

## CHAPTER 148.

## LEGALIZING PROCEEDINGS OF CITY COUNCIL OF COUNCIL BLUFFS.

H. F. 514. AN ACT to legalize the acts, ordinances, and proceedings of the city council of the city of Council Bluffs in the condemnation of the lands and lots embraced in the public park known as Fairmount Park.

Preamble.

WHEREAS, The city of Council Bluffs on or about the 24th day of September 1879, while it was a city acting under special charter, proceeded to condemn a certain eighty acre tract of land, situate in the county of Pottawattamie and State of Iowa, to-wit; The Northwest quarter of the Southwest quarter, Section Thirty-one (31) Township Seventy-five (75) North, Range Forty-three (43) west and the Northeast quarter of the South-east quarter of Section Thirty-six (36), Township Seventy-five (75) North, Range Forty four (44) west and which said tract of land was on or about the 11th day of September, 1857, duly laid out, platted and surveyed by E. S. Williams the owner thereof, into blocks, lots, streets, and alleys in manner and form as required by statute as Williams' 2nd Addition to the city of Council Bluffs, Iowa. And the said city of Council Bluffs at the same time, caused to be condemned a portion of Snow and Green's addition to said city, to be used for public park purposes in connection with said Williams' 2nd Addition, and said city having caused notice to be served upon the owners of the lots and blocks in said additions by publication as to non-residents, and personal service of notice on all resident owners as is provided by statute for service of original notices requesting the sheriff to empanel a jury to estimate and award the damages the owners of the lots would sustain by the appropriation of their property for said park purposes, and said jury being empaneled in pursuance thereof and their award being duly made and returned and reported by the sheriff of Pottawattamie county, Iowa to the city council and said city having deposited with said sheriff the amount of said awards of damages each owner would sustain as aforesaid, and said city having at once taken possession of said real estate for park purposes, and having now the possession thereof, and having expended large sums of money in improving and ornamenting said lands for park purposes; and

Preamble continued.

WHEREAS, Many of the owners of the property so condemned, have taken and accepted the damages awarded, and none of the owners of the lots and blocks in said additions have at any time appealed from or excepted to said awards of damages, which sums of money are now and have been in the cus-

tody of the sheriff of said county, of Pottawattamie up to this day since the said condemnation; and

WHEREAS, Some question is being made as to the regularity and legality of the proceedings of said city of Council Bluffs in condemning said real estate for Fairmount Park on the ground that said city had no right to condemn and appropriate the said real estate by a sheriff's jury, and it being a fact that said city caused notices to be served on the owners of said real estate, provided by statute in service of original notice, and the awards were made and the money thereon paid to the sheriff as aforesaid; therefore

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the condemnation of said Williams' 2nd Ad-  
dition and a part of Snow and Green's Addition to the city of Council Bluffs for park purposes by the city of Council Bluffs, be and the same is hereby legalized and made valid and that all the proceedings in said condemnation and all the acts of said city pertaining thereto are hereby legalized and made valid, to the same extent and effect as though said proceedings of condemnation had been in all respects regular and in full compliance with law. Condemnation of certain property legalized.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily Nonpareil and Daily Globe, newspapers published at Council Bluffs, Iowa, said publication being without expense to the State. Publication.

Approved March 23rd 1888.

I hereby certify that the foregoing act was published in the *Daily Nonpareil* March 27, and the *Daily Globe* March 23, 1888.

FRANK D. JACKSON, *Secretary of State.*

## CHAPTER 144.

### LEGALIZING INDEPENDENT SCHOOL DISTRICT OF PANAMA.

AN ACT to Legalize the Organization and Official Proceedings of H. F. 305.  
the Independent School District of Panama in Shelby County,  
Iowa.

WHEREAS, Certain territory in the district township of Wash-  
ington, Shelby county Iowa, was, in the month of July 1886, organized into an independent school district to be known as the independent district of Panama, composed of sections thirteen (13) fourteen (14) twenty three (23) and twenty-four (24) and the north half of section twenty five (25) and the north half section twenty six (26) and the east one half of section Preamble.