

der which said town council is now acting and all acts and proceedings had thereunder, in so far as they are not in contravention of the authority granted by law, are hereby legalized and declared to be valid and binding and with the same force and effect as though the law had in every provision thereof been strictly complied with in the passage and enactment of said ordinances.

SEC. 2. **Pending litigation—excess powers not validated.** Nothing herein shall in anywise affect pending litigation nor validate any such ordinance or act thereunder in excess of the powers delegated by law to cities and towns.

SEC. 3. **In effect.** This act being deemed of immediate importance shall be in force and effect from and after its publication in the Register and Leader a newspaper published at Des Moines Iowa and Norwalk Free Press a newspaper published at Norwalk Iowa, and said publication shall be without expense to the state.

Approved March 18, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 20, A. D. 1909, and in the Norwalk Free Press March 25, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 294.

### THE CITY OF OELWEIN.

H. F. 544.

AN ACT legalizing the acts and proceedings of the city council of the city of Oelwein, Iowa, in erecting and constructing a dam in the park of said city, and other improvements therein and appropriating money from the park fund in payment of the same, and any and all acts of the city treasurer in the payment of warrants drawn on the park fund for that purpose by the city clerk of said city.

WHEREAS, At a meeting of the city council of the city of Oelwein, held on the 13th day of March, 1903, a resolution was adopted by said city council to submit to the qualified electors of said city of Oelwein the question of voting a two mill tax levy upon the assessed property within said city, for the purpose of purchasing suitable real property for a public park for said city, said levy to continue for five years from date of levy, and

WHEREAS, Proper proclamation was made and notice given of an election upon the question of making said tax levy for the purpose of purchasing suitable real property for a public park for said city, and

WHEREAS, Said proposition was submitted to the qualified electors of said city, at the city election of said city, held on the 30th day of March, 1903, and

WHEREAS, A majority of the legal voters voting at said election, voted in favor of said tax levy, and

WHEREAS, On the 8th day of September, 1903, said city council levied in pursuance of said election, a two mill tax for public park fund, which public park fund tax has annually thereafter been levied, and

WHEREAS, On the 30th day of July, 1906, the city council of said city, by resolution duly adopted, instructed the mayor and clerk of said city, to enter into a contract for the purchase of the following described real property for park purposes:

And the north two-thirds and the east one-half of the south-west one-fourth of section thirty-three, township ninety-one north, range nine west of the fifth P. M. in Fayette county, Iowa.

And to pay for the same in the following manner: One thousand dollars at the time of signing the contract, and seven thousand one hundred and fifty dollars, on the 31st day of May, 1921, and instructed the city clerk to draw a

warrant on the park fund in the sum of one thousand dollars, as first payment on said contract. And that said contract was duly made and entered into by the mayor and clerk of said city in accordance with the provisions of said resolution. And the warrant drawn by the city clerk for one thousand dollars, as first payment on said contract, and

WHEREAS, Since the purchase of said land for park purposes, the city council of said city have erected and constructed a dam across a stream of water running through said park and made other improvements in said park and drawn warrants on said park fund amounting in the aggregate to the sum of four thousand eight hundred and eighty-five dollars and forty-four cents, in payment for said dam and other improvements, and

WHEREAS, Said city warrants drawn on the park fund for the purposes hereinbefore set forth were duly presented to the city treasurer of said city, and by him paid out of said park fund, and

WHEREAS, There are doubts as to the legality of the proceedings and actions of said city council in the making of the improvements as hereinbefore set forth, in said park, and making payment therefor in the manner above stated, and

WHEREAS, There are also doubts as to the legality and validity of the action of said city treasurer, in the payment of said warrants, for the purposes hereinbefore set forth, therefore,

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

**SECTION 1. Proceedings and improvements legalized.** That all proceedings of the city council of the city of Oelwein, Iowa, with reference to the improvements made in said park, as set out in the preamble hereto, are hereby legalized and made of the same validity, force and effect as if all of the requirements and provisions of the law applicable thereto had been fully complied with, and that the erection and construction of said dam and other improvements made in said park, and the payment therefor, in the way and manner hereinbefore set forth are hereby declared to be valid and legal, and that the action of said city treasurer in the payment of said warrants drawn on said park fund in the way and manner set forth in the preamble hereto is hereby legalized and validated so as to be of the same force and effect as if each and every provision of the statute with reference thereto had been strictly complied with.

**SEC. 2. Pending litigation.** Nothing in this act shall in any manner affect pending litigation.

**SEC. 3. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Register and Leader, a newspaper published in Des Moines, Iowa, and the Oelwein Register, a newspaper published in Oelwein, Iowa, without expense to the state.

Approved April 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 14, A. D. 1909, and in the Oelwein Register April 21, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*