

erated or water heated by any plant owned and operated by such city, and to make contracts and arrangements for the furnishing of heat to the inhabitants of such city thereby, and for the regulation and control of such heating system.

(b) To grant to any person, persons, company or corporation the right of the use of the streets, alleys and other public grounds of such city for the installation, without any expense to such city, of pipes, conduits and other equipment necessary and incidental to the construction, operation and maintenance of a heating system to furnish heat to the inhabitants of such city, the same to be on such terms and subject to such conditions as the governing body of such city shall determine, including the right to make all necessary and incidental contracts and arrangements for the furnishing of heat to the inhabitants of such city, at a profit to such city, from any steam generated or water heated by any plant owned and operated by such city, including the right to acquire, own, operate and enlarge the heating system after the same shall have been installed, and including the right to issue certificates of indebtedness of such city payable in heat to be sold by such city.

Sec. 2. Not to be considered as a limitation on present indebtedness.—The obligation incurred by any such city in the making of such contracts and arrangements shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness for such city.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1917.

CHAPTER 123—S. F. No. 533.

An act authorizing all cities having a population of not more than 10,000 inhabitants or less, incorporated under the General Laws of this state, to construct and rebuild curbs and gutters, and to assess the benefits thereof upon the lots or parcels of land adjoining the said curbs or gutters, to make such assessments payable in three annual installments with interest, and authorizing such city to issue orders therefor bearing interest payable in accordance with said assessments.

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

Section 1. Cities of 10,000 or less authorized to construct or rebuild curbs and gutters.—Whenever the governing body of any city have a population of ten thousand inhabitants or less, incorporated under the general laws of this state, shall deem it necessary and expedient to construct or rebuild any curb

or gutter, or both, in said city, they may, acting on their own motion, and if a majority of the owners of the property fronting on the street or streets where it is proposed to construct or rebuild such curb or gutter, or both, shall petition the common council of such city therefor, they shall adopt a resolution to that effect, which resolution shall specify the place or places where such curb or gutter, or both, shall be constructed or rebuilt, the kind and quality of materials to be used therein, the width, the size and manner of construction thereof, and the time within which the same shall be completed, which shall not be less than forty days after the service of said resolution, as hereinafter provided.

Said resolution shall contain the names of the owners of all lots, parcels of lots, and parcels of ground fronting the street or streets where such curb or gutter, or both is to be constructed or rebuilt.

Sec. 2. Service on owners of abutting property.—Such resolution shall be served upon the persons named in said resolution at least forty days prior to the time therein named for the completion of said curb or gutter, or both, in the following manner:

First: By causing a copy thereof to be handed to and left with each of the persons therein named who are residents of and within said city, and are actually therein.

Second: If any of the persons so named in said resolution are not residents of said city, or cannot be found therein, then said resolution shall be published in one issue of a newspaper regularly published in said city, in the English language, and having a general circulation therein, or in the designated official paper of said city.

Third: If there be no such newspaper published in said city, then such service and publication may be made by posting a copy of said resolution in at least three public places in said city, at least forty days prior to the time named therein for the completion of said curb or gutter, or both.

Affidavits shall be made by the person serving or posting said resolution of the manner, time and place of serving or posting the same, and by the foreman, editor or publisher of such newspaper of the time and manner of publishing the same, and such affidavits shall be attached to said resolution and with it filed with the city recorder. Any and all such service when made in accordance with the provisions of this act, shall for the purposes thereof, be deemed personal service of such resolution upon the persons named therein.

Sec. 3. Council given power to construct or rebuild the same and proceedings for carrying on work of construction.—If such work shall not be fully done and said curb or gutter or both

shall not be fully constructed or rebuilt in the manner and at the time prescribed in said resolution, then the governing body of said city may order the same to be done by the street commissioner or commissioner of public works, or cause the same to be done by contract let to the lowest responsible bidder, the entire expense thereof to be paid out of the general revenue fund of said city.

At any time within thirty days after said city shall have completed the construction of said curb or gutter or both as aforesaid, the city council or governing body of such city shall adopt a resolution fixing the time and place when and where they shall hear testimony of all persons interested or affected and ascertain the amount of benefits to property fronting on said curb or gutter, or both, or by reason of the construction thereof, and such resolution shall be served on all the persons named in the resolution adopted under section 1 of this act, and in the manner therein provided.

At the time and place named in said resolution said city council or governing body of said city shall hear any and all testimony offered by or on behalf of all parties interested or affected by the construction of said curb or gutter, or both, and for said purpose the president of the council or other presiding officer is hereby authorized to administer oaths to witnesses. Thereupon, by resolution, the city council or governing body of said city shall determine the amount of benefits caused by said construction, to each lot, part of lot, or parcel of ground fronting the street or streets where such curb or gutter, or both shall have been constructed or rebuilt as aforesaid; and a full and complete record thereof shall be made and kept by the city recorder in a separate book kept for that purpose, which record shall contain a description of the property benefited and charged with the construction of such curb or gutter, or both, the amount of benefit determined in each case as aforesaid, and when so determined the amount of each annual installment thereof; when transmitted to the county auditor of the county for assessment; the amount paid thereon and when paid. Such record to be used in making each annual levy and assessment, as in this act provided.

The amount of the benefits to each lot, part of lot, or parcel of ground so determined as aforesaid shall be and become a charge against the same and shall be assessed thereon, as in the case of county, city or state taxes, in three annual installments.

Sec. 4. Certificate of indebtedness authorized.—If such assessments for either or any of the purposes aforesaid be not fully paid to the city treasurer or other officer authorized by law to collect the same, within twenty days after said assessment shall

have been made as aforesaid, the council or governing body of said city may issue or cause to be issued the certificates of indebtedness of said city or for the aggregate amount of unpaid balance of each of said assessments payable in three annual installments, each of which installments shall be represented by a separate certificate bearing interest payable annually at a rate to be determined by said city, not exceeding six per cent and payable as follows:

One payable on or before the first day of June of the year next following the issuance thereof; one payable the first day of June of the second year next following; and one payable the first day of June of the third year next following. Said certificates shall be made payable to the bearer and the same may be issued, negotiated and sold by said city for not less than their par or face value. The proceeds of such sale shall be paid into the city treasury, as the case may be. All of said certificates shall be substantially in the following form:

\$_____ Dated at _____, Minnesota _____ 19_____

The treasurer of the (city) of _____ will pay to the bearer hereof the sum of _____ dollars and _____ cents on or before the 1st day of June, A. D. 19____, with interest from date hereof, at the rate of _____ per cent per annum, interest payable on the first day of June, 19____, and the first day of June, 19____. This certificate represents one-third of the amount expended in the construction of a (curb or gutter or both) in said (city) in the year 19_____.

A record of said certificates shall be made and kept by said city recorder, which record shall show the date the same was issued, amount thereof, date when due, to whom sold, amount sold for, for what purpose the same was issued, when the same was paid, and the amount paid as shown by the treasurer's books. Books shall be provided for said purposes.

Sec. 5. Tax levy authorized for payment of assessment.— After the completion of said curb or gutter or both as aforesaid, by said council or governing body of said city, said city council or governing body of said city shall annually on or before the first day of October, of each year until the whole of said assessments have been levied as herein provided, cause to be transmitted with the city taxes of that year, to the auditor of the county a statement of the amount of the annual installment next thereafter payable, together with interest at the rate of six per cent per annum on the amount of the total assessment from the time of the completion of the work to the first day of June next following its completion, or in case any installment or installments shall have been paid to the treasurer or transmitted to the county auditor and extended as herein provided for, then with interest at said rate for one year on the total of the in-

stallment or installments not previously so transmitted and remaining unpaid, and the said auditor shall extend the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof and the same shall be enforced with and in like manner as city, county and state taxes are collected and payment thereof enforced and with like penalties and interest in case the same are not paid before the same become delinquent.

After the completion of said curb or gutter or both, the owner or owners of land adjoining the same or interested therein shall have the privilege of paying all or any portion of the cost of construction thereof to the treasurer of the city at any time within twenty days after the assessment of benefits and before said levy has been made and the amount so paid shall be deducted from the amount of said assessment.

Sec. 6. Not to affect assessments already levied.—This act shall not in any way affect any assessments heretofore made by any city or any assessment hereafter to be made by any city upon any contract made prior to the time when this act shall take effect.

Sec. 7. Application.—The provisions of this act shall not modify or repeal the provisions of the city charter of any city of the fourth class having a home rule charter, but any such city may, however, avail itself of the benefits of this act.

Sec. 8. This act shall take effect and be and remain in force from and after its passage.

Approved March 29, 1917.

CHAPTER 124—S. F. No. 692.

An act providing for the sale and conveyance and authorizing the governor to convey certain land owned by the state to the German Evangelical Lutheran Synod of Missouri, Ohio and other states for the use of Concordia College.

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

Section 1. Governor authorized to convey certain lots in city of St. Paul to German Evangelical Lutheran Synod for \$32,000.—The Governor is hereby authorized and directed to sell and convey all right, title and interest of the State of Minnesota in and to the following described land, to-wit: Blocks eleven (11), twelve (12) and thirteen (13), with exception of lots one (1), two (2) and three (3), in Block thirteen (13), D. W. Ingersoll's addition to the city of St. Paul, Ramsey County, Minnesota, to German Evangelical Lutheran Synod of Missouri, Ohio and other states a Corporation, for use as a part of the grounds and site of Concordia College, for the sum of thirty-two