CHAPTER 379

ORGANIZATION, FORMATION, AND PARTITION OF TOWNS

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379.01 ORGANIZATION.

Subdivision 1. **Manner; petition; name.** When a majority of the registered voters of any congressional township containing not less than 25 legal voters petition the county board to be organized as a town such board shall forthwith call an election on the question. If a majority of the vote in the township is in favor of organization, the county board shall proceed to fix and determine the boundaries of such new town and name the same and make and file with the auditor a full report of its proceedings in relation to the establishment thereof. Towns thus formed shall be named in accordance with the expressed wish of a majority of its voters. If they fail to request a name, the board shall select one.

Subd. 2. **Petition by freeholders.** When a majority of the resident freeholders of any one, two, three, four, or five congressional townships containing in the aggregate not less than 25 freeholders who are legal voters petition the county board to be organized as a town such board shall forthwith call an election on the question. If a majority of the vote in the townships is in favor of organization, the county board shall proceed to fix and determine the boundaries of such new town and name the same and make and file with the county auditor a full report of its proceedings in relation to the establishment thereof. For the purposes of this section, the word "freeholders" shall be construed to include any person who is a legal voter in any such town occupying real estate therein under the homestead or preemption laws of the United States or under contract of purchase from any person or corporation or from the state of Minnesota.

Subd. 3. **Organizational meeting.** If the result of an election held under this section is in the affirmative, the county shall arrange for the holding of the first organizational meeting not more than 30 days after the election in the township to be organized.

Subd. 4. **Conduct of election; costs.** The county auditor shall have the ballots printed for an election under this section and shall otherwise make preparation for the election including having a notice published in the official newspaper of the county once a week for two successive weeks stating the date of the election and the question to be voted on. The last publication shall be no later than ten days before the election. The cost of the election shall be borne by the county.

History: *(787, 788) RL s 451; 1905 c 143 s 1; 1931 c 19; 1987 c 147 s 3*

379.02 TOWNS, CHANGE OF BOUNDARIES AND NAMES.

The county board may alter the boundaries of towns, or partition any town among other towns within the county by attaching a part of one town to another, or by dividing one town and attaching the parts to other towns, or by forming a new town from the territory of one or more towns, or from territory not before included in a town, whenever it is made to appear necessary or expedient, by a petition for that purpose signed by not less than 20 legal voters residing within the territory to be affected. The county board may, upon notice as provided in section 379.03, alter the boundaries or change the name of any town within the

county by attaching thereto unorganized territory abutting thereon within the county, after a petition for that purpose, signed by not less than 20 legal voters residing within the unorganized territory proposed to be attached, is approved by the town board of the town to which the territory is proposed to be attached. No town shall be so formed, having less than 36 square miles, nor have its boundaries so changed as to reduce its territory below that area, unless after such division it shall have at least 25 qualified voters therein, and real estate valued at the last preceding assessment at $30,000 or more; and no town shall be divided or have any part detached therefrom so as to make its area less than 36 square miles, except upon the petition of at least two-thirds of the legal voters residing in one or both subdivisions or parts. The county auditor must notify the state demographer of any boundary or name changes. The county shall prepare an estimate of the population and the number of households in the attached or detached area. The estimate must be certified by the state demographer. The estimate must estimate the population as of the effective date of the county board's resolution and must be so dated.

History: *(789) RL s 452; 1955 c 3 s 1; 1997 c 87 s 2*

379.03 NOTICE OF HEARING.

Before acting on any petition mentioned in section 379.02, the county board shall cause 30 days' posted notice of the time of hearing the same to be given within the bounds of the territory proposed to be partitioned, altered, or formed into a new town. Such notice shall include a copy of the petition, and be served on the clerk of each town whose territory may be affected.

History: *(790) RL s 453*

379.04 IF GRANTED, BOARD TO FIX BOUNDARIES; MAKE, FILE REPORT.

If such application is granted, the county board shall forthwith fix and determine the boundaries of such town or towns, and make and file with the county auditor a full report of its proceedings in the matter.

History: *(791) RL s 454*

379.045 FIRST TOWN MEETING; ELECTION OF OFFICERS.

The first town meeting and election of officers in each new town shall be held as provided in sections 365.50 and 367.03, subdivision 1.

History: *1985 c 169 s 14*

379.05 AUDITOR TO SUM UP REPORT FOR STATE, MAKE TOWN RECORD.

Each county auditor shall within 30 days after any such town is organized transmit by mail or appropriate digital technology to the secretary of state an abstract of such report, giving the name and boundaries of such town and record in a book kept for that purpose a full description of each such town. The secretary of state shall distribute copies of the abstract to the commissioner of revenue, the state demographer, the Minnesota Geospatial Information Office, the chief administrative law judge of the state Court of Administrative Hearings, and the commissioner of transportation.

History: *(792) RL s 455; 1973 c 492 s 14; 1976 c 231 s 27; 1984 c 618 s 54; 2003 c 2 art 5 s 7; 2008 c 196 art 2 s 6; 2009 c 101 art 2 s 107 ; 2010 c 392 art 1 s 15; 2025 c 39 art 2 s 68*

379.06 APPORTIONMENT OF FUNDS; TAXES.

In case of the division or partition of any town, the funds in its treasury and undistributed town taxes shall be apportioned to the town or towns to which the portions thereof shall be attached, or to the new town or towns established, to the extent the same are collected from the territory so attached or established into a new town. All taxes collected after the division or partition of such town shall when collected be paid to the town in which the property upon which the taxes are collected is located; but taxes levied for the payment of outstanding bonds shall be paid to the town issuing such bonds until such time as the same are paid. When any such county board shall have heretofore or shall hereafter divide or partition any such town it shall apportion to the several parts thereof that portion of the debts of the town represented by outstanding orders or otherwise and the property thereof as may seem to it right and proper, and the apportionment when so made shall be binding upon the parts affected, but shall be subject to review by the district court.

History: *(793) RL s 456; 1909 c 123 s 1*

379.07 TOWNS WITH SAME NAME.

If the commissioner of revenue, on comparing the abstracts of the reports from the several counties, finds that two or more towns have the same name, the commissioner shall transmit to the auditor of the proper county the name to be altered, and the county board shall, at its next meeting thereafter, adopt for such town a different name. When such name is adopted the county auditor shall inform the commissioner of revenue, as before directed.

History: *(794) RL s 457; 1973 c 492 s 14; 1976 c 231 s 28; 1986 c 444*

379.08 CHANGE OF NAME OF TOWN.

The board of county commissioners of any county in this state may change the name of any town within such county upon a petition signed by a number of the legal voters of such town equal to 55 percent of the votes cast in such town at the last preceding general election and the new name suggested in such petition shall be adopted as the official name of such town. Such petition shall be filed with the county auditor and it shall be the duty of the auditor thereupon to give three weeks' published notice of the filing of such petition by publishing the same in the official newspaper of the county, and the petition shall be taken up and considered at the next meeting of the board of county commissioners held not less than 30 days after the date of publication of such notice.

History: *(795) 1907 c 88 s 1*

379.09 ORDER OF BOARD.

Petition being granted, the board shall make a formal order to that effect, which shall be filed with the county auditor and thereupon the official name of such town shall be the one so adopted. The auditor shall within 20 days after any such change of name of town transmit by mail to the commissioner of revenue an abstract of all the proceedings and orders of the county commissioners relative to such change of name.

History: *(796) 1907 c 88 s 2; 1973 c 492 s 14; 1976 c 231 s 29*