

AMENDMENT
To the Charter of the
CITY OF SAINT PAUL

Adopted at the Election of May 7th, 1912.

2410

Official Publication

Of the Following Proposed Amendment to the Charter of the City of St. Paul, Ramsey County, Minnesota, to be Submitted to the Qualified Voters of Said City, for Adoption at the General City Election, to be Held in Said City, on the 7th Day of May, A. D. 1912.

To the Honorable the Board of Charter Commissioners of the City of St. Paul:

The undersigned, all of whom are legal voters of the City of St. Paul, hereby respectfully petition and request your Honorable body to submit to the vote of the people of said city in the manner provided by Section 36, Article 4 of the Constitution of the State of Minnesota, the following amendment to the existing Charter of said city:

An Amendment to the Charter of the City of St. Paul Concerning the Payment and Collection of Assessments for Local Improvements and for Public Parks and Parkways.

All assessments levied and assessed upon real estate under the provisions of the Charter of the City of St. Paul shall be a perpetual and paramount lien upon the real estate on which the same may be imposed and upon all structures thereon from and after the date of the warrant issued for the collection thereof, provided, however, that as between grantor and grantee, vendor and vendee, mortgagor and mortgagee, the lien of said assessments shall attach as follows, namely:

The lien of the first installment of any such assessment shall attach at the date of the warrant issued for the collection thereof.

The lien of the remaining installments of any such assessment for a local improvement shall attach in 1, 2, 3, 4 and 5 years, respectively, from the date of the warrant issued for the collection thereof.

The lien of the remaining installments of any assessment for benefits or damages by reason of the condemnation of land taken for public use as a public park or parkway shall attach in 1, 2, 3, 4, 5, 6, 7, 8 and 9 years, respectively, from the date of the warrant issued for the collection thereof.

The lien of said assessments shall be of equal rank with the lien of the State for taxes which have been or may be levied upon said property under the general laws of the State of Minnesota, and the general rules of law as to priority of tax liens shall apply equally to the lien of such assessments and to such liens for general taxes with the same force and effect as though all of the liens aforesaid and all of the taxes and assessments aforesaid were of the same general character and imposed for the same purpose and by the same authority without regard to the priority in point of time of the attaching of either of said liens, and a sale or perfecting title under either shall not bar or extinguish the other.

All assessments levied and assessed under the provisions of this charter shall be due and payable in installments as follows, namely:

One-fifth of the amount of any assessment for local improvements shall be due and payable sixty days after the date of the warrant issued for the collection thereof, and the balance thereof shall be due and payable in five equal installments in 1, 2, 3, 4 and 5 years, respectively, after the date of said warrant.

One-tenth of the amount of any as-

used for any purpose other than that of the fund upon which said bonds are a primary charge and on account of which they were issued.

The principal and interest of the bonds issued and sold as herein provided, shall be a first charge upon the fund for which the same are issued, respectively, and no part of said fund shall be used for any purpose other than the purposes herein set forth until the principal and interest of said bonds issued as herein provided shall have been fully paid or the moneys for the payment thereof shall have been set apart in the city treasury.

The "Special Assessment Bonds" herein authorized shall be divided into three classes, and shall be known and designated as Class A, Class B and Class C, respectively.

The bonds for the payment of which the faith and credit of the city is not pledged and which are payable solely out of the assessment fund upon which the same are a charge, shall be known as Class A.

The bonds payable out of the fund upon which the same are a charge and for the payment of which the faith and credit of the city is not directly pledged, but wherein the city agrees if necessary to add to said fund an amount not to exceed twenty-five per cent thereof, or such lesser portion as may be necessary in order to make provision for the payment of the principal and interest of said bonds, shall be known as Class B.

The bonds for the payment of which the faith and credit of the city is pledged shall be known as Class C.

These bonds shall be issued and sold in the following manner, namely:

After the contract for any local improvement is awarded and before such contract is executed and before any assessment for benefits and damages by reason of any proceeding for the condemnation of lands or property rights as provided in this charter is confirmed by the Board of Public Works, said Board shall certify to the City Comptroller the amount of said contract or of said assessment and he shall thereupon cause public notice to be given that at the time and place therein stated he will receive bids for the purchase of "Special Assessment Bonds" known as Class A. He shall cause said notice to be published not less than twice in the official paper of the city and shall give such other notice as in his judgment may be most likely to secure bids for said bonds.

If, pursuant to said notice, the City Comptroller receives bids for the purchase of bonds, known as Class A, for the amount of said contract or of said assessment and which will not call for the payment of a net rate of interest exceeding six per cent per annum, payable semi-annually, the same shall be accepted and thereupon the City Comptroller shall certify such fact to the Board of Public Works, and the assessment to which the same refers may then be confirmed or the contract executed, as the case may be.

When said contract is executed or said assessment confirmed, as the case may be, said bonds may be executed and delivered in the manner herein-after provided. Bonds known as Class A shall be payable solely out of the assessment fund on account of which they are issued.

If, pursuant to said notice, no bids are received for the purchase of "Special Assessment Bonds" known as Class A, the City Comptroller shall thereupon cause public notice to be given that at the time and place therein stated he will receive bids for the purchase of "Special Assessment Bonds" known as Class B. He shall cause said notice to be published not less than twice in the official paper of the city, and shall give such other notice as in his judgment may be most likely to secure bids for said bonds.

If, pursuant to said notice, the City Comptroller receives bids for the purchase of bonds known as Class B, for the amount of said contract or of said assessment, and which will not call for interest in excess of six per cent per annum, payable semi-annually, the same shall be accepted and thereupon the City Comptroller shall certify such fact to the Board of Public Works, and the assessment to which the same refers may then be confirmed or the contract executed, as the case may be.

When said contract is executed or said assessment confirmed, as the case may be, said bonds may be executed and delivered in the manner herein-

reviewed and interest of said bonds.

It shall be the duty of the City of St. Paul and of its proper officials to collect and if necessary to enforce the collection of all assessments levied and assessed under the provisions of this charter, and to apply the same to the payment of the principal and interest of the bonds, which are a charge upon the same as such collections are received into the Treasury of the city. The City Comptroller shall keep records showing at all times the accurate and correct condition of said respective assessment funds and of the amount of all special assessment bonds issued as herein provided, together with the respective dates of issuance and the maturity thereof and the rate of interest thereon, and when said interest is payable.

The Common Council may by resolution authorize and direct the temporary investment of the surplus of the moneys in any such fund in such manner as may be provided by said resolution.

The total amount of unpaid special assessment bonds issued as herein provided, and which are a primary charge upon such special assessment funds, shall not at any time exceed 2 1/2% of the valuation of property liable to taxation.

Immediately after any installment upon any assessment levied and assessed under the provisions of this charter becomes delinquent it shall be the duty of the City Treasurer to report to the District Court of Ramsey County at any general or special term thereof all assessment warrants for the collection of any assessments under the provisions of this charter, which have been delivered to him and upon which any installments thereof are delinquent, and to then and there ask for judgment against the several lots and parcels of land described in said respective warrants for the amount of such delinquent installments with interest and costs, respectively, due thereon as hereinafter more fully provided. The City Treasurer shall previously give at least ten days' notice of his intended application for judgment by one publication thereof in the official paper of the city, which notice shall briefly specify the respective warrants upon which such application is to be made, and a description of the property against which judgment is desired and the amount of the installments then delinquent against the same, and shall require all persons interested to attend at said term.

Said City Treasurer shall also give five (5) days' notice to the same effect to all interested property holders or to their agents, if such agents reside in the City of St. Paul, by depositing in the Postoffice in St. Paul a postal card addressed to the respective property owners or to their agents, if such agents reside in St. Paul. But the failure to give such notice shall in no wise affect the validity of the judgment applied for or of any proceedings with reference thereto.

The notice when thus published shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the City Treasurer to such court for judgment and shall be held a sufficient demand and refusal to pay said assessment.

It shall be the duty of the Court upon the filing of said reports to proceed immediately to the hearing of the same, and said proceedings shall have priority over all other cases or proceedings pending in said Court.

The said Court shall make and enter a judgment against the several lots and parcels of land described in said respective reports concerning which no objections shall be filed, whereby it shall be adjudged and decreed that each parcel of land therein described is liable for the amount of the delinquent installment upon any such assessment, together with the penalties and costs thereon for the amounts set opposite the same respectively.

Said judgment shall further adjudge and determine that the amount of such delinquent installment, together with the penalties and costs to which, as stated in said judgment, said respective parcels of land are liable, are thereby adjudged and declared to be a lien upon said parcel of land as against the estate, right, title, interest, claim or lien of whatever nature in law or equity, of every person, company or corporation whatsoever.

herein provided, redemption may be made therefrom in the following manner, namely:

If the judgment lien of the city has not been assigned, redemption may be made at any time within three years from the date of the judgment by payment to the City Treasurer of the amount adjudged to be a lien thereon together with interest at the rate of 12% per annum, from the date of said judgment, and all costs and penalties upon the same, and all delinquent installments then due and payable upon said assessment with the penalties and interest upon the same.

If the judgment lien of the city has been assigned redemption may be made at any time within three years from the date of the judgment by payment to the City Treasurer of the amount for which said judgment lien was assigned, together with interest thereon at the rate of 12% from the date of such assignment. At least three months before the expiration of the time for redeeming any part or parcel of land aforesaid, the City Treasurer shall cause to be published in the official paper of said city once a week for six successive weeks, a list of all unredeemed tracts or parcels of land, specifying each particular tract or parcel, the name of the person in whom the same is assessed, if any, and the amount necessary to redeem the same, calculated upon each lot or parcel to the last day of redemption, together with notice that unless such lots or parcels of land shall be redeemed on or before the date limited therefor, specifying the same, all right of redemption will then be ended, barred and determined.

All parts, portions and provisions of the charter of the City of St. Paul inconsistent with this amendment are hereby repealed, provided, however, that the existing provisions of this charter, so far as the same affect proceedings for local improvements which are pending and in which the assessment has been confirmed when this amendment takes effect, are hereby continued in force. All existing provisions of this charter relating to the collection of assessments which have become a lien upon real estate and which remain unpaid when this amendment takes effect, and to sales therefor and to the service and publication of a notice of the expiration of the right to redeem therefrom, and to the right of the city to issue certificates and deeds therefor, are hereby continued in force and shall be unaffected by this amendment. All rights based upon or growing out of assessment proceedings and which have accrued or become vested when this amendment takes effect shall be governed by the existing provisions of this charter and shall be in no manner affected by this amendment.

This amendment shall take effect upon its adoption.

Endorsed: City Clerk's Office, City of St. Paul, Minnesota.
Filed March 28, 1912.

J. T. McGINN,
Assistant City Clerk.
(April 6, 13, 20, 27, May 4, 1912.)

assessment for benefits or damages by reason of the condemnation of land for public parks or parkways, shall be due and payable sixty days after the date of the warrant issued for the collection thereof, and the balance thereof shall be due and payable in nine equal installments in 1, 2, 3, 4, 5, 6, 7, 8 and 9 years, respectively, after the date of said warrant.

Provided, however, that the entire amount of any assessment or of one or more installments thereof, together with interest, penalties and costs, if any, may be paid at any time after the date of the warrant issued for the collection thereof, and before the right of redemption has been eliminated as herein provided. And provided further that whenever any installment of any such assessment is paid there shall likewise be paid the interest thereon, together with the interest on all other installments of such assessment computed to the date of such payment.

All such assessments shall, except as herein provided, bear interest at the rate of 6% per annum, after the date of said warrant, provided, however, that interest on the first installment thereof shall begin sixty days after the date of said warrant.

If any installment of any such assessment shall remain unpaid for a period of sixty days after the same becomes due and payable as herein provided, a penalty of 10% shall immediately accrue thereon, and such penalty shall thereupon be and become a part of and collectible with and in like manner as and shall bear interest at the same rate as said delinquent installment.

Upon the receipt of any warrant for the collection of any assessment levied under the provisions of this charter, the City Treasurer shall forthwith give notice by one publication in the official newspaper of the city that such warrant is in his hands for collection, briefly describing therein the nature of the assessment and that the same is payable in installments, and when the same will become due, payable and delinquent, and requesting all persons interested to make payment thereof at his office, and further stating that in default of such payment any and all delinquent installments will be collected at the cost and expense of the property liable for the payment of such assessment.

After the contract for any local improvement is awarded and before such contract is executed and before any assessment for benefits and damages by reason of any proceeding for the condemnation of lands or property rights as provided in this charter, is confirmed, the Common Council shall adopt a resolution authorizing the issuance and sale in the manner herein provided of "Special Assessment Bonds" for the amount of such contract or assessment, respectively, or of any reassessment, together with the cost of engineering and the inspection of such work, and the advertising and other expenses incident thereto. If any local improvement is made without awarding a contract therefor, the Common Council shall adopt a resolution authorizing such bonds to be issued and sold in the manner herein provided, for a sum sufficient to defray the cost of the work as it progresses.

The proceeds of each assessment levied under and by virtue of this charter and all money received from the payments made thereon and from the sale of real estate by the city by reason of the enforcement of the lien of said assessment, together with the proceeds of the "Special Assessment Bonds" issued on account of said assessment, as herein provided, shall constitute and form a separate and distinct fund applicable only to the purposes for which such assessment was made, and this fund shall be used for the following purposes and not otherwise, namely:

For the payment of the estimates on the contract awarded upon said assessment or the cost of the improvement if the work is performed by the city, or for the payment of the damages awarded in condemnation proceedings, and for the payment of the "Special Assessment Bonds" which are a charge thereon and which are issued as here-

after provided. The bonds issued pursuant hereto and which are known as Class B, shall be payable solely out of the fund on account of which the same are issued, provided, however, that pursuant in all things to the conditions of this charter authority is hereby granted to the Mayor, City Comptroller and City Treasurer to covenant and agree in said bonds in behalf of the city, that if necessary it will add to said fund an amount not to exceed 25% thereof, or such lesser portion as may be necessary in order to make provision for the payment of the principal and interest of said bonds known as Class B.

If, pursuant to said notice, the City Comptroller receives no bids for the purchase of said bonds, known as Class A and Class B, respectively, he shall thereupon certify said fact to the Board of Public Works, which shall make due report thereof to the Common Council, and the improvement to which the same refers shall be abandoned, unless the Common Council by an affirmative vote of three-fourths of all the members of both bodies thereof shall authorize the issuance of "Special Assessment Bonds" for the payment of which the faith and credit of the city shall be pledged, which are designated herein as Class C. Upon the adoption of such a resolution the assessment may be confirmed by the Board of Public Works or the contract executed, as the case may be, and said bonds known as Class C, may thereupon be issued and sold by the Mayor, City Comptroller and City Treasurer, upon the notice herein prescribed for bonds of Class A and Class B, respectively.

The "Special Assessment Bonds" herein authorized shall be signed by the Mayor and shall be countersigned by the City Comptroller and attested by the City Clerk, and shall bear date on the first day of the month when issued. The corporate seal of the city shall be affixed thereto, and they shall mature and become payable upon the dates stated therein, not later, however, than three years from the date of issuance. Said bonds may have coupons attached thereto, and may be issued in such denominations and made payable at such place and at such time, not later than three years from the date of issuance, as the Mayor, City Comptroller and City Treasurer may from time to time deem necessary and convenient. No such bonds shall be issued or sold upon terms that will compel the payment of a net rate of interest exceeding six per cent per annum, payable semi-annually, nor shall any of the same be delivered to a purchaser until the purchase price thereof shall first have been paid to the City Treasurer.

If, at the maturity of said bonds or any thereof, the amount of cash in the fund upon which the same are a primary charge is not sufficient for the payment of the principal and interest thereof, the Common Council may make provision for the renewal of the same by adopting a proper resolution authorizing the issuance and sale of other like bonds in the manner herein provided, or it may appropriate from the annual fund hereinafter created an amount sufficient to pay the principal and interest of said bonds thus maturing.

The amount of "Special Assessment Bonds" which are issued on account of any assessment shall never exceed the amount due or to become due on such assessment at the date of the issuance of said bonds.

All special assessment bonds issued pursuant hereto shall recite upon the face thereof the conditions pursuant to which they are issued and the class to which they respectively belong and shall fully describe the improvement on account of which they are issued.

No contract for any local improvement shall be executed in behalf of the city until bids for special assessment bonds to the amount of the assessment therefor have been received and accepted as herein provided.

The city shall raise by general taxation an annual fund of twenty-five thousand dollars, and the Common Council may by resolution appropriate the same or such part thereof as may be necessary for the payment of the

Said judgment shall unless adjudged and decree that unless the amount for which each of said tracts or parcels of land is thereby respectively adjudged to be liable shall be paid within one year from the date of said judgment, that then and in such event each and every parcel of land therein described and upon which the delinquent installments of said assessment, together with said penalties and costs, have not then been paid, shall at the expiration of one year from the date of said judgment be and become the property of said City of St. Paul or of the assignee of its judgment lien if the same has been assigned, and said City of St. Paul or its assignee if its judgment lien has been assigned, shall at the expiration of said period be and become the owner in fee simple of said respective tracts of real estate free and clear of any estate, right, title, interest, claim or lien of whatever nature, in law or equity, of every person, company or corporation whatsoever, subject, however, to redemption as herein provided.

The same presumption in favor of the regularity and validity of said judgment shall be deemed to exist as in respect to judgments in civil actions in said courts, except where assessments have been paid before said judgment is entered or where the land is exempt from assessment, in which cases such judgment shall only be prima facie evidence of its regularity and validity.

The owner of any property described in said reports or any person beneficially interested therein who is aggrieved by such assessment shall file in said court his written objections to the recovery of judgment against such property and shall serve a copy thereof upon the Corporation Attorney at least five (5) days prior to the time designated in the City Treasurer's notice of application for judgment. No objection shall be interposed or sustained in relation to any of the proceedings prior to the confirmation of the assessment, except that the Common Council had no authority to order the said improvement, or that the Board of Public Works had no authority to have the said work performed, and no objections as to any other proceedings shall be sustained on any mere formal irregularity or defect, and the City Treasurer may amend by leave of the court in its discretion any matter in furtherance of justice. The court shall hear and determine all objections in a summary manner without pleadings, and shall dispose of the same with as little delay as possible, consistent with the demands of public justice, but should justice require that for any cause the suit of one or more owners shall be delayed, judgment shall then be rendered as to the other property and lands as herein provided. Upon the trial in the District Court of an appeal from any assessment charged in any special assessment warrant, whether made by reason of the appropriation or condemnation of land, or for any other improvement whatsoever under the provisions of this Charter, the court shall give to the official act of said Board of Public Works in making the assessment, at least the same weight as evidence as it would and should give to testimony of an equal number of disinterested and specially qualified expert witnesses upon all questions considered and determined by the Board in making such assessment.

At any time after judgment has been entered against any tract of real estate as herein provided the City may assign its judgment lien thereon upon the payment by the assignee of the amount of such judgment with all costs thereon and interest upon the same at the rate of 12% per annum from the date of such judgment, and upon the further payment of all other installments of said assessment due or to become due thereon and of all other assessments due or to become due thereon and of all other assessment liens held by the City, if any, which are then a lien upon said land. This assignment shall be executed in behalf of the City by the Mayor, City Comptroller and City Treasurer, and shall vest in the assignee all the right,

STATE OF MINNESOTA, }
County of Ramsey, } SS.
City of St. Paul. }

KNOW ALL MEN THAT THESE PRESENTS HEREBY CERTIFY That the foregoing draft of Amendment No. 1 as proposed to the charter of the City of St. Paul, in the County of Ramsey and State of Minnesota, as returned to the chief magistrate of said City of St. Paul, to-wit, its Mayor, Herbert P. Keller, on the application of five per cent. of the legal voters of said City by written petition to the Board of Freeholders appointed by the Judges of the District Court in the Second Judicial District of said State, under and pursuant to the Constitution and laws of the State of Minnesota, was submitted to the qualified voters of said City of St. Paul at the general city election held in said City on the 7th day of May, 1912, at which said election there were cast in favor of said Amendment No. one, 25,166 votes out of a total vote of 34,891 cast at said election, and at said election said amendment did receive the votes of more than three-fifths of the qualified voters voting at said election in said City in favor of the adoption and ratification thereof, and said amendment did receive more than three-fifths of the total vote cast for any purpose at said election, in favor of its adoption and ratification, and that all of the votes so cast by the qualified voters and electors at said election held on May 7th, 1912, upon the question of the adoption and ratification of said amendment were duly returned and canvassed by the properly and duly authorized and official Canvassing Board in and for said City, and that said Canvassing Board, after such canvass did duly declare said amendment to have been duly ratified and adopted by the electors of said City, and it is hereby declared and certified that said amendment to said charter was duly and properly ratified and adopted by the qualified voters and electors of said City at said election.

16th Witness our hands and the corporate seal of said City this
day of May, 1912.

H. P. Keller
Mayor of the City of St. Paul, Minnesota.

Attest John T. McGinn
Ass't City Clerk, City of St. Paul, Minnesota.

2410