

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).

MINNESOTA STATUTES 1953 ANNOTATIONS

441.30 STREETS, BRIDGES

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441.30 CONTRACT FOR REPAIR OR REBUILDING

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

CHAPTER 442

SEWAGE DISPOSAL; WATER AND SEWAGE

442.01, 442.02 Repealed, 1949 c 119 s 110.

442.03 WATERWORKS, LIGHTING PLANTS AND SEWAGE PUMPING PLANTS; BOARD OF MUNICIPAL WORKS

The provisions of the charter of the city of Rochester providing for the establishment of a public utility board, appointment of members, and prescribing duties and powers supersede sections 442.03 to 442.25 as to provisions relating to boards of municipal works in cities of second class. OAG April 14, 1949 (624-A-3).

An extension of a city waterworks system could be made by the council under the powers of the charter of the city. OAG Sept. 27, 1950 (624-D-11).

442.05 BOARD OF MUNICIPAL WORKS

HISTORY. Amended, 1951 c 417 s 1.

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).

442.08 USE OF RAILROAD RIGHT OF WAY OR HIGHWAYS

Water mains may be laid on perpetual easements acquired for that purpose across private properties. OAG May 28, 1951 (624-D-11).

442.09 RECORDS

HISTORY. Amended, 1951 c 417 s 2.

442.17 SYSTEM EXTENDED, RATES

HISTORY. Amended, 1951 c 417 s 3.

Section 442.17 is permissive and does not abridge or repeal the power granted by a city charter to the council to extend the city waterworks system by the installation of water main extensions. OAG Sept. 27, 1950 (624-D-11).

442.25 COMMENCEMENT AND SCOPE OF POWERS OF BOARD

Power to install a cemetery sewer extension is lodged exclusively in the city council and the board of municipal works possesses no power or authority with reference to that project. OAG Sept. 27, 1950 (624-D-11).