

## CHAPTER 208—H. F. No. 1468

*An act authorizing and directing the City Councils and Boards of Park Commissioners of cities of the first class to refund to certain real property owners in said city certain assessments for benefits in the event that a parkway or boulevard in said city or contiguous thereto is either abandoned or its location is changed and prescribing the method of such refundment.*

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

**Section 1. Certain assessments refunded.**—Whenever the City Council or Board of Park Commissioners of any city of the first class in this state has abandoned, shall abandon or cause to be abandoned any parkway or boulevard in said city or adjacent thereto and the District Court of the district in which said city is located shall have approved said abandonment, said City Council or Board of Park Commissioners shall have the power and it shall be its duty to refund to the persons entitled thereto from unexpended balances in the fund from which said parkway or boulevard was acquired and constructed the amount of assessments paid by said property, such assessments to be refunded without interest to the owners of such real property previously assessed for such parkway or boulevard and which said property has been damaged by the abandonment thereof. Such refund shall be made in the manner prescribed in Sec. 2 hereof.

**Sec. 2. Commission to determine amount of refundment.**—The City Council or Board of Park Commissioners shall in the event of such abandonment appoint 5 freeholders of said city, no two of whom shall reside in the same ward in said city, to view the premises and to determine the property damaged by such abandonment and to determine the amount to be refunded in the case of each piece of property so damaged by such abandonment.

Three or more Commissioners shall constitute a quorum and they shall be sworn to the faithful discharge of their duties. Vacancies in their number shall be filled by the appointing power.

They shall give notice by one publication in the official paper that they will meet not less than 10 days nor more than 15 days thereafter at a place designated in said notice to hear all interested parties. They shall also before making their award view the parkway proposed to be abandoned, or which has been abandoned, and all property assessed for said parkway. Said Commissioners shall have all the powers given to commissioners by Mason's Minnesota Statutes of 1927, Section 1553.

Sec. 3. **Commission to report to city council.**—Said Commissioners shall render their report in writing to the City Council or the Board of Park Commissioners, as the case may be. Said report shall be published in full once in the official newspaper of said city and a copy thereof shall be mailed to every person to whom an award is made within ten days after said publication in the manner provided by Mason's Minnesota Statutes of 1927, Section 1553. Said publication shall also state that said report will be presented to the City Council or Board of Park Commissioners at its next regular meeting occurring more than 15 days after said publication for such action as said Council or Board may direct. Said Commissioners shall in no event award any refund to the owner of any property not damaged by such abandonment or which is benefited thereby or by the change or diversion of said parkway.

Sec. 4. **Treasurer to refund money.**—If the report of said Commissioners is confirmed by said Council or Board the treasurer of the city shall pay from the unexpended balance in the fund from which said parkway was constructed the amounts awarded to the persons named in said report but in no case shall more money be refunded than is in said fund.

Sec. 5. **May appeal to the District Court.**—Any person aggrieved by the order of said Council or Board may appeal to the District Court after making the objections and by taking the steps prescribed by Mason's Minnesota Statutes of 1927, Section 1553, which, as far as applicable, shall apply to all appeals hereunder.

Sec. 6. **Refunds to be paid to present owner.**—As between the former owner of said property so damaged and the present owner thereof said refunds shall belong to and be paid to the present owner thereof as shown by the records in the office of the Register of Deeds of said County.

Sec. 7. **Future assessments cancelled.**—The City Council or Board of Park Commissioners shall also have the power and it shall be its duty to cancel and annul any future assessments as to any property damaged by the abandonment of said parkway.

Sec. 8. **Limit of expenditure.**—Provided that the total expenditure hereunder including the cost of said proceedings shall not exceed the sum of twelve thousand dollars (\$12,000).

Approved April 10, 1933.