

PLATTED ROADS IN TOWNSHIPS

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Establishment	<ul style="list-style-type: none">• By dedication of the property owner through the preparation and recording of a plat pursuant to the requirements of M.S., Chap. 505. Platting property is managed through county and/or town subdivision regulations.• The plat contains language indicating the owner dedicates the roads, alleys, etc. shown on the plat to the public for the purposes for which they are laid out.• The dedication occurs automatically upon recording, even without town approval.• Tip: Some older plats did not dedicate the roads to the public, so confirm public dedication on the plat before taking over the maintenance of a platted road.
Legal Interest	<ul style="list-style-type: none">• The town automatically receives an easement to the roads dedicated to the public upon recording of the plat with the county recorder.• The roads are treated as being held in trust by the town for the public for their intended purpose. Dedicated lands may only be used for the purpose for which they were dedicated.• Under M.S. 164.11, a road dedicated to public as a street, road or cartway, if it is at least 30 feet wide, "shall be deemed a legal cartway."
Location & Width	A platted road is located, and has the width, as shown the plat.
Construction	<ul style="list-style-type: none">• The property owner/developer is responsible for building the roads dedicated to the public within the plat. Road standards are imposed by the subdivision regulations or development agreement.• There should be a development agreement entered into with the developer that requires the roads be constructed to the town's road standards, requiring the developer to reimburse the town to have its engineer confirm the construction, and provide financial security so the town can complete the work if the developer fails to properly build them.• The town agrees in the development agreement to take over the road once it is built to town standards and when there is sufficient development to warrant town maintenance.• Tip: The county cannot approve a plat in a town that has a planning commission unless the town board first approves the plat and the laying out of the roads. M.S. 505.09, subd. 1a. A town that has not adopted zoning can still by ordinance establish a planning commission.
Maintenance	<ul style="list-style-type: none">• The developer is responsible for maintaining a platted road until the town board adopts a resolution agreeing to take over maintenance.• The developer or the owners within the plat can make written request to the town board asking it to take over maintenance of the road.• Once the town takes over maintenance, it has an on-going responsibility to keep the road maintained like any other town road.• Tip: If there are substantial costs to bring an old platted road up to town standards, the owners can petition the town to establish a subordinate service district to improve it so the town can accept it and charge the costs back to the owners. M.S., Chap. 365A.• Until the town takes over maintenance of a platted road, it does not have a duty to maintain it and so cannot be held liable for damages from an alleged failure to maintain it.• Trees in platted roads may be removed without having to follow usual tree removal procedure, though it is still advisable to give notice before cutting. M.S. 160.22, subd. 11.• Tip: Do not perform any maintenance on a platted road until the town board intends to permanently take over the maintenance obligation because such maintenance could be misconstrued as a decision to permanently assume the maintenance obligation.
Use	As a cartway, the public may use a platted road upon dedication. Owners in the plat can improve a platted road if needed to provide access to their property. Owners must not block the road.
Vacation	<ul style="list-style-type: none">• A platted road may be vacated in the same manner as other town roads, except that everyone in the plat must be notified of the vacation hearing. M.S. 164.07; 368.01, subd. 25.• An owner can petition the district court to vacate a platted road without working through the town board vacation process. M.S. 505.14.• The law dictates which owners get which portions of the vacated road, the town does not decide that issue and does not otherwise sell or convey the land under the vacated road.