

CHAPTER 429

PUBLIC IMPROVEMENTS IN VILLAGES, BOROUGHES, AND CITIES OF THE FOURTH CLASS

429.01. DEFINITIONS.

HISTORY. 1891 c. 146 sc. 9 s. 2; G.S. 1894 s. 1338; 1925 c. 382 s. 1; M.S. 1927 s. 1918-15.

Proceedings with reference to work and levy of assessments therefor were taken under sections 429.01 to 429.18. *Rosso v Village of Brooklyn Center*, 214 M 364, 8 NW(2d) 219.

City has authority to proceed under this statute though its charter prescribes a different method. OAG July 15, 1932.

A city council, if operating the water-works system under the city charter, has a legal right to pay for material to be used in the extension of a water main and is not obliged to levy a special tax against the property to be benefited. OAG March 18, 1936 (624d-11).

This act does not include ordinary sidewalk construction. OAG May 21, 1937 (396g-7).

A village operating under Laws 1885, Chapter 145, has an option of proceeding under that act or under Laws 1919, Chapter 65, or under Laws 1925, Chapter 382, in making the improvements referred to in each of such acts. OAG May 21, 1937 (396g-7).

429.02 MAKING OF IMPROVEMENTS AND ASSESSMENT OF COSTS.

HISTORY. 1891 c. 146 sc. 9 s. 1; G.S. 1894 s. 1337; 1925 c. 382 s. 2; M.S. 1927 s. 1918-16.

Special benefits from storm sewers may be assessed against property not abutting on the street where laid. OAG Aug. 10, 1932.

Assessments may be made under certain circumstances not only against abutting properties but also against other properties benefited by a lateral sewer. OAG Aug. 27, 1937 (387b-1).

In order to assess a particular tract there must be benefits. The benefits must be actual. 1942 OAG 179, Aug. 7, 1942 (396G-7).

429.03 PETITION FOR IMPROVEMENT.

HISTORY. R.S. 1851 c. 41 ss. 35, 36; 1875 c. 139 s. 1; G.S. 1878 c. 10 s. 221; 1883 c. 73 s. 30; 1885 c. 145 s. 30; G.S. 1878 Vol. 2 (1888 Supp.) c. 10 s. 233; 1891 c. 146 sc. 9 s. 3; 1893 c. 185 s. 1; G.S. 1894 ss. 1247, 1339; 1925 c. 382 s. 3; M.S. 1927 s. 1918-17.

A petition signed by 51 per cent of the abutting owners upon the streets where the storm sewers are to be laid is sufficient even though property not abutting is benefited and is to be assessed. OAG Aug. 10, 1932.

The 51 per cent mentioned should include property whether benefited or not, also including agricultural lands in the village along which the storm sewer would run. OAG June 27, 1939 (387b-10).

Property owned by the city is not to be included in giving the required number of signatures to the petition. OAG June 30, 1936 (396c-6).

A village operating under Laws 1885, Chapter 145, may extend water main pursuant to Laws 1885, Chapter 145, Section 21 (10), or section 1918-17 (429.03), or section 1918-1 (432.11) et seq. OAG Aug. 28, 1936 (624d-11).

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429.04 PUBLIC IMPROVEMENTS—VILLAGES, BOROUGHES, ETC.

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If the council wishes to repair streets and meet the cost out of the general revenue fund, it may do so on its own motion; but if assessment is against abutting owners there must be a petition. 1942 OAG 182, May 23, 1942 (396G-10).

429.04 PROCEDURE BY COUNCIL ON PETITION; NOTICES.

HISTORY. R.S. 1851 c. 41 s. 37; 1891 c. 146 sc. 9 s. 4; G.S. 1894 s. 1340; 1925 c. 382 s. 4; M.S. 1927 s. 1918-18.

429.05 HEARINGS.

HISTORY. 1925 c. 382 s. 5; M.S. 1927 s. 1918-19.

The village of Harmony, organized under the 1885 law and reincorporated under Revised Laws 1905, may extend water mains without submitting the matter to a vote of the people. OAG April 4, 1931.

429.06 ORDERS AND CONTRACTS FOR IMPROVEMENTS.

HISTORY. 1925 c. 382 s. 6; M.S. 1927 s. 1918-20.

In view of section 1918-56 (470.03) village council may under section 1918-20 (429.06) proceed with a street improvement by day labor without advertising for bids. OAG May 21, 1937 (396g-7).

429.07 IMPROVEMENTS BY PROPERTY OWNERS.

HISTORY. 1925 c. 382 s. 7; M.S. 1927 s. 1918-21.

429.08 PROPORTIONATE SHARE OF COSTS OF IMPROVEMENTS PAID BY MUNICIPALITIES.

HISTORY. 1925 c. 382 s. 8; M.S. 1927 s. 1918-22.

Cost of sewers, gutters, and paving, but not sidewalks, may be assessed against school property. OAG Sept. 10, 1930.

A city may be assessed for benefits as to any property owned by it, the same as if owned by an individual. OAG July 15, 1932.

429.09 COST OF CERTAIN IMPROVEMENTS PAID BY MUNICIPALITIES.

HISTORY. 1925 c. 382 s. 9; M.S. 1927 s. 1918-23.

A city may pay the cost of the improvement at street intersections and at intersections between streets and alleys. OAG July 15, 1932.

A village may construct curbing and gutters for trunk highways and pay for the same with certificates of indebtedness, but if it issues bonds there must be a vote of the electors, and the improvement may be paid out of the general fund without assessment against abutting owners. OAG Aug. 29, 1935 (476a-4).

429.10 ASSESSMENTS.

HISTORY. 1891 c. 146 sc. 9 ss. 5, 7; G.S. 1894 ss. 1341, 1343; 1925 c. 382 s. 10; M.S. 1927 s. 1918-24.

429.11 ASSESSMENTS; INSTALMENTS; COLLECTION.

HISTORY. R.S. 1851 c. 41 s. 39; 1891 c. 146 sc. 9 ss. 6, 9, 11, 13; G.S. 1894 ss. 1342, 1345, 1347, 1349; 1925 c. 382 s. 11; M.S. 1927 s. 1918-25.

A purchaser at a foreclosure sale of a part of any property subject to a special assessment is entitled to a division of the assessment. OAG April 2, 1930.

429.12 ASSESSMENTS, NOTICE TO COUNTY OR SCHOOL DISTRICT.

HISTORY. 1925 c. 382 s. 12; M.S. 1927 s. 1918-26.

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429.13 ERRORS IN ASSESSMENTS.

HISTORY. 1893 c. 190 s. 3; G.S. 1894 s. 1353; 1925 c. 382 s. 13; M.S. 1927 s. 1918-27.

429.14 PUBLICATIONS REQUIRED.

HISTORY. 1925 c. 382 s. 14; M.S. 1927 s. 1918-28.

429.15 DISPOSAL OF FUNDS.

HISTORY. 1925 c. 382 s. 15; M.S. 1927 s. 1918-29.

Warrants may be issued without submitting the question to the electors. OAG June 24, 1938 (59a-49).

The making of an assessment for the proposed improvement is a prerequisite to the issuance of improvement warrants. OAG Jan. 23, 1939 (59a-22).

Improvement warrants are not and cannot be made a general liability of the city. OAG Jan. 23, 1939 (59a-22).

429.16 APPEALS; SALE OF CERTIFICATES.

HISTORY. 1891 c. 146 sc. 9 s. 14; 1893 c. 190 s. 2; G.S. 1894 s. 1350; 1925 c. 382 s. 16; M.S. 1927 s. 1918-30.

Where sections 429.01 and 429.16 afford a taxpayer an adequate remedy at law to contest assessment proceedings, the taxpayer is not entitled to maintain a suit in equity to enjoin collection. Payment by the taxpayer of a tax or assessment "under protest," but not under duress or coercion, constitutes a waiver by the taxpayer of any objection on jurisdictional grounds. *Rosso v Village of Brooklyn*, 214 M 364, 8 NW(2d) 219.

429.17 POWERS GRANTED ARE SUPPLEMENTARY.

HISTORY. 1925 c. 382 s. 17; M.S. 1927 s. 1918-31.

429.18 OTHER POWERS NOT AFFECTED.

HISTORY. 1925 c. 382 s. 18; M.S. 1927 s. 1918-32.

429.19 PETITION FOR IMPROVEMENTS.

HISTORY. 1927 c. 311 s. 1; M.S. 1927 s. 1918-33.

429.20 APPEALS TO DISTRICT COURT FROM DETERMINATION OF LEGALITY OF PETITION.

HISTORY. 1927 c. 311 s. 2; M.S. 1927 s. 1918-34.

429.21 PETITION FOR SIDEWALK OR SEWER.

HISTORY. R.S. 1851 c. 41 ss. 35, 36; 1901 c. 167 s. 1; M.S. 1927 s. 1918-35.

Where the petition for a sidewalk is signed by two owners of three lots and the other lots are owned by life tenants, with remaindermen, the petition is signed by a majority. OAG July 5, 1932.

A conveyance of a part of the lots, after the filing of the petition from the sidewalks and the service of the notice, in no way affected the proceedings. OAG July 5, 1932.

A property owner on one street cannot compel owners on an adjoining street to build a sidewalk. OAG June 16, 1933.

As to villages organized and operating under Laws 1885, Chapter 145, the provisions of Laws 1901, Chapter 167, and Laws 1903, Chapter 382, are still in force and effect. OAG May 21, 1937 (396g-7).

MINNESOTA STATUTES 1945 ANNOTATIONS

429.22 PUBLIC IMPROVEMENTS—VILLAGES, BOROUGHES, ETC.

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Villages incorporated under Laws 1885, Chapter 145, may construct sewers under this act. OAG Aug. 27, 1937 (387b-1).

Procedure for issuing bonds or warrants for water-works and sewer systems payable from earnings or special assessments. OAG Sept. 21, 1938 (476b-13).

On default of a property owner, the village must construct the sidewalk within a reasonable time. OAG July 8, 1944 (480b).

429.22 SERVICE OF RESOLUTION.

HISTORY. 1901 c. 167 s. 2; M.S. 1927 s. 1918-36.

429.23 WORK, HOW DONE; ASSESSMENT OF BENEFITS.

HISTORY. R.S. 1851 c. 41 s. 37; 1901 c. 167 s. 3; M.S. 1927 s. 1918-37.

A village may remove such trees as may be necessary to build sidewalks. OAG July 5, 1932.

429.24 ORDERS FOR UNPAID ASSESSMENTS.

HISTORY. 1901 c. 167 s. 4; M.S. 1927 s. 1918-38.

429.25 TAX LEVY; PAYMENTS BY PROPERTY OWNER.

HISTORY. 1901 c. 167 s. 5; M.S. 1927 s. 1918-39.

429.26 APPLICATION.

HISTOR. 1901 c. 167 s. 6; M.S. 1927 s. 1918-40.

429.27 SECTIONS 429.21 TO 429.26 SUPPLEMENTED, EXTENDED, AND AMENDED.

HISTORY. 1925 c. 383 s. 1; M.S. 1927 s. 1918-41.

429.28 ASSESSMENTS ON PROPERTY NOT FRONTING ON STREET WITH IMPROVEMENTS.

HISTORY. 1925 c. 383 s. 2; M.S. 1927 s. 1918-42.

The cost of sidewalks cannot be assessed against school property. OAG Sept. 10, 1930.

429.29 CONSTRUCTION OF SUPPLEMENTAL LAW.

HISTORY. 1925 c. 383 s. 3; M.S. 1927 s. 1918-43.