

against said city recovered after such surrender; and said election shall be conducted in all respects as other elections in said city, and said votes shall be canvassed and returned in the same manner as at other city elections.

Sec. 2. Territory adjoining and contiguous to the city of Rushford, not exceeding in area six (6) square miles, may at any time be added to the corporate limits of said city upon the same terms and by the same proceedings in all respects as may be provided by the general laws of the state of Minnesota for taking in or adding more territory to villages; *Provided*, That no territory shall be added to said city except by the concurrent vote of a majority of the legal voters of the town of Rushford as now constituted.

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

Approved February 28, 1885.

CHAPTER 24.

AN ACT TO AMEND CHAPTER FIVE (5) OF AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF WINONA, APPROVED MARCH FIRST (1ST), A. D. ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN (1867), AND TO AUTHORIZE SAID CITY TO LEVY ASSESSMENTS FOR CERTAIN LOCAL IMPROVEMENTS UPON THE PROPERTY FRONTING UPON OR CONTIGUOUS TO SUCH IMPROVEMENTS.

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

SECTION 1. That chapter five (5) of an act entitled "An act to amend the charter of the city of Winona, approved March 1, 1867, and the acts amendatory thereof, be amended so as to read as follows:

CHAPTER 5.

Section 1. The expenses of surveying streets, lanes, alleys, sidewalks, sewers, drains, reservoirs, and public grounds; of estimating the amount and cost of work proposed to be done on or about the same, and of making plans and specifications for such work; and the expense of cleansing streets and alleys, of constructing and repairing crosswalks on streets and alleys, and public sewers, drains, and reservoirs; of establishing, improving and maintaining public parks and other public grounds, aside from streets and alleys, and of the lighting of streets, alleys and public grounds; and the expense of incidental and ordinary repairs on streets, alleys, public grounds, and sidewalks shall be paid out of the general fund in the city treasury.

The city recorder shall, in each year, embrace within the estimate of expenses required to be presented by him to the city council the amount or amounts necessary to be levied for the payment of the expenses aforesaid which may be incurred during the ensuing year, and for the payment of any such expenses incurred during the preceding year, and remaining unpaid; and the city council may thereupon direct and cause the levy and collection of such amount or amounts by taxation, in the manner prescribed for the levy and collection of other city taxes.

SEC. 2. The expense of filling, grading, planking, and paving, or macadamizing streets and alleys to the centre thereof, and of constructing sidewalks and area walls, and planting shade or ornamental trees along streets and alleys, shall be chargeable to the lots or parcels of land fronting or abutting upon such streets and alleys on the side on which such improvements are made, or upon such sidewalks and area walls; and the said expenses in this section mentioned shall be assessed upon said lots or parcels and collected in the manner hereinafter provided, for which said assessment and collection authority is hereby expressly conferred upon said city.

SEC. 3. Prior to the passage of any ordinance or resolution for the doing of any work, the expense of which is to be assessed upon abutting lots or parcels of land, as provided in section two (2), the city council shall cause accurate plans and specifications of such proposed work to be made by the city surveyor and presented to the council for its approval, and the same shall immediately, upon the approval thereof by the council, be filed with the city recorder for the inspection of all parties interested. The city council shall then cause to be published in the official newspaper or newspapers of the city a notice that at a certain place, and on a certain day, to be designated in such notice, not less than two (2) weeks from the first (1st) publication thereof, the city council will meet and act with relation to such proposed work, and that in the meantime sealed proposals for the doing of such work will be received by the city recorder, and in such notice the location of such proposed work shall be plainly stated, and reference shall be made therein to said plans and specifications filed, as aforesaid, with the recorder. At the time and place designated in such notice an opportunity shall be given, to any and all interested parties, to be heard for or against such proposed work, and the mayor shall, in presence of the city council, open and read all sealed proposals which may have been received for the doing of such work, and the city council may then accept the most favorable proposal, and by resolution or ordinance authorize the doing of the proposed work by the person or persons whose proposal shall have been accepted, and enter into written contract with him or them therefor; or may reject any or all proposals offered, and refuse to authorize the doing of such work, or of any particular part thereof, or may, in its discretion, from lack of a quorum, or other sufficient reason, postpone the consideration and decision of the whole matter, or any branch thereof, to a future definite time, of which postponement all parties interested shall be required and deemed to take notice.

When the work proposed to be done is the building of a sidewalk, the council may, in its discretion, at any time before contract is entered into as aforesaid, grant permission to any abutting proprietor

to construct, at his own expense, within a specified time, such part of such sidewalk as may lie contiguous to his premises, of material and in manner different from, but not inferior to, those prescribed in said plans and specifications; *Provided*, That if such abutting proprietor shall fail to construct such part of such walk within the time fixed by the council, and in accordance with the terms of the permission granted, the council may, without further notice, cause the same to be built in accordance with the original plans and specifications, and assess the expense thereof on the premises fronting or abutting thereon, as hereinafter provided.

SEC. 4. The person or persons to whom may be awarded the doing of any work referred to in sections two (2) and three (3), or of any other work done by contract for said city, may be required by the city council, as a condition of the awarding of such work, to execute a bond to the city of Winona, with two or more sufficient sureties, in such sum as the council may direct, conditioned for the faithful performance of such work, in accordance with the plans, specifications and contract therefor, and subject to the supervision and approval of such person or persons as the council may designate for that purpose, and for indemnity of said city against any damage or loss which may arise or in any way, directly or indirectly, be suffered by said city by reason of any negligence or misconduct of such person or persons in doing the same.

SEC. 5. Upon the completion of any work or improvement chargeable under the provisions of section two (2) to the lots or parcels of land abutting thereon or contiguous thereto, the city surveyor and street commissioner of said city shall assess the cost of such work as improvement on the lots or parcels of real estate contiguous thereto and chargeable therewith, and determine what part of the cost thereof shall be borne by each lot or parcel of land, and make an assessment accordingly, and submit such assessment in writing to the city council, who shall, upon examination, make such corrections as they may deem necessary to equalize the same, and such assessment when so equalized and confirmed by said council shall be final, and the several amounts so assessed against such lots or parcels shall be collected in the manner following:

SEC. 6. Upon the confirmation of such assessment as aforesaid, the city recorder shall forthwith make out a certified copy of the same, containing the description, as near as may be, of each lot or parcel of land and the amount so assessed upon each lot or parcel respectively, and deliver the same to the city treasurer for collection, and shall also, at the same time publish in the official newspaper or newspapers of the city, for two (2) successive weeks, at least once in each week; a copy of such assessment, together with a notice requiring the owners of said lots or parcels of land to pay the amount assessed on said lots or parcels, respectively, to the city treasurer, within six (6) weeks from the first publication of such notice.

SEC. 7. At the expiration of the time mentioned in the notice required by the preceding section, the city treasurer shall return to the city recorder a certified list of the assessments which still remain unpaid, and the city recorder shall thereupon add to such delinquent and unpaid assessments a penalty of twenty-five (25) per cent, and certify the amount of such assessments and penalties, together with a

description of the lots or parcels of land on which the same are chargeable, to the auditor of Winona county, to be by him entered upon the tax duplicate for the ensuing year, and assessed and levied on the lots or parcels of land on which the same are respectively chargeable, and the same shall thereupon be collected in the same manner as other taxes on real estate are collected.

SEC. 8. All work for the city, whether under the provisions of this chapter or otherwise, shall be let to the lowest responsible bidder therefor, except such incidental repairs or improvements as in the opinion of the city council cannot judiciously be let by contract; and in case notice is not already provided for by law the city council shall direct that notice be given by publication in the official newspaper or newspapers, for such length of time as the council may prescribe; that proposals or bids will be received by the city recorder for the doing of such work so to be let, and will be submitted to the city council at a time and place to be specified in the notice.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 2, 1885.

CHAPTER 25.

AN ACT ENTITLED "AN ACT TO AMEND SECTIONS ONE (1) AND TWO (2) OF CHAPTER SIX (6) AND SECTION NINE (9) OF CHAPTER NINE (9), ALL OF CHAPTER FORTY-SEVEN (47) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), ENTITLED 'AN ACT TO INCORPORATE THE CITY OF WASECA,'"

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

SECTION 1. That section one (1) of chapter six (6) of chapter forty-seven (47) of the special laws of one thousand eight hundred and eighty-one (1881) be amended so as to read as follows:

Section 1. The common council may order sidewalks to be constructed in front of and along any one or more lots or parcels of land in said city, at the expense of such lot or parcel of land, upon the petition of not less than six (6) legal voters and householders residing within one-half ($\frac{1}{2}$) mile of some portion of the sidewalk petitioned for; which petition shall be in writing and describe the lot or parcel of land to be affected thereby. Whenever any such petition shall be received by the common council, the common council shall fix and enter upon the records a time and place when and where such petition will be acted upon, which time shall not be less than ten (10) days nor more than twenty (20) days from the date of the reception of such petition; and