

Reported Recommending _____
Ind. Postponed _____
Passed Senate _____
Failed to Pass Senate _____
Passed House _____
Failed to Pass House _____

Senate File 478

April 7, 1947.
Passed on File.

By JUDICIARY II.

A BILL FOR

An Act to legalize and validate proceedings authorizing acceptance of conveyance of lands known as “the Prisoner of War Camp”, Algona, Iowa, with certain buildings and facilities thereon, from the United States of America by the City of Algona, Iowa, subject to provisions for reversion of title to the United States in the event of breach of conditions stipulated in said deed.

WHEREAS, the United States of America, acting by and through War Assets Administrator under and pursuant to Executive Order 9689, dated January 31, 1946, and powers and authority contained in the provisions of the Surplus Property Act of 1944 (58 Stat. 765) ; and the powers and authorities contained in the provisions of the Federal Airport Act of 1946 (60 Stat. 170), and War Assets Administration Regulation No. 1 as amended, in consideration of the development and operation of the premises conveyed as a public airport in perpetuity and for benefit which will accrue to the United States of America from the continued use of such property as an airport, conveyed by Quit Claim Deed to the City of Algona, Iowa, and to its successors in function a tract of real estate situated in Kossuth County, Iowa, consisting of 221.3 acres, more or less, and known as the “Prisoner of War Camp”, Algona, Iowa, (W.A.A. No. W-Iowa-16) together with certain facilities thereon, and,

WHEREAS, said property was so conveyed subject to each and all of the following conditions, namely:

“PROVIDED, that the title to the said premises shall automatically revert to the United States if and in the event that the Administrator of Civil Aeronautics, or his successor in function, determines that the premises have not been developed for airport purposes within a reasonable

period of time after the date thereof, or that after having been so developed the premises have ceased to be used or necessary for airport purposes.

“Said land was duly declared surplus and assigned to the War Assets Administrator for disposal, acting pursuant to Executive Order 9689 and War Assets Regulation No. 1 as amended.

“AND the Grantee for and in consideration of the property conveyed hereby does for itself and its successors in function, covenant and agree as follows:

First: That the Grantee will develop an airport upon the lands herein demised;

Second: That such airport will be operated as a public airport on fair and reasonable terms and without unjust discrimination;

Third: That any subsequent transfer of the property interest conveyed hereby will be made subject to all of the covenants, conditions and limitations contained in this instrument;

Fourth: That in the event of breach of any condition or covenant herein imposed, then the Administrator of Civil Aeronautics of the U. S. Department of Commerce or his successor may immediately enter and possess himself of title to the herein demised premises for and on behalf of the United States of America.

Fifth: That in the event of breach of any condition or covenant herein imposed, the Grantee will, upon demand by the Administrator of Civil Aeronautics of the United States Department of Commerce, take such action, including the prosecution of suit, or execute such instruments, as may be necessary and required to evidence transfer of title to the herein demised premises to the United States of America.”

And, WHEREAS, the City of Algona, pursuant to proper proceedings of the Council thereof, heretofore accepted said conveyance by instrument in writing in which it did accept and bind itself by all of the terms and conditions of said deed of conveyance, and,

WHEREAS, doubt has arisen concerning the validity and the legal sufficiency of the action of the City Council of the City of Algona, Iowa, in accepting said conveyance

and obligating itself and the citizens thereof under the provisions and conditions contained in said conveyance, including the development of an airport upon the lands demised and the expenditure of municipal funds therefor; NOW, THEREFORE,

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

1 Section 1. That all of the proceedings heretofore
2 taken by the City Council of the City of Algona, Iowa,
3 providing for the acceptance of the conveyance of those
4 lands in Kossuth County, Iowa, known as the "Prisoner of
5 War Camp", Algona, Iowa, (W.A.A. No. W-Iowa-16) containing
6 221.3 acres, more or less, together with the described
7 facilities thereon, subject to all of the terms and
8 conditions stipulated in said deed of conveyance, in-
9 cluding the obligation upon the City to develop an airport
10 upon the lands so conveyed and the expenditure of municipal
11 funds therefor are hereby legalized, validated and
12 confirmed and declared to be as legal and valid as if
13 every provision of law had been fully complied with,
14 not withstanding any irregularity, omission or defect
15 in connection therewith.

1 Section 2. This Act being deemed of immediate
2 importance shall be in full force and effect from and
3 after its publication in the Kossuth County Advance, a
4 newspaper published at Algona, Iowa, without expense to
5 the State of Iowa.