

CHAPTER CLXXVI.

An Act to Enable the County Commissioners of Ramsey County to Lay Out Certain Avenues and to Regulate their Proceedings Therein. March 5, 1872.

- SECTION 1. Authorizes the opening of avenues when.
2. Commissioners to be appointed and damages assessed.
 3. Personal notice to be given to parties interested.
 4. Meeting of commissioners.
 5. Relating to damages and benefits.
 6. Fees, costs and damages to be assessed upon the party benefited.
 7. Report of proceedings to be made.
 8. Notice of confirmation of report.
 9. Report when approved to be filed, and right of appeal.
 10. Determination of appeal.
 11. Assessments when collected. ☉
 12. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That whenever the owners of more than one-half the frontage along any section or quarter section line leading from the corporate limits of the city of Saint Paul or any of the additions thereto, shall petition the board of county commissioners of Ramsey county in writing, with the names of such owners signed thereto, to open, lay out and establish an avenue as a public highway, not less than eighty nor more than one hundred feet in width, along such section or quarter section line, said board of county commissioners shall thereupon cause such avenue to be surveyed and dedicated as a public highway and shall proceed to open the same in accordance with the following provisions.

SEC. 2. That immediately upon the presentation of said petition said board of county commissioners shall appoint three disinterested free-holders, residents of said county, whose appointment shall be approved by the judge of the district court of said county, commissioners to assess the damages which will arise to the owners of any of the land and property taken for the purpose of said avenue, and to

Opening avenues when.

Commissioners appointed, &c.

assess the benefit which will accrue to the owners of any property along the line of said avenue from the opening of the same. Before entering upon their duties said commissioners shall severally take and subscribe an oath faithfully and impartially to discharge the duties of their appointment, and shall receive a compensation of five dollars each for each day actually employed in the discharge of their said duties.

Notice to parties interested.

SEC. 3. Said commissioners shall give at least five days personal notice to each of the resident owners of land proposed to be taken or taxed for said avenue, which notice shall be served in the same manner as a summons in a civil action, and shall also cause such notice to be published in some paper in general circulation in said county at least once a week for three weeks in succession prior to the first meeting of said commissioners to assess damages and benefits. Said notice shall specify the time and place of said first meeting and contain a general description of the lands and premises proposed to be taken and proposed to be taxed for the opening of said street or avenue as aforesaid, and the names of the owners thereof as far as known to said commissioners.

Meeting of commissioners

SEC. 4. The commissioners shall meet at the time and place mentioned in the notice and proceed to examine the entire line of said avenue as far as the same is described in said notice, and all the lands, property and real estate which will be taken, damaged or benefited by or for the purposes of opening said avenue, and after hearing the allegations and testimony of all parties who present themselves, shall determine and appraise to each of the owners of any of said land and property described in said notice, the damage arising to such party from the condemnation of any part thereof, after making due allowances therefrom for any benefits that may arise to said owners respectively from such improvement.

Damages and benefits.

SEC. 5. If the damage to any person be greater than the benefit received, or the benefit greater than the damage, the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment shall show the amount to be received or paid by each owner, and said difference only shall be collected or paid by such owner.

Fees costs, &c. upon whom assessed.

SEC. 6. After having ascertained the whole amount of the damages which will result from making said improvement after deducting the benefits which will arise, if any, to the parties so injured, said commissioners shall ascertain the expenses of said improvement, and the costs of all the proceedings therefor, including their own fees, and shall

assess the whole amount thereof upon the real estate fronting upon said avenue deemed by them to be benefited by the opening thereof in proportion to the benefits resulting thereto in their judgment.

SEC. 7. After making said assessment as provided in the section last preceding, said commissioners shall make a full report of their doings in the premises, giving therein a description of the property assessed, [the amount thereon assessed], the name of the owner, together with a description of the property taken for said improvement, the damages or benefits awarded for the taking thereof and the name of the owner of the same, and shall file the said report within two weeks of the completion of said assessment in the office of the county auditor of said county, and shall thereupon give the like notice of the filing of their report as of their first meeting to assess damages and benefits, with a notice that they will apply for a confirmation of said report at a time and place therein stated to the county commissioners of said county.

Report of proceedings to be made.

SEC. 8. At the time and place mentioned in the notice provided for in section seven, all persons and parties interested may appear before said commissioners of Ramsey county and be heard with reference to the amount of the damages or benefits, or assessments made by said commissioners in said report, and after hearing the same said board of commissioners of Ramsey county may approve or amend and approve or reject said report.

Notice of confirmation of report.

SEC. 9. In case said report is approved the same shall be immediately filed in the clerk's office of the district court of Ramsey county, together with copies of the notice hereinbefore required and proof of the service and publication of the same, and any party feeling himself aggrieved by said report may appeal to said district court within three months from the filing thereof therein.

Report when approved to be filed, &c.

SEC. 10. Said appeal so taken shall be tried as other appeal cases are tried, but the only question to be determined upon such appeal shall be the amount of damages, benefits or assessments made by said commissioners in their report to said party appealing, and upon the determination of said appeal and the payment to the party designated by said court of the amount adjudged to be paid, if any; or if no appeal is taken, upon the expiration of three months from the filing of said report in said clerk's office, and the payment of the damages, if any, awarded to any party in and by said report, the easement of a public street or common highway shall be deemed to be vested in said county

Determination of appeal.

of Ramsey over, across and upon the land so taken as hereinbefore provided, for said improvement.

Assessments
when collected

Sec. 11. After the expiration of three months from the filing of said report in the clerk's office, if no appeal is taken, or upon the decree or judgment of said court affirming said assessment, the amount of the assessment made as hereinbefore provided shall be collected by said county in the same manner, and said county of Ramsey and the officers thereof are hereby vested with the same powers and authorized to pursue the same means for the collection of said assessments in every respect, as are provided for the collection of the state, county or town taxes by said county in said state.

When act to
take effect.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved March 5, 1872.

CHAPTER CLXXVII.

March 4, 1872.

An Act to establish a Court of Common Pleas in the County of Hennepin.

- SERIES 1. Establishment of common pleas court in Hennepin county.
2. Seal of court and place of holding court.
 3. Process how tested.
 4. Recognizance, &c., how returned.
 5. Appeals how taken.
 6. Prosecuting attorney for the county.
 7. Duties of the sheriff.
 8. Duties of the county commissioners.
 9. Changes of venue.
 10. Removal of causes to supreme court.
 11. Terms of court.
 12. Relating to county attorney.
 13. Salary of judge, term of office and election.
 14. Vacancy in the office.
 15. The governor to appoint a judge until the first election.
 16. When act to take effect.