

## CHAPTER 440

## ACQUISITION OF PROPERTY FOR STREETS

440.13 Council may vacate streets in cities of the fourth class.

440.135 Vacating streets, home rule charter city of the third class.

**440.13 COUNCIL MAY VACATE STREETS IN CITIES OF THE FOURTH CLASS.**

In any city of the fourth class organized under a home rule charter, the council thereof shall have power by a majority vote of the council to vacate any street or highway, or any part of any street or highway therein, upon the petition of all the owners of lands abutting both sides of the street or highway, or part thereof, proposed to be vacated wherein one end of the street or highway, or part thereof proposed to be vacated does not connect with any other street or highway. If any part of the street or highway proposed to be vacated terminates at or abuts upon any public water, the petitioners shall serve notice of the petition by certified mail upon the commissioner of natural resources at least 30 days before the council hearing on the matter. The notice under this subdivision is for notification purposes only and does not create a right of intervention by the commissioner of natural resources. Except as herein provided all other provisions of the home rule charter shall apply to and govern the proceeding.

**History:** 1989 c 183 s 5

**440.135 VACATING STREETS, HOME RULE CHARTER CITY OF THE THIRD CLASS.**

*[For text of subd 1, see M.S.1988]*

Subd. 2. **Council may vacate; conditions.** In addition to any other method provided by law, the council of such city, upon the presentation and filing of a verified petition signed by or on behalf of any owner, natural or corporate, of any real estate abutting thereon, may vacate any street or segment of street or any portion of the width thereof within its geographical limits, provided only that the street, segment, or portion thereof so vacated pursuant to such petition shall not be longer than the distance intervening between any two adjacent intersecting streets. If any street, segment, or portion thereof proposed to be vacated terminates at or abuts upon any public water, the petitioners shall serve notice of the petition by certified mail upon the commissioner of natural resources at least 30 days before the council hearing on the matter. The notice under this subdivision is for notification purposes only and does not create a right of intervention by the commissioner of natural resources.

*[For text of subds 3 and 4, see M.S.1988]*

**History:** 1989 c 183 s 6