

claim deeds for real estate lying outside the following described land situate in Martin County, Minnesota, to-wit:

That part of Block 19 of the original plat of the Village, now city, of Fairmont, on file and of record in the office of the Register of Deeds in and for said county and state, consisting of the north 40 feet of lot 14 thereof, and the south 34 feet of lot 13 thereof, and that part of lot 10 thereof included within the following description:

Commencing at an iron stake 64 feet north of the southeast corner of block 19 aforesaid, thence north along the east line of said block 74 feet, thence west parallel with the south line 150 feet, thence south parallel with the east line of said block 5 feet more or less to an iron stake, thence south 55 degrees 25 minutes west, 31 feet to an iron stake, thence southeast along the easterly side of the diagonal alley a distance of 76.6 feet to an iron stake, thence east parallel with the north line 126 feet to the place of beginning, subject to an easement for alley purposes, for quitclaim deeds conveying real estate within said description to the state so as to vest the fee simple title to all of the land embraced in said description in the state; provided the attorney general shall first certify that after such exchange of quitclaim deeds the state will be the owner in fee simple of all the real estate included within said description.

Approved April 13, 1939.

CHAPTER 234—H. F. No. 1341

An act relating to special assessments for certain improvements in certain villages.

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

Section 1. Special assessments in certain villages.—In any village in this state, having a population in excess of 700 inhabitants, which is situated in a county containing not less than 13,000 and not more than 14,000 inhabitants, according to the 1930 federal census, which county has an assessed valuation for the year 1935 in excess of \$5,500,000, and not more than \$6,000,000, exclusive of moneys and credits, where sanitary, sewer or watermain extensions have been constructed, village streets improved by the construction of curbs, or by constructing a surface of tarvia or oil on the same, or any or all of said improvements, by order or direction of the village

council within three years prior to the passage of this act, and no proceedings have been taken to assess the cost to the village of said improvements against property specially benefited thereby, the village council is hereby authorized to assess the cost to the village of said improvements against the property benefitted by said improvements.

Sec. 2. Village council to fix time for hearing.—At any time within six months after the passage of this act the village council of any such village may adopt a resolution fixing a 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 such improvements, by reason of the construction thereof. Said resolution shall designate the particular improvements to be assessed for, the year in which each said improvement was made, and the names of the owners of all lots, parts of lots, and parcels of ground fronting the street or streets where such improvements have been constructed.

Sec. 3. Service on interested parties.—Such resolution shall be served upon the persons named in said resolution at least twenty days prior to the time fixed therein for said hearing in the following manner:

1. 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 village, and are actually therein.

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

Affidavits shall be made by the person serving said resolution of the manner, time and place for serving 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 village recorder. Any and all such services when made in accordance with the provisions of this act, shall for the purposes thereof, be deemed personal services of such resolution upon the persons named therein.

Sec. 4. Village council to hold hearings.—At the time and place named in said resolution said village council shall hear any and all testimony offered by or on behalf of all parties interested or affected by the construction of said improvements,

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 village council of said village, shall determine the amount of benefit caused by said construction, to each lot, part of lot, or parcel of ground fronting the street or streets where such improvements shall have been constructed as aforesaid; and a full and complete record thereof shall be made and kept by the village 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 improvement, 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.

Sec. 5. Rate of interest on assessments.—The amount assessed against each lot, piece or parcel of land by such special assessment shall bear interest from the date of the adoption of such special assessment until the same shall have been paid, the rate of interest to be designated by resolution of the village council at the time of the adoption of such special assessment, but not to exceed six per cent per annum.

Sec. 6. Clerk to make list of unpaid assessments.—The village council may at any time by resolution direct the clerk or recorder of the village to make up and file in the office of the county auditor a certified statement of the amount of all such unpaid assessments and the amount of interest which will be due thereon on the 1st day of January of the following year, and the clerk or recorder of said village shall within twenty days thereafter make up and file such certified statement in the office of the auditor of the county, which statement shall also contain a description of the land affected by the assessment. Such resolution may also direct that such special assessment shall be payable in equal annual installments not exceeding five and payable on the 1st day of January of each year, each of said installments to bear interest at the rate hereinbefore provided until fully paid. After said statement is filed in the office of the county auditor it shall be the duty of such auditor to extend upon the tax roll of each year the amount of such assessment or installment thereof, as the case may be, and the amount of interest which will become due on the first day of January of the following year as shown by said certified statement against the different lots or parcels of land therein described, and such amounts when so extended each year shall be carried into the tax becoming due

or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of the state and county taxes and the assessments and interest paid to the county treasurer shall be paid over by him to the treasurer of such village upon the apportionment of general taxes, provided that any person named at any time before the transmission of the certified statement of the clerk or recorder of such village to the county auditor pay such special assessment as to any lot, piece or parcel of land affected thereby, together with the interest accrued thereon at the date of such payment, to the village treasurer, and receive the proper receipt therefor, and the clerk or recorder of the said village shall upon the presentation of such receipt from said village treasurer, cancel upon the special assessment roll the special assessment so paid.

Sec. 7. To whom assessment may be paid.—Provided further, that any person may pay any such assessment with accrued interest thereon after the same has been so certified to the county auditor, provided the tax roll containing such assessment has not in due course been delivered to the county treasurer for collection and the receipt of such village treasurer shall be sufficient authority upon presentation to the county auditor for him to mark such assessment "paid" upon his roll, but after the roll has been delivered to the county treasurer for collection, the said assessment must be paid to him, with the penalties allowed by law.

Sec. 8. Penalties and interest.—The same penalties and interest shall attach and be collected by the county treasurer on assessment as upon general taxes, which penalties and interest shall belong to the village and to be turned over by the county treasurer to the village with the assessments.

Approved April 13, 1939.

CHAPTER 235—H. F. No. 1450

An act relating to township mutual fire insurance companies, and amending Mason's Minnesota Statutes of 1927, Section 3656.

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

Section 1. Township mutual fire insurance companies.—Mason's Minnesota Statutes of 1927, Section 3656, is hereby amended so as to read as follows: