

Bond Case Briefs

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HIGHWAYS - MINNESOTA

J & W Asphalt, Inc. v. Belle Plaine Tp.

Court of Appeals of Minnesota - August 1, 2016 - N.W.2d - 2016 WL 4069244

Landowner brought action against township, seeking declaratory and injunctive relief, arguing that township was responsible for maintaining road used to access property.

Parties filed cross-motions for summary judgment. Landowner's motion was granted in part, and the trial court ordered the Department of Transportation be joined as a party. The Department moved to dismiss. The District Court granted the motion, concluding that township, not Department, was responsible for road's maintenance. Township appealed.

The Court of Appeals held that:

- Statute allowing Department to convey to a political subdivision road that was a necessary part of an upgrade to a trunk highway system does not require that the subdivision's acceptance for the conveyance to be effective;
- Road was a public road rather than a cartway; and
- Township was responsible for maintaining road.

Land for road was acquired through condemnation and road was constructed as part of trunk highway upgrade, and therefore, road was a "public road" rather than a "cartway"; there was no petition for establishment of cartway, nor was there a dedication of land to public use.

Township was responsible for maintaining road conveyed to it by Department of Transportation, despite fact that township did not open the road and had not authorized expenditure of funds for its maintenance; road was a necessary part of an upgrade to a trunk highway system and conveyed to township after its creation.