

That if appeal be taken it shall not delay the prosecution of the work or making the improvement ordered by the city council. Such assessment shall be collected in the same way in all things as is provided for the collection of special assessments under the provisions of chapter ten (10) of this charter. [And] But the city council may, either before or after making such assessment, cause such portion of such sidewalks as have not been built by the owners of such lands fronting on the same, and all street crossings to be built by the proper street commissioner, or upon contract, or by any other person as the council may determine.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1885.

CHAPTER 12.

AN ACT TO AMEND CHAPTER TWENTY-EIGHT (28) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR A. D. ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT (1868), RELATING TO THE INCORPORATION OF THE CITY OF ST. CLOUD, AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

SECTION 1. That section three (3) of chapter twenty-eight (28) of the special laws of the state of Minnesota for the year A. D. one thousand eight hundred and sixty-eight (1868), relating to the incorporation of the city of St. Cloud, be, and the same hereby is, amended so as to read as follows:

Sec. 3. The city shall be divided into four (4) wards, to be called the first (1st), second (2d), third (3d) and fourth (4th) wards, limited and bounded as follows, viz.: All the district of country and territory within the boundaries and limits of said city as now established or may hereafter be extended, lying south of the following line, viz.: Commencing at the intersection of the centre line of Wilson street with the Mississippi river, and running thence west until the centre line of said street intersects the west line of the northeast quarter of the northeast quarter of section fourteen (14) aforesaid, thence south on said subdivision line to the southwest corner of said forty (40), thence west on the subdivision line to the westerly limits of said city, shall constitute and be the first (1st) ward. All that part of the territory comprising said city lying north of the said north boundary line of the first (1st) ward and south of the centre line of Lake street, extended from the Mississippi river to its intersection with said north boundary line of the first (1st) ward, shall constitute and be the second (2d) ward. All that part of the territory comprising said city as now established

or hereafter extended, lying north of the said north boundary line of the second (2d) ward and south of the centre line of St. Augusta street, as extended from the Mississippi river to its point of intersection with said north boundary line of the first (1st) ward, shall constitute and be the third (3d) ward. All that part of the territory comprising said city as now established or hereafter extended, lying north of the north boundary line of said third (3d) ward, shall constitute and be the fourth (4th) ward.

SEC. 2. That section twenty (20) of chapter three (3) of said chapter twenty-eight (28) be, and the same is hereby, amended by adding thereto the following: *Provided further*, That the newspaper mentioned in this section shall be construed to mean a newspaper of general circulation, printed and published, in any language, at least once in each week; but if the newspaper selected to do said city printing shall be published in a foreign language, all notices, ordinances or resolutions published on behalf of said city therein shall be in the English language.

SEC. 3. That section two (2) of chapter five (5) of said act be amended so as to read as follows:

Sec. 2. The common council shall have power to levy a special tax upon all the taxable property in the city, or of the different wards of the same, for the purpose of constructing and maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys; for the construction and maintenance of reservoirs, cisterns, sewers, drains, street gutters, water works and the grading and paving of streets, and for other purposes conducive to good order, health and cleanliness, and protection against fire; *Provided*, That such taxes shall, in no one year, exceed six (6) mills upon a dollar of the assessed valuation; *And provided further*, That for the improvements in this section mentioned the common council shall have the power to assess the tax to pay the same, or any portion thereof, upon the ward or wards, blocks, lots, or parts of lots or parcels of property benefited by such improvements, in such manner and to such extent, regardless of the foregoing limitation, as the common council may think just and equitable. The tax shall be apportioned upon a cash valuation of the property which it shall be determined is liable to assessment for such improvements, except when assessed to abutting property as hereafter provided. No debt shall be incurred or created by the city, the common council, or any officer of the city, except pursuant to authority expressly given for that purpose; and no order or orders shall be issued upon the city treasury exceeding in amount the tax collected or assessed, or in process of collection, except as otherwise provided. To aid in the work of improvements mentioned in this section the common council is hereby authorized to issue the bonds of said city to an amount not exceeding ten thousand (10,000) dollars, for such time, not exceeding thirty (30) years, and on such terms as to rate of interest and place and manner of payment, as may be deemed advisable, and to put the avails thereof into the treasury of said city, to be kept distinct from all other funds of the city and designated as the permanent improvement fund. The common council may provide for the payment out of said fund of the expenses of any such improvements as may be assessed, in whole or in part, upon any special property to be benefited by such improvement, and

in advance of the collection of such assessment. From such fund may also be paid all such portions of the expenses of such improvements as shall devolve on said city, including any other permanent improvement not otherwise provided by law. The council may, in its discretion, carry to such fund all sums received from water rents. No part of such fund shall ever be applied to the payment of the current expenses of said city nor to any other purpose than such as are herein designated. All sums collected in special assessments, where costs shall have been advanced out of such fund, shall be returned to such fund. The common council shall annually, at the time of making the other tax levies of said city, levy a tax sufficient to replace all expenditures made from said fund, not provided for by such special assessments, and may, by tax levy, provide for the increase of such fund to such amount as may be deemed necessary; *Provided*, That the whole amount levied in any one year, on account of such fund, shall not exceed the said limit of six (6) mills on the dollar, of the assessed valuation of the taxable property in said city. Nothing in this section shall be construed as preventing the council from paying out of the fund authorized by section one (1) of this chapter any amount that may be deemed advisable for improvements of a general character, including such as are authorized by this section.

SEC. 4. That chapter nine (9) of said act be amended by adding hereto the following sections:

Sec. 4. The common council shall have power to maintain the water works and sewers now established in said city, and to enlarge, extend, relay and improve the same as it shall consider the public good requires.

Sec. 5. Whenever in the enlargement or extension of water works or sewers it shall in the judgment of the city council be necessary to take any private property consisting of either land, buildings, water power or other private property, the council shall have power to acquire the same by purchase, or by condemnation, in the manner provided in chapter six (6) of this charter, and in such cases of condemnation, as well as purchase, a full title in fee-simple to the property acquired shall rest in said city.

SEC. 5. Whenever water mains shall be laid, relaid or extended through any street or alley of said city, or any portion thereof, the common council shall have power to levy and collect such portion of the cost or expense thereof as shall not exceed the estimated cost of laying a six (6) inch main, including pipe, hydrants, valves and all necessary specials, by a special assessment upon the property on both sides of such street, or alley fronting upon such improvement, of an equal sum per front foot without regard to cash valuation. Said assessment may be made, by resolution of the council, at any time either before or after the commencement of any such work, or system of works of which it may be a part.

SEC. 6. The common council may in like manner, whenever it shall deem it necessary, lay, relay or extend any sewer through any street or alley in said city, and levy, assess and collect the cost thereof, not exceeding the estimated cost of a sewer two (2) feet in diameter, including all necessary catch basins, manholes, lamp-holes and flushing valves, by a special assessment upon the property on both sides of such street or alley abutting upon such improvement, of an equal sum per front foot without regard to cash valuation.

SEC. 7. The cost not provided for by the assessments authorized in the two (2) preceding sections, including the increased cost of larger mains and sewers and constructing the same across streets and against property which is by law exempt from such assessment, shall be paid out of the said permanent improvement fund or such other fund as the council may provide.

SEC. 8. The common council may at all times regulate and control the time and manner of laying and constructing, by private parties, branch pipes and sewers leading from main lines of water mains and sewers, and of making connections with main lines and with branch lines, both public and private. The council may, too, whenever it shall deem it necessary to lay or construct branch pipes or sewers in order to prevent tearing up of streets, or for any other reason, determine in the case of each main line or of any specified portion of a main line, the location, number and manner of construction of such branch lines, providing, in its discretion, (1) one or more for each district, lot or parcel of land, or one (1) for two (2) or more adjacent lots or parcels of land, and may require the proper officer to make surveys, plats and profiles showing the same, which when approved and adopted shall thereafter be preserved in the office of the city engineer, and may thereupon, whether such main has already been constructed or is in process of construction, forthwith lay and construct all such branch pipes and sewers, not already constructed by the private parties interested, from a connection with the main line to the line of the street. The cost of constructing such branch pipes and sewers may be assessed to the lot or lots or parcel or parcels of land to be served by it, an equal sum per front foot, without regard to valuation, and may be assessed and collected in the manner provided in section five (5) and six (6) of this chapter.

SEC. 9. The owner of private property, which property has upon it pipes connected with the city water works to convey water upon such property, shall, as well as the lessee or occupant of the premises, be liable to the city of Saint Cloud for rents or rates of all water from said water works used upon such premises; which sums may be recovered in an action against such owner, lessee or occupant, or any or all of them. The common council may provide by ordinance the rates or rents to be paid for the use of water and the times when the same shall be payable, and for the shutting off of water from any premises where rates are payable and remain unpaid, and for the punishment of all injuries to or unauthorized interference with said water works or anything connected therewith. Said council may make such other rules and regulations pertaining to the management of said water works as may be thought advisable.

SEC. 10. The common council may, whenever deemed expedient, appoint a board of water commissioners of such number and with such powers and duties as the council by ordinance may provide.

SEC. 11. Whenever the council shall determine to cause any of the improvements authorized by the city charter to be made, the cost of which in whole or in part is to be assessed or charged to the abutting property, or property to be benefited by such improvement, the council shall first decide, in a general way, upon the character and extent of the proposed improvements, and the material to be used therein, and thereupon it shall be the duty of the city surveyor or

engineer to make and present to the council an estimate of the cost of such improvement, stating therein the proportion of such estimated cost which will be required to construct such improvement in front of abutting lands and the proportion thereof required to construct the same across streets or alleys, and in front of lands not subject to assessment, and the names of the owners of the several parcels as nearly as the said engineer can readily ascertain; a brief minute of the reception of such report shall be made and published in the record of the proceedings of the common council, which shall be held to be sufficient notice to all parties concerned; and such report shall lie over without any assessment being made until the next regular meeting of the council, or a meeting to which the council may adjourn to consider said report, which shall occur at least one week after the reception of such report; but the council, in its discretion, may in the meantime advertise for and receive bids for doing the work and furnishing the material required to construct and complete such improvement. At the meeting to which said report is laid over, or at some time to which the council may adjourn for that purpose, the council shall consider such estimate and list and revise the same where necessary, and under such rules as it may make shall hear all persons interested in the matter of such improvement who may appear to be heard, and the council may modify the plan or extent of such improvement, or abandon it entirely. If the council shall determine to go on with such improvement, whether modified or not, it may, either before or after having contracted for the construction of such improvement, estimate and fix upon the cost of such improvement and the proportion to be assessed against each parcel of property to be benefited, and may assess and levy such proportion or amount of such cost upon the lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel measuring along the line of such improvement; and the council shall cause to be made and shall, at the time of levying such special assessment, adopt an assessment roll thereof giving the name of the owner, if known, a description of the land, and the amount assessed against each parcel, but a mistake in giving the name of the owner shall not invalidate the assessment or proceedings.

SEC. 12. That section one (1) of chapter eleven (11) of said act, as amended by chapter nine (9) of the special laws of said state, of the year one thousand eight hundred and sixty-nine (1869), and by chapter one hundred and four (104) of the special laws of the year one thousand eight hundred and seventy-five (1875), be and the same hereby is amended so as to read as follows:

Sec. 1. All that part of the said city of St. Cloud, as its limits are now defined, or may hereafter be extended, not embraced and included in the territory comprising "the St. Cloud independent school district" so called, as hereafter defined by this act, shall constitute and be a school district by the name of the "St. Cloud school district," under the general laws of this state, except so far as they are modified in this application to said district by this act; and all schools organized therein in pursuance of this act, or the acts of which this act is amendatory, shall be under the control and direction of a board of education as constituted and governed by the provisions of chapter ninety-one (91) of the special laws of A. D. one thousand eight

hundred and seventy-six (1876), and be free to all persons between the ages of five (5) and twenty-one (21) years residing in said district, subject to the direction of said board. All territory in said city hereby included in said St. Cloud school district, which has heretofore constituted a part of any other school district in said Stearns county, is hereby detached from such other district; and whenever the limits of said city shall hereafter be extended so as to incorporate and embrace other territory, which now or shall then constitute, in whole or in part, any other school district or districts, the same shall by such act of extension be severed from such other district or districts, and become attached to and a part of said St. Cloud school district.

SEC. 13. That section one (1) of chapter eighty-eight (88) of the special laws of said state of the year one thousand eight hundred and seventy-six (1876,) (being an act creating an independent school district in the city of St. Cloud), be and the same hereby is amended so as to read as follows:

Sec. 1. All that part of the city of St. Cloud, in the county of Stearns, hereinafter described, to-wit: All that part of the third (3d) ward lying westerly of Jefferson avenue and east of the east line of the west half (½) of the northwest quarter (¼) of section fourteen (14) and east of the west line of section eleven (11), and all that part of the fourth (4th) ward lying westerly of said Jefferson avenue and east of the said west line of section eleven (11), and south of the north line of said section eleven (11), also all that part of the west half (½) of the northwest quarter (¼) of said section fourteen (14), lying northerly of St. Germain street in said city, as extended by the St. Cloud and Maine Prairie road, shall constitute and be an independent school district, by the name of "the St. Cloud independent school district."

SEC. 14. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 18, 1885.

CHAPTER 13.

AN ACT TO AMEND CERTAIN ACTS RELATING TO THE BOROUGH OF BELLE PLAINE IN SCOTT COUNTY.

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

SECTION 1. That section five (5) of chapter thirty-six (36) of the special laws of the year one thousand eight hundred and sixty-eight (1868) be and the same is hereby amended by striking out the word "present," in line twenty-five (25) of said section.

SEC. 2. That section three (3) of chapter fifty-three (53) of the special laws of the year one thousand eight hundred and eighty-one (1881) be and the same is hereby repealed.