

February 19, 1963.
Cities and Towns.

House File 292
By ELY and RILEY (Wiley).

Passed House, Date 2-28-63

Passed Senate, Date.....

Vote: Ayes 94 Nays 0

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act relating to street improvements and sewers.

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

1 Section 1. Section three hundred ninety-one point forty-four
2 (391.44), Code 1962, is hereby amended by inserting in line seven
3 (7) after the word "fund." the following:
4 "When the special assessment against any unplatted land or
5 land used only for agricultural or horticultural purposes is in-
6 sufficient to pay its proportion of the cost, the city council
7 shall have the power to make additional assessments against such
8 land when such land is ready to receive the full benefit of the
9 street improvement or sewer improvement on which the insufficient
10 assessment occurred. Such additional assessments shall be deter-
11 mined and fixed by the city council and shall not exceed the
12 amount by which the original assessment was insufficient. Such
13 additional assessments shall become and remain a lien on such
14 property in the same manner as provided by law for special assess-
15 ments generally. Such assessments, when collected, shall be re-
16 turned to the sewer fund or sanitation fund from which the defi-
17 ciency had been paid."

1 Sec. 2. Section three hundred ninety-one A point twenty-eight
2 (391A.28), Code 1962, is hereby amended by inserting in line six
3 (6) after the word "improvement." the following:
4 "When the special assessment against any unplatted land or

5 land used only for agricultural or horticultural purposes is in-
6 sufficient to pay its proportion of the cost, the city council
7 shall have the power to make additional assessments against such
8 land when such land is ready to receive the full benefit of the
9 street improvement or sewer improvement on which the insufficient
10 assessment occurred. Such additional assessments shall be deter-
11 mined and fixed by the city council and shall not exceed the
12 amount by which the original assessment was insufficient. Such
13 additional assessments shall become and remain a lien on such
14 property in the same manner as provided by law for special assess-
15 ments generally. Such assessments, when collected, shall be re-
16 turned to the sewer fund or sanitation fund from which the defi-
17 ciency had been paid."

EXPLANATION OF HOUSE FILE 292

Under the present state of the law, whenever a parcel of land is unable, due to its unimproved or unplatted nature, to bear the equitable share of the assessment for a street or sewer improvement, the city or town must dip into its funds to pay such deficiency. This results in property ultimately getting the full advantage of the street or sewer improvement without having stood the cost thereof.

Under the proposed amendment, the deficiency could be subsequently assessed against the property when it is improved and gets the full benefit of the street or sewer improvement.