

Paul, Ramsey county, Minnesota, approved February twenty-fifth (25th), one thousand eight hundred and eighty-seven (1887).

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

Approved March 15th, 1889.

CHAPTER 50.

[H. F. No. 429.]

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE CREATION AND ORGANIZATION OF A BOARD OF PARK COMMISSIONERS IN AND FOR THE CITY OF SAINT PAUL, RAMSEY COUNTY, MINNESOTA, APPROVED FEBRUARY TWENTY-FIFTH (25), EIGHTEEN HUNDRED AND EIGHTY-SEVEN, (1887.)

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

SECTION 1. Section five (5) of "an act to provide for the creation and organization of a board of park commissions in and for the city of Saint Paul, Ramsey county, Minnesota," approved February twenty-fifth (25th), eighteen hundred and eighty-seven (1887), is hereby amended so as to read as follows:

Section 5. Said board of park commissioners shall have power and it is hereby authorized in connection with the board of public works of the city of St. Paul and on behalf of the city of St. Paul to condemn for the use of said city any tract or tracts, parcel or parcels of land, or any interest therein which it may have designated as hereinbefore provided by this act, and when such condemnation shall have been completed and the lands paid for as herein provided, the title to such lands shall pass and be vested in fee simple in the city of St. Paul. When the said board of park commissioners shall deem it to the public interest that any tract or tracts, parcel or parcels of land or interest therein aforesaid shall be condemned for the use of said city for any public park or parks or parkways aforesaid, within the limits of said city, and shall so determine by resolution of the said board, they shall cause the same to be surveyed and platted as provided by section three (3) and shall make an order directing the said board of public works to appraise or assess the damages or compensation to be paid to the parties entitled thereto by reason of such condemnation, and also to assess the benefits to the amount of fifty (50) per cent. of the cost of said improvement as nearly as practicable upon the parcels of land benefited thereby. A copy of said resolution and order together with a copy of said plat shall be certified by the secretary and transmitted to said board of public works for their action thereon. Said board of public works shall thereupon have the power and it shall be their duty upon receipt of said resolu-

tion, order and plat, to make the said assessment of damages and benefits, and shall proceed thereon in the same manner as in cases of assessments made by said board of public works for local improvements, which shall require the appropriation or condemnation of any land or real estate under title one (1) of chapter seven (7) of the charter of the city of St. Paul.

And any person whose property has been appropriated in said proceedings and has filed objections to such assessment as provided in said title one (1) of chapter seven (7), shall have the right of appeal within the time and in the manner therein provided for, to the district court of the county of Ramsey of this state, and said appeal shall have the same effect and shall be tried and disposed of in the same manner as provided in said title one (1), chapter seven (7). And when an assessment shall have been confirmed by the said board of public works, and no appeal taken therefrom, or if an appeal shall have been taken, when judgment shall have been rendered thereon the same shall be a lawful and sufficient condemnation of the land or property appropriated.

The amount of damages or compensation so ascertained, over and above the benefits to be deducted therefrom shall be paid to the person or persons entitled thereto, out of the park fund; said assessment *of benefits shall be collected by the city treasurer in the same manner* and with like proceedings and effects as provided for collection of assessments for local improvements in said title one (1), of chapter seven (7); and sales shall be made of the property assessed and delinquent, in the same manner and with the like redemption, interest and costs provided for such sale in said title one (1), of chapter seven (7), and said board of public works shall have the same power to confirm or set aside such assessment or proceed *de novo*, or to make re-assessments as said board has power to do in cases of local improvements under the charter of said city. It being intended that said title one (1), of said chapter seven (7), shall in all respects apply to said assessments and the collection thereof and all proceedings connected therewith as far as applicable, *provided*, that at any time during the pendency of any proceedings for the acquisition of lands for park purposes prior to the confirmation of the assessments, the board of park commissioners shall have the right to abandon and annul all proceedings in respect to the whole or any part of the lands designated in the resolution and order hereinbefore in this section provided for if they shall deem it for the interests of the city so to do. And in such case shall cause a copy of the resolution of said board abandoning and annulling such proceedings to be certified by its secretary and transmitted to said board of public works, which action shall be taken and deemed a discontinuance of such proceedings as to the lands described in said last named resolution.

SEC. 2. Section six (6) of "An act to provide for the creation and organization of a board of park commissioners in and for the city of St. Paul, Ramsey county, Minnesota," approved February twenty-five (25), one thousand eight hundred and eighty-seven (1887), is hereby amended so as to read as follows:

Section 6. Whenever title to property to any such park or parkways shall be acquired by the said board of park commissioners by

purchase or lease they shall make an order directing the board of public works to assess fifty (50) per cent of the cost thereof upon parcels of land benefited thereby, a copy of which said order shall be certified by the secretary and transmitted to the said board of public works and thereupon said board of public works shall make said assessment in like manner and like proceedings shall be had thereon as provided in section five (5) of this act. *Provided*, that in case of the purchase of lands for any such park or parks or parkways, or any part thereof, it shall be competent for said board of park commissioners to agree with the vendor or vendors of the land so purchased upon a price therefor, which may in addition to the purchase price thereof include exemption from an assessment for benefits upon any remaining contiguous or adjacent lands owned by such vendor or vendors, and in such cases such remaining lands shall be freed from any liability to assessment and contribution for benefits to be assessed upon lands in this act provided. In all such cases a record shall be made by said board specifying the lands so to be exempted, which shall be filed in the office of the secretary of said board and may be recorded in the office of the register of deeds of Ramsey county.

SEC. 3. Section seven (7) of said act is hereby amended so as to read as follows: Section 7. That for the purposes of this act the common council of the city of St. Paul are hereby authorized and empowered to issue and negotiate bonds of the city of St. Paul, to an amount not exceeding the sum of two hundred and twenty-five thousand dollars (\$225,000); said bonds shall be in the denomination of one thousand dollars (\$1,000) each, with coupons attached, and shall be payable in thirty (30) years from their date with interest not to exceed five (5) per cent per annum payable semi-annually at the financial agency of the city of St. Paul, in the city of New York; the proceeds of said bonds shall be paid into the city treasury to the credit of the board of park commissioners and constitute a fund to be called the city park fund. The proceeds of all assessments and benefits aforesaid shall be paid also into the city treasury to the credit of the board of park commissioners, and constitute a part of said city park fund. All expenditures under this act shall be audited by said board, and upon the presentation to the city treasurer of receipted vouchers for the same certified to have been approved by said board of park commissioners by its president or vice-president and secretary and countersigned by the city comptroller, shall be paid by the city treasurer.

SEC. 4. That the word "seven" in the fifth (5th) line of section one (1) of said act be and the same is hereby stricken out and the word "eight" inserted in lieu thereof.

SEC. 5. Nothing in this act shall be construed as authorizing any further or other issue of bonds than that provided in said original act.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 12, 1889.