

S. F. No. 488.

CHAPTER 298.

Counties.

An act providing for the enlargement of organized counties by attaching thereto and incorporating therein territory from an adjoining unorganized county or counties.

95 C 208
97 - 45
04-N - 378
00-N - 522
07-NW 202
08-NW 707
00-NW 025
73-NW 031

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

Annexing territory.

SECTION 1. Any organized county may be enlarged by attaching thereto and incorporating therein adjoining territory to be detached from any adjacent unorganized county or counties, and the lines of such counties changed as hereinafter provided.

But the territory so attached to any organized county shall not exceed six hundred (600) square miles in area.

Petition.

SEC. 2. Whenever there shall be presented to the secretary of state a petition signed by not less than fifty-five (55) per cent of the actual residents and legal voters of any organized county within the state, as shown by the returns of the last preceding general election, praying that certain territory be detached from an adjoining unorganized county or counties and attached to an incorporated in such organized county, and containing an accurate description of such territory with the boundaries thereof, which said boundaries shall follow the United States survey line of townships or the center of any meandered stream or shore of any meandered lake, as may be necessary;

And also a petition of like import signed by fifty-five (55) per cent of the actual residents and legal voters of the territory proposed to be attached to said organized county, as shown by the returns of the said last preceding general election from all the voting precincts within said territory:

Which said petition shall contain therein following the facts required to be stated and to be signed by the said legal voters, an oath in the following form: "I solemnly swear (or affirm) that I know the contents and purpose of this petition and sign the same of my own free will, and that I am an actual resident and legal voter of the township (or county) of which I in said petition represent myself to be" and each signer at the time of signing shall be sworn by some proper officer;

Then said secretary of state shall at once file said petitions and immediately notify the governor and state auditor of the receipt of the same, and they shall immediately meet and consider said petitions, and if

they be found to conform to law, they or a majority of them, shall so certify, and immediately thereupon the governor shall issue his proclamation attested by the secretary of state, setting forth the facts that such petitions have been so filed and found conformable to law and declaring the said territory described in said petitions detached from the unorganized county or counties of which it was formerly a part and attached to and incorporated within said organized county as in said petitions prayed.

SEC. 3. The secretary of state shall thereupon file and record such proclamation in his office in a book to be provided for that purpose and shall cause the same to be published for two successive weeks in two of the daily newspapers published at the capital city of this state and transmit a copy thereof to the auditor of the organized county enlarged thereby, who shall cause the same to be published for four successive weeks in all the newspapers published in his county:

Proclamation.

And a copy of said proclamation duly certified by the secretary of state shall in all cases be received as full evidence of the legal and valid incorporation of the unorganized territory detached as herein provided into the organized county so enlarged.

SEC. 4. Upon the issuance of such proclamation by the governor declaring any territory of any unorganized county attached to and incorporated in an unorganized county as herein provided, the said territory shall thereupon become a part of said organized county and the county commissioners of said organized county shall at their next meeting apportion said territory to one or more of the commissioner districts of their county.

Commissioner districts.

SEC. 5. It shall be the duty of the register of deeds of any county so enlarged to transcribe and copy into the records of his office from the records of the county to which the unorganized county from which the territory has been detached is attached for record purposes, all the records in the office of the register of deeds of that county pertaining to all property which has been detached and made a part of such enlarged county, and he shall receive for such transcribing the sum of six (6) cents per folio from the enlarged county, and such records of such enlarged county when so made shall be the legal records thereof and shall have the same effect in law as though the original instruments had been recorded in such register of deeds' office of the enlarged county, and the same or certified copies thereof may be read in any court or before any tribunal as such records.

Duty of register of deeds.

In case it shall be deemed necessary by the board of county commissioners of any county so enlarged, the county auditor of such enlarged county shall copy and transcribe from the auditor's office of the county to which the county from which the territory has been detached was attached for record purposes, all the records relating to such territory;

For such transcribing, such county auditor shall receive the sum of six (6) cents per folio from the enlarged county.

The officers of the county from which such records are to be transcribed, shall furnish the officers of such enlarged county all reasonable and proper facilities to enable them to copy and transcribe such records.

Taxes.

SEC. 6. The enlargement of any organized county as hereinbefore provided, shall not affect in any manner the collection of any unpaid tax upon any property within the territory attached thereto, levied for the current expenses of the county from which the same was detached or for township, school, road, or other local taxes, or for any special tax levied prior to the filing of the copy of the petition hereinbefore mentioned in the office of the secretary of state, as provided for in section two of this act, and all such unpaid taxes shall be collected and payment thereof enforced in the same manner and with the same effect as if the territory so attached had remained and continued a part of the county from which it was detached.

Failure in duty

SEC. 7. No refusal or failure of any county officer to do any of the acts or things herein required of him to be done, and no failure to make publication as herein required, shall affect the validity of the enlargement of any organized county under the provisions of this act.

And any officer who shall willfully neglect or refuse to perform the duties herein required of him shall be guilty of malfeasance in office and may be removed therefrom.

SEC. 8. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 21st, 1895.