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Senate File 274

February 17, 1947.
Passed on File.

By CITIES and TOWNS.

A BILL FOR

An Act to provide an alternative method and procedure for street and sewer improvements in cities and towns, including those organized and operating under special charter and for the levy of special assessments against benefited property in connection therewith and authorizing the issuance of bonds payable from such special assessments.

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

1 Section 1. Definitions. The following words or terms
2 as used in this act shall have the respective meanings as
3 stated:

4 1. "Municipality" A city or town of any class, size
5 or form of government, including a city or town organized
6 and operating pursuant to a special charter.

7 2. "Council" The Council; Board of Aldermen or other
8 similar governing body of the municipality. The word "Clerk"
9 shall include "Recorder".

10 3. "Repair" The repair, reconstruction or resurfacing
11 of a public improvement.

12 4. "Street" Any public street, highway, boulevard,
13 avenue, alley, parkway, or public place within the limits of
14 such municipality.

15 5. "Lot" Any lot, part of lot, tract or parcel of land.

16 6. "Public Improvements" Public improvements as

17 referred to in this act shall include the principal

18 structures or works and their accessories of:

19 a. Sanitary, storm or combined sewers;

20 b. Drainage conduits, channels or levees;

21 c. Street grading, paving, curbing, guttering and

22 surfacing with oil, oil and gravel, or chloride;

23 d. Street lighting fixtures and connections;

24 e. Sewage pumping stations and disposal or treatment

25 plants;

26 f. Underground connections to private property for

27 gas, water, sewers or electricity;

28 g. Permanent sidewalks;

29 h. Extensions to the water main system of waterworks

30 systems.

31 7. "Cost" The total cost of a public improvement may

32 include the cost of technical and financing investigation,

33 preliminary reports, estimates, plans, specifications, notices,

34 legal services, the acquisition of lands, consequential damages

35 or costs, easements, rights-of-way, construction, supervision,

36 inspection, testing and the printing and publishing notices

37 and proceedings, interest during construction, and for not

38 more than six (6) months thereafter; and printing and sale

39 of bonds or certificates.

40 8. "Construction" All materials, labor, acts, operations

41 and services necessary to the completion of a public
42 improvement from its inception to its completion.

43 9. "Oil" Any asphaltic or bituminous material suitable
44 for road building purposes.

45 10. "Gravel" Gravel, crushed rock, cinders, shale or
46 similar material suitable for road building purposes.

47 11. "Main Sewer" Any sewer that is commonly referred
48 to as an "intercepting sewer", "outfall sewer", or "trunk
49 sewer".

50 12. "Lateral Sewer" Any sewer which contributes sewage
51 or surface water to a main sewer or outlet.

52 13. "Sewer System" The main sewers, lateral sewers,
53 drainage conduits or channels within a sewer district.

54 14. "District" The lots or area within the boundaries
55 of a district as established by the council for the purpose
56 of the assessment of cost of a public improvement.

57 15. "Privately Owned Property" All property except
58 streets, property owned by the United States, and property
59 owned by the municipality. Property owned by the State of
60 Iowa and railway property shall be considered privately owned
61 property.

62 16. "Abutting Lot" A lot which abuts or joins the street
63 in which the public improvement is located or which abuts
64 the right-of-way of said improvement.

65 17. "Adjacent Lot" Any lot which is not an abutting lot.

66 18. "Proposal" A legal bid as received on work advertised

67 as provided in this act.

68 19. "Paving" The word "paving" as used in this act shall
69 include any kind of hard surfacing including, but not limited
70 to, concrete, bituminous concrete, brick, stabilized gravel or
71 crushed stone or combinations of such materials, together with
72 the necessary base. Paving shall not include surfacing with
73 oil, oil and gravel or chloride.

74 20. "Engineer" A professional engineer registered in
75 the State of Iowa authorized by the Council to render service
76 in connection with the public improvement.

77 21. "Railways" The word "railways" shall include street
78 railways.

1 Sec. 2. Grant of Power. Municipalities shall have the
2 power to construct or repair public improvements within and
3 extending outside their corporate limits and may assess all
4 or any portion of the cost thereof to private property within
5 the municipality in the manner and amounts as provided in
6 this act and subject to the limitations as provided herein ;
7 except that the construction of permanent surfacing, curbs,
8 gutters, pavement or sidewalks shall not be ordered unless
9 such improvement when fully completed shall be to established
10 grade. The Council may include as a part of a public
11 improvement connections from gas, water, steam heating pipes,
12 sewers and underground electric construction to the curb line
13 of abutting property or by separate proceeding under any other
14 law require same to be made or to be relocated or repaired

15 before the permanent improvement of a street.

1 Sec. 3. Power of Condemnation. Municipalities shall
2 have the power to condemn, in the manner provided for the
3 condemnation of lands for its needs, right-of-way through
4 private property adequate for the construction, repair and
5 maintenance of all public improvements authorized by this
6 Act.

1 Sec. 4. Preliminary Resolution. When the Council
2 shall deem it necessary to construct or repair any public
3 improvement or improvements under the provisions of this act
4 and to assess the cost thereof to private property, it shall
5 adopt a preliminary resolution generally describing the
6 type or alternative types of improvement or improvements
7 proposed and the beginning and terminal points thereof,
8 or otherwise indicating the general location thereof, and
9 directing the Engineer to prepare and file with the Clerk
10 of the municipality preliminary plans and specifications
11 for the work, an estimated total cost thereof and a plat
12 and schedule. A single resolution may embrace one improvement
13 only or two or more classes of improvements so related by
14 location or otherwise as to make it advisable in the opinion
15 of the Council to proceed with all thereof simultaneously.
16 An improvement need not be continuous and may be in more than
17 one locality or street and that portion of a street may be
18 excluded which has been improved by any railway or which the
19 municipality may be authorized under the franchise or contract

20 with such railway to require it to improve; provided, that
21 notwithstanding any provision of any law, franchise or contract
22 requiring any railway to improve any portion of a street or to
23 pay the cost of such portion, such municipality may relieve
24 such railway of all or any part of such requirement and such
25 cost may include all or any part thereof in the portion of the
26 improvement constructed under this act and for the amount of
27 which assessments are levied hereunder. The resolution may
28 generally describe the property which the Council at that time
29 deems will be specially benefited thereby and may also specify
30 a particular proportion of the cost which the Council at that
31 time deems should be assessed against the benefited property.
32 Such resolution may give any short and convenient designation
33 to the public improvement specified therein so as to distinguish,
34 it, from any other similar improvement and proceedings and
35 thereafter it shall be sufficient to refer to such improvement
36 by such designation in all proceedings thereafter taken under
37 the provisions of this act. The preliminary plans and
38 specifications need only be in sufficient detail to advise
39 any person interested of the general nature, character and
40 type of the improvement. The estimate of the cost of any
41 public improvement shall set forth in one item the estimated
42 amount to be paid the contractor and separately the estimated
43 cost of making and collecting the assessments, engineering,
44 inspection, interest during the construction period, legal
45 fees and other costs.

1 **Sec. 5. Requirements of Plat.** The plat as prepared
2 and filed by the Engineer shall show the following information:

3 1. The boundaries of the district embracing the lots
4 proposed to be assessed;

5 2. The location of each lot under separate ownership
6 within the district including the property of all railways
7 subject to assessment;

8 3. The location and terminal points of all major parts
9 of the improvement proposed to be assessed.

1 **Sec. 6. Requirements of Schedule.** The schedule as
2 filed by the Engineer shall show the following detailed
3 information for each lot within the district:

4 1. A description of each lot or portion thereof within
5 the district and the name of the owner of each respective
6 lot as shown by the transfer books in the office of the
7 County Auditor of the county in which such lot is located.

8 2. The valuation of each lot including the improvements
9 thereon as fixed by the Engineer.

10 3. The amount proposed to be assessed to each lot.

11 4. The amount of deficiency, if any, between the amount
12 proposed to be assessed and the estimated total cost of the
13 public improvement.

1 **Sec. 7.** The Council of any such municipality shall
2 have authority to contract for the services of engineers to
3 prepare the necessary estimates, plats and schedules and other
4 services in connection with any public improvement under the

5 provisions of this act and provision shall be made for payment
6 of such services as a part of the cost of the respective
7 improvements or such municipality may pay for such services
8 from any other available funds.

1 Sec. 8. Plat and Schedule Adopted. When the plat,
2 schedule and estimate of cost have been so filed the Council
3 may before adopting a proposed resolution of necessity as
4 hereinafter provided cause the estimate, valuation or
5 assessment of any lot or the boundaries of the district as
6 reported by the Engineer to be amended or revised and adopt
7 the report as revised or amended, or may adopt the report as
8 filed.

1 Sec. 9. Introduction of Proposed Resolution of
2 Necessity. Upon the adoption of the report of the Engineer
3 if the Council then determines to proceed with the proposed
4 public improvement or any part thereof, it shall cause to be
5 prepared and introduced a proposed resolution of necessity
6 and fix a date for hearing objections of the owners of property
7 subject to assessment and give public notice of the time and
8 place for hearing of objections from property owners within
9 the district proposed to be assessed. The proposed resolution
10 of necessity shall include a statement that there is on file
11 in the office of the Clerk an estimated total cost of the
12 proposed work and a preliminary plat and schedule showing the
13 description of each lot proposed to be assessed, the valuation
14 of each lot as approved by the Council, the amount proposed to

15 be assessed to each lot for the proposed improvement, and the
16 date when the Council will hear objections of property owners
17 subject to assessment, as to the making of the proposed
18 improvement, as to the boundaries established for the district,
19 the cost of the improvement or the amount proposed to be
20 assessed against any individual lot within the district.

1 Sec. 10. Notice to Property Owners. The Clerk shall
2 cause public notice of the time when the Council will hear
3 objections to the adoption of a resolution of necessity to be
4 given by two publications in some newspaper published in the
5 municipality, the last publication of which shall be not less
6 than ten (10) nor more than eighteen (18) days prior to the
7 date fixed for consideration; but if there is no such
8 newspaper published within the municipality such notices shall
9 be given by posting copies thereof in at least two public
10 places within its corporate limits. The U. S. Postoffice
11 and the regular meeting place of the Council shall be considered
12 public places. The form of the published or posted notice may
13 be substantially as follows:

14 NOTICE TO PROPERTY OWNERS

15 Notice is hereby given that there is now on file for,
16 public inspection in the office of the Clerk of,
17 Iowa, a proposed resolution of necessity, an estimate of
18 cost and a plat and schedule showing the amounts proposed to
19 be assessed against each and every lot and the valuation
20 thereof within a district as approved by the

21 Council of _____, Iowa, for a _____

22 improvement of the type and in the location as follows:

23 _____

24 _____

25 _____

26 The Council (or other governing body) will meet at

27 _____o'clock _____M. on _____, 19_____, at

28 _____
(date)

29 the _____

30 _____
(place of meeting)

31 at which time the owners of property subject to assessment

32 for the proposed improvement or any other person having an

33 interest in the matter may appear and make objections to the

34 making of the proposed public improvement, to the boundaries

35 of the proposed district, to the cost, to the amount proposed

36 to be assessed against any lot or to the final adoption of a

37 resolution of necessity.

38 Unless property owners have written objections to the

39 proposed assessment on file with the Clerk prior to the time

40 fixed herein for the public hearing they shall be deemed to

41 have waived all objections thereto.

42 _____

43 _____ Clerk

1 Sec. 11. Hearing of Objections. The Council shall

2 meet at the time and place specified in the published or

3 posted notice and shall cause to be read all written objections

4 theretofore filed and may hear any oral objections from the
5 owners of property or other persons having an interest in the
6 matter. The Council may at such scheduled meeting or at a
7 subsequent meeting and after hearing and considering objections,
8 adopt the resolution of necessity as proposed or may amend the
9 same and adopt the resolution as amended. Any amendment to the
10 proposed resolution of necessity which extends the boundaries
11 of the district to include lots not shown on the proposed plat
12 and schedule shall not be effective as to such extension until
13 a notice of hearing of objections for the revised district has
14 been published or posted as provided in this act and a hearing
15 held by the Council as provided in such notice or until signed
16 waiver of such notice and hearing from the owners of all property
17 affected or included by such amendment shall have been filed
18 with the Clerk.

1 Sec. 12. Adoption of the Detailed Plans and Specifications.

2 After the adoption of a resolution of necessity, the Council may
3 by resolution, order and direct detailed plans, specifications,
4 notice to bidders and form of contract for the proposed work to
5 be prepared by the Engineer and filed with the Clerk. Upon
6 approval by the Council of such plans, specifications, notice
7 to bidders and form of contract, the Council may, by resolution,
8 order the work included in the resolution of necessity as
9 adopted and directed publication of the notice for construction
10 bids.

1 Sec. 13. Notice for Bids. A notice of a public

2 letting for the construction or repair of a public improvement
3 shall be given by two (2) publications in a newspaper published
4 within the municipality, the first of which shall be not less
5 than twelve (12) days before the date set for receiving bids,
6 which notice shall state the time and place for filing
7 proposals, the time and place when such proposals will be
8 opened and considered by the Council, as nearly as practicable
9 the nature and extent of the work, the kinds of materials to be
10 used, when the work shall be begun and the date of completion
11 thereof, the terms and method of payment and a statement that
12 each bidder shall accompany his bid with a cashier's or
13 certified check on a state or national bank in an amount at
14 least equal to ten per cent (10%) of the Engineer's estimated
15 total cost of the improvement as security that the bidder will
16 enter into the contract for the work bid upon and will furnish
17 a corporate surety bond acceptable to the Council for the
18 faithful performance of the contract.

19 If there be no newspaper published in the municipality
20 such notice for bids shall be given by two (2) publications
21 in a newspaper of general circulation within the municipality.

22 The notice for bids may provide that bids will be
23 received for furnishing all labor and material required to
24 complete all parts of the proposed work under one contract,
25 or for parts thereof in separate and specified sections.

1 Sec. 14. Award of Contract or Rejection of Bids.

2 The Council, after opening and recording the proposals as

3 received may, by resolution, award the contract to the bidder
4 determined to be the lowest bidder, or may reject any or
5 all bids and order readvertisement for bids for the work
6 on any specified section or sections thereof in the manner
7 as hereinbefore provided.

8 The check of the successful bidder shall be retained
9 by the municipality until the prescribed contract has been
10 entered into and bond filed and the contract and bond
11 approved by the Council. The check of the unsuccessful
12 bidders shall be returned to such bidders by the Clerk and
13 a receipt therefor obtained and placed on file in his office.

1 Sec. 15. Bond of Contractor. Each contractor for a
2 public improvement shall give bond to the municipality with
3 corporate sureties to be approved by the Council, for the
4 faithful performance of the contract, in a sum equal to the
5 contract price and suit on such bond may be brought in the
6 county in which the Council may hold its sessions.

1 Sec. 16. Underground Connections Required. The Council
2 shall have power to require the connections from gas, water,
3 and steam-heating pipes, sewers, and underground electric
4 construction, to the curb line of abutting property, to be
5 made before the permanent improvement of the street, and if
6 such improvements have already been made, to regulate the
7 making of such connections, fix the charges therefor, and make
8 all needful rules in relation thereto, and the use thereof.
9 If the owners of property on such streets fail to make such

10 connections in the manner and within the time fixed by the
11 Council, it may cause the same to be made, and assess the
12 cost thereof against the property for which they are made.
13 The Council shall direct the Clerk to certify the actual cost
14 of the connection to each lot, to the County Auditor who shall
15 place the amount so certified on the tax list to be collected
16 as other taxes against such lot.

1 Sec. 17. Water Connections—Board of Waterworks Trustees.
2 Before any municipality having a board of waterworks trustees
3 orders any street permanently improved by paving, graveling,
4 or macadamizing, the Council shall notify the board of the
5 proposed resolution of necessity. The board shall report to
6 the Council the lots and names of the owners and the
7 requirements in respect to connections from any water mains or
8 pipes to the curb line of the abutting property and thereupon
9 the Council may pass a resolution requiring the respective
10 owners of the said abutting property to make said connections
11 in the manner required by the rules of the board, and fixing
12 a time therefor. Notice thereof shall be given by one
13 publication in some newspaper of general circulation in such
14 municipality, which shall be at least ten days prior to the
15 time fixed in said resolution.

16 If the owner fails to put in the said water connections
17 before the time fixed or within such additional time, not
18 exceeding thirty (30) days, as may be granted by the Council,
19 the board of waterworks trustees shall put in said connections

20 and certify the actual cost thereof to the Council. The Council
21 shall direct the Clerk to certify the actual cost of the
22 connections to each lot, to the County Auditor who shall place
23 the amount so certified on the tax list to be collected as
24 other taxes against such lot.

1 **Sec. 18. State Lands and Buildings. Municipalities**
2 may assess the cost of a public improvement which extends
3 through or abuts upon lands owned by the state and the state,
4 through the executive council, shall pay such portion of the
5 cost of making said improvement through or along such lands as
6 would be legally assessable against said lands were said
7 lands privately owned, which amount shall be determined by
8 the Council. Payment of such assessments shall be made by
9 the executive council from any funds of the state not otherwise
10 appropriated.

11 Any municipality in which any state building may be
12 situated shall permit the officers in charge of such building
13 and the persons constructing or improving the same to construct
14 sewers therefor through or under any of its streets, or to
15 connect the same with its sewer system under the same regulations
16 that are provided for sewer connections to private property.

1 **Sec. 19. Monthly Payments to Contractor.** When the
2 specified duration of time for the performance of a construction
3 contract for a public improvement exceeds sixty (60) days, the
4 municipality shall pay the contractor monthly estimates based
5 on ninety per cent (90) of the Engineer's estimated value of

6 the acceptable work completed on such contract in warrants
7 drawn on any fund from which such work may be paid. Such
8 warrants shall draw four (4) per cent interest per annum from
9 and after the date of presentation for payment.

1 Sec. 20. Inspection and Acceptance of Work. All work
2 included in the construction or repair of a public improvement
3 under this act shall be subject to inspection by and approval
4 of an Engineer for the municipality, and within ten (10) days
5 after the final completion and acceptance of the work by the
6 Engineer, he shall file with the Clerk a certificate stating
7 that such work has been completed in accordance with the
8 construction contract and the total cost of such completed
9 construction or repair work. The Council shall at its next
10 regular meeting and within ten (10) days from the date of
11 filing of such Engineer's certificate, by resolution,
12 accept or reject the work and after acceptance of the work
13 shall, at the same meetings or within ten (10) days thereafter
14 ascertain the total cost thereof and shall by resolution
15 determine the proportion or amount of such cost to be assessed
16 against private property within the assessment district.

1 Sec. 21. Filing of Assessment Schedule. After the
2 adoption of the resolution by the Council fixing the amount
3 to be assessed against private property, the Engineer shall,
4 within thirty (30) days thereafter, file with the Clerk an
5 assessment schedule showing the name of the owner and a
6 description of each lot to be assessed, together with the

7 valuation thereof as theretofore fixed by the Council and
8 the amount to be assessed against each such lot.

1 **Sec. 22. Adoption and Certification of Assessment**
2 **Schedule.** Within thirty (30) days but not less than fifteen
3 (15) days from the date of filing of the assessment schedule
4 by the Engineer the Council shall consider same and adopt it
5 as prepared or make any changes therein found necessary and
6 adopt it in revised form. Such resolution as finally adopted
7 shall confirm and levy the assessments, shall state the number
8 of annual installments, not exceeding fifteen (15), into which
9 the assessments of ten dollars (\$10.00) or more are to be
10 divided, the rate of interest and the time when such assessments
11 are payable, and shall direct the Clerk to certify such
12 schedule as finally adopted to the Auditor of the county, or of
13 each of the counties in which the property assessed is located;
14 and thereupon the County Auditor shall place such assessments
15 on the tax list of the county with the amounts to be assessed
16 against each lot within such assessment schedule as certified.

1 **Sec. 23. Assessment of Cost.** The cost of construction
2 or repair of a public improvement, except for that part for
3 which railways are liable or which is to be otherwise paid,
4 shall be assessed against all lots within the assessment
5 district in accordance to the special benefits conferred upon
6 the property thereby and not in excess of such benefits.

1 **Sec. 24. Limitations on Assessment Costs.** No special
2 assessment against any lot for any public improvement as

3 defined herein, shall be in excess of the estimated amount
4 of such assessment as shown on the preliminary plat and
5 schedule as adopted by the Council and no such assessment
6 shall exceed twenty-five (25) per cent of the value of the
7 lot as shown by the plat and schedule theretofore approved
8 by the Council.

9 Special assessments for the construction or repair of
10 underground connections to private property for gas, water,
11 sewers or electricity shall be assessed to each lot fronting
12 on the proposed street improvement for the actual cost of
13 each such connection to such lot.

1 Sec. 25. Deficiencies. If the special assessment
2 which may be levied against any lot shall be insufficient to
3 pay its proportion of the cost of the improvement the
4 deficiency, if for a street improvement, may be paid out of
5 the general fund, the improvement fund, or the street
6 construction fund of the municipality, and if for a sewer,
7 may be paid out of its general fund, its improvement fund
8 or its sewer fund. If there be property against which no
9 special assessment can be levied or collected, the portion
10 of the cost of the improvement which might otherwise be
11 assessed against such property shall be paid in like manner.

1 Sec. 26. Assessments Against Railway Companies.
2 Railway companies operating within municipalities shall
3 provide a suitable foundation for their track between the
4 rails and one foot outside of each rail, and may be assessed

5 for the construction or repair of paving between the rails
6 of their track or tracks, and for one foot outside of each
7 rail thereof in the amount that the cost of such pavement
8 exceeds the area cost of the remainder of the pavement on
9 such street.

10 All construction and maintenance of the pavement
11 between the rails and one foot outside of the rails of the
12 railway company and any construction or repairs made
13 necessary by the operation of the railway company shall be
14 made by such company and if not so made the municipality
15 shall have the power to do such construction work or make such
16 repairs as may be necessary and assess the cost thereof to
17 such railway company in the manner provided herein for the
18 assessment of costs thereof against abutting property.

19 The right-of-way of any railroad company shall be
20 subject to special assessments for all public improvements
21 specified in this chapter as is other private property, and
22 such assessment shall constitute a debt due personally from
23 the railroad company owning or leasing such right-of-way.
24 Any such assessment against a railway company shall be a
25 paramount lien upon the tract thereof within the corporate
26 limits of the municipality. No part of the lien of any
27 railway shall be released from the lien for any part of any
28 unpaid assessment until the whole assessment shall have been
29 paid.

1 Sec. 27. Installments—Payment—Delinquency. The first

2 installment of each assessment, or total amount thereof, if it
3 be less than ten dollars (\$10.00), with interest on the whole
4 assessment from date of levy by the Council, shall become due
5 and be payable on January 1 next succeeding the date of such
6 levy unless the assessment is filed with the County Auditor
7 less than sixty (60) days prior to such next succeeding
8 January 1 in which event the due date shall be the second
9 succeeding January 1 after the date of levy. The succeeding
10 annual installments, with interest on the whole amount unpaid
11 shall respectively become due on January 1 annually thereafter
12 at the same time and in the same manner as the March semi-
13 annual payment of ordinary taxes.

14 All future installments of an assessment may be paid on
15 the due date of an installment upon terms of the principal
16 amount thereof plus interest thereon to the succeeding June 1st
17 and plus the amount of premiums, if any, required to be paid on
18 such succeeding June 1st for redemption of bonds prior to
19 maturity that may have been issued for account of such
20 improvement.

21 All such assessment with interest shall become delinquent
22 after the thirty-first day of March next after their due date
23 and shall bear the same interest with the same penalties as
24 ordinary taxes, and when collected the said interest and
25 penalties shall be credited to the same fund as the said
26 special assessment.

27 Upon the payment of any assessment or installment

28 thereof interest shall be computed and collected as aforesaid
29 up to the first day of June following the date of such
30 payment. All assessments shall constitute lien on the lots
31 assessed from the date they are certified to the County
32 Auditor and such liens shall have the same preference and
33 priorities as liens for ordinary taxes; provided, that in no
34 case shall the owner of any lot be liable for an assessment
35 beyond the value of the property assessed.

1 Sec. 28. Limitation on Litigation. Any person, firm
2 or corporation interested in any property included in any
3 district under the provisions of this act shall have the right
4 within twenty (20) days from the date of adoption of a
5 resolution of necessity, as hereinbefore required, by petition
6 filed in the District Court of the county in which such property
7 is located, to question the legality or regularity of any
8 action or proceedings preliminary to or in connection therewith
9 and failure to file such petition within such twenty (20) days
10 shall constitute a waiver to thereafter assert such right or
11 litigate such question. Filing such petition shall not operate
12 as a stay of further action or proceedings by the Council
13 unless there is also filed a bond in an amount and with surety
14 approved by the court conditioned to indemnify the municipality
15 for all loss and costs in the event it is adjudicated that
16 such questioned action or proceedings of the Council are legal
17 and regular. Such petition shall be received, filed, and
18 action had thereon in the District Court as for other

19 ordinary actions.

1 Sec. 29. Payments of Assessments. Assessments
2 levied and certified under the provisions of this act and
3 installments thereof and interest thereon shall be payable
4 at the office of the County Treasurer of the county wherein
5 the property assessed is located, and assessments may be
6 there paid in full and without interest within thirty (30)
7 days after the date of certification thereof to the County
8 Auditor.

1 Sec. 30. Special Assessment Bonds. At any time and
2 from time to time after the contract or contracts for the
3 construction or repair of a public improvement have been
4 executed the municipality may by resolution of the Council
5 authorize and issue bonds of the municipality in anticipation
6 of the collection of special assessments, provided, that the
7 aggregate principal amount of such bonds issued prior to the
8 certification of the assessment roll to the County Auditor,
9 as hereinbefore provided, shall not exceed seventy per cent
10 (70%) of the total amount of such assessments as shown by
11 the preliminary plat and schedule, and provided also, that
12 the total principal amount of bonds issued for account of
13 any public improvement shall not exceed the total amount of
14 special assessments. All such bonds shall be negotiable and
15 shall recite on their face that they have been issued under
16 the provisions of this act and are payable as to both
17 principal and interest solely from the proceeds of the

18 special assessments levied for account of the public
19 improvement. Such bonds shall bear interest at a rate not
20 exceeding the rate of interest to be paid on the special
21 assessments and shall mature serially on June 1 of the years
22 in which any of such principal is scheduled to become due
23 and shall contain a provision that the municipality reserves
24 the right and option of calling and redeeming any or all of
25 the bonds on June 1 of each year prior to maturity upon such
26 terms as are specified therein. The proceeds of the special
27 assessments and interest collected thereon shall be used and
28 applied by the Treasurer of the municipality to the payment
29 of the interest on the bonds and to the retirement of the
30 principal as rapidly as such proceeds are collected. Said
31 bonds shall be sold for cash and the proceeds, exclusive of
32 accrued interest, shall be used and applied to the payment of
33 the cost of the public improvement. After all of the bonds
34 for account of a particular improvement have been paid and
35 retired any excess of proceeds of special assessments may be
36 rebated to the owners of the property assessed in proportion
37 to the assessments against the respective lots or may be
38 transferred to the fund of the municipality from which
39 deficiencies on such improvement were paid.

1 Sec. 31. Tax Sale. Property against which a special
2 assessment has been levied for public improvements may be
3 sold for any sum of principal or interest due and delinquent
4 at any regular or adjourned tax sale, in the same manner, with

5 the same forfeitures, penalties, and right of redemption, and
6 certificates and deeds on such sales shall be made in the
7 same manner and with like effect, as in case of sales for the
8 nonpayment of ordinary taxes. The purchaser at such sale
9 shall take the property charged with the lien of the remaining
10 unpaid installments and interest. At any such sale where bonds
11 have been issued in anticipation of such special assessments
12 and interest the municipality may be a purchaser and be entitled
13 to all rights of purchasers at tax sales. The proceeds
14 subsequently realized from sales of any property so purchased
15 by the municipality shall be credited to the improvement fund
16 the general fund or the street construction fund of the
17 municipality.

1 Sec. 32. Improvement Fund. The whole or any part of
2 the cost of the construction or repair of any public improvement
3 may be paid from the improvement fund and the municipality
4 shall have the power, after the completion of the work, by
5 resolution to levy at one time upon all the taxable property
6 therein the percentage or amount of annual improvement fund
7 taxes necessary to pay the same not exceeding in any one year
8 the maximum annual limit of said taxes.

1 Sec. 33. Relevy. When by reason of nonconformity to
2 any law or resolution, or by reason of any omission, informality,
3 or irregularity, any special tax or assessment levied is
4 determined by the Council to be invalid or is adjudged illegal,
5 the Council shall have power to correct the same by resolution,

6 and may reassess and relevy the same, with the same force and
7 effect as if done at the proper time and in the manner provided
8 by law or by the resolution relating thereto.

1 Sec. 34. Joint Municipal and State Improvements. The
2 provisions of this act shall apply to any street improvement
3 undertaken jointly by the municipality with the State Highway
4 Commission pursuant to the provisions of Sections 313.12 to
5 313.23 inclusive of the Code and any such municipality may
6 assess and pay its portion of the cost of such street
7 improvement as herein provided, but any requirement of this
8 act in respect to approval of detailed plans and specifications,
9 calling for construction bids, awarding construction contracts
10 and acceptance of the completed improvement shall be carried
11 out by such municipality with the State Highway Commission
12 as may be provided in any agreement entered into as permitted
13 by Section 313.22 of the Code.

1 Sec. 35. Savings Clause. This act shall not repeal
2 any other law relating to the subject matter hereof but shall
3 be deemed to provide a supplemental and alternative method
4 of procedure and if any section or provision of this act be
5 declared unlawful it shall not affect the remainder thereof.

1 Sec. 36. Special Charter Municipalities. This act
2 shall also apply to cities and towns organized and operating
3 under special charters.