

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

Section 1. School directors may be nominated by petition.—Candidates for director of the school board in cities of the second class may be nominated by petition or certificate of voters whether there is a vacancy in the nominations for such office or not.

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

Approved March 23, 1923.

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CHAPTER 89—H. F. No. 990.

*An act authorizing cities of the fourth class, however organized, villages and boroughs to assess the cost of certain water mains, and their appurtenances, including service connections and water appliances installed by such municipalities in connection with such service connections, upon abutting property.*

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

Section 1. **Special assessments authorized in cities of fourth class.**—In any city of the fourth class, organized under the general laws or a special or home rule charter, or in any village or borough of this state, where the Council has since January 1, 1919 established and thereafter and before November 1, 1922 caused to be constructed a village water system, including a well or wells, a pumping station, a stand-pipe or reservoir, water mains and appurtenances required in connection therewith, such as valves and hydrants and also service connections along any public street or alley in such city, village or borough for the purpose of supplying water to the inhabitants thereof, and for public use, and where said Council has paid for said system, mains and appurtenances out of the proceeds of the sale of the bonds of said City, village or borough duly issued for that purpose, but has made no provision by taxation, assessment or otherwise for paying such bonds or the interest thereon, then and in that case the cost of any such improvement, including the cost of engineering, interest during construction and necessary incidental expenses, may be assessed against the property abutting upon the street or public alley in which such water mains, appurtenances and service connections are laid, upon the basis of benefits to such property, but the Council may pay the cost of constructing such well or wells, pumping station, stand-pipe or reservoir, and of laying such water mains across street or alley intersections, and one half the cost of laying such mains in any street or alley opposite any public park or municipal property and the cost of fire hydrants and their connections to the mains, and may also pay such portion of the cost of laying such mains between street intersections or between street and alley intersections, as the Council may determine, provided that where said Council has, pursuant to agreement with individual lot

owners caused to be installed in and upon such lot or lots, water pipes, valves meter boxes or other equipment of a water system, the cost of such installation shall be assessed against said lot or lots as a part of the cost of the service connections above mentioned.

Sec. 2. Same—Procedure.—Within six weeks after the passage of this act the Clerk of said city, village or borough, with the assistance of the engineer or superintendent of the work, shall calculate the amount proper and necessary to be especially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, in accordance with the provisions of Section 1 hereof. The proposed assessment so made shall be filed with the Clerk, for public inspection. Thereupon the Clerk, under direction of the Council, shall cause notice of the time and place when and where the Council will pass upon such proposed assessment. Such notice shall be published in the official paper at least one week prior to the hearing on such proposed assessment. Such hearing may be had at a regular or special, or adjourned regular or special, meeting of the Council. The Council shall hear and pass upon all objections, if any, and may amend the proposed assessment as to any lot or lots: and upon adoption of such assessment by resolution of the Council, the same shall become and constitute the special assessments against the lots, pieces and parcels of land therein described. Such assessments, together with the interest accruing on the total amount thereof, at the rate of six per cent per annum, from the adoption of the same to the first day of June following, shall be a lien upon the property described therein, and all thereof, which lien shall be concurrent with that of the general taxes assessed against such properties. The amount of such assessment and accrued interest shall be payable in equal annual installments, extending over such period, not exceeding twenty years, as the Council may determine by resolution. The first of said installments shall be payable on or before the first day of June following the adoption of the assessment, and all deferred payments shall bear interest at the rate of six per cent per annum from the first day of June, following the adoption of the assessment. It shall be the duty of the Clerk, immediately after the adoption of such assessment by the Council, to transmit a certified duplicate thereof to the County Auditor, by whom the same shall be extended on the proper tax lists, and such assessment shall be collected, accounted for, and paid over in the same manner as other municipal taxes, provided, that the owner of any lot, piece or parcel of land so assessed may, at any time, pay the whole of such assessment, or any installment thereof, with accrued interest.

Sec. 3. Counties and school districts to pay special assessments.—It shall be the duty of the County Boards and the proper school district officials to pay any assessments levied hereunder against property owned by such counties or school districts.

In default of such payment, the amount of such unpaid assessments may be recovered in a civil action, brought by the city, village or borough against the county or school district owning the property so assessed.

Sec. 4. **Supplemental assessments authorized.**—In case of errors or omissions in such assessment with respect to total cost of improvement or otherwise, the Council shall have power to, and shall, make supplemental assessments to provide for and correct such errors or omissions.

Sec. 5. **Reassessments authorized.**—In all cases where any assessment or any part thereof, as to any lot, piece or parcel of land assessed under any of the provisions of this act, for any reason whatever, is set aside, the Council may cause a reassessment or a new assessment to defray the expenses of such improvement to be made.

Sec. 6. **Objectors to file written statement with clerk.**—The party desiring to object to the assessment or his duly authorized agent or attorney, shall, on or before the date of hearing upon such assessment, file with the Clerk a written statement of the objections and all objections not specified therein shall be deemed waived.

Sec. 7. **Appeal to district court.**—Within ten days after the adoption of the assessment, any person aggrieved who appeared and filed objections thereto, may appeal to the district court by serving a notice upon the chief executive officer of the municipality, which notice shall be filed with the Clerk of the District Court, within ten days after the service thereof. The Clerk shall furnish the appellant a certified copy of his objections filed therein, and the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. If appellant does not prevail upon the appeal, the costs incurred, if not paid, shall be included in the special assessment.

Sec. 8. **Definition.**—By the word "Council" as used in this Act, is meant the governing body, and by the word "Clerk" the officer who performs the functions thereof, of such municipality, by whatever title they may be respectively denominated.

Sec. 9. This Act shall take effect and be in force from and after its passage.

Approved March 23, 1923.

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#### CHAPTER 90—H. F. No. 1168.

*An act legalizing bonds heretofore authorized to be issued by counties pursuant to Chapter 209 Laws 1921 for the purpose of funding outstanding floating indebtedness.*