

CHAPTER 301.

AN ACT ENTITLED "AN ACT TO VALIDATE CERTAIN ACTS OF THE CITY OF MOORHEAD, AND CONFIRM AN ASSESSMENT IN MATTER OF CONSTRUCTION OF CERTAIN SEWERS."

WHEREAS, The city of Moorhead in the years A. D. one thousand eight hundred and eighty-one (1881) and one thousand eight hundred and eighty-two (1882) constructed two (2) sewers in said city, known first (1st) as the Eighth (8th) street, and second (2d), as the Front and Fifth (5th) street sewers, and paid out for the same upwards of eleven thousand (11,000) dollars; and the city council of said city did, on the ninth (9th) day of July A. D. one thousand eight hundred and eighty-three (1883), appoint a committee of three (3) disinterested persons to appraise and assess the amounts of benefits derived therefrom to certain lots and parcels of land fronting upon and adjacent to said streets; and,

WHEREAS, Said committee appraised and assessed said benefits to such property, and reported the amount of same to said city council, which report fixing the amount of benefit derived by each of said lots from the building of each of said sewers was duly approved by said council, and amounts as a grand total assessed against property so benefited to the sum of seven thousand seven hundred and seventy-two dollars and fifty cents (\$7,772.50); and,

WHEREAS, The legality of same has been questioned; therefore,

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

SECTION 1. In all cases in which any work has been done or material furnished in either of the years A. D. one thousand eight hundred and eighty-one (1881) and one thousand eight hundred and eighty-two (1882), in the construction of any or all sewers in the city of Moorhead, in Clay county, where such work has been done or materials furnished under or in pursuance of any contract entered into between the said city of Moorhead or any of the officers or aldermen thereof in its behalf, with any person or persons, or under any supposed contract so entered into; and such work and materials have been paid for by the said city, and where said city council did, on the ninth (9th) day of July A. D. one thousand eight hundred and eighty-three (1883), appoint a committee of three (3) disinterested persons (citizens of said city), not members of the common council, to ascertain, fix and determine the amount of the benefit any piece of lot or parcel of land in said city had derived from the construction of sewers within said city and to fix the same as the amount of a special assessment to be levied and charged against any such parcel of land, and where said committee appraised said benefits and reported the same as being the amount of a proposed special assessment, which said assessment was thereafter approved by vote of said council and ordered placed on the assessment roll, with the county auditor of said

Clay county, for collection, in the tax roll of A. D. one thousand eight hundred and eighty-three (1883) and to be made payable in ten (10) equal installments of one-tenth ($\frac{1}{10}$) part each year of the amount of said benefit, against the lot or parcels of land so benefited, or upon which the same was properly chargeable or might have been properly chargeable if all of the provisions of the charter of said city in relation to making said improvements and appraising said benefits had been strictly complied with; and when said assessment upon any such lot or parcel of land has not been paid by the owner of said lot or by sale of the parcel or lot itself, such delinquent or unpaid assessments, with interest thereon at seven (7) per cent per annum are, and are hereby made and declared to be, valid liens, both in law and in equity, upon the lot or parcel of land upon which they were assessed or attempted to be assessed or would have been properly chargeable, notwithstanding the provisions of the charter in reference to said improvements and the letting of contracts therefor or the assessing said benefits may not in all things have been strictly complied with; and the report of said committee as to the amount of said benefits, and the assessment thereby and thereupon made is hereby declared valid, binding and conclusive upon each of said respective lots, and owners thereof, subject to the provisions of section two (2) of this act. And the records remaining in the office of the city recorder of the city of Moorhead are hereby made notice to all persons of the amount of said liens.

SEC. 2. Any lot owner so assessed feeling aggrieved by the finding of said committee as to the amount of benefit to his lot, may, on or before the fifteenth (15th) day of May, A. D. one thousand eight hundred and eighty-five (1885), apply to the board of aldermen of said city to review and correct the said assessment, and said board of aldermen, by majority-vote of all elected to said position, are hereby authorized and empowered, acting as a board of review, to hear said objectors and in a summary manner change or modify in any particular the amount of the assessment so heretofore made against any lot or lots, singly or jointly, in their discretion as equity may require, upon such application of any party so aggrieved; *Provided*, Said board of review fails to modify said assessment, or in case application is not made to so modify, then said assessment as heretofore made shall be considered valid in all respects as provided in section one (1) of this act, and the entire amount of said assessment remaining unpaid as heretofore made or as modified, pursuant to the terms of this act, may be transmitted to the county auditor of Clay county, as provided by the charter of said city of Moorhead, concerning taxes by said council levied, as a whole or in one-tenth ($\frac{1}{10}$) installments, in the discretion of said council, said installments to draw interest at seven (7) per cent per annum; and such special assessments shall be a lien upon said lots, pieces or parcels of land and extended upon the tax books of the county, and be levied, collected and the payment thereof enforced with and in the same manner as state and county taxes are paid, and the payment thereof enforced

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1885.