

CHAP. 245.—An Act To provide for the appointment of an additional district judge for the eastern district of Michigan.

February 20, 1931.

[H. R. 12350.]

[Public, No. 702.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and directed to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Eastern District of Michigan.

United States courts.
Michigan Eastern
District.
Additional judge for.
Vol. 36, p. 1114,
amended.
U. S. C., p. 883.

Approved, February 20, 1931.

CHAP. 246.—An Act To provide for special assessments for the paving of roadways and the laying of curbs and gutters.

February 20, 1931.

[H. R. 14049.]

[Public, No. 703.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter, whenever under the appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is paved or repaved with sheet asphalt, asphalt block, asphaltic or bituminous concrete (except penetration macadam), cement concrete, granite block, vitrified brick, or other form of permanent pavement, one-half of the total cost thereof shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof, upon the roadway of which said new pavement or repaving is laid: *Provided, however,* That when such new pavement or repaving is laid solely on one side of the center line of such roadway, the one-half cost thereof shall be assessed, as herein provided, against the property abutting the side of the street, avenue, or road, or portion thereof, so improved.

District of Columbia.
Assessment to be
made against abutting
property owner for
paving the roadway of
streets, etc., in.

Pro rata levy.

Proviso.
If only one-half of
roadway improved.

SEC. 2. For the purposes of computing the assessments under this Act, the term "roadway" shall be construed to include the gutters and curbs: *Provided, however,* That where any permanent and new construction of curb, or curb and gutter, is laid, and the roadway of the street is not paved or repaved, or is not paved or repaved with a pavement of the character specified in section 1 hereof, the half cost of such curb, or curb and gutter, shall be assessed against the abutting property in the manner provided herein.

Roadway construed.

Proviso.
Assessment for per-
manent curb, etc., con-
struction.

SEC. 3. There shall be excepted from such assessments the cost of paving the roadway in excess of forty feet in width where the new pavement or repaving is laid on both sides of the center line of such roadway; the cost of paving the roadway in excess of twenty feet in width where the new pavement or repaving is laid solely on one side of the center line of such roadway; the cost of paving the roadway space included within the intersection of streets, avenues, and roads, as said intersections are limited by lines normally projected from the building lines of the street, avenue, or road being improved at its point of intersection with the building lines of the intersecting streets, avenues, or roads and also the cost of paving or repaving the space within such roadways for which street-railway companies are responsible under their charters or under law, on streets, avenues, or roads where such railways have been or shall be constructed.

Roadways excepted
from assessments.

SEC. 4. The maximum linear front foot assessment levied hereunder shall not exceed \$3.50 per linear front foot. The total assessment levied hereunder against any abutting property shall not exceed the number of square feet of area of said property multiplied by 1 per centum of the linear front foot assessment, and shall not exceed 20 per centum of the value of the said abutting property,

Maximum linear
front foot assessment.
Total limited.

Computation of assessments against unsubdivided land.

Property exempt from replacement costs, if assessments paid.

If roadway paved at owner's cost, under permit, etc.

Proviso.
Credit given, if roadway partly paved by owner, completed at public expense.

Cost to owner not to exceed one-half total cost.

Resurfacing costs.

Proviso.
Replacing costs to be assessed, if no previous assessment levied, etc.

Total assessment against property abutting two or more streets etc., limited.

Collection of assessments.
Vol. 28, p. 248.
Interest rate.

exclusive of improvements thereon, as assessed for the purpose of taxation at the time of the paving or repairing of the street, avenue, or road for which said assessment is levied. In computing assessments hereunder against unsubdivided land by the square foot or according to the assessed valuation, there shall be excluded from the computation land lying back more than one hundred feet from the street, avenue, or road being improved where the depth is even; where the depth is uneven, the average depth shall be taken in computation, but not to exceed one hundred feet.

SEC. 5. No property on which a legal assessment has been levied and paid for paving or repaving, curbing or curbing and guttering, on the roadway of any street, avenue, or road, shall be liable for any further assessment hereunder on account of the replacement of such pavement, curbing, or curbing and guttering.

SEC. 6. No assessments shall be levied for repaving where the original pavement was laid at the whole cost of the owner or owners of the abutting property if the said original pavement was constructed under a permit issued by the District of Columbia and under the supervision and direction of an authorized engineer and inspector of the Highway Department of said District, in strict accordance with the then current specifications and design for pavements of the type for which permit was issued: *Provided*, That where curb, or curb and gutter, or a part of the roadway has or have been paved under proper permit, subject to engineering and inspection as above stated, the assessment for paving other parts of the roadway, placing curb, or curb and gutter, when the same is done at public expense, shall be made against property abutting on the highway as provided herein, credit being given in such assessment for the half cost of the pavement laid by the owner under permit as above, estimated on the basis of the contract rates for such work at the date of the performance of the assessable work, so that the total cost to the owner for such improvements shall not exceed the amount of assessments which would have been made hereunder had the improvements been all made at public expense.

SEC. 7. No assessment shall be levied for the cost of resurfacing asphalt pavements by the heater method—stripping the surface from a rigid type base, and replacing surface thereon—or covering an existing hard surface or macadam pavement or base with bituminous material: *Provided*, That where an entire pavement is removed and replaced with a pavement of the character specified in section 1 hereof, the cost of the latter pavement shall be assessed as provided herein, if no previous legal assessment has been levied and paid therefor.

SEC. 8. When any property abuts two or more streets, avenues, or roads, the assessments against said property levied hereunder shall not exceed in the aggregate, together with any legal assessments heretofore levied and paid for the paving, curbing, or curbing and guttering of or on said streets, avenues, or roads $3\frac{1}{2}$ cents per square foot of area of said property, or 20 per centum of the value of said property, exclusive of improvements thereon, as assessed for purposes of taxation at the time of the paving or repaving, curbing, or curbing and guttering for which the assessment is levied.

SEC. 9. The assessments provided for herein shall be made and collected as provided in the Act of Congress approved August 7, 1894, relating to alleys and sidewalks, as amended hereby. The rate of interest to be charged upon any assessment, levied under said Act relating to alleys and sidewalks, or any installment thereof, is reduced hereby from 8 per centum per annum to 6 per centum per annum:

Provided, however, That any installment of any such assessment not paid within the time provided in said Act shall thereafter bear interest at the rate of 12 per centum per annum: *And provided further,* That the advertisement by publication of the intention of the Commissioners of the District of Columbia to perform the work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway, curbing, and gutter improvements.

SEC. 10. Any property owner, aggrieved by any assessment levied hereunder, may, within sixty days after service of notice of such assessment, file with the Commissioners of the District of Columbia a protest in writing against such assessment, accompanied by affidavits if he so desires, and if said commissioners find that the property of such owner so protesting is not benefited by the improvement for which said assessment is levied, or is benefited less than the amount of such assessment, or is unequally or inequitably assessed with relation to other property abutting such improvement, said commissioners shall abate, reduce, or adjust such assessment in accordance with such finding. In computing the sixty days provided in the said Act of Congress approved August 7, 1894, within which such assessment may be paid without interest, there shall be excluded therefrom the time between the date of the filing of any such protest and the date of action thereon by the commissioners.

SEC. 11. The Commissioners of the District of Columbia are hereby directed to cancel all assessments for improvements completed within three years prior to the date of the approval of this Act, levied under the authority of the Acts of July 21, 1914 (38 Stat. 524), and September 1, 1916 (39 Stat. 716), relating to assessments for the paving of streets, avenues, and roads, or under the Act of August 7, 1894 (28 Stat. 250), relating to assessments for laying curbs; and the commissioners are further directed to reassess the cost of such improvements against the abutting property in accordance with the provisions of this Act, which assessments shall become a lien upon the abutting property and be collected in the manner provided herein. Where assessments for such improvements have been paid in whole or in part the commissioners shall refund, within the limits of appropriations by Congress therefor, to the persons paying the same, the excess, if any, of such payments over the amounts of the reassessments levied hereunder.

SEC. 12. Should any section or provision of this Act be decided by the courts to be unconstitutional or invalid, the validity of the Act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected.

SEC. 13. All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, February 20, 1931.

Provisos.
Additional if assessment installment unpaid.
Advertisement of intention, etc., to improve roadway, etc., not required.

Protest of aggrieved property owner.

Assessment paid within sixty days.
Vol. 28, p. 248.
Days excluded.

Assessments canceled.
Vol. 38, p. 524; Vol. 39, p. 716; Vol. 28, p. 250.

Reassessments directed.

Excess refunded.

Separability of Act.

Inconsistent laws repealed.

CHAP. 247.—An Act Authorizing an appropriation of the sum of \$15,000 to defray the expenses of the Pan American Commercial Conference, to be held in Washington, District of Columbia, in 1931.

February 20, 1931.
[H. R. 16159.]
[Public, No. 704.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000 to enable the Pan American Union to meet the expenses of the Pan American Commercial Conference to be held in Washington, District of Columbia,

Pan American Commercial Conference, Washington, D. C.
Appropriations authorized for expenses.
Post, p. 1582.