

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes various changes in the law governing the acquisition and management of real property acquired for transportation purposes.

Section

- 1** **Appraisal data (government data practices act).** Provides that appraised value of an individual parcel of land that is made by an appraiser working for a landowner who has received a purchase offer from the state or a political subdivision is private data on individuals or nonpublic data. (Under current law, "private data on individuals" means data that is not public but is accessible to the individual subject of that data. "Nonpublic data" means data not on individuals that is not accessible to the public but accessible to the subject, if any, of the data.)

Deletes the requirement that appraisals by government agencies for land acquired by eminent domain for transportation projects become public data when the negotiating parties exchange appraisals or the appraisal data is submitted to the owner.
- 2** Effective the day after enactment.

Appraisal and negotiation requirements applicable to acquisition of property for transportation purposes. Amends the law enacted in 2003 relating to appraisals in takings for transportation purposes.

Section

Subd. 1. Application. No change.

Subd. 2. Appraisal. (a) Requires the acquiring authority's appraiser to confer with one or more of the owners or contract purchasers if possible. Requires the acquiring authority to provide the owner or contract purchaser with a copy of the appraisal and inform the owner or contract purchaser of the owner's or contract purchaser's right to obtain an independent appraisal. Requires the acquiring authority to make all appraisals of the property available to the owner or contract purchaser upon request.

(b) Permits an owner or contract purchaser to be reimbursed for reasonable appraisal costs up to \$1,500, if the owner or contract purchaser applies for reimbursement. Requires the acquiring authority to pay the reimbursement within 30 days of receiving the owner's or contract purchaser's appraisal and reimbursement information. Allows payment of the reimbursement directly to the appraiser.

Subd. 3. Negotiation. Requires the acquiring authority to consider appraisals obtained and furnished by the owner or contract purchaser and other relevant information in its negotiation for purchase of the property .

Subd. 4. Information to be prepared. Requires the commissioner of transportation, in consultation with the attorney general and appraisers' associations, to prepare a two-page brochure explaining the eminent domain process. Permits the commissioner to sell the brochure to other acquiring authorities to recover the cost of preparing it.

Effective August 1, 2004.

3 Court to appoint commissioners (eminent domain proceedings). Breaks the section into subdivisions.

Requires, in subdivision 3, the acquiring authority to prove by preponderance of the evidence that the proposed taking is reasonably necessary and authorized by law, and is for a public not private purpose. Under current law, the court must appoint commissioners to determine damages if the proposed taking appears to be necessary and authorized by law. Permits a landowner to get attorney fees and other costs and expenses if the court denies the taking under this subdivision. Excludes the Metropolitan Council Environmental Services Division and listed utilities from the subdivision, and they are therefore governed by subdivision 2.

Effective the day after enactment.

4 Preserving corners. Makes various technical and substantive changes in marker preservation law.

Subd. 1. Permanent marking of corners. Makes technical and stylistic changes.

Subd. 2. Manner of placement. Deletes specific size requirements for corner markings and witness monuments placed to mark section and quarter-section corners when the original markers are destroyed or obliterated by highway construction or maintenance. Requires such markers to be placed in such a way that they will not be disturbed by routine maintenance. Deletes the requirement that a metal plug be

Section

inserted in a paved highway and substitutes a requirement for a supplemental marker placed over the durable monument, visible from the surface and set to be protected from routine snowplowing. Allows a durable metal marker to be set as a permanent witness monument on the section or quarter-section line when a corner marker in a highway surface is not practical or safe.

Subd. 3. Time of placement; monument of durable material. Technical. Deletes the requirement that a reference or witness monument for a corner must be of stone, concrete, or cast iron, and substitutes a requirement that it be a durable stone, concrete, or metal marker.

Subd. 4. Filing of certificate. Deletes a reference to engineers filing certificates of markers and monuments with the county recorder. Allows such filing to be in the office of the county surveyor in counties that have a surveyor, rather than in the office of the county recorder.

Subd. 5. Contents of certificate. Makes technical and stylistic changes.

Subd. 6. Cost of placing markers. Makes a technical change.

Effective August 1, 2004.

- 5 **Ten-year exception (sale of surplus property).** Provides that laws requiring the Department of Transportation to sell surplus trunk highway property that was part of a larger tract back to the original owner or surviving spouse do not apply if the land was acquired more than 10 years before the department conveys it.

Effective August 1, 2004.

- 6 **Appropriation.** Requires proceeds from sale of real estate and buildings under the law authorizing the Department of Transportation to sell surplus trunk highway property to be deposited in the trunk highway fund. Appropriates the money to the department for the cost of selling the property, real estate brokerage fees, and trunk highway construction costs including paying consultants, acquiring other real property, paying lessees, paying interest subsidies, and relocation expenses.

Effective August 1, 2004.

- 7 **Reconveyance to former owner.** Amends the law that allows the Department of Transportation to reconvey real property acquired by eminent domain to the former owner, to allow such a reconveyance without the owner's consent if it is for good cause and with the consent of the court having jurisdiction over the action.

Effective the day after enactment.

- 8 **Eminent domain (common interest ownership act) - acceptance of process.** Requires an association of housing unit owners to accept service of process of eminent domain actions on behalf of all unit owners when common elements are to be taken.

Effective August 1, 2004.

- 9 **Power of unit owners' association (common interest ownership act) - easements.** Allows

Section

an association of housing unit owners to grant transportation easements through, over, or under common elements in the same manner as utility easements.

Effective August 1, 2004.

- 10** **Conveyance or encumbrance of common elements (common interest ownership act) - exemption.** Exempts conveyances of property to the state or a political subdivision for transportation purposes from the law that provides that (1) a condominium or cooperative association must record an amended plat showing the common interest community without the conveyed property, and (2) in all common interest communities the declaration that created the community is deemed released and terminated as to the conveyed property when the instrument of conveyance is recorded.

Effective August 1, 2004.

- 11** **Conveyance of excess and surplus property; report.** Requires the commissioner of transportation to report by January 30, 2005 to the legislative committees with jurisdiction over transportation policy and finance on conveyance of excess real estate and surplus property.

Effective August 1, 2004.

- 12** **Repealer.** Repeals the following statutes:
- Minn. Stat. § 161.44, subd. 9 (providing for deposit in trunk highway fund of money received from sale of surplus trunk highway property; substantially recodified in section 0along with open and standing appropriation).
 - Minn. Stat. § 161.115, subd. 199 (deleting marked Trunk Highway No. 268 from trunk highway system, upon its transfer to Pipestone County).

Effective August 1, 2004.