

CHAPTER 137—S. F. No. 663.

An Act providing for the annexation of territory adjacent to cities now or hereafter having a population of not more than twenty thousand and not less than ten thousand inhabitants, and repealing Chapter 168 General Laws of 1907, as amended by Chapter 5 General Laws 1909, and all laws inconsistent herewith.

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

Certain territory may be annexed.—Section 1. Any territory so conditioned as properly to be subjected to city government which has been wholly or partly platted into lots, and which has a resident population of not less than five hundred to the square mile, taken as a whole, and not being within the limits of any city or village and lying adjacent to any city in the same county now or hereafter having a population of not more than twenty thousand or less than ten thousand inhabitants, may be annexed to and become a part of any such city upon the terms hereinafter prescribed.

Proceeding by petition.—Sec. 2. Ten per cent or more of the voters residing within any city and in such territory proposed to be annexed thereto may petition the county board of the county in which such city and territory are situate to call an election for the determination of such proposed annexation. A census of the resident population of such territory shall first be taken by one or more of such petitioners, and if found to be within the numbers specified in section 1 hereof, the petition aforesaid shall be presented within eight (8) weeks thereafter. It shall set forth the boundaries of such territory, that a census has been taken of the number of actual residents therein and the number thereof, and the name of the city to which the same is prayed to be annexed. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within the dates specified therein, and that the statements made in the petition are true. The number of voters shall be ascertained from the number of votes cast for governor at the last preceding general election at any such city prior to the making of such petition. Such petition shall be filed with the county auditor of the county in which such territory is located, and it shall be the duty of the county auditor to cause a copy thereof to be served upon the city clerk of the city to which annexation of such territory is prayed within five (5) days after the same is filed in the office of the county auditor.

Powers of city council.—Sec. 3. At the next meeting of the city council of the city to which annexation of such territory is prayed, after the service of a copy of any such petition, the city clerk shall lay the same before the council, and at such meeting

or a meeting subsequent thereto the city council shall determine by resolution whether the city desires to consent to the annexation of such territory, and the city clerk shall forward to the county auditor, immediately after the adoption of any resolution upon such question, a certified copy of the resolution of the city council accepting or rejecting such annexation, and thereupon the county auditor shall attach such certified copy of such resolution to the original petition for annexation.

County board to proceed.—Sec. 4. In case the resolution of such city council shall be in favor of annexation the county board shall proceed as in the next section specified, and in case the city council shall vote to reject such annexation no further proceedings shall be had by the county board.

County board to provide for an election.—Sec. 5. If the city council shall vote in favor of such annexation as hereinbefore provided, the county board at its regular meeting shall determine whether the facts stated in such petition are true, and, if they so find, the county board shall order an election to be held by the voters of such city and of the territory described in such petition, and shall cause a copy of said petition, with a notice attached fixing a time and place for holding such election, to be posted in three public places within the boundaries of the territory described in such petition. The time of holding such election shall be not less than twenty (20) nor more than thirty (30) days after such posting, and shall be held within such city and the territory proposed to be annexed thereto. A copy of such petition and notice of election shall also be published in a legal newspaper published within said city, and if there be a newspaper published within the limits of such territory proposed to be annexed, a copy thereof shall also be published in such newspaper, and such publications shall be made once in each week for two successive weeks prior to such election.

Election; how conducted.—Sec. 6. Such election shall be conducted in said city in the same manner and the judges and clerks of election therefor shall be appointed in the same manner as at municipal elections therein and the same shall be conducted in all respects as municipal elections, except as hereinafter provided. The county board shall appoint three inspectors, residents of the territory proposed to be annexed, who shall act as judges of said election, who shall appoint two persons clerks of such election, and such judges and clerks shall conduct the same in the same manner as general elections, except as herein provided. Polls shall open at nine o'clock in the morning and close at six o'clock p. m. Only voters residing within said territory and within said city shall be entitled to vote at such election. All ballots at such election shall bear the words "For annexation, Yes, No," with a square after each of said words, in one of which the voter

shall make a cross to express his choice. The judges of said election in said city and the inspectors of such election in such territory shall at once upon the close of such election, make and file with the county auditor certificates of the results of such election in such territory and in each election district of such city, declaring therein the time and place of holding such election, that they have canvassed the ballots cast thereat and stating the number of ballots cast both for and against such proposition. The certificates shall be signed and verified by at least two of said inspectors in such territory and two judges in each election district of said city to the effect that the statements thereof are true.

Duties of auditor.—Sec. 7. The auditor shall attach said certificates to the original petition with a copy of the resolution appointing said inspectors and the original proofs of the posting and publication of the election notice, and file the whole as one document in his office. If the certificates show that the majority of all votes cast at such election were in the affirmative, the county auditor shall forthwith make and transmit to the secretary of state a certified copy of said document to be there filed as a public record, and thereupon the annexation of such territory shall be deemed complete. He shall also file a certified copy of said document in the office of the register of deeds of the county, and the same shall be recorded, and shall also file a certified copy thereof with the city clerk of the city in which such territory is annexed. If the vote be adverse no subsequent petition shall be entertained within one year next after said election.

Expenses of annexation.—Sec. 8. All proper expenses of the annexation shall be borne by such city in case the city council of any such city shall vote to accept annexation of such territory, including fees for copies, recording, publication and expenses of election.

Indebtedness.—Sec. 9. No such territory annexed to any such city shall be in any manner taxed to pay any part of any indebtedness existing on the part of any such city prior to or at the time of such annexation, nor shall any such territory be in any manner released of or from liability to taxation for any debt existing against any municipality of which such territory formed a part prior to such annexation.

County board to make an equitable division.—Sec. 10. It shall be the duty of the county board to make an equitable division of the public property of the several towns and school districts of which such territory annexed formed a part prior to such annexation, and to apportion the property and indebtedness, if any of each thereof between the respective towns, school districts and city in such manner as shall be just and equitable, having in view the location and value of public buildings and real and personal property where the same remains after annexation, the

amount of taxes due and delinquent and the indebtedness of each such town, school district and city, if any, and for what purpose the same was incurred, all in proper relation to the last assessed valuation of all of the taxable property of such town, school district and city, and shall make such apportionment and division thereof by resolution and other appropriate proceedings, first giving at least twenty (20) days' notice to each town and school district and to the city to be affected thereby. Any city, town, school district or territory affected by any resolution, order or proceeding of any county board, as herein authorized to be taken, may appeal to the district court from any such resolution, order or proceeding within twenty (20) days after the making thereof, and in case of appeal by the residents of such territory annexed the same may be taken by forty per cent of the voters thereof; and in case of such appeal all appeals shall be tried and disposed of in one proceeding by the district court in the same manner in all respects as appeals from the decision of the county board on claims against the county, except that the trial thereof shall be by the court without a jury, and an appeal from the determination of the district court shall lie with the supreme court in the same manner as in civil actions.

Authority of city council.—Sec. 11. The city council of any such city to which any such territory shall be annexed as herein provided shall have authority by ordinance to provide for a readjustment of the boundaries of the several wards existing in such city in such a manner that the population of each such ward, as the same shall exist at the time of such annexation, shall be made as nearly equal as practicable after the addition of any such territory, *provided the several wards shall be composed of contiguous territory.*

Annexed territory to be governed by laws of city.—Sec. 12. Such annexed territory shall in all respects be governed by laws governing the city at the time of such annexation, and said annexed territory shall be governed by all of the laws relating to schools and school districts in said city and the school property awarded to such annexed territory by the county board shall be under the control and management of the officers and proper authorities of such city controlling and governing the school property of such city, subject to the provisions herein with respect to the indebtedness of any such territory, and in case the detaching of any such territory shall divide any school districts outside of the limits of the city, the county board shall have authority to make a proper readjustment of the boundaries thereof as provided by law. *Provided that no license for the sale of intoxicating liquors in such territory so annexed to any such city shall ever be granted unless the question of issuing the same shall be first submitted to the electors residing therein and shall be authorized by a majority vote of the electors voting at such election on such*

question. And the city council of any such city is hereby authorized to submit such question to the voters of any such territory so annexed at a special election to be called and held therein and to appoint the necessary judges and clerks for the purpose of conducting the same in the same manner that other municipal elections are held and conducted, and any such license so granted, without complying with the terms of this section, shall be void.

Framing of charter.—Sec. 13. Within six months after the annexation of any territory to any city as herein provided, the board of freeholders to frame charters as provided by section 749, Revised Laws of 1905, if such board of freeholders shall have been appointed, shall frame a charter for such city as the same exists after such annexation and deliver to the chief executive of such city the draft of such proposed charter as provided in section 751, Revised Laws of 1905, and the same shall be submitted for the approval of the voters of such city as provided by law.

Sec. 14. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 15. Chapter 168 of the General Laws of 1907, as amended by chapter 5, General Laws of 1909, is hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved April 3, 1909.

CHAPTER 138—H. F. No. 103.

An Act to provide for the separation from villages or boroughs of unplatted agricultural lands, included within the corporate limits of such villages or boroughs in certain cases.

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

Owner to petition county commissioners for detaching.—Section 1. The owner of any unplatted tract of land containing not less than eighty acres occupied and used solely for agricultural purposes, situated within the corporate limits of any village in this state and not within 20 rods of the platted portion of said village, may petition the board of county commissioners of the county in which said tract of land is situated, for an order detaching said tract from said village.

Upon the filing of said petition in the office of the county auditor of said county the board of county commissioners thereof shall, at their next meeting thereafter, fix a time and place for the hearing of such petition, which time shall not be less than thirty days thereafter, and shall direct a notice of such hearing