

**163.13** MS 1957 [Repealed, 1959 c 500 art 6 s 13]

**163.13 PETITION FOR HIGHWAY OR PORTAGE.**

Subdivision 1. **Contents of petition.** Any person who owns real estate in a county may petition the county board to establish, alter, or vacate a county highway or portage. The petition shall set forth the beginning, course, and termination of the highway or portage with reasonable definiteness. It shall be filed with the county auditor and shall be considered at the next regular county board meeting. The board shall hear all interested persons at that meeting or at such continued meetings as the board deems necessary.

Subd. 2. **Resolution of county board, procedure.** After investigating the matters contained in the petition, and after hearing all interested persons, the board, by resolution, shall make its determination. If it determines to grant the petition it shall proceed as provided in section 163.11 or as provided in section 163.12.

Subd. 3. **Appeal.** If the board denies the petition, any person aggrieved thereby, within 30 days after the denial, may appeal to the district court of the county by filing a notice of appeal with the court administrator of the district court, together with a bond of not less than \$250, with sufficient surety approved by the judge or by the county auditor, conditioned to pay all costs arising from the appeal in case the determination of the board is sustained. A copy of the notice of appeal shall be served on the county auditor.

Subd. 4. **Trial.** The appeal shall be entered upon the calendar for trial at the next general term of the court occurring more than 20 days after the appeal is perfected. The determination of the board shall not be reversed except upon a showing of arbitrary, capricious or fraudulent action. The prevailing party shall be entitled to costs and disbursements to be fixed and allowed as in other civil cases.

Subd. 5. **Board procedure on reversal.** If the determination of the board is reversed, it shall proceed in accordance with the decision of the court.

**History:** 1959 c 500 art 4 s 13; 1Sp1986 c 3 art 1 s 82