

SEC. 2. The salary hereby fixed and determined shall be drawn in the manner now prescribed by law and shall commence from the first day of February, 1887.

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

Approved February 25, 1887.

CHAPTER 313.

[S. F. No. 532.]

AN ACT TO PROVIDE FOR THE CREATION AND ORGANIZATION OF A BOARD OF PARK COMMISSIONERS IN AND FOR THE CITY OF ST. PAUL, RAMSEY COUNTY, MINNESOTA.

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

SECTION 1. There is hereby created a board of park commissioners in and for the city of St. Paul, Ramsey county, Minnesota, to consist of the following number of members of said commissioners, to-wit:—

There shall be appointed, except as hereinafter provided, by the mayor of the city of St. Paul, seven persons who shall be freeholders and residents of said city and shall hold their offices until their successors are appointed and qualified.

The mayor of said city, except as hereinafter provided, shall make all appointments provided for under this act, and whenever he shall so appoint any person or persons as commissioners under this act, he or they shall file a written acceptance of their appointment, and an oath of office in the office of the city clerk of the city of Saint Paul.

Said commissioners shall meet and organize by the designation of one of their number as president, and one of their number as vice president, and shall appoint a general superintendent, also a secretary. And shall appoint a president, vice president, superintendent and secretary from time to time whenever vacancies in said offices may occur. The term of said officers shall be two years and until their successors are appointed and qualified. Said commissioners shall also adopt a seal and shall make and publish from time to time rules, ordinances and regulations for the government of its agents, servants and employees and for the government and regulations of the parks and park ways which may be acquired under and pursuant to, the provisions of this act. A majority of said board shall constitute a quorum for the transaction of general business, provided, that no action of said board condemning, purchasing or leasing lands, creating a bonded debt or filling vacancies in the board of park commissioners shall be valid unless voted for by at least three-fourths of the members of said board, and a record of its proceedings shall be kept and the said board shall make and publish in the official paper of the city

of Saint Paul an annual report setting forth their general proceedings and containing a statement of the receipts and expenditures of said board.

SEC. 2. The following named persons shall constitute the first board of park commissioners under this act: William A. Van Slyke, Greenleaf Clark, John D. Ludden, Stanford Newel, Rudolph Schippman, William N. Campbell and Beriah Magoffin who shall hold their offices until their successors are duly appointed and qualified. The persons hereinbefore named and their successors shall with the members hereinbefore provided for constitute a provisional board of park commissioners to hold their offices until their successors are appointed and qualified. The term of office of the above named members of said board of park commissioners not including the ex officio members shall be the first four named for one year commencing on the first day of March, one thousand eight hundred and eighty-seven (1887), and the residue for two years commencing on the first day of March, one thousand eight hundred and eighty-seven (1887), and until their successors respectively are appointed and qualified, and thereafter the term of said commissioners to be appointed by the mayor as aforesaid shall be two years. The said commissioners shall receive no compensation for their services but may receive such sums for actual and necessary expenses incurred in performing their official duties as may be audited and allowed by said board. The board of park commissioners shall be authorized to employ and dismiss such attorneys, surveyors and agents and employees as they may deem necessary, who together with such secretary and superintendent shall receive such compensation as may be determined by said park commission, which compensation shall be paid from the funds hereinafter established for the purposes of this act, upon the order of said board, countersigned by the city controller.

No commissioner shall be interested in any contract made under the authority of said board or in any lands to be acquired by said board, except that if any commissioner shall be the owner of or interested in by agency or otherwise of any lands which may be designated or appropriated for the uses of this act he shall be entitled to receive compensation therefor as provided herein but shall not act officially in any manner in respect to any matter in which he may be pecuniarily interested. Said board of park commissioners may acquire by gift without the corporate limits of said city for the purpose of continuing or completing any system of park way within said city limits any land or lands and shall possess the same powers and jurisdiction over said parkways as if they were located within the city limits. All park ways which have been or which may be acquired in or adjacent to the city of Saint Paul, in the county of Ramsey, shall be subject to the control and government of the park commissioners of said city with respect to the construction, maintenance and regulations and government thereof and to the use, travel and traffic over and upon the same, and said board shall have power and authority to lay out into parks and terraces and steps, or otherwise improve for park purposes portions of streets, alleys or other public places, provided, that no

street, alley or public place or any part thereof shall be made in whole or in part a park or a park way without the consent of the common council of said city. Said commissioners shall have and exercise all such powers and jurisdiction over and in relation to parkways as now is or may hereafter be conferred upon the common council in respect to laying out, opening, vacation and discontinuance of streets; the grading, paving and curbing thereof, and the construction of sidewalks and sewers.

SEC. 3. The board of park commissioners herein appointed and its successors shall have power and it shall be its duty to devise a system of public parks and parkways and within the limits of and for the use of the city of Saint Paul, to designate the lands and grounds to be used and appropriated for such purposes, to cause the same to be surveyed and platted, and the plat thereof to be filed in the office of the city engineer and in the office of the register of deeds of Ramsey county, and upon obtaining title and the right of possession of the same or any part thereof to take possession of, hold, govern and administer the same and to lay out and improve the same according to such plans as the said board may adopt for such purposes.

SEC. 4. The said board of park commissioners and its successors shall have power and it is hereby authorized to obtain title for and in the name of the city of Saint Paul to any lands so designated by it for the purpose of this act, by gift, devise, purchase or lease, and shall have power to accept and receive donations of money, property or land for the use of the said city for the purposes contemplated in this act.

SEC. 5. Said board of park commissioners shall have power and it is hereby authorized, in connection with the board of public works of the city of Saint Paul and on behalf of the city of Saint Paul, to condemn for the use of said city any tract or tracts, parcel or parcels of land or any interest therein which it may have designated as hereinbefore provided by this act, and when such condemnation shall have been completed and the lands paid for as herein provided, the title to such lands shall pass and be vested in fee simple in the city of Saint Paul. When the said board of park commissioners shall deem it to the public interest that any tract or tracts, parcel or parcels of land or interest therein aforesaid shall be condemned for the use of said city for any public park or parks or parkways aforesaid within the limits of the said city, and shall so determine by a resolution of the said board, they shall cause the same to be surveyed and platted as provided by section three, and shall make an order directing the said board of public works to appraise or assess the damages or compensation to be paid to the parties entitled thereto by reason of such condemnation, and also to assess the benefits to the amount of fifty per cent. of the costs of the said improvement as near as practicable upon the parcels of land benefited thereby. A copy of said resolution and order together with a copy of said plat shall be certified by the secretary and transmitted to said board of public works for their action thereon. Said board of public works shall thereupon have the power and it shall be their duty upon receipt of said resolution, order and plat to make the said assessment of damages and benefits and shal

proceed thereon in the same manner as in cases of assessments made by said board of public works for local improvements, which shall require the appropriation or condemnation of any land or real estate under title one of chapter seven of the charter of the city of Saint Paul.

And any person whose property has been appropriated in said proceedings and has filed objections to such assessment as provided in said title one of chapter seven, shall have the right of appeal within the time and in the manner therein provided for to the district court of the county of Ramsey of this state, and said appeal shall have the same effect and shall be tried and disposed of in the same manner as provided in said title one of chapter seven, and when such assessment shall have been confirmed by the said board of public works and no appeal taken therefrom, or if an appeal shall have been taken when judgment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property appropriated. The amount of damages or compensation so ascertained over and above the benefits to be deducted therefrom shall be paid to the person or persons entitled thereto out of the park fund. Said assessment of benefits shall be collected by the city treasurer in the same manner and with like proceedings and effect as provided for collection of assessments for local improvements, in said title one of chapter seven, and sales shall be made of the property assessed and delinquent in the same manner and with the like redemption, interest and costs as provided for such sales in said title one in said chapter seven, and said board of public works shall have the same power to confirm or set aside such assessment or proceed *denovo* or to make reassessments as said board has power to do in cases of local improvements under the charter of said city, it being intended that said title one (1) of said chapter seven (7) shall in all respects apply to said assessments and the collection thereof and all proceedings connected therewith as far as applicable.

SEC. 6. Whenever title to property to any such park or parkways shall be acquired by the said board of park commissioners by purchase or lease they shall make an order directing the board of public works to assess fifty (50) per cent. of the cost thereof upon parcels of land benefited thereby, a copy of which said order shall be certified by the secretary and transmitted to the said board of public works and thereupon the said board of public works shall make said assessment in like manner and like proceedings shall be had thereon as provided in section five (5) of this act.

SEC. 7. That for the purposes of this act the common council of the city of Saint Paul are hereby authorized and empowered to issue and negotiate bonds of the city of Saint Paul to an amount not exceeding the sum of two hundred and twenty-five thousand (225,000) dollars; said bonds shall be in the denomination of one thousand (1,000) dollars each with coupons attached, and shall be payable in thirty (30) years from their date with interest not to exceed five (5) per cent. per annum, payable semi-annually at the financial agency of the city of Saint Paul in the city of New York, the proceeds of said

bonds shall be paid into the city treasury to the credit of the board of park commissioners, and constitute a fund to be called the city park fund. The proceeds of all assessments of benefits aforesaid shall be paid also into the city treasury to the credit of the board of park commissioners, and constitute a part of the said city park fund.

SEC. 8. It shall be lawful for the said board of park commissioners to vacate and close up any and all public roads and highways, excepting railroads which may pass through, divide or separate any land selected or appropriated by it for the purpose of parks, and no such road, highway or railroad shall be laid out through said parks or any of them except as the said board of park commissioners shall lay out and construct or consent thereto, provided that such vacation shall be approved by the common council, after such notice to parties interested in the official paper of said city, as the common council may direct.

SEC. 9. The said board shall have power to construct all necessary bridges and viaducts over water courses and railroads in and on the line of said parks and parkways.

SEC. 10. The said commissioners or either of them, may be removed from office by the district court of said county, after trial and conviction, upon the petition of sworn charges presented by not less than ten (10) reputable freeholders of said city, if it shall appear at said trial that said commissioner or commissioners have been guilty of misdemeanor or malfeasance in office under this act.

SEC. 11. The office of any commissioner under this act, who shall not attend the meetings of the board for three successive months, after having been duly notified of said meetings, without reasons satisfactory to the board or without leave of absence from said board, may, by said board be declared and thereupon shall become vacant.

SEC. 12. The power and jurisdiction of the board of park commissioners shall not extend to the police control within the parks or parkways, except that the said board shall have authority to adopt any ordinance affecting the quiet, orderly and suitable use and enjoyment of said grounds by the people of the city of Saint Paul, and to fix and ordain penalties for the violation thereof, and the police control over said ground shall be and remain where it is or may be vested by the charter of said city.

SEC. 13. The said park commissioners shall expend twenty-five thousand dollars (\$25,000) of the park fund created by this act in the improvement of Como Park—Provided, however, that no more than one-half ($\frac{1}{2}$) that sum shall be expended in any one (1) year.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved February 25, 1887.