

A BILL

FOR AN ACT TO LEGALIZE THE PROCEEDINGS OF THE BOARDS OF SUPERVISORS OF MUSCATINE AND LOUISA COUNTIES IN LOCATING AND CONSTRUCTING A LEVEE ON MUSCATINE ISLAND IN SAID COUNTIES AND TO PROVIDE FOR AN ASSESSMENT OF THE COSTS THEREOF ON THE LANDS BENEFITTED THEREBY.

WHEREAS, The proceedings of the Boards of Supervisors of the counties of Muscatine
2 and Louisa, in the years 1882 and 1883, in respect to the location and construction of a levee
3 on Muscatine Island, in said counties, along or near the west bank of the Mississippi river,
4 from the city of Muscatine to Port Louisa, and in assessing the cost thereof on the land
5 benefitted thereby, are claimed to have been invalid because said proceedings do not show
6 upon their face that said levee was petitioned for by a majority of the owners of land
7 adjacent thereto, and because, as it is claimed, such majority did not in fact petition there-
8 for, and because of an alleged partial deviation in locating and constructing said levee
9 from the route petitioned for, and because of other alleged irregularities and informalities;
10 and,

WHEREAS, On a writ of certiorari issued out of the circuit court of Muscatine County, on
2 the petition of sundry owners of lands in said county assessed for the cost of said levee,
3 the assessment of the lands of said petitioners have been by the judgment of said court
4 adjudged invalid and set aside; and,

WHEREAS, The said levee was in part constructed under and in pursuance of the said
2 order and proceedings of said boards and under contract entered into under the same and
3 are the faith thereof.

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

SECTION 1. That the proceedings of the Boards of Supervisors of the Counties of Musca-
2 tine and Louisa, in the years of 1882 and 1883, in respect to the location and construction of
3 a levee on Muscatine Island in said counties, from the city of Muscatine to Port Louisa,
4 along or near the west shore of the Mississippi river, including the orders of the Boards
5 of Supervisors for the location and construction of said levee, the letting and making of
6 contracts therefor, the order for issuing warrants for payment for the work done in said
7 construction, and the warrants issued thereunder, be and the same is hereby legalized, and
8 shall be held and decreed valid and effectual to the same extent and effect in all respects as

9 to said proceedings, as if the same had been fully conformed to the law when the same were
10 had and taken. And said levee, as actually constructed, shall be held and deemed to be a
11 lawful levee to be maintained and repaired as provided by law in respect to such public im-
12 provements and all provisions of the law applicable to levees duly constructed under Chap-
13 ter two, Title ten of the Code, and the amendments thereto, shall apply to the said levee.

SEC. 2. The Boards of Supervisors of Muscatine and Louisa Counties, respectively, shall
2 at their regular meetings next after the expiration of thirty days from the taking effect of
3 this act, proceed to ascertain the amount necessary to compensate for property appropriated
4 for said levee, together with the amount due on the outstanding warrants, and the amount
5 due on said warrants shall be ascertained by deducting from said warrants, as of their
6 date, the amount of money now in the hands of the treasurers of Muscatine and Louisa
7 Counties collected on the prior assessment, on the remainder due on said warrants to figure
8 interest on said warrants from their date, at six per cent per annum. And said boards shall
9 apportion and assess the amount so ascertained among and upon the lands in said counties
10 benefitted by the location and construction of said levee in proportion to the amount of
11 benefit to said lands respectively. And all persons interested in or affected by said assess-
12 ments shall have the right to appear and be heard before said boards in respect to said
13 apportionments and assessments and the said boards shall on such hearings, assess such
14 lands as are benefitted with such amounts as in their judgment may be necessary to make
15 such apportionments and assessments just and equitable. And on the completion of such
16 apportionments and assessments all the provisions of law applicable to apportionments and
17 assessments made under and by virtue of Chapter two, of Title ten of the Code, and amend-
18 ments thereto in respect to the mode of collection and application of the proceeds thereof,
19 and appeals therefrom, including the provisions of sections six and seven, of Chapter 85 of
20 the acts of the Eighteenth General Assembly, shall apply to the said assessments herein
21 directed. *Provided*, that the owners of any lands so assessed shall be entitled to credit
22 upon their said assessments for any payments made and not refunded, as of the date of
23 the payment to the County Treasurer upon any previous assessments made or assumed to be
24 made upon such lands respectively, for or on account of the construction of said levee.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after
2 its publication in the Muscatine Journal and the Wapello Republican, newspapers pub-
3 lished in Muscatine and Louisa Counties, and in the Iowa State Register, a newspaper pub-
4 lished at Des Moines, Iowa, such publications to be without expense to the State.