

**CHAPTER 434**

**PAVEMENTS, CURBS, GUTTERS**

434.01-434.55 Repealed, 1953 c 398 s 13.

434.56 Renumbered 435.41.

434.57 Renumbered 435.22.

**CHAPTER 435**

**PUBLIC IMPROVEMENTS, OTHER PROCEEDINGS**

435.01 Repealed, 1949 c 119 s 110.

435.02 Repealed, 1953 c 398 s 13.

435.03 Repealed, 1953 c 398 s 13.

435.04 Renumbered 435.20.

435.05 Unnecessary.

435.06 Renumbered 435.21, subdivision 1.

435.07 Renumbered 435.21, subdivision 2.

435.08 Obsolete.

435.09 Obsolete.

435.10 Obsolete.

435.11 Renumbered 435.17, subdivision 1.

435.12 Renumbered 435.17, subdivision 2, 3.

435.13 Renumbered 435.17, subdivision 4.

435.14 Renumbered 435.18.

435.15 Renumbered 435.56.

435.16 Repealed, 1949 c 119 s 110.

# MINNESOTA STATUTES 1953 ANNOTATIONS

## ASSESSMENTS

### 435.17 LOCAL

HISTORY. 1913 c 295 s 1-3; MS 1927 s 1581, 1582, 1583; 1951 c 58 s 1.

NOTE: Applies to cities of the first class.

### 435.18 PROVISIONS SUPPLEMENTARY

HISTORY. 1913 c 295 s 4; MS 1927 s 1584.

NOTE: Applies to cities of the first class.

### 435.19 SPECIAL; SCHOOL PROPERTY; COUNTY PROPERTY

HISTORY. 1943 c 609 s 1; 1953 c 209 s 1.

A special assessment imposed in Mankato against a school district is collectible. OAG April 10, 1953 (159-B-8).

Under this section a city may lay a sewer and levy and collect an assessment from a school district which has petitioned for the construction of a sanitary sewer to the boundary of the school property. OAG May 12, 1953 (387-F-1).

A city of fourth class black-topping streets and laying curbs and gutters under sections 434.28 to 434.36 may assess special benefits against a school district under section 471.60. OAG Nov. 8, 1949 (396-E).

Usually, curbs comprise a part of a public highway. Whether curbs are constructed as part of the highway is a matter within the discretion of the road authority. If the street in question is a trunk highway, there is no way whereby the commissioner of highways can be compelled to construct curbs thereon. If the street in question is a village street, the village has authority to build curbs thereon and assess the costs thereof upon property benefited by the improvements. This is under sections 412.401, 412.411 to 412.461. If property of the school district, except one operating under a home rule charter of any city of the first class, is benefited by the construction of curbs by the village on a village street, such property may be especially assessed therefor under section 471.60. OAG Sept. 14, 1951 (396-E).

The counties of Nobles, Rock, Murray, Lincoln, Jackson, Pipestone, Cottonwood, and Lyon are tenants in common of property being used as the S.W. Minnesota Sanatorium taking care of tuberculosis patients of the area. The property is situated within the city of Worthington, which recently paved a public highway laid out through the above described real estate. The city of Worthington may properly assess the cost of the pavement to the above mentioned counties who are named as owners thereof. OAG Aug. 16, 1951 (406-C).

A city of fourth class operating under a charter may levy a special assessment against property benefited by an improvement, and this includes a school district. The district, as an owner of property abutting the proposed improvement, may sign a petition for the initiation of the proposed improvement. OAG Nov. 27, 1951 (622-A-19).

The powers of school boards are stated in Minnesota Statutes, Chapter 125. The provisions of this chapter do not authorize a school board to enter into a partnership with anybody on any subject. OAG April 15, 1953 (622-A-19).

### 435.20 IMPROVEMENT ABANDONED, ASSESSMENT IN EXCESS OF COST OF IMPROVEMENT

HISTORY. 1891 c 120; RL 1905 s 772; 1913 c 306 s 1; MS 1927 s 1838.

### 435.21 UNREDEEMED ASSESSMENT CERTIFICATES

HISTORY. 1905 c 269 s 1, 2; MS 1927 s 1579, 1580.

# MINNESOTA STATUTES 1953 ANNOTATIONS

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**PUBLIC IMPROVEMENTS, OTHER PROCEEDINGS 435.41**

## **435.22 SPECIAL ASSESSMENT IMPROVEMENT BONDS; SALE BELOW PAR**

HISTORY. 1921 c 226 s 1; MS 1927 s 1625.

## **SPRINKLING STREETS AND BOULEVARDS**

### **435.26 CERTIFICATES OF INDEBTEDNESS**

HISTORY. 1911 c 152 s 1-5; MS 1927 s 1550-1-1550-5.

NOTE: Applies to certain cities of the first class.

### **435.31 PARK BOARD**

HISTORY. 1907 c 179 s 1, 3, 4; MS 1927 s 1545-1548.

NOTE: Applies to cities of the first class.

## **STATE AID AND COUNTY AID ROADS**

### **435.36 IMPROVEMENT, MAINTENANCE, CONSTRUCTION, RECONSTRUCTION**

HISTORY. 1949 c 314 s 1, 2; 1951 c 86 s 1.

The county must improve and maintain state aid and county aid roads. A village cannot be compelled to contribute to the cost thereof. Under the provisions of section 435.36 a village may contribute to the cost of state aid and county aid roads. OAG June 2, 1950 (377-B-8).

State aid road No. 17, between 51st Street and 54th Street, is the boundary between the city of Minneapolis and the village of Edina, and on another part of the road the street divides Edina from a portion of the county of Hennepin outside the limits of Minneapolis. The condition of the road being dangerous, and the city and village having agreed upon the division of cost, and the county board without specific authority made an agreement with the village of Edina to share the cost of construction jointly between the county and the village, the county when funds become available may adopt and ratify the agreement previously made for sharing the cost of construction with the village because the agreement was ultra vires in a secondary sense only. OAG June 1, 1953 (379-C-11).

A county or state aid road within a village may be improved by agreement between the village and the county. OAG April 6, 1951 (396-C-15).

Where a county plans to re-grade and surface certain streets in a city under the farm-to-market law the city may co-operate with the county in further improvements of the streets by following the provisions of section 435.36. OAG Feb. 19, 1951 (396-C-15).

A city may spend its funds to repair a bridge comprising part of a state aid road, the bridge located wholly within the city. OAG May 24, 1951 (642-A-12).

## **SIDEWALKS**

### **435.41 REPLACEMENT**

HISTORY. 1903 c 213 s 1; RL 1905 s 759; MS 1927 s 1532.

# MINNESOTA STATUTES 1953 ANNOTATIONS

## WATER SYSTEMS

### 435.46 FURNISHING WATER, CONTRACTS

When a municipality engages in the manufacture, sale, and distribution of electrical energy it acts in a proprietary capacity and has generally the same powers as a natural person. Contracts made by a municipality for the sale and distribution of electrical energy may be amended, modified, or abrogated by mutual consent. OAG March 25, 1948 (624-C-2).

## PUBLIC SAFETY

### CHAPTER 436

#### LAW ENFORCEMENT

436.01 Repealed, 1949 c 119 s 110.

436.03 Repealed, 1949 c 331 s 1.

### CHAPTER 437

#### POLICE REGULATIONS

### 437.07 ITINERANT PLACES OF AMUSEMENT

A village adjoining a city of fourth class may not issue a license to a carnival without the consent of the city of fourth class which it adjoins. OAG Aug. 22, 1949 (290-B).

### 437.12 ELEVATOR OPERATORS; LICENSE, PENALTY

HISTORY. Amended, 1951 c 137 s 1.

### CHAPTER 438

#### FIRE PREVENTION

438.01 Repealed, 1949 c 119 s 110.

### 438.02 FIRE LIMITS IN BOROUGHES

HISTORY. Amended, 1949 c 119 s 111.

### 438.08 MUNICIPALITIES TO FIGHT FIRES OUTSIDE OF LIMITS

Broad authority is permitted a city of fourth class to use its fire extinguishing equipment in extinguishing fires in nearby cities, villages, or towns with which the city may or may not have a contract. OAG Jan. 14, 1948 (688-A).