

State of Minnesota,  
County of Freeborn,  
City of Albert Lea.

C E R T I F I C A T E

I, L. H. Ostrander, do hereby certify as follows:

1. That I am the Mayor and chief magistrate of the City of Albert Lea, Freeborn County, Minnesota.

2. That at a special election duly held on November 5, 1946, in said City of Albert Lea, two proposed amendments to the Charter of said City were duly submitted to the voters. Said proposed amendments were to Sec. 23 and Sec. 75 of the Charter, so that if adopted, they would read and be as follows:

"Section 23. Amendment and Repeal of Ordinances and Resolutions.

Any ordinance or resolution or section thereof may be amended or repealed by reference to its title alone. The original ordinance, resolution, section or sections so amended shall thereupon be repealed."

"Section 75. Power to Make Improvements and Levy Assessments.

The City of Albert Lea shall have the power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of a local character, such special assessments to be levied against each lot or other unit of property separately as the same may be platted or subdivided. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvement with interest until paid, but shall in no case exceed the value of the benefits received by such property. No levy of special assessments shall be deemed invalid by reason of the fact that the total amount of such assessments shall exceed the actual cost of the improvement, but in case there shall be any excess of assessments over actual cost, the City Council shall have the power, and it shall be its duty, to provide for a pro rata return or remission of such excess assessments to the persons who are by law entitled to the same.

All improvements to be paid for by special assessment against the benefited property shall be instituted by either of two methods, as follows:

Method 1. Upon the written request of not less than twenty-five per cent (25%) in number and interest (the term "interest" shall mean footage of abutting property except when otherwise defined by resolution adopted by an affirmative vote of five members of the City Council) of the affected resident property owners, the City Council, if it deems such public improvement advisable, shall direct the City Manager to prepare an estimate of the cost of the proposed improvements, and also a petition in proper form, containing such estimate, which shall be set forth both in unit prices and in total thereof. Such petition so prepared shall be used for circulation among the affected resident property owners, and when signed by a majority in number and interest of such resident owners, may be presented to the City Council as a petition for such improvement. Thereupon

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it shall be the duty of the City Council to proceed within a reasonable time to make such improvement, provided, however, that no contract therefor shall be let in the event the contract price exceeds the estimated cost made by the City Manager as hereinbefore prescribed. The City Council shall have authority to proceed with the proposed improvement at any time within two years from the date of filing of the majority petition under this method. A new petition, following the procedure herein prescribed, may be filed at any time.

Method 2. By resolution adopted by affirmative vote of at least five members of the Council, any public improvement, other than repair and/or replacement, may be declared advisable and to be paid for by special assessment. Such resolution shall state the nature and scope of such public improvement. Upon the adoption of such resolution, the City Manager shall prepare an estimate of the cost of the proposed improvement which shall be set forth both in unit price and in total thereof. Upon the receipt of such estimate, the Council shall by resolution set a date for a public hearing on the proposed improvement setting forth therein the time, place, and purpose of such hearing. Such resolution shall be published once in the official newspaper of the city at least one week prior to the date of said hearing. In addition, a copy of such resolution shall be mailed to each affected resident property owner at his last known city address at least one week prior to the date of said hearing. At such hearing the City Council shall receive any written petitions and hear any petitioners for or against the proposed improvement.

If the proposed improvement is in the nature of streets, alleys, sidewalk, curb, gutter and/or other improvement of a public way, the Council may proceed with the improvement and levy assessments therefor, except that the Council may not proceed with such improvement if seventy-five per cent (75%) or more in number and interest of the affected resident property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to the said improvement and giving their proper street addresses and description of their property to be affected by the improvement.

If the proposed improvement is in the nature of a sanitary sewer or facilities connected to or a part of the municipal sewerage system the Council may proceed with the improvement and levy assessments therefor, except that the Council may not proceed with such improvement if ninety per cent (90%) or more in number and interest of the affected resident property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to said improvement, and giving their proper street addresses and description of their property to be affected by the improvement.

If the proposed improvement is of any nature other than the above, the Council may proceed with the improvement and levy assessments therefor, except that the Council may not proceed with such improvement if fifty-one per cent (51%) or more in number and interest of the affected resident property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to the said improvement and giving their proper street addresses and description of their property to be affected by the improvement.

The City Council shall have authority to proceed with the proposed improvement within two years after the date of public hearing under this method, and assessment shall be made against the described property regardless of ownership, except that after one year from the set date of hearing, upon written petition of at least fifty-one per cent (51%) of the affected resident property owners in number and interest, the Council shall set a

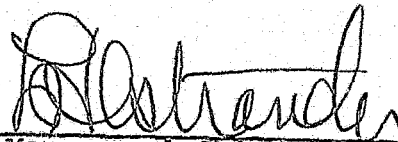
second hearing as before to re-determine the per cent of the then affected resident property owners who oppose the proposed improvement.

The City Council by five-sevenths (5/7) affirmative vote of its members may initiate proceedings for the repair or replacement with suitable materials of special assessment improvements. Such proceedings may be initiated by adoption of a resolution describing the repair or replacement contemplated, and the necessity therefor, and setting forth in said resolution the time and place of a hearing to be held before the Council on such proposed repair or replacement. Notice of the time, place and purpose of said hearing shall be published once in the official newspaper of the city at least one week prior to said hearing. In addition, a copy of such notice shall be mailed at least one week prior to said hearing to each affected resident property owner at his last known city address. Prior to said hearing the City Manager shall prepare an estimate of the cost of the proposed repair or replacement, both in unit price and in total thereof. At said hearing the Council shall hear all interested parties and if, after such hearing, the Council shall so decide by a five-sevenths (5/7) affirmative vote of the members thereof, it may proceed with such repair or replacement, provided, however, that no contract therefor shall be let in the event the contract price exceeds the estimated cost made by the City Manager as hereinbefore prescribed. In the event the cost of any such repair or replacement shall not exceed twenty-five dollars (\$25.00) on any one parcel or property, the City Council may, without hearing, by five-sevenths (5/7) affirmative vote of its members order such repair or replacement made after giving ten days written notice to the owner of such property at his last known city address.

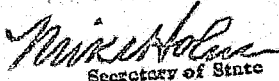
Special assessments to cover the cost of any such repair or replacement shall be levied as hereinabove provided for."

3. I do further certify that at said election more than three-fifths of those lawfully voting thereat duly declared in favor of said proposed amendments and each of them; that the same thus carried and the Council, having duly canvassed said vote, thereupon by resolution, duly declared the adoption of said amendments and each of them, and that they were duly ratified. In accordance therewith, I do hereby certify that said amendments, and each of them, have been duly ratified, adopted, and will take effect as by law provided.

Dated November 12, 1946



Mayor and Chief Magistrate

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
NOV 14 1946  
  
Secretary of State