

MINNESOTA STATUTES 1945 ANNOTATIONS

2537

WORK OR WORKS ON OR IN STREETS 440.10

Public Works

CHAPTER 440

WORK OR WORKS ON OR IN STREETS

440.01 ROAD LABOR.

HISTORY. 1909 c. 189 s. 1; G.S. 1913 s. 1293; G.S. 1923 s. 1215; M.S. 1927 s. 1215.

440.02 DETERMINATION OF AMOUNT OF LABOR.

HISTORY. 1909 c. 189 s. 2; G.S. 1913 s. 1294; G.S. 1923 s. 1216; M.S. 1927 s. 1216.

440.03 NOTICE; RATE OF COMMUTATION FOR LABOR.

HISTORY. 1909 c. 189 s. 3; G.S. 1913 s. 1295; G.S. 1923 s. 1217; M.S. 1927 s. 1217.

440.04 ANNUAL REPORT OF STREET COMMISSIONER.

HISTORY. 1909 c. 189 s. 4; G.S. 1913 s. 1296; G.S. 1923 s. 1218; M.S. 1927 s. 1218.

440.05 FAILURE TO PERFORM LABOR; PENALTY.

HISTORY. 1909 c. 189 s. 5; G.S. 1913 s. 1297; G.S. 1923 s. 1219; M.S. 1927 s. 1219.

440.06 PROSECUTION.

HISTORY. 1909 c. 189 s. 6; G.S. 1913 s. 1298; G.S. 1923 s. 1220; M.S. 1927 s. 1220.

440.07 DISPOSAL OF FINES.

HISTORY. 1909 c. 189 s. 7; G.S. 1913 s. 1299; G.S. 1923 s. 1221; M.S. 1927 s. 1221.

440.08 STREETS AND HIGHWAYS; ACQUISITION OF PROPERTY AND EASEMENTS FOR.

HISTORY. 1927 c. 114 s. 1; M.S. 1927 s. 1538-1.

This section does not repeal or modify the provisions of the St. Paul city charter, providing for the condemnation of land for street and highway purposes. In re Improvement of Third Street, St. Paul, 177 M 146, 225 NW 86.

440.09 CONDEMNATION PROCEEDINGS.

HISTORY. 1927 c. 114 s. 2; M.S. 1927 s. 1538-2.

440.10 CHANGE NAME OF VILLAGE STREETS.

HISTORY. 1917 c. 415 s. 1; G.S. 1923 s. 1202; M.S. 1927 s. 1202.

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440.11 WORK OR WORKS ON OR IN STREETS

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440.11 CHANGE NAME OF STREETS.

HISTORY. 1901 c. 226 s. 1.

440.12 PROCEDURE FOR CHANGING NAME.

HISTORY. 1901 c. 226 ss. 2, 3.

440.13 COUNCIL MAY VACATE STREETS IN CITIES OF THE FOURTH CLASS.

HISTORY. 1933 c. 95 s. 1; M. Supp. s. 1828-9½.

440.135 VACATING STREETS, CITIES OF THE THIRD CLASS.

HISTORY. 1945 c. 224.

440.14 CONTRACTS FOR LIGHTING STREETS.

HISTORY. 1911 c. 179 s. 1; G.S. 1913 s. 1493; G.S. 1923 s. 1479; M.S. 1927 s. 1479.

In an action, brought in behalf of all taxpayers of St. Paul, to recover damages from a public service corporation, for alleged unjust discrimination, in that it charged and received for electric current furnished the city a rate higher than that charged and received for such current furnished other named patrons, the complaint failed to state a cause of action for it shows that the rate paid by the city was within the lawful rate fixed by the city council and alleged that no one of those named as having paid a lower rate was a competitor of the city. *Calendar v Northern States Power Co.* 192 M 591, 257 NW 512.

440.15 STREET COMMISSIONERS IN BOROUGHES.

HISTORY. 1921 c. 30 ss. 1 to 5; M.S. 1927 s. 1851-1 to 1851-5.

440.16 BONDS FOR PAVING IN CITIES OF THE THIRD CLASS OR FOURTH CLASS.

HISTORY. 1923 c. 174 s. 1; M.S. 1927 s. 1906-1.

440.17 AMOUNT, MATURITY, INTEREST, SALE.

HISTORY. 1923 c. 174 s. 2; M.S. 1927 s. 1906-2.

440.18 BONDS, SALE, PROCEEDS, FORM.

HISTORY. 1923 c. 174 s. 3; M.S. 1927 s. 1906-3.

440.19 TAX LEVY.

HISTORY. 1923 c. 174 s. 4; M.S. 1927 s. 1906-4.

440.20 LIMITATION OF INDEBTEDNESS.

HISTORY. 1923 c. 174 s. 5; M.S. 1927 s. 1906-5.

440.21 SUBMISSION TO VOTERS.

HISTORY. 1923 c. 174 s. 6; M.S. 1927 s. 1906-6.

440.22 CONDUCT OF ELECTION.

HISTORY. 1923 c. 174 s. 7; M.S. 1927 s. 1906-7.

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440.23 CITIES OF THIRD CLASS MAY IMPROVE ROADS.

HISTORY. 1939 c. 75 s. 1; M. Supp. s. 1713-¾.

440.24 MAY ACQUIRE PROPERTY.

HISTORY. 1939 c. 75 s. 2; M. Supp. s. 1713-¾a.

440.25 MAY CONDEMN PROPERTY.

HISTORY. 1939 c. 75 s. 3; M. Supp. s. 1713-¾b.

440.26 COURT TO APPOINT COMMISSIONER.

HISTORY. 1939 c. 75 s. 4; M. Supp. s. 1713-¾c.

440.27 SERVICE OF NOTICES.

HISTORY. 1939 c. 75 s. 5; M. Supp. s. 1713-¾d.

440.28 COMPENSATION FOR COMMISSIONERS.

HISTORY. 1939 c. 75 s. 6; M. Supp. s. 1713-¾e.

440.29 WHEN AWARD FINAL.

HISTORY. 1939 c. 75 s. 7; M. Supp. s. 1713-¾f.

440.30 CITY MAY ABANDON PROCEEDINGS.

HISTORY. 1895 c. 8 ss. 236, 250; 1939 c. 75 s. 8; M. Supp. s. 1713-¾g.

440.31 STATEMENT OF DAMAGES.

HISTORY. 1939 c. 75 s. 9; M. Supp. s. 1713-¾h.

440.32 APPLICATION.

HISTORY. 1939 c. 75 s. 10; M. Supp. s. 1713-¾i.

440.33 CITIES OF THE SECOND CLASS; STORM WATER SEWERS, PAVING, AND CURBING; BOND ISSUE.

HISTORY. 1927 c. 168 s. 1; M.S. 1927 s. 1664-39.

440.34 ISSUE AND SALE OF BONDS; TAX LEVY.

HISTORY. 1927 c. 168 s. 2; M.S. 1927 s. 1664-40.

440.35 FORM OF BONDS.

HISTORY. 1927 c. 168 s. 3; M.S. 1927 s. 1664-41.

440.36 USE OF PROCEEDS OF BONDS.

HISTORY. 1927 c. 168 s. 4; M.S. 1927 s. 1664-42.

440.37 ROADS OR STREETS BEYOND CORPORATE LIMITS OF CITY OF THE FIRST CLASS.

HISTORY. 1909 c. 485 s. 1; G.S. 1913 s. 1549; 1921 c. 21 s. 2; G.S. 1923 s. 1535; M.S. 1927 s. 1535.

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440.38 WORK OR WORKS ON OR IN STREETS

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440.38 ACQUISITION OF PROPERTY.

HISTORY. 1909 c. 485 s. 2; G.S. 1913 s. 1550; 1921 c. 21 s. 3; G.S. 1923 s. 1536; M.S. 1927 s. 1536.

A city cannot maintain condemnation proceedings to acquire land ostensibly for an alley, with the intention of devoting the land to a purely private enterprise in running a switch track to the land of an individual; and parol evidence is admissible to show that such is the purpose of the city, and that the statement in the petition that the property is sought to be condemned for an alley is not true. *State ex rel v District Court*, 133 M 221, 158 NW 240.

440.39 CONDEMNATION PROCEEDINGS.

HISTORY. 1909 c. 485 s. 3; G.S. 1913 s. 1551; G.S. 1923 s. 1537; M.S. 1927 s. 1537.

Where several persons have separate estates or interests in a single tract or parcel of land taken in condemnation proceedings, the proper mode of reaching a fair valuation of the property and of ascertaining the damages of those interested, is to treat the property as though the entire estate and all interests therein were in a single person and to find the value and damage in gross, leaving the apportionment of the award to be thereafter made according to the previous interests of the parties in the property. *State ex rel v District Court*, 128 M 432, 151 NW 144.

Payment by the city of the gross award to the fee owner did not deprive a lessee of his constitutional right of security of compensation for the taking of his property; for, while his right of recovery against the fee owner does not fulfil the constitutional guaranty, the fund must be deemed as still in the hands of the city, subject to be brought into court for apportionment at the instance of the lessee, of whose claim the city had notice before paying the fee owner. *State ex rel v District Court*, 128 M 432, 151 NW 144.

One obtaining the market value of his property was not entitled to an additional award for the expense of removal from the premises. *In re Assessment for Widening Third Street, St. Paul*, 176 M 389, 223 NW 458.

440.40 POLICE PROTECTION.

HISTORY. 1909 c. 485 s. 4; G.S. 1913 s. 1552; G.S. 1923 s. 1538; M.S. 1927 s. 1538.