

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

**Section 1. Counties may purchase land for county fair purposes in certain cases.**—That the Board of County Commissioners of any county in this State having not less than 20 nor more than 25 full or fractional townships and having an assessed valuation of not less than \$20,000,000 nor more than \$30,000,000, and which owns in fee simple the title to any part of any tract of land the whole of which has been used exclusively for County Fair purposes for more than five years previous to the passage of this act, is authorized to purchase the balance of such tract, and to pay the purchase price thereof out of any moneys in the Treasury of such County not otherwise appropriated, and to continue to use the whole of said tract for County Fair purposes.

**Sec. 2. Tax levy.**—That such Board may for the purpose aforesaid annually levy in addition to all other taxes, taxes in an amount not exceeding one mill on each dollar of the taxable valuation of such county.

Approved April 11, 1927.

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#### CHAPTER 133 H. F. No. 368

*An act to amend Section 6728, General Statutes 1923, relating to damages to land arising after construction of ditch not awarded by viewers, and authorizing the board of county commissioners to appoint viewers to determine such damages at any time within 15 years after the completion of the ditch, and for the audit and allowance of damages arising more than six and less than 15 years after completion of ditch by board of county commissioners before the payment thereof.*

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

**Section 1. Damages arising after construction—petition—viewers—notice—hearing.**—That section 6728, General Statutes 1923, be amended to read as follows :

"6728. That whenever any land adjacent to any ditch or drain constructed, either under the provisions of this chapter or under any prior drainage law by which the original cost of said ditch or drain was assessed against the benefited property, may be or has been damaged subsequent to the construction of such ditch or drain by reason of a part of the soil being carried away by water flowing through said ditch or drain, or by the deposit of earth or any other foreign substance (snow and ice excepted) on said land, and which damage was not considered and included in the award of the viewers appointed

in the proceedings to construct such ditch or drain, the owner of the land so damaged may, at any time within six years, *except as hereinafter provided*, after the completion of the ditch or drain causing such damage, petition the board of county commissioners of the county where the land claimed to be damaged is situated for the appointment of viewers to ascertain and report the amount of such damages, such petition shall state the description of the land alleged to have been damaged, the amount of damage claimed, the location of the ditch or drain, the description of the land found in the proceedings to construct said ditch or drain to have been benefited by its construction, and the names of the owners of the land benefited, as shown by the last assessment roll. Upon the filing of the petition and a bond in the sum of one hundred dollars, conditioned that if it finally be determined that no damages have been sustained that are properly allowable under this section, the petitioner will pay all the expense of the proceedings had under the petition, it shall be the duty of the board of county commissioners at their next regular or special meeting to appoint three persons who are qualified under the provisions of this chapter, viewers, selecting if practicable the same persons as acted as viewers in the proceedings to construct the drain or ditch causing the damage, and the board of county commissioners shall fix the time and place for the first meeting of the viewers, which shall be not more than twenty days from the date of their appointment, *provided the board of county commissioners may, at any time within 15 years after the completion of the ditch or drain causing such damage, upon petition of the owner of any land adjacent to any ditch constructed as hereinbefore provided and if in its judgment such petition is a meritorious one, appoint three persons, who are qualified under the provisions of this chapter, as viewers to determine such damages, and provided further, that no damages reported by such viewers which have arisen more than six but not to exceed 15 years after the completion of said ditch shall be paid without being audited, allowed and approved by said board of county commissioners, but upon such audit, allowance and approval shall be paid in the same manner as such damages that arose prior to six years after the completion of said ditch as is now provided by law.* In case any of the viewers so appointed shall fail for any cause to qualify, the county auditor shall designate some proper person to take his place. Each of said viewers before entering upon the duties of his office shall take and subscribe an oath that he will faithfully perform his duty as viewer and file the same in the office of the county auditor. Upon the appointment of the viewers the county auditor shall give notice to parties interested, and whose lands are liable to be assessed for the payment of the damages claimed, by one publication at least one week before the first meeting of

the viewers in the newspaper in which the last delinquent real estate tax list was published, if that paper is still published in the county, and if not, in some legal newspaper printed and published in the county, and if there is none, in some newspaper published at the state capitol, stating the date and the first meeting of the viewers, and that any party interested may appear at that meeting and at such other time and place as the viewers may fix, and be heard in relation to the damages and such other matters as the viewers are authorized to hear and determine, and proof of the publication of said notice shall be filed in the office of the county auditor prior to the first meeting of the viewers.

**Sec. 2. Limitations for filing claims.**—*After the first day of October 1927 no claim for damages under the provisions of this act shall be entertained or allowed unless duly presented within six years after the completion of the ditch.*

Approved April 11, 1927.

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#### CHAPTER 134—H. F. No. 728

*An act relating to cities of the first class, authorizing any such city which maintains and operates a municipal water plant to furnish water, and extend its mains, to cities, towns and villages whose territory is contiguous to any such city.*

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

**Section 1. City water mains to be extended in certain cases.**—Any city of the first class, including such cities operating under a home-rule charter adopted pursuant to Section 36, Article 4 of the Constitution of the State of Minnesota, which maintains a municipally owned and operated water plant or department, whether such water plant is under the control of the city council or a board of water commissioners, is hereby authorized to furnish water to, and extend its mains into, any city, town or village whose territory is contiguous to such city, and to assess the cost of extending said mains against the property abutting on the street in which said mains are laid.

**Sec. 2. Assessment against benefited property.**—Whenever any such city extends its mains and furnishes water to contiguous cities, towns or villages, under the provisions of this act, and is operating under a home-rule charter adopted pursuant to Section 36, Article 4 of the Constitution of the State of Minnesota, the cost of such mains shall be assessed and the assessment collected in the manner prescribed by its charter, provided, however, that no such mains shall be extended or