

CHAPTER 5.

AN ACT AMENDING SECTION TWO (2), OF CHAPTER EIGHT, (8) OF THE CHARTER OF THE CITY OF MINNEAPOLIS.

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

SECTION 1. That the act entitled "An act to amend and consolidate the charter of the city of Minneapolis, approved March eighth (8th), one thousand eight hundred and eighty-one (1881)," the same being chapter seventy-six (76) of the special laws of one thousand eight hundred and eighty-one (1881), as amended by an act entitled "An act to amend the charter of the city of Minneapolis," approved February twenty-seventh (27th), one thousand eight hundred and eighty-three (1883), the same being chapter three (3) of the special laws of one thousand eight hundred and eighty-three (1883), and amended by an act entitled "An act to further amend the charter of the city of Minneapolis," approved February twenty-second (22d), one thousand eight hundred and eighty-three (1883), the same being chapter seven (7) of the special laws of one thousand eight hundred and eighty-three (1883), be and the same is hereby further amended by striking out, adding to and altering the same in the manner following, to-wit: By adding to the last end of section two (2) of chapter eight (8) of the charter of the city of Minneapolis, the following, to-wit: "*Provided, That when the grade of any street has been once established and any permanent building has been constructed on a lot abutting on such street, after such grade has been so established, and the city council shall so vote to change the grade of such street in front of such permanent building, the owner of such permanent building may file with the city clerk, within twenty days after said city council shall so vote to change the grade of any such street in front of any such permanent building, notice that he will claim damages by reason of such change of grade in front of his said building, giving the description of the land on which the same stands, together with the amount of the value of such building, in his judgment, and the amount of the damages which such change of grade will, in his judgment, cause to said permanent building, which notice shall be sworn to, and shall be accompanied by the certificate of the building inspector of said city of the value, in his judgment, of such permanent building, and of the damages, which, in his judgment, such change of grade will cause to said permanent building, and said building inspector shall examine said building and said change of grade, as so voted, and make said certificate on the request of such owner of such building. After the expiration of said twenty (20) days and within thirty (30) days after the expiration of said twenty (20) days, if said city council shall, from the amount of damages claimed by such notices, deem it unwise to make such change of grade of such street, it may reconsider the vote by which such change of grade was made, which reconsideration of such*

vote shall be by a majority of all the members of said city council. But if no such reconsideration of such vote shall be had within forty (40) days after the vote of said city council so changing the grade of said street, where damages are so claimed, or if on such reconsideration two-thirds (⅔) of the members of the council shall again vote for such change of grade, then after the expiration of six months after the work of so changing said grade shall have been fully completed, said city council shall appoint five freeholders of said city, no two of whom shall reside in the same ward, as commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of such permanent buildings who have so filed such sworn notices and certificate of such building inspector, and to assess the amount of such damages and compensation upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation. It shall take at least four of said commissioners to make any award of damages, and they shall be notified of their appointment, and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under section three (3) of chapter ten (10) of the charter of Minneapolis. They shall give notice by two publications in the official paper of said city that they will, on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the buildings which it is claimed shall have been damaged by such change in the grade of such street, and view the same, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon, in proportion to benefits, the amount necessary to pay such compensation and damage, and that they will then and there hear such allegations and proofs as interested persons may offer. And such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time after having viewed the premises; may, for the hearing of evidence and the preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer and of any other officer of the city. After viewing the premises, and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose building shall have been damaged by such change of grade of such street. But if the remainder of the property on which said buildings stand, or the remainder of the lot or parcel connected therewith, shall be benefited by such change of grade of such street, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits. These said commissioners shall then assess the amount of such compensation and damages so awarded upon the land and real property benefited by such change of grade, and in proportion to such benefits,

but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land, or other real property so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the city council their appraisal and award, and if, in the judgment of said commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said commissioners shall also report to the city council an assessment list containing their assessment of such compensation and damages, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of real property assessed, the name or names of the owner or owners thereof, if known, and the amount assessed, of the excess of such compensation and damages aforesaid, which they shall return unassessed. Said reports shall be presented by said commissioners to the city clerk of said city, who shall give one notice in the official paper of said city that said reports and assessment list will be presented to said city council for confirmation at the next meeting or session of said council occurring at least one week after the publication of such notice, at which meeting or at any subsequent meeting or session of said council the city council may act upon such report and hear any complaint touching any such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon. The council may confirm such award and assessment, or either, or send the same back to the same commission for further consideration; and the commissioners may in such case again, upon giving notice, published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of such notice, meet and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessments and alter and revise the same as they shall deem just and again report the same to the city council, who may thereupon confirm or annul the same, or said city council may appoint a new commission, with like powers, duties and obligations of the first commission, to make such assessment and awards, and to report the same to said city council in like manner that the first commission might do, and when the reports and assessment lists are finally confirmed by the city council, such confirmation shall make such award and assessment final and conclusive upon all parties interested, and the city council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners in accordance with the assessment so confirmed, and cause to be made, and adopt, an assessment roll of the same which may be in the form contained in section five (5) of chapter ten (10) of said charter for opening streets in said city, or any other form which said city council may adopt, and from which award and assessment as so confirmed by said city council there shall be no appeal; and the city clerk, under the instructions of the city council, shall make and prepare all necessary forms necessary to carry out the pro-

visions of this section, *Provided*, That no award shall be greater than the amount so claimed in the sworn notice so filed by any person with said city clerk; And *provided further*, That the damages and compensation so to be awarded shall be the damages and compensation which shall be apparent at the end of said six (6) months after the final completion of the work of said change of grade of such street.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1885.

CHAPTER 6.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF MINNEAPOLIS," APPROVED MARCH EIGHTH (8TH), A. D. ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881).

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

SECTION 1. That section five (5) of chapter four (4) of an act entitled "An act to amend and consolidate the charter of the city of Minneapolis," approved March eighth (8th), A. D. one thousand eight hundred and eighty-one (1881), be, and the same is hereby, amended by adding thereto the words: "Forty-third—to license, prohibit, regulate and control the carrying of concealed weapons and provide for the confiscation of the same."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

CHAPTER 7.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL AND THE ACTS AMENDATORY THEREOF.

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

SECTION 1. That sections one (1), two (2), eighteen (18), fifty-seven (57) and fifty-eight (58), of chapter one (1), title seven (7), of an act entitled "An act to reduce the law incorporating the city of St. Paul, county of Ramsey and state of Minnesota, and the several