

of the Executive Council, and provided further that the authority herein granted shall not extend to lakes completely surrounded by lands owned and maintained for the purpose of conducting an educational or religious institution, or to lakes which are unmeandered or which contain less than 200 acres within the meander lines.

Approved April 25, 1949.

CHAPTER 672—S. F. No. 1469

[Coded as Section 160.431]

An act relating to state aid roads and the administration thereof and providing for the extension of state aid roads into or through cities, villages and boroughs; amending Minnesota Statutes 1945, Section 160.43, Subdivisions 1, 2, 3, 4 and 6; adding new provisions, repealing Minnesota Statutes 1945, Section 160.432, and amending Minnesota Statutes 1945, Section 162.01, Subdivision 1.

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

Section 1. Minnesota Statutes 1945, Section 160.43, Subdivision 1, is amended to read:

160.43. **Designation of state aid roads; revocation.** Subdivision 1. **Designation of county boards.** The county board of any county may, with the consent of the commissioner of highways, designate any established road *or street* or specified portion thereof in its county as a state aid road and construct or improve the same in accordance with the regulations of the commissioner of highways relative to state aid roads, *provided that no street within the corporate limits of any village, city or borough shall be so designated without the approval of the governing body of said city, village or borough.*

Sec. 2. Minnesota Statutes 1945, Section 160.43, Subdivision 2, is amended to read:

Subd. 2. **Streets may be designated.** Any such board may, with the consent of the commissioner of highways, designate as a state aid road any street or road within the corpo-

rate limits of any village, borough, or city, *provided such designation be approved by the governing body of such village, borough or city.*

Sec. 3. Minnesota Statutes 1945, Section 160.43, Subdivision 3, is amended to read:

Subd. 3. **Resolution of designation sent to commissioner of highways.** When any county board has designated any road or street as a state aid road, as herein provided, the county auditor shall transmit a copy of the resolution to the commissioner of highways, together with a description of the road or street so designated. It shall be the duty of the commissioner of highways to thereupon determine whether sufficient funds will be available from the state road and bridge fund for the improvement of this road or street as a state aid road, and to determine the desirability of such designation with reference to the relation of such road or street to other state aid roads, or its relation to other roads and traffic conditions in such county and if he determines such questions in the affirmative, then and in such cases the commissioner of highways may by his order in writing, to be filed with the county auditor, consent to the designation of such road or street as a state aid road.

Sec. 4. Minnesota Statutes 1945, Section 160.43, Subdivision 4, is amended to read:

Subd. 4. **State aid paid to improve streets.** Any street or road within the corporate limits of any borough, village, or city designated as a state aid road, as hereinbefore provided, may be improved by the county as other state aid roads are improved and state aid paid therefor in the same manner and to the same extent as other state aid roads lying within the county wherein such borough, village, or city is situated; provided, that the grade of any such street shall not be changed without the consent of the governing body of any such borough, city, or village and, that the plans and specifications for any improvement thereof shall be approved by such governing body before such work is commenced.

Sec. 5. Minnesota Statutes 1945, Section 160.43, Subdivision 6, is amended to read:

Subd. 6. **Abandonment or change of state aid roads.** Any roads which may have been at any time designated as

state aid roads may, by joint action of the county board and the commissioner of highways, be abandoned or changed as such; provided, *that no street so designated within the corporate limits of any village, city or borough may be abandoned or changed without the concurrence of the governing body of such village, city or borough.* In case the county board of any county fails or neglects, for the period of ten days after being notified by the commissioner of highways, to properly maintain any state aid road which it is required to maintain, the commissioner of highways shall have power to revoke the designation of such highway as a state aid road.

[160.431] **Sec. 6. Extension through municipalities.**
Subdivision 1. All state aid roads heretofore or hereafter designated and terminating at or connecting with a road or street, not a state trunk highway, at or within the corporate limits of any city, village or borough, shall be extended by the county board into or through such city, village or borough within the county where necessary to connect with state trunk highways, other state aid roads, marketing centers, state aid roads in adjoining counties, or the principal highways of adjoining states or provinces, so as to form an integrated and connected state aid road system. Such designation shall be made by each county board of the state as to all cities, villages or boroughs so affected within the county within six months after the passage and approval of this act.

Subd. 2. The designation of any road or street within the corporate limits of any city, village or borough as a state aid road shall be subject to approval of the governing body of such city, village or borough, and shall not be submitted to the commissioner of highways until so approved.

Subd. 3. The governing body of any city, village or borough, may enter into an agreement with the county board of the county in which it is located for the construction of any state aid road within the corporate limits of the city, village or borough. The plans and specifications for such construction shall be prepared by the county engineer or by an engineer employed by the city, village or borough, as may be agreed upon by the governing body of such city, village or borough and the county board, and shall be approved by such governing body and the county board. If the construction be of higher surface type or greater width than would be necessary to accommodate the normal rural traffic of such state aid road, the governing body of such city, village or borough may ap-

propriate from any funds available for such construction or may proceed by proceedings for a special assessment against the property especially benefited as provided by the charter or the laws applicable thereto, or both. It may be agreed that the city, village or borough shall carry out such construction and that the county shall reimburse the city, village or borough for such share thereof as may be agreed upon, or that the county shall carry out such construction and that the city, village or borough shall reimburse the county for such share thereof as may be agreed.

Subd. 4. The governing body of any city, village or borough may enter into an agreement with the county board of the county in which it is located for the maintenance of and snow removal from any state aid road within the corporate limits of the city, village or borough. Such agreement may provide that such maintenance and snow removal be performed by the county board at the sole expense of the county, or, if extra width and urban traffic demands require added expense for snow removal and maintenance over and above the normal demands of the adjacent rural sections of such road, the agreement may provide either that the county perform such snow removal and maintenance and the city, village or borough pay to the county such sum to apply on the cost thereof as may be agreed, or that the city, village or borough perform such snow removal and maintenance and the county pay to the city, village or borough such sum to apply on the cost thereof as may be agreed.

Subd. 5. It shall be the primary duty of the county to maintain and to remove snow from all roads and streets designated as state aid roads within the corporate limits of any city, village or borough in the county, but if no agreement therefor be made with the governing body of such city, village or borough as in this section provided, the county board may elect as to any or all cities, villages and boroughs in the county, either that the county perform such snow removal and maintenance, or in lieu thereof, that the county pay to the city, village or borough annually, an amount per mile of state aid road within the corporate limit thereof not less than the average annual cost per mile of maintaining and removing snow from all state aid roads of the county without the corporate limits of any city, village or borough therein. If such election be made by the county board of any county, the governing body of any city, village or borough affected shall be responsible for and shall maintain and remove the snow from

the state aid roads within the corporate limits. On or before July 1 of each year, the county board shall notify the governing body of each city, village or borough affected within the county, of its election for the ensuing calendar year made pursuant to the provisions of this section.

Sec. 7. **Repealer.** Minnesota Statutes 1945, Section 160.432, is hereby repealed.

Sec. 8. Minnesota Statutes 1945, Section 162.01, Subdivision 1, is amended to read:

162.01. **Powers of county board.** Subdivision 1. County boards shall have general supervision of county roads, including those within their respective counties established by judicial authority, with power to appropriate and expend such sums of money from the county road and bridge fund as they may deem advisable for opening, vacating, resurveying, or improving the same in towns and villages of such county or for the building or repairing of bridges upon any public road in any town, village, borough, or city of the fourth class in the county, or for purchasing necessary road material, machinery, tools, and supplies; provided, that before any such sum shall be appropriated and expended by such county board on any road or bridge within the limits of any village, borough, or city of the fourth class in such county, such expenditures upon such road or bridge shall be first authorized by the council of such village, borough, or city of the fourth class. *County boards shall have the power to appropriate and expend such sums of money from the county road and bridge fund as they may deem advisable for improving, constructing and maintaining any road or street designated as a state aid road within the corporate limits of any city, village or borough in the county.*

Approved April 25, 1949.

CHAPTER 673—S. F. No. 1539

[Not Coded]

An act authorizing the commissioner of conservation to reconvey to the Village of Remer certain lands in Cass County, Minnesota.