

WHEREAS, after said hearing on the issuance of said additional Flood Protection Bonds, the city council adopted a resolution authorizing the issuance of said additional two hundred ten thousand dollars (\$210,000.00) of Flood Protection Bonds; and,

WHEREAS, doubts have arisen concerning the legality of the council proceedings taken at the February 3, 1964, and February 24, 1964, council meetings, relating to the authorization for the issuance of additional Flood Protection Bonds of said city and the authority of the council to issue and sell said bonds to provide funds to pay the remaining cost of constructing said flood protection works; and it is deemed advisable and necessary to put such doubts forever at rest; Now Therefore.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. All said proceedings heretofore taken by the city coun-  
2 cil of Ottumwa, Iowa, including all legal notices given, in connection  
3 with and pertaining to the authorization for the issuance of additional  
4 Flood Protection Bonds of said city, in an amount not exceeding two  
5 hundred ten thousand dollars (\$210,000.00), are hereby legalized,  
6 validated and confirmed, and shall constitute full authority for said  
7 city council, to issue and sell additional general obligation Flood Pro-  
8 tection bonds, so authorized, in an amount not exceeding two hundred  
9 ten thousand dollars (\$210,000.00), to pay the balance of the contract  
10 cost of constructing certain flood protection works in said city; and  
11 said bonds, when so issued and sold, shall be valid, legal and binding  
12 obligations of said city.

1 SEC. 2. This Act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in Ottumwa  
3 Daily Courier, a newspaper published at Ottumwa, Iowa, and in The  
4 Blakesburg Excelsior, a newspaper published at Blakesburg, Iowa, all  
5 without expense to the state of Iowa.

Approved March 23, 1964.

I hereby certify that the foregoing Act, Senate File 9, was published in the Ottumwa Daily Courier, Ottumwa, Iowa, April 2, 1964, and in The Blakesburg Excelsior, Blakesburg, Iowa, April 4, 1964.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 25

### TABOR LEGALIZING ACT

#### H. F. 3

AN ACT to legalize the proceedings of the town council of the town of Tabor, Iowa, including all legal notices given, in connection with the making of a contract for the construction of certain improvements to the Municipal Sewage Works and Facilities with C. M. Shafer of Winterset, Iowa, in connection therewith, and to legalize said contract, and authorize its performance by said council, and the financing thereof.

WHEREAS, on January 28, 1963, the town council of Tabor, Iowa, passed a resolution ordering the construction of certain improvements to the Municipal Sewage Works and Facilities of said town, and directed publication of a notice of hearing and letting, pursuant to the provisions of

Chapters twenty-three (23) and three hundred ninety-one (391) of the Code, 1962; and

WHEREAS, on June 22, 1963, said town entered into a contract for the construction of said improvements, covered by the resolution ordering construction hereinabove mentioned, with C. M. Shafer of Winterset, Iowa, which company thereafter filed its performance and maintenance bond with the town; and

WHEREAS, said construction work has now been completed by said contractor, and said contractor has been partially paid for such work from available cash funds of said town on hand; and

WHEREAS, doubts have arisen concerning the legality of the construction contract due to the omission in said notice of hearing and letting of certain informational items as required by Section 391.31 of the Code, 1962, and further due to said omission, doubts have arisen concerning the power of the council to order disbursement of additional town funds to the contractor and to issue and sell bonds to pay for the remaining cost of said improvements, and it is deemed advisable to put such doubts forever at rest; NOW, THEREFORE,

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. All proceedings heretofore taken by the town council  
2 of Tabor, Iowa, including all legal notices given, in connection with  
3 and pertaining to the execution of the contract with C. M. Shafer of  
4 Winterset, Iowa, on June 22, 1963, for the construction of certain  
5 improvements to the Municipal Sewage Works and Facilities of said  
6 town, and said contract itself, are hereby legalized, validated and con-  
7 firmed, and shall constitute full authority for the said town council to  
8 order the disbursement of the funds of said town to said contractor,  
9 and to issue and sell general obligation bonds, in the manner pre-  
10 scribed by law, to pay for the balance of the costs of said improve-  
11 ments, and said bonds, when so issued, shall be valid, legal and bind-  
12 ing obligations of said town.

1 SEC. 2. This Act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in The Tabor  
3 Beacon, a newspaper published at Tabor, Iowa, and in The Sidney  
4 Argus-Herald, a newspaper published at Sidney, Iowa, all without  
5 expense to the State of Iowa.

Approved March 16, 1964.

I hereby certify that the foregoing Act, House File 3, was published in The Tabor Beacon, Tabor, Iowa, April 29, 1964, and in The Sidney Argus-Herald, Sidney, Iowa, April 30, 1964.

MELVIN D. SYNHORST, *Secretary of State.*