

CHAPTER 162

COUNTY ROADS

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162.01 COUNTY BOARD, POWERS. 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 county road or county-state aid highway within the corporate limits of any city, village or borough in the county. County boards shall have the power to impose restriction as to load weights on any road within its jurisdiction.

Subd. 2. **Aid; towns, villages and cities except those of first class.** The county board of any county may appropriate from its road and bridge fund to any town, village, borough or city of the second, third or fourth class in its county, such sums of money as are available and which it deems advisable to aid such towns, villages, boroughs, or cities of the second, third or fourth class in the construction and maintenance of roads, streets, or bridges therein, and such appropriations may be directly expended by the county board, upon such roads, streets, or bridges as shall be designated by the governing bodies of such towns, villages, boroughs, or cities of the second, third and fourth classes. In counties having a population of 225,000 or over, such county aid may be expended in accordance with the provision of Laws 1905, Chapter 164, as amended. No village, borough, or city of the second, third or fourth class shall, except as otherwise authorized by law, receive an appropriation hereunder exceeding 20 percent of the annual tax levy for road and bridge purposes paid by such village, borough, or city of second, third or fourth class.

Subd. 3. **To construct and maintain roads in another county.** The county board may appropriate and expend money for the construction and maintenance of roads in another county having a road or roads immediately tributary, and running into the county appropriating such money, when it deems it for the best interest of the public.

Subd. 4. **County road and bridge fund.** The county board shall provide and set apart a fund for the construction and maintenance of roads and bridges in such county, to be known as the county road and bridge fund, upon which shall

be drawn all warrants for the construction and maintenance of county-state aid highways and county roads and bridges in such county, as determined by such board or as required by the provisions of this chapter.

Subd. 5. **Tax levy.** The county board at its July meeting may include in its annual levy an amount for the county road and bridge fund which shall not exceed the amount provided under the following classifications of counties;

(a) In counties having more than 300,000 inhabitants, an amount which shall not exceed ten mills on the dollar of the taxable valuation of the county;

(b) In counties with a population of more than 100,000 and not more than 300,000 inhabitants according to the 1950 federal census, an amount which shall not exceed 12 mills on the dollar of the taxable valuation of the county;

(c) In counties with a population of less than 100,000 inhabitants, an area of more than 2,500 square miles and a taxable valuation in excess of \$10,000,000 or more, an amount which shall not exceed 15 mills on the dollar of the taxable valuation of the county not including the additional levy provided by Laws 1953, Chapter 173;

(d) In counties not within the foregoing class, an amount which shall not exceed 20 mills on the dollar of the taxable valuation of the county. If any county, coming within this classification, had a net indebtedness in excess of three percent of its taxable valuation on January 1 of the year in which such levy is to be made, then the maximum levy for such county for said year shall be 15 mills, unless such county has sufficient money in its tax-forfeited land and timber fund to make a levy for the payment of bonds unnecessary for that year then such road and bridge levy may be 20 mills. Such taxes may be additional to the amount permitted by law to be levied for other county purposes. In any county where more than 51 percent of the taxable valuation consists of property situated within the corporate limits of a city or village the amount to be levied for road and bridge purposes shall not exceed 15 mills; provided that this latter limitation shall not apply in counties having an assessed valuation of over \$10,000,000 and less than \$14,000,000 exclusive of money and credits, and having over 23,000 and less than 25,000 inhabitants according to the 1950 federal census and having over 25 and less than 40 full and fractional congressional townships, where the amount to be levied shall not exceed 20 mills on the dollar of the taxable valuation of the county. Provided that this limitation shall not apply in counties having a population of more than 16,000 and less than 26,000 and containing over 80 full and fractional congressional townships where the amount to be levied shall not exceed 20 mills on the dollar of the taxable valuation of the county.

In any county having an assessed valuation over \$11,000,000 and less than \$14,000,000 exclusive of money and credits, having over 16,000 and less than 17,000 inhabitants, containing over 20 but not more than 23 full and fractional congressional townships and having a land area of over 500 square miles the amount to be levied shall not exceed 20 mills.

Notwithstanding the provisions of Minnesota Statutes 1949, Section 645.20, if any provision of this subdivision is found to be unconstitutional and void, the remaining provisions hereof shall be of no effect.

Subd. 6. [Repealed, 1951 c 120 s 1]

Subd. 7. [Obsolete]

Subd. 8. [Superseded by last sentence of subdivision 5]

Subd. 9. **Moneys transferred to road and bridge fund.** After July 1, 1957, any money remaining in the county aid road fund of any county may be transferred by the county board to the county road and bridge fund. Money so transferred shall be used for the same purposes as other money in the county road and bridge fund.

[1921 c 323 s 24; 1923 c 439 s 4; 1929 c 179 s 1; 1941 c 29 s 1; 1945 c 591 s 1; 1947 c 115 s 1; 1947 c 434 s 1, 3; 1949 c 402 s 1; 1951 c 120 s 1; 1951 c 523 s 1; 1951 c 548 s 1, 2; 1951 c 589 s 2; 1953 c 444 s 1, 2; 1953 c 707 s 1; 1955 c 216 s 1; 1957 c 247 s 1; 1957 c 299 s 1, 2; 1957 c 458 s 1; 1957 c 663 s 1] (2565)

162.015 ESTABLISHMENT OF COUNTY ROADS WITH FEDERAL AID.

When the county board of any county shall determine that it is necessary to establish a road or to alter an existing road for military or national defense purposes, the board may, in its discretion, establish such road or alteration and designate the route and width thereof, provided the entire cost of the right of way therefor is paid, assumed, or made available by the United States or some agency or department thereof.

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Upon establishing any such road or alteration, the county board may acquire the right of way therefor in the name of the county by purchase or gift or by condemnation in accordance with the provisions of chapter 117.

The county board of any county establishing or altering a road hereunder may designate the commissioner of highways as agent of the county to acquire, in the name of the county, the right of way needed therefor by purchase or gift, or by condemnation in accordance with chapter 117, provided the entire cost of the right of way is paid, assumed, or made available by the United States or some agency or department thereof, and the commissioner of highways is hereby authorized to act as such agent.

Any road established or altered hereunder shall be deemed to be a county road, and may be established as a county-state aid highway by the county board in accordance with the laws applicable to such roads.

[1941 c 320; 1957 c 402 s 1]

162.02 ROAD AND BRIDGE FUND, APPROPRIATION FOR BRIDGES.

When the council of any village, borough, or city of the third or fourth class, may determine that it is necessary to build or improve any bridge or bridges, including approaches thereto, and any dam or retaining works connected therewith, upon or forming a part of streets or highways either wholly or partly within its limits, the county board shall appropriate one half of such money as may be necessary therefor from the county road and bridge fund, not exceeding during any year one half the amount of taxes paid into the county road and bridge fund during the preceding year, on property within the corporate limits of such village or city. Such appropriation shall be made upon the petition of the council, which petition shall be filed by the council with the county board prior to the fixing by the board of the annual county tax levy. The county shall determine the plans and specifications, shall let all necessary contracts, shall have charge of construction, and, upon its request, warrants in payment thereof shall be issued by the chairman of the board and the county auditor, from time to time, as the construction work proceeds. Any unpaid balance may be paid or advanced by the village or city. On petition of the council, the appropriations of the county board, during not to exceed three successive years, may be made to apply on the construction of the same items and to repay any money advanced by the village or city in the construction thereof. This section shall not limit the authority of the county board to appropriate and expend money under the provisions of section 162.01. None of the provisions of this section shall be construed to be mandatory as applied to any village or city whose assessed valuation exceeds \$500 per capita of its population.

[1925 c 232 s 1; 1935 c 343 s 1; 1955 c 682 s 1] (2565-1)

162.03 [Local, Ramsey county]

162.04 UNORGANIZED TERRITORY; ANNUAL TAX LEVY, ROADS AND

BRIDGES. Subdivision 1. **Limitation of 21 mills.** The county boards of the several counties in which there may be situated any territory not organized for town purposes are hereby authorized to, and they may in their discretion, annually levy a tax for road and bridge purposes on all the real and personal property in such unorganized territory, exclusive of money and credits taxed under the provisions of chapter 285, not exceeding 21 mills on the dollar of the assessed value of such property. Such tax, if levied, shall be additional to the tax which the counties are authorized to levy for county road and bridge purposes. In any county which has received aid from the state as a distressed county, during the preceding calendar year, the maximum levy for road and bridge purposes shall not exceed ten mills, for unorganized townships.

Subd. 2. **Carlton county, limitation of 31 mills.** Where a county has an assessed valuation of over \$10,000,000 and less than \$14,000,000 exclusive of money and credits, over 23,000 and less than 25,000 inhabitants according to the 1950 federal census, and over 25 and less than 40 full and fractional congressional townships, the county board may annually levy a tax of not more than 31 mills on all real and personal property located in any unorganized township for the purpose of constructing and repairing roads and bridges located in that township.

This authority to tax personal property does not include money and credit which are taxed under chapter 285.

[1915 c 44 s 1; 1947 c 344 s 1; 1953 c 179 s 1; 1955 c 217 s 1] (2565-6)

162.05 COUNTY ROADS

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26 213 162.05 **EXTENDING THE TAX LEVY.** If any county board deems it desirable to levy such a tax on such property, it may at the time it levies the county taxes, by resolution reciting such fact, determine the amount so to be levied in each congressional township of such unorganized territory for the then current year. It shall be the duty of the county auditor to extend such tax so levied upon the tax books of the county, at the same time and in the same manner as other taxes for county purposes are extended, as to property in such unorganized territory, and the same shall be collected and the payment thereof enforced at the same time and in the same manner as other county taxes on such property, and with like penalties for non-payment at the time prescribed by law.

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26 213 [1915 c. 44 s. 2] (2565-7)

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26 213 162.06 **SEPARATE ROAD AND BRIDGE FUND.** Such tax when collected shall be set apart in separate funds in the county treasury; such funds shall be designated in such a manner as to describe each thereof as the road and bridge fund for the congressional township the property of which is so taxed to create such fund.

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26 213 [1915 c. 44 s. 3] (2565-8)

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26 213 162.07 **EXPENDITURES IN OTHER TOWNSHIPS.** Such fund shall be expended under the direction of the county board for the construction, improvement, maintenance and repair of roads and bridges in the congressional township the property of which was so taxed to create such fund. Such fund, in any county having not less than 35, nor more than 40, congressional townships and having an assessed valuation of not less than \$16,000,000, nor more than \$20,000,000, may be expended in any adjoining organized or unorganized township, or portion thereof, upon a petition being presented to the county board signed by a majority of the resident taxpayers of the unorganized township from which the petition emanates requesting that all or part of the money so collected in the unorganized township be expended in the adjoining organized or unorganized township, or portion thereof; provided, that such fund in any county having not less than 95, nor more than 105, full and fractional townships and having an assessed valuation of not less than \$3,000,000, nor more than \$5,000,000, exclusive of money and credits, may be expended in any organized or unorganized township or portion thereof in such county upon resolution by the county board.

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26 213 [1915 c. 44 s. 4; 1919 c. 528 s. 1; Ex. 1937 c. 30] (2565-9)

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26 213 162.08 **TAX LEVY.** The tax above provided for may be levied on all or a part of the unorganized territory in any county. No part of such unorganized territory less than a congressional township shall be so taxed.

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26 213 [1915 c. 44 s. 5; 1919 c. 528 s. 2] (2565-10)

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26 213 162.09 **COUNTY BONDS FOR PAVING.** Subdivision 1. **Bonds.** When authorized by the voters as hereinafter provided the county board of any county is authorized to issue bonds for the purpose of macadamizing any established road therein or surfacing the same with any hard material or in any other way making a permanent improvement thereon when the expense of so doing exceeds the amount of any appropriation the county board is authorized to make therefor.

Subd. 2. **Petition.** When 50 or more voters of the county, who are also freeholders, petition for such improvement and file such petition with the county auditor he shall lay the same before the county board at its next regular, special, or adjourned meeting.

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26 213 Subd. 3. **Estimate.** It shall be the duty of the county commissioners to consider such petition and, if they find it contains the requisite number of signatures, they shall order an estimate of the cost of such improvement to be made by the county highway engineer.

Subd. 4. **Special election, when.** If such estimate is furnished more than six months prior to the time of holding the next general election, the county board may, if it deems it desirable, order the holding of a special election in the county for the purpose of voting on the question of making such improvement and issuing bonds therefor. No special election shall be ordered when a general election will be held within six months after the estimate of the engineer is filed with the county auditor. If a special election is ordered, the county auditor shall cause ballots to be prepared setting forth a statement of the proposed improvement and description of the road or roads to be improved, with the words "Yes" and "No" thereafter, with appropriate spacing for voting.

Persons voting in favor of the proposition shall put a cross (X) after the word "yes," and those opposed after the word "no." If not submitted at a special election, the auditor shall cause the same to be submitted at the next general election. In either event the votes on such question shall be returned and canvassed as is provided by law with reference to other questions submitted to the voters. If a special election shall be ordered, the same shall be held substantially in the manner provided by law for the holding of general elections and the auditor shall cause published notice thereof to be given in the official paper of the county for three successive weeks prior thereto, giving a description of the roads to be improved and a statement of the improvement proposed and the estimated cost thereof. If a majority of the voters voting at the election vote in favor of the improvement, the county board shall issue the bonds of the county as hereinafter provided and cause the improvement to be made.

Subd. 5. Bonds, interest, payment. The bonds so issued shall bear interest, evidenced by coupons, at a rate not exceeding six per cent per annum, payable annually; such bonds may be made payable in equal instalments, the first of which shall become due and payable not less than five years after the date thereof and the last of which shall become due and payable not more than 20 years after the date thereof. The bonds shall not be sold for less than par and accrued interest and the proceeds thereof shall be used by the county only for making the improvement specified in the proposition as submitted to the voters; the bonds shall not be valid until registered by the county auditor and his certificate of registration endorsed thereon. The county auditor shall thereafter levy a sufficient tax to pay the interest and principal of the bonds as the same accrue, which tax shall be collected as other taxes are collected. No such bonds shall be issued by any county when the issuance of the same would make the entire indebtedness of the county exceed 15 per cent of the assessed valuation of the taxable real property of the county. In computing the indebtedness of any county, any indebtedness created by the issue of the bonds of such county for the construction of drainage ditches, the cost of which is assessed against the benefited property, shall not be included.

[1921 c. 323 s. 26] (2566)

162.10 [Repealed, 1957 c 584 s 1]

162.11 COUNTY HIGHWAY ENGINEER. Subdivision 1. **Appointment, removal.** The county board of each county shall appoint and employ, as hereinafter provided, a county highway engineer, who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans, and specifications which are required of him. Such county highway engineer may be removed by the county board during the term of office for which he is appointed only for incompetency or misconduct shown after a hearing upon due notice upon stated charges. The burden of proving incompetency or misconduct shall rest upon the party alleging the same.

Subd. 2. Qualifications, salary, term. Such county highway engineer may be selected from a list of eligible competent highway engineers, which list shall be submitted by the commissioner of highways to the county board in May of the year in which the term of office shall expire, and shall be appointed for a term of four years, except that in counties over 150,000 population the term shall be two years; provided, that when a new county highway engineer is appointed he may be appointed for one year only and thereafter his appointment shall be made as hereinbefore set forth. The county highway engineer shall be a citizen of the state and must have resided therein for not less than three years immediately preceding the date of his appointment. The salary of the county highway engineer shall be fixed by the county board and be payable the same as other county officers are paid. His salary shall not be reduced during his term of office; provided, that the salary of the county highway engineer may be reduced in the same proportion as the salary of the county board in such county.

Any engineer employed by the state when properly certified by the commissioner of highways may be employed as county highway engineer and during the period of such employment and for the purposes of such employment he may be granted leave of absence from the state service, notwithstanding any limitation on leaves of absence contained in the civil service act.

The director of civil service shall allocate a state civil service classification to any city, village or county highway engineer as may be from time to time requested by the commissioner of highways. Such allocation shall be made on the

same basis and subject to the same provisions of law as pertain to engineering and similar positions in the state classified service. The director shall give consideration to the education, professional attainments, and experience of such city, village or county highway engineer for purposes of transfer to the state service. All city, village or county highway engineers who have had not less than two years service prior to such transfer may be transferred to such state classification so allocated without examination, but subject to a six months probationary period, in the state classified service. The director of civil service shall establish procedure for such transfer.

The commissioner of highways may certify any city, village or county highway engineer that he may deem qualified to the director of civil service as eligible to take any specific promotional examination held for civil engineer or civil engineering aid as classified by the state civil service commission. The service rating of such engineer shall include past service with the state and as city, village or county highway engineer, if he had prior service with the state highway department as a supervisory engineer.

Subd. 3. Bond. The county highway engineer shall devote his entire time to his official duties and, before entering upon the duties of his office, give bond to the state in the penal sum of \$3,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of the county highway engineer in the performance of his official duties may maintain an action on his bond for the recovery of the damages so sustained.

Subd. 4. Reports. The county highway engineer shall prepare and submit to the county board, at its regular meetings in July, a report of all expenditures and work done since the last report, and an estimate of probable expenditures for the balance of the year. He shall prepare and submit, prior to the time the levy for county road and bridge purposes is made, a recommendation, with estimates of cost, of work which he considers necessary or advisable for the following year.

Subd. 5. Reports on construction jobs. Within 30 days after the completion of a construction job, and once each month on other work, he shall submit a report thereof to the county board and to the commissioner of highways and submit such other reports as the rules and regulations of the commissioner of highways shall require.

Subd. 6. Annual report. On or before January first each year, the county highway engineer shall prepare a complete report covering the highway work of the county and submit one copy to the county board and one copy to the commissioner of highways.

Subd. 7. Duties. In all cases where any other engineer or surveyor is now charged by law with duties in connection with and supervision of road or highway work for the county, he is hereby relieved at the expiration of his present term, and the county highway engineer at that time is expressly charged with, and he shall then assume, such duties; provided, that in counties having more than 300,000 and less than 450,000 inhabitants on the appointment of a county highway engineer the county surveyor shall be relieved of his duties in connection with highways, but in such counties the county highway engineer shall be a registered surveyor and shall make surveys required by the county without additional compensation therefor.

Subd. 8. Inspection of bridges. The county highway engineer shall each year so far as time and conditions permit cause an inspection to be made of all bridges exceeding ten feet in length on all public roads and streets within the county other than trunk highways and other than streets or highways within a municipality employing a registered professional engineer, in which latter case such inspection shall be made by such municipal engineer. The engineer making such inspection shall file a copy of the report of such examination and recommendations with the auditor of the county or the governing body of the municipality in which the bridge is situated if the structure is found to be under-strength or unsafe.

[1921 c 323 s 29; 1941 c 462; 1945 c 90 s 1, 2; 1953 c 384 s 1; 1953 c 509 s 1; 1955

59 C500 c 872 s 1] (2569)

26 213 162.12 COUNTY HIGHWAY ENGINEER, HENNEPIN COUNTY. The county board of each county of this state now or hereafter having a population of 400,000 or over may appoint and employ, as hereinafter provided whenever necessary, and

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may remove, a county highway engineer, who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans, and specifications which are required upon highway work. His salary shall be not to exceed the sum of \$4,500 per annum. He shall be a competent registered highway engineer or road builder. His appointment shall be first approved by the commissioner of highways.

[1925 c. 369 ss. 1, 2] (2569-1, 2569-2)

162.13-162.17 [Repealed, 1951 c 192 s 1]

162.18 PAYMENT OF LABOR. Subdivision 1. **Claims need not be audited by county board.** Where any county is engaged in constructing, improving, maintaining, or repairing any public road by labor employed therefor it shall be lawful for the county auditor and county treasurer to pay the claims of the laborers who have performed manual labor on such roads, for such labor, and the claims of persons who have furnished tractors, trucks, teams and wagons or plows or scrapers in the performance of work on such roads for the use of such teams and such equipment, without such claims having first been audited and allowed by the county board, provided such claims shall be evidenced and authenticated as herein provided and be in such form as hereafter provided.

Subd. 2. **Time checks.** The county board may authorize the overseer, superintendent, or foreman designated by it to have charge of the construction, improvement, or maintenance of any or all of its roads to issue time checks with reference to such road work, which time checks shall be issued and be in the form hereinafter prescribed. The aggregate amount of time checks so issued shall not exceed such amount as shall have been previously specified by resolution of the county board. The county board may authorize the overseer, superintendent, or foreman to deduct from the sum that may be due any workman any amount due from the workman for board to any person, and issue to such person a time check for the total amount due as board from any one or more workmen, according to the form of check approved by the public examiner.

Subd. 3. **Issuance of time checks.** Any overseer, superintendent, or foreman so authorized shall, on the fifteenth and last days of each calendar month, issue to all persons who have performed manual labor in the carrying on of such work, or who have furnished tractors, trucks, teams, wagons, plows or scrapers, or other equipment, a time check, so called, for all labor performed by the person to whom the same is issued for labor on the road designated, or for the hire of tractors, trucks, teams, wagons, plows or scrapers and any and all equipment used upon the road work specified therein, prior to the date of issuance of same, and as to which no time check has been previously issued.

Subd. 4. **Form of time check.** Such time check shall be substantially in the form which shall be prescribed by the public examiner.

Subd. 5. **Warrants for time checks.** The overseer, superintendent, or foreman issuing any such time check shall fill in all the blank spaces therein, indicating therein the hours of labor performed on each date. He shall sign the same before delivering it to the person in whose favor it is issued. Such time checks shall be made out in duplicate; one copy thereof shall be delivered to the claimant and the other shall be forthwith delivered to the county auditor. The auditor shall not issue a warrant to the claimant until he shall have compared the copy delivered to him with the copy delivered to the claimant, nor in any event unless the two copies are alike, nor shall he issue such warrant unless the copy presented by the claimant shall have been verified by the oath or affirmation of the claimant, nor until such claimant shall surrender to the auditor the copy of such time check delivered to him. Every such overseer, superintendent, foreman, or county highway engineer, is hereby authorized to administer such oath or affirmation to any such claimant. Upon the surrender to him of such time check the auditor may issue a warrant therefor, which warrant shall be payable by the county treasurer. The auditor shall endorse upon the time check so surrendered, the date of payment thereof and the number of the warrant issued therefor.

Subd. 6. **When time check issued to one who quits work.** If any person who would otherwise be entitled to the issuance to him of a time check on the fifteenth or last day of any month quits the employment of the county, or is discharged therefrom before such dates, the overseer, superintendent, or foreman, as the case may be, shall thereafter and within 24 hours after the termination of such employment issue to such person a time check, as herein provided.

Subd. 7. Not to be issued without authority. It shall be unlawful for any person to issue any such time check in the assumed capacity of overseer, superintendent, or foreman, without first having been authorized so to do by the county board. It shall be unlawful for the overseer, superintendent, or foreman to knowingly issue and deliver to any person any false or fraudulent time check. It shall be unlawful for any person to alter or change any time check issued by an overseer, superintendent, or foreman. Any person violating any of the provisions of this section shall be guilty of a felony and punished by imprisonment in the state prison for not more than five years.

Subd. 8. Pay-roll system. In lieu of the time check system hereinbefore provided, any county board may adopt a pay-roll system for the payment of the claims hereinbefore in this section referred to. Such pay-roll shall be in such form and supported by such records as shall be prescribed by the public examiner. It shall include the name and rate of pay of each claimant, together with the total amount of each claim.

It shall be prepared by the county highway engineer either monthly or semi-monthly as directed by the county board, shall be certified by the county highway engineer as being true and correct, and shall be by him presented to the county auditor for payment. Upon the presentation to the county auditor of such pay-roll, he shall forthwith issue to the several claimants whose names appear therein his warrants in payment of their respective claims.

Subd. 9. St. Louis county pay-roll system. The county board in any county of the state now or hereafter having at any time an area of over 5,000 square miles and an assessed valuation of more than \$300,000,000, may authorize the county auditor and the county treasurer by time checks to pay the claims of laborers, truck-drivers, shop mechanics, and other workmen, whether skilled or unskilled, for labor performed for such county on county roads and bridges, county tool or warehouses, repairing county road tools, road machinery or motor equipment, or doing any other work under a road superintendent or foreman which has to do with county road construction or maintenance. The county board may authorize the road superintendent or foreman designated by it to have charge of any of the work hereinbefore specified to issue time checks therefor in substantially the same manner as hereinbefore provided, for paying labor and the claims of persons furnishing teams and wagons on county road work; provided, funds shall be first set apart for such work by the county board and authority be granted to any such road superintendent or foreman to issue time checks for the work, not to exceed the sum so appropriated for such work.

[1921 c 323 s 30; 1923 c 167; 1947 c 109 s 1; 1947 c 203 s 1; 1949 c 653 s 1; 1951 c 429 s 1] (2570)

162.19 ROAD LABOR, HENNEPIN COUNTY. In any county of this state now or hereafter having a population of 400,000 or over, the county board may provide that all claims for labor, whether skilled or unskilled, employed by such county in any capacity in connection with the construction or maintenance of roads therein, and the claims of persons who have furnished tractors, trucks, teams, wagons, plows or scrapers for the performance of such work, may be paid in the following manner:

The foreman in charge of each crew shall transmit daily to the county auditor a report showing the name of each person working under his supervision, the number of hours and character or kind of work performed by each, together with the rate of pay of each. From these cards the county auditor shall make up a semimonthly pay-roll for each crew in such form as may be approved by the public examiner, which pay-roll shall be verified by the foreman from whose daily reports the same shall have been compiled. These pay-rolls shall then be presented to the county board for allowance or disallowance. On the allowance of a pay-roll by the county board, the county auditor shall forthwith issue to the several claimants whose names appear therein, his warrants in payment of their respective claims.

[1925 c. 367 s. 1] (2570-1)

162.20 ROAD ESTABLISHED BY JUDICIAL PROCEEDINGS. Subdivision 1. **Petition.** When a petition praying for the location, alteration, or vacation of any highway running into or through two or more counties, or on or partly on the line dividing two or more counties, in any judicial district in this state, signed by 20 legal voters and taxpayers resident in such counties, shall be presented to a judge

of the district court in such district, or when a petition praying for the location, alteration, or vacation of any highway running into or through two or more counties, on or partly on the line dividing two or more counties in two or more judicial districts in this state, signed by 20 legal voters and taxpayers resident in such counties, shall be presented to a judge of the district court of one of such districts, he is hereby authorized to appoint three commissioners, whose duty it shall be to meet at such times and places as may be necessary and to immediately proceed to lay out, alter, or vacate such road as directed by the judge in accordance with the prayer of the petition; provided, that no road shall be ordered by the judge to extend more than six miles outside of the judicial district in which the application is made, and such road shall be extended beyond the judicial district only for the purpose of commencing or ending at some village or public road. In cases where the road, if a new road, or, if an old road, the part thereof to be altered or vacated runs through or into two or more counties situated in two or more judicial districts, the judge to whom the petition was presented shall appoint commissioners from each of the counties affected by such road, not exceeding five in all, and direct them to lay out, alter, or vacate such road accordingly; and it shall be the duty of the commissioners to meet at such times and places as may be necessary and to proceed to lay out, alter, or vacate such road in like manner as provided herein in other cases. At the time of filing such petition, one or more of such petitioners shall give bond, with good and sufficient surety, payable to the State of Minnesota, to be approved as to amount and sureties by the judge to whom such petition is presented, such bond to be conditioned to pay all expenses and costs in case the court or judge thereof shall fail to establish such proposed road.

Subd. 2. Notice. Three weeks published and posted notice of the presentation of such petition shall be given in each of the counties affected at least 30 days in advance thereof. Such notice shall contain a copy of the petition, the name of the judge to whom it will be presented, and the time and place of presentation; and proof of such notice shall be filed with the clerk before the hearing. Such notice shall also be served in the same manner as the service of the summons in a civil action, upon each county and organized town in which, or along the boundary of which, such proposed road is sought to be established, and proof of the service of such notice on such counties and towns shall be filed with the clerk of the court before the hearing.

Subd. 3. Employees. The commissioners shall appoint a surveyor, an ax-man, and two chainmen, to survey such road, if so directed by the court. The surveyor shall make plats of the location of such road, in which the county lines and all stakes, trees, monuments, and distances shall appear, and file one of such plats for record with the register of deeds of each county in or through which the road is located. The surveyor shall receive \$2 for each plat so filed.

Subd. 4. Appraisals. These commissioners shall appraise and fix the damages to be paid to each landowner by reason of the establishment, alteration, or vacation of such road over and across his lands, unless such right of way be voluntarily released to the county in which such land is situated; and in their report they shall set forth each appraisal made by them and all releases of the right of way. Such damages when finally determined and all expenses incurred in the establishment, alteration, or vacation, including compensation for right of way, shall be paid by the counties through, into, or between which such road passes, each county paying its just proportion as determined by the court. The county shall provide for and pay such damages as in the case of a county road. The commissioners shall receive for their services \$3 each per day and eight cents for each mile of necessary travel.

Subd. 5. Reports. These commissioners shall report their proceedings at the term of the district court held in the county where such proceedings were begun next after the completion of their duties, and any person aggrieved by their action may then appear and be heard upon such report; and the court upon such hearing may consider the propriety of establishing, altering, or vacating such road and confirm or reject such report. The confirmation shall be final and the order of confirmation, if a road be thereby established or altered, shall direct the time and manner of opening the same for public use. The clerk of court shall, within 30 days after filing the same, transmit a certified copy of the order to the auditor of

each county through or into which such road passes; upon receipt of such order the county board shall proceed in accordance with its terms to open so much of the road as lies within its county for public use.

Subd. 6. Appeals. Any person aggrieved by such appraisal may demand a jury trial to determine the amount of damages to which he is entitled for the right of way for such road over his land. Such demand shall be in writing, signed by the person making it, his agent or attorney, and filed with the clerk of the district court with whom the report is filed, within 30 days after the entry of the order of confirmation. A failure to file such demand shall be deemed a consent to the appraisal made. A trial so demanded shall be had at the next term held in the county in which the land is situated unless continued for cause. If the land is situated in a county other than that in which the report is filed, the clerk with whom such report and demand are filed shall certify a copy of the demand and of so much of the report as applies thereto to the clerk of the trial county, who shall file the same. The county board or county attorney of the county in which land so taken is situated may in like manner and with like effect demand a jury trial to determine the damages to be paid in any one or all of the cases within such county, and the like proceedings shall thereupon be had.

[1921 c. 323 s. 41] (2581)

9C500
a6213
162.21 **ESTABLISHMENT, ALTERATION, VACATION.** Subdivision 1. **Established by county board.** County roads, other than those established by judicial authority, shall be established, altered, or vacated only by the county board. Damages resulting from the establishing, altering, or vacating such roads shall be determined in the manner hereinafter provided and paid by the counties through which they pass. All proceedings in establishing, altering, or vacating roads shall be recorded in a public record book designated as the book of county roads.

Subd. 2. County roads, what are. The county commissioners are hereby authorized and empowered to constitute and declare any public highway or road in such county outside of the corporate limits of any incorporated city or village therein, a county road; and they are hereby given general supervision over such roads, with full power to appropriate such sums of money from the county treasury of such county as they may deem advisable for improving the same; provided, that nothing contained in this section shall be so construed as to relieve the supervisors or town overseer of highways of any town in such county from any of the duties imposed upon them by existing laws relating to roads, cartways, and bridges.

Subd. 3. Extension of streets. In any county of this state having or which may hereafter have 200,000 inhabitants or over, the county commissioners thereof are hereby authorized and empowered to extend any street or avenue beyond the city or village limits of any city or village in such county to connect any road or highway in any adjoining county, which extension shall not exceed one mile in length; and the county commissioners are given full power to change, alter, improve, or repair such extension of road within such county and to appropriate such sum or sums of money from the treasury of such county as they may deem advisable therefor. In no case shall the location of such road, wherewith such extension shall be connected be changed at the point where the same now crosses the county line between such county and such adjacent county or counties.

Subd. 4. Petitions. When 24 freeholders of any county petition the county board for the establishment, alteration, or vacation of any road or of any roads which connect with each other running into more than one town, or partly in one or more towns and partly on the line between one or more towns, or on the line between two or more towns, in such county, or along the shore of any lake wholly or partly in such county, or which constitutes a connecting link between an established highway and any public park, ground, or monument, or into a town or towns and the unplatted part of any village or villages therein, such road or roads not being within a city, or any road wholly within a town, which constitutes a direct connecting link with two or more roads, whether the same be previously connected or not, in the towns adjoining the town in which such road is or is to be located, setting forth the beginning, course, and termination or the beginnings, courses, and terminations of the road or roads, and the names of the owners of the land, if known, through which the same may pass, and file the same with the auditor, he shall forthwith lay the same before the board, if in session, and if not, at its first session thereafter. If the petition relate to a road or roads partly in a town or towns, and partly in the

unplatted portion of a village or villages, before it shall be acted upon by the county board it shall have attached thereto a certified copy of a resolution of the village council or of each village council, as the case may be, approving the same.

Subd. 5. Hearings on petitions. If such petition appears reasonable on its face the board shall order a hearing thereon, designating in such order the time and place for such hearing and appoint from its members a committee to examine the route or routes of such road or roads and fix the time and place upon such route or upon any one of such routes at which the committee shall meet for the purpose. At least 20 days before the time fixed for such committee meeting, and not less than 30 days before the time of the hearing, the board shall cause posted notice of the time and place of such meeting and hearing to be given in each town affected, setting forth a copy of the petition. Proof of such notice shall be made by affidavit of the person posting the same. Such affidavit shall be filed with the county auditor and be by him kept with the other papers relating to such proceedings.

Subd. 6. Examination of roads. At the time and place designated, the committee shall meet and examine the road or roads proposed to be established, altered, or vacated and, in such examination, may employ a surveyor. After such examination they shall report to the board at its next session, setting forth, if a new road or roads or any alteration or alterations of any existing road or roads be proposed, the course and distances thereof, and recommending the granting or rejection of the petition.

Subd. 7. Hearings on damages. At the time and place designated, the board shall hear all parties interested as to the necessity for, and as to the amount of, damages to land owners by reason of such establishment, alteration, or vacation and may adjourn such hearings from time to time, if necessary. It shall determine the damages which will be sustained by each owner through whose land such road or roads may pass, and with whom it cannot agree, as hereinafter provided, or who is unknown, specifying the amount of damages, if any, awarded to each land owner and describing each parcel of land separately. If the board determines that the establishment of the road is desirable and of sufficient advantage to warrant the payment of damages assessed, it shall declare the road or roads established, altered, or vacated in accordance with the petition; otherwise, it shall declare the petition dismissed.

Subd. 8. Assessing and awarding damages. The damages sustained by reason of establishing, altering, or vacating any road may be ascertained by the agreement of the owners and the county board; and, unless such agreement is made, or the owners release in writing all claim to damages, the same shall be assessed and awarded before such road is opened, worked, used, altered, or vacated. Every such agreement and release shall be filed with the county auditor and shall be final as to the matters therein contained. In ascertaining the damages which will be sustained by any owner, the board shall determine the money value of the benefits which the establishment, alteration, or vacation, as the case may be, will confer and deduct such value, if any, from the damages, if any, and award the difference, if any, as damages.

Subd. 9. Order of board. If the petition be granted, the board shall provide for the laying out and construction of such road, in the case of the establishment of a new road or the alteration of an existing road or roads, and carrying into effect the vacation of an existing road or roads, when such action is petitioned for.

Subd. 10. County to pay damages. All damages resulting from the establishment, alteration, or vacation of any county road shall be paid by the county.

Subd. 11. Appeals. Any taxpayer of the county or any person aggrieved by any determination of a county board, either establishing, altering, or vacating or refusing to establish, alter, or vacate any road, or by any award of damages made by such county board may appeal therefrom to the district court of such county within the time and in the manner and with effect as is hereinafter provided.¹

[1921 c 323 s 42; 1923 c 439 s 7; 1927 c 227 s 2; 1949 c 284 s 1] (2582)

¹NOTE: For appeal provisions, see section 160.091.

9C5D0a6 162.22 **HIGHWAYS LEADING TO MEANDERED LAKES.** When a petition signed by 50 freeholders of the county is presented to the county board, wherein it appears that (1) there is a meandered lake or navigable stream running between two meandered bodies of water within the county which is not accessible to the general public by reason of the fact that there is no public highway leading up to

the same, and (2) the establishment and opening of a county road of not more than one mile in length and 66 feet in width would connect such lake or navigable stream with a public highway and would afford the general public a means of access to such lake or stream, it may be the duty of such board, if after an investigation it finds the statement in the petition to be true, to adopt a resolution establishing a public highway not more than one mile long nor 66 feet wide at some location to be designated by it so as to connect such lake or stream with some previously established and traveled highway and to that end the several county boards shall have power to acquire any land, or any easement or interest therein deemed necessary, including the right to acquire the fee of the land to the width of the road only at the point where the road meets the lake by purchase, gift, or condemnation proceedings.

[1929 c. 142] (2582-1)

162.23 COUNTIES MAY PAY FOR GASOLINE AND OIL. When gasoline and oil have been furnished to a contractor in the construction of a county road and such contractor is insolvent and the bonding company issuing such contractor's bond is in the hands of a receiver, the county constructing such road may in its discretion pay for such gasoline and oil in the same manner as other county claims; provided, that the provisions herein contained shall not be interpreted or construed as being mandatory in any manner or thing upon the county board of such county.

[1933 c. 154] (2596-1)

162.24 IMPASSABLE ROADS. Subdivision 1. **Complaints.** When a complaint in writing to the county board of the county reciting that a described road in or on the line of a town therein is neglected by the town charged by law with its maintenance and repair or that a legally established road in or on the line of the town has not been constructed or opened, when the cost of opening or constructing such legally established road shall not exceed the sum of \$1,000 per mile, and that by reason of such neglect such road is not reasonably passable, which complaint is signed by five or more freeholders of the town or of an adjoining town in the county, the county board shall by resolution fix a time and place when and where it will consider the complaint; and thereupon the county auditor shall mail a copy of the complaint, together with a notice of the time and place when and where the county board will meet to consider the complaint, to the town clerk of the town and notify the persons signing the complaint of the time and place of such meeting. At the designated time and place the county board shall consider such complaint and hear and consider such testimony as may be offered by the officers of the town, or the persons filing the complaint, relative to the truth of the matters therein set forth. The chairman of the board, or the presiding officer thereof, may administer oaths to witnesses and require them to testify under oath.

Subd. 2. Hearing on complaints. If upon such hearing the county board shall be of the opinion that the complaint is well founded, it shall by resolution direct the town board to do such work or to make such improvements as it shall deem necessary to put such road in a passable condition. Such resolution shall specify generally the work which it is so deemed necessary to do. The county auditor shall cause a copy of such resolution to be mailed to the clerk of the town complained of and, if such town for a period of 30 days after the mailing of such notice, fail or neglect to do the work or make the improvements set forth in such resolution, the county board may cause such work to be done or improvement made and pay therefor from the county road and bridge fund. The amount annually spent by any county board in any town under the provisions of chapters 160 to 164 shall not exceed two mills on the dollar of the taxable valuation of that town.

Subd. 3. Statements of cost. When any county board shall have performed any work or made any improvement on any such road it shall cause to be prepared in duplicate an itemized statement of the cost of such work or improvement. One of the statements shall be filed with the county auditor and the other copy thereof shall be by the county auditor mailed to the clerk of such town. The town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of the town board to act thereon will be held at a time to be specified in such notice, not later than ten days after the receipt of such notice from the county auditor. The town board shall meet at the time and place specified in the notice so given by the clerk and levy a special tax upon all the taxable property in the town in an amount sufficient to pay the amount expended by the county in performing such work or making the improve-

ment. Such tax so levied shall be certified to the county auditor on or before October fifteenth next succeeding and the county auditor shall extend the same with other town taxes upon the tax list of such town. If the town board shall for any reason fail to act as herein provided, the county auditor is hereby authorized and directed to levy such tax and extend the same with other town taxes upon the tax list of such town. Such tax shall be collected and the payment thereof enforced in the same manner and subject to the same penalties and interest as other town taxes. When collected such tax shall be paid into the county treasury to the credit of the county road and bridge fund and in making his settlements with the town the county treasurer is hereby authorized to withhold from payment to the town the amount of such special tax theretofore collected.

9C500a 6. [1921 c 323 s 67; 1923 c 439 s 13; 1929 c 24 s 1; 1931 c 40; 1949 c 30 s 1] (2607)
 162.25 to 162.36 [Local]

162.37 [Repealed, 1957 c 536 s 1]

9C500a 6 162.38 **PERMANENTLY IMPROVE.** The words "permanently improve," as
 162.38 used in sections 162.38 to 162.45, mean any work approved by the commissioner of
 highways, as specified in sections 162.38 to 162.45, which is essential or preparatory
 to the paving of such road with a proper durable hard-surface type of paving.

[1923 c. 320 s. 2] (2646)

9C500a 6 162.39 **BONDS FOR ROAD AND BRIDGE PURPOSES.** The county board of
 any county is hereby authorized, without a vote of the people, to issue and sell from
 time to time the bonds of the county to such an amount as in the judgment of the
 board may be necessary for the purpose of paying the expense to be incurred in
 permanently improving any road or roads, including temporary trunk highways, in
 the county which have not been definitely fixed and determined by the commissioner
 of highways as trunk highways; but the aggregate indebtedness of any county,
 inclusive of bonds issued hereunder, shall not at any time exceed 15 per cent of the
 assessed valuation of the county's taxable real property; provided, that the amount
 of bonds issued hereunder by any county shall, together with bonds heretofore
 authorized by such county under the provisions of Laws 1919, Chapter 265, in no
 case exceed in the aggregate the sum of \$250,000.

[1923 c. 320 s. 1] (2645)

9C500a 6 162.40 **ROUTES AND PLANS APPROVED BY COMMISSIONER.** Before any
 bonds shall be issued under the provisions hereof, the route and termini of the road
 or roads proposed to be permanently improved and the plans and specifications for
 such improvement shall be approved by the commissioner of highways. Before any
 contract for such improvement shall be let, such contract, including the price thereof,
 shall be approved by the commissioner of highways; and the contract shall be per-
 formed and the improvement made under the direction and supervision of the com-
 missioner of highways. The approval of such route, termini, plans, and specifica-
 tions and the fact that the road is one for the permanent improvement of which
 bonds may be issued hereunder shall be conclusively evidenced by a certificate to
 that effect signed by the commissioner of highways in which the road or roads
 proposed to be improved shall be designated by proper description or reference.

[1923 c. 320 s. 3] (2647)

9C500a 6 162.41 **BONDS; FORM, INTEREST, SALE OF.** Such bonds shall be in
 such form and denominations, bear such rate of interest not exceeding six per
 cent per annum payable semiannually, become due and payable at such time or
 times not more than 20 years from their date, and be sold in such manner as the
 county board and the commissioner of highways shall determine, may contain an
 option permitting their redemption on any interest date, shall be signed by the
 chairman of the county board and countersigned by the county auditor, and sold
 conformably to the provisions of section 475.60 for not less than par and accrued
 interest.

[1923 c 320 s 4; 1957 c 354 s 1] (2648)

9C500a 6 162.42 **USE OF PROCEEDS.** The proceeds of such bonds shall be used for
 the permanent improvement of the roads designated in the resolution authorizing
 their issuance; and if any part of such proceeds remains unexpended after the
 completion and acceptance of the improvement, such unexpended surplus may, by
 the county board, be paid into the trunk highway fund, in which event such surplus
 shall be expended by the commissioner of highways within one year after the
 receipt thereof upon trunk highways within the county. In case the proceeds from

such bonds issued by any county should for any reason be insufficient to pay for the completion of any contract for the making of the improvement for which they were issued, such contract shall be carried out by the county so far as such proceeds shall permit and the remainder of such contract shall be assumed by the commissioner of highways and paid for out of the trunk highway fund, but only if and when the highway being so improved shall be designated as a trunk highway.

[1923 c. 320 s. 5] (2649)

59C500 a b 162.43 **FUNDS CREDITED TO TRUNK HIGHWAY FUND.** In case any
213 county shall authorize the issuance of bonds under sections 162.38 to 162.45 and thereafter and prior to the letting of a contract for the making of such improvement the road on which such improvement is to be made shall be designated as a trunk highway, the county may pay the proceeds from such bonds into the trunk highway fund to be expended by the commissioner of highways in the making of such improvement upon the route and under the plans and specifications therefor approved by the commissioner prior to the issuance of the bonds.

[1923 c. 320 s. 6] (2650)

59C500 a b 162.44 **POWERS ADDITIONAL.** The powers conferred by sections 162.38 to
213 162.45 are in addition to all other powers conferred by law; but no bond shall be issued hereunder unless authorized by resolution of the county board adopted after the passage of sections 162.38 to 162.45 and prior to January 1, 1925.

[1923 c. 320 s. 7] (2651)

59C500 a b 162.45 **COUNTIES REIMBURSED FROM STATE HIGHWAY FUND.** The
213 State of Minnesota hereby agrees to reimburse, to the extent hereinafter provided, all counties for moneys expended by them under the provisions of sections 162.38 to 162.45 between the passage thereof and January 1, 1925, in permanently improving, in accordance with plans and specifications therefor approved by the commissioner of highways, roads described in the Constitution of the State of Minnesota, Article 16, and to be hereafter definitely fixed and determined by the commissioner of highways as trunk highways. Moneys paid by any county upon any contract hereunder shall be deemed to have been expended as of the date of such contract. Moneys paid by any county into the trunk highway fund and expended by the commissioner of highways under the provisions of sections 162.41 and 162.43 shall be deemed to have been expended by such county as of the date of such payment into the trunk highway fund. Such reimbursement shall be made according to the provisions of sections 167.01 and 167.02 so far as applicable except that the certificate by the county board required by section 167.02 shall be made and filed forthwith upon the issuance of the bonds and in no case later than April 1, 1925.

[1923 c. 320 s. 8] (2652)

162.46-162.54 [Local]