

suit or proceeding, service upon the surviving corporation may be made in any one of the manners set forth in Minnesota Statutes 1967, Section 303.13. If the certificate conforms to law, the secretary of state shall, when the fees have been paid, record the same and issue a certificate of merger. The merger shall be effective upon the issuance of the certificate of merger or upon such later date, or date and hour, as is specified in the resolution, which date may not be more than 31 days after the date on which the certificate of ownership was filed in the office of the secretary of state.

Approved April 25, 1969.

CHAPTER 182—S. F. No. 216

[Not Coded]

An act authorizing Cook county to form districts for the construction of water or sewer facilities or both and to acquire land and easements, impose service charges, levy special assessments, and issue bonds for that purpose.

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

Section 1. **Cook county; water and sewer facilities.** The board of county commissioners of Cook county, upon receipt of a petition for the formation of a water or sewer district or combined water and sewer district within any area of the county not organized into cities, villages, or towns, and after determining the sufficiency of the petition as provided in section 2 and making such investigations and surveys as it considers necessary to ascertain whether it should be granted, may by resolutions form such a district; cause plans and specifications to be prepared for facilities adequate to obtain, store, treat, and distribute water for domestic, commercial, and industrial use therein, or facilities adequate to collect, treat, and dispose of sewage and waste in a sanitary manner, or both such types of facilities; contract for the construction of such facilities; acquire land and easements for the purpose within or outside the district by purchase, gift, condemnation, or other lawful means; establish, collect, and revise charges for the use and availability of water or sewer service or both to all premises within the district to which service is furnished or made reasonably available, and for connection to the facilities, in the manner provided in Minnesota Statutes, Section 444.075; levy special assessments upon properties specially benefited by the construction of

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the facilities, in the manner provided in Minnesota Statutes, Chapter 429; and issue bonds of the county to finance such construction as provided in section 3 of this act.

Sec. 2. Subdivision 1. Any petition for the formation of such a district shall describe in a general way the proposed boundary of the district and the types of facilities which the petitioners believe should be constructed, and shall have attached to it a list of all lands and lots subject to taxation within the proposed boundary, showing the names of the owners and the number of acres and lots or parts of lots or blocks included in each description of property, so far as such information appears in the most recent assessment book prepared by the county auditor in accordance with Minnesota Statutes, Section 273.03; the area and the name of the owner or reputed owner of any tract as to which such information is not shown in the assessment book, so far as known to the petitioners; and the most recent assessed valuation, as finally equalized, of each tract and lot appearing on the list, including all improvements and structures thereon, according to the official records of the county auditor.

Subd. 2. The petition shall be signed by persons shown on the list as owners of 50 percent or more of the total area of lands appearing thereon, except that one joint tenant, tenant in common, life tenant under a trust or otherwise, or parent or guardian of the estate of any owner of any tract may sign the petition with like effect as if it were signed by all owners of the tract named on the list.

Subd. 3. The petition may consist of any number of pages, and when completed shall be filed with the county auditor, accompanied by an affidavit or affidavits executed by one or more of the petitioners, stating that the affiant or one of the affiants personally witnessed each signature on the petition, that each such signature is known to the affiant to be that of a person appearing on the attached list, whose signature it purports to be, and that such person examined the text of the petition and the attached list before signing, and was not induced or compelled to sign by fraud or duress.

Subd. 4. The board of county commissioners shall consider the petition at its next regular meeting after such filing, or at a special meeting called for the purpose. No errors in legal descriptions or other information contained in the petition and attached list shall divest the board of jurisdiction to consider it, and the board may cause such errors to be corrected at any time. If in the judgment of the board the petition has been signed by owners of the required area, so far as can reasonably be ascertained, and there appears to be need for the construction of water or sewer facilities, or both, to maintain the health and welfare of the residents of the proposed district, the board

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may adopt a resolution creating the district and directing the preparation of a preliminary report by the county engineer or other engineer employed for the purpose, advising whether the proposed improvement is feasible and whether it should best be made as proposed or in some other way, and stating the estimated cost of the improvement as recommended. Appeal may be taken from the board's determination of the sufficiency of the petition in the manner provided in Minnesota Statutes, Sections 429.035 and 429.036. The board may take further proceedings, including a hearing on the improvement, the ordering thereof, the advertisement and award of a contract or contracts, and the levy and collection of special assessments therefor, as provided in Minnesota Statutes, Sections 429.031 to 429.081, and for that purpose shall have all powers granted to municipal councils by those sections; except that the area to be assessed for the improvement shall include no lands outside the established boundary of the district.

Subd. 5. Any area which might have been included within a district formed pursuant to this section may be annexed thereto by petition filed and approved as provided herein. Any facilities of the types described in section 1 may be improved, extended, or added if so ordered by the board of county commissioners after hearing and notice in accordance with Minnesota Statutes, Section 429.031.

Sec. 3. At any time after a contract for the construction of all or part of an improvement ordered pursuant to section 2 has been entered into, the board of county commissioners may issue general obligation bonds of the county in such amount as it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement, including every item of cost from inception to completion and all fees and expenses incurred in connection with the improvement or the financing thereof. Such bonds may be issued when authorized by a majority of the electors of the county voting on the proposition at a general or special county election. Alternatively, the bonds may be issued and sold by resolutions of the board of county commissioners if, before they are delivered to the purchaser, special assessments have been levied and appropriated to the bond sinking fund in a principal amount, payable in such installments, and bearing interest at such rate, that, if collected in full, they will produce at least five percent in excess of the amounts needed to meet when due the principal and interest payments on the bonds; or if, before the bonds are delivered to the purchaser, the board shall by resolution determine the principal amount, the number and times of collection of installments, and the interest rate of the special assessments to be levied upon properties within the district with respect to the facilities financed by the bonds, and shall establish charges for all use and availability of the facilities and all connections

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thereto, according to a schedule calculated by the board to be sufficient to pay all current, reasonable, and necessary costs of the operation and maintenance of the facilities and to produce net revenues which, with the collections of such special assessments from time to time, will exceed by at least five percent the amounts needed to meet when due the principal and interest payments on the bonds, and shall irrevocably appropriate all collections of such assessments and revenues to the bond sinking fund. All bonds herein authorized shall be issued, sold, and secured otherwise as provided in Minnesota Statutes, Chapter 475.

Sec. 4. This act takes effect when approved by the board of county commissioners of the county of Cook, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved April 25, 1969.

CHAPTER 183—S. F. No. 309

An act relating to public indebtedness; specifying certain costs which may be paid from the proceeds of bond sales; amending Minnesota Statutes 1967, Section 475.65.

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

Section 1. Minnesota Statutes 1967, Section 475.65, is amended to read:

475.65 Public indebtedness; planning studies; payment; delivery of bonds; use of proceeds. Upon payment to the treasurer of the purchase price by the successful bidder, the obligations shall be delivered, and the treasurer shall hold the proceeds thereof as a separate fund for the use named in the resolution or other instrument or instruments authorizing such obligations. The purchaser shall not be obligated to see to the application of the purchase price. When the use authorized is the acquisition or betterment of any land, easements, buildings, structures, machinery, or equipment, the proceeds may be used to pay all expenses, incurred and to be incurred, which are reasonably necessary and incidental to such acquisition or betterment, including, but without limitation, the cost of necessary *professional planning studies to determine desirable locations*, architectural, engineering, legal and other professional services, printing and publication, and interest to accrue on the obligations prior to the anticipated date of commencement of the collection of taxes or special as-

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