

[No. 74, A.]

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CHAPTER 488.

AN ACT to establish a system of public parks within the city of Milwaukee, and to provide for the purchase, payment and government thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Milwaukee may issue \$100,000 bonds for establishing and maintaining parks.

SECTION 1. The common council of the city of Milwaukee, is hereby authorized to provide by ordinance for the issue of corporate bonds of said city in amount not exceeding one hundred thousand dollars. Said bonds shall be payable in not more than twenty years after the date of said issue, and shall bear interest not exceeding the rate of five per cent. per annum. Said bonds shall be known as and called park lands and shall be issued exclusively to provide funds for establishing and maintaining parks within the city of Milwaukee, embracing one or more parks north of North avenue in said city, and one or more parks on the south side of the Milwaukee river, in said city. But it shall not be lawful to expend more than one-half of said proceeds from the sale of said bonds upon the park or parks within either of said divisions.

How issued.

SECTION 2. All bonds issued under the provisions of this act shall be signed by the mayor and clerk of said city, countersigned by the comptroller of said city, attested by the commissioners of public debt of said city, sealed with the corporate seal of said city, made payable in lawful money of the United States of America in the city of Milwaukee or New York, and shall each be for the principal sum of one thousand dollars, or five hundred dollars, or one hundred dollars, and shall have attached thereto interest coupons or warrants for the semi-annual payment of interest thereon, and such bonds and coupons shall be numbered in the form and manner to be designated by said comptroller.

SECTION 3. Bonds issued under the provisions of this act shall be issued from time to time, in

such amounts as the common council of said city may determine upon; said bonds, when issued and properly signed and sealed, shall be delivered to the commissioners of public debt of said city, and by that body disposed of, the proceeds arising therefrom to be paid into the treasury of said city, and such proceeds shall constitute a separate and distinct fund, to be exclusively applied for the purposes specified in the first section of this act. Provided, that nothing in this act contained shall be construed as authorizing said common council to issue bonds in excess of the limitation prescribed in section 6, of chapter 11, of the charter of said city and the acts amendatory thereof.

To be disposed of by commissioners of public debt.

SECTION 4. The office of commissioners of public debt of said city shall not be abolished while any of the bonds issued under the provisions of this act remain outstanding and unpaid.

Office of commissioners not to be abolished.

SECTION 5. The provisions of sections 2, 6, 7, 8, 9, 10, 11 and 17, chapter 87, of the laws of 1861, applicable and not inconsistent with the provisions of this act, shall apply to bonds issued under the provisions of this act, and such sections, if not inconsistent, are incorporated as a part of this act. The true intent and meaning of this act is to provide for the present issue of bonds in the same manner as bonds issued under the provisions of that act are provided for.

Certain provisions of chapter 87, laws 1861, to apply.

SECTION 6. The common council of said city shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, for the payment of the annual interest on all unpaid bonds issued under the provisions of this act, and for twenty years before the principal of said bonds becomes due, the said common council shall annually cause a tax to be levied upon all taxable property in said city, both personal and real, equal in amount to five per cent. of all bonds issued under the provisions of this act, for a sinking fund to redeem such bonds as the said commissioners of public debt direct to be cancelled.

Tax levy.

SECTION 7. As soon as a sinking fund shall have been collected and set aside, the said commissioners of public debt shall proceed to cancel bonds in amount equal to the sinking fund so provided.

When to cancel.

SECTION 8. All bonds directed to be paid by said commissioners of public debt shall be, when

How cancelled.

paid, stamped, "cancelled," and when so stamped shall be delivered to the common council of said city, and by that body publicly declared cancelled,

Not to be sold
for less than }
par.

SECTION 9. The commissioners of public debt of said city are hereby prohibited from selling or otherwise disposing of any such bonds at a less valuation than par, that is to say, at less than the principal of said bonds, together with the accrued interest thereon.

Mayor to
appoint park
commissioners.

SECTION 10. It shall be the duty of the mayor of the city of Milwaukee on or before the first day of June, 1889, to appoint, subject to the approval of the common council as in the case of the appointment of other officers, five commissioners who shall constitute a board of park commissioners. Said commissioners shall be chosen from the freeholders of said city, and the mayor shall nominate the chairman of said board and designate the length of the term of each commissioner one being appointed for one year, one for two years, one for three years, one for four years and one for five years, and the mayor shall in like manner each year appoint a new commissioner who shall hold for five years. In the case of vacancy the mayor shall appoint a commissioner for the unexpired term. Each of said commissioners before entering upon the duties of his office shall take an oath to well and truly discharge the duties of his office, which oath shall be reduced to writing, subscribed by him and filed in the office of the city clerk. All lands acquired by said city of Milwaukee under the provisions of this act shall be held, managed and controlled by said board of park commissioners as a public park or parks for the recreation, health and benefit of the public and free to all persons, subject to such necessary rules and regulations as shall be, from time to time, adopted by said board of park commissioners for the well ordering and government of the same. The commissioners appointed under this section shall receive no salary.

Duties.

Provisions of
chapter 6 of
chapter 184,
laws 1874,
relating to
acquiring of
lands by pur-
chase or lease
to apply.

SECTION 11. The provisions of chapter 6, of chapter 184, of the laws of 1874, being the charter of the city of Milwaukee, and the several acts amendatory thereof, are hereby so amended and enlarged as to authorize said city through said board of park commissioners, to take and acquire by purchase, or by lease with the privilege to

purchase, by agreement with the owner, in addition to, or in place of the lands to be paid for from the proceeds of said bonds, lands and property for the purpose of establishing the parks herein provided.

SECTION 12. In case said city through said board of park commissioners cannot agree with the owner or owners of any of the land required for said parks on the terms of purchase, it is hereby authorized to condemn and take the same in the manner required by law to enable said city to take and condemn lands for the purpose of laying out streets, alleys, public squares and grounds; provided, that for the purposes contemplated by this act it shall not be necessary to have any petition of freeholders or bond; but the common council shall, by resolution adopted by an affirmative vote of a majority of the aldermen elect, direct proceedings to be had for such purpose, and hereafter the proceedings shall be, in all respects as provided by law, for the taking of property for public use as a street, without petition or bond.

May condemn lands when agreement cannot be had.

SECTION 13. No such purchase or lease shall be made until the same shall have been ordered by the common council of said city, by resolution adopted by an affirmative vote of a majority of the aldermen elect specifying the land to be purchased, the maximum price to be paid therefor and the terms of payment or the terms of option in case of lease by the city with the privilege of purchasing. Any such purchase may be made in whole or part on credit and for that purpose the proper officers of said city may execute and deliver to the vendor of such land or property purchased, an instrument creating a lien thereon and any improvement thereon, for such purchase money, without creating any corporate liabilities therefor, to secure the whole or any part of the price in installments, extending not more than ten years from the date of such purchase, which installments may bear interest at such rates as shall be agreed on, not exceeding seven per cent. per annum.

When purchase or lease may be made.

May be on credit.

SECTION 14. This act shall take effect and be in force on and after the date of its passage and publication.

Approved April 17, 1889.