

January 19, 1951.
Compensation of Public Officers.

House File 122
By CROSIER and NELSON of
Woodbury.

Passed House, Date
Vote: Ayes..... Nays.....
Passed Senate, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act relating to municipal corporations, including their incorporation, discontinuance, annexation or severance of territory and the changing of names thereof and to repeal various sections of chapter three hundred sixty-two (362), Code 1950, relating thereto and to enact substitutes therefor.

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

1 Section 1. Section three hundred sixty-two point five
2 (362.5), Code 1950, is amended by striking the comma (,) after
3 the word "incorporation" in line four (4), inserting a period
4 (.) in lieu thereof, and striking the balance of the section.
5 Further amend said section by adding the following
6 sentence: "Such notice shall state the time and place of
7 holding the elections, a description of the geographical
8 limits of the proposed municipal corporation, that a plat
9 and description of such limits are on file in the office of
10 the clerk of the district court, and shall be published once
11 each week for three (3) consecutive weeks in the manner
12 provided by chapter six hundred eighteen (618)."

1 Sec. 2. Section three hundred sixty-two point seven

2 (362.7), Code 1950, is amended by striking therefrom the
3 sentence beginning with the word “The” in line six (6) and
4 ending with the word “town” in line thirteen (13), and
5 inserting in lieu thereof the following sentence: “The
6 commissioners shall cause notice of the time and place of
7 holding the election to be published once each week for
8 three consecutive weeks in the manner provided by chapter
9 six hundred eighteen (618).”.

1 Sec. 3. Section three hundred sixty-two point eleven
2 (362.11), Code 1950, is amended by striking the comma (,)
3 after the word “election” in line eleven (11) and inserting
4 a period (.) in lieu thereof.

5 Further amend said section by striking from lines
6 eleven (11) to sixteen (16) the words commencing with “by
7 publication” in line eleven (11) and ending with the word
8 “therein” in line sixteen (16), and inserting in lieu thereof
9 the following sentence: “Such notice shall be published once
10 each week for three consecutive weeks in the manner provided
11 by chapter six hundred eighteen (618).”.

1 Sec. 4. Section three hundred sixty-two point fifteen
2 (362.15), Code 1950, is hereby amended by striking therefrom
3 the last sentence in lines six (6) to twelve (12), inclusive,
4 and inserting in lieu thereof the following: “All court
5 records of any mayor or other officer shall be deposited with
6 the clerk of the district court in the county where the office
7 of the mayor or other officer is situated, and the judge of

8 said court shall have authority to execute and complete all
9 unfinished business standing on the same.”.

1 Sec. 5. Section three hundred sixty-two point sixteen
2 (362.16), Code 1950, is amended by striking from lines five
3 (5) to seven (7) the words “for four consecutive weeks in
4 the county where the court is held” and inserting in lieu
5 thereof the following: “for three consecutive weeks in the
6 manner provided by chapter six hundred eighteen (618).”.

1 Sec. 6. Section three hundred sixty-two point nineteen
2 (362.19), Code 1950, is amended by striking the last sentence
3 thereof from lines twelve (12) to twenty-four (24) and
4 inserting in lieu thereof the following: “Thereupon a copy
5 of the ordinance, together with a statement that both
6 councils have adopted the same, shall be published once each
7 week for three consecutive weeks in the manner provided by
8 chapter six hundred eighteen (618). The date of the third
9 publication shall be not less than one week nor more than
10 two weeks prior to the election.”

1 Sec. 7. Sections three hundred sixty-two point
2 twenty-six (362.26), three hundred sixty-two point twenty-eight
3 (362.28), three hundred sixty-two point twenty-nine (362.29),
4 and three hundred sixty-two point thirty-one (362.31), Code
5 1950, are hereby repealed and the following enacted in lieu
6 thereof: “Territory adjoining any city or town may be
7 annexed thereto and become a part thereof by proceeding as
8 follows:

9 1. The clerk of the municipal corporation, on order
10 of the council, shall cause to be published, once each week
11 for two consecutive weeks in the manner provided by section
12 six hundred eighteen point fourteen (618.14), Code 1950,
13 a notice that the council will meet at a certain date, time,
14 and place to consider a proposed resolution for the
15 annexation of certain described territory and to hear
16 objectors and proponents for such annexation.

17 2. The council may provide at said meeting or at a
18 subsequent meeting by resolution, adopted at least one month
19 before any regular municipal election, for the annexation
20 of territory described therein.

21 3. The proposition shall be submitted to the voters of
22 said city or town at said election in the following form :
23 "Shall the proposition to annex the territory described as
24 follows: (here set out legal description of the territory) ;
25 in the resolution adopted by the council of the city (or town)
26 of, on the day of be approved?"
27 Notice of the submission of said proposition shall be given
28 by publication once each week for three consecutive weeks in
29 the manner provided by chapter six hundred eighteen (618).

30 4. If the proposition is adopted by a majority of those
31 voting thereon, the council shall cause to be filed in the
32 district court a suit in equity against the owners of the
33 property proposed to be annexed.

34 5. The petition shall contain :

35 a. A description of the entire property proposed to
36 be annexed and of that portion thereof owned by each
37 defendant.

38 b. The facts constituting the desirability of such
39 annexation.

40 c. A plat of such territory showing its relation to
41 the corporate limits.

42 6. If the court finds that annexation of such territory,
43 or any part thereof is necessary for proper municipal purposes,
44 the court may decree the annexation of such territory, or any
45 part thereof, provided there is an affirmative showing that
46 the municipal corporation is capable of extending into such
47 territory substantial municipal services and benefits not
48 theretofore enjoyed by such territory. Annexation shall not
49 be decreed merely for the purpose of increasing the
50 revenues from taxation of such municipal corporation. No
51 costs shall be taxed against any defendant who fails to make
52 a defense.

1 Sec. 8. Section three hundred sixty-two point
2 twenty-seven (362.27), Code 1950, is hereby repealed and
3 the following enacted in lieu thereof: "Notice of the
4 filing of the petition shall be served by publication once
5 each week for three consecutive weeks in the manner provided
6 by chapter six hundred eighteen (618)."

1 Sec. 9. Section three hundred sixty-two point thirty-three
2 (362.33), Code 1950, is hereby amended by striking from lines

3 eight (8) and nine (9) the words “and also in the office of
4 the secretary of state”.

EXPLANATION OF H. F. 123

This bill is designed to eliminate posting as a means of giving notices required by chapter 362 of the 1950 Code in favor of publication in a newspaper. It provides that records of discontinued municipal corporations shall be filed with the clerk of the district court. It combines existing sections on annexation to eliminate duplications in language and provides that annexation or severance records shall be filed only with the county recorder, to eliminate duplication of work.