

SPECIAL ACTS.

CHAPTER 240.

S. F. 364.

SALE OF ABANDONED CHANNEL OF THE DES MOINES RIVER WITHIN CORPORATE LIMITS OF THE CITY OF OTTUMWA.

AN ACT to enable the state of Iowa to sell and dispose of certain unclaimed lands within the former channel of the Des Moines river and formed by accretions in consequence of the changes of the channel of such river.

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

SECTION 1. Sale authorized. That lands within the former channel of the Des Moines river within the corporate limits of the city of Ottumwa and formed by accretion in consequence of the changes of the channel of such river, the title to which is now or shall become vested in the state by judicial determination, shall be sold and disposed of as hereinafter provided.

SEC. 2. Written application—deposit. Any person desiring to purchase any such land shall file written application therefor with the secretary of state, which application shall be accompanied with a deposit of twenty-five dollars to be applied, or so much thereof as may be necessary, in the payment of the necessary expense of the survey of such land, and appraisalment of the value thereof, as hereinafter provided.

SEC. 3. Survey. Upon receiving such application and deposit, it shall be the duty of secretary of state to order a complete survey of such land to be made by the county surveyor of the county wherein the land is situated, and in case of the refusal or inability of such county surveyor to make such survey then the secretary of state shall appoint some other competent surveyor to make such survey. When such survey is made a full report thereof, with field notes, shall be filed and recorded in a book prepared and kept for that purpose, in the office of secretary of state, which report and field notes shall constitute the official survey of such land.

SEC. 4. Appraisalment. Upon the filing of such report, with the accompanying field notes, the secretary of state shall thereupon appoint a commission of three disinterested freeholders of the county wherein the land is situated, to view the land and make appraisalment of the value thereof, which appraisalment shall be returned and filed in the office of the secretary of state. Notice of such appraisalment shall thereupon be given to such applicant, and upon payment of the balance required, as fixed by the appraised value, such person shall be entitled to a deed or patent therefor.

SEC. 5. Fees. The surveyor making such survey shall be entitled to receive the sum of five dollars per day for his services as such surveyor, and such additional amount as may be agreed upon and necessary for the expenses of chairman [chainman] and other attendants; and the commissioners, for their services in making such appraisalment, shall each be entitled to receive the sum of three dollars per day, for the actual time employed.

SEC. 6. Sale—how effected. None of such land shall be sold for less than the appraised value thereof, except as hereinafter provided. If the person filing the original application shall be unwilling to pay the amount as fixed by the appraisers, he shall be permitted to deposit whatever amount he is willing to pay, in addition to his original deposit, for such land so desired to be purchased by him, and, if at the expiration of ninety days no other person has appeared and deposited and offered to pay a larger amount, he shall be entitled to a deed or patent for the land for the total amount deposited by him; but if before the expiration of such ninety days there shall be other applicants and bidders for said land, and the said original applicant shall still be unwilling to increase his total deposit to the amount of the appraisement, or to an amount beyond that of the highest bidder, then the person making the highest bid and depositing the amount therefor, shall be entitled to a deed or patent for such land, and the money deposited by the original applicant shall be refunded. If the said original applicant shall increase his total deposit to the amount of the appraisement, within said period of ninety days, such original applicant shall thereupon be entitled to a deed or patent for such land.

SEC. 7. Deed or patent. When, upon full compliance with the provisions of this act, any person shall become entitled to a deed or patent for any such land, a deed or patent shall thereupon be executed and delivered to such person by the governor, on behalf of the state, duly attested with the seal of the state attached hereto [thereto], which deed shall, in addition to the usual formalities, also recite the name of the party making the first application to purchase such land, the amount of his deposit, the appraisement, the name of the party making final payment, and entitled to a deed therefor, whether as original applicant, by assignment, or as the highest bidder, and also that such deed is given for the purpose of conveying such title and interest in the land as the state may at the time own and possess, and has the right to convey. A record of such conveyance shall be made and kept in the office of the secretary of state.

SEC. 8. Purchase money refunded—when. If at any time within ten years from the date of any deed or patent, issued under the provisions of this act, the grantee therein, or his successors, administrators or assigns, shall cause to be filed with the secretary of state a duly certified transcript of a final decree of a court of record showing that the conveyance by the state passed no title whatever to the land therein described, because title thereto had previously, for any reason, been vested in others, then the money so paid for such conveyance shall be refunded by the state to the person or persons entitled thereto.

SEC. 9. Purchase moneys turned into state treasury. All moneys received for the sale or conveyance of any land under the provisions of this act, after the payment of the necessary expenses of survey and appraisement thereof, shall be paid into the state treasury.

SEC. 10. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved May 9, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, May 10, 1907.

W. C. HAYWARD,
Secretary of State.