

CHAPTER 250.

S. F. No. 25.

An act entitled "An act to provide for the establishing of section or property lines in any township in the state at the expense of the property affected."

Section corners

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

SECTION 1. That the county commissioners of any county of the state be and the same are hereby authorized to cause to be surveyed, located and staked out any or all section or property lines pertaining to any section or group of sections, or any township in their respective counties upon the petition for such survey by the town supervisors of the township in which the lands to be so surveyed are located, or upon the petition of at least two taxpayers in each section to be thus surveyed.

County commissioners to cause survey to be made.—petition.

SEC. 2. Upon the filing with the county auditor of the petition mentioned in the foregoing section the county commissioners shall at their next regular meeting fix a time and place, such time to be at least one month later than the date of such meeting, when such petition will be considered; and shall cause to be published in the next issue of the official paper of their respective counties notice of such date of hearing fully describing in such notice the essence of such petition, the land to be affected by such survey, and the names of the owners thereof as they appear on the latest tax duplicate.

Hearing—notice.

SEC. 3. Upon the date fixed for such hearing the petition shall be either granted or refused or at the date of such hearing postponed to a future fixed time.

Decision.

SEC. 4. Upon the granting of such petition the county commissioners shall appoint a surveyor, who may or may not be named by the petitioners as the said commissioners may deem best; and shall cause such surveyor to enter into a contract for the performance of the work, secured by such satisfactory bond as may be required by such commissioners and shall fix a date for the commencing of said survey.

To cause surveys to be made

Notice of said appointment and of said date for the beginning of the survey shall be published in the next following issue of the official paper of the proper county and upon the date fixed for the same by the commissioners, the surveyor appointed as herein provided shall begin the work of making such survey and shall continue the same without unnecessary delay until completed.

Restoring lost
corners.

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SEC. 5. The said surveyor shall re-establish all lost government corners, according to the rules of the general land office of the United States, in its printed circular entitled "Restoration of Lost and Obliterated Corners" dated March thirteenth, one thousand eight hundred and eighty-three, and approved the same date by the secretary of the interior.

And from such corners so re-established, or from the original government corners where the same have not been lost, shall sub-divide, as set forth in the petition, all sections therein included, according to the rules of said general land office for the subdivision of sections, dated June second, eighteen hundred and eighty-seven, approved by the acting secretary of the interior on the same date, and republished December ninth, eighteen hundred and ninety, (said rules being in accord with the laws of Minnesota but more specific in language).

He shall locate all property lines required by the petition according to all existing authentic field notes, plats and other evidence and by the original deeds if the same are furnished him, otherwise by the descriptions given in the latest tax duplicate.

Keeping notes.

He shall keep complete and accurate field notes, of all the work, giving dates, whether, names of assistants, lengths and relative direction of all lines; of the full topography; of all evidence by which corners are located and full data by which the entire survey can be relocated in the future.

Distances shall be given in feet and decimals thereof.

Substantial lime or other, stone monuments shall be planted at or near all government corners, re-established, but not in traveled roads, and the names of at least three resident witnesses must be given for each monument in such notes.

He shall make a plat on strong linen paper showing all of the above mentioned information practicable to be set forth in a plat, and shall show thereon all farms or tracts of land which are benefited or affected by such survey, together with the owner's names and the acreage of each separate tract.

Approval of
plat.

SEC. 6. The plat so prepared shall be presented to the board of county commissioners for approval, and when so approved, shall have inscribed thereon, a certificate signed by the chairman of such board setting forth such approval and the appointment of the surveyor under this act by such board, and shall further have inscribed thereon the sworn affidavit of the surveyor making the same, as to the correctness and accuracy of the survey and of the plat;

SEC. 7. The plat thus prepared and inscribed shall then, together with the field notes of the survey it represents, be filed in the office of the register of deeds in and for the county wherein the lands so surveyed are situate, where they shall be received by the register of deeds and entered in the reception book upon the payment of a fee of one dollar (\$1.00), which fee is to be paid by the surveyor making the survey, and shall thereupon become prima facie evidence of the correctness and accuracy of such survey, and of the lines thereby established.

Recording plat
and field notes.

Provided, however, that nothing in this act shall be construed to apply in cases where owners have fixed a line by agreement, or where any highway has been laid out along the line of any such section or subdivision thereof, so as to change the lines of such highway.

SEC. 8. The surveyor shall thereupon make and submit to the board of county commissioners an assessment upon the lands so surveyed to cover the entire cost of such survey, which said assessment shall be determined according to the following rule:

Cost—how paid

Rule—Said assessment upon the individual tracts of land included in the petition and survey shall be made proportional to the area of said tracts multiplied by the ratio of the length of their boundaries surveyed to the length of their total boundaries, the boundaries surveyed not to include boundaries which were accurately and definitely marked before the commencing of the survey under this act.

Said assessment shall not exceed four cents (4c) per acre, *excepting for tracts containing less than ten (10) acres*, and shall not exceed five dollars (\$5.00) for any one farm.

SEC. 9. Upon the receipt of the assessment roll thus prepared the county commissioners shall cause the same to be published once in the official paper of the county, said publication to contain a description, the supposed owner's name, the amount assessed against each separate tract, and a notice of the time and place when and where the board will meet to correct and confirm said assessment, and upon the date thus fixed the board shall, after making proper corrections and adjustments, confirm said assessment.

Hearing on
judgment roll—
objections—
corrections.

SEC. 10. The county auditor, upon the confirmation of said assessment by the board of county commissioners as provided by the preceding section, shall enter upon the tax duplicate for the current year against the respective tracts of land so assessed the amount of said assessment as shown by said assessment roll, which as-

Collected as a
tax.

assessment shall then be collected and payment thereof enforced in the same manner as and with the regular taxes,

Provided, that if all the owners of the lands affected shall voluntarily pay into the county treasury the said assessment then the proceedings required by sections 9 and 10 of this act shall not be had.

Report of surveyor.

SEC. 11. Upon the completion of the work and the filing of the plats and field notes and of the assessment roll as provided by this act, the surveyor shall submit to the board of county commissioners his report and a bill for making such survey, which bill shall cover all expenditures in connection with such survey and shall not exceed the total amount of the assessment therefor, and said bill, having been approved and allowed by the board of county commissioners as reasonable and just, shall be paid out of the general funds of the proper county as in the manner provided for the payment of other similar claims.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1895.

S. F. No. 9.

CHAPTER 251.

Indebtedness of municipalities annexed.

An act providing for the adjustment of indebtedness of municipalities and quasi-municipalities partially annexed to cities in this state.

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

City to which annexation made shall pay.

SECTION 1. In all cases heretofore or hereafter arising in this state in which a part of any township or a part of any village, or in which a part of any other municipality or quasi-municipality shall have been or shall be annexed to any city in this state by legislative act or otherwise and in which no provision shall have been or shall be made for the payment or adjustment of the indebtedness of the municipality or quasi-municipality from which such annexed territory is taken, the city to which such annexation is made shall assume and pay such a proportion of the bonded or other indebtedness of such dissevered or divided municipality or quasi-municipality as shall be agreed upon between the municipalities affected by such annexation or as shall be determined by the tribunal authorized to determine the same as hereinafter provided.