

MINNESOTA STATUTES 1953 ANNOTATIONS

438.10 FIRE PREVENTION

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438.10 FIREMEN SERVING ON OUTSIDE FIRES IN LINE OF REGULAR DUTY

If a fireman responding to a call of duty enters on the land of another, the occupant of the land has a duty to warn him of hidden dangers. 35 MLR 512.

438.11 CITIES, VILLAGES; EXPENSES TO CONVENTIONS, PAYMENT HISTORY. 1931 c 150 s 1; 1953 c 429 s 1.

CHAPTER 439

BOARD OF FIRE AND POLICE COMMISSIONERS

439.01 BOARD CREATED

A city of the second class acting by and through its board of fire and police commissioners, and the county in which the city is located, may by exercise of power common to both, establish, equip, and maintain a joint radio broadcasting station for police purposes. OAG Feb. 17, 1950 (785).

PUBLIC WORKS

CHAPTER 440

WORK OR WORKS ON OR IN STREETS

440.01-440.07 Repealed, 1949 c 119 s 110.

440.10 Repealed, 1949 c 119 s 110.

440.13 COUNCIL MAY VACATE STREETS IN CITIES OF THE FOURTH CLASS

The phrase "the majority of owners of the property on the line of such streets," as used in section 129 of the St. Paul city charter, refers to a majority of individual owners and not to majority of estates or tracts, or to a major part of the property fronting on the line of the street. Beck v Council of the City of St. Paul, 235 M 56, 50 NW(2d) 81.

A city has no power to partially vacate a street for certain purposes, reserving an easement for other purposes. A city may acquire an easement over private property by adverse possession. OAG April 25, 1949 (396-C-18).

440.135 VACATING STREETS, CITIES THIRD CLASS

The legislature has clearly distinguished between streets and alleys. Under the provisions of section 440.135, the city council of the city of Owatonna may not vacate an alley. The alley involved may be vacated upon compliance with the provisions of the city charter, chapter IV, sections 1 and 10. OAG Nov. 23, 1953 (396-C-1).

A city may not partially vacate a street for certain purposes, reserving an easement for other purposes. A city may acquire an easement over private property by adverse possession. OAG April 25, 1949 (396-C-18).

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STREETS, BRIDGES 441.26

Where the charter requirements of the city of Austin for vacation of a street had been complied with, but the order of vacation was not published as required by the charter, persons aggrieved had rights, determination of which was a judicial question. OAG June 7, 1950 (396-C-18).

440.16 BONDS FOR PAVING IN CITIES OF THE THIRD CLASS OR FOURTH CLASS

The city of Fergus Falls may not issue bonds for paving purposes under the provisions of Laws 1949, Chapter 682. The power to issue bonds is limited by section 98 of the city charter. Certificates of indebtedness might be issued in advance of collection of moneys to be derived from an assessment under the provisions of sections 434.50 to 434.55, but such certificates would not be general obligations of the city. Under the provisions of section 440.16 bonds might be issued when authorized by the voters at a general or special election called for that purpose in the manner provided by section 440.22. OAG Nov. 21, 1949 (36-G).

440.22 CONDUCT OF ELECTION

The city of Fergus Falls may not issue bonds for paving purposes under the provisions of Laws 1949, Chapter 682. The power to issue bonds is limited by section 98 of the city charter. Certificates of indebtedness might be issued in advance of collection of moneys to be derived from an assessment under the provisions of sections 434.50 to 434.55, but such certificates would not be general obligations of the city. Under the provisions of section 440.16 bonds might be issued when authorized by the voters at a general or special election called for that purpose in the manner provided by section 440.22. OAG Nov. 21, 1949 (36-G).

440.25 MAY CONDEMN PROPERTY

A city is liable for damages resulting from a change of grade of a street and cannot compel an abutting owner to pay the cost of re-laying a sidewalk made necessary by such change without being compensated in damages therefor. OAG Sept. 27, 1948 (59-A-53).

440.31 STATEMENT OF DAMAGES

A city is liable for damages resulting from a change of grade of a street and cannot compel an abutting owner to pay the cost of re-laying a sidewalk made necessary by such change without being compensated in damages therefor. OAG Sept. 27, 1948 (59-A-53).

CHAPTER 441

STREETS, BRIDGES

441.04 ADVERTISE FOR BIDS

Municipal corporations; liability on ultra vires contracts; quasi-contract; ratification. 34 MLR 46.

Right of taxpayer to enjoin a contract awarded on competitive bidding because of officer interest. 35 MLR 322.

441.253 Repealed, 1949 c 119 s 110.

441.26 ROADS, BRIDGES, AND FERRIES OUTSIDE CITY OF FOURTH CLASS OR VILLAGE

A city may replace a culvert outside its limits on a road leading into the city. OAG April 24, 1948 (642-B-4).