

## Municipal Public Works

## CHAPTER 440

## ACQUISITION OF PROPERTY FOR STREETS

440.08	Acquiring property and easements for streets, highways.	440.135	Vacating streets in third class charter city.
440.09	Condemnation proceedings.	440.14	Contracts for lighting streets.
440.11	Change name of streets.	440.37	Roads or streets outside first class city limits.
440.13	Council may vacate streets in cities of the fourth class.	440.38	Acquisition of property.
		440.40	Police protection.

**440.01-440.07** [Repealed, 1949 c 119 s 110]

**440.08 ACQUIRING PROPERTY AND EASEMENTS FOR STREETS, HIGHWAYS.**

Each city of the first class in this state, acting through its council, in addition to all other powers possessed by the city, is hereby authorized and empowered to acquire by purchase, gift, devise, or condemnation any lands or property and any rights and easements therein which may be needed or required by the city for public street and highway uses or purposes; including among others easements for public streets and highways and bridges and approaches thereto, with necessary supports and abutments therefor, within its corporate boundaries notwithstanding the fact that the property so needed or required has been acquired by the owner under the power of eminent domain or is already devoted to a public use.

**History:** (1538-1) 1927 c 114 s 1

**440.09 CONDEMNATION PROCEEDINGS.**

Proceedings in eminent domain under sections 440.08 and 440.09 shall be in pursuance of chapter 117. The city, upon giving the notice required by section 117.042, or upon the filing of the report of the commissioners as provided in section 117.115 may enter upon and appropriate the lands so condemned or any distinct parcel thereof, without the giving of any bonds, but in case of such entry and appropriation the city shall be bound absolutely to pay all damages awarded, whether by commissioners acting under chapter 117, or by the court upon appeal from their award, together with all costs and expenses adjudged against it in the proceedings, and the court shall issue a writ to the sheriff of the county to put the city in possession. In case the city shall take appeal in any such proceedings it shall not be required to give or file any appeal bond.

**History:** (1538-2) 1927 c 114 s 2; 1973 c 35 s 71

**440.10** [Repealed, 1949 c 119 s 110]

**440.11 CHANGE NAME OF STREETS.**

The council of each home rule charter city of the second, third, or fourth class may by ordinance change the name of and rename any of the streets, lanes, avenues, public highways, parks, and public grounds of the city. Immediately after publication, the ordinance shall be recorded in the office of the county recorder of the county in which the city is located.

**History:** 1901 c 226 s 1; 1976 c 44 s 41; 1976 c 181 s 2

**440.12** [Repealed, 1976 c 44 s 70]

**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:** (1828-9 1/2) 1933 c 95 s 1; 1989 c 183 s 5

#### 440.135 VACATING STREETS IN THIRD CLASS CHARTER CITY.

Subdivision 1. **Application.** This section applies to every home rule charter city of the third class.

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.

Subd. 3. **Certified copy of resolution to be filed.** Such action of such council may be taken at any regular or special meeting duly called for such purpose and shall be by resolution, and a copy of the resolution duly certified by the city clerk shall be recorded in the office of the county recorder in the county where such city is located before the action shall be effective.

Subd. 4. **Not to interfere with special improvements.** The vacation of any street or segment thereof under this section shall not destroy or interfere with the right of any person, corporation, or municipality owning or having control of any electric light or telephone pole or lines existing upon such street at the time of the vacation thereof or with any sewer or water pipes, mains or hydrants thereon or thereunder to enter upon such street or portion thereof vacated for the purpose of repairing the same or otherwise attending thereto.

**History:** 1945 c 224; 1965 c 45 s 59; 1976 c 44 s 42; 1976 c 181 s 2; 1989 c 183 s 6

#### 440.14 CONTRACTS FOR LIGHTING STREETS.

In all cities of the first class, the council may award, enter into, and let contracts for lighting the city streets, parks, and other public places, or either or any of the same, for any term not exceeding two years under any one contract. It shall not be necessary, before awarding or entering into such contracts, that provision by budget appropriations or otherwise shall first have been made to meet the indebtedness incurred by these contracts, but provision for meeting the obligation or indebtedness may be made after the letting of the contracts.

**History:** (1479) 1911 c 179 s 1

440.15 [Repealed, 1976 c 44 s 70]

440.16 [Repealed, 1976 c 44 s 70]

440.17 [Repealed, 1976 c 44 s 70]

440.18 [Repealed, 1976 c 44 s 70]

**440.19** [Repealed, 1976 c 44 s 70]

**440.20** [Repealed, 1976 c 44 s 70]

**440.21** [Repealed, 1976 c 44 s 70]

**440.22** [Repealed, 1976 c 44 s 70]

**440.23** [Repealed, 1976 c 44 s 70]

**440.24** [Repealed, 1976 c 44 s 70]

**440.25** [Repealed, 1976 c 44 s 70]

**440.26** [Repealed, 1976 c 44 s 70]

**440.27** [Repealed, 1976 c 44 s 70]

**440.28** [Repealed, 1976 c 44 s 70]

**440.29** [Repealed, 1976 c 44 s 70]

**440.30** [Repealed, 1976 c 44 s 70]

**440.31** [Repealed, 1976 c 44 s 70]

**440.32** [Repealed, 1976 c 44 s 70]

**440.33** [Repealed, 1973 c 702 s 26]

**440.34** [Repealed, 1973 c 702 s 26]

**440.35** [Repealed, 1973 c 702 s 26]

**440.36** [Repealed, 1973 c 702 s 26]

#### **440.37 ROADS OR STREETS OUTSIDE FIRST CLASS CITY LIMITS.**

Any city of the first class in this state is hereby authorized and empowered to extend, lay out, open, build, maintain, and repair any road, street, avenue, boulevard, parkway, or other public highway or public park adjacent to any such highway, which may be authorized by ordinance of the city passed by a three-fourths vote of all the members of the council, whether the road, street, avenue, boulevard, parkway, or other public highway be wholly within or partly within and partly without, or wholly without, outside of, or beyond the corporate limits of the city.

**History:** (1535) 1909 c 485 s 1; 1921 c 21 s 2

#### **440.38 ACQUISITION OF PROPERTY.**

Any city mentioned in section 440.37 may acquire by gift, devise, purchase, condemnation, or other means any property necessary or convenient or desirable for the purpose of extending, laying out, opening, building, maintaining, and repairing any road, street, avenue, boulevard, parkway, or other public highway or public park adjacent to any such highway authorized in section 440.37.

**History:** (1536) 1909 c 485 s 2; 1921 c 21 s 3

**440.39** [Repealed, 1976 c 44 s 70]

#### **440.40 POLICE PROTECTION.**

Any city acquiring any property under sections 440.37 and 440.38 is empowered to afford police protection to any and every such property.

**History:** (1538) 1909 c 485 s 4; 1980 c 509 s 166