

Judiciary
DO pass 4-17-89 (p. 1493)

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DO pass 5-1-89 (p. 2276)

SENATE FILE
BY MILLER

526

Passed Senate, Date 4-18-89 (p. 153) Passed House, Date 5-3-89 (p. 2339)
Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 2
Approved May 18, 1989

A BILL FOR

1 An Act to legalize proceedings of the city council of the city of
2 Ventura relating to the method of payment for a construction
3 project and providing an effective date.

4 WHEREAS, the city of Ventura is undertaking the construction
5 of certain improvements to Lake Street and McIntosh Road; and

6 WHEREAS, the city of Ventura applied for and received a RISE
7 grant pursuant to Iowa Code chapter 315 for a portion of the
8 construction costs of the project; and

9 WHEREAS, after receiving the RISE grant, the project was
10 subsequently expanded; and

11 WHEREAS, the city council published a notice to bidders,
12 pursuant to Iowa Code section 384.97, on September 21 and 28,
13 1988, received sealed bids from prospective contractors, and
14 subsequently awarded a contract on October 10, 1988, to the
15 lowest responsible bidder, Allied Construction Co.; and

16 WHEREAS, the city of Ventura did not satisfy the requirements
17 of Iowa Code chapter 384 with respect to procedures required of a
18 city in fixing amounts to be assessed against private property
19 prior to entering into the contract; and

20 WHEREAS, it was the intent of the city council that these
21 procedures be followed in order that special assessments may be
22 levied to pay for the cost of construction under the contract;

23 NOW THEREFORE,

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

SF 526

1 Section 1. That the city of Ventura is authorized to
2 undertake actions necessary to satisfy the requirements of
3 Iowa Code chapter 384 relating to special assessments to pay a
4 portion of the costs of certain improvements to Lake Street
5 and McIntosh Road for which a contract was awarded by the city
6 to Allied Construction Company, and that upon satisfaction of
7 these requirements and proper determination of the amount of
8 the assessments, the contract for the construction of such
9 improvements shall be deemed to have been entered into as
10 required by Iowa Code chapter 384 for the purpose of using
11 special assessments to pay for the construction, and shall be
12 hereby legalized, validated, and confirmed.

13 Sec. 2. This Act, being deemed of immediate importance,
14 takes effect upon enactment.

15 EXPLANATION

16 This bill authorizes the city of Ventura to undertake
17 actions necessary to satisfy the requirements of chapter 384
18 with respect to special assessments for the purpose of
19 treating a contract for construction of certain road
20 improvements already entered into by the city, as a contract
21 let under sections 384.37 through 384.79. The bill takes
22 effect upon enactment.

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SENATE FILE 526

AN ACT

TO LEGALIZE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF VENTURA RELATING TO THE METHOD OF PAYMENT FOR A CONSTRUCTION PROJECT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, THE CITY OF VENTURA IS UNDERTAKING THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO LAKE STREET AND MCINTOSH ROAD; AND

WHEREAS, THE CITY OF VENTURA APPLIED FOR AND RECEIVED A RISE GRANT PURSUANT TO IOWA CODE CHAPTER 315 FOR A PORTION OF THE CONSTRUCTION COSTS OF THE PROJECT; AND

WHEREAS, AFTER RECEIVING THE RISE GRANT, THE PROJECT WAS SUBSEQUENTLY EXPANDED; AND

WHEREAS, THE CITY COUNCIL PUBLISHED A NOTICE TO BIDDERS, PURSUANT TO IOWA CODE SECTION 384.97, ON SEPTEMBER 21 AND 28, 1988, RECEIVED SEALED BIDS FROM PROSPECTIVE CONTRACTORS, AND SUBSEQUENTLY AWARDED A CONTRACT ON OCTOBER 10, 1988, TO THE LOWEST RESPONSIBLE BIDDER, ALLIED CONSTRUCTION CO.; AND

WHEREAS, THE CITY OF VENTURA DID NOT SATISFY THE REQUIREMENTS OF IOWA CODE CHAPTER 384 WITH RESPECT TO PROCEDURES REQUIRED OF A CITY IN FIXING AMOUNTS TO BE ASSESSED AGAINST PRIVATE PROPERTY PRIOR TO ENTERING INTO THE CONTRACT; AND

WHEREAS, IT WAS THE INTENT OF THE CITY COUNCIL THAT THESE PROCEDURES BE FOLLOWED IN ORDER THAT SPECIAL ASSESSMENTS MAY BE LEVIED TO PAY FOR THE COST OF CONSTRUCTION UNDER THE CONTRACT; NOW THEREFORE,

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

Section 1. That the city of Ventura is authorized to undertake actions necessary to satisfy the requirements of Iowa Code chapter 384 relating to special assessments to pay a portion of the costs of certain improvements to Lake Street and McIntosh Road for which a contract was awarded by the city to Allied Construction Company, and that upon satisfaction of

these requirements and proper determination of the amount of the assessments, the contract for the construction of such improvements shall be deemed to have been entered into as required by Iowa Code chapter 384 for the purpose of using special assessments to pay for the construction, and shall be hereby legalized, validated, and confirmed.

Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 526, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 18, 1989

TERRY E. BRANSTAD
Governor