

## CHAPTER 416

## PUBLIC BUILDINGS

**416.01 MEMORIALS FOR WAR VETERANS.**

**HISTORY.** 1921 c. 257 s. 1; 1923 s. 325 s. 1; M.S. 1927 ss. 1710-1, 1933-10.

A soldiers' memorial building may be used for holding public meetings, gatherings, conventions, and a meeting place for educational and other purposes. OAG May 13, 1935 (59b-9).

A village council has power to construct a village hall without a vote of the electors, unless a bond issue is necessary, or to erect a building as a memorial to war veterans with a vote of the electors, but has no authority direct to erect a community building with or without a vote of the electors. OAG Feb. 11, 1935 (476b-8).

A village may combine in one building a memorial hall, a fire hall, and council room. OAG Nov. 27, 1929.

A village may take over a memorial hall constructed by an American Legion post and use such building as a combined memorial hall, city hall, council room, and restroom, and may rent the premises for public purposes, for entertainment, public dances, or other gatherings, providing such renting does not interfere with the public use of the property, and does not tie the hands of succeeding governing bodies of the village, but cannot assume a mortgage thereon, payment of the purchase price in cash or bonds being necessary. OAG March 2, 1937 (476b-8).

Village council may rebuild soldiers' memorial building destroyed by fire and pay for the same out of fire insurance money without submitting the matter to a vote of the people. OAG April 27, 1934 (310f).

Memorial building may be used as a field house for sports and recreational purposes. OAG March 5, 1937 (59b-9).

Only one site may be designated in a resolution in an election notice. The provisions of this section with respect to election prevail over the provisions of a home rule charter requiring the approval of 60 per cent of the electors of the purchase of property of the value of more than \$3,000. OAG Sept. 25, 1937 (59b-9).

Laws 1921, Chapter 257, is superseded by Laws 1923, Chapter 325. OAG March 5, 1937 (59b-9).

Power has not been given permitting a village to grant a perpetual lease to an American Legion post of space for a memorial room. 1942 OAG 243, Jan. 19, 1942 (469a-9).

**416.02 TAX LEVY.**

**HISTORY.** 1923 c. 325 s. 2; M.S. 1927 s. 1933-10½.

**416.03 BOND ISSUE.**

**HISTORY.** 1921 c. 257 s. 2; 1923 c. 325 s. 3; 1923 c. 414 s. 1; M.S. 1927 ss. 1710-2, 1933-11.

**416.04 BOND ISSUE; TAX LEVY FOR INTEREST AND RETIREMENT.**

**HISTORY.** 1923 c. 325 s. 4; M.S. 1927 s. 1933-12.

**416.05 WAR AND HISTORICAL MUSEUM.**

**HISTORY.** 1923 c. 325 s. 5; M.S. 1927 s. 1933-13.

**416.06 CONSTRUCTION.**

HISTORY. 1923 s. 325 s. 6; M.S. 1927 s. 1933-14.

**416.07 BUILDINGS FOR SEWER PUMPING STATIONS, RESTROOMS, AND OTHER PUBLIC PURPOSES.**

HISTORY. 1923 c. 9 ss. 1 to 4; G.S. 1923 ss. 1659 to 1662; 1925 c. 70 s. 1; M.S. 1927 ss. 1659 to 1662.

**416.08 CITY COUNCIL.**

HISTORY. 1923 c. 21 s. 1; G.S. 1923 s. 1593; 1927 c. 428; M.S. 1927 s. 1593.

Laws 1923, Chapter 21, providing for the deduction of auditorium bonds in determining the net bonded indebtedness of Minneapolis, is not repealed by Laws 1927, Chapter 131. "Minneapolis does not come within the operation of Laws 1927, Chapter 131. Repeals by implication are not favored and will not be inferred; nor will a law, general in its application, supersede an earlier act, special in its nature, unless such was the manifest intent of the legislature. *Phelps v City of Minneapolis*, 174 M 509, 219 NW 872.

**416.09 AUTHORITY TO ACQUIRE.**

HISTORY. 1923 c. 21 s. 2; G.S. 1923 s. 1594; M.S. 1927 s. 1594.

**416.10 CONDEMNATION PROCEEDINGS.**

HISTORY. 1923 c. 21 s. 3; G.S. 1923 s. 1595; 1927 c. 428; M.S. 1927 s. 1595.

**416.11 COUNCILS TO HAVE CHARGE AND CONTROL OF.**

HISTORY. 1923 c. 21 s. 4; G.S. 1923 s. 1596; 1927 c. 428; M.S. 1927 s. 1596.

City council of St. Paul may let a contract for the construction or alteration of an auditorium, notwithstanding the adverse report of the persons mentioned in the city charter, section 312(a). OAG May 6, 1931.

**416.12 ISSUE AND SALE OF BONDS.**

HISTORY: 1923 c. 21 s. 5; G.S. 1923 s. 1597; 1927 c. 428; M.S. 1927 s. 1597.

**416.13 BONDS IN EXCESS OF CHARTER OR STATUTORY LIMITATIONS; TAX LEVY; REDEMPTION OF BONDS; BONDS ISSUED NOT INCLUDED IN NET INDEBTEDNESS OF CITY.**

HISTORY. 1923 c. 21 s. 6; G.S. 1923 s. 1598; 1927 c. 428; M.S. 1927 s. 1598.

**416.14 AUDITORIUM FUND.**

HISTORY. 1923 c. 21 s. 7; G.S. 1923 s. 1599; 1927 c. 428; M.S. 1927 s. 1599.

**416.15 ELECTION TO DETERMINE BOND ISSUE.**

HISTORY. 1923 c. 21 s. 8; G.S. 1923 s. 1600; 1927 c. 428; M.S. 1927 s. 1600.

**416.16 CONDEMNATION OF LAND FOR PUBLIC BUILDINGS.**

HISTORY. 1907 c. 291 s. 1; G.S. 1913 s. 1506; G.S. 1923 s. 1492; M.S. 1927 s. 1492.

The Minneapolis city charter provides for the condemnation of land for certain public purposes. There are also provisions in the general statutes for the condemnation of land by cities. The provision of the general statutes that in case of entry at certain stages of a condemnation proceeding the city shall be bound absolutely to pay all damages awarded is not applicable to proceedings taken under

# MINNESOTA STATUTES 1945 ANNOTATIONS

## 416.16 PUBLIC BUILDINGS

2462

the Minneapolis charter. In such proceedings the city council may abandon the proceeding at any time during its pendency, after award as well as before. The abandonment may be effected by a resolution of the council. This right of abandonment exists though the city has taken possession pending the proceeding. If the city were in possession before the proceeding was commenced, it is not required to surrender possession as a condition to abandonment of the proceeding. A resolution of abandonment may be passed at the same meeting at which the award is reported to the council, and may be passed without according a hearing to the landowner. *Rowe v City of Minneapolis*, 135 M 243, 160 NW 775.