

Judiciary and Law Enforcement: Conlon, Chair; Arnold and Trucano.

Do Pass 3/31 (p. 1141)

FILED MAR 23 1982

SENATE FILE 2294

BY COMMITTEE ON JUDICIARY

Approved (p. 862)

Passed Senate, Date 3-24-82 (p. 888) Passed House, Date 4-7-82 (p. 1298)

Vote: Ayes 47 Nays 3 Vote: Ayes 94 Nays 2

Approved April 23, 1982

A BILL FOR

1 An Act to legalize the proceedings of the board of supervisors
2 of Lee county relating to the purchase of property at
3 a scavenger tax sale and subsequent conveyance of the
4 property.

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S. 2294

1 WHEREAS, on February 3, 1958, Lee County, pursuant to
2 chapters 446, 447 and 448; Code 1954, purchased property
3 located in the City of Keokuk, Lee County, Iowa at a scavenger
4 tax sale, the property being legally described as:

5 --The Rear Forty (40) feet of Lots Five (5) and Six (6)
6 and the Southwest Forty (40) feet of Lot Four (4), all
7 in Block Sixteen (16), of the Original City of Keokuk,
8 Lee County, Iowa--

9 and

10 WHEREAS, Lee County subsequently conveyed the property
11 to the city of Keokuk by a quit claim deed dated February
12 25, 1965; and

13 WHEREAS, the city of Keokuk now desires to convey the prop-
14 erty for the express purpose of erecting forty-six units of
15 low-income housing; and

16 WHEREAS, it cannot be determined by reference to the county
17 records whether section 446.9 regarding notice of sale, sec-
18 tion 446.18 regarding notice of scavenger tax sale, section
19 447.9 regarding notice of expiration of right of redemption,
20 section 448.1 regarding execution of tax deed, and section
21 448.15 regarding affidavit by tax title holder, Code 1954,
22 were complied with in conjunction with the purchase of the
23 property by Lee County, and whether section 332.3, subsection
24 13, Code 1962, requiring a resolution of the board of
25 supervisors and publication of notice of public hearing, was
26 complied with in conjunction with the conveyance of the
27 property by quit claim deed to the city of Keokuk; and

28 WHEREAS, some doubt has arisen as to the validity of the
29 proceedings purchasing the property at scavenger tax sale
30 and subsequently conveying the property to the city of Keokuk,
31 and this doubt may raise an issue concerning merchantability
32 of the title to the property and it is deemed advisable and
33 necessary to put these doubts and all others which might arise
34 concerning the same to rest; NOW THEREFORE,

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

1 Section 1. All the proceedings taken by Lee County per-
2 taining to the purchase and subsequent transfer to the city
3 of Keokuk of the following described real estate:

4 --The Rear Forty (40) feet of Lots Five (5) and Six (6)
5 and the Southwest Forty (40) feet of Lot Four (4), all
6 in Block Sixteen (16), of the Original City of Keokuk,
7 Lee County, Iowa--

8 wherein Lee county may have failed to conform to sections
9 446.9 involving notice of sale, 446.18 involving notice of
10 scavenger tax sale, 447.9 involving notice of expiration of
11 right of redemption, 448.1 involving execution of tax deed,
12 448.15 involving an affidavit by the tax title holder, Code
13 1954, and section 332.3, subsection 13, Code 1962 involving
14 a resolution of the board of supervisors and publication of
15 notice of public hearing, are validated, legalized, and
16 confirmed and constitute a valid, legal, and binding purchase
17 of the property at the scavenger tax sale and a valid, legal,
18 and binding transfer of the interest of Lee County in said
19 property to the city of Keokuk, Lee County, Iowa.

20 EXPLANATION

21 The bill legalizes the proceedings of the board of
22 supervisors of Lee county relating to the purchase of property
23 at a scavenger tax sale and subsequent sale of the property
24 to the city of Keokuk.

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SENATE FILE 2294

AN ACT

TO LEGALIZE THE PROCEEDINGS OF THE BOARD OF SUPERVISORS OF LEE COUNTY RELATING TO THE PURCHASE OF PROPERTY AT A SCAVENGER TAX SALE AND SUBSEQUENT CONVEYANCE OF THE PROPERTY.

WHEREAS, on February 3, 1958, Lee County, pursuant to chapters 446, 447 and 448; Code 1954, purchased property located in the City of Keokuk, Lee County, Iowa at a scavenger tax sale, the property being legally described as:

--The Rear Forty (40) feet of Lots Five (5) and Six (6) and the Southwest Forty (40) feet of Lot Four (4), all in Block Sixteen (16), of the Original City of Keokuk, Lee County, Iowa--

and

WHEREAS, Lee County subsequently conveyed the property to the city of Keokuk by a quit claim deed dated February 25, 1965; and

WHEREAS, the city of Keokuk now desires to convey the property for the express purpose of erecting forty-six units of low-income housing; and

WHEREAS, it cannot be determined by reference to the county records whether section 446.9 regarding notice of sale, section 446.18 regarding notice of scavenger tax sale, section 447.9 regarding notice of expiration of right of redemption,

section 448.1 regarding execution of tax deed, and section 448.15 regarding affidavit by tax title holder, Code 1954, were complied with in conjunction with the purchase of the property by Lee County, and whether section 332.3, subsection 13, Code 1962, requiring a resolution of the board of supervisors and publication of notice of public hearing, was complied with in conjunction with the conveyance of the property by quit claim deed to the city of Keokuk; and

WHEREAS, some doubt has arisen as to the validity of the proceedings purchasing the property at scavenger tax sale and subsequently conveying the property to the city of Keokuk, and this doubt may raise an issue concerning merchantability of the title to the property and it is deemed advisable and necessary to put these 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 Lee County pertaining to the purchase and subsequent transfer to the city of Keokuk of the following described real estate:

--The Rear Forty (40) feet of Lots Five (5) and Six (6) and the Southwest Forty (40) feet of Lot Four (4), all in Block Sixteen (16), of the Original City of Keokuk, Lee County, Iowa--

wherein Lee county may have failed to conform to sections 446.9 involving notice of sale, 446.18 involving notice of scavenger tax sale, 447.9 involving notice of expiration of right of redemption, 448.1 involving execution of tax deed, 448.15 involving an affidavit by the tax title holder, Code 1954, and section 332.3, subsection 13, Code 1962 involving a resolution of the board of supervisors and publication of notice of public hearing, are validated, legalized, and confirmed and constitute a valid, legal, and binding purchase

of the property at the scavenger tax sale and a valid, legal, and binding transfer of the interest of Lee County in said property to the city of Keokuk, Lee County, Iowa.

TERRY E. BRANSTAD
President of the Senate

DELWYN STROMER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2294, Sixty-ninth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved April 23, 1982

ROBERT D. RAY
Governor