

## CHAPTER 286—S. F. No. 1586

*An act authorizing the governing body of any city of the first class now or hereafter existing in the State of Minnesota to prescribe reasonable rates to be charged by public service corporations supplying gas, or electric energy, or steam, for lighting, heating, or power purposes, and the amount such public service corporations shall pay such city for the use and occupancy of streets and other public property within such cities, whenever the franchise of any such public service corporation has expired and the right to issue temporary licenses has also expired; legalizing ordinances heretofore adopted pertaining to such subjects, and providing exceptions thereto.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Cities may grant permits.**—Whenever in any city of the first class now or hereafter existing in this state, the franchise of any public service corporation supplying gas, or electric energy, or steam, for lighting, heating, or power purposes has expired, and the home-rule charter of any such city authorizes a limited number of temporary licenses of not more than one year each to use the streets and other public places for the purpose of supplying such service and all of such licenses have been given and have expired, and any such corporation thereafter continues to furnish such service and in doing so uses the streets and other public property of any such city, the governing body of any such city is hereby authorized and empowered, notwithstanding anything to the contrary in the home-rule charter of such city, by ordinance, to permit such public service corporation to use the streets and other public property located in such city, and to prescribe from time to time, but not more often than once in each calendar year, reasonable rates which any such public service corporation may charge for such service within such city, and to determine the amount which any such public service corporation shall pay the said city for the use and occupancy of its streets or other public property which are located in and under the control of any such city and used by such corporation. Provided, however, that if the home-rule charter of any such city contains provisions fixing a minimum amount that any such public service corporation shall pay the city for the exercise of any franchise or privilege in, over, under, or upon any of the streets or public places in such city, whenever such public service corporation is not specifically relieved of such payment, the sum fixed by the governing body, pursuant to this act, for the use of such property and privilege, shall not be less than the minimum

fixed by such charter to be paid in those cases wherein the grantee is not specifically relieved from such payment.

**Sec. 2. Acts validated.**—That in all cases in which, during the 12 months immediately preceding the adoption of this act, the governing body of any such city has, subsequent to the expiration of such franchises and licenses aforesaid, by ordinance, fixed rates for such services or any part thereof, and fixed the payment to be made to such city for the use of the streets and other public places in such city, and such ordinance has been accepted by any public service corporation operating in such city, the ordinance so fixing, all proceedings of the governing body relating thereto and the acceptance of said ordinance by any such public service corporation are hereby legalized and made valid and effectual for all purposes.

**Sec. 3. Limitation of act.**—This act shall not be construed as authorizing any such governing body to change any rates for such service, or the amount of payment for the use of the streets and other public property aforesaid, whenever any such rates or payment have been embodied in an agreement now or hereafter existing between any such city and any such public service corporation, which agreement determines the amount of such rates and/or payment for a definite period of time.

✓ Approved April 24, 1935.

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#### CHAPTER 287—H. F. No. 758

*An act to legalize foreclosure sales heretofore made and the records of mortgage foreclosure proceedings.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Mortgage foreclosure sales legalized.**—Every mortgage foreclosure sale by advertisement heretofore made in this state, under power of sale in the usual form contained in any mortgage duly executed and recorded in the office of the register of deeds or registered with the registrar of titles of the proper county of this state, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against any or all of the following objections, viz:

1. That the power of attorney, recorded or filed in the proper office prior to the passage of this act, to foreclose the