

or marine corps, or ensign or higher in the navy, or any commissioned officer in active service of any component of the armed forces of the United States as now or hereafter constituted, which officer shall certify thereto over his official signature and title in substantially the form applicable as provided in section 358.26, omitting reference to an official seal. Such certificate shall state that the person so acknowledging is at the time of acknowledgment enlisted or employed in the armed forces of the United States and that the officer taking the acknowledgment is in the active service of the armed forces of the United States. The authentication of acknowledgments provided by section 358.26 is not required. No charge of any character shall be paid to or exacted by any officer taking the acknowledgment.

Subd. 2. Previous acknowledgments validated. Any instrument heretofore acknowledged by the wife of any person named in Subdivision 1 is hereby legalized and validated.

Approved April 23, 1947.

CHAPTER 524—H. F. No. 1519

[Not Coded]

An act relating to the parking of motor vehicles in cities of the first class now or hereafter having a population of 450,000 persons or over, providing for the acquiring, establishing, developing, maintaining, controlling and operating of facilities for the parking of motor vehicles in cities of the first class, and for financing the establishment and operation of such facilities, and repealing Laws 1945, Chapter 470.

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

Section 1. Declaration of policy. It is hereby declared that in cities of the first class now or hereafter having a population of 450,000 persons or over, public safety, health and the general welfare requires that in order to reduce traffic congestion, facilitate the flow of traffic, reduce traffic accidents, improve means of ingress and egress into all sections of such communities for fire and police equipment, public service vehicles, and for the convenience and service of the general public, the governing bodies of such cities should be

and they are hereby authorized to provide and operate off-street public motor vehicle parking facilities.

Sec. 2. Powers of governing body. Subdivision 1. Acquisition by eminent domain; declaration of public purpose. The governing body of each such city of the first class may acquire by eminent domain, purchase, lease or gift, all necessary right, title and interest in and to lands or other property required for the carrying out of the purposes of this act. The title obtained to lands acquired by condemnation or purchase for such purposes shall be an absolute estate in fee simple, and shall vest in the city. Any properties, real or personal, acquired, owned, leased, controlled, used or occupied for the purposes contemplated by this act are declared to be acquired, owned, leased, controlled, used and occupied for public, governmental and municipal purposes.

Subd. 2. Improvement of property. Whenever the governing body shall determine to acquire lands or improve property with or without the erection of structures for the purpose of establishing, operating or conducting public motor vehicle parking lots, such lands or improvements shall be acquired or improved under and pursuant to Minnesota Statutes 1945, Chapter 430, except as is herein otherwise provided. The authority to so acquire and improve land shall extend to lands theretofore acquired under eminent domain or used for any public purpose.

Subd. 3. Competitive bids; contracts. All work of such improvement, construction, alteration or repair may be done by the city, or the governing body may, after taking competitive bids, let such work by contract to the lowest and best bidder. The governing body may also, after taking competitive bids, let by contract to the highest bidder any gasoline pumps or automobile greasing facilities located on and in connection with the operation of such motor vehicle parking lots, but no such contract for any such fuel or greasing facility shall be made for any longer period than two years.

Subd. 4. Establish parking rates; disposition of receipts. The governing body shall fix or agree upon rates for the parking of motor vehicles and other use of such facilities, which rates may vary in accordance with the location, character and extent of services, costs or other reasonable differences. All moneys received by the city from the use and operation of motor vehicle parking facilities shall be kept in a separate fund to be known as the "off-street parking fund" and shall be kept separate and distinct from all other city

funds until disposed of by the governing body as authorized by this act. Funds which may be available in any other permanent or current fund may be advanced to such fund for temporary use for any of the purposes of this act, and shall be returned to the fund, or funds, from which so advanced when receipts from the project shall permit.

Sec. 3. Financing. Subdivision 1. Plans and estimates. Before the appointment of commissioners in any proceedings for the taking or improvement of lands, or both, for public motor vehicle parking lots, which improvements may include the construction, alteration or extension of structures and enclosures for parking motor vehicles, together with any necessary appurtenances, the governing body shall cause to be prepared plans and estimates of all costs for such proposed motor vehicle parking facilities, together with all anticipated revenues therefrom, and shall after such plans and estimates have been presented to it, either approve the same or order them returned for further consideration or adjustment, or reject them and abolish such proceedings. Whenever the governing body shall approve such plans and estimates it shall determine the total amount to be assessed against any benefited property, but such total assessment shall in no case be less than 50 per cent of the total costs of such taking and improvement.

Sec. 4. Method. Subdivision 1. Defrayed in part out of general fund; off-street parking fund. The governing body in order to provide necessary funds for such acquisition of land or construction of improvements, or both, for such motor vehicle parking facilities, may provide by the resolution appointing the commissioners that the unassessed portion of cost shall be defrayed out of the city's general funds, notwithstanding any limitation contained in Minnesota Statutes 1945, Chapter 430, and such share of the cost either shall be added to the amount of the certificates to be sold under Minnesota Statutes 1945, Section 430.12, or shall be provided by the issue of general obligation permanent improvement bonds. The total amount of all revenues in excess of operating expenses in relation to motor vehicle parking facilities shall be paid into the off-street parking fund for the purpose of meeting interest upon and the maturities of such certificates or general obligation permanent improvement bonds issued to fund the unassessed portion of the cost of such motor

vehicle parking facilities, and for the refunding of any amounts borrowed from any other funds.

Subd. 2. **Surplus funds may be used to acquire additional facilities.** Unencumbered revenues derived by the city from the operation of such motor vehicle parking facilities may be used for the further acquisition or improvement of lands for motor vehicle parking facilities, for the maintenance of such facilities, or for such other purposes as the governing body may determine.

Sec. 5. **Borrowing.** Subdivision 1. **Special certificates of indebtedness.** The governing body for the purpose of realizing the funds for the acquisition and improvement of public motor vehicle parking lots, may, from time to time as may be needed, issue and sell special certificates of indebtedness or special public motor vehicle parking lot improvement bonds as they may decide, or, if deemed advisable, a series of two or more certificates or bonds against any one project, or against two or more different proceedings, the principal and interest being payable at fixed dates out of the funds collected from such assessments or receipts, including interest and penalties, and the whole of the fund or funds is hereby pledged for the pro rata payment of the certificates or bonds and the interest thereon, as they severally become due. These certificates or bonds may be made payable to the bearer, with interest coupons attached, and the governing body may bind the city to make good deficiencies in the collection up to, but not exceeding, the principal and interest at the rate fixed, as hereinafter provided, and for the time specified in Minnesota Statutes 1945, Section 430.06. If the city, because of this guaranty, shall redeem any certificate or bond, it shall thereupon be subrogated to the holder's rights. For the purpose of this guaranty, penalties collected shall be credited upon deficiencies of principal and interest before the city shall be liable. These certificates or bonds shall be sold at public sale or by sealed proposals at a meeting of which at least two weeks' published notice shall be given, to the purchaser who will pay the per value thereof at the lowest interest rate, and the certificates or bonds shall be drawn accordingly, but the rate of interest shall in no case exceed five per cent per annum, payable annually or semiannually. The city clerk shall certify to the county auditor the rate of interest so determined at the first bond sale held for any such improvement, and interest shall be computed upon the assessments at this annual rate, in accordance with the terms of Minnesota Statutes 1945, Section 430.06. In case the rate of interest so determined at any subsequent bond sale for the same

improvement is greater than the rate so determined at the first bond sale therefor, the difference between these rates of interest shall be a general city charge.

Subd. 2. Surplus proceeds of borrowing may be used temporarily for other improvements. In case the proceeds of any special certificates of indebtedness or special public motor vehicle parking facilities improvement bonds are in excess of the amount actually necessary to make the improvements for which the same were issued, or in case the proceeds are not immediately required for the prosecution or completion of the improvement, these proceeds may meanwhile be used by the governing body for the making of other improvements authorized under the provisions of this chapter, and the amount of the proceeds so used shall be replaced and made good so far as may be necessary from the proceeds of special certificates of indebtedness or special bonds issued for the purpose of making such other improvements.

Subd. 3. Assessments. Assessments made under this act pursuant to the provisions of Minnesota Statutes 1945, Chapter 430, shall be called **SPECIAL MOTOR VEHICLE PARKING LOT ASSESSMENTS OF THE CITY OF.....** and numbered consecutively, and otherwise established and administered in conformity to the provisions of Minnesota Statutes 1945, Chapter 430.

Sec. 6. Powers supplementary. The powers herewith granted shall be deemed an addition to all powers under existing laws and city charters and not a repeal or modification thereof.

Sec. 7. Construed to be city operated. The term "off-street public motor vehicle parking facilities" shall be construed to mean such city-operated public parking lots and facilities as are authorized by this act.

Sec. 8. L. 1945, C. 470, repealed. Laws 1945, Chapter 470, is hereby repealed, in so far as they are inconsistent with the provisions of this act.

Approved April 23, 1947.