

business of the city or village so annexed, in the manner and form as prescribed and provided by the laws under which such unfinished business was commenced. The authority hereby granted shall extend particularly to the making and completion of assessments for public improvements and the issuance and sale of bonds therefor.

SEC. 2. All proceedings or acts of such consolidated city under the authority hereby given shall have the same force and effect as though such proceedings and acts had been done and performed by the city or village so annexed.

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

Approved March 24, 1893.

S. F. No. 317.

Tunnels in cities.

## CHAPTER 210.

*An act to authorize the construction of tunnels by cities in certain cases.*

Authority to construct tunnels and assess therefor.

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

SECTION 1. Whenever a city of this state is or shall be so divided by unbridged navigable waters that portions thereof are inaccessible to each other, except by water transportation, and it shall be deemed by the common council of the city that the bridging of such waterway would be prejudicial to commerce, or is, for other reason, impracticable, such city is authorized, if, in the judgment of its common council, the public interest, and that of the property that would be assessed therefor, require it, to construct under such waterway, so as to connect the divided portions of the city, a tunnel suitable for all kinds of travel and traffic, including that by steam railway, provided that the expense of any such tunnel shall not in any case exceed one million dollars.

Property benefited to be assessed.

SEC. 2. Property specially benefited by such improvement may, in proportion to the benefits received, and to an extent not exceeding such benefits, be charged and assessed with all or any part of the expense thereof, not less than three-fourths. All proceedings with reference to such improvement, and the making of the contract therefor, and the making and enforcement of assessments and reassessments therefor, and for the procurement of funds for carrying on the work upon said improvement, including also proceedings for the exercise of the power of eminent domain in connection with said improvement, shall, except as herein otherwise provided, conform, as nearly as the nature of the case will admit, to proceedings which at the time shall obtain in the particular city with reference to the grading and improvement of streets, and to assessments and reassessments therefor, it being the intention hereof that said improvement shall be considered as equivalent to the opening, grading and

Proceedings same as for street improvements.

paying or macadamizing of a street, and subject, except as herein otherwise expressed, to the provisions of the several city charters with respect to the said last named improvements; and such improvement may be made without petition of property holders, and assessments therefor shall, without special request or application of property holders, be divided into the greatest number of annual installments, if any, which in the particular city may be admissible with reference to assessments for the grading, paving or macadamizing of streets.

SEC. 3. The residue of the expense of such improvement, not assessed upon specially benefited property, as aforesaid, shall be defrayed by such city; and to raise the amount thereof, bonds of the city may be issued, which, with respect to time and place of payment, rate of interest, and other matters of detail, shall conform to the requirements of the law governing the particular city at the time as to bonds issued for the benefit of the general fund of the city. In case any such tunnel, or a compartment thereof, shall be so constructed as to admit of the passage of steam railway trains, the city shall be authorized to charge railway companies reasonable tolls for the use of the same, provided that the city shall not for the first ten years collect tolls in excess of the interest on the bonds issued by it under the provisions of this section, and that when it shall, by means of such tolls, have fully reimbursed itself for the principal and interest of said bonds, no further tolls shall be charged for the use of such railway tunnel than such as shall be necessary to cover the expenses of the repair, maintenance and operation of the entire tunnel. Any city availing itself of this act shall be authorized to charge street railway companies reasonable tolls for the use of any tunnel constructed under the provisions of this act, the amount of such tolls to be fixed by the common council of said city.

Part of expense may be general and bonds issued.

SEC. 4. No certificates or bonds of a city, issued to provide for the expense of that portion of such improvement, chargeable upon property benefited, pending the collection of the assessment therefor, shall be deemed a part of the municipal indebtedness within the meaning of any act limiting the amount of such indebtedness, nor shall the expense of such improvement be regarded as within any existing limitation of the amount which a city may expend in any one year for street or other local improvements; neither shall the bonds issued by a city to provide for the portion of the expense of said tunnel, which, by the provisions of this act, may be payable by the city at large, be deemed a part of the municipal indebtedness within the meaning of any statute limiting the amount thereof, if the tunnel, as constructed, shall provide for the use of the same by steam railways, so as to authorize the collection of tolls, as hereinbefore provided.

Limit of amount of indebtedness not to apply.

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

Approved March 22, 1893.

H. F. No. 49.

CHAPTER 211.

Local improve-  
ments in cities.

*An act to authorize cities to make certain local improvements and assess the cost thereof on abutting property.*

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

Assessments on  
fronting prop-  
erty.

SECTION 1. All cities in the state of Minnesota are hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements without regard to cash valuation.

For paving,  
curbing, etc.

SEC. 2. Such assessment may be made by any city in the state for paving, curbing, graveling, macadamizing and planking any street, lane, alley or highway, and the expense of such improvement may be defrayed by an assessment upon the real estate fronting thereon, to be levied in the manner hereinafter prescribed.

Two or more  
improvements  
in one order.

SEC. 3. Two or more improvements upon one or more streets, either of paving, curbing, graveling, macadamizing or planking, or either or any of them, may be done at the same time under one order, and may be included in one contract. And the city council may, when any contract is let for paving, include in such contract the laying of sewer pipes to the curb, and the cost of the same may be assessed against the lot for which such sewer pipes are laid as a part of or in connection with the assessment for such paving.

Expense, how  
assessed.

SEC. 4. The expense of any such improvement shall be chargeable to and assessed upon the lots and parcels of land abutting upon the street, lane, alley or highway in which such improvement is contracted to be done, upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvement;

Provided, if two or more improvements are included in one contract, the expense of each improvement shall be separately apportioned and assessed upon the lots and parcels of land abutting upon such improvement, but two or more improvements may be included in one assessment proceeding.

Plans and speci-  
fications.

SEC. 5. Prior to the passage of any 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 this act, the city council of such city shall cause plans and specifications of such proposed work, with an estimate of the probable expense thereof, to be made by the city engineer of such city and presented to the council for its approval, and the same shall immediately, upon the approval thereof by the council, be filed with the