

such excess, and the county treasurer is hereby authorized to pay such warrants and all thereof out of the moneys in said treasury arising from such tax so levied and collected.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1913.

CHAPTER 181—H. F. No. 186.

An Act to authorize cities of the first class, not having a home rule charter, to acquire lands, and construct, maintain and operate docks, wharves, levees, transfer tracks and other transfer, terminal and storage facilities, along and adjacent to the Mississippi River and other navigable waters, and to issue and sell bonds to defray the cost thereof.

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

Section 1. **Certain cities authorized to maintain and operate docks, wharves, etc.**—Any city of the first class, not organized under Section 36, Article 4 of the Constitution, in addition to any lands now owned by it for any of the purposes hereinafter mentioned is hereby authorized, acting through its city council or other governing body, to acquire by gift, purchase, lease or condemnation any lands therein along, bordering or adjacent to the Mississippi River or any navigable water necessary or convenient for the purposes of public levees, docks, wharves, terminals, transfer railroad tracks, loading, unloading, transfer and storage facilities and kindred uses related to navigation, and may improve the same, including such lands owned by it, for all such purposes and construct, maintain and operate all such works and facilities open to all upon equal terms and for the reasonable use of all persons, firms and corporations. Proceedings in eminent domain shall be in pursuance of Chapter 41, Revised Laws 1905 and acts amendatory thereof and supplementary thereto. But the estate taken shall be an absolute title in fee simple without any qualification whatever, unless a lesser estate be expressly designated by the council. The city, upon giving the notice required by Section 2528, Revised Laws of 1905, may enter upon and appropriate the lands so condemned or any distinct parcel thereof, without the giving of any bonds, but in case of such entry and appropriation such city shall be bound absolutely to pay all damages awarded whether by the commissioners acting under said laws or the court upon appeal from their award, together with all costs and expenses adjudged against it in said proceedings, and the court shall issue a writ

to the sheriff of the county to put the city in possession. In case the city shall take appeal in any such proceedings it shall not be required to give or file any appeal bond.

Sec. 2. Management and control to be vested in city council.—The improvement, management and control of all said lands, and of all such structures and facilities and the use and operation thereof shall be vested in the city council or other governing body of such city, which body by ordinance or resolution may provide what rental fees or other charges shall be paid for the use thereof, and for their supervision and management, including the appointment and compensation of such officers and employees as may be found necessary.

Sec. 3. \$300,000 bond issue authorized.—Any such city, by a majority vote of its city council or other governing body, may issue and sell its bonds, to an amount not exceeding three hundred thousand dollars (\$300,000) in par value, for the purposes of this act, for the payment of which bonds, with the current interest thereon, the faith and credit of said city shall be pledged. Any surplus income from the use of said levees, docks, terminals and other facilities shall be used to pay the current interest on said bonds, and the city council or other governing body shall include in its annual levy of city taxes an amount sufficient, with said estimated income, to pay said interest.

Sec. 4. Four per cent bonds to run not longer than thirty years.—Bonds issued under this act shall run for a term not longer than thirty years and bear interest at a rate not higher than four per cent, per annum, payable semi-annually. The place of payment of principal and interest and the denomination of said bonds shall be fixed by the resolution or ordinance authorizing their issue, and all or any of them may be in the form of coupon bonds or of registered certificates, so called, as the purchasers may prefer.

Sec. 5. How signed.—All bonds or certificates so issued shall be signed by the mayor, attested by the city clerk, and countersigned by the city comptroller of said city, and be sealed with the city seal; except that the signatures to the coupons attached thereto, if any, may be lithographed. None of such obligations shall be sold for less than 95 per cent. of their par value and accrued interest, or to any but the highest responsible bidder therefor.

Sec. 6. Application.—This act shall not apply to any city whose inhabitants have adopted a charter pursuant to Section 36, Article 4, of the State Constitution.

Approved April 7, 1913.