

of their par value and accrued interest and then only to the highest responsible bidder therefor.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 23, 1915.

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#### CHAPTER 290—H. F. No. 813.

*An Act to validate certain bonds heretofore purchased by the state board of investment with the funds of the State of Minnesota.*

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

Section 1. **Definition of "municipality."**—The word "municipality" as used herein, shall be held to mean and include the various counties, cities, villages, boroughs, towns and school districts in the state of Minnesota.

Sec. 2. **Certain bonds validated.**—Whenever the state board of investment shall have heretofore purchased with the funds of the state of Minnesota, the bonds of any municipality in this state, the validity of any such bond shall never be questioned, except on the ground that the same and the loan made thereon was not approved by the state board of investment; that the bond in question made the entire bonded indebtedness exceed fifteen (15) per cent of the assessed valuation of the taxable property of the municipality issuing such bonds; that such bonds bear a lower rate of interest than three (3) per cent; that such bonds run for a shorter period than five years, or for a longer period than twenty years; or that the principal thereof was never paid by the state to, or received by, the officers of the municipality issuing the same; and no change of the boundary lines of any such municipality shall relieve the real property therein at the time of the issuing of such lands from any liability from taxation to pay for the same and all such bonds so purchased are hereby declared to be the valid and subsisting indebtedness of each municipality, respectively issuing the same.

Approved April 23, 1915.

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#### CHAPTER 291—H. F. No. 857.

*An Act relating to the leasing of streets or alleys, or parts thereof, not used by the public, in cities of the first class, not operating under a home rule charter.*

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

Section 1. **Minneapolis council may lease certain streets or alleys.**—Every city of the first class not operating under a home

rule charter is hereby authorized and empowered, in any and all cases where the tracts of ground have, in the platting of land in such city or otherwise, been dedicated to public use, to be used for streets, alleys or other similar public purposes, other than parks or parkways, and such tracts of ground or any part thereof by reason of change of grade of railroads or of other streets or alleys crossing such railroads or in any other way, have become, at least for a number of years in the future, unfitted for use by the public for the purpose for which they were dedicated to public use, to leave to the owner or owners of property abutting thereon the surface of such portion of streets or alleys or tracts of ground as cannot be used by said city for the purposes for which such ground was dedicated, or grant the right in the nature of a lease to erect structures overhead across the same, for a short period or permanently, or under the surface thereof, in the manner and under the conditions hereinafter set forth.

**Sec. 2. Two-thirds vote required.**—Whenever application shall be made to the city council or common council of any such city to lease, or to vacate, any such tract of ground as is hereinbefore referred to, the question of the advisability of said city's making such lease or vacation shall be referred to the appropriate committee of said council; and if after a full consideration of said question, including the viewing of the premises in question by the whole committee in a body, said committee shall report back to said council that it is to the interest of said city, and the citizens thereof, to make the proposed lease, then, and in every such case, if the said council shall by a two-thirds vote of the whole membership of such body, determine to proceed with such lease, the question as to the amount of yearly rental to be charged by said city for the use of such street, alley or tract of ground or portion thereof shall be referred to five commissioners appointed in the same manner as commissioners are appointed to assess benefits and award damages in case of opening new streets or alleys in said city, and such commissioners shall in all such cases receive for their services the same fees as they receive for services in proceedings for the opening of new streets or alleys; provided, that the city council or common council of the city taking proceedings to lease such streets, alleys or tracts of ground or portions thereof, as are referred to in section one of this act shall not be bound to lease for the rental decided upon by such commissioners, but said council may, after hearing the report of said commissioners, by a majority vote, refuse altogether to make such release or may require the person leasing such street or alley or tract of ground to pay such larger sum for such lease as the said council may determine, if in the judgment of a majority of said council a larger rental or price should in any particular case or cases be paid; but no rental

shall in any case be any less than the amount recommended by the commissioners as aforesaid; nor shall such rental in any case be greater than six (6) per centum per annum on one-sixth (1-6) of the value of the fee of the land so leased; and in case of the renting of any such street or alley or tract of ground the city council may impose any such conditions as they, in their judgment, shall deem necessary, relative to reserving rights to put in, at any time, in such street, alley or tracts of ground either sewers or water mains that may be needed, and the necessary manholes, hydrants, and other appliances connected with sewers or water mains, and also any conduits that may be needed by the city itself for wires or cables to conduct electricity for any city purposes.

**Sec. 3. Rental money to be paid into ward fund.**—All money paid for rental under the provisions of this act shall be paid into the ward fund of the ward in which such street, alley or tract is located, or, if located in more than one ward, then into the ward funds of the respective wards in which such street, alley or tract is located in amounts proportionate to the area thereof located in each of such wards.

**Sec. 4. Damages to be awarded.**—If in any case where the lease of any such street, alley or tract of ground is proposed, the use of such street, alley or tract by the general public for which it was dedicated to public use is to all intents and purposes impossible, but nevertheless some persons shall be specially inconvenienced or damaged by such lease, if made, then and in every such case the commissioners referred to in section two hereof shall determine the amount of damages to which each of such persons specially damaged is entitled, and make report to the council; and said council shall require the person to whom said lease is made, and before the same is consummated, to pay to each of said persons specially damaged a sum not less than the amount determined by said commissioners, and such larger sum, if any, as the said council may determine is fairly and justly due as damages to the various persons respectively who may be specially damaged by the lease in question; provided that nothing in this act shall be construed as cutting off or abridging the right of any one damaged by such lease to apply to the courts for damages or for such other relief in such case as the courts may be empowered to grant.

Approved April 23, 1915.