

said district, the same to constitute a fund for the improvement of and maintaining of public parks in said park district.

Park fund,
how disbursed.

SECTION 4. The said fund shall be kept by the city treasurer separate from other funds of the city, and shall be used only for the purpose of improving and maintaining public parks in said park district, and shall be paid out by the treasurer only on orders drawn on him by the proper city officers, to cover the expense of maintaining or improving said parks.

SECTION 5. This act shall take effect and be in force, from and after its passage and publication.

Approved April 14, 1899.

No. 474, A.]

[Published April 15, 1899.

CHAPTER 182.

AN ACT to regulate the improvement of public boulevards beyond the municipal limits of certain cities.

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

Powers of
park commis-
sioners.

SECTION 1. Whenever, in any city of the first class in this state, as classified by chapter 40a, of the Wisconsin statutes of 1898, which now or hereafter may own and possess lands beyond the municipal limits for public park purposes, shall have acquired any lands beyond such municipal limits for highway and boulevard purposes, to connect said public parks with the limits of said city, and having a board of park commissioners and a board of public works, then and in that case, the board of park commissioners of such city shall have full and exclusive power to grade,

gravel, macadamize, curb and pave, or otherwise improve, such highway or boulevard, and maintain the same, and to improve a portion thereof by laying out thereon lawns, flower-beds and other similar improvements and the planting and protecting of trees thereon.

SECTION 2. The first cost of making such improvements, shall be assessed upon the particular lots and parcels of land which will be benefited thereby, to the amount which such improvements shall be adjudged to benefit such lots or parcels of land. The expense of such improvements or work across streets at their intersections with streets and alleys, excepting sidewalks, and the expense of the construction of all crosswalks, shall be paid out of the park fund.

Cost of making improvements, how assessed.

SECTION 3. Before ordering any work to be done with reference to the improvements set forth in the preceding section, it shall be the duty of the board of public works of such city, and the town board of the town in which the boulevard shall be situated, acting as a joint board for such purpose, to view the premises and consider the amount proposed to be made chargeable against said several lots or parcels of land, which in the opinion of said joint board will be benefited thereby, and the benefits which in their opinion will actually accrue to the owners of the same in consequence of such improvements, and shall assess against said several lots or parcels of land which they may deem benefited by the proposed improvements, the amount of such benefit which those lots or parcels of land will severally, in the opinion of said board, derive from such improvements when completed in the manner contemplated in the estimate of the cost of said work; which said estimate of the cost of such work, shall theretofore have been made and the same put on file in the office of the board of park commissioners, and shall be open to the inspection of any party interested, and in case the benefits in their opinion amount to less than the cost of the improvements, the balance shall be paid out of the park fund, and said joint board shall endorse

Board of public works and town board to act as joint board. Benefits and damages, how determined

Notice of work of joint board to be published.

Irregularity in form of assessment not to affect validity.

Joint board to file assessment with town clerk.

their decision and assessment in every case on the estimate of the cost of such improvement, filed in the office of the board of park commissioners. Notice shall thereupon be given by said board of public works, by publication in the official newspaper of the city, at least once in each week for two weeks successively, and by posting notices in three conspicuous places on the highway or boulevard to be improved, within five days after the date of such notice, that such assessment is open for review at their office, and will be so continued for the space of twenty days after such date, and that on a day named therein, which shall be no more than three days after the expiration of said twenty days, said joint board will be in session to hear all objections that may be made to such assessment. No irregularity in the form of such assessment or of said notice, shall affect the validity of the same, if it fairly contains the information required to be conveyed hereby. At the time specified for hearing objections to such assessment, said joint board shall hear the persons interested who may appear before them for the purpose, and may review, modify or correct said assessment as they may deem just, and thereupon said assessment shall be signed by a majority of the members of said joint board, and be filed with the town clerk of the town in which the highway or boulevard is situated, and a copy thereof shall be filed with the city clerk.

SECTION 4. It shall be the duty of said joint board, whenever such an assessment shall have been made, to forthwith transmit a true and correct copy thereof to the town clerk of the town in which such improvements are made upon such highway or boulevard, showing specifically the amount assessed against each lot or parcel of land, and at the time of making out the tax roll, after the filing of said assessment, the said town clerk shall enter said assessment on said tax roll, described as special tax, which said amount shall be levied and become a lien on the land, and shall be collected as other taxes are levied and col

lected. Said amounts when collected, shall be paid to the city treasurer of said city, and by him credited to the park fund.

SECTION 5. Any party aggrieved by any such assessment, may appeal to the circuit court therefrom, within twenty days after the filing of said assessment with said town clerk in the same manner and with like force and effect as is provided for appeal in section 959, subdivision 65 of Wisconsin statutes of 1898. Aggrieved party may appeal.

SECTION 6. The appeal given by the preceding section, from the assessment of the said joint board, shall be the only remedy of the owner of any parcel of land, or any person interested therein, affected by such improvements for the redress of any grievance which may be had by reason of such improvements for the purposes herein provided. Appeal only remedy.

SECTION 7. After the first cost of such improvement shall have been provided for, in the manner herein specified, it shall be the duty of the said board of park commissioners, to maintain such highway or boulevard and such park plot or plots, and the cost of such maintenance shall be paid out of the park fund. Park commissioners to maintain boulevards.

SECTION 8. Such boulevard or highway, shall be free to all persons subject to such necessary rules and regulations as shall be from time to time prescribed by such board of park commissioners, for the well ordering and government thereof. Boulevard free to all persons.

SECTION 9. Said city shall be exclusively liable for any damages which may happen to any person, his team, carriage or other property, by reason of the insufficiency or want of repair of such boulevard or highway. City liable for all damages.

SECTION 10. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 11. This act shall take effect and be in force, from and after its passage and publication.

Approved April 14, 1899.