

CHAPTER 161

DEPARTMENT OF HIGHWAYS

161.03 POWERS OF COMMISSIONER OF HIGHWAYS.

Subd. 2, amended by L. 1947 c. 105 s. 1.

Subd. 23, amended by L. 1947 c. 562 s. 1.

An order granting the motion of an omitted property owner to intervene in eminent domain proceedings by the state, or an order appointing commissioners in such proceedings is not appealable. *Antl v State*, 220 M 129, 19 NW(2d) 78.

The commissioner may acquire property by purchase or condemnation if needed for the proper and safe maintenance of or safe access to state highways. *Petition of Burnquist*, 220 M 129, 19 NW(2d) 395.

The state has the power to extinguish easements of access to a highway in order to establish a "freeway" highway to meet increasing traffic demands, and under statutory authority the commissioner had the right to acquire appellant's right of access to trunk highway No. 36 for the purpose of making it a "freeway" highway. *Petition of Burnquist*, 220 M 129, 19 NW(2d) 395.

Limitation on powers of the commissioner as to trunk highways passing through cities or villages. *Greenwood v Evergreen Mines Co.*, 220 M 296, 19 NW(2d) 731.

The state not having obtained permission from the secretary of the interior, and having the right to condemn under 59 SC 292, 305 US 382, may condemn under a contemporaneous construction of the two methods of condemnation. Each of the two federal statutes is an effective and reasonable provision in the procedure to acquire a right of way, neither being dependent on the other. *United States v Minnesota*, 113 F(2d) 771.

The United States is an "indispensable party" defendant in proceedings by the state to condemn lands which have been allotted in severalty to individual Indians but to which the United States held the fee title in trust for the allottees, and the state of Minnesota could not, without the consent of the commissioner, take such allotted lands. *United States v Minnesota*, 59 SC 292, 305 US 382.

Where the duty to maintain a road is on the county there is no statutory authority by which that control and duty may be transferred to a town. OAG May 3, 1943 (377-B-3).

A state highway patrolman is ineligible for appointment as deputy sheriff. OAG Sept. 23, 1943 (229-A-7).

Procedure outlined by which title to property may be obtained for town roads. OAG Oct. 2, 1944 (377b-10-j).

If the owners of not less than 51 per cent of the area sign the petition, it is just as good as though it were signed by a majority of the resident owners and the county board has the positive duty under the statute to proceed as required. 1944 OAG 37, Nov. 6, 1944 (602-E).

As to tenure rights of acting incumbents, the provisions of section 161.03 control over those of section 161.07. OAG May 10, 1946 (644-D).

Subd. 22. As amended by L. 1943, c. 623, when a violator of the state motor vehicle law, arrested by a state motor patrolman, forfeits his bail deposit, the money should be paid into the county treasury. OAG Aug. 28, 1946 (605-A-3).

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DEPARTMENT OF HIGHWAYS 161.061

161.031 MARKING EQUIPMENT FURNISHED TO MUNICIPALITIES.

HISTORY. 1947 c. 311 s. 1.

161.032 AGREEMENT; REIMBURSEMENT.

HISTORY. 1947 c. 311 s. 2.

161.06 RELINQUISHMENT OF HIGHWAY EASEMENTS.

Repealed by L. 1947 c. 391 s. 4.

161.061 RELINQUISHMENT OF HIGHWAY EASEMENTS.

HISTORY. 1947 c. 391 ss. 1, 2, 3.