

## CHAPTER 79.

AN ACT TO AMEND CHAPTER SEVEN (7) OF AN ACT OF THE LEGISLATURE OF THE STATE OF MINNESOTA, ENTITLED "AN ACT TO DEFINE THE BOUNDARIES OF, AND ESTABLISH A MUNICIPAL GOVERNMENT FOR, THE VILLAGE OF DULUTH," APPROVED MARCH EIGHTH (8TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881).

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

SECTION 1. That chapter seven (7) of an act of the legislature of the state of Minnesota, entitled "An act to define the boundaries of, and establish a municipal government for, the village of Duluth," approved March eighth (8th), one thousand eight hundred and eighty-one (1881), as amended by chapter twenty-five (25) of the Special Laws of the extra session of one thousand eight hundred and eighty-one (1881), approved November nineteenth (19th), one thousand eight hundred and eighty-one (1881), be and the same is hereby amended by adding thereto the following sections, to-wit:

Section 20. When the assessment made against any lot or parcel for sewerage improvements as authorized by this chapter, shall not be paid within the twenty (20) days next succeeding the completion of such work, the common council of said village may in their discretion, divide the whole amount so assessed against any lot or parcel into not more than five (5) equal installments, and cause certificates for each of said installments to be issued against the lot or parcel so delinquent, which said certificates shall be numbered consecutively, and the first (1st) thereof shall become due and payable on the fifteenth (15th) day of June next ensuing after the first levy of taxes is made for said village subsequent to the completion of said work, and the remaining certificates shall become due and payable on the fifteenth (15th) day of June of each succeeding year thereafter, according to their respective numbers. All of said certificates shall be dated the same day on which said work was completed and shall draw interest from said date until paid at a rate not exceeding ten (10) per cent. per annum, and shall be in substantially the following form, to-wit:

## SEWERAGE CERTIFICATE OF THE VILLAGE OF DULUTH.

No.	(Am't.) \$	188	(Date.)
<i>To whom it may concern:</i> This is to certify that the sum of \$			
	188	has been duly assessed against (description of lot or parcel) for work performed under sewerage contract No.      and that the amount so assessed against said parcel has been divided into ( ) installments numbered from one (1) to ( ) inclusive.	

That this certificate represents the      of said installments and is issued pursuant to the provisions of chapter seven (7) of an act of the legislature of the state of Minnesota, entitled "An act to define the boundaries of, and establish a municipal government for the village of Duluth," approved March eighth (8th), one thousand eight hund-

red and eighty-one (1881), and the several acts amendatory thereof, and is made by law a lien upon the parcel of land above described.

And the village of Duluth will, on or before the fifteenth (15th) day of June, A. D. 18 , pay to the owner of this certificate, upon the surrender thereof, the sum of                      dollars (\$                      <sup>1886</sup>) with interest thereon from the date hereof to the time of such payment, at the rate of                      per cent. per annum.

In testimony whereof the said village of Duluth has caused this certificate to be signed by its mayor, and attested and its corporate seal affixed by its recorder, this                      day of                      A. D. 18

Attest:

Mayor.

[L. S.]

Village Recorder.

Section 21. Each of such certificates, and the interest thereon, shall, upon the issue thereof, become a lien upon the particular lot or parcel against which the same was assessed and issued, as in the case of village, county and state taxes, and the same may be enforced in the manner provided for collecting the costs of sidewalks by section nine (9) of this chapter; *Provided*, That the amount of any such certificate shall not be returned to the auditor of St. Louis county for enforcement against the lot or parcel chargeable therewith, until such time as the common council of said village transmits to said auditor the village taxes levied by them in the year immediately preceding that in which such certificate shall become due and payable.

Section 22. The common council of said village may sell and assign said certificates at a price not less than their par value, and apply the proceeds thereof to the payment of the costs of the sewerage improvement for which they were respectively assessed, or may in their discretion, transfer said certificates, at their par value direct to contractors in payment of the contract price of the sewerage improvements to which they are respectively applicable.

Section 23. Such certificates may be filed for record in the office of the register of deeds in and for said county of St. Louis, and when so filed, shall be recorded by said register of deeds in a book to be provided by him for that purpose, and when so recorded shall be and remain a lien against the lot or parcel described therein, for the full amount thereof and interest, until the same is paid.

Section 24. The recorder of said village shall keep a true and correct record of all certificates issued for sewerage improvements pursuant to the provisions of this chapter, in a book to be kept by him for that purpose, which shall be properly ruled and headed so as to show a substantial description and history of each certificate, including date, number and amount, against what lot or parcel chargeable, on what contract issued, when and to whom sold or assigned, and at what price, with space for noting final disposition of the same.

Section 25. All certificates issued for sewerage improvements pursuant to the provisions of this chapter, shall, when finally paid, be presented to the recorder of said village for cancellation, and the register of deeds of said county of St. Louis, shall not permit any such certificate to be discharged of record in his office except upon the certificate of the village recorder signed and sealed by him, to the effect that such certificate has been fully paid and cancelled.

Section 26. Any person owning or having an interest in any property against which such certificates are of record and outstanding, who

desires to cancel the same, may at any time pay to the village treasurer the full amount of such certificate or certificates and interest, together with three (3) months additional interest to accrue, and the cost of advertising as hereinafter provided, and it shall then be the duty of the village treasurer, and he is hereby required, to notify the village recorder of such payment, who shall thereupon discharge said certificate or certificates of record in the office of the said register of deeds, and shall publish a notice once in each week for two (2) successive weeks in some newspaper printed and published in said village, requiring the certificate or certificates to be surrendered for cancellation within three (3) months from and after the date of such payment; and at the expiration of said three (3) months, the interest on the certificates so called in shall cease, and upon the presentation of any such certificate for redemption, the treasurer of the village shall pay to the owner thereof the amount of principal and interest paid into the treasury on account thereof, by the owner of said property, and the said village treasurer shall, when any certificate is paid by him, either before or at maturity, immediately turn the same over to the village recorder to be cancelled and discharged of record.

Section 27. The common council of said village may, without the petition of property owners required by section four (4) of this chapter, cause Piedmont avenue in said village, to be widened, opened and graded from Eighth (8th) avenue west to Eleventh (11th) avenue west and for that purpose may in the manner hereinafter provided, appropriate such private property along the line of said Piedmont avenue as widened between the points above specified, as they may consider requisite for properly making such improvement, and may in their discretion by resolution passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect, vacate such portions of Piedmont avenue between the points above named, as they may deem fit and proper.

Section 28. The cost of such improvement shall be paid out of the general fund of the village treasury in the first instance, and the common council shall assess against each of the lots or parcels fronting upon said Piedmont avenue, between the points above mentioned, such proportion of the whole cost of so widening, opening and grading said avenue, including the damages, costs and expenses of condemnation and vacation as provided in the preceding section, as in their judgment shall be equivalent to the benefit conferred by such improvement upon each of said lots or parcels respectively, and the amount so apportioned and assessed against each of said lots may be enforced in the same manner as sidewalk assessments are enforced as provided by section nine (9) of this chapter, and the amount assessed against each of said lots shall, when collected, be paid into the village treasury.

Section 29. Whenever the common council of said village shall deem it necessary to appropriate private property for the purpose of opening, widening, straightening, altering or extending streets, alleys or avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places and spaces; for public wharves, docks and landings; for sewers, drains and ditches; for waterworks, and for necessary public buildings, hospitals, pest houses, and public cemeteries, such property may be condemned and appropriated in the same manner, and subject to the same restrictions and rights of appeal, provided by sections one hundred

and seventy-eight (178), one hundred and seventy-nine (179) and one hundred and eighty-two (182) of chapter ten (10) of the General Statutes of one thousand eight hundred and seventy-eight (1878), relating to cities; and the duties devolving upon city officers by the provisions of the sections aforesaid, shall be performed by the corresponding officers of the village of Duluth, and the costs, damages and expenses of any such condemnation, including compensation paid for property condemned, shall be taken and considered as a part of the cost of the proper improvement and be included in, apportioned, assessed and enforced against the property benefited thereby, in like manner as the expenses of grading streets are apportioned, assessed and enforced. *Provided, however,* That the common council may enter upon and take possession of property for the purpose of making improvements as soon as proceedings for the condemnation thereof are commenced.

Section 30. Chapter seventy-six (76) of the Special Laws of the extra session of one thousand eight hundred and eighty-one (1881), entitled "An act to amend section four (4) of chapter seven (7) of the Special Laws of A. D. one thousand eight hundred and eighty-one (1881), relating to the grading of streets in the village of Duluth," approved November twenty-first (21st), one thousand eight hundred and eighty-one (1881), is hereby repealed.

SEC. 31. This act shall take effect and be in force from and after its passage.

Approved March 3, 1883.

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## CHAPTER 80.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO DEFINE THE BOUNDARIES OF, AND ESTABLISH A MUNICIPAL GOVERNMENT FOR, THE VILLAGE OF DULUTH, APPROVED MARCH EIGHTH (8TH), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881).

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

SECTION 1. That section eight (8), of chapter two (2), of an act of the legislature of the State of Minnesota, entitled an act to define the boundaries of, and establish a municipal government for, the village of Duluth, approved March eighth (8th), one thousand eight hundred and eighty-one (1881), be and the same is hereby amended so as to read as follows:

Section 8. The common council of said village shall, for the purpose of any general or municipal election, have full power and authority to divide any ward in said village into two (2) or more polling