

of the state's claim against the person or corporation against whom the cancelled draft was drawn, but the state shall nevertheless have authority to make collection thereof.

Approved April 21, 1923.

CHAPTER 438—S. F. No. 1037.

An act to amend Chapter 185, General Laws of Minnesota for 1911, as amended, entitled "An act relating to the acquisition of lands for streets, parks and parkways in cities of the first class and the improvement and government thereof, and the improvement and government of existing streets, parks and parkways."

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

Section 1. **City council and park commissioners in the city of Minneapolis.**—The first paragraph of Section 6, of Chapter 185, General Laws of Minnesota 1911, as amended by Section 4, Chapter 103, Session Laws of Minnesota 1917, is hereby amended so as to read as follows:

Section 6. The city council and park commissioners may by such concurrent resolution, *or by separate resolution when acting separately*, specify the method of improving any such street, park or parkway, including grading, *drainage*, planting, paving, curb, gutter and sidewalk, as well as sewer and water mains where necessary, and in the case of parks, the necessary structures and apparatus for playgrounds and general park uses. The city engineer shall estimate the cost of each item in such improvement separately and submit the estimate with the plat. Such estimates shall be for not to exceed six-inch water mains and not to exceed twenty-four inch sewers. The city council shall examine such estimates and after modifying, if necessary, find and adopt an estimate of such cost. The city council, in appointing commissioners, shall recite said estimate, and the commissioners shall assess the amount thereof *or so much thereof as shall be directed by the city council*, upon such lots and parcels of land in the city as they shall deem specially benefited in proportion to such benefits, and not exceeding the actual benefit to any parcel, and add the same to the benefits assessed under section 2 of this act and report the net result of damages or benefits as required by said section 2, and with like proceedings thereafter. Provided that if any proceedings under this act the actual cost of the improvement of any such street, park or parkway in the manner herein designated is less than the estimated cost thereof as found and adopted by the city council, the city council may direct the distribution of such excess as follows: In case the assessments in any such proceeding have not been entirely collected, or in case the city council deem that any

such assessments may not be fully collected, the city council may direct the city comptroller to retain in the fund in such proceeding a sum sufficient, in the judgment of said city council, to cover the deficiencies in the collection of such assessments, and the city council may direct that the balance of such excess of estimated cost shall be disposed of in the manner hereinafter provided. The city council may direct the city comptroller to certify the amount of such balance to the county auditor. The county auditor shall thereupon deduct such amount from the first instalment of the assessment to be collected after the receipt of such certificate. Such deduction shall be made from the assessment against each piece or parcel of property in the proportion that such excess as certified by the city comptroller bears to the total of such instalment of the assessment. If such balance as certified exceeds one instalment, it may also be deducted in like manner from succeeding instalments until the same is fully deducted.

And the third paragraph of said Section 6 as amended is hereby amended so as to read as follows:

Any existing street, park or parkway may be improved and the expense thereof assessed and raised in the manner provided by this act for acquiring and opening streets, parks and parkways and improving the same, including any or all of the following improvements, to wit., widening, grading, drainage, planting, pavement, sidewalks, curb and gutter, sewers and water mains, and in the case of parks, the necessary structures and apparatus for playgrounds and general park uses. In case of streets or parkways exceeding eighty (80) feet in width, the resolution may, for the purpose of facilitating connections with private property and obviating the necessity of cutting or breaking into the improvements, order a double water main or a double sewer, one on either side of the street or parkway, or adopt such other arrangement or device as may seem most feasible.

Sec. 2. Application.—The first paragraph of Section 11 of said Chapter 185, General Laws 1911, as amended by Section 6, Chapter 345, General Laws of Minnesota 1913, is hereby amended so as to read as follows:

Section 11. *The provisions of this act shall apply to all cities of the first class, including all cities of the first class having and operating under a charter by it adopted in pursuance of Section 36, Article 4, of the Constitution of Minnesota.*

Sec. 3. Powers additional to all others.—Section 12 of said Chapter 185, General Laws 1911, is hereby amended to read as follows:

“Section 12. The powers herewith granted shall be deemed an addition to all powers under existing laws and city charters and not a repeal or modification thereof.”

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 21, 1923.

CHAPTER 439—S. F. No. 1067.

An act to amend Chapter 323, Laws 1921, entitled, "An act relating to public highways; the powers and duties of the commissioner of highways, subordinate officers and employes, and various governmental agencies in relation thereto; providing for the location, construction and maintenance of trunk highways under Article 16 of the state constitution and all other roads in the state; relating to the establishment and disposition of the trunk highway sinking fund and the trunk highway fund; for the payment of state aid for the construction and maintenance of roads; authorizing and directing the levy of taxes for highway purposes; repealing inconsistent laws and laws expressly mentioned; and providing penalties."

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

Section 1. **Width of roads.**—That Section 3 of chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Section 3. All roads, except cartways, established by town and county boards shall be at least four (4) rods wide and when necessary for construction and maintenance, *or the safety of public travel*, additional right of way may be procured by purchase or condemnation, *and the necessity for the taking of such additional right of way shall be determined by the town board in the case of town roads and by the county board in the case of county roads.*"

Sec. 2. **Powers of commissioner of highways.**—That subdivision 1 of section 13 of Chapter 323, Laws 1921, be and the same hereby is amended so as to read as follows:

"Sub. 1. The commissioner of highways is empowered to carry out the provisions of section 1 of Article 16, of the Constitution of the state, and is hereby authorized to acquire by purchase, gift, or condemnation as provided by statute all necessary right of way needed in lay out and constructing the trunk highway system, and to locate, construct, reconstruct, improve and maintain such trunk highway system, *to contract on an equitable basis with railroad companies for the construction of bridges and approaches necessary for the separation of grades at points of intersection between railroads and trunk highways*, to let all necessary contracts therefor, and to purchase all needed road material, machinery, tools and supplies necessary for the construction and maintenance thereof, *and to lease or rent grounds and buildings necessary for the storing and housing of such material, machinery, tools and supplies; and*