

CHAPTER 164

TOWN ROADS

164.03 Expenditures.
164.06 Powers regarding town roads.

164.08 Cartways.

164.03 EXPENDITURES.

[For text of subds 1 to 3, see M.S.1992]

Subd. 4. Report. The town board shall render to the annual town meeting a written report containing:

- (1) the amount of road taxes levied and the amount collected during the preceding year and all money paid into the road and bridge fund from all other sources;
- (2) a statement of the improvements needed on roads, cartways, and bridges for the ensuing year, with an estimate of their probable expense;
- (3) a statement of all expenses and damages occasioned by establishing, altering, or vacating roads and of all sums expended for machinery, implements, tools, stone, gravel, and other material during the year, with an estimate of the amount required for ensuing year; and
- (4) a statement of the improvements made on roads, cartways, and bridges during the preceding year, with a statement of expenditures therefor.

History: 1993 c 25 s 1

164.06 POWERS REGARDING TOWN ROADS.

[For text of subd 1, see M.S.1992]

Subd. 2. Extinguishing interest in abandoned road. After providing notice under section 366.01, subdivision 8, the town board may by resolution disclaim and extinguish a town interest in a town road without action under subdivision 1 if:

- (1) the extinguishment is found by the town board to be in the public interest;
- (2) the interest is not a fee interest;
- (3) the interest was established more than 25 years earlier;
- (4) the interest is not recorded or filed with the county recorder;
- (5) no road improvement has been constructed on a right-of-way affected by the interest within the last 25 years; and
- (6) no road maintenance on a right-of-way affected by the interest has occurred within the last 25 years.

The resolution shall be filed and recorded with the county auditor and recorder.

History: 1993 c 117 s 2

164.08 CARTWAYS.

[For text of subd 1, see M.S.1992]

Subd. 2. Mandatory establishment; conditions. Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, or whose access thereto is less than two rods in width, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. The town board may select an alternative route other than that petitioned for if the alternative is deemed by the town board to be less disruptive and damaging to the affected landowners and in the public's best interest. In an unorganized territory, the board of county commissioners

of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07. The amount of damages shall be paid by the petitioner to the town before such cartway is opened. For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services which the town may incur in connection with the proceedings for the establishment of the cartway. The town board may by resolution require the petitioner to post a bond or other security acceptable to the board for the total estimated damages before the board takes action on the petition.

Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

[For text of subd 3, see M.S.1992]

History: 1993 c 275 s 1