

State of Minnesota,)
County of Olmsted,)
City of Rochester,) ss.

I, William B. Richardson, Mayor and Chief executive officer of the City of Rochester in the County of Olmsted and State of Minnesota, do hereby certify that the Board of Freeholders in and for said City of Rochester heretofore appointed by Honorable Arthur H. Snow, Judge of the Third Judicial District in the State of Minnesota, pursuant to the laws in such case made and provided, did on the twenty-ninth day of May, A. D. 1915, deliver to me as such chief executive officer a proposed amendment to the Charter of said City of Rochester adopted and ratified by the voters thereof on August 22, 1904, which said proposed amendment is herein set forth in full as follows:

Amend sections 199, 291 and 219 so as to read as follows:

Section 199. At the time and place so appointed the commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and may adjourn from time to time, if necessary, for the purposes aforesaid. When the view and hearing shall be concluded, they shall determine and assess the amount of the damages to be paid to the owner or owners of each parcel of property proposed to be taken or which may be damaged or injured, and in so doing they shall take into consideration the value of the property proposed to be taken and such other damages as may be incident to such taking.

When the taking or damaging of the property is for the purpose of making a public improvement, the whole or any part of the cost and expense of which improvement is proposed to be paid by special assessment levied by the Common Council as elsewhere provided in this charter, the commissioners in making the assessment or award of damages shall not take into consideration the advantages or benefits which will accrue to such property or to the owner or owners thereof on account of the making of such public improvement, nor reduce or diminish such damages on account of such advantages or benefits, nor offset the advantages or benefits so accruing to any person or property against the damages done to such person or property; but the Common Council, when making and levying the special assess-

ment for the cost and expense of the public improvement for the making of which such property is taken or damaged, shall include in the cost and expense of making such improvement the total amount of the damages as assessed by the commissioners and confirmed or revised by said Common Council, and may also include in the cost and expense of such improvement the amount paid by the City for the purchase price of all lands necessary for the improvement.

Section 201. If the land and buildings to be condemned belong to different persons, or if the land be subject to lease, mortgage, or judgment, or if there be any estate in it less than an estate in fee, the damages to each of such persons or interests or estates may be awarded separately by the commissioners, or the commissioners in their discretion may award one entire sum for the damages to the buildings and one entire sum for the damages to the land without apportioning either or both of said entire sums among such persons, or owners of such separate interests or estates.

Section 219. The Common Council shall have power to open, establish and lay out new streets, lanes and alleys within the City: and to widen, extend, alter or straighten any street, lane, alley or highway: and to cut, fill, excavate, grade, level, pave, repave, curb, wall, bridge, gravel, macadamize, or plank any street, avenue, lane, alley, or highway, and to keep the same in repair: also to construct, lay, re-lay, and repair retaining-walls, gutters, drains and pipes for surface water and private drains, in, over, or under any street, lane alley, or highway: and to levy a special assessment for the cost and expense of any such improvement according to any of the methods specified in section 221 of this charter.

I further certify that the Common Council of the City of Rochester submitted the above proposed amendment to the qualified voters of said City at a special election called for that purpose on July 6, 1915; that more than three-fifths of the said voters who voted at said election voted in favor of the adoption of said proposed amendment and adopted and ratified the said amendment, as shown by the returns of the said election

as canvassed by the Common Council of said City of Rochester.

In testimony whereof I have hereunto set my hand in duplicate, and caused said duplicates to be authenticated by the seal of the said City of Rochester and attested by the City Clerk of said City, this third day of August, A. D. 1915.

W. B. Buchanan
Mayor of the City of Rochester, Minnesota.

Attest:

A. J. Wright
City Clerk.