

CHAPTER 218—H. F. No. 896.

An act to enable certain villages which, due to the war emergency, have been unable to complete water and/or sewer projects therein to levy special assessments for the project as heretofore completed and to readjust the indebtedness of the village in accordance with its ability to pay, and validating proceedings heretofore taken.

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

Section 1. Certain villages may terminate projects and levy assessments.—Any village, which prior to December 7, 1941, commenced the construction of a sewer or water project, or both, and which, by reason of the withdrawal of aid by the Works Projects Administration, or other federal agency, or the inability of the village to obtain necessary materials and supplies, or for any other reason arising from the war emergency, was forced to discontinue the construction of such project before its completion, and which has heretofore levied assessments on property deemed to be benefited by the project as originally planned, to provide money to pay part or all of the cost of such project and which has issued sewer warrants or other obligations in anticipation of the collection of such special assessments, is authorized to terminate such project and to levy assessments and to readjust its finances pursuant to the provisions of this act.

Sec. 2. Village council may elect.—The village council of any such village may, by resolution, determine that the necessary facts exist in order to bring such village within the provisions of this act and elect to take advantage of the provisions of this act. Such determination shall be conclusive evidence of the existence of such facts. If such village council shall determine that assessments have been levied by it to cover the cost of construction of any lateral sewer or watermain and that such lateral sewer or watermain will not be constructed during the duration of the war emergency, it may cancel the assessment on account of such lateral sewer without any notice or hearing being required and without any reassessment of the property benefited by and assessed for the portion of the project which was completed. If the village council determines that a reassessment is necessary it shall appoint a qualified person to review the assessments for such project and to determine the property benefited by the project as theretofore completed and the amount of such benefits. Such person shall view the lands and shall prepare a proposed reassessment on the basis of benefits to each tract or parcel of land by the project as theretofore completed. Such proposed reassessment may include an assessment for all or any part of the sewer project or the water project, or for both, and may include benefits to any

tract or parcel of land not abutting on the completed sewer or watermain by reason of future access to a trunk sewer or a trunk watermain or from fire protection. If the said assessor shall determine that property not included in the original assessed area has been benefited thereby he may include such property in the reassessment.

Sec. 3. Reassessment to be filed with village clerk.—When the reassessment is completed it shall be filed with the village clerk who shall thereupon give notice of a meeting of the council to consider said reassessment by two weeks' publication in the official newspaper and by posting, not less than ten days prior to the date of meeting, in three public places in the village, which notice shall recite the time, place and purpose of the meeting. At the time and place stated in the notice, the village council shall meet to hear all arguments for or objections to the proposed reassessment. Said hearings may be adjourned from time to time. If the council determines that by reason of the inability of the village to complete the project certain property was unfairly assessed in the original assessment and that the proposed reassessment is fair, just and equitable, it may, by resolution, revoke and annul the original assessment or assessments for any such project or any part thereof and adopt the reassessment. The resolution shall provide that the reassessment is to be divided into not more than twenty annual installments payable with the ad valorem taxes for the years stated in the resolution, fix the interest rate to be paid on the deferred installments, and direct that a certified copy of the resolution and the reassessment shall be delivered to the county auditor of the county in which the village is located as his authority to spread said reassessment and cancel all or such part of the original assessment as such resolution shall direct. The resolution may provide that any amounts theretofore paid on the original assessment on account of any property reassessed shall be credited against the reassessment and may provide for repayment out of the village treasury of any amount which has been paid in excess of the whole amount of the reassessment against any lot or parcel of land. Any person deeming himself aggrieved by such reassessment must appeal to the district court of the county in which such village is located within twenty days after the adoption of such resolution.

Sec. 4. Shall be collected by County Auditor.—The assessment levied hereunder shall be collected by the county auditor in the manner provided by law for the collection of village special assessments. The amounts payable by any county or school district shall be payable to the village treasurer in like installments and with like interest and penalty as provided for installments payable on account of assessable real property.

Sec. 5. **Shall retain moneys heretofore collected.**—Any village council which has determined to take advantage of the provisions of this act shall retain moneys received from the sale of sewer warrants or other obligations which were not expended to pay the cost of the finished portion of said project in a separate fund to be used to retire the said sewer warrants or other obligations, and interest thereon, or to pay the cost of completing all or any part of such project at such time as the village council shall determine that such project or part thereof may be completed. Pending such use, the moneys may be invested by the village treasurer, with the approval of the village council, in savings accounts or certificates of deposit of a banking institution authorized by law to receive such funds for deposit, or in securities issued by the United States or by such village; provided that the same shall be payable on or before such time as the funds so invested shall be required for retirement of the sewer warrants or other obligations issued to finance the project, or for completing all or a portion of the project.

Sec. 6. **May complete projects and make additional assessments.**—Whenever the village council of any such village, which has cancelled or reduced assessments under the act, shall determine that it is expedient to complete the construction of all or any part of such sewer or water project, it shall so determine by resolution adopted by at least four-fifths of its members and may thereupon proceed with the construction of the project and may assess the additional cost thereof in the manner prescribed and authorized by the law pursuant to which the project was originally undertaken.

Sec. 7. **Shall adopt program for refunding obligations.**—Any village council which has determined to take advantage of the provisions of this act is authorized to adopt a program for refunding the obligations heretofore issued on account of any such project for the purpose of extending the maturities or reducing the interest rate of any such obligations. Such program may include any or all of the outstanding obligations of the village, including obligations issued for other purposes, if the council deems that such refunding is necessary in order to equalize and reduce the annual principal payments to conform to the anticipated revenues of the village from the assessments and from other sources in accordance with the ability of the village to pay.

Sec. 8. **Bonds may be issued.**—One or more series of refunding bonds may be issued hereunder by authority of a resolution of the village council and without submitting the question of their issue to the electors of the village. Such bonds shall mature at such time and in such amounts, bear such rate of interest and contain such other provisions as the village council shall determine

and may be made payable solely from the special assessments or may contain a pledge of the general credit of the village as the council shall determine. Bonds issued hereunder may be exchanged for the outstanding obligations to be refunded thereby or may be sold at public sale in the manner provided by Mason's Minnesota Statutes, Section 1943, and the proceeds used to pay and redeem the outstanding obligations at their maturity or at their optional date or a any date fixed by mutual agreement of the holder thereof and the village council.

Sec. 9. State Board of Investment may purchase bonds.

—The State Board of Investment is authorized to purchase bonds issued pursuant to this act in the same manner and subject to the same limitations as expressed in Laws 1933, Chapter 389, and amendments thereof, and all the powers granted to the State Board of Investment by Laws 1933, Chapter 389, and amendments thereof, shall apply in connection with the purchase of bonds issued hereunder.

Sec. 10. Limitations on power of council.—Nothing herein shall authorize any village council to reduce the total amount of special assessments for any project without the consent of the holders of the obligations payable from such special assessments unless the village council shall covenant to pay out of its general revenue fund the amount of any deficit in the special assessment fund arising from such reduction.

Sec. 11. Proceedings validated.—In event that any village, which is subject to the provisions of this act, has heretofore adopted proceedings for the cancellation or reduction of special assessments theretofore levied for any sewer or water project, which proceedings would have been authorized by this act, all such proceedings are hereby validated.

Sec. 12. Act remedial.—This act is an additional remedial law and shall not be construed to amend or repeal any existing law relating to village indebtedness. The powers herein granted are severable and no power shall be held invalid by reason of the invalidity of any other power herein granted.

Approved March 29, 1943.

CHAPTER 219—H. F. No. 899.

An act authorizing the county board of any county having a population of not less than 60,000 nor more than 75,000 inhabi-