

Third. To levy a tax not to exceed one-sixth (1-6) of one (1) mill in any one (1) year for three (3) years to create a fund applicable to the improvement of the public parks in said city, and the construction of fences and the grading and paving of streets around said parks.

SEC. 7. Whenever the board of health shall report to the common council, that stagnant or impure water stands upon any lot, lots or parcels of land thereby creating a nuisance injurious to public health, the common council may refer said report to the board of public works, upon such reference said board shall then proceed to investigate the same, and if they shall determine that such nuisance does exist by reason of any stagnant or impure water standing upon any lot, lots or parcels of land and that the same is injurious to public health, they shall report the same to the common council accompanied by a plan for the abatement of such nuisance, together with an estimate of the expense, if real estate to be assessed for said improvement be found benefited to the extent of damages, costs and expenses necessary to be incurred thereby, and also send to the council a proper order directing the work to be done, and after the common council shall order the doing of said work, the same proceedings shall be had in relation thereto by the board of public works and city treasurer as in case of other local improvements as provided in chapter seven (7) of the city charter, and the acts amendatory thereof.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved November 12, 1881.

CHAPTER 34.

AN ACT TO AMEND CHAPTER SEVEN (7) OF AN ACT ENTITLED: "AN ACT TO REDUCE THE ACT INCORPORATING THE CITY OF ROCHESTER, IN THE COUNTY OF OL MSTED, AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND THE ACT TO ORGANIZE A BOARD OF EDUCATION FOR THE CITY OF ROCHESTER, AND THE SEVERAL ACTS AMENDATORY THEREOF TO ONE ACT AND TO AMEND THE SAME." APPROVED MAR H NINTH (9), ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN (1867), AND THE SUBSEQUENT ACTS AMENDATORY THEREOF, BY ADDING CERTAIN NEW SECTIONS TO SAID CHAPTER RELATING TO THE VACATING OF STREETS AND PUBLIC GROUNDS.

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

SECTION 1. That chapter seven (7) of an act entitled: "An act to reduce the act incorporating the city of Rochester, in the county of Olmsted, and State of Minnesota and the several acts amendatory thereof, and the act to organize a board of education for the

city of Rochester, and the several acts amendatory thereof to one act, and to amend the same," approved March ninth (9th), one thousand eight hundred and sixty-seven (1867), and the subsequent acts amendatory thereof, be and the same is hereby amended by adding the following new sections:

Sec. 13. No public grounds, streets, alleys or highways within said city shall be vacated or discontinued by the common council, except upon a petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways resident within the said city; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of at least two (2) of the petitioners. The common council shall thereupon if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city recorder, who shall give notice by publication in the official paper of said city for four weeks, at least once a week to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The common council or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of parties interested. The common council thereupon after hearing the same or upon the report of such committee, in favor of granting such petition, may by resolution passed by a two-thirds ($\frac{2}{3}$) vote of all the members elect, declare such public grounds, streets, alleys or highways vacated, which said resolution, after the same shall go into effect shall be published as in the case of ordinances, and thereupon a transcript of such resolution duly certified by the city recorder shall be filed for record, and duly recorded in the office of the register of deeds for the county of Olmsted.

Sec. 14. Any person aggrieved thereby, may within twenty (20) days after the publication of such resolution appeal to the district court of Olmsted county, under the same regulations as in the case of opening streets and alleys, and the judgment of said court thereon shall be final.

Sec. 15. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter the common council shall cause an accurate survey and plat thereof to be made and filed in the office of the register of deeds for Olmsted county.

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

Approved November 8th, 1881.