

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

Senate File 483

April 8, 1947.

By JUDICIARY COMMITTEE II.

A BILL FOR

An Act to legalize and validate proceedings authorizing acceptance of conveyance of lands known as "Clarinda Prisoner of War Camp" Clarinda, Iowa, with certain buildings and facilities thereon, from the United States of America by the City of Clarinda, 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 Clarinda, and to its successors in function a tract of real estate situated in Page County, Iowa, containing of 292.73 acres, more or less, and known as the "Clarinda Prisoner of War Camp", Clarinda, Iowa, (W.A.A. No. W-Iowa-10) 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 hereof 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 Clarinda, 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 legal sufficiency of the action of the city council of the City of Clarinda, Iowa, in accepting said conveyance and obligating itself and the citizens thereof under the express provisions of code section 565.6, Code 1946, and under the provisions and conditions contained in said conveyance, including the development of the

airport upon the lands demised and the expenditure of municipal funds therefor, in order to put all such doubts forever at rest, Now, Therefore,

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

1 Section 1. That all of the proceedings heretofore taken by
2 the City Council of the City of Clarinda, Iowa, providing for the
3 acceptance of the conveyance of those lands in Page County, Iowa,
4 known as the "Clarinda Prisoner of War Camp", Clarinda, Iowa,
5 No. W-Iowa-10) containing 292.73 acres, more or less, together with
6 the described facilities thereon, subject to all of the terms
7 and conditions stipulated in said deed of conveyance, including
8 the obligations upon the City to develop an airport upon the
9 lands so conveyed and the expenditure of municipal funds there-
10 for are hereby legalized, validated and confirmed and declared
11 to be as legal and valid as if every provision of law had been
12 fully complied with, notwithstanding any irregularity, omission
13 or defect in connection therewith, regardless of any limitations
14 upon the right, power or authority of said City of Clarinda,
15 Iowa, to acquire such property pursuant to the provisions of
16 Code Section 565.6, Code 1946, or any other statute relating
17 to the right, power and authority of the city council of Clarinda,
18 Iowa, to acquire in any manner lands for airport purposes.