

CHAPTER 363—H. F. No. 703.

An Act authorizing the village council or other governing body of villages in counties now or hereafter having a population of two hundred and seventy-five thousand to construct sewers and issue bonds for the payment of the same.

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

Sewer construction authorized in villages in Hennepin county.—Section 1. Whenever the state board of health shall deem necessary for the preservation of public health, that sewers be constructed in any village in any county in the state of Minnesota now or hereafter having a population of two hundred and seventy-five thousand or over, according to the then last preceding official national or state census, and shall so recommend to the village council, or other governing body of such village, such village council or other governing body may, by ordinance passed by the affirmative vote of at least three-fifths of all members thereof, and are hereby authorized and empowered to, construct such sewers and appurtenances thereto as the state board of health may recommend; to assess the property specially benefited thereby, and without any further authority may issue and sell bonds for the payment of the same; *provided*, that no contract for the construction of the same, or any part thereof where the expenditure will be more than one hundred dollars, shall be entered into, unless an advertisement shall be published for bids on the same, to be published at least once each week for three successive weeks, and the village council or other governing body shall have authority to prescribe such terms and conditions relative to the making of such bids for such contracts and relative to the security which each bidder shall be required to deposit with such bid, as such council or other governing body shall deem expedient and proper, and they shall have authority to reject any and all bids.

Bonds—How issued and sold.—Sec. 2. The bonds of any such village, issued pursuant to the terms of this act, may be issued and sold from time to time as determined and authorized by ordinance or resolution adopted by the affirmative vote of at least three-fifths of all the members of the village council, or other governing body of such village, and at such place or places, and in such installments as may be provided in such resolution or ordinance, and shall bear interest at not to exceed five per cent per annum, and no such bonds shall be issued so as to make the aggregate of such bonds for which such village may be liable at any one time to exceed the sum of fifteen mills for each dollar of the assessed valuation of the taxable property in such village. Such bonds shall be sealed with the seal of the village issuing them, and be signed

by the president and the village recorder, and such bonds shall not be sold for less than par value and accrued interest, to the highest responsible bidder after notice published once each week for three successive weeks in some newspaper published in the county in which the village is situated.

Use of proceeds.—Sec. 3. None of the proceeds of any of the bonds issued pursuant to the provisions of this act, nor any part thereof, shall be used for any other purpose than the purposes hereinbefore specified, which purpose shall be distinctly set forth in the ordinance or resolution authorizing the same.

None of the bonds part of present indebtedness.—Sec. 4. None of the bonds of any such village, issued pursuant to the terms and provisions of this act, shall be deemed or taken to be a part of the indebtedness of such village within the purview of any law limiting the amount of the bonded or other indebtedness of any such village, and the bonds authorized by this act may be issued notwithstanding and without regard to any limitation of the indebtedness of such village. Nevertheless, the full faith and credit of every such village is pledged to the full payment of all such bonds and interest.

Village council given power to assess.—Sec. 5. Such village council or other governing body shall have the power and authority to assess the property specially benefited by the construction or extending of such sewer for the cost of the same, or any portion thereof, including all damages and expenses incurred by such village in construction of such sewer and appurtenances, together with cost and expense of acquiring lands for such purposes, by condemnation or otherwise.

Assessments—How made.—Sec. 6. The assessments authorized by this act shall be made by resolution of such council or other governing body, setting forth the purpose thereof, a description of each lot or parcel benefited, the name of its owner, if known and the amount assessed thereon.

Two weeks' published and posted notice shall be given of the contents of such resolution, and of the time when the council will attend at its usual place of meeting to hear objections to the assessment, or any part thereof. At such time and place the council or other governing body shall consider all objections made, and for that purpose may adjourn from day to day, not exceeding three days, and by resolution may modify such assessments or any part thereof.

On October 10th next following, if any of the assessments be not previously paid to the village treasurer, the recorder shall certify the same to the county auditor, who shall extend all such unpaid amounts against the lands assessed, and the same shall be enforced, collected, and paid over to the village treasurer as in case of other village taxes.

Approved April 22, 1909.