

beyond the limit of indebtedness fixed by the constitution of the state; and no money procured upon the issue of such bonds shall be used for any other purpose than the erection of such water works. No such bond shall bear greater rate than six per cent. interest, nor shall be drawn to run more than twenty years.

Interest.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines Iowa.

Publication.

Approved March 28, 1890.

I hereby certify that the foregoing act was published in the Iowa State Register April 2, and Des Moines Leader April 1, 1890.

FRANK D. JACKSON, Secretary of State.

CHAPTER 14.

PAVING, CURBING AND SEWER CONTRACTS.

AN ACT Making further provisions with respect to contracts by cities organized under special charters for paving and curbing streets, and the construction of sewers and the making and collection by such cities of assessments and the issuance of bonds or certificates by such cities to pay for such improvements.

H. F. 75.

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

SECTION 1. That all Cities in this State organized and existing under Special Charter, shall have all the powers and be subject to the provisions of this act.

Special charter cities.

SEC. 2. When the Council of any such City shall direct the paving and curbing of any street or streets, or the construction of any sewers, such Council or the Board of Public Works in case such Board shall exist, shall make and enter into contracts for furnishing materials, and for the curbing paving surface with any composition patented or otherwise or sewerage as the case may be, either for the entire work in one contract or parts thereof in separate and specified sections as to them may seem best.

Contract for material.

SEC. 3. All such contracts shall be made by the Council or the Board of Public Works when such Board shall exist, in the name of the City, and shall be made with the lowest bidder or bidders upon sealed proposals after public notice for not less than ten days in at least two newspapers of said City, which notice shall state as nearly as practicable the extent of

Contracts—how made.

the work, the kind of materials to be furnished, when the work shall be done, and at what time the proposals shall be acted upon.

Contractors' bond.

SEC. 4. Each contractor shall be required to give bond to the city with sureties to be approved by the Council, or by the Board of Public Works where such board shall exist, for the faithful performance of the contract, and the Council of such Board shall have power to institute suit in the name of the City to enforce all such contracts.

Engineer—duty of.

SEC. 5. It shall be the duty of the City Engineer to furnish the Council or Board of Public Works in case such Board shall exist, with proper grades and lines, and see that the work is done in accordance with the ordinances and regulations of the City, with respect to said grades and lines.

Provisions for payment of costs.

SEC. 6. For the purpose of providing for the payment of the cost and expenses of any such improvement or improvements, the Council or Board of Public Works in case such Board shall exist, shall be authorized from time to time as the work progresses, to make requisitions upon the Mayor of the City, for the issue of bonds of the City in such sums as shall be deemed best, and it shall be the duty of the Mayor to make and execute bonds accordingly in the name of the City, to an amount not exceeding the amount of the contract price of any such improvement and the incidentals attending the same. Said bonds shall bear the name of the place or places improved, and shall be signed by the mayor and countersigned by the City Clerk, or City recorder as the case may be and sealed with the corporation seal of the City, and shall all bear the same date and be payable seven years after date, and be redeemable at any time at the option of the city and shall bear interest at the rate of not exceeding six per cent per annum, payable semi annually.

Bonds to issue.

Registration of bonds.

SEC. 7. When such bonds shall have been issued by the Mayor and sealed with the corporation seal of the city, they shall be delivered to the City Clerk or city recorder as the case may be, who shall register them in a book to be kept for that purpose and countersigned and then delivered to the Committee or person authorized to negotiate the same, taking receipt therefor.

Sale of bonds.

SEC. 8. Said Committee or person authorized to negotiate said bonds, shall negotiate the same in such manner as they, or he may deem best and for such prices as may be obtainable for the same not less the par, and shall pay all moneys received therefrom to the treasurer of the city, and report to the city clerk or city recorder as the case may be the number of bonds sold, and the amount received therefor, and before delivering the same to the purchaser said bonds shall be countersigned by the person or Committee authorized to negotiate the same.

SEC. 9. All moneys received by the City Treasurer from the sale of said bonds shall be kept by him in a separate fund, and paid out on requisition of the Council accompanied by affidavit of the City Engineer, that work has been done or material furnished to the amount of said requisition, and that it is required for the payment of the same, and all moneys received by said treasurer shall be kept in the same manner and subject to all the regulations regarding other money of the city, except he shall keep a separate account of same and all interest received upon the same shall be credited to such fund.

Fund, sale of bonds.

SEC. 10. When any such improvement shall have been completed, it shall be the duty of the Council to ascertain the entire cost of the improvement and also what portion of such cost, may be by law assessable on adjacent property and the portion of such cost so assessable, shall then be assessed as provided by law, or by ordinance of such city upon the property fronting, or abutting on said improvement. Whenever any street railway may have been constructed and shall remain upon any street which the Council may direct to be paved, at the time when such direction shall be given; and when the owner of such street railway may be bound to pave any portion of said street by any action of the city under Section 1 of Chapter 16 of the acts of the 22nd General Assembly, or by virtue of the provisions or conditions of any ordinance of the City under which said street railway may have been constructed, or may be maintained, and if the owner shall fail or refuse to comply with the order of the Council to do such paving, then the portion of the cost of paving such street, assessable upon such street railway, shall be ascertained, and shall be assessed against such street railway.

Cost of improvement assessed to abutting property.

Street railways in interest.

SEC. 11. The Council shall cause a plat to be made and filed with the City Clerk or city recorder as the case may be for Public inspection of the place or places on which such improvement shall be made showing the separate lots or parcels of ground, subject to assessment for such improvement, (and the names as far as practicable of the several owners, and the amount to be assessed against each lot or piece of ground, and if such improvement shall be the paving of any street, said plat shall also show any and all street railway tracks thereon, and the amount, if any, to be assessed against such street railway, and shall after the making and filing of said plat as aforesaid, cause to be given ten days public notice in two daily news papers, published in such city that such plat is on file in the office, of the City Clerk, or city recorder as the case may be for the inspection of any person or company interested therein, and that any such person or company having any objection to the same or the tax proposed to be assessed thereby, shall file with the said City Clerk, or city recorder as the case may be his or their objections in writing, at or before the next

Plat of territory improved.

Hearing objections.

meeting of such Council, after the publication of such notice, that such Council at such meeting, or as soon thereafter as practicable and after hearing and deciding upon any objection so filed, if any, and after making all necessary corrections in the assessment as proposed by said plat, shall assess and levy as a special tax upon the property of each owner, liable to special assessments as aforesaid, its just and true proportion according to law, and according to said assessment proposed by said plat as corrected and approved of the amount to be specially assessed for any such improvement, said assessment shall be duly entered on the proper tax books of such city, and shall be payable at the office of the City Collector of said city, or other officer authorized to collect city taxes in seven equal installments with interest at the rate of six per cent per annum, from date of the assessment upon the unpaid portion thereof, the first of which with interest on the whole amount at six percent per annum shall be payable on and after the date of such assessment, as aforesaid, and the others annually, after the date of such assessment and said assessment shall be collected like other special taxes, as may be provided by the ordinance of such city.

Payable in installments with interest.

Assessments on interest a lien.

SEC. 12. Said assessment with interest accruing thereon, shall be a lien upon the property abutting upon the street or streets on which any said improvement is made, or upon such improvement from the commencement of the work, and shall remain a lien until fully paid, and shall have precedence over all other liens except ordinary taxes, and shall not be divested by any judicial sale, provided that such lien shall be limited to the lots or lands bounding or abutting on such street or streets, or on such improvement and not exceeding in depth therefrom 150 feet. Any assessment against any street railway for the paving of any street shall be at first and paramount lien upon the entire track of said street railway in the limits of the city making such assessments.

Assessment may be paid at any time.

SEC. 13. The owner of any property against which an assessment shall have been made for the cost of any such improvement, shall have the right to pay the same in full, with interest thereon at six percent per annum, from the time said assessment was made, or after having paid one or more of said seven installments, and interest, he may at any time pay in full the balance of his assessments remaining unpaid, with interest thereon at six percent per annum, from the time when the preceding payment becomes due, and such payment in full shall satisfy and discharge the lien upon said property, and any owner of such property who shall divide the same so that the feet front on any such improvement are divided into separate lots or parcels may discharge the lien in like manner upon any one, or more of such lots or parcels by payment of the amount unpaid thereon calculated, by the ratio of feet front

of such lot or lots or parcel or parcels to the feet front of the whole lot. If any assessment shall have been made against any street railway for the paying of any street, the owner of said street railway shall have the same rights as are hereinbefore provided to pay in installments, or to pay in full, the assessment against said street railway; but no part of the line of said street railway shall be released from the lien for any portion of any unpaid assessment which may have been made against it for paving any street as aforesaid.

Same rights to street railways.

SEC. 14. All moneys received from assessments shall be appropriated to the payment of the interest or payment and redemption of the bonds, or of the certificates hereinafter provided for as the case may be, that shall be issued for such improvements, and if any interest shall become due on any of said bonds, when there is no fund to pay the same, the Council shall be authorized to make a temporary loan for the payment thereof.

Use of money received.

SEC. 15. If by reason of the prohibition contained in Sec. 3, Article 11, of the Constitution of this State, it shall at any time be unlawful for any such city to issue bonds as by this act, provided or for any other reason or reasons at the discretion of the council it shall be lawful for such city to provide by ordinance for the issuance of certificates to contractors, who under contract with the city, shall have constructed any such improvement in payment therefor, each of which certificates shall state the amount or amounts of one or more of the assessments, made against an owner or owners, and lot or lots, or street railway, on account of and for payment of the cost of any such improvement, and shall transfer to the contractor and his assigns all of the right and interest of such city to, in and with respect to every such assessment, and shall authorize such contractor and his assigns, to receive, sue for, collect or have collected every such assessment, embraced in any such certificate by, or through any of the methods provided by law, for the collection of assessments for local improvements including the provision of this act.

Cases prohibited by constitution.

SEC. 16. Whenever the owner or owners of any lot or lots, or any street railway, the assessment or assessments against which is or are embraced in any such certificate, shall severally promise and agree in writing endorsed on such certificate, that in consideration of having the right to pay his or their assessment or respective assessments in installments, they will not make any objection of illegality or irregularity as to their respective assessments, and will pay the same with interest thereon, at such rate not exceeding six per cent per annum, as shall by ordinance or resolution of the City Council of such city be prescribed and required, he or they shall have the benefit and be subject to all the provisions of this act authorizing the payment of assessments in annual installments,

Agreement in writing to pay.

relating to the lien and collection and payment of assessments so far as applicable.

Failure to
promise in
writing.

SEC. 17. Any owner of any lot or lots, or any street railway assessed for payment of cost of any such improvement, who will not promise and agree in writing as provided by Sec. 16, hereof shall be required to pay his assessment in full when made, and the same shall be collectible by or through any of the methods provided by law for the collection of assessments for local improvements including the provisions of this act.

Must pay in
full.

Mistakes.

SEC. 18. Any mistake in the description of the property, or in the name of the owner shall not vitiate the lien.

Owners must
petition.

SEC. 19. The Council of any such city shall not have the right to authorize any improvement under this act, unless the owners of a majority of the feet front of the property abutting upon the street or streets to be improved, or any such improvement shall petition therefor, or unless the same shall be voted for by three fourths of the members of the Council.

Parts of
street.

SEC. 20. Any part of any street may be improved under this act, as well as an entire street.

Repealing
clause.

SEC. 21. All acts and parts of acts in conflict with this act, are hereby repealed provided nothing herein contained, shall be construed as prohibiting or preventing such cities, from making special assessments to pay for the construction of sewers upon adjacent property, according to area, or from paying for such construction by any method of assessment, or any combination of methods now provided by law.

Publication.

SEC. 22. This act being deemed of immediate importance, shall be in force and effect, from and after its publication in the Iowa State Register, and Des Moines Leader, Newspapers published in Des Moines, Iowa.

Approved April 10, 1890.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 18, and the *Des Moines Leader* April 16, 1890.

FRANK D. JACKSON, *Secretary of State.*