

February 1, 1886

CHAPTER XIV.

An act to amend an act entitled "An act relating to the town of Faribault."

- SECTION 1.** Amends section one of an act relating the town of Faribault, so as to provide for the construction of side-walks and crossings.
2. By amendment of former act, establishes grade on certain streets.
 3. Board of Supervisors to have certain powers within certain designated boundaries.
 4. Section nine of aforesaid act amended so as to enable Board of Supervisors to appoint certain officers.
 5. By amendment of former act, establishes the fees to which Marshal is entitled.
 6. Adds a number of new sections to former act, defining the duties of Wood Measurer, the powers of the Board of Supervisors, etc.
 7. When act to take effect.

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

Provides for side-walks, etc.

SECTION 1. Subdivision twelve, of section one, of an act entitled "An act relating to the town of Faribault," approved March 1, 1864, is amended so as to read as follows:

Twelfth—To provide for the construction and maintenance of suitable side-walks and street crossings upon any of the streets and alleys within the district hereinafter mentioned, upon the petition of a majority of the owners of lots upon any such street or alley, and opposite and adjoining to which any such side-walk is to be built, said side-walks to be constructed and maintained by or at the expense of the owners of the lots or parts of lots respectively opposite and adjoining which any side-walk may be ordered.

SEC. 2. Subdivision thirteenth of said act is so amended as to read as follows:

Establishes grades.

Thirteenth—To cause to be established under the direction of a surveyor, the grade of Main street, from First street to Fourth street, and to cause the same to be graded; and to cause to be established the grade, and to cause to be graded, any of the other

streets and alleys within the district hereinafter mentioned, upon the petition of three-fourths of the owners of the lots upon any such street, and cause accurate profiles of such grade to be made by such surveyor, and certified by him, one of which shall be filed with the register of deeds of the county of Rice, to be recorded as town plats are recorded: *Provided*, That in grading all streets crossing Straight river, no lots upon any street shall be assessed for any grading of said street upon the opposite side of said river to that on which said lots are situated.

Sec. 3. Section three of said act is amended so as to read as follows:

Sec. 3. The powers herein granted shall be exercised by said board of supervisors only in reference to the district described as follows: the southwest quarter of the southwest quarter of section number twenty-nine, and the south half of the southeast quarter, and the northwest quarter of the southeast quarter, and all of the northeast quarter of the southeast quarter lying west of Straight river, and the south half of the southwest quarter of the northeast quarter, and all of the south half of the southeast quarter of the northeast quarter lying west of Straight river, and the southeast quarter of the southwest quarter, and all of the northeast quarter of the southwest quarter lying east of the west line of Cherry street, of section number thirty, and all of section number thirty-one, and the west half of the northwest quarter, and the north half of the northwest quarter of the southwest quarter of section number thirty-two, all in township number one hundred and ten north, of range number twenty west, according to the United States survey, and all situated in the county of Rice, and State of Minnesota.

Jurisdiction of supervisors.

Sec. 4. Section nine of said act is so amended as to read as follows:

Sec. 9. Said board of supervisors shall within thirty days after the annual town meeting, appoint a town marshal, and a wood inspector and measurer, who shall hold their offices for the term of one year, and until their successors are appointed and qualified, unless sooner removed, as they may be by said board. All vacancies in said offices shall be filled by the board of supervisors.

Appoints certain officers.

SEC. 5. Section twelve of said act is amended so as to read as follows:

Fees. *Sec. 12.* Said marshal shall be entitled to demand and receive like fees as constables when performing the duties of a constable, and shall be entitled to demand and receive such fees as may be prescribed by the board of supervisors, for all services which cannot be performed by a constable; and in addition thereto shall receive such salary as the said board may fix, not exceeding two hundred dollars.

SEC. 6. There are hereby added to said act, the following new sections:

Duties of Wood Measurer. *Sec. 17.* The wood inspector and measurer shall give bond with sufficient surety, to be approved by the board, conditioned for the faithful discharge of his duties, in such sum as the board shall require. He shall upon application of any party interested, inspect and measure any fire wood brought into said town for sale, and give the owner or possessor a certificate setting forth the quantity and quality thereof, and date of inspection, making reasonable allowance for crooked and uneven wood, and estimating a cord to contain one hundred and twenty-eight cubic feet. He shall be entitled to the following fees: for every load or pile of wood, ten cents per cord, which shall be paid to the inspector on the delivery of his certificate of the quantity of any load or pile of wood to the person having such wood measured; and the board of supervisors shall have power by ordinance to make such additional regulations respecting the measurement of wood, and for enforcing the same, as they shall deem expedient.

Supervisors assess lots. *Sec. 18.* The board of supervisors shall have power to assess all lots for the expense of building and maintaining any side-walk opposite to and adjoining said lot, and said assessment shall until paid remain and constitute a lien thereon, and they shall deliver said assessment to the town marshal, who shall collect the same; and in case the same shall remain unpaid for ten days after demand made upon the property, the same shall be sold at public auction to the highest bidder, for such assessment, by said marshal, after the same notice as is required by law for tax sales, and the money received at such sale shall be paid into the

town treasury for the use of the town after paying such assessment and the expenses of sale. Any person whose property is sold for any such assessment, may redeem the same within one year thereafter, by paying the amount for which said property was sold, with interest thereon at the rate of two per cent per month, to the town treasurer, who shall execute to the person redeeming, a certificate of redemption. If the same shall not be redeemed as aforesaid, the marshal shall execute a deed thereof to the purchaser or his assigns: *Provided*, That no proceedings under this section shall be had until the ordinance requiring the building of any such side-walk, shall have been published in a newspaper published in said county for three successive weeks.

Sec. 19. The board of supervisors shall have power to assess the expense of establishing the grade of any street, and of grading the same, and of constructing street crossings, upon the lots upon said street, in proportion to the value thereof, as shown by the assessment roll of the assessor for that year, deducting therefrom such damages as in their opinion such lot shall have sustained by reason of said grading; the deficiency occasioned by such deduction shall be apportioned rateably upon the other lots on such street. Such assessment, when so made, shall be returned to the county auditor, and extended in a separate column upon such property at the same time and in the same manner as other town taxes are returned and extended, and shall be collected in the same manner as other town taxes are collected. General powers.

Sec. 20. All the proceedings of the board of supervisors, heretofore done under said act, are hereby legalized and made valid, and any expense incurred for building side-walks, or establishing any grade, or grading any street, may be assessed and collected under the provisions of this act: *Provided*, That no damage heretofore sustained by reason of any grading shall be deducted from any assessment made under the provisions of this section. Legalizes proceedings of supervisors.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved February 1, 1866.