

General Provisions

CHAPTER 465

RIGHTS, POWERS

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465.01 RIGHT OF EMINENT DOMAIN. All cities and villages may exercise the right of eminent domain for the purpose of acquiring private property within or without the corporate limits thereof for any purpose for which it is authorized by law to take or hold the same by purchase or gift and may exercise the right of eminent domain for the purpose of acquiring a right of way for sewerage or drainage purposes and an outlet for sewerage or drainage within or without the corporate limits thereof. The procedure in the event of condemnation shall be that prescribed by chapter 117, or that prescribed by the charter of such village or city.

[R. L. s. 766; 1917 c. 424 s. 1] (1829)

465.013 PROPERTY OR EASEMENTS NOT ACQUIRED BY PRESCRIPTION. No city of the first class or any board or department thereof shall hereafter obtain or acquire title to real property or any right or easement therein by prescription or adverse possession. This section shall not be construed to prevent the adjudication hereafter of title in such city in cases where lapse of time and adverse possession have already ripened into title but no adjudication thereof has yet been had.

[1943 c 582 s 1, 2]

465.02 LANDS DEEDED TO STATE; MODIFICATION OF CONDITIONS.

Any city or village in this state, that has heretofore deeded, or may hereafter deed, to the State of Minnesota any lands to be used by the state for a public purpose in such deed stated, conditioned, among other things, that such lands shall be so used by the state for a period of time, which time exceeds 20 years, and in case such use is not made thereof for the stated time, then such land shall revert to such city or village, may at any time after 15 years from the date of the deed by a majority vote of the city or village council at any regular meeting thereof, or at a properly called special meeting of such council, pass a resolution or enact an ordinance modifying the terms and conditions above specified and permit the non-compliance by the state with such terms and conditions as originally made, either wholly or in part, and such resolution so adopted shall operate as a release of the state from such terms and conditions to the extent provided in such resolution and the action by the state in conformity with such resolution shall not in any way cause a reversion to such city or village of the lands or any part thereof or interest therein.

[1911 c. 182 s. 1] (1930)

465.025 GIFTS OF LAND TO STATE. Any municipal corporation in the State of Minnesota, owning lands in fee simple and not restricted by the grant, which are no longer necessary for municipal purposes, may convey said lands to the State of Minnesota without consideration when duly authorized by the governing body of said municipal corporation and the governor is authorized to accept such conveyances in behalf of the state.

[1947 c 8 s 1]

465.026 CONVEYANCE OF LANDS TO PROMOTE INDUSTRY AND EMPLOYMENT. Any municipality owning lands in fee simple and not restricted by the grant, may convey such lands for a nominal consideration to encourage and promote industry and provide employment for citizens.

[1947 c 463 s 1]

465.03 GIFTS TO MUNICIPALITIES. Any city, county, school district, town, or village may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full.

[R L s 767; 1913 c 319 s 1; 1949 c 294 s 1] (1830)

465.035 PUBLIC CORPORATIONS, CONVEYANCE OF LAND. Any county, town, village, city or other public corporation may convey its lands for nominal or without consideration to any governmental subdivision, another public corporation or to the Minnesota State Armory Building Commission for public use when authorized by its governing body.

[1947 c 34 s 1; 1951 c 73 s 1]

465.036 GIFTS, HOSPITALS. Counties, cities and villages, however organized, may accept gifts to aid in building, acquiring, equipping or maintaining public hospitals whether such hospital is maintained by a county, a city, or a village, or by any combination thereof.

[1949 c 152 s 1]

465.04 ACCEPTANCE OF GIFTS. Cities of the second, third, or fourth class, having at any time an assessed valuation of not more than \$10,000,000, exclusive of money and credits, as officially equalized by the commissioner of taxation, either under home rule charter or under the laws of this state, in addition to all other powers possessed by them, hereby are authorized and empowered to receive and accept gifts and donations for the use and benefit of such cities and the inhabitants thereof upon terms and conditions to be approved by the governing bodies of such cities; and such cities are authorized to comply with and perform such terms and conditions, which may include payment to the donor or donors of interest on the value of the gift at not exceeding five per cent per annum payable annually or semiannually, during the remainder of the natural life or lives of such donor or donors.

[1923 c. 395 s. 1] (1663)

465.05 TAX LEVY TO PAY INTEREST. When any such city shall so accept such gift or donation the governing body thereof shall have the right to enter such

a written contract for the payment of such interest so determined upon, it shall be the duty of the city council annually, at the time other taxes are levied, to levy a tax sufficient to pay such obligation so incurred.

[1923 c. 395 s. 2] (1664)

465.06 CERTAIN CITIES MAY EXTEND, EXECUTE, OR RENEW MORTGAGES. When any city of the fourth class has obtained title to any real estate subject to a mortgage the council of that city or a proper agency thereof acting with the consent of the council of that city may extend or renew such mortgage or may execute a new mortgage of the property. All funds secured by the new or extended mortgage must be used exclusively for the payment of the principal and interest of the original mortgage and for the payment of all prior liens on the property and for no other purpose.

[1939 c. 190 s. 1] (1762-1)

465.07 MORTGAGES MAY BE FORECLOSED. In case of default of any mortgage made pursuant to sections 465.06 to 465.08 the mortgagee or those claiming under him may foreclose the mortgage as any other mortgage, but in no case may the mortgagee or those claiming under him recover from the city any amount in excess of the amount obtained for the property at the foreclosure sale.

[1939 c. 190 s. 2] (1762-2)

465.08 TO SUPERSEDE OTHER LAWS. Sections 465.06 to 465.08 shall prevail over any contrary provision contained in a municipal home rule charter.

[1939 c. 190 s. 3] (1762-3)

465.09 DAMAGES; NOTICE OF CLAIM; LIMITATION. Every person who claims damages from any city, village, or borough for or on account of any loss or injury sustained by reason of any defect in any bridge, street, sidewalk, road, park, ferry-boat, public works, or any grounds or places, or by reason of the negligence of any of its officers, agents, servants, or employees, shall cause to be presented to the common council or other governing body, within 30 days after the alleged loss or injury, a written notice, stating the time, place, and circumstances thereof, and the amount of compensation or other relief demanded. No action therefor shall be maintained unless such notice has been given; or if commenced within ten days thereafter, or more than one year after the occurrence of the loss or injury.

[1913 c. 391 s. 1] (1831)

465.091 LIMITATION OF TIME IN WHICH CERTAIN ACTIONS MAY BE BROUGHT. In respect to injuries sustained on or after October 26, 1941, the time to bring actions for damages under section 465.09, for injuries sustained is hereby extended for two years from the date of injury, whenever the claimant or his attorney is serving or has served in the armed services of the United States of America or the Minnesota State Guard, during any portion of the first year following the date of such injury.

[1943 c. 525 s. 1]

465.10 CLAIMS BASED ON RELATION OF MASTER AND SERVANT. The provisions of section 465.09 shall apply when the claim is based on the failure of the city, village, or borough in one of the duties assumed by or imposed upon it as a master or employer.

[1913 c. 391 s. 2] (1835)

465.11 CLAIMS FOR DEATH; NOTICE. The provisions of section 465.09 shall apply when the claim is one for death by wrongful act or omission and, in that case, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death; provided that if the person for whose death the claim is made, shall have duly presented within 30 days, a notice which would have been sufficient had he lived, the same shall be deemed sufficient within the terms of sections 465.09 to 465.12.

[1913 c. 391 s. 3] (1832)

465.12 APPLICATION. Sections 465.09 to 465.12 shall apply to cities and villages existing under a charter framed pursuant to the Constitution of the State of Minnesota, Article 4, Section 36.

[1913 c. 391 s. 5] (1833)

465.13 JUDGMENT AGAINST MUNICIPALITY; PAYMENT. No execution shall issue on a judgment for the recovery of money against a city, village, or borough, except as hereinafter provided. Upon delivery of a certified copy of the

judgment, the treasurer of such municipality shall pay it out of any moneys in or coming into his hands not otherwise appropriated, unless collection thereof be stayed on appeal, always retaining a sufficient sum to pay necessary current expenses; and, if he fails so to do, he and his bondsmen shall be liable for the amount. In case there be no such treasurer, then, upon delivery of such certified copy and an affidavit of the judgment creditor, his agent or attorney, showing the amount due, and that the judgment has not been stayed on appeal, the county treasurer shall pay such judgment out of the funds of the municipality in or coming into his hands, taking receipt therefor.

[R. L. s. 769] (1884)

465.14 TAX LEVY; EXECUTION. When a judgment against a city, village, or borough is unpaid at the time of the annual tax levy, unless the proper officers thereof have otherwise provided sufficient funds to pay the same before the time for collection of such tax levy, they shall levy a tax to pay such judgment and certify the same and the purpose thereof to the county auditor. If the judgment be not paid within 20 days after the time fixed by law for the county treasurer to pay over to the treasurer of the municipality the moneys in his hands belonging to it on account of such annual tax levy, execution may issue on such judgment, but only the property of such municipality shall be liable thereon. If there be no officers of the municipality to levy such tax, the judgment creditor may apply to the county auditor, who, upon being satisfied that the judgment has not been paid or stayed, shall levy and extend the tax.

[R. L. s. 770] (1886)

465.15 CITIES MAY ACQUIRE EXEMPT PROPERTY. Each city of the first class now or hereafter having a population of 50,000 inhabitants or more, including each such city operating under a charter adopted pursuant to the provisions of the Constitution of the State of Minnesota, Article 4, Section 36, is hereby authorized and empowered to acquire by purchase, condemnation, or otherwise any right or interest in land either platted or unplatted within the limits of the city, which interest in land consists of a right or privilege in the owner of the land to offset certain amounts against special assessments levied by the governing body, the city council, or the board of park commissioners of such city for park or parkway purposes, or both.

[1931 c. 385 s. 1] (1541-1)

465.16 RIGHT OF EMINENT DOMAIN. In the event that the chief governing body, city council or board of park commissioners of such city shall exercise such right by condemnation such body may do so under any laws provided for the condemnation of real property or eminent domain or under any provision of the charter of such city granting to such body the right of condemnation or eminent domain; or, it being for the best interests of such city, such chief governing board, city council, or board of park commissioners shall have the power and authority to acquire the rights by purchase, taking into consideration the present worth of such right to exemption and the probability or improbability that such exemptions would ever be used as an offset to future assessments for benefits.

[1931 c. 385 s. 2] (1541-2)

465.17 MAY ISSUE BONDS. In order to carry out the purpose of sections 465.15 to 465.17 each such city is hereby authorized to issue bonds or certificates of indebtedness to secure funds for the amount necessary to acquire the right and the city council or other chief governing body shall levy annually a tax on all the taxable property of the city sufficient to meet the interest and the principal about to mature on the bond.

[1931 c. 385 s. 3] (1541-3)

465.18 STATE'S OWNERSHIP OF BED OF NAVIGABLE RIVER. The ownership of the beds and the lands under the waters of all rivers in this state which are navigable for commercial purposes are hereby declared to be and shall be in the State of Minnesota in fee simple, subject only to the regulations made by the congress of the United States with regard to the public navigation and commerce and the lawful use by the public of the waters while thereon.

[1911 c. 291 s. 1] (1349)

465.19 CHANGE OF CHANNEL WITHIN AND AT COST OF CITY; CITY'S OWNERSHIP. When any portion of the channel of any river navigable for commercial purposes within the limits of any city in this state is changed by or under the authority of the United States government or any other authority for the

improvement of navigation and the cost of such change or any portion thereof is borne by the city within which change is made the old bed of the river or portion thereof abandoned by reason of any such change, shall belong to and become the property in fee simple of the city in which the same is situate without further act or ceremony. The filing and recording in the office of the register of deeds of the county in which such city is located, of a copy of this bill together with a plat or map certified by the secretary of war of the United States or the United States government engineer in charge of the changes of the channel hereinbefore referred to, showing the respective locations of the water line of the old or original bed of the river and such changed location, shall constitute sufficient evidence of title of such city to the old river bed and lands hereinbefore referred to. Upon the request of any such city the governor and state auditor shall also execute and deliver to such city a deed of conveyance transferring all of the right, title, and interest of the State of Minnesota in and to such old river bed and lands within the limits of such city, and the lands so reclaimed or acquired may be held, used, or disposed of by such city as the common council shall determine to be for the best interests of such city.

[1911 c. 291 s. 2] (1350)

465.20 TO WHAT CITIES APPLICABLE. Sections 465.18 to 465.20 shall apply to all cities including those now or hereafter governed by a charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36.

[1911 c. 291 s. 3] (1351)

465.21 CITY TO GIVE NOTICE OF INTENT. When any council or other governing body or official board of any city of the first class in the state operating under a home rule charter which has now or may hereafter have a population of 350,000 or more shall determine by the exercise of the right of eminent domain or pursuant to any general or special law or proceedings or pursuant to authority granted by home rule charter to lay out, extend, widen, straighten, or open any street, avenue, alley, roadway, parkway, or boulevard which may now or hereafter exist or to acquire lands or easements in lands therefor or to improve the same by grading, laying of water mains, constructing sewers, sidewalks, curbs, and gutters, or to establish or construct subways, overhead railways or crossings, building line easements or boulevards in, upon, or along the same or to acquire easements or rights in lands for the purpose of constructing bridges or viaducts or drains or ditches or to change the course of or divert any stream of water (except the Mississippi river) or who shall determine to acquire lands or buildings for public purposes for which there shall be levied a special assessment on any property for such purposes or who shall determine to regulate or restrict the use of buildings or lands by zoning pursuant to any law now or hereafter enacted authorizing the same shall give notice of such intent in accordance with section 465.23.

[1929 c. 383 s. 1] (1630-2½a)

465.22 WHO SERVED. When any official of any such city shall, pursuant to any authority given him by law, ordinance, or provision of the city charter, issue any order, decree, notice, or warning in connection with any specific building or land not public property and including lands and buildings used or occupied by public service corporations, he shall serve a copy of such order, decree, notice, or warning upon the owner of such lands or building, or both, affected by such notice in the manner provided in section 465.23. The notice herein provided for shall include notices given by the commissioner of health affecting the sanitary condition of buildings or property, also those with respect to the existence of communicable diseases.

[1929 c. 383 s. 2] (1630-2½b)

465.23 FORM OF NOTICE. The notices required in sections 465.21 and 465.22 shall be served upon the owner of such lands or buildings in the manner prescribed by statute for serving notices in civil actions, in case the owner is a resident of such city and is known to the officer charged with the duty of making such service. In case the owner is not a resident of the city or is not known or cannot be found by reasonable investigation a copy of such notice shall be mailed to the owner if known and not a resident of such city or if not known to the person whose name appears on the records of the county auditor or the register of deeds in the county in which such city is located as the person who last paid the taxes on such property by depositing a copy of such notice in the post-office postage prepaid, and addressed

to the person above specified in an envelope plainly bearing on its front in type no smaller than ten point the words "Important notice affecting your property." Such notice shall be general in its character, but shall include a statement of the nature of the proceeding which affects the property of the person to whom such notice is sent; the officer or department of the city from whom further information may be secured and the address to which written communications or personal requests may be made.

[1929 c. 383 s. 3] (1630-2½c)

465.24 APPLICATION. It is the intent of sections 465.21 to 465.25 to provide only the manner in which notices shall be served upon owners of property in connection with official proceedings or actions above specified. It shall not affect provisions of any law only in so far as it relates to the giving of notice to owners. All other requirements, stipulations, and provisions of each and all of these laws in so far as they are not inconsistent with sections 465.21 to 465.25 shall be and remain in full force and effect.

[1929 c. 383 s. 4] (1630-2½d)

465.25 ACT PARAMOUNT. Sections 465.21 to 465.25 shall be paramount to and supersede any provisions of any law or charter which are inconsistent therewith.

[1929 c. 383 s. 5] (1630-2½e)

465.26 DIVERSION OF UNNAVIGABLE STREAMS; RAISING WATERS OF LAKES. Any city of this state now or hereafter having a population of more than 50,000 according to the last preceding state or national census, may, if in the judgment of its city council, the public health or welfare of its citizens will be promoted thereby, divert any unnavigable stream, flowing wholly or partly within the corporate limits, from its natural bed to an artificial channel or to another watercourse. The diversion may take place at any feasible or desirable point within or without the corporate limits, and the new channel may be created within or without or partly within and partly without the corporate limits. For the purpose of controlling and regulating the flow of such stream in its new channel, the city may, by the erecting of dams or other suitable means, raise the waters of any lake or lakes from which the stream may flow, or through which the new channel may flow, and control and regulate the discharge from such lake or lakes, and straighten, enlarge, and make such changes and improvements in the channels as may be necessary for such purposes. Such new channels may, where necessary, cross any highway or railway; in which case suitable bridges shall be provided.

[1905 c. 18 s. 1] (1509)

465.27 ORDINANCE; SURVEY AND MAP. The city council shall by ordinance first adopt and file with the city clerk a survey and map showing the point at which it is proposed to divert the stream, the route of the new channel, the sites of dams and other controlling works, the lands proposed to be taken for right of way and for flowage purposes, the levels to which it is proposed to raise and between which it is proposed to maintain the waters of any lake, a profile of the route and of the water surface, the cross-section of the proposed new channel, the enlargement, if any, of any existing channel, the bridges, tunnels, culverts to be built, and in general, the entire extent and scope of the improvement as nearly as may be.

[1905 c. 18 s. 2] (1510)

465.28 LANDS; HOW ACQUIRED. The city council may acquire in the name of the city by grant, dedication, purchase, or devise the lands and the rights necessary to carry out such improvements.

[1905 c. 18 s. 3] (1511)

465.29 CONDEMNATION; SPECIAL ASSESSMENTS. The power of eminent domain and the power to levy special assessments for benefits are hereby delegated to such cities for the purposes of sections 465.26 to 465.48, to acquire the lands and rights needed or any of them, to be exercised as follows.

[1905 c. 18 s. 4] (1512)

465.30 ORDINANCE; APPRAISERS. The city council shall by ordinance determine and declare as nearly as may be the cost of such improvements, exclusive of damages to property, and appoint five appraisers, who shall be disinterested freeholders and qualified voters of the county, and none of whom shall be residents of the town or ward or wards of the city in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making such improvement, and to assess special benefits resulting therefrom. These appraisers shall be notified

as soon as practicable by the city clerk to attend, at a time fixed by him, for the purpose of qualifying and entering upon their duties. When a vacancy may occur among these appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the city council.

[1905 c. 18 s. 5] (1513)

465.31 OATH. The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the city council.

[1905 c. 18 s. 6] (1514)

465.32 NOTICE OF MEETING. The appraisers shall give notice of their meeting by publication in the official newspaper of the city, once a week for six consecutive weeks, which last publication shall be at least ten days before the day of such meeting, which notice shall name the stream to be diverted, the point of diversion, the general course of the new channel and the height to which it is proposed to raise or maintain any lake, the location of proposed bridges, culverts, or tunnels, the estimated cost of construction, and contain a description of the lands designated by the city council to be taken for right of way and for flowage purposes, and give notice that a plan of the improvement has been filed in the office of the city clerk, and that the appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by the diversion of water or otherwise by such improvement, and to assess benefits in the manner hereinafter specified. If any portion of such stream or of the lands to be taken is outside of the county containing such city, then the notice shall be published for a like time in some newspaper in such outside county.

[1905 c. 18 s. 7] (1515)

465.33 MAILING NOTICES. A copy of all subsequent notices relating to the proceeding which are required to be published, shall be mailed by the city clerk immediately after the first publication thereof to such persons as shall have appeared in the proceedings and requested in writing that such notices be mailed to them.

[1905 c. 18 s. 8] (1516)

465.34 MEETING OF APPRAISERS; DAMAGES AND BENEFITS. At the time and place mentioned in the notice, the appraisers shall meet and thence proceed to view the premises, and hear any evidence or proof offered by the parties interested and may adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded they shall determine the amount of damages, if any, suffered by each piece or parcel of land affected by the improvement. They shall determine the amount of special benefits, if any, occurring by reason of diversion of water, drainage, or otherwise, to each piece or parcel of land wherever situate and whether contiguous to the improvement or not. If the damages exceed the benefits to any particular piece, the excess shall be awarded as damages. If the benefits exceed the damages to any particular piece, the difference shall be assessed as benefits, but the total assessment for benefits shall not be greater than the aggregate net award of damages added to the estimated cost of construction; and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual special benefits after deducting the damages, if any.

[1905 c. 18 s. 9] (1517)

465.35 BUILDINGS. If there be any buildings standing, in whole or in part, upon any parcel of the land to be taken, the appraisers shall, in such case, determine the amount of damages which should be paid to the owners thereof, in case such building, or so much as may be necessary, should be taken, and shall appraise and determine the amount of damages to be paid such owners in case they shall elect to remove such buildings.

[1905 c. 18 s. 10] (1518)

465.36 DIFFERENT OWNERS OR INTERESTS. If the land and buildings belong to different persons or if the land be subject to lease, mortgage, or judgment, or if there be any estate less than an estate in fee, the injury or damage done to such person, or interests, respectively, may be awarded to them separately by the appraisers. Neither such award of the appraisers, nor the confirmation thereof

by the city council, shall be deemed to require the payment of such damages to the person or persons named in such award, in case it shall transpire that such persons are not entitled to receive the same.

[1905 c. 18 s. 11] (1519)

465.37. REPORT. The appraisers having ascertained and appraised the damages and assessed the benefits, as aforesaid, shall make and file with the city clerk a written report of their action in the premises, embracing a schedule and appraisal of the damages awarded and benefits assessed, with descriptions of the lands, and the names of the owners, if known to them, and a statement of the costs of the proceeding.

[1905 c. 18 s. 12] (1520)

465.38. NOTICE OF APPRAISEMENT; CONFIRMATION OR ANNULLMENT. Upon such report being filed, the city clerk shall give notice that such appraisal has been returned and that the same will be considered by the city council at a meeting thereof to be named in the notice, which notice shall contain the schedule of damages awarded and benefits assessed and be published in the official newspaper of the city once a week for two consecutive weeks, and the last publication shall be at least ten days before such meeting. Any person interested in any building standing in whole or in part upon any land required to be taken by such improvement shall, on or before the time specified for the meeting in such notice, notify the city council in writing of his election to remove such building, if he so elect. The city council, upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise, or annul the appraisal and assessment, giving due consideration to any objections interposed by parties interested in the manner hereinafter specified; provided that the city council shall not have the power to reduce the amount of any award nor increase any assessment. In case the appraisal and assessment is annulled, the city council may thereupon appoint new appraisers, who shall proceed in like manner as in case of the first appraisal, and upon the coming in of their report, the city council shall proceed in a like manner and with the same powers as in the case of the first appraisal.

[1905 c. 18 s. 13] (1521)

465.39. AWARD; APPEAL. If not annulled or set aside, such award shall be final and a charge upon the city, for the payment of which the credit of the city shall be pledged. Such assessments shall be and remain a lien and charge upon the respective lands until paid. The award shall be paid to the persons entitled thereto or deposited and set apart in the treasury of the city for the use of the persons entitled thereto within six months after the confirmation of the appraisal and award. In case any appeal shall be taken from the order confirming the appraisal and assessment, as hereinafter provided, the time for payment of the awards shall be extended until and including 60 days after the final determination of all appeals taken in the proceedings, and in case of any change in the awards or assessment upon appeal, the city council may, by resolution duly adopted, at any time within 60 days after the determination of all appeals, set aside the entire proceeding. Any awards so set aside shall not be paid, and the proceedings as to the tracts for which the awards are so set aside shall be deemed abandoned. Any awards not so set aside shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. All awards shall bear interest at the rate of six per cent per annum from the time of the filing of the original appraisers' report, and all subsequent awards and awards upon appeals shall be made as of the day and date of filing of such original reports.

[1905 c. 18 s. 14] (1522)

465.40. TITLE VESTS, WHEN. Upon the conclusion of the proceedings and the payment of the awards, the several tracts of land shall be deemed to be taken and appropriated for the purposes of sections 465.26 to 465.48, and the title thereto shall vest in the city. In case the city council shall in any case be unable to determine to whom the damages should in any particular case be paid, or in case of adverse claim in relation thereto, or in case of the legal disability of any person interested, the city council shall, and in any and every case the city council may in its discretion deposit the amount of damages with the district court of the county in which such city is situate, for the use of the parties entitled thereto, and the court shall, upon the application of any person interested, and upon such notice as the court shall

prescribe, determine who is entitled to the award, and shall order the same paid accordingly. Any such deposit shall have the same effect as the payment to the proper persons.

[1905 c. 18 s. 15] (1523)

465.41 REMOVAL OF BUILDINGS. In case any owner of buildings, as aforesaid, shall have elected to remove his buildings he shall remove them within 30 days from the confirmation of the report or within such further time as the city council may allow for the purpose and shall be entitled to the payment of the amount of damages awarded in such case in case of removal. When such person shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time above specified, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be taken and appropriated, sold, or disposed of as the city council shall elect.

[1905 c. 18 s. 16] (1524)

465.42 APPEAL; OBJECTIONS; NOTICE; RECORD. Any person whose property is proposed to be taken or interfered with or assessed under any provisions of sections 465.26 to 465.48, or who claims to be damaged by the improvement, and who deems that there is any irregularity in the proceedings of the city council, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of, or interference with his property, or the assessment thereon, may, at any time before the time specified for the consideration of the award and assessment by the city council, file with the city clerk in writing his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and the particular objection to the award or assessment, and containing a description of the property in which he is interested, affected by such proceedings and his interest therein, and if, notwithstanding such objections, the city council shall confirm the award or assessment, such persons so objecting shall have the right to appeal from such order of confirmation of the city council to the district court of the county in which the city is situate within 20 days after such order. Such appeal shall be made by serving a written notice of appeal upon the city clerk, which shall specify the property of the appellant affected by such award or improvement, and refer to the objection filed, as aforesaid, thereupon the city clerk, at the expense of the appellant, shall make out and transmit to the clerk of the district court a copy of the record of the entire proceedings and of the award of the appraisers as confirmed by the city council, and of the order of the city council confirming the same, and of the objections filed by the appellant, as aforesaid, and of the notice of appeal, all certified by the city clerk to be true copies, within ten days after the taking of such appeal. If more than one appeal be taken in the same proceeding, it shall not be necessary that the city clerk in appeals subsequent to the first shall send up anything but a certified copy of the appellant's objections. There shall be no pleading on any appeal, but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his written objection that as to him the award or assessment of the appraisers ought not to stand, and whether the appraisers had jurisdiction to take action in the premises.

[1905 c. 18 s. 17] (1525)

465.43 HEARING; APPRAISERS; AWARD; APPEAL TO SUPREME COURT. The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the proceedings affect the property of the appellant proposed to be taken or damaged or assessed, and described in the written objection. In case the amount of damages or benefits assessed is complained of by such appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested freeholders, residents of the county, appraisers, to reappraise the damages, and reassess benefits as to the property of appellant. The parties to such appeal shall be heard by the court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers, they shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits, and proceed in all other material respects as are provided in sections 465.26 to

465.48 for the government of appraisers appointed by the city council. They shall, after the hearing and view of the premises, make a report to the court of their award of damages and assessments of benefits in respect to the property of such appellant. The appellant shall, within five days of notice of filing the award, file his written election to remove the buildings if he so elect. Such election shall not affect his right to a review. The award shall be final unless set aside by the court. The motion to set aside shall be made within 15 days. In case such report is set aside, the court may, in its discretion, recommit the same to the same appraisers, or appoint new appraisers, as it shall deem best; the court shall allow to the appraisers a reasonable compensation for their services, and make such awards of costs on such appeal, including the compensation of such appraisers, as it shall deem just in the premises, and enforce the same by execution. In case the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. An appeal may be taken to the supreme court of the state from any final decision of the district court in the proceedings.

[1905 c. 18 s. 18] (1526)

465.44 TIME OF PAYMENT. In case of any appeal the time for making payment of awards shall be extended as to all tracts embraced in the proceeding to 60 days after final determination of all appeals.

[1905 c. 18 s. 19] (1527)

465.45 NOTICE OF PENDENCY; PERSONS AFFECTED. The notice prescribed in section 465.32 shall be sufficient to charge all persons whose rights or interests may be affected by the diversion of such waters, but whose lands are not otherwise taken, with notice of the pendency of the proceeding, and all such persons may present to the appraisers evidence of the damages which they will suffer, and the appraisers shall determine and award such damages as they may find, particularly specifying in their award the location and the nature of such damages, and all persons failing to present their claims for damages arising from the diversion of waters, shall be concluded by the proceeding hereunder, whether any award of damages is made to them or not, and shall be barred from claiming damages afterwards in any other form of action or proceeding.

[1905 c. 18 s. 20] (1528)

465.46 AWARD AND ASSESSMENT, HOW CERTIFIED; ASSESSMENT, HOW ENFORCED. Upon the final determination of all appeals in such proceeding, the city clerk shall transmit to the auditor of the county or counties in which the respective lands lie a copy by him duly certified of the awards and assessment of the appraisers as confirmed by the city council; and the clerk of the district court shall, in like manner, certify the award and assessment as finally made upon all appeals; and the county auditors shall include such assessments of benefits against each tract of land assessed, with and as a part of the taxes upon such respective tracts of land in the next annual list of taxes for general, state, county and other purposes, and the same proceedings shall be had for the collection and enforcement thereof, as for such general taxes, including like penalties in case of non-payment, and including also proceedings for the collection and enforcement of delinquent taxes. When any of such assessments are collected, they shall be credited to the city conducting such proceedings, and paid over and accounted for in like manner as other taxes.

[1905 c. 18 s. 21] (1529)

465.47 DUTY OF CITY. It shall be the duty of such city to proceed with all reasonable dispatch to complete such improvements, unless the proceedings are set aside by the city council as provided in sections 465.26 to 465.46.

[1905 c. 18 s. 22] (1530)

465.48 POWERS AND DUTIES OF COUNCIL; PENALTIES. The city council shall have power and it shall be its duty after the construction of such works to maintain the same and to prevent injury or obstruction to the channel or works and contamination of the waters. For such purposes the city council may enact suitable ordinances and prescribe penalties for their violation, not exceeding 90 days. The municipal court of the city shall have jurisdiction of such offenses.

[1905 c. 18 s. 23] (1531)

465.49 PARKING LAKE SHORES; DONATIONS; CONTRACTS FOR WATER AND ICE. All cities of the fourth class and the city councils of the same, in addition to all powers now possessed by such cities, shall have the power to dredge lakes wholly or partly within the corporate limits of such cities, to park the shores thereof, maintain a water level in such lakes, and expend money therefor.

Such cities are given the right to accept donations from any person, firm, or corporation to aid in defraying such expenses and such cities and the city councils thereof shall have the power to make contracts with any person, firm, or corporation for the taking of water and ice from such lake upon such terms and conditions as may be agreed upon between such city council and the person, firm, or corporation acquiring the right to the use of the water and ice.

[1913 c. 331 s. 1] (1746)

465.50 OBSERVANCE OF MEMORIAL DAY. The council of each and every city in the state, in addition to all other powers now possessed by it, is hereby empowered and authorized to set apart, appropriate, and expend, or cause to be expended, in such manner as it may deem best, from any funds in the city treasury available therefor, an amount not to exceed the sum of \$300 annually for each 75,000 of population of such city for the purpose of aiding in the appropriate observance of Memorial Day on the 30th of May of each year and in the annual commemoration of the noble and valiant deeds of the nation's soldier dead.

[1909 c. 365 s. 1; 1923 c. 375] (1318)

465.51 DECORATION OF SOLDIERS' GRAVES ON MEMORIAL DAY BY CITIES, VILLAGES AND TOWNS; DUTY OF CLERKS OR RECORDERS. It shall be the duty of the clerks or recorders of all cities and villages, and the town clerks of all towns, within the state of Minnesota, to ascertain, as far as it shall be practicable so to do, if within their respective city, village, or town, there are any graves of members of the armed forces of the United States, including nurses and other women who have been members of the various auxiliary forces which are a part of or which are associated with or connected with the armed forces of the United States, which probably will not be decorated at the next Memorial Day, and if any such grave or graves shall be found, it shall be the duty of such city or village clerk or recorder and of such town clerk, to cause any and all such graves within their respective town, city or village, to be decorated annually, upon Memorial Day by placing thereat an American flag.

[1915 c. 280 s. 1; 1943 c. 44 s. 1] (1933-1)

465.52 PAYMENT OF EXPENSE OF. The reasonable value of the service and expense necessary to comply with section 465.51 shall be a charge upon such town, city, or village, and the governing body thereof, after due examination shall audit any bill which shall be duly itemized, verified and presented by such town clerk or city or village clerk or recorder, for such service and expense and shall order paid out of the treasury of such respective town, city, or village, such bill or portion thereof as shall be found just and reasonable.

[1915 c. 280 s. 2] (1933-2)

465.53 MAY ESTABLISH BUREAU OF INFORMATION AND PUBLICITY. The council of any village now or hereafter having a population of more than 8,000 may establish and maintain a bureau of information and publicity for the purpose of furnishing tourists information and for outdoor advertising and for preparing, publishing, and circulating information and facts concerning the recreational facilities and business and industrial conditions of the community.

[1933 c. 60 s. 3] (1192-3)

465.54 MAY PAY EXPENSES FROM GENERAL FUND OF VILLAGE. The council of any village coming within the classifications of section 465.53 is authorized and empowered to pay, from the general fund of such municipalities, the expenses incurred by the governing officers in the performance of their official duties; provided that this shall not be construed as authorizing trips for lobbying purposes or trips to meetings or conventions not in connection with specific municipal projects pending before the officer making the trip.

All expenditures for the purposes herein set forth shall be within the statutory limits upon tax levies in the village.

[1933 c. 60 ss. 4, 5] (1192-4) (1192-5)

465.55 EXPENDITURE FOR PUBLICITY; PUBLICITY BOARD. Any city of the first class in this state, in addition to all the powers now possessed by it, shall have and is hereby granted the power and authority to levy taxes therefor, and to

expend money for city publicity purposes, not exceeding in any one year an amount equal to a tax of one-tenth of one mill upon the dollar of the assessed valuation thereof upon all the taxable property of the city, the same to be expended in such manner and for such city publicity purposes as the council shall direct, and it may establish and provide for a publicity board or bureau to administer such fund, subject to such conditions and limitations as the council shall by ordinance prescribe.

[1911 c. 111 ss. 1, 2] (1612) (1613)

465.56. CITIES, VILLAGES, AND BOROUGHS MAY LEVY TAXES FOR ADVERTISING PURPOSES. The governing body of any village, borough, or city of the fourth class may, when authorized by the electors thereof, as hereinafter provided, annually levy a tax of not to exceed one-half mill on all the taxable property within such village, borough, or city, but in no event shall more than \$1,000 be raised in any one year for the purpose of advertising the village, borough, or city and its resources and advantages. Such tax shall be levied in the same manner and at the same time as taxes for other municipal purposes are levied, and shall be collected in the same manner. The proceeds of such tax shall be used only for the purpose of advertising such village, borough, or city and its resources and advantages; provided, that the annual expenditure for such purposes by any such village, borough, or city is hereby limited to the sum of \$1,000; provided, nothing in sections 465.56 and 465.57 shall permit the levy of any tax in excess of the amount authorized by sections 275.11 to 275.16.

[1929 c. 276 s. 1] (1933-46)

465.57 VOTE AT ELECTION. Such governing body may by resolution adopted at least 20 days before any general village, borough, or city election provide for submitting to the voters at such election, to be voted upon by ballot, the question of levying a tax as provided in section 465.56. If a majority of the votes cast on the question be in favor of the proposition, the same shall be deemed carried and the governing body may levy such tax annually for two successive years. No such tax shall be levied thereafter unless again authorized by the electors as herein provided.

[1929 c. 276 s. 2] (1933-47)

465.58 LEAGUE OF MUNICIPALITIES. Subdivision 1. **Dues, payment.** Any city, village, or borough of this state, whether organized under the general laws or a special or home rule charter, may appropriate through its governing body, out of its general fund, money to pay the annual dues in the League of Minnesota Municipalities and the actual and necessary expenses of such delegates as such governing body may designate to attend meetings of any such league.

Subd. 2. **Employees eligible to membership in public employees retirement association.** Employees of the League of Minnesota Municipalities whose compensation is paid from appropriations made by the governing bodies of cities, villages, and boroughs in this state shall be eligible for membership in the Public Employees Retirement Association established by sections 353.01 to 353.20, and deductions shall be made from their salaries as provided in said sections.

[1923 c 211 s 1; 1951 c 259 s 1] (1933-4)

465.59 CITY OF THIRD CLASS; CONVEYANCE TO VETERANS. Any city of the third class, in consideration of services rendered by needy veterans of wars in which the United States has engaged, on such uniform terms and conditions as the city council shall deem advisable, may convey real estate not needed by the city for the use of any such veteran. Such conveyance may be made to such veteran or to another for his use.

[1947 c 303 s 1]

465.60 [Renumbered 413.135]

465.61 PURCHASES BY CITY OF THE FOURTH CLASS UNDER SPECIAL LAW. Subdivision 1. **Bids.** Any city of the fourth class operating under a special law may purchase materials, supplies, or equipment and contract for the construction of public works without advertising for bids therefor whenever the amount involved does not exceed \$500.

Subd. 2. **Advertising not required.** Any such city is not required by this section to advertise for bids in any case where it is not required to do so by any other law.

[1949 c 352 s 1, 2]

465.62 CITIES, LIABILITY INSURANCE. Subdivision 1. The governing body of any city may procure insurance against liability of the city or of its officers and employees for damages resulting from wrongful acts and omissions of the city and its officers and employees, whether the acts or omissions relate to governmental or proprietary functions of the city. Any independent board or commission in the city having authority to disburse funds for a particular city function without approval of the council may similarly procure liability insurance with respect to the field of its operation. Insofar as this insurance relates to governmental functions of the city, the policy of insurance shall contain a provision under which the insurance company agrees to waive the defense of governmental immunity unless the city consents to the assertion of that defense.

Subd. 2. This section is supplementary to other laws and charter provisions on the same subject.

[1953 c 136 s 1, 2]

465.63 MUNICIPAL RECORDS, DESTRUCTION AUTHORIZED. Subdivision 1. The officers of any city, other than cities of the first class, and of any board or commission of such city, may destroy the following municipal records:

(1) Claims and vouchers paid by the city more than ten years prior to such destruction;

(2) Receipts, miscellaneous papers, and correspondence bearing dates more than ten years prior to destruction;

(3) Orders and checks paid more than ten years prior to destruction.

Subd. 2. The officer having custody of said records shall first obtain written approval of the city attorney, or if the records belong to a board or commission having its own attorney, then the approval of such attorney. The officer having custody of said records shall then request in writing the further approval of the council, board or commission. If the council, board or commission approves the request, the approval shall be in the form of a resolution listing the classes of records authorized to be destroyed and the range of dates of the records in each class. A copy of the resolution consenting to the destruction of such records shall be sent to the Minnesota State Historical Society. If no petition or application requesting the records under Minnesota Statutes 1949, Section 138.04, is received by the city within 30 days after mailing of the resolution, the records shall be destroyed by the officer having custody.

Subd. 3. This section is supplementary to other statutory or charter authority to destroy obsolete city records and does not prevent destruction of such records at an earlier time or the destruction of other records when authorized by other statutory or charter provision.

[1953 c 324 s 1-3]

465.64 FLOOD EMERGENCY FUND, CITIES SECOND CLASS. There is hereby created in each city of the second class not operating under a home rule charter for the purpose of financing and paying for emergency flood prevention, repairs and rehabilitation and for the carrying out of contracts in connection therewith, a "Flood Emergency Fund," to be constituted and the moneys therein used as hereinafter designated. The city council or governing body may include in its estimate of expenses for the levy of taxes and may levy taxes for such amounts for this fund as it may deem necessary. All money collected from such tax levy and all money realized from the sale of the certificates of indebtedness herein provided for, shall constitute this fund and no money shall be paid out of this fund for any purpose other than as set forth in the resolution authorizing the issuance and sale of certificates of indebtedness as provided in section 465.65 and for the redemption of certificates of indebtedness issued and sold in accordance with the provisions of section 465.66. The city council or governing body of such city shall include in the tax levy a sufficient amount for the payment of interest on such outstanding certificates of indebtedness as it accrues and for the accumulation of a sinking fund for the redemption of such outstanding certificates of indebtedness at their maturity.

[1953 c 697 s 1]

465.65 CERTIFICATES OF INDEBTEDNESS; AUTHORITY TO ISSUE. The city council or other governing body of any city of the second class not operating under a home rule charter may, when duly authorized by resolution passed by the unanimous vote of all of the members thereof and approved by the mayor thereof, issue and sell certificates of indebtedness of such city in such amounts

as may be deemed necessary by the said city council or other governing body to pay for emergency expenditures in connection with flood prevention and for expenditures for repair and rehabilitation of public property damaged by floods.

[1953 c 697 s 2]

465.66 CERTIFICATES OF INDEBTEDNESS; SALE; FORM AND CONTENTS; RECORDS; PROCEEDS. Subdivision 1. Such certificates of indebtedness shall be sold upon the best terms available for the city. The resolution authorizing the sale of such certificates shall designate the number of the certificate to be issued; the principal sum of each certificate; the time when payable and the purpose for which the money realized thereupon is to be paid. Such certificates shall be numbered consecutively, commencing with number 1 without regard to the time of issue, shall be made payable to bearer or to the order of the person or corporation to whom the same may be delivered, as the city council may designate; shall draw interest at a rate not exceeding five percent per annum, shall be payable at the treasury of the city issuing the same, not later than five years from the date of issue; shall be payable out of the flood emergency fund as hereinbefore designated; shall be signed by the mayor and attested by the recorder or clerk of the city and shall have imprinted thereon the corporate seal of the city. The clerk or recorder and the treasurer of the city shall keep an accurate record of all certificates so issued in a book to be kept for that purpose. No certificates shall be sold for less than par value and accrued interest.

Subd. 2. Any and all proceeds realized from the sale of these certificates shall be turned into the flood emergency fund, hereinbefore described, of the city and neither the certificates nor the proceeds from the sale thereof, nor any part thereof, shall be used for or devoted to any purpose other than that designated in the resolution authorizing their issue; the city recorder or clerk and the treasurer of such city shall keep an accurate account of such fund showing in detail all moneys received for and turned into the fund and all expenditures from the same.

Subd. 3. No irregularity or informality in the letting of any contract paid for out of the proceeds of these certificates shall affect the liability of the city to redeem the same, but the full faith and credit of the city issuing the same is irrevocably pledged for the redemption of the certificates so issued.

[1953 c 697 s 3]

465.67 CANCELATION OF CERTIFICATES. The city treasurer shall, immediately after any such certificate shall be redeemed by such city, cancel the same by a writing upon the face thereof showing the date of redemption and the amount and to whom paid and shall affix his signature thereto; the city recorder or clerk shall immediately make an entry of the redemption and cancelation in his certificate register and enter such payment in the account of the flood emergency fund.

[1953 c 697 s 4]

465.68 LIMITATION ON AMOUNT OF CERTIFICATES OUTSTANDING. At no time may the total of outstanding and unredeemed certificates issued pursuant to the provisions of sections 465.64 to 465.68 exceed the sum of \$250,000, but such certificates may be so issued and sold, notwithstanding any provision of law prescribing or fixing any limit upon the bonded indebtedness of such city.

[1953 c 697 s 5]