

shall be credited to said bonded indebtedness sinking fund, and shall become a part of said fund.

SEC. 5. The county treasurer shall pay out the said fund on the warrant of the county auditor issued by order of the board of county commissioners.

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

Approved April 21, 1903.

H. F. No. 584.

CHAPTER 382.

Relating
to public
improve-
ments.

An act relating to public improvements heretofore or hereafter made in all villages and in cities of ten thousand (10,000) or less inhabitants, to the levying of assessments to defray the expenses thereof, and to the issuance of evidence of indebtedness in anticipation of their collection.

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

Villages
with
population
of 10,000
or more.

SECTION 1. Whenever the village council or corresponding body of any village or the common council or corresponding body of any city having a population of ten thousand inhabitants or less shall deem it necessary and expedient to extend, open, grade, pave or otherwise improve any street in said village or city, or cause any other similar local improvement to be made within the corporate limits of such city or village, it may, acting on its own motion, and shall, if a majority of the owners of the property abutting on such proposed improvement shall petition therefor, adopt a resolution to that effect, which resolution shall specify the proposed location of such improvements, and its general proposed character, and shall also specify a time and place, not less than two, nor more than four weeks after the date of the first publication or posting of such resolution, as herein provided, when and where the parties interested therein shall be heard in reference to such improvement. *Provided*, that if any such village or city council, or the corresponding body of any such city or village, shall on its own motion by resolution order any improvements herein provided for, such resolution shall be passed and adopted by an affirmative vote of at least two-thirds of all the members of any such village or city council, or corresponding body of any such city or village, which said vote shall be taken by yeas and nays and en-

Two-thirds
vote of
village
council.

tered upon the minutes and records of such city or village; *provided, further*, that none of the provisions of this section or of this act shall in any manner apply to the constructing, making, building, extending, reconstructing, remaking, rebuilding or repairing any sidewalk in any city or village to which this act may apply.

SEC. 2. Such resolution shall be published at least once in the official paper of such city or village, or in the event that there is no paper designated as such, then in some newspaper regularly published in said village or city, in the English language, and of a general circulation therein.

Publication
of resolu-
tion.

If there is no such newspaper published in said village or city, then such publication and notice of such resolution may be made by posting a copy of said resolution in at least three public places in said city or village.

Affidavits shall be made by the person posting said resolution of the manner, time and place of posting the same, or by the foreman, editor or publisher of such newspaper of the time and manner of publishing the same, and such affidavits shall be attached to said resolution and be filed with it in the office of the village or city recorder or clerk. When action has been duly had in accordance with the provisions of this section, the publication or posting of the resolution aforesaid shall be deemed a sufficient personal service of such resolution upon the persons whose property may be affected by the proposed improvement, and sufficient notice to them thereof.

Affidavit of
publisher.

SEC. 3. At the time and place named in such resolution, or at any subsequent time to which the hearing on said matter may be adjourned, the parties interested may be heard in reference to the making of such proposed improvement, its nature, character and extent, and thereupon said council may, by resolution, either decide not to undertake such improvement, or may order such improvement, in whole or in part, to be made by the street commissioner, commissioner of public works or corresponding officer, or may cause the same to be done under a contract to be let to the lowest responsible bidder, the entire expense thereof to be paid, in either event, in the first instance out of the general revenue fund, permanent improvement fund or permanent improvement revolving fund of said village or city, as said council may then or thereafter determine. In case any such council shall by resolution as in this section provided determine to order

Hearing for
parties
interested.

Manner
of doing
work.

any improvement in this act provided for, such resolution shall be passed and adopted by an affirmative vote of at least two-thirds of all the members of any such council by yeas and nays to be duly entered on record in the minutes and records of such council.

Time
fixed by
resolution.

SEC. 4. If the work of making the improvement in question is carried on by the street commissioner, the commissioner of public works, or corresponding officer, then at any time within thirty days after said village or city shall have completed said improvement as aforesaid, or if to be done by contract, then at any time after the contract has been entered into, the village council or common council shall by resolution fix a time and place, not less than thirty days thereafter, when and where they will ascertain the amount of the special benefits received by any property within said village or city by reason of the construction of the improvement in question, and hear the testimony in that connection of all persons interested or whose property is affected, who may appear in person or by attorney, and present witnesses for examination. Notice of said hearing shall be given by service of said resolution on all the persons interested therein, whose property is so affected, in the same manner as provided in section two (2) of this act for notice and service of the resolution referred to in section one (1) of this act, and proof thereof shall be made by affidavits to be filed with said resolution, in the same manner as is provided for in said section two (2).

May
administer
oaths.

SEC. 5. At the time and place named in said resolution, or at any subsequent time to which such hearing may be postponed, said council or corresponding body shall meet and hear any and all testimony offered by or on behalf of all the interested parties, and for that purpose the presiding officer is hereby authorized to administer oaths to witnesses, and thereupon the said council or corresponding body shall by resolution determine the amount of special benefits conferred by said improvement upon each lot, part of lot or parcel of ground so benefited thereby, assessing each such lot, part of lot, piece or parcel of ground for the cost of said improvement, without regard to cash valuation, ratably, and in proportion to the special benefit so conferred upon it, but not otherwise nor in excess thereof, and a full and complete record thereof shall be made and kept by the village or city recorder, or corresponding officer, in a separate book kept for that pur-

Records
kept by
recorder.

pose, which record shall contain a description of the property benefited and charged with the construction of the improvement, the amount of the special benefits determined in each case as aforesaid, and when so determined.

Should the aggregate amount of benefits so determined be less than the total cost of such improvement, the deficiency shall be paid out of any revenues of said village or city that the council or corresponding body may determine, from whatever source derived.

*Deficiencies
how paid.*

Said resolution shall likewise be published or posted and proof thereof be made in the same manner as that provided in section two (2) hereof for the posting or publication of the resolution referred to in section one (1) hereof, and the proof thereof; and the amount of benefits to each lot, part of lot, or parcel of ground so determined as aforesaid shall be and become a charge against the same from the date of the posting or publication of such resolution as aforesaid.

*Resolution
to be
published.*

SEC. 6. A certified copy of such resolution and of the aforesaid record shall be delivered forthwith by the village or city recorder, or corresponding officer, to the village or city treasurer, and shall be his warrant for the collection of such assessments. The village or city treasurer shall forthwith cause a brief notice to be published or posted after the manner provided in section two (2) hereof, in which notice he shall refer to the last mentioned resolution, give the time and place of its posting or publication as aforesaid, and state that the assessments so made for such improvements are due and payable to him, and give the date upon which the warrant therefor came into his hands for collection. If any such assessments is not paid within thirty days after the publication or posting of such notice, a penalty of ten per cent shall be added thereto. Proof of the posting or publication of said notice shall also be made by affidavit, as provided in section two (2) hereof.

*Certified
copy to be
delivered.*

*Penalty
of 10 per
cent.*

SEC. 7. If such assessment for either or any of the purposes aforesaid be not fully paid to the village or city treasurer within the thirty-day period aforesaid, or if there is not in the treasury of such village or city at the end of said thirty-day period money to pay that portion of the cost of such improvement which may be in excess of the aggregate of the assessments so levied on account thereof, whether the same have or have not been collected

Orders
to be
issued.

in full, the council, or corresponding body, shall issue or cause to be issued, the orders of said city or village upon the treasurer thereof for the payment of which the full faith and credit of such village or city is hereby pledged for the aggregate amount of the unpaid balance of the cost of such improvement, payable in three annual installments, each of which installments shall be represented by a separate order, bearing interest at a rate to be determined by said village or city council, not exceeding six per cent per annum, and payable as follows: One payable not later than one year next following the issue thereof; one payable not later than two years next following the issue thereof; and one payable not later than three years next following the issue thereof. All orders shall be made payable to bearer, and the same may be issued, negotiated and sold by said village or city for not less than their par or face value. The interest on all of said orders shall be payable at intervals of not to exceed one year, and to each of such orders shall be attached interest coupons evidencing such installments of interest.

When
payable.

Interest.

A record of all such orders shall be made and kept by said village or city recorder or corresponding officer, which record shall show the date the order was issued, its amount, date when due, to whom sold, amount sold for, and for what purpose the same was issued, when the same was paid, and the amount paid, as shown by the treasurer's books.

Levy tax
annually
until as-
sessment
is paid.

SEC. 8. After the issuance of such orders, the council, or corresponding body, shall annually, at the time of levying general taxes for village or city purposes, and until all of said orders shall been paid, levy a tax sufficient to meet the orders which will fall due in the year next following such levy, or shall appropriate from the other revenues of such city or village an amount sufficient for such purpose, and shall also annually, on or before the first day of October of each year, until the whole of said assessments have been collected as herein provided, cause a statement of the amount of one-third of the assessment remaining unpaid as against each tract of land assessed, with the penalty and six per cent annual interest on the whole of the assessment unpaid from the date of the issuance of said orders to the date of the maturity of the order next falling due added thereto, to be transmitted, with the village or city taxes for that year, to the county auditor, and the said auditor shall extend the same against

the several tracts assessed, with the other taxes, in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof, and the same shall be enforced with, and in like manner, as city, county and state taxes are collected and payment thereof enforced.

SEC. 9. Whenever any village or city within the purview of this act has heretofore made or caused to be made any such improvement, or has issued evidences of indebtedness to defray the cost of any such improvement in whole or in part, all undertakings and agreements and all proceedings of whatever nature had or made by it with reference to such improvement, and any such evidence of indebtedness are hereby validated and legalized; and such village or city is hereby empowered to complete the same, to pay any such evidences of indebtedness already issued, and to provide funds for the completion of any such improvement by proceeding as in this act provided.

Action
heretofore
taken
legalized.

SEC. 10. This act shall not be construed as in any manner superseding, repealing, amending or qualifying the provisions of any home-rule charter heretofore adopted by any city or village under existing laws, and shall not in any manner apply to any such city or village.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved April 21, 1903.

CHAPTER 383.

S. F. No. 580.

An act to amend section 1 (H. F. No. 32) of "An act to authorize and empower the city council or common council of cities in this state of over 50,000 inhabitants to issue and sell municipal bonds and to use the proceeds thereof for defraying the cost of making certain local improvements in intersections of streets and in front of property exempt by law from special assessments," approved March 6th, 1903.

Authority
to sell
municipal
bonds.

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

SECTION 1. That section 1 of said act be amended in 1st. By striking out the following words: "not to exceed ten years from the date thereof," where the same appear in said section 1 immediately following the words the following particulars: