

the owner of such private property on the setting apart for such owners in the treasury of the amount of damages fixed by the inquest of said jury, the city shall acquire the same rights in the property so taken that it has in any of the other streets of said city.

When act to take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 3, 1870.

## CHAPTER XVII.

March 2, 1870.

### *An Act to amend the Charter of the City of Wabasha.*

SECTION 1. Amendment to Chapter One (1) of the Special Laws of 1860.

1. Common Council to ordain and contract for making, grading, adorning and cleansing the streets.
2. Construction of sidewalks, how paid.
3. Costs of surveying streets, lanes, &c., how paid.
4. The expense of grading streets to be borne by those benefited thereby.
5. Duty of Street Commissioner when work provided in the preceding section shall be placed under contract.
6. No error or informality shall vitiate the assessment made by virtue of this Chapter.
7. For what purpose Common Council may issue bonds—at what rate of interest.
9. When act to take effect.

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

SECTION 1. That chapter nine, of the charter of the city of Wabasha, approved March fifth, one thousand eight hundred and sixty-nine, be repealed, and the following provisions substituted therefor :

Council to contract for grading and cleaning streets.

SECTION 1. The common council shall have power to order and contract for the making, grading, repairing, cleansing, improving and adorning the streets, alleys, highways, public grounds, reservoirs, gutters and sewers,

within said city, and to direct and control the persons employed therein, and all such improvements shall be superintended by the street commissioners.

SEC. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk within the city, they shall require the street commissioner or commissioners to notify in writing the owner or occupant of any lot adjoining such sidewalk, to make or repair the same at his own proper cost and charge, and in such manner and within such time as may be specified in the notification. If such work is not done in the manner and within the time prescribed, the common council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expense thereof shall be assessed upon such lots so chargeable by the street commissioners, and returned to the common council, and collected in the same manner and under the same regulations as assessments for street improvements, and shall bear a like rate of interest after confirmation. All street crossings shall be graded and all crosswalks built at the expense of said city.

Expense of constructing and repairing sidewalks how paid.

SEC. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and estimating work thereon; and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs, shall be chargeable to and payable out of the funds of the city. Grading, graveling, planting, macadamizing or repairing streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvements, so far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to the assessed value. Sewers and drains communicating with main sewers, may be built by order of the common council through any street or alley for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof shall be assessed upon the lots so drained and benefited. *Provided*, That in all cases where improvement or work of any sewers are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for out of the funds of the city, in proportion to the street, alley, or public grounds.

Costs of surveying streets, &c., how paid.

SEC. 4. No grading of the streets or alleys to be done at the expense of the lots fronting such improvements or

Expense of grading streets, &c., by whom borne.

sewers, the expense of which is to be charged to the lots drained or benefited, as before provided, shall be ordered by the common council, except upon petition in writing of a majority of the owners of property whose lots will be chargeable with the expense thereof. On the receipt of such petition, the common council shall pass a resolution to that effect, and shall require the street commissioner of the proper ward, with the assistance of the city surveyor, to examine the premises and report, in case of a street or alley, and an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owners' names if known, and the proportion of expense to be assessed upon each; and the common council may adopt, revise, correct or remand the same with instructions. Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the city surveyor. The common council shall thereupon order the said work to be placed under contract, upon such terms and under such regulations as they may deem advisable.

Duty of street commissioner.

SEC. 5. When the work provided for in the preceding section shall be placed under contract, the street commissioner shall give notice by publication in the official newspaper of said city for ten days, that the expense thereof in case of streets and alleys will be assessed upon the lots fronting such streets within the line of such improvements according to their assessed value, and in the case of sewers chargeable to the lots as hereinbefore provided that the lots in the blocks fronting such improvements drained or benefited thereby, which lots shall be designated in the notice, will be assessed in proportion to their value. Such assessment when completed shall be returned to the common council, and the said common council shall thereupon fix a time for confirming the same, of which notice shall be given in the official newspaper of the city. Upon the confirmation thereof, a warrant for the collection thereof shall issue to the person authorized by law to collect taxes for the city, and the same shall be levied and collected as other taxes and assessments.

No error or informality to vitiate the assessment.

SEC. 6. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chapter when the notices hereinbefore provided shall have been given, and all assessments for work or expense chargeable to lots as hereinbefore provided, shall be payable from the time of the confirmation thereof by the common council, and shall bear interest thereafter at the rate of twenty-five per cent. per annum.

SEC. 7. The common council may at any time for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city, for such assessments, by a two-thirds vote of a full council, issue the bonds of the city in such amounts and under such regulations as they may prescribe, for a time not exceeding ten years, and bearing interest not exceeding ten per cent. per annum, and the proceeds thereof shall be applied to the purpose aforesaid, and the collections from such assessments in anticipation whereof they were issued shall stand appropriated and pledged for the payment of the principal and interest of the same; *Provided*, That the amount of such bonds on account of improvements outstanding shall not at any time exceed one per cent. of the assessed value of the property in the city according to the last assessment.

For what purpose bonds may be issued—rate of interest.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 2, 1870.

## CHAPTER XVIII.

*An Act to amend Section Three, of Chapter Seven, of an act entitled an act to reduce the act incorporating the City of Rochester, in the County of Olmsted, and State of Minnesota, and the several acts amendatory thereof, and the act to organize a Board of Education for the City of Rochester, and the several acts amendatory thereof to one act, and to amend the same, approved March ninth, one thousand eight hundred and sixty-seven, and to add certain new Sections to said Chapter relating to the grading of streets and building sidewalks.*

Feb'y 24, 1870.

SECTION 1. Amendment to Section Three (8) of Chapter Seven (7) of the act incorporating the City of Rochester, Special Laws of 1867. Expense of surveying streets, &c., how paid—cost of grading, paving, &c., how paid.