

CHAPTER 184—H. F. No. 102

An act providing for the incorporation of villages out of the territory of certain villages.

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

Section 1. Villages may be incorporated within other villages.—Whenever any village now or hereafter existing shall include 9,000 acres or more of land according to the United States government survey, and a portion of the land within such village has been or shall be improved by the construction of sidewalks, pavements, street curbs, street gutters and sewers, such portion so improved and land in such village adjacent or contiguous thereto, in all not exceeding 700 acres, and so conditioned as properly to be subjected to village government, if such area has a population of 500 or more, may become incorporated as a village separate and distinct from the existing village, provided the population of the remaining area shall not thereby be reduced below the limit fixed by law for the incorporation of a village.

Sec. 2. Petition to County Board.—100 or more of the voters, residing within the territory authorized to become incorporated as a village under this act, may petition the county board of the county in which the whole or larger part of said lands are situated to call an election for the determination of such proposed incorporation. They shall first cause to be taken a census of the resident population, and, if such resident population be found to be 500 or more the petition aforesaid shall be presented within eight weeks thereafter. It shall set forth the boundaries of the territory proposed to be incorporated under this act, the quantity of land embraced therein, the number of actual residents thereon, and the name of the proposed village. 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 and that the statements made in the petition are true.

Sec. 2-A. Notice of hearing—Posting—Publication—Election.—Upon the filing of a petition complying with the provisions of Section 2 hereof, the county board shall cause a copy thereof, with a notice attached fixing a time and place for holding such election, to be posted in three public places within the boundaries described and also three public places within the existing village outside of the territory proposed to be incorporated under this act. The time shall be not less than 20 nor more than 30 days after such posting, and the place shall be the

usual and customary place for holding elections within the already existing village. If there be a qualified newspaper published within said limits, there shall also be two weeks' published notice of such election.

Sec. 2-B. Judges of election—Ballots.—The board shall also appoint three inspectors, residents of said existing village, who shall act as judges of said election, and conduct the same, so far as practicable, in accordance with the laws regulating the election of town officers. Only voters residing within said existing village shall be entitled to vote. The ballot shall bear the words, "For incorporation—Yes—No," with a square after each of the last two words, in one of which the voter shall make a cross to express his choice. The inspectors shall at once make and file with the county auditor a certificate declaring the time and place of holding said election, that they have canvassed the ballots cast thereat, and the number cast both for and against said proposition. The certificate shall be signed and verified by at least two of said inspectors to the effect that the statements thereof are true.

Sec. 2-C. County Auditor to certify to Secretary of State.—The auditor shall attach said certificate to the original petition, with a copy of the resolution appointing said inspectors, and the original proofs of the posting and also publication, if any, of the election notice, and file the whole, as one document, in his office. If the certificate show that the majority of the votes cast were in the affirmative, he shall forthwith make the transmit to the secretary of state a certified copy of said document to be there filed as a public record, and thereupon the incorporation shall be deemed complete. If territory in more than one county is embraced within such corporate limits, he shall also forthwith make and transmit to the auditor of each county in which such incorporated territory will be situate a certified copy of such document to be there filed as a public record, and thereupon the incorporation shall be deemed complete. If the vote be adverse, no subsequent petition shall be entertained within one year next after said election.

Sec. 2-D. Election of officers.—Upon the filing of said copy with the secretary of state the county board shall appoint three inspectors residing within the newly incorporated village and said inspectors of election shall give notice of a meeting of the resident voters for the organization of such village and the election of its officers, fixing therein the date and hour of the meeting, which shall be at least ten days, and not more than 20 days, thereafter. Such notice shall be posted and published as in case

of the original election. The voters present at the appointed hour and place, by a majority vote taken viva voce, shall appoint two judges and one clerk of the election, who shall take the oath, and be governed in the conduct of the election, so far as practicable, by the laws regulating the choice of town officers. They shall open the polls by proclamation, and receive all lawful votes offered by resident voters during a period of at least six hours, and until 7 o'clock P. M. They shall give to each officer chosen a certificate of his election, and such officers, having qualified according to law, shall forthwith assume their official duties. All proper expenses of the incorporation, organization, and election shall be a charge upon said village.

Sec. 3. Villages to have all rights under general law.—Villages incorporated under this act shall be vested with the rights, privileges and powers and subjected to the duties as set forth under the general village law of this state found in Sections 1117 to 1263, each inclusive, General Statutes 1923, as amended. The administration of the affairs of villages incorporated under this act shall be governed and controlled by said Sections 1117 to 1263, each inclusive, General Statutes 1923, as amended, so far as applicable. When the context so requires the word "town" wherever used in said Sections 1117 to 1263, each inclusive, shall mean previously existing village.

Sec. 4. Not to affect existing village.—The territory of an existing village remaining after the incorporation of a village under this act shall continue to be and remain a village municipal corporation with its rights, privileges, powers and duties unchanged by the incorporation of a village under this act.

Sec. 5. Vacancies in certain cases.—In the event that an officer of an existing village resides within the territory incorporated under this act, the completion of the incorporation of a village under this act shall forthwith create a vacancy in the office held by the person who is a resident of the territory incorporated under this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 15, 1929.