

412.851 VILLAGES

public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the village, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in his transfer records and note upon the instrument, over his official signature, the words "entered in the transfer record." The notice shall then be filed with the register of deeds. Any failure to file the notice shall not invalidate any such vacation proceedings.

[1973 c 494 s 11]

412.861 Prosecutions, violations of ordinances

Subdivision 1. Complaint. All prosecutions for violation of ordinances shall be brought in the name of the village upon complaint and warrant as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which he shall be required to plead, and a warrant shall issue thereon. The warrant and all other process in such cases shall be directed for service to any police officer, marshal, process officer, court officer, if there is a municipal court in the village, or constable of any town or city in the county, to the sheriff of the county, or all of them.

[1973 c 34 s 5]

[For text of subds. 2 and 3, see M.S.1971]

CHAPTER 413. CHANGE OF NAME

Sec.

413.02 Change of name.

413.02 Change of name

Subdivision 1. Statutory city; procedure. When 20 percent of the legal voters of a statutory city shall petition the governing body thereof for a change of its name, the question of such change of name may be submitted to the voters of the municipality at any general or special election; and, if a majority of all the votes cast upon the question are in favor of such change, the governing body of the municipality may by ordinance, by a four-fifths vote of all members thereof, change the name of the municipality.

Subd. 2. Filing; effect. Upon the filing of a certified copy of the ordinance with the auditor of the county in which the city is located and with the state auditor and the secretary of state, the name of such city shall be changed as in such ordinance provided. Such change in name shall in no way affect any liability, obligation, power, duty, law, or ordinance, or other matter or thing in any way relating to such city, excepting that the new name of such city shall thereafter be substituted for and used in the place of its old name.

Subd. 3. City to postoffice; procedure. The name of any statutory city in this state may be changed to the same name as the postoffice therein, by an ordinance of the statutory city so declaring, duly and legally adopted by the council thereof, when the name of the statutory city is different from the name of the postoffice therein as designated by the United States postal authorities.

Subd. 4. When effective. Upon the filing of a certified copy of such ordinance with the auditor of the county in which the city is located, and with the state auditor and the secretary of state, the name of the city shall be changed as in such ordinance provided. Such change in name shall in no way

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affect any liability, obligation, power, duty, law, or ordinance, or other matter or thing in any way relating to the city, excepting that the new name of the city shall thereafter be substituted for and used in place of its old name.

Subd. 5. Use of term village; procedure. Any statutory city which was a village or a borough on December 31, 1973, may continue to employ the term "village" or "borough" for any purpose including, but not limited to, internal administration, public communications, and published and posted notices; provided, however, that in all proceedings governed by statute or rule or regulation of a state agency and in all legal proceedings to which the city is a party, the term "city" shall be employed. The validity of any proceeding commenced or action taken by a village or borough prior to January 1, 1974 in which the term "village" or "borough" was employed shall not be affected by the provisions of this subdivision.

[1973 c 123 art IV s 3]

CHAPTER 414. INCORPORATION, DETACHMENT, ANNEXATION

Sec.	Sec.
414.01 Creation of a commission.	414.041 Consolidation of two or more municipalities.
414.02 Municipal incorporation.	414.061 Concurrent detachment and annexation of incorporated land.
414.031 Annexation of unincorporated property to a municipality by commission order.	414.067 Apportionment of assets and obligations.
414.032 Orderly annexations within a designated area.	414.068 Zoning and subdivision regulation within orderly annexation areas [New].
414.034 Commission designation of orderly annexation area [New].	

414.01 Creation of a commission

[For text of subds. 1 to 13, see M.S.1971]

Subd. 14. When a commission order enlarges or diminishes the area of an existing municipality or town, or creates a new municipality, the population of such municipality or town for all purposes shall be as found by the commission at its hearing, until the next federal census.

[1973 c 621 s 1]

Subd. 15. When a commission order enlarges an existing municipality or creates a new municipality, the commission shall indicate in its order the estimated increased costs to such municipality as the result of such annexation or consolidation, and the time period that such municipality would be allowed a special levy for these increased costs pursuant to section 275.50, subdivision 5, clause (s). This subdivision shall apply to annexations or consolidations of municipalities in levy year 1971 or a subsequent levy year.

[1973 c 650 Art IV s 18]

414.02 Municipal incorporation

Subdivision 1. Initiating the incorporation proceedings. This section provides the exclusive method of incorporating a municipality in any county containing a city of the first or second class, in any county within any metropolitan areas as defined in section 473.02, subdivision 5, or in any other area of Minnesota if the proposed new municipality is within four miles of the boundary of an existing municipality. In any other area in Minnesota the petition or resolution for incorporation shall be filed with the board of county commissioners which shall apply the standards and procedures of this section in determining whether or not to order an incorporation. Hearings before the board of county commissioners shall be conducted by the secretary. Proceedings for incorporation of a municipality may be initiated by petition of 100 or more property owners or by resolution of the town board having jurisdiction within an area containing a resident population of not less than 500 persons, and which is not included within the limits of any incorporated municipality and which area includes land that has been platted into lots and blocks in the manner provided by law. The petition or resolu-