

or improvements, provided that notice that such additional amount will be assessed is included in the notice of hearing on the making of such extensions or improvements. The additional assessments herein authorized may be made whether or not the properties assessed were included in the area described in the notice of hearing on the making of the original improvement.

In any city of the fourth class electing to proceed under a home rule charter as provided in this chapter, which charter provides for a board of water commissioners and authorizes such board to assess a water frontage tax to defray the cost of construction of water mains, such board may assess the tax based upon the benefits received and without regard to any charter limitation on the amount that may be assessed for each lineal foot of property abutting on the water main. The water frontage tax shall be imposed according to the procedure and, except as herein provided, subject to the limitations of the charter of the city.

Approved April 24, 1959.

CHAPTER 491—H. F. No. 1569

[Not Coded]

An act relating to eligibility of firemen over the age of 35 years for membership in the Minneapolis fire department relief association.

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

Section 1. **Fire department relief association.** Notwithstanding the provision of Minnesota Statutes 1957, Section 69.28, providing that no fireman who is more than 35 years of age when his application is filed can become a member of the relief association, any member of the fire department in the city of Minneapolis in its employ on January 1, 1959, may be eligible to membership in the Minneapolis Fire Department Relief Association. Such member shall make application therefor within 90 days after the effective date of this act. His application must be acted upon by the association pursuant to the provisions of Minnesota Statutes 1957, Section 69.28, within six months thereafter.

Upon the approval of the application for membership to the relief association, such member shall cease to be a member of any other municipal pension fund of the city and shall no longer be entitled to any pension benefits therefrom.

Upon the acceptance of the application, the membership of the applicant shall become effective as of the date when he was entered on the payroll of the department, provided the applicant shall make up all dues which he would have paid had he been a member of the firemen's relief association from the date he entered upon the payroll of the department. All payments, benefits, and privileges to which these firemen are entitled as members of that fund shall be governed by sections 69.25 and 69.61.

Sec. 2. This act shall become effective only after its approval by a majority of the governing body of the city of Minneapolis.

Approved April 24, 1959.

CHAPTER 492—S. F. No. 1500

[Coded]

An act relating to the limitation of actions affecting title to real estate; amending Minnesota Statutes 1957, Section 541.023, by adding a Subdivision thereto.

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

Section 1. Minnesota Statutes 1957, Section 541.023, is amended by adding a subdivision to read:

Subd. 7. Source of title. For the purposes of this section, the words "source of title" as used in subdivision 1 hereof shall mean any deed, judgment, decree, sheriff's certificate, or other instrument which transfers or confirms, or purports to transfer or confirm, a fee simple title to real estate, including any such instrument which purports to transfer, or to confirm the transfer of a fee simple title from a person who was not the record owner of the real estate. However, any such instrument which purports to transfer, or to confirm the transfer of, a fee simple title from a person who was not the record owner of the real estate to the grantee or transferee named in such instrument shall be deemed a source of title "of record at least 40 years" within the meaning of subdivision 1 only if, during the period of 40 years after it was recorded, the following two conditions are fulfilled: (1) another instrument was recorded which purports to transfer a fee simple title from said grantee or transferee to another person and (2) no instrument was recorded which purports to be or confirm a transfer of any interest in the real estate by or from