

**164.06** MS 1957 [Repealed, 1959 c 500 art 6 s 13]

**164.06 POWERS REGARDING TOWN ROADS.**

Subdivision 1. **Authorization.** A town board, when authorized by a vote of the electors at the annual meeting, or at a special meeting called for that purpose, may establish, alter, or vacate a town road, including those dedicated to the public by plat, in accordance with section 164.07, subdivisions 2 to 12, and may acquire the right-of-way as may be necessary for the road by gift, purchase or as provided in section 164.07.

Subd. 2. **Extinguishing interest in abandoned road.** (a) After providing notice as required in paragraph (c), 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.
- (b) The resolution shall be filed with the county auditor and recorded with the county recorder.

(c) Not less than 30 days before the first meeting at which a resolution to disclaim and extinguish a town interest in a town road under this subdivision is discussed, the town board shall provide notice of the meeting by certified mail to each property owner abutting the road to be extinguished. A notice must also be posted as provided under section 366.01, subdivision 8.

**History:** 1959 c 500 art 5 s 6; 1984 c 562 s 8; 1985 c 169 s 5; 1Sp1985 c 16 art 2 s 10; 1992 c 578 s 1; 1993 c 117 s 2; 1995 c 25 s 1; 2005 c 4 s 30; 2008 c 287 art 1 s 18