1960 was a navigable stream as described in Code Chapter 568; and,

WHEREAS, some doubt has arisen as to the validity of the sales by the City of Sioux City, Iowa of portions of the former channel of the Floyd River as it existed prior to January 1, 1960 and the merchantability of the title of the City of Sioux City, Iowa as to the former channel of the Floyd River as it existed prior to January 1, 1960, and the prior sales of the former channel and the merchantability of the title of the City of Sioux City, Iowa, to the former channel should be legalized and the matter once and for all should be put to rest and all issues be resolved;

NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That the sales and conveyances by the City of Sioux City, Iowa after January 1, 1960 of portions of the Floyd River channel as it existed prior to the date from the northerly city limits of the City of Sioux City, Woodbury County, Iowa extending southerly to the Missouri River traversing sections one (1), eleven (11), twelve (12), fourteen (14), fifteen (15), twenty-two (22), twenty-seven (27), and thirty-four (34) all in Township eighty-nine (89), North, Range forty-seven (47) West of the Fifth (5th) principal Meridian are validated, legalized, confirmed and shall constitute valid, legal and binding sales, and the title of the City of Sioux City, Iowa to the remaining portions of the described channel is validated, legalized and confirmed.

Section 2. This Act, being of immediate importance, takes effect from and after its publication in the Sioux City

Journal, a newspaper published in Sioux City, Iowa, and in  
the Daily Reporter, a newspaper published in Sioux City, Iowa.

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DELWYN STROMER  
Speaker of the House

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TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 787, Sixty-ninth General Assembly.

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PAT H. HARPER  
Chief Clerk of the House

Approved May 5, 1981

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ROBERT D. RAY  
Governor