

## CHAPTER 207

## MUNICIPAL PARK LEASES

S. F. 256

AN ACT authorizing cities and towns to acquire land by lease for park purposes, and to finance the acquisition or improvement of the leased land by issuing general obligation bonds.

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

1 SECTION 1. Section three hundred seventy point seven (370.7),  
 2 unnumbered paragraph one (1), Code 1971, is amended as follows:  
 3 370.7 Park bonds and taxes. Cities and towns are [hereby] au-  
 4 thorized to contract indebtedness and to issue general obligation  
 5 bonds to provide funds to pay the cost of the acquisition [or perma-  
 6 nent improvement or both of real estate] *of lands, the acquisition*  
 7 *and permanent improvement of lands, or the permanent improvement*  
 8 *of lands owned or leased by the cities or towns* for park purposes  
 9 within or without their [corporation] *corporate* limits, including, but  
 10 not [in limitation of the foregoing] *limited to*, the paving, macadam-  
 11 izing and otherwise improving the roadways, drives, avenues and  
 12 walks in and through [such] parks.

1 SEC. 2. Section three hundred seventy point eleven (370.11),  
 2 Code 1971, is amended as follows:

3 370.11 Acquisition of real estate. [Said] *The* park board may  
 4 acquire real estate within or without the city for park purposes by  
 5 donation, *lease*, purchase, or condemnation, [and] take the title to  
 6 [the same] *real estate* in the name of the board in trust for the public,  
 7 and hold [the same] *it* exempt from taxation.

1 SEC. 3. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Marion  
 3 Sentinel, a newspaper published in Marion, Iowa, and in the Fort  
 4 Dodge Messenger and Chronicle, a newspaper published in Fort  
 5 Dodge, Iowa.

Approved May 7, 1971.

I hereby certify that the foregoing Act, Senate File 256, was published in The Marion Sentinel, Marion, Iowa, May 13, 1971, and in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, May 12, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 208†

## BRIDGES ACQUIRED BY CITIES

S. F. 8

AN ACT relating to the acquisition of bridges.

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

1 SECTION 1. Section three hundred eighty-three point one (383.1),  
 2 Code 1971, is amended as follows:

†See Editor's note, page iii.

3     **383.1 Principal grant of power.** Any city in this state may acquire  
4 by purchase, bargain and sale, lease, sublease, gift, or otherwise, any  
5 existing bridge, including approaches and avenues, rights of way or  
6 easements of access to approaches, necessary real and personal prop-  
7 erty incident thereto and franchises, special privileges, leases and con-  
8 tracts in connection with such bridges, and to so acquire any bridge  
9 and aforesaid facilities; and may construct and contract for the con-  
10 struction of, and to acquire by purchase, lease, sublease, gift, or other-  
11 wise, bridges, including all of aforesaid appurtenances, facilities, and  
12 property; and may repair, maintain, extend, renew, reconstruct, re-  
13 place, or enlarge and to mortgage or lease and to use and operate any  
14 such as toll or free bridges, either or both from time to time, for public  
15 use and travel of all kinds by railroads, street railways, bus lines,  
16 vehicles, and pedestrians and other uses, any or all as may be deter-  
17 mined by the governing body of the city, and to use same for public  
18 utility purposes, and to fix the rates of toll or the charges for the use  
19 of same, and to grant nonexclusive franchises for use of same for  
20 public utility purposes upon such terms and conditions as may be pre-  
21 scribed by ordinance, and to exercise all such powers within the city  
22 limits and five miles outside thereof within the state of Iowa, and any  
23 adjoining state, but only across any navigable or nonnavigable stream  
24 forming the boundary between such states, after having obtained any  
25 authority which may be necessary from such states and the United  
26 States, and to exercise such powers either directly through the gov-  
27 erning body of the city or any committee thereof or through a bridge  
28 commission created as in this chapter provided, or part any one and  
29 part any other.

1     SEC. 2. Section three hundred eighty-three point nine (383.9),  
2 Code 1971, is amended as follows:

3     **383.9 Power to issue bonds.** To finance any of the purposes or  
4 powers provided for in this chapter, the city council or governing body  
5 of any such city shall in the first instance determine whether any pur-  
6 chase or construction authorized by this chapter shall be financed by  
7 bonds which are general obligations of the city and which may also be  
8 supported by a lien or mortgage on the bridge itself or upon the tolls  
9 to be derived therefrom, or both, or by revenue bonds as provided for  
10 in this chapter and which are charges solely against the revenue to be  
11 derived from such bridge through the collection of tolls, or part one  
12 kind of bonds and part the other, but shall not have authority to pur-  
13 chase, nor construct any bridge, nor to issue any bonds, except pre-  
14 liminary bonds specially authorized by this chapter, until first author-  
15 ized by the majority vote of the electors voting on such proposition,  
16 which proposition shall indicate the method of acquiring the bridge  
17 and the kind or kinds of bonds, at a special election called for that  
18 purpose or at any general or city election. This grant of power to  
19 issue bonds is in addition to any other which may now have been or  
20 hereafter may be conferred upon such city, and shall be free from the  
21 restrictions now imposed on cities upon the issuance of bonds and  
22 incurring of indebtedness, and subject only to the provisions of the  
23 Constitution of Iowa. At such election the proposition shall be sepa-  
24 rate as to each bridge to be acquired or constructed and the amount  
25 of bonds may be either a specific amount equal to the estimated total

26 cost of every nature plus not to exceed twenty-five percent, or may be  
27 general and authorize the issuance of bonds in such amount as may be  
28 found necessary from time to time to complete the acquisition, con-  
29 struction, and equipment of the bridge and all costs incident thereto,  
30 or may be part one and part the other. For all purposes of financing,  
31 the total cost of any improvement authorized by this chapter may  
32 include every item of expense in connection with the project, and  
33 among other items shall also include the cost of acquiring every inter-  
34 est of every nature and of every person in any existing bridge, the  
35 cost of constructing the superstructure, roadway, and substructure  
36 of any bridge, the approaches, and avenues or rights of way of access  
37 thereto and necessary real estate in connection therewith, tollhouses  
38 and equipment thereof and of the bridge, franchises, easements, rights  
39 or damages incident to or consequent upon the complete project,  
40 expenses preliminary to construction, including investigation and  
41 expenses incident thereto, and prior to and during construction the  
42 proper traffic estimates, interest upon bonds, and all such other ex-  
43 penses as after the beginning of operation would be properly charge-  
44 able as cost of operation, maintenance, and repairs.

1 SEC. 3. Section three hundred eighty-three point twenty-eight  
2 (383.28), Code 1971, is amended as follows:

3 383.28 **Submission to the electors.** Any proposition or proposi-  
4 tions arising in connection with the exercise of any of the powers  
5 granted by this chapter, may be submitted by the governing body of  
6 the city to the electors thereof at any general or city election or at any  
7 special election called for that purpose, and any proposition shall be  
8 carried if the majority of the electors voting thereon vote in favor  
9 thereof. No bridge shall be finally or irrevocably acquired by purchase  
10 unless and until such action and the necessary financing shall have  
11 been approved by the majority of the electors voting on the proposi-  
12 tion at a general or city election or at a special election called for that  
13 purpose. Two or more propositions or questions may be submitted at  
14 the same election and on the same ballot provided each is so presented  
15 that the electors may vote separately upon each proposition. A vote  
16 of the electors authorizing independent action shall by operation of  
17 law be held to also authorize joint action for the purpose so authorized,  
18 but a vote on a proposition of joint action shall not be held to authorize  
19 independent action. The governing body of the city is hereby author-  
20 ized to determine what shall be included in the proposition to be stated  
21 in notices of election and upon the ballots in its full discretion **except**  
22 that any proposition must indicate that the bridge to be acquired is an  
23 existing bridge or a new bridge is to be constructed and the kind of  
24 bonds to be issued to finance the same, and the amount of such bonds  
25 may be set forth in any manner authorized in this chapter.

1 SEC. 4. Sections three hundred eighty-three point seven (383.7),  
2 three hundred eighty-three point eighteen (383.18), and three hun-  
3 dred eighty-three point twenty-five (383.25), Code 1971, are repealed.

Approved March 16, 1971.