

CHAPTER 206.

AN ACT RELATING TO CERTAIN UNPAID ASSESSMENTS FOR STREET IMPROVEMENTS IN THE CITY OF DULUTH.

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

SECTION 1. That in all cases in which any work has been done in the city of Duluth, in either of the years one thousand eight hundred and seventy (1870), one thousand eight hundred and seventy-one (1871), one thousand eight hundred and seventy-two (1872), one thousand eight hundred and seventy-three (1873) or one thousand eight hundred and seventy-four (1874), in graveling, grading, planking, macadamizing or paving any street or avenue, or part thereof, in said city, under or in pursuance of any contract, or supposed contract, between said city of Duluth or any of the officers thereof, with any person or persons, and any portion of the expense based upon the contract price of any of such work, has by the common council of said city been charged, apportioned, or assessed to or upon any lot or parcel of land upon which the same was properly chargeable, or would have been properly chargeable if all of the provisions of the charter of said city, in relation to such work and to the proceedings preliminary and incident thereto had been strictly complied with, and the scrip or certificate in that behalf, prescribed by the charter of said city for the amount so charged, assessed and apportioned to and upon such lot has been issued, and still remains unpaid; the amount so charged, apportioned or assessed, or attempted to be charged, apportioned or assessed, is, and is hereby made and declared to be a valid lien both in law and equity upon the lot or parcel of land upon which it was so charged, apportioned or assessed, or attempted to be charged, apportioned or assessed, as fully and with the same effect as though all the provisions and conditions of the charter of said city in relation to or in any manner affecting such work of improvement or the proceedings preliminary or incident thereto, had been in all respects complied with and fulfilled. And the act of said common council in every such case in making such charge, apportionment or assessment, and in causing said scrip to be issued, is hereby legalized, so that said assessments and scrip shall be enforceable as in chapter seven (7) of said charter prescribed.

SEC. 2. That in every such case in which any such assessment or scrip now remains unpaid, the common council of said city is hereby authorized and empowered by resolution to make upon the several lots or parcels of land, the assessment or scrip against which so remains unpaid, a new assessment of the amount, based upon the contract price for such work of improvement, which,

under the provisions of the charter of said city, would have been properly chargeable upon said several lots or parcels of land on account of said work, had the proceedings preliminary, and with reference thereto, conformed to and fulfilled the terms and conditions of said charter. When said council shall have so made said re-assessment, they and the other proper officers of said city, shall cause the scrip against the said several lots contemplated by the contract under which said work shall have been performed, to be issued to the several owners and holders of the original certificates or scrip, thereby replaced, (which said original certificates or scrip shall be thereupon surrendered to said city,) and the said second assessments, and the scrip issued thereon, shall be enforced and collected with interest at the rate of ten (10) per cent. per annum from the date of the passage of this act, in the same manner as the original assessments and scrip provided for in the said charter, and enforced and collected under the provisions thereof; nor shall the validity of such second assessments, or of the scrip issued thereon, be in any manner dependent upon the regularity of the proceedings antecedent thereto in the matter of said several improvements, but the same shall be as valid and of the same force as though in the proceedings preliminary and incident to said several works of improvement all the conditions and requirements of said charter had been observed.

SEC. 3. The provisions of this act shall extend to all portions of the city of Duluth as originally incorporated, but as to any lots embraced within territory which has been or shall be detached therefrom and incorporated as a village, the said village shall with reference to any portion of the proceedings for the aforesaid re-assessment and re-issuance of scrip and enforcement thereof, which shall remain unexecuted at the time when the officers of said city shall cease to have jurisdiction over such detached territory, succeed to and stand in the place of said city of Duluth, and the officers of said village shall as to such remaining proceedings touching said detached lots, have the same powers and duties as would otherwise have devolved upon said city officers. In case of such lots and as to such proceedings, the village council shall have the same powers and duties as would otherwise have devolved upon the common council of said city; the president of the village, the same as would otherwise have devolved upon the mayor of the city; and the village recorder, the same as would otherwise have devolved upon the city clerk, comptroller, and street commissioner.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1877.