

## CHAPTER 194

## VALUATION COMMITTEE

AN ACT relating to the creation of a valuation committee in certain cities; prescribing the powers and duties of said committee; providing the procedure for initiating, approving and ordering certain public improvements; procuring the advice of certain city officials; providing for a default and deficiency fund; providing for notices and hearings, and the procedure necessary to secure the approval by the city council of resolution of necessity and contents thereof, and confirmation by the district court of certain special assessments and real estate valuations in advance of the performance of the work, and providing for re-assessment in certain cases, and providing for rebates, forfeitures, the issuance of bonds, and providing for the lien of special assessments and the exemption of certain cities from certain claims.

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

1 SECTION 1. All cities operating under the commission plan of  
2 municipal government and having a population of one hundred  
3 twenty-five thousand or more, shall have the power to organize any  
4 number of their employees into an advisory committee, for the pur-  
5 pose of investigating and advising the council in the matter of the  
6 construction of street improvements and sewers, and assessments  
7 therefor, of which committee the city engineer shall be the presiding  
8 and executive officer. The chief clerk in the department of streets  
9 and public improvements shall be the secretary thereof and the city  
10 treasurer shall be the vice president thereof. The corporation coun-  
11 cil [counsel] or city solicitor may be a member of said committee.

12 The city engineer shall advise the council as to the general utility,  
13 necessity or efficiency of any proposed public improvement; the city  
14 treasurer shall advise the council upon the method and manner of  
15 financing any such improvement; the corporation counsel or solicitor  
16 shall advise the council as to proper legal procedure in ordering or  
17 constructing any such improvement and in assessing and financing  
18 the same. The chief clerk in the department of streets and public  
19 improvements shall have general supervision of the preparation of  
20 resolutions of necessity, schedules of assessments, valuations, liens  
21 and schedules of property subject to tax sale.

22 The civil engineer shall have general supervision of the preparation  
23 of plans and specifications for any public improvement, and shall have  
24 such other duties as may be prescribed by law.

25 The council shall also employ an assessment clerk, who shall have  
26 charge of the detail work of preparing schedules of assessments under  
27 the direction of the chief clerk.

28 The city council shall appoint three persons who shall be known as  
29 the valuation committee, who shall be appointed to serve on one or  
30 more improvement projects or for any length of time not exceeding  
31 one year, and who may be re-appointed for a similar term or terms  
32 and receive such compensation as the council shall fix by ordinance,  
33 which compensation may be a proper incidental expense chargeable  
34 to any proposed improvement. Said valuation committee shall be  
35 persons skilled in the knowledge of real estate values in any such city,  
36 and possess qualifications which will justify the reception of their  
37 testimony by the district court of the county where such real estate  
38 is located, as experts upon real estate values.

39 The chief clerk in the department of streets and public improve-

40 ments shall be secretary of said valuation committee, shall attend all  
41 meetings, shall have charge of all books, papers and records, and shall  
42 keep a record of all valuations fixed by said committee. The meet-  
43 ings of said committee shall be held in the office of the civil engineer  
44 in the city hall.

45 The city council may accept the valuations fixed by the assessor  
46 upon property proposed to be assessed in all cases where deficits and  
47 defaults are improbable.

1 SEC. 2. All owners of property to be affected by any public im-  
2 provement to be paid for in whole or in part by special assessment,  
3 may initiate any plan for a public improvement, by written contract  
4 to be approved by the city council and signed by all the said owners  
5 of record and record lien holders of all the property affected by the  
6 proposed assessment for said public improvement, and the contractor  
7 performing the work or furnishing material, and by any such city,  
8 but no liability shall attach to said city because of work done, material  
9 furnished or assessment levied, other than to accommodate said prop-  
10 erty owners and contractor with the procedure of said city for the  
11 levying of the special assessment as in this act provided.

1 SEC. 3. All resolutions of necessity, contracts and proceedings for  
2 local improvements to be paid for wholly or in part by special assess-  
3 ment shall be governed by the provisions hereof and resolutions of  
4 necessity, plans, specifications and contracts shall be approved by the  
5 civil engineer, except as herein otherwise provided, and except as to  
6 sidewalks and sewer connections and water connections. Petitions  
7 for all such public improvements shall be addressed to the city council.  
8 The civil engineer shall have the power to recommend a plan  
9 for any local improvement, to be paid for wholly or in part by special  
10 assessment, either with or without a petition. "Local improve-  
11 ments", "public improvements", and "improvements", when herein  
12 referred to, shall mean street improvements or sewers payable in  
13 whole or in part by special assessments.

1 SEC. 4. Notice of the time and place of public consideration or  
2 hearing by the council on any resolution of necessity and schedule of  
3 valuations and assessments, shall be given by the chief clerk of the  
4 department of streets and public improvements, by delivering written  
5 notice thereof to the occupant of said real estate, or any person over  
6 fourteen (14) years of age in possession of said real estate affected  
7 by said special assessment, said real estate being within three hun-  
8 dred (300) feet of said proposed street improvement or sewer, and  
9 in the case of any railway company, by delivering written notice to  
10 any local agent or officer thereof, at least fifteen (15) days before  
11 said public consideration or hearing, and similar notice shall be posted  
12 upon all vacant or unoccupied real estate subject to assessment and  
13 within three hundred (300) feet of said proposed local improvement,  
14 at least fifteen (15) days before said public consideration or hearing,  
15 and similar written notice shall be given to all owners of property  
16 outside of said three hundred (300) feet area and within the benefited  
17 district, by posting written notices in conspicuous places at least  
18 fifteen (15) days before said public consideration or hearing. Vacant  
19 property shall include property, the owner and occupant of which,

20 and the members of his family over fourteen (14) years of age, are  
21 absent therefrom at the time service or posting is made or attempted  
22 to be made.

23 The foregoing notice shall be given of the time and place for said  
24 public consideration or hearing upon said proposed resolution of  
25 necessity and schedule of valuations and assessments, and said no-  
26 tices above required shall also notify the owners and any persons in-  
27 terested in said proposed local improvement that upon final passage of  
28 said resolution of necessity by the city council, the said city will peti-  
29 tion the district court of the county where said city is located for  
30 confirmation of said schedule of valuations and assessments within  
31 ten (10) days from the date of said final passage of said resolution  
32 of necessity by the city council. Said notice shall also describe the  
33 character of the improvement; the extent and location thereof; the  
34 total estimated cost, and that the said district court will set a date  
35 for hearing on said petition within thirty (30) days from the date of  
36 final passage of the resolution of necessity. A sworn statement by  
37 the person delivering or posting any of the above mentioned notices,  
38 giving the date when said notices are actually delivered or posted,  
39 shall be filed with the said chief clerk, and shall be presumptive evi-  
40 dence of valid service of notice hereunder.

41 After the final passage of the resolution of necessity, the chief clerk  
42 of the department of streets and public improvements shall publish  
43 a notice in some newspaper of general circulation in the city where  
44 said real estate is located, notifying the owner or persons interested  
45 in the real estate proposed to be assessed and referred to in said  
46 resolution of necessity, that the said city has filed a petition in the  
47 district court of the county where said real estate is located praying  
48 said court to confirm the valuations and assessments, and giving the  
49 date which the said district court has set for the trial upon said peti-  
50 tion. Said notice shall be published and said petition shall be on file  
51 within ten (10) days from the date of the final passage of said reso-  
52 lution of necessity by the city council, and thereupon said district  
53 court shall have jurisdiction of the real estate, the real estate valua-  
54 tions and assessments as finally fixed by the city council as herein  
55 provided.

56 The time within which publication of notice hereunder shall be  
57 given, or petition filed in district court shall not be grounds for ob-  
58 jection unless found to be material by the district court, in which  
59 event the said court may prescribe a new notice.

1 SEC. 5. At the time and place fixed in said notice for the public  
2 hearing, the city council shall meet and hear the complaints of any  
3 interested property owner desiring to be heard on the subject of the  
4 necessity for the proposed improvement, the nature and type thereof,  
5 the valuation or the cost as estimated, and the assessment. After  
6 consideration of said proposed improvement and objections thereto, if  
7 any, or to any of the elements thereof, the city council shall adopt a  
8 resolution abandoning the said proposed plan, or adhering thereto, or  
9 approving, changing or modifying the extent, nature, kind, character,  
10 type or estimated cost, provided such change shall not increase the  
11 estimated cost of the improvement to exceed ten per centum of the  
12 same or change the district without a further public hearing thereon

13 with notice as required for the original hearing. The contents of  
14 such resolution of necessity shall be the same as required by section  
15 5991 of the code, and shall provide whether the same shall be paid  
16 for wholly or in part by special assessment, and if in part only, shall  
17 so state. The council may equalize valuations and assessments.

18 Incidental expenses shall include all engineering costs, the expense  
19 of estimates, valuations and inspections, court expenses, clerk hire,  
20 costs incidental to notice and printing bonds, and such other costs of  
21 service and material as shall enter into the total expense of initiating  
22 and carrying to completion the particular improvement and assess-  
23 ment therefor.

24 The assessment as prepared and as approved by the city council,  
25 and as confirmed by the court, shall include an item to be known as  
26 the default and deficiency fund not to exceed ten per cent of the total  
27 estimated cost of the improvement, including all incidentals, which  
28 shall be added thereto, and which said fund shall be used to pay  
29 deficits and defaulted installments, and other unforeseen costs and  
30 expenses incidental to said improvement and assessment, including  
31 payments made by city for tax sales or redemption from tax sales.

32 Each lot, part of lot or parcel of property shall bear its just pro-  
33 portion of said assessment upon the area basis, except as herein other-  
34 wise provided.

35 If, after the completion and acceptance of any improvement by  
36 the city council, it appears that the total assessment exceeds the total  
37 cost of said improvement, including incidentals, by more than ten per  
38 cent, then the city solicitor shall petition the district court to reduce  
39 and adjust said assessment to an amount not to exceed ten per cent in  
40 excess of said total cost, including said incidentals, taking into ac-  
41 count installments of assessment previously paid.

42 The proportion of any assessment beneficial to the public shall be  
43 paid out of the improvement fund, or sewer funds as the case may be,  
44 except that portion which should be otherwise borne by park prop-  
45 erty affected by said improvement, in which event said portion shall  
46 be paid out of park funds.

47 Any objection or remonstrance filed with the city council shall con-  
48 tain the signatures of the owners, legal representatives, or their at-  
49 torney, a general description of the property owned or represented,  
50 the area so owned or represented upon said local improvement or  
51 affected by a proposed special assessment therefor, but when signa-  
52 tures of objectors are procured and filed by a person or persons other  
53 than the owner, legal representative or attorney, said objections shall  
54 be verified by said person or persons so procuring said signatures  
55 and filing the same, and said affidavit shall set forth that said ob-  
56 jectors are the owners, legal representatives or the attorney of the  
57 owner or legal representatives of the property described therein.

1 SEC. 6. With any such resolution of necessity presented by said  
2 civil engineer to said city council, shall be presented also the approval  
3 by the civil engineer of the plans and specifications for such improve-  
4 ment. The civil engineer shall select and recommend to the council  
5 the particular type of improvement approved by him. If a variance  
6 be shown in the proceedings in the court, it shall not affect the validity

7 of the proceedings, unless the court shall deem the same willful or  
8 substantial.

1 SEC. 7. At the time of any hearing on any proposed local improve-  
2 ment, the city council shall have before it the plans, specifications  
3 and schedule of assessments, which shall accompany the resolution  
4 of necessity, and shall remain on file with the city clerk for fifteen  
5 (15) days before final consideration by said city council.

6 Hearings on objections made to the budget director shall be held  
7 and determined before the city solicitor shall file the petition for the  
8 confirmation by the court of the schedule of assessments. The city  
9 council shall retain the power to deny the passage of any resolution  
10 of necessity, and shall have the power to stop the work on any local  
11 improvement in accordance with the provisions of the contract for  
12 the performance of said work.

1 SEC. 8. Upon the passage of any resolution of necessity for a local  
2 improvement, and pursuant thereto, it shall be the duty of the city  
3 solicitor to file a petition in district court of the county where said  
4 real estate is located, in the name of such municipality, praying that  
5 steps be taken to levy a special assessment for said improvement,  
6 in accordance with the provisions of said resolution of necessity. The  
7 district court of the county where said local improvement is proposed  
8 to be made shall have jurisdiction of the proceedings under this act.  
9 Said cause shall be triable as in equity. A decree of the district court  
10 upon any such proceeding shall be final unless there shall be an appeal  
11 therefrom. Trials upon appeal from condemnation proceedings shall  
12 be the same as now or hereafter provided by general law.

13 An appeal from the decree of the district court shall be perfected  
14 within thirty days from the date of said decree and the abstract shall  
15 be served and filed in the office of the clerk of the supreme court  
16 within ninety days from the date of said district court decree. If the  
17 aggregate of all appeals exceeds ten per cent (10%) of the total as-  
18 sessment as confirmed by the district court, the contract may or may  
19 not be let, in the discretion of the council, until said appeals are  
20 finally determined, but said appeals shall not delay the execution of  
21 a contract for the work, if the city council concludes said appeals  
22 were not taken in good faith.

23 Any person aggrieved shall file a bond on appeal to the supreme  
24 court as provided by law.

25 An appeal shall not, in the discretion of the city council, delay the  
26 certification of an assessment or progress of an improvement, but  
27 upon decision of the appeal the assessment appealed from shall be  
28 corrected and collected as herein provided.

29 There shall be attached to or filed with such petition a copy of said  
30 resolution of necessity, certified by the city clerk, and the schedule  
31 of assessments, and plans and specifications, as approved by the civil  
32 engineer and city council. The failure to file any or either of said  
33 copies shall not affect the jurisdiction of said court to proceed in  
34 said cause and to act upon said petition. But, upon objection made  
35 by any interested property owner calling the attention of the court  
36 to the failure to attach copies, the court shall permit the city solicitor  
37 to supply any missing copy or copies.

1 SEC. 9. Upon the filing of such petition, the city solicitor shall ver-  
2 ify the fact that due notice has been given of the time and place of  
3 the hearing upon said petition. Any such petition shall have pre-  
4 cedence over any other business of the court, except in criminal cases,  
5 and said court shall set the said petition for hearing within thirty  
6 (30) days from the date that it is filed with the clerk of said court.  
7 Upon the hearing upon said petition, the said court shall have power  
8 to correct any irregularities or inequalities in valuations or in the  
9 schedule of assessments, and shall consider any objections because of  
10 alleged illegal procedure or fraud in the proceedings.

11 The court shall inquire whether the city solicitor has omitted any  
12 property benefited, and as to whether the schedule of assessments is  
13 just and equitable as between the public and the property assessed,  
14 and between the lots or parcels of property assessed.

15 The court shall have the power to revise, correct or modify the  
16 description or the cost between the properties affected, or the city  
17 solicitor shall make any corrections upon the order of the court.

18 Corrections of assessments or valuations made by or upon the order  
19 of the court shall be conclusive and not subject to review on appeal,  
20 or otherwise, except as herein provided. The court shall render a  
21 decision upon said hearing within seven (7) days thereafter. The  
22 clerk of said court shall certify to the city clerk the final action of  
23 the court within three (3) days from the date of the final order, or  
24 judgment of said court, upon said petition, showing assessments as  
25 changed and confirmed in the schedule of assessments. Assessments  
26 shall draw interest from date of confirmation by the court. In the  
27 event no contract is entered into within sixty (60) days from date of  
28 confirmation by the court, the court shall cancel said assessment and  
29 order return of any assessment so paid, upon application by the city  
30 solicitor, if no appeal is pending.

31 If no objections are filed by the time set for the hearing on said  
32 petition, the court shall immediately confirm said assessment and  
33 order the clerk to certify the same to the city clerk. The cost of all  
34 court proceedings shall be a legitimate item of expense in connection  
35 with any local improvement, and shall be included within the final  
36 assessment against the property proposed to be improved.

37 The clerk of the district court shall certify to the county auditor  
38 and the city clerk the assessment as confirmed, made or approved by  
39 the district court, thereupon, the county auditor shall recertify said  
40 assessment to the county treasurer, within three days, and the treas-  
41 urer shall spread the same upon the records in his office and the same  
42 shall be a lien from the date of the recertification by the auditor  
43 against any property therein described, and the treasurer shall pro-  
44 ceed to collect installments of said assessment as by law provided.  
45 The county treasurer shall pay to the city treasurer all funds payable  
46 to the city treasurer hereunder, within fifteen (15) days after the  
47 first of the month following their receipt. Receipts in March and  
48 September in each year shall be so payable not later than May 15th  
49 and November 15th, respectively.

1 SEC. 10. Upon receipt by the city clerk of the certified copy of the  
2 order entered by the court upon the petition for any local improve-  
3 ment and assessment therefor, the city council shall pass a resolution

4 ordering the work, which shall remain on file with the clerk for one  
5 (1) week, and be finally passed by the city council, and thereupon  
6 the city clerk shall advertise for bids for doing said work. Said bids  
7 shall be opened by the city clerk in the presence of the city council,  
8 and referred to the civil engineer, and thereupon the civil engineer  
9 shall examine the bids and recommend to the council the award of  
10 contract to the lowest responsible bidder for the particular type of  
11 improvement which the civil engineer shall recommend, or the council  
12 may order that all bids be rejected, and the council may order the  
13 rejection and cancellation of the proposed improvement and all pro-  
14 ceedings.

1 SEC. 11. The council may award the contract, or may refuse to  
2 enter into any contract therefor. However, the city council may order  
3 re-advertisement for bids upon the same types of improvements for  
4 which bids were originally requested.

1 SEC. 12. Nothing herein contained shall be construed to relieve  
2 railways or street railways of any obligation now or hereafter im-  
3 posed by the general law of the state.

1 SEC. 13. All public work shall proceed under the direction of the  
2 civil engineer and contractors shall be required to proceed to timely  
3 completion of the work.

4 Within twenty days after the completion of the work, the civil  
5 engineer shall recommend the acceptance or rejection of the work.

6 Within ten days after the completion of the work the city clerk  
7 shall publish a notice in some newspaper published in such city, ad-  
8 dressed to the owners or persons interested in any real estate included  
9 in any assessment or street improvement or sewer project or improve-  
10 ment district, notifying them that unless further, legal, unadjudicated  
11 matters or objections are made within twenty days from the date of  
12 publication of said notice, the council will take action on the recom-  
13 mendation of the civil engineer, and in the event no such objection is  
14 filed the property owners shall be conclusively presumed to have  
15 waived all such objections. The civil engineer shall file with the city  
16 clerk a report of the completion of any public improvement.

1 SEC. 14. No increased assessment against any property shall be  
2 in excess of twenty-five per cent (25%) of the valuation confirmed by  
3 the court, nor in excess of the benefits conferred.

1 SEC. 15. Wherever on a hearing by the court or on appeal, the  
2 amount of any assessment shall be reduced or cancelled so that there  
3 shall be a deficiency in the total amount remaining assessed in the  
4 proceeding, the court shall have the power to distribute such deficiency  
5 upon the other property abutting upon or adjacent to said improve-  
6 ment or in the district assessed, in such manner as the court shall  
7 find to be just and equitable, not exceeding, however, the amount  
8 said property would be benefited by said improvement, and not ex-  
9 ceeding twenty-five per cent (25%) of the value finally fixed thereon  
10 in said assessment schedule. As construed by this act, value of prop-  
11 erty shall include the assessment for the type of proposed improve-  
12 ment approved by the said city council.

1 SEC. 16. If any special assessment shall hereafter be annulled or  
2 held invalid or void for any reason whatsoever, a new assessment  
3 shall be made and returned and like notice shall be given and pro-  
4 ceedings had as herein required in relation to an original proposed  
5 assessment; and, if any local improvement has been constructed  
6 under the direction of the city council and has been accepted by it,  
7 and a special assessment levied in payment thereof has been or shall  
8 be annulled or declared invalid, then a new special assessment shall  
9 be made and returned to pay for the costs of the improvement so  
10 constructed, or to pay for the cost of such part thereof as the city  
11 council might lawfully have authorized to be constructed and paid  
12 for by special assessment.

1 SEC. 17. No special assessment shall be held invalid or void be-  
2 cause levied for work already done, if it shall appear that such work  
3 was done under a contract which has been duly let and entered into  
4 pursuant to a resolution of necessity providing that such improve-  
5 ment should be constructed and paid for by special assessment, and  
6 that the work was done under the direction of the civil engineer and  
7 has been accepted by the council; nor shall it be a valid objection to  
8 the confirmation of such new assessment that the original assessment  
9 has been declared void or that the improvement as actually con-  
10 structed does not conform to the description thereof as set forth in  
11 the original resolution of necessity, if the improvement so constructed  
12 is accepted by the city council.

1 SEC. 18. City employees or any property owner or his attorney  
2 shall have access to all public records for determining assessed values,  
3 descriptions and other information desirable for the proper perform-  
4 ance of their work. The city council and city officials shall be entitled  
5 to the full cooperation of all public employees without additional com-  
6 pensation therefor.

7 The chief clerk of the department of streets and public improve-  
8 ments shall prepare and have on file with the city clerk at the time  
9 the resolution of necessity is originally considered, a schedule show-  
10 ing the total amount of unpaid special assessments against each lot,  
11 part of lot or parcel of real estate proposed to be further assessed,  
12 and showing all assessed properties sold at or subject to tax sale, and  
13 the same shall be exhibited to the court.

1 SEC. 19. After ten years and 7 months from the date of recertifica-  
2 tion of any schedule by the county auditor to the county treasurer  
3 for the collection of any assessment, if all bonds, interest, penalties,  
4 deficits, defaulted installments and proper charges against the pro-  
5 ceeds of the collection of any assessment for any public improvement  
6 are fully paid, then the balance remaining in said fund shall be re-  
7 bated to the property owners named in the original schedule of  
8 assessments, who have paid their assessments in full, in the propor-  
9 tion that any assessment bears to the whole assessment. If, at the  
10 end of the eleventh year from the first day of April following the  
11 recertification of the levy of an assessment to the county treasurer,  
12 there is still a balance remaining in said fund so collected from said  
13 assessment, after allowing for the retirement of all bonds, interest,  
14 and proper charges, then said property owners so failing to collect

15 the same shall forfeit all right and title to the same, and said fund  
16 shall be transferred to the consolidated improvement fund.

1 SEC. 20. A definite plan for the payment of the proportion of the  
2 cost of any public improvement properly chargeable to the city, shall  
3 be outlined by the city treasurer and set forth in the resolution of  
4 necessity. The city's proportion shall be included in the proposed  
5 assessment schedule, and may be payable out of the proper fund in  
6 annual installments, or otherwise as the city treasurer may indicate.

1 SEC. 21. Any public improvement heretofore begun under any  
2 existing law shall be prosecuted to completion as now provided by  
3 law, irrespective of the provisions hereof.

1 SEC. 22. The city council shall authorize the issuance of bonds,  
2 payable only out of the proceeds received from the collection of the  
3 special assessments upon any improvement. The city treasurer shall  
4 determine whether the contractor shall be paid in cash or bonds. It  
5 shall be optional with the city council to fix the rate of interest on  
6 such bonds at any rate not exceeding six (6) per cent. Bonds shall  
7 mature June 1st in the year in which installments thereof become  
8 due.

9 Bonds may be sold by the city treasurer at not less than par, and  
10 proceeds equal to the contract price delivered to the contractor in  
11 full payment and satisfaction of his contract. The proceeds of bonds  
12 equal to incidentals shall be distributed as hereinafter provided. Bonds  
13 may be delivered at not less than par to the contractor in the aggregate  
14 sum of the contract price, plus incidentals, in full payment and  
15 satisfaction of said contract price, and the said contractor shall pay  
16 to the city treasurer in cash the amount represented by incidentals.  
17 The city treasurer shall promptly reimburse the funds from which  
18 the items constituting said incidentals were originally paid. Deficits  
19 and defaulted payments in installments of any special assessment  
20 shall be payable out of the funds in the hands of the city treasurer,  
21 received from any special assessment in excess of moneys paid in  
22 fulfillment of the contract and incidentals. Deficits and defaulted  
23 payments upon installments of special assessments with interest,  
24 shall not be payable from the funds in the hands of the city treasurer  
25 until ninety days after said deficits and defaulted payments become  
26 delinquent. Said bonds shall be entitled to such tax exemption privileges  
27 as may be provided by general law of the state with respect to  
28 similar obligations of any municipality.

1 SEC. 23. No person, firm or corporation accepting the bonds as provided  
2 herein, shall have any claim or lien upon the city in any event  
3 for the payment of such bonds or the interest or penalties thereon,  
4 except from the collections of the assessment against which said bonds  
5 are issued, or from any balance remaining in the consolidated improvement  
6 fund, and a municipality shall not be liable to the holders  
7 of said bonds in case of failure to collect the same, but shall with all  
8 reasonable diligence so far as it can legally do so cause a valid special  
9 assessment to be levied and collected to pay said bonds until all bonds  
10 shall be fully paid from said assessments or the proceeds thereof.

1 SEC. 24. All necessary proceedings, forms and requirements not

2 included in or contemplated or regulated by the provisions hereof,  
 3 shall be in accordance with the provisions of the general law of the  
 4 state relating to the same subject matter, including definitions and  
 5 regulations relating to valuations, benefited property, estimates, as-  
 6 sessments, plans, specifications, schedules, resolutions, protests, ob-  
 7 jections, remonstrances, maintenance, bids, deposits, contracts, bonds  
 8 or the form of improvement bonds issued in payment for any such  
 9 public improvement.

1 SEC. 25. In the event of conflict between any provision hereof, and  
 2 any provision of any general law of the state pertaining to the same  
 3 subject matter, this act shall prevail, and in the event of any conflict  
 4 between the provisions hereof and the provisions of chapter 326 of  
 5 the 1927 code, the provisions of this act shall prevail.

1 SEC. 26. In the event that any section or sections of this act shall  
 2 be declared unconstitutional by the supreme court of this state, such  
 3 declaration or decision shall have no effect upon the remaining sec-  
 4 tions hereof.

1 SEC. 27. This act shall not affect any right, remedy or cause of  
 2 action accrued or now pending, or growing out of any improvement  
 3 or assessment made under any prior law.

4 The words "city" or "city council" when used herein shall be con-  
 5 strued to refer to a city or council thereof referred to or designated  
 6 in section 1 of this act.

1 SEC. 28. This act, being deemed of immediate importance, shall be  
 2 in full force and effect from and after its passage and publication in  
 3 the Plain Talk, a newspaper published at Des Moines, Iowa, and the  
 4 Ottumwa Daily Courier, a newspaper published at Ottumwa, Iowa.

Senate File No. 276. Approved April 4, A. D. 1929.

I hereby certify that the foregoing act was published in the Des Moines Plain Talk  
 April 11, 1929, and the Ottumwa Daily Courier April 8, 1929.

ED. M. SMITH, *Secretary of State.*

## CHAPTER 195

### BRIDGES

AN ACT to authorize and empower cities, including cities under the commission plan, to acquire by purchase, condemnation, bargain and sale, lease, sub-lease, gift or otherwise, and to construct and contract for the construction of bridges within the city limits and five (5) miles outside thereof, within the state of Iowa and any adjoining state, and across any navigable or non-navigable stream forming the boundary between such states, and thereafter to repair, maintain, extend, renew, reconstruct, replace, extend, enlarge, mortgage, lease, use and operate such bridges as toll or free bridges for public use and travel of all kinds, and to fix the rates of toll and charges for use thereof, and grant franchises thereon or thereover, and to exercise such powers through the governing body of the city or any committee thereof or through a bridge commission as provided for in this act; and to exercise such powers independently or in co-operation with or aid of similar action by any other city or county in Iowa or an adjoining state or by such states or the government of the United States; and granting the power to convey such bridges or assign such rights, subject to conditions set forth herein; and providing the method of acquiring existing bridges by purchase or condemnation; and authorizing the issu-