

No. 128, A.]

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CHAPTER 38.

AN ACT entitled, an act to amend chapter 260, of the laws of 1877, entitled "An act to revise, consolidate and amend the charter of the city of Stevens Point," approved May 17, 1858, and the several acts amendatory thereof.

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

SECTION 1. Section 12, of sub-chapter 11, of chapter 260, of the laws of 1877, as amended by section 8, of chapter 113, of the laws of 1889, is hereby amended so as to read as follows: Section 12. Whenever any work has been done under contract, as provided in this chapter, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lots or parcels of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon and which certificate shall bear interest at the rate of eight *per cent. per annum*, from its date until paid; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively, as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for, or on account thereof or for any proceedings for the col-

Amends chapter 260 laws of 1877 as amended.

(grading certificates, how issued and collected.

lection of the pay thereof; and further provided, that when any contract is let for doing any work herein specified, chargeable to the abutting real estate, lots or parcels of ground, such contract may provide that the amount so chargeable may be paid with certificates against the lots or parcels of ground as herein above specified, or in improvement bonds, or that payment may be made partly in certificates, and partly in cash or improvement bonds or both.

Amends chapter 260, laws of 1877.

SECTION 2. There is hereby added to said subchapter, 11, of chapter 260, of the laws of 1877, immediately after section 12 thereof the following seven new sections to-wit: Section 12 (a). As soon as the amount chargeable to the abutting real estate, lots or parcels of land has been determined, whether it shall be before or after the completion of such contract and improvement, the common council may cause a notice to be published in the official paper of the city, substantially in the following form.

CITY IMPROVEMENT NOTICE.

Form of notice of improvement.

Notice is hereby given that a contract has been let (or is about to be let) for (describe the work and street) and that the expense of said improvements, chargeable to the abutting land and real estate, has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable to the abutting real estate, lots or parcels of land, to pay the special assessments, and such bonds will be issued, covering all said assessments, except in case where the owner of the property shall file with the city clerk, within thirty days after the date thereof, a written notice that he elects to pay the special assessment on his property, describing the same, on presentation of the certificates.

Improvement bonds, how issued and what to contain.

SECTION 12 (b). After the expiration of thirty days the common council may issue improvement bonds covering all the assessments except such as the owners have filed notices of election to pay as stated in the preceding section. Said bonds shall be signed by the mayor and city clerk, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show that,

they are chargeable to particular property, and specifying the number and amount of said bonds.

SECTION 12 (c). Said bonds shall be semi-annual interest coupon bonds, payable at such time or times, at such place or places as the common council shall determine, and may be paid at any time within five years, but must be paid at or before the expiration of seven years from their date, and shall draw interest at a rate not exceeding six *per cent. per annum*.

Form of bonds.

SECTION 12 (d). The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same together with a copy of such bonds, in his office.

Statement of special assessments.

SECTION 12 (e). The city treasurer shall pay the interest on, and principal of said bonds as the same becomes due, and charge the amount to the proper funds.

Payment of bonds.

SECTION 12 (f). In each year after the issuing of said bonds when the tax roll of the year is prepared, one fifth of the special assessment on each lot or parcel of land or property covered by said bonds, with six *per cent.* interest on said special assessment then unpaid, shall be extended on the tax roll as a special tax on such property, and thereafter these taxes shall be treated in all respects as any other taxes, and, when collected, the same shall be credited to the funds against which payments on said bonds are charged.

One-fifth of special assessment to be collected each year with interest.

SECTION 12 (g). No action shall be maintained to avoid any special assessment, or taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and such bonds shall be conclusive proof of the facts and of the legality of all the proceedings on which the same are based.

Action not to be maintained to avoid special assessment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1891.