

CHAPTER 96.

AN ACT TO AMEND AN ACT CREATING THE BOARD OF PARK COMMISSIONERS OF THE CITY OF MINNEAPOLIS.

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

SECTION 1. That subdivision six (6) of section four (4) of an act entitled "An act providing for the designation, acquisition, laying out and improvement of lands in the city of Minneapolis for a system of public parks and park ways, and for the care and government thereof," approved February twenty-seventh (27th), one thousand eight hundred and eighty-three (1883), be and the same is hereby amended by adding at the end thereof the following: *Provided*, That neither such award of the appraisers, nor the confirmation thereof by the board of park commissioners, 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.

SEC. 2. That subdivision nine (9) of section four (4) of said act be and the same is hereby amended so as to read as follows:

Subdivision Nine—The damages appraised shall be paid out of the park fund and shall be so paid or tendered or be deposited and set apart in the treasury of said city, to and for the use of the parties entitled thereto, within six (6) months after the confirmation of such appraisement and report; but in case any appeal or appeals shall be taken from the order confirming said appraisement, then the amount of such damages shall not in any case be required to be paid, or tendered, or deposited and set apart 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 appropriated until the damages awarded to the owner thereof shall have been paid or tendered to such owner, or deposited and set apart for his use as aforesaid; and in case the said board of park commissioners 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 the board of park commissioners, in the district court of Hennepin county, and said court, upon the proper application of any person claiming the award, or any part thereof, shall determine to whom the same shall be paid.

SEC. 3. That the last paragraph of subdivision twelve (12) of section four (4) of said act be and the same is hereby amended so as to read as follows: The board of park commissioners shall have the right, at any time during the pendency of any proceedings for the acquisition of lands for any improvement authorized by this act, or at any time within thirty (30) days after the final disposition by the court of all appeals taken in such proceedings, to abandon all such proceed-

ings in respect to the whole improvement or any part thereof, whenever they shall deem it for the interest of the city so to do.

SEC. 4. That section five (5) of said act be and the same is hereby amended so as to read as follows:

Sec. 5. As soon as the amount required for the purchase and condemnation of the lands selected for any park or park way shall have been ascertained by said board of park commissioners with reasonable certainty, it shall determine what percentage, if any, of the amount so ascertained shall be assessed upon the lands benefited by said park or park way, and it shall apply to the district court of Hennepin county for the appointment of three (3) freeholders of the city of Minneapolis as park assessors. Notice of such application shall be given by publication thereof in the official newspaper of said city, at least six (6) days successively, the last of which publication shall be at least three (3) days prior to the date fixed therefor, and all persons interested may appear and be heard by the court touching said appointment. After such hearing the court shall appoint three (3) disinterested assessors, who shall proceed to assess upon such lots, blocks, tracts and parcels of land in the city of Minneapolis as they shall deem to be specially benefited by such park or park way, whether such lands shall adjoin and abut upon such park or park way or not, such sum as they shall deem a just proportion, respectively, of the total sum so to be assessed for benefits; and the determination of said assessors as to what lots, blocks and parcels of land are specially benefited shall be deemed to include all the lands so specially benefited. In case of the purchase of lands for any such parks or park ways, or of any part thereof, it shall be competent for said board of park commissioners to agree with the vendor or vendors of the lands so purchased, upon a price therefor, which may, in addition to the purchase price thereof, include exemption from an assessment for benefits upon any remaining contiguous or adjacent lands owned by such vendor or vendors, and in that case such remaining lands shall be free from any liability to assessment and contribution for benefits to be assessed upon lands as in this act provided. In all such cases a record shall be made by said board, specifying the lands so to be exempted, which shall be filed in the office of the secretary of said board, and may be recorded in the office of the register of deeds of Hennepin county. Before proceeding to act under such appointment the said assessors shall make oath before the clerk of the said district court, faithfully and impartially to discharge the duties of their said office, and shall then give notice, by publication thereof, for six (6) successive days, in the official newspaper of said city, the last of which publications shall be at least three (3) days before the time of meeting, of the time and place of the meeting for the purpose of making said assessment. All parties interested may appear before said assessors and be heard touching any matter connected with the assessment. The assessors shall have power to administer oaths to witnesses and shall hear and consider any pertinent testimony offered, and they may adjourn their meetings from time to time until the assessment is completed. When completed the assessment shall be signed by the assessors or by a majority who shall concur therein, and shall be returned to and filed in the office of the clerk of said district court. The

board of park commissioners shall cause to be published in the official newspaper of the city of Minneapolis, at least six (6) days successively, a notice of the filing of said assessment roll, and that they will, on a day named therein, apply to said court for the confirmation of said assessment, the last of which publications shall be at least five (5) days prior to said application. Said notice shall set forth the boundaries of the district in which said assessments have been levied, and a copy thereof shall be served personally upon the occupant, if any, of said several tracts or parcels of land described therein, by leaving the same with such occupant or some member of his family upon said premises, at least five (5) days prior to the date of such application. Proof that any of such tracts or parcels of land were vacant or unoccupied at the time when such service would have otherwise been made, may be made by affidavit, and the confirmation of such report by the court, upon service by publication and copy as aforesaid, shall bind the owners and all parties interested in said lands in all respects as though personal service had been made upon each. Said district court shall have power to revise, correct, amend or confirm said assessment, in whole or in part, and may make or order a new assessment, in whole or in part, and the same revise, correct, amend and confirm upon like notice. All parties interested may appear before said court at the time of such application and object to said assessment, either in whole or in part, but all objections shall be in writing, specifying the tracts or parcels of land in respect to which objection is made, and shall be filed at least two (2) days before the time fixed for the application. Objections which relate merely to the amount assessed upon the premises specified shall not be available unless the court shall be satisfied that the assessors in fixing such amount were governed by improper motives, or proceeded upon erroneous principles, or under an obvious mistake of facts. After the confirmation of such report the board of park commissioners shall cause a copy thereof, as amended and confirmed, to be filed in the office of the auditor of Hennepin county, and the copies of such assessment rolls as have heretofore been filed in the office of the clerk of said court shall be transferred to and filed in the office of said county auditor. Such assessments shall be a lien upon the several tracts or parcels of land so assessed for benefits as aforesaid, and ten (10) per cent of the amount thereof shall be due and payable annually. The auditor of said Hennepin county shall include in the general tax list for the collection of state, county and city taxes, ten (10) per cent of said assessment for each year until the whole sum is paid, setting opposite the several tracts or parcels of land assessed the amount of such assessment in an appropriate column, to be headed "park assessments;" and like proceedings in all respects shall be had for enforcing the collection of the same as is now provided by law for the collection of state, county and city taxes. In case any of the tracts or parcels of land which have been, or which may hereafter be, assessed for benefits as aforesaid, have been, or shall hereafter be, replatted or otherwise subdivided, said county auditor shall have power to apportion the amount originally assessed thereon among the several lots, blocks or parcels into which the same has or shall be so subdivided, in such manner that the several subdivisions thereof shall bear their just proportion of the benefit tax as so assessed and confirmed. Said

county shall provide and keep as one of the records of his office a suitable book or books in which he shall enter the several tracts and parcels of land so assessed, with a statement of the amounts assessed thereon respectively, and all payments made on account of such assessments, together with such other facts in relation thereto as he may deem advisable, and the board of park commissioners may compensate said auditor for such services in any sum not exceeding five hundred (500) dollars. If the owner of any tract or parcel of land assessed as aforesaid shall at any time make payment of such sum as being but simple interest at seven (7) per cent per annum would amount to the sum of the several installments of such entire assessment at the time they would respectively become due under the provisions of this section, the said lands shall thenceforth be free from the lien of the assessments so paid and discharged.

SEC. 5. That this act be in force and take effect from and after its passage.

Approved February 24, 1885.

CHAPTER 97.

AN ACT TO AMEND "AN ACT RELATING TO THE GOVERNMENT OF FREE SCHOOLS IN THE CITY OF MINNEAPOLIS" APPROVED MARCH SEVENTH (7TH), A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

SECTION 1. Section five (5) of an act entitled "An act relating to the government of free schools in the city of Minneapolis," approved March seventh (7th), one thousand eight hundred and seventy-eight (1878), as amended by subsequent acts, is hereby amended by adding to the end of said section five (5) the following: "Nothing in this act shall be construed as prohibiting said board from paying its teachers, janitors and other employes upon pay rolls, or otherwise, in accordance with such regulations as said board may establish."

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

Approved March 5, 1885.