

SENATE FILE 468  
BY (COMMITTEE ON JUDICIARY)

(SUCCESSOR TO SSB 358)

Passed Senate, Date 4/19/95 (p.1313) Passed House, <sup>(p.2215)</sup> Date 5/3/95  
Vote: Ayes 48 Nays 1 Vote: Ayes 96 Nays 0  
Approved May 16, 1995

A BILL FOR

1 An Act to legalize the transfer of certain property by the City  
2 of Keokuk and providing an effective date.

3 WHEREAS, the City of Keokuk, by quitclaim deed dated November  
4 30, 1993, and recorded on December 2, 1993, transferred certain  
5 property, namely vacated F Street, lots seven, ten, and eleven,  
6 in block seventeen, Reid's addition to the City of Keokuk, to  
7 Clarence and Rose Bergheger; and

8 WHEREAS, section 364.7 of the Code of Iowa requires the city  
9 council to adopt a resolution regarding the proposed sale of city  
10 property, publish notice of the proposal, hold a public hearing  
11 on the proposal, and then adopt another resolution authorizing  
12 the sale; and

13 WHEREAS, neither the abstract of the property nor city records  
14 indicate that the city council of the City of Keokuk complied  
15 with the requirements of section 364.7; and

16 WHEREAS, the lack of recorded evidence of compliance by the  
17 city with section 364.7 has clouded the title of the property;

18 NOW THEREFORE,

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

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S.F. 468

1 Section 1. All proceedings taken by the city council of  
2 the City of Keokuk regarding the transfer of the property  
3 described as vacated F Street, lots seven, ten, and eleven, in  
4 block seventeen, Reid's addition to the City of Keokuk, are  
5 hereby legalized and constitute a valid and binding disposal  
6 of city property in accordance with section 364.7.

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

9 EXPLANATION

10 This bill legalizes the transfer by quitclaim deed of  
11 property of the City of Keokuk, described as vacated F Street,  
12 lots seven, 10, and 11, in block 17, Reid's addition to the  
13 City of Keokuk, to Clarence and Rose Bergheger by curing a  
14 defect in the record of the transfer. Section 364.7 requires  
15 the city council to adopt a resolution regarding the proposed  
16 sale of city property, publish notice of the proposal, hold a  
17 public hearing on the proposal, and then adopt another  
18 resolution authorizing the sale. However, although the  
19 quitclaim deed was recorded, the city kept no record of the  
20 actions required by section 364.7.

21 The bill takes effect upon enactment.

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SS B 358

Judiciary

Succeeded By  
SF/HF 468

Giannetto  
Bisignane  
Fraise  
Bartz  
Drake

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIR-  
PERSON GIANNETTO)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act to legalize the transfer of certain property by the City  
2 of Keokuk and providing an effective date.  
3 WHEREAS, the City of Keokuk, by quitclaim deed dated November  
4 30, 1993, and recorded on December 2, 1993, transferred certain  
5 property, namely vacated F Street, lots seven, ten, and eleven,  
6 in block seventeen, Reid's addition to the City of Keokuk, to  
7 Clarence and Rose Bergheger; and  
8 WHEREAS, section 364.7 of the Code of Iowa requires the city  
9 council to adopt a resolution regarding the proposed sale of city  
10 property, publish notice of the proposal, hold a public hearing  
11 on the proposal, and then adopt another resolution authorizing  
12 the sale; and  
13 WHEREAS, neither the abstract of the property nor city records  
14 indicate that the city council of the City of Keokuk complied  
15 with the requirements of section 364.7; and  
16 WHEREAS, the lack of recorded evidence of compliance by the  
17 city with section 364.7 has clouded the title of the property;  
18 NOW THEREFORE,  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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**Bill introduced  
3/1/72**

1 Section ~~1~~ proceedings taken by the city council of  
2 the City of Keokuk regarding the transfer of the property  
3 described as vacated F Street, lots seven, ten, and eleven, in  
4 block seventeen, Reid's addition to the City of Keokuk, are  
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12 lots seven, 10, and 11, in block 17, Reid's addition to the  
13 City of Keokuk, to Clarence and Rose Bergheger by curing a  
14 defect in the record of the transfer. Section 364.7 requires  
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16 sale of city property, publish notice of the proposal, hold a  
17 public hearing on the proposal, and then adopt another  
18 resolution authorizing the sale. However, although the  
19 quitclaim deed was recorded, the city kept no record of the  
20 actions required by section 364.7.

21 The bill takes effect upon enactment.

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

SENATE FILE 468

AN ACT

TO LEGALIZE THE TRANSFER OF CERTAIN PROPERTY BY THE CITY OF KEOKUK AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, THE CITY OF KEOKUK, BY QUITCLAIM DEED DATED NOVEMBER 30, 1993, AND RECORDED ON DECEMBER 2, 1993, TRANSFERRED CERTAIN PROPERTY, NAMELY VACATED F STREET, LOTS SEVEN, TEN, AND ELEVEN, IN BLOCK SEVENTEEN, REID'S ADDITION TO THE CITY OF KEOKUK, TO CLARENCE AND ROSE BERGHEGER; AND

WHEREAS, SECTION 364.7 OF THE CODE OF IOWA REQUIRES THE CITY COUNCIL TO ADOPT A RESOLUTION REGARDING THE PROPOSED SALE OF CITY PROPERTY, PUBLISH NOTICE OF THE PROPOSAL, HOLD A PUBLIC HEARING ON THE PROPOSAL, AND THEN ADOPT ANOTHER RESOLUTION AUTHORIZING THE SALE; AND

WHEREAS, NEITHER THE ABSTRACT OF THE PROPERTY NOR CITY RECORDS INDICATE THAT THE CITY COUNCIL OF THE CITY OF KEOKUK COMPLIED WITH THE REQUIREMENTS OF SECTION 364.7; AND

WHEREAS, THE LACK OF RECORDED EVIDENCE OF COMPLIANCE BY THE CITY WITH SECTION 364.7 HAS CLOUDED THE TITLE OF THE PROPERTY; NOW THEREFORE,

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

Section 1. All proceedings taken by the city council of the City of Keokuk regarding the transfer of the property described as vacated F Street, lots seven, ten, and eleven, in block seventeen, Reid's addition to the City of Keokuk, are hereby legalized and constitute a valid and binding disposal of city property in accordance with section 364.7.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 468, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved  , 1995

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TERRY E. BRANSTAD  
Governor