

## EXTRA SESSION

## CHAPTER 41—S. F. No. 142

*An act relating to eminent domain proceedings instituted by the state or by any of its agencies or political subdivisions; amending Laws of Minnesota 1959, Chapter 656, Section 2.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws of Minnesota 1959, Chapter 656, Section 2, is amended to read:

Sec. 2. Minnesota Statutes 1957, Section 117.20, is amended by adding a new subdivision as follows:

Subd. 8. **Additional provisions, procedure.** In all eminent domain proceedings instituted by the state or any of its agencies or political subdivisions or any of its agencies, the following additional provisions shall control:

(a) In all cases a petition, describing the desired land, stating by whom and for what purposes it is proposed to be taken, and giving the names of all persons appearing of record or known to the petitioner to be the owners thereof, shall be presented to the district court of the county in which the land is situated praying for the appointment of commissioners to appraise the damage which may be occasioned by such taking. Notice of the objects of the petition and of the time and place of presenting the same shall be served at least twenty days before such time of presentation upon all persons named in the petition as owners and upon all occupants of such land in the same manner as a summons in a civil action. If any such owner be not a resident of the state, or his place of residence be unknown to the petitioner, upon the filing of an affidavit of the petitioner, his agent or attorney, stating that he believes that such owner is not a resident of the state, and that he has mailed a copy of the notice to him at his place of residence, or that after diligent inquiry his place of residence cannot be ascertained by the affiant, then service may be made upon such owner by three weeks' published notice. If the state be an owner, the notice shall be served upon the attorney general. No owner not served as herein provided shall be bound by such proceeding unless he voluntarily appears therein. Any owner shall be furnished a right-of-way map or plat of all that part of his land taken upon written demand, provided that the petitioner shall have ten days from the receipt of the demand within which to

furnish the same. Any plans or profiles which the petitioner has shall be made available to the owner for inspection.

(b) The commissioners, having qualified according to law, shall meet as directed by the order of appointment and hear the allegations and proofs of all persons interested touching upon the matters to them committed in accordance with the procedures set forth in Section 117.08, except as hereinafter provided.

(c) Such appeal may be noticed for trial as in the case of a civil action, and the court may direct that issues be framed, and require other parties to be joined and to plead therein when necessary for the proper determination of the questions involved. The cause shall be tried by a jury, unless the parties otherwise agree, and the court or jury trying the same shall reassess the damages and apportion the same as justice may require. Whenever the state is acquiring property, the jury or court shall show in the verdict or order the amount of the award of damages which is to reimburse the owner and tenant or lessee, for the value of the land taken, and the amount of the award of damages, if any, which is to reimburse the owner and tenant or lessee for damages to other property involved. The amounts awarded to each person shall also be shown separately. Except as herein otherwise provided, the trial shall be conducted and the cause disposed of according to the rules applicable to ordinary civil actions in the district court. A commissioner in a condemnation proceeding may be called by any party as a witness to testify as to the amount of the award of the commissioners.

(d) The court may, in its discretion, after a verdict has been rendered on the trial of an appeal allow as taxable costs reasonable appraisers' fees not to exceed \$150 for each appraiser and not more than two appraisers. The court may, in its discretion, allow as taxable costs reasonable expenses for moving *personalty* incurred by a person occupying a residence and who is the fee owner, contract for deed vendee or lessee under a written lease, but such amount shall in no event exceed \$200.00. Where business property has been acquired, the court may in its discretion allow as taxable costs the reasonable expenses of moving *personalty* if such expenses have been incurred by a person occupying the property as the fee owner, contract for deed vendee or lessee under a written lease, but in no event shall this amount exceed \$500.00. *The court may in its discretion allow such moving costs and appraisers' fees whether or not the parties entitled thereto are*

*the prevailing parties.* No costs shall be taxed by the state against any other party.

Approved June 11, 1959.

---

EXTRA SESSION

CHAPTER 42—H. F. No. 148

*An act relating to highways, repealing Minnesota Statutes 1957, Sections 161.031 to 161.035.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Repealer.** Minnesota Statutes 1957, Sections 161.031 to 161.035 is hereby repealed.

Approved June 12, 1959.

---

EXTRA SESSION

CHAPTER 43—H. F. No. 147

*An act relating to highways; amending Laws of Minnesota 1959, Chapter 381, Section 3.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws of Minnesota 1959, Chapter 381, Section 3 is amended to read:

Sec. 3. **Designation of highway routes.** The routes established in section 1 hereof are substituted respectively for trunk highway routes numbered 95, 98, 102, 103, 104, 107, 108, 110, 111, 112, 114, 124, 129, 135, 180, 239, 242, 253, 254, 263, 264, 276, 298, 288, 309, and 161 as contained in Minnesota Statutes 1957, Section 160.451. Routes numbered 95, 98, 102, 103, 104, 107, 108, 110, 111, 112, 114, 124, 129, 135, 180, 239, 242, 253, 254, 263, 264, 276, 298, 288, 309, and 161 as contained in Minnesota Statutes 1957, Section 160.451 are discontinued and abolished.

Approved June 12, 1959.

---