

CHAPTER 339—H. F. No. 1026.

An act relating to the road and bridge fund of counties having a population of 300,000 inhabitants or more, where the maximum rate of taxation is fixed by a board of tax levy, or other corresponding body, and requiring that the estimate of the county board for said fund shall be allowed in full and included in the tax levy.

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

Section 1. **Two mill tax levy for road and bridge purposes in Hennepin county for 1917 and 1918 authorized.**—In all counties in this State now or hereafter having a population of 300,000 or more inhabitants where the maximum rate of taxation for county purposes is fixed by a board of tax levy, or other corresponding body, the annual estimate of the county board for the road and bridge fund of such county as filed with such board of tax levy, or other corresponding body, to an amount not exceeding two mills on the dollar of the taxable valuation of such county, shall be allowed in full, for the years 1917 and 1918 and shall be included in the tax levy and shall not for any reason be reduced, altered or amended. Provided that not more than four-tenths (4-10) of a mill of such tax levy may be used for the repair, maintenance and upkeep of highways and bridges and that the balance of such tax levy shall be used solely and only for the construction of main arterial roads.

Sec. 2. **Inconsistent acts repealed.**—All acts and parts of acts, whether general or special, inconsistent with the provisions of this act are hereby repealed.

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

Approved April 17, 1917.

CHAPTER 340—H. F. No. 1055.

An act creating an auditorium commission in cities of more than 50,000 inhabitants, not operating under a home rule charter, and defining the powers and duties of such commission.

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

Section 1. **Auditorium commission for city of Minneapolis.**—In any city of this state having a population of more than 50,000 inhabitants, not operating under a home rule charter, there is hereby created a commission for the purpose of acquiring the necessary land, the erection, operation and management of a building for auditorium purposes and for the purpose of raising and disbursing funds necessary therefor.

Sec. 2. Composition of board and how named.—Said commission shall be known as the "board of auditorium commissioners," and shall consist of five persons. The mayor of the city and the president of the city council, or the governing body of the city, shall be ex-officio members thereof. The remaining three members shall be appointed by the mayor from among the freeholders of said city and two of such number shall be men skilled in the operation, construction and handling of large buildings. Such commissioners shall be originally appointed by the mayor for the terms of one, two and three years and thereafter they shall be appointed for terms of three years.

Sec. 3. Organization of commission.—Such commissioners shall, as soon as practicable within ninety days after the passage of this act, meet at the court house in such city and each one of said commissioners shall take an oath before one of the judges of the district court of the county in which said city is located, to support the constitution of the United States and the State of Minnesota and that he will faithfully and honestly perform the duties of said office as one of said commissioners and that he will not knowingly permit any fraud, dishonest practice or cheating by any contractor or other person doing work or performing labor for said commission in or about the purchase or condemnation of said site, or the erection, operation or furnishing of said auditorium contemplated by this act, nor will he knowingly permit any such fraud, dishonest practice or cheating by any person or persons whomsoever.

Said commissioners shall elect one of their number to act as president of the board and one of their number to act as vice-president of said board, each of whom shall hold his respective office until the first Tuesday after the first Monday of January in the year following his election, unless sooner removed by said board and until his successor shall have been elected and shall have entered on the duties of his office; and on every first Tuesday after the first Monday of January thereafter a like election of president and vice-president shall take place, who shall hold their respective offices, unless sooner removed by said board, until their successors are elected and enter upon their duties. The said clerk of said city shall serve as secretary and the city treasurer as treasurer of said board and said board may appoint such employes and agents, to be paid such compensation as it may designate and as to it may seem best.

Sec. 4. Procedure for acquiring site for auditorium.—The said board shall have the power to acquire such land as is necessary for a site of said auditorium by purchase or by lease and whenever it is unable to make satisfactory arrangements for the purchase of the property necessary for such site, it shall

have the authority and it is hereby authorized to appoint three disinterested citizens of said city, who shall be freeholders therein, as appraisers to appraise the damages to the owner or owners of incumbrances, or to any person having a lien on or any interest in any part of the property to be acquired; such appraisers shall, after being sworn to faithfully and impartially discharge their duties, give notice as soon as practicable of the time when and the place where they will meet to attend to the business of their appointment which said notice shall be published at least ten days in two daily newspapers published in said city and at the time and place specified in such notice they shall proceed to hear all persons interested in the subject of appraisal, at which time they shall also view the premises. They may hear any evidence offered by any parties interested and may adjourn from day to day for the purpose aforesaid. They shall also hear the owner or owners and also any person having any interest in or lien upon any part of said property; when their view and hearing shall be concluded they shall determine the amount of damages to be paid by the owner or owners and to each person who may have any interest in or lien upon any part of said premises. If there should be any building standing in whole or in part upon any part of said land to be taken, said appraisers shall in such case, determine the amount of damages which should be paid to the owner or owners thereof, and shall also appraise and determine the amount of damages to be paid such owner or owners in case he or they should elect to remove said building and the damage in relation to the building aforesaid shall be appraised separately from the damages in relation to the land upon which the same is erected. If the lands and buildings belong to different persons, or if the land be subject to a lease, mortgage or judgment, or if there be any estate less than the estate in fee, the injury or damage done such persons so interested respectively may be awarded to them by the appraisers: provided that neither such award made by the appraisers nor the confirmation thereof by the board herein created shall be deemed to require payment of such damages to the person or persons named in said award in case it shall transpire that such person or persons are not entitled to receive the same. The said appraisers, having ascertained and appraised the damages aforesaid, shall make and file with the city clerk, as secretary of the board, a written report of said board, of their action in the premises, which report shall contain a schedule of the appraisal of damages made to each person, with a description of the lands and names of the owners, if known to them, and of the interest therein of each person to whom they award damages and also a statement of the costs of the proceeding. Upon filing the said report the secretary of

the board hereby created shall give notice in two daily newspapers printed and published in said city by publication therein of ten days to the effect that said appraisement has been returned and filed with said city clerk, as secretary of said board and that the same will be confirmed by the board herein created at a meeting thereof to be named in said notice, unless objections are made in writing by persons interested in any land required to be taken.

Sec. 5. Removal of buildings from acquired site.—Any person interested in any building or buildings standing in whole or in part upon any land required to be so taken shall, on or before the time specified in such notice, for such confirmation notify said city clerk, as secretary of said board, in writing of their election to remove such building. The board hereby created, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over, or be referred, shall have power in their discretion to confirm, raise, revise or annul the appraisement, giving due consideration to any objections interposed by parties interested and if so annulled said board may appoint other appraisers in like manner, as the first appraisers, to act in the same manner to re-appraise the same. The damages appraised shall be paid by said board and shall be so paid or tendered or be deposited with the clerk of the district court of said county as hereinafter provided, within three (3) months after the confirmation of such appraisement and report; but in case any appeal or appeals shall be taken from the order confirming such appointment, then the amount of such damages shall not in any case be required to be paid or tendered or deposited with said clerk of the district court as aforesaid, until thirty (30) days after the determination of all appeals which shall have been so taken. The land and property required to be taken for the purposes aforesaid, shall not be taken possession of until the damages awarded to the owner thereof, or other person entitled thereto, shall have been paid or tendered to such owner or deposited with the clerk of said court, as hereinafter provided and in case said board shall be unable to find the owner or other person to whom such damages are due, in order to pay or tender the same, or in case said board shall be unable to determine to whom the damages, so awarded should in any particular case be paid, or in case of disputed claims in relation thereto, the amount of damages in any such case may be deposited by order of said board in the district court of the county in which said city is located; the said court, upon proper application of any person claiming the award or any part thereof, shall determine to whom the same shall be paid.

In case any owner or owners of buildings as aforesaid shall

have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the board may allow for the purpose and shall thenceforth be entitled to payment of the amount of damages awarded in such case. In case of removal, when such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary upon payment or depositing the damages awarded for such taking, in a manner aforesaid, may be taken and appropriated, sold or disposed of as the said board shall direct and the same or the proceeds thereof shall belong to the fund hereinafter named.

When any known owner of lands or tenements affected by any proceeding within this act, shall be an infant or shall labor under any legal disability, a judge of the district court of the county in which said city is located may, upon application of one of said commissioners, or of said board, or if such party by his next friend, appoint a suitable guardian for such party and all notices required by this act shall be served upon such guardian.

Sec. 6. Right of appeal given from award of commission.—

Any person whose property is proposed to be taken or interfered with, under any provisions of this act and who deems that there is any irregularity in the proceedings of the said board or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property, may at any time before such award shall be confirmed by the board of commissioners, file with the secretary of said board in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the said board shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the board, to the district court of the county in which said city is located, at any time within twenty (20) days after such order; such appeal shall be made by serving a written notice of such appeal upon the said city clerk as secretary of said board, which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid and also by delivering to said city clerk, as secretary of said board, a bond to the said board, executed by the appellant, or by someone on his behalf, with two (2) sureties, who shall justify in the penal sum of fifty (\$50.00) dollars, conditioned to pay all costs that may be awarded against the ap-

pellant. Thereupon the said city clerk, as secretary of said board, shall make out and transmit to the clerk of the said district court a copy of the award of said commissioners, as confirmed by said board and of the order of the board, confirming the same and of the objection filed by the appellant as aforesaid, all certified by said city clerk, as secretary of said board, to be true copies, within ten (10) days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the city clerk, as secretary of said board shall send up anything except a certified copy of the appellant's objection. There shall be no pleading on such appeal, but the court shall determine in the first instance whether there was in the proceeding any such irregularity or omission of duty prejudicial to the appellant and specified in said written objections, that as to him the award or appraisal of the appraisers ought not to stand and whether said appraisers had jurisdiction to take action in the premises. The case on such irregularities may be brought on for hearing on eight (8) days notice, at any general or special term of the court and shall have precedence of other civil cases and the judgment of the court shall be either to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken or damaged and described in said written objection. From such determination no appeal or writ of error shall lie. In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, submit the question of damages sustained by appellant to a jury, at a general term of said court and said jury shall find the value of the real estate of the appellant as well as of the buildings thereon, separately, or of the value of the real estate and the buildings thereon together, as the court may direct, in accordance with the facts in the case, whether or not the appellant has elected to retain the buildings, as hereinbefore provided. Upon said verdict, unless set aside by the court as in the case of other verdicts of juries on the motion for a new trial by appellant or by said board, the court shall enter judgment as in any other civil case from which judgment or from any other order of the court, whether the same be from an order granting or refusing a new trial or otherwise, there shall be no appeal or writ of error.

Section 7. Proceedings of board for acquiring site to be filed with the register of deeds.—As soon as said proceedings for acquiring the title to such lands shall have been completed said board shall make an accurate description of each parcel of land so condemned, together with the names of the owners thereof and any incumbrancer thereof or other person having any lien or interest therein, with a statement of the amount of damages

awarded therefor, either by said appraisers or by the court or jury, together with a copy of the receipt of such owner, incumbrancer, or other person having a lien upon or interest therein, or in case the same has been paid to the clerk of said court and has not been received by such owner, incumbrancer or other person having a lien upon or interest in said land, then a copy of the receipt of said clerk of the court therefor, all of which shall be certified to by the president and city clerk, as secretary of said board, under the official seal of said board and be filed for record in the office of the register of deeds in said county in which said city is located, which said register of deeds shall record the same in his office in the usual way of recording transfers of real estate in said county and when so recorded the same shall be prima facie evidence of title to such parcel of land and of the transfer of all the interests of such former owner, incumbrancer or other person having any lien upon or interest in said parcel of real estate to said board of auditorium commissioners.

Sec. 8. \$800,000 bond issue authorized, bonds to run for thirty years at 4 per cent.—For the purpose of providing money for acquiring title to or release of the land necessary for such auditorium and for the construction of said auditorium building, said board of auditorium commissioners is hereby authorized to issue bonds to run not to exceed thirty (30) years, bearing interest payable semi-annually, not to exceed four and one-half ($4\frac{1}{2}$) per cent per year, in such amount as may be required for such purpose, from time to time, but not to exceed in all the sum of eight hundred thousand (\$800,000.00) dollars, which bonds shall be denominated "auditorium bonds" and which are hereby made a lien upon the said property acquired and any such building constructed by said commissioners. Said bonds shall be issued under the seal of said board and shall be signed by the president and city clerk as secretary thereof.

Sec. 9. Minneapolis charged with payment of principal and interest and tax levy authorized.—The said city is hereby charged with the payment of the principal and interest of all bonds so issued by this board. It is hereby made the duty of the city council of said city to raise by levy on all taxable property within said city sufficient money each year to pay the interest on said bonds and the said city council shall also raise by a like tax a sum of money equal to not to exceed two (2) per cent of the principal of said bonds, to be invested and held as a sinking fund for the payment of the principal of said bonds, which shall be invested in like manner as the sinking funds provided for the payment of other bonds of said city.

Sec. 10. Stated meeting of board members of whom are to serve without compensation an annual report to be filed with

city clerk.—Said board shall hold stated meetings as often as once in each month and shall keep a record of its proceedings. The members of said board shall serve without compensation. All moneys derived from the use of said building shall be daily turned into the city treasury and shall be credited to the fund to be known as the auditorium fund and the expense of maintaining said building and the operation thereof shall be paid from said fund and any and all moneys which may accrue from said building in excess of the cost of maintenance and operation shall be set apart and be preserved for the payment of interest upon any bonds or indebtedness which may be issued or incurred in the construction of said building and as a sinking fund for the redemption of such bonds of indebtedness. Said board shall in the month of January in each year make and file with the city clerk of said city a full and detailed report of its proceedings including all receipts and expenditures and the sources thereof for the preceding year.

Sec. 11. Contracts to be let to lowest bidders.—The contract for the construction of said auditorium and for all equipment and supplies exceeding in cost the sum of one thousand (\$1,000.00) dollars, shall be let to the lowest bidder therefor, after reasonable notice thereof shall have been given by said board.

Sec. 12. Inconsistent acts repealed.—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved April 17, 1917.

CHAPTER 341—H. F. No. 1058.

An act to authorize cities of the first class to levy taxes for defraying the current expenses of such city.

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

Section 1. Minneapolis authorized to levy annual tax to defray current expenses.—Any city of this state now or hereafter having over fifty thousand inhabitants and not governed under a charter adopted pursuant to section 36, article 4 of the state constitution, is hereby authorized and empowered to levy annually such tax on all the taxable property in the city as it shall deem necessary in addition to the other revenue of the city applicable thereto to defray the current expenses of the city for the next fiscal year, but no such taxes for current expenses of such city shall in any year amount to more than seven mills on each dollar of the assessed valuation of the taxable property in the city. Such levy of taxes shall be made by