

## CHAPTER 505

## PLATS

**505.01 PLATS AUTHORIZED; DONATIONS EFFECTIVE.**

An estoppel arises where there has been a long-continued nonuser, in this case more than 83 years, by a municipality of a dedicated street and where, as here, private parties, in good faith, and in the belief that the city's use has been abandoned, have made valuable and permanent improvements without objection from the municipality, which not only had knowledge thereof but in fact encouraged the making of permanent improvements by issuing building permits to those in possession, so that to reclaim the land without compensation will result in great damage to those in possession of the property. *City of Rochester v North Side Corporation*, 211 M 276, 1 NW(2d) 361.

A stipulation of facts that the public use of a certain alleyway had been open and continuous for more than 15 years afforded the trier of fact ample basis for concluding that the owner's acquiescence to the public use had been proved and that therefore the intention to dedicate the alleyway to the public was established. *Dickinson v Ruble*, 211 M 373, 1 NW(2d) 373.

If lands are granted according to an official plat of the survey of such lands, the plat itself, together with its descriptions and landmarks, becomes a part of the grant or deed, and such landmarks are conclusive evidence of the location of the property lines. *Dittrich v Ubl*, 216 M 396, 13 NW(2d) 384.

In 1857 one "B" being then the owner of a certain tract, caused it to be platted. In the center of the plat was one block not divided into lots and marked "Public Square." The fee title is in the heirs of "B" subject to an easement for use as a public park or common, which easement vests in the organized town in which the land lies. If timber is harvested from the square, the proceeds must be devoted to the purposes of the park. 1944 OAG 207, June 22, 1944 (18-D).

Council of city of the fourth class under a home rule charter cannot give up the management and use of lands dedicated in city plat as a park, in favor of the school board, so that the park ceases to be a public park and would become a school playground only. OAG July 8, 1946 (59-A-40).

Validity of reservation of public utility rights in dedication of land as a public street. 25 MLR 240.

**505.02 SURVEY REQUIRED; MONUMENTS MUST BE PLACED AND NATURAL BOUNDARIES DESIGNATED; LIMITATION.**

The practical location of a boundary line can be established in one of three ways only: (1) The location relied upon must have been acquiesced in for a sufficient length of time to bar a right of entry under the statute of limitations; (2) the time must have been expressly agreed upon between the parties claiming the land on both sides thereof, and afterwards acquiesced in; or (3) the party whose rights are to be barred must, with the knowledge of the true line, have silently looked on while the other party encroached upon it, and subjected himself to expense in regard to the land, which he would not have done had the line been in dispute. *Dunkel v Roth*, 211 M 194, 300 NW 610.

If lands are granted according to an official plat of the survey of such lands, the plat itself, together with its descriptions and land marks, becomes a part of the grant or deed, and such landmarks are conclusive evidence of the location of the property lines. *Dittrich v Ubl*, 216 M 396, 13 NW(2d) 384.

Title points and lines in lakes and streams. 24 MLR 305.

**505.03 DEDICATION; CERTIFICATION; APPROVAL; VERIFICATION.**

The owner of a platted city block, surrounded by streets duly platted and dedicated to public use set the business buildings erected thereon back five feet from the lot line, in order to afford a space for display of goods. The streets were curbed eight feet from the lot line, and the city ordered eight foot sidewalks laid. The owner laid these walks and extended five feet further to the building wall. The trial court properly held there was no dedication of the extra five feet and the city has no easement thereon. *Stees v Reinhardt*, 142 M 340, 172 NW 219.

A dedication cannot attach to the dedication any conditions or limitations inconsistent with the legal character of the dedication, or which are against public policy, or which take the property dedicated from the control of public authorities. The dedication will take effect regardless of such conditions which will be construed void. *Kuehn v Village of Mahtomedi*, 207 M 518, 292 NW 187.

See, *City of Rochester v North Side Corporation* 211 M 276, 1 NW(2d) 361.

A dedication by plat of a street upon the shore of a meandered lake will be presumed to have been intended to enable the public to have access to the lake for all proper public purposes. *Application of Baldwin*, 218 M 11, 15 NW(2d) 184.

A dedicator of a public highway cannot revoke the dedication by an attempted substitution of another highway without the consent of the public. A way may be dedicated as a public highway even though it is a cul-de-sac. *Keiter v Berge*, 219 M 375, 18 NW(2d) 35.

The commissioner of conservation has legal authority to make a dedication of streets and alleys to public use in subdividing trust fund lands into small parcels or lots. 1942 OAG 15, July 25, 1941 (700-D-26).

The supreme court in its discretion and on its own motion may dismiss an appeal for failure of an appellant to include in the printed record such an abridgement or abstract of the settled case as is essential to a proper consideration and understanding of the questions raised by the appeal. *Seerup v Swanson*, 223 M 230, 26 NW(2d) 33.

Where land is dedicated for a public purpose under R.S. Ter. 1851, c. 31, fee title remains in the original proprietor or his heirs or assignees, subject to the public easement. OAG March 7, 1947 (18-D).

**505.04 RECORDING; FEES; PENALTIES.**

Plats of registered real estate must be filed with the registrar of titles. OAG Nov. 3, 1944 (373-b-15).

**505.09 COUNTY BOARD TO CONTROL PLATTING OF LAND.**

Amended by L. 1947 c. 185 s. 1.

**505.14 NOTICE BY PUBLICATION AND SERVICE UPON MAYOR, VILLAGE PRESIDENT, OR CHAIRMAN OF TOWN BOARD.**

In order to alter the platting of a city block, notice must be served upon the city who may or may not appear. The application to the court must be accompanied by a new plat evidencing the new arrangement of lots. Proper filing must be made with the register of deeds. OAG Nov. 21, 1946 (18-D).

Hillside Park is an addition to the city of St. Cloud, but outside the city limits and in the town of St. Cloud. Alleys laid out by said plat are not town roads. The alleys cannot be vacated under the provisions of sections 163.13 or 163.19. In order to vacate the alleys it will be necessary to proceed under section 505.14. OAG June 3, 1947 (396-F-3).

**505.165 CORRECTION OF ERROR IN RECORDED PLATS.**

HISTORY. 1947 c. 48 ss. 1, 2, 3.

**505.18 MINNESOTA COORDINATE SYSTEM.**

Growth of scientific boundary descriptions. 27 MLR 211.