

MR. SPEAKER:

Your committee on cities and towns, to whom was referred house file No. 120, a bill for an act to repeal chapter 25 of the laws of the fifteenth general assembly and chapter 63 of the laws of the sixteenth general assembly, relating to lands to be laid out in town or city lots, and providing a substitute therefor, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the house with the recommendation that it be amended by filling the first blank in section 6 thereof with the words "*Iowa State Register*," and the second blank in said section with the words "*Iowa State Leader*," and upon being so amended, that it do pass.

S. L. GLASGOW, *Chairman*.

Ordered passed on file.

HOUSE FILE NO. 120.]

[BY STRUBLE.

## A BILL

FOR AN ACT TO PROVIDE THAT LANDS TO BE LAID OUT INTO TOWN OR CITY LOTS SHALL BE FREE FROM INCUMBRANCE, OR THAT SECURITY SHALL BE GIVEN AGAINST SUCH INCUMBRANCE, AND THAT SUCH LOTS WHEN THUS LAID OUT SHALL BE ACCURATELY DESCRIBED RELATIVE TO SOME ESTABLISHED CORNER OF THE CONGRESSIONAL DIVISION OF WHICH THEY ARE PART, AND REPEALING CHAPTER 25 OF THE LAWS OF THE FIFTEENTH GENERAL ASSEMBLY AND CHAPTER 63 OF THE LAWS OF THE SIXTEENTH GENERAL ASSEMBLY.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That whenever any  
2 person or corporation shall lay out any parcel of land into town or city lots in accordance  
3 with chapter 12, title IV of the Code, such person shall procure from the treasurer of the  
4 county in which the land lies a certified statement that the land thus laid out into lots,  
5 streets and alleys is free from taxes, and shall also procure a certified statement from the  
6 recorder of such county that the title in fee to said land is in such proprietor, and that the  
7 same is free from every incumbrance; which certified statements shall both be filed with the  
8 recorder before the plat of said town or city lots shall be admitted to record or of any  
9 validity: *provided, however*, that if the parcel of land so laid out shall be incumbered with a

10 debt certain in amount, and which will fall due not more than two years after the making of  
 11 the affidavit hereinafter provided for, and which the creditor will not accept with accrued  
 12 interest to the day of proffered payment, if it draws interest, or with a rebate of interest at  
 13 the rate of six per centum per annum if it draws no interest, or if the creditor cannot be  
 14 found, then such proprietor, and if a corporation its proper officer or agent, may file with the  
 15 recorder of such county his affidavit, stating either that such proprietor has offered to pay  
 16 such creditor the full amount of his debt, with interest or with a rebate of interest, as the  
 17 case may be, and that such creditor would not accept the same, or that such creditor cannot  
 18 be found, whereupon such proprietor may execute a bond double the amount of such incum-  
 19 brance, with three sureties, who shall be freeholders of the county, to be approved by the  
 20 recorder and clerk of the county, which bond shall run to the county, and shall be for the  
 21 benefit of the purchasers of any of such town or city lots, and shall be conditioned for the  
 22 payment of such incumbrance and the cancellation thereof of record as soon as practicable  
 23 after the same becomes due, and for the holding of all such purchasers and those claiming  
 24 under them forever harmless from such incumbrance; and when such affidavit and bond shall  
 25 have been filed with the recorder, together with a certificate of the treasurer that said land  
 26 is free from taxes, and the certificate of the recorder that the title in fee to said land is in  
 27 such proprietor, and that the same is free from all incumbrance except that secured by said  
 28 bond, said plat shall be admitted to record, and be equally valid as if such proprietor had  
 29 filed with the recorder the certificate of such recorder that said land was free from all  
 30 incumbrance.

SEC. 2. All the certificates, affidavits and bonds provided for in the preceding section  
 2 shall be recorded, in connection with the plat to which they relate, in the office of the recorder  
 3 before the said plat or the record thereof shall be of any validity.

SEC. 3. The record and plat of every town or city, or addition thereto, which may be thus  
 2 laid out shall give the bearing and distance from some corner of a lot or block in said town  
 3 or city, or part thereof, to some corner of the congressional division of which said town, city  
 4 or addition is a part.

SEC. 4. The provisions of this act shall not prevent the annexation of contiguous territory  
 2 to cities and towns under sections 426, 427, 428 and 429 of chapter 10, title IV of the Code,  
 3 and chapter 47 of the laws of the sixteenth general assembly, as amended by chapter 169 of  
 4 the laws of the seventeenth general assembly.

SEC. 5. Chapter 25 of the laws of the fifteenth general assembly and chapter 63 of the  
 2 laws of the sixteenth general assembly are hereby repealed.

SEC. 6. This act being deemed of immediate importance, shall take effect from and after  
2 its publication in the \_\_\_\_\_ and \_\_\_\_\_ newspapers  
3 published in Des Moines, Iowa.