

## A BILL

FOR AN ACT MAKING FURTHER PROVISION WITH RESPECT TO CONTRACTS BY CITIES OF THE FIRST CLASS CONTAINING A POPULATION OF OVER THIRTY THOUSAND, FOR PAVING AND CURBING STREETS, AND THE CONSTRUCTION OF SEWERS, AND THE MAKING AND COLLECTION OF ASSESSMENTS AND ISSUANCE OF BONDS OR CERTIFICATES TO PAY FOR SAME.

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

SECTION 1. That all cities of the first class in this State, containing, according to any  
2 legally authorized census or enumeration, a population of over thirty thousand, shall have  
3 the powers and be subject to all of the provisions of this act.

SEC. 2. When the council of any such city shall direct the paving and curbing or sewer-  
2 ing of any street or streets, they shall make and enter into contracts for furnishing mate-  
3 rials, and for the curbing and paving or sewerage, as the case may be, of such street or  
4 streets, either for the entire work in one contract, or for parts thereof in separate specified  
5 sections, as to them may seem best; *provided*, that no work shall be done under any such  
6 contract until a certified copy shall have been filed in the office of the city clerk.

SEC. 3. All such contracts shall be made by the council, in the name of the city, upon  
2 such terms of payment as shall be fixed by the council, and shall be made with the lowest  
3 bidder or bidders, upon sealed proposals, after public notice for not less than three weeks,  
4 in at least two newspapers of said city, which notice shall contain a description of the kind  
5 and amount of work to be done and materials to be furnished, as nearly accurate as prac-  
6 ticable.

SEC. 4. Each contractor shall be required to give a bond to the city, with sureties, to be  
2 approved by the council, for the faithful performance of the contract, and the council shall  
3 have power to institute suit in the name of the city, to enforce all such contracts.

SEC. 5. It shall be the duty of the city engineer to furnish the council with proper grades  
2 and lines, and see that the work is done in accordance with the ordinances and regulations  
3 of the city, with respect to said grades and lines.

SEC. 6. For the purpose of providing for the payment of the cost and expense of any  
2 such improvement or improvements, the council shall be authorized from time to time, as  
3 the work progresses, to make requisition upon the mayor of the city for the issue of bonds  
4 of the city in such sums as shall be deemed best, and it shall be the duty of the mayor to  
5 make and execute bonds accordingly, in the name of the city, to an amount not exceeding

6 the amount of the contract price of any such improvement and the incidentals attending  
7 the same. Said bonds to bear the name of the street or streets improved, to be signed by  
8 the mayor, and countersigned by the city clerk, and sealed with the corporate seal of the  
9 city, and shall all bear the same date, and be payable seven years after date, and redeem-  
10 able at any time, at the option of the city, and shall bear interest at the rate of not exceed-  
11 ing six per cent per annum, payable semi-annually.

SEC. 7. When said bond shall have been issued by the mayor, and sealed with the corpo-  
2 rate seal of the city, they shall be delivered to the clerk who shall register them in a book  
3 to be kept for that purpose, and countersign and deliver them to the committee or person  
4 authorized to negotiate the same, taking receipts therefor.

SEC. 8. Said committee or person authorized to negotiate said bonds, shall negotiate the  
2 same in such manner as they or he may think best, and for such prices as may be obtainable  
3 for the same, not less than par, and shall pay all moneys received therefrom to the treas-  
4 urer of the city, and report to the city clerk the number of bonds sold and the amount  
5 received therefor, and before delivering the same to the purchaser they shall be counter-  
6 signed by the said committee or other person so authorized to negotiate the same.

SEC. 9. All moneys received by the city treasurer from the sale of said bonds, shall be kept  
2 by him in a separate fund and paid out on requisition of the council, accompanied by an  
3 affidavit of the city engineer, that work has been done or material furnished to the amount  
4 of said requisition, and that it is required for payment of the same, and all moneys received  
5 by said treasurer shall be kept in the same manner, and subject to all the regulations  
6 regarding other money of the city, except that he shall keep a separate account of the same  
7 and all interest received upon the same shall be credited to such fund.

SEC. 10. When any such improvement shall have been completed it shall be the duty of  
2 the council to ascertain the entire amount of the bonds sold and the interest thereon, to  
3 the date of completion, which shall be taken to be the cost of such improvement, and such  
4 cost shall then be assessed as shall be provided by law or by ordinance of such city, upon  
5 the property fronting, or abutting upon said improvement.

SEC. 11. The council shall cause a plat of the street or streets on which any such improvement  
2 shall be made, showing the separate lots of ground, and the names of the several owners,  
3 and shall make or cause to be made a list or schedule of the names of all such owners, and  
4 the amount assessed against each lot or piece of ground, and shall give two weeks public  
5 notice in two newspapers in the city, and by hand bills posted in conspicuous places, on the  
6 line of such street or streets of the time and place where, for the period of twenty days  
7 thereafter, the same may be seen, for the correction of errors, and after having corrected  
8 such errors as may be made known to them they shall file the same in the office of the city  
9 clerk, and shall deliver a copy of said plat and schedule to the auditor of the county in  
10 which said city is situated.

SEC. 12. Said assessment shall be placed on the tax duplicate or list of the county, and shall be payable at the office of the county treasurer, in seven equal installments, with interest at six per centum upon the unpaid portion thereof, the first of which, with interest on the whole amount at six per cent, shall be payable at the first semi-annual payment of taxes, next succeeding the time said assessment is placed on said duplicate, and the others annually thereafter, and said assessment shall be collected like other taxes.

SEC. 13. Said assessments, with interest accruing thereon, shall be a lien upon the property abutting upon the street or streets on which any such improvement is made, from the commencement of the work, and shall remain a lien until fully paid, and shall have precedence over all other liens, and shall not be divested by any judicial sale; *provided*, that such lien shall be limited to the lot bounding or abutting on such street or streets, and not exceeding in depth therefrom one hundred and fifty feet.

SEC. 14. The owner of any property, against which an assessment shall have been made for the cost of any such improvement, shall have the right to pay the same in full, with interest thereon at six per cent from the time said assessment was made, or after having paid one or more of said seven installments and interest, he may at any time pay in full the balance of his assessments remaining unpaid, with interest thereon at six per cent from the time when the preceding payment became due, and such payment in full shall satisfy and discharge the lien upon said property; and any owner of such property, who shall divide the same so that the feet front on any such improvement are divided into separate lots or parcels, may discharge the lien in like manner upon any one or more of such lots or parcels, by payment of the amount unpaid thereon, calculated by the ratio of feet front of such lot or lots, parcel or parcels, to the feet front of the whole lot.

SEC. 15. All moneys received from assessments shall be appropriated to the payment of the interest and redemption, or payment of the bonds, or of the certificates hereinafter provided for, that shall be issued for said improvements, and if any interest shall become due on any of said bonds, when there is no fund from which to pay the same, the council shall be authorized to make a temporary loan for the payment thereof.

SEC. 16. If by reason of the prohibition contained in section three, article eleven, of the Constitution of this State, it shall at any time be unlawful for any such city to issue bonds as by this act provided, it shall be unlawful for such city to provide by ordinance for the issuance of certificates to contractors, who under contract with the city shall have constructed any such improvements, in payment therefor, each of which certificates shall state the amount or amounts of one or more of the assessments made against an owner or owners and lot or lots on account and for payment of the cost of any such improvement, and shall transfer to the contractor and his assigns all of the right and interest of such city to, in and with respect to every such assessment, and shall authorize such contractor and his assigns to receive, sue for and collect, or have collected, every such assessment em-

11 braced in any such certificate, by or through any of the methods provided by law for the  
12 collection of the assessments for local improvements, including the provisions of this act.

SEC. 17. Whenever the owner or owners of any lot or lots, the assessment or assessments  
2 against which is or are embraced in any such certificate, shall severally promise and agree  
3 in writing endorsed on such certificate that, in consideration of having the right to pay his  
4 or their assessment or respective assessments in installments, they will not make any objec-  
5 tion of illegality or irregularity as to their respective assessments, and will pay the same  
6 with interest thereon at such rate not exceeding six per cent, as shall by ordinance or reso-  
7 lution of the city council of such city be prescribed and required, he or they shall have the  
8 benefit and be subject to all of the provisions of this act authorizing the payment of assess-  
9 ments in annual installments and relating to the lien and collection of assessments, so far  
10 as applicable.

SEC. 18. Any owner of any lot or lots assessed for payment of the cost of any such im-  
2 provement who will not promise and agree in writing as provided by section seventeen  
3 hereof, shall be required to pay his assessment in full, when made, and the same shall be  
4 collectible by or through any of the methods provided by law for the collection of assess-  
5 ments for local improvements, including the provisions of this act.

SEC. 19. The terms "owner" or "owners," in this act, shall be so construed as to include  
2 all corporations, public, private and municipal.

SEC. 20. Any mistake in the description of the property or in the name of the owner shall  
2 not vitiate the lien.

SEC. 21. The council of any such city shall not have the right to authorize any improve-  
2 ment under this act unless the owners of two-thirds of the feet front of the property abut-  
3 ting upon the street or streets to be improved shall petition therefor or unless the same  
4 shall be voted for by three-fourths of the members of the council.

SEC. 22. Any part or section of any street may be improved under this act as well as an  
2 entire street.

SEC. 23. This act being deemed of immediate importance shall be in full force and effect  
2 from and after its publication in the Iowa State Register and Des Moines Leader, news-  
3 papers published in Des Moines, Iowa.