

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved February 14th, 1889.

CHAPTER 178.

[H. F. No. 1116]

AN ACT TO PROVIDE FOR A PLAT COMMISSION IN THE COUNTY OF SAINT LOUIS OUTSIDE THE LIMITS OF THE CITY OF DULUTH AND TO REGULATE THE FILING OF ALL PLATS IN SAID COUNTY.

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

SECTION 1. The city engineer of the city of Duluth, ex-officio, the county surveyor of Saint Louis county, ex-officio, and the chairman of the county commissioners of Saint Louis county, ex-officio, are made members of a commission, with perpetual succession, to be known and designated as the plat commission of Saint Louis county.

Said persons, before entering upon the duties of their office, shall take an oath to faithfully discharge their duties as members of said commission, which oath shall be filed in the office of the auditor of Saint Louis county.

The city engineer and chairman of the county commissioners shall serve as members of said plat commission without compensation.

The county surveyor shall receive from the county of Saint Louis such compensation for actual service rendered as he would be entitled by law to receive for county work.

SEC. 2. The commission shall at their first meeting in each year, elect one of their members chairman and another secretary, and shall from time to time make rules to govern their proceedings.

Proper books and stationery shall be provided at the expense of the county, and the secretary shall keep a record of all proceedings of said commission, and be custodian of all maps, books, records and documents belonging to or in the care of the commission.

SEC. 3. Before any plat or map of any addition, rearrangement, subdivision or other plan of platting any territory within the county of Saint Louis, outside the corporate limits of the city of Duluth, shall be recorded by the register of deeds of Saint Louis county, it shall be submitted to the plat commission for their approval. Said commission shall examine the plat, and if deemed necessary, may require the county surveyor to examine the territory covered by such plat; and it is hereby made the duty of the county surveyor to make such examination and carry out the instructions of said commission and report his investigation thereon.

And if it shall appear that the streets, avenues and alleys are free from any lien, and properly dedicated to the public, and that the

streets, avenues and alleys are of the same width as, and as far as possible connect with, or are a continuation of existing streets, avenues and alleys in adjacent or adjoining plats, if any, and that the streets and avenues are laid out with reference to the topography, and that other requirements of this act are complied with, then said commission, or a majority of them, shall endorse their approval thereon; *provided*, no streets or avenues shall be less than sixty-six (66) feet in width, or any alley less than sixteen (16) feet in width, without reasons satisfactory to the commission, or to the court. If the commission should decline to approve any plat presented for their approval, they shall return the same to the persons presenting it together with a concise written statement of their objections thereto.

If the person presenting the plat shall deem the objections so stated to be arbitrary and unreasonable, he may appeal to the district court, and the court shall summarily hear the appeal after giving four (4) days' notice to all parties interested. If the court shall affirmatively find that the objections are arbitrary and unreasonable, he shall approve the plat notwithstanding the objections of the commission, and shall endorse such approval on such plat, and the same shall be recorded without the approval of the plat commission.

No plat of any land in St. Louis county, outside of the city of Duluth, shall be recorded by the register of deeds of St. Louis county, unless the approval of a majority of said plat commission, or of the district court is endorsed thereon.

All expense incurred by reason of said examination, survey and report upon any tract or tracts of land, in accordance with the provisions of this act, shall be paid by the county of St. Louis, at the same rate prescribed by law for county surveying.

SEC. 4. All maps or plats presented to the plat commission for approval shall be made in duplicate, and as provided in section eight (8) of this act. Whenever any land is dedicated to the public, the plat shall be accompanied by an abstract of title thereof, and if it appear that any lien exist upon the land so dedicated, the approval of the commission shall be withheld until the lien has been removed, as far as the same may relate to the lands so dedicated to the public.

The plats shall show the connection of their streets and lots, with the streets and lots of adjoining plats, if any. All streets must have their width plainly marked, and all lots and fractions of lots must have their dimensions shown by written description or figures, and all curved or broken lines must have the radius, angles and distances of each plainly marked or described on said plat.

The boundary of the land so platted shall be indicated by dotted red lines.

The correct location of all monuments must be plainly shown, and subdivisions or rearrangements of lands shall have the original plat drawn thereon in faint lines of a different color.

SEC 5. When plats are approved by the commission, they shall endorse their approval on one of said plats or map, and certify the other to be a true copy of the one so approved, and no map or plat shall be approved by said plat commission, unless in their opinion

there are sufficient permanent monuments set to govern future surveys, and the certificate of the surveyor making the survey is endorsed thereon, said endorsement stating that all distances as marked on the plat are correct, and that permanent monuments have been placed as shown thereon.

SEC. 6. All plats or maps after being approved by said commission shall be delivered to the county surveyor, who shall keep the same in his possession until they are filed for record in the office of the register of deeds of St. Louis county.

Provided, that the owner or owners of the property so platted shall pay into the county treasury to the account of the general fund, a sum of money equal to fifty (50) cents for each acre contained within the boundaries of said plat, and shall further pay to the county surveyor the fees necessary for recording the plat, as provided by this act; and in no case shall said county surveyor give up possession of said plats or maps to any person, but he shall as soon as said costs and fees have been paid, at once convey said plats or maps to the office of the register of deeds, and file the same for record in said office.

SEC. 7. Any surveyor who shall wilfully and knowingly place a permanent monument in any other place than that certified by him in his endorsements on any map filed as aforesaid, or who shall have neglected or failed to place a permanent monument as shown in any plat certified by him as aforesaid, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars (\$300) or by imprisonment in the county jail of St. Louis county, not more than one (1) year or by both such fine and imprisonment.

SEC. 8. All plats presented to the register of deeds of St. Louis county shall be in duplicate, upon substantial cloth back paper and shall be of uniform size, that is twenty-two (22) inches in width and thirty (30) inches in length, and shall have a two (2) inch marginal space on the end at the left hand of said drawing to allow for binding.

The one endorsed as approved by the proper officials shall be filed of record as the original plat; the other shall be certified by the register of deeds as a true copy of the original plat.

The plat or map filed as the original, shall be open to inspection only in the presence of the register of deeds or one of his deputies; the certified copy shall be open to inspection of the public during office hours.

The originals as well as the copies of all plats filed, shall from time to time be bound at the expense of the county of Saint Louis in separate books, in good and substantial binding, whenever a sufficient number of plats or maps have accumulated in the register of deeds office to make a book.

The fee of the register of deeds for filing any plat together with the duplicate thereof shall be the sum of two (2) cents for each and every in and out lot contained in one of the plats.

SEC. 9. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved April 10, 1889.