

Bond Case Briefs

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MUNICIPAL CORPORATIONS - MINNESOTA

Zimmer v. Pine Lake Township

Court of Appeals of Minnesota - May 22, 2023 - N.W.2d - 2023 WL 3574229

Property owners brought action against township for declaration that road abutting property was owned and maintained by township and for writ of mandamus requiring township to repair and maintain road as public roadway.

Township filed motion to dismiss, which the District Court granted. On appeal, the Court of Appeals reversed and remanded. On remand, owners filed amended complaint, and the trial court denied owners' motion for summary judgment, and granted township's motion for summary judgment. Owners appealed.

The Court of Appeals held that township was not obligated to open and maintain road.

Township was not obligated to open and maintain the road abutting property owners' property, in property owners' action against township for declaration that the road was owned and maintained by township and for writ of mandamus requiring township to repair and maintain the road, alleging that the road had been used by the public and been "constructively dedicated" as a public road by a deed executed by the fee owners of the road.