

enforceable in accordance with its terms until the indebtedness is fully satisfied if the rate was lawful when the sale was made.

Sec. 3. **REPEALER.**

Minnesota Statutes 1984, section 168.72, subdivision 2, is repealed.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 and 3 are effective the day following final enactment.

Approved May 10, 1985

---

**CHAPTER 108 — H.F.No. 446**

*An act relating to real estate; providing conditions for certain transportation department land sales; providing conditions for certain county land sales; amending Minnesota Statutes 1984, sections 161.23, subdivision 2, and by adding subdivisions; and 373.01, subdivision 1.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 161.23, subdivision 2, is amended to read:

Subd. 2. **CONVEYANCE OF EXCESS.** If the commissioner of transportation acquires real estate in excess of what is needed for trunk highway purposes as authorized in subdivision 1, he shall, within one year after the completion of the construction, reconstruction, or improvement of the highway for which a portion of the real estate was needed and required, convey and quitclaim the excess real estate to the highest responsible bidder, after receipt of sealed bids following mailed notice to adjacent landowners and published notice of the sale for three successive weeks in a newspaper or trade journal of general circulation in the territory from which bids are likely to be received. All bids may be rejected and new bids received upon like advertisement. The deed may contain restrictive clauses limiting the use of such real estate in the interests of safety and convenient public travel when the commissioner finds that the restrictions are reasonably necessary.

Sec. 2. Minnesota Statutes 1984, section 161.23, is amended by adding a subdivision to read:

Subd. 2a. SERVICES OF A LICENSED REAL ESTATE BROKER. If the lands remain unsold after being offered for sale to the highest bidder, the commissioner may retain the services of a licensed real estate broker to find a buyer. The sale price may be negotiated by the broker, but must not be less than

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

90 percent of the appraised market value as determined by the commissioner. The broker's fee must be established by prior agreement between the commissioner and the broker, and must not exceed ten percent of the sale price for sales of \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

Sec. 3. Minnesota Statutes 1984, section 161.23, is amended by adding a subdivision to read:

Subd. 5. RECEIPTS PAID INTO TRUNK HIGHWAY FUND. Money received from the sale of such lands and properties less any fee paid under subdivision 2a must be paid into the trunk highway fund.

Sec. 4. Minnesota Statutes 1984, section 373.01, subdivision 1, is amended to read:

Subdivision 1. Each county is a body politic and corporate and may:

- (1) Sue and be sued;
- (2) Acquire and hold real and personal property for the use of the county, and lands sold for taxes as provided by law;
- (3) Purchase and hold for the benefit of the county real estate sold by virtue of judicial proceedings, to which the county is a party;
- (4) Sell, lease, and convey real or personal estate owned by the county, and give contracts or options to sell, lease or convey it, and make orders respecting it as deemed conducive to the interests of the county's inhabitants.

No sale, lease or conveyance of real estate owned by the county, nor any contract or option for it, shall be valid, without first advertising for bids or proposals in the official newspaper of the county for three consecutive weeks and once in a newspaper of general circulation in the area where the property is located. The notice shall state the time and place of considering the proposals, contain a legal description of any real estate, and a brief description of any personal property. All proposals shall be considered at that time, and the one most favorable to the county accepted, but the county board may, in the interest of the county, reject any or all proposals. Sales of personal property the value of which is estimated to exceed \$500 be \$15,000 or more shall be made only after advertising for bids or proposals as provided for real estate. Sales of personal property the value of which is estimated to be less than \$500 \$15,000 may be made either on competitive bids or in the open market, in the discretion of the county board.

If real estate or personal property remains unsold after advertising for and consideration of bids or proposals the county may employ a broker to sell the property. The broker may sell the property for not less than 90 percent of its appraised market value as determined by the county. The broker's fee shall be

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

set by agreement with the county but may not exceed ten percent of the sale price and must be paid from the proceeds of the sale.

In no case shall lands be disposed of without there being reserved to the county all iron ore and other valuable minerals in and upon the lands, with right to explore for, mine and remove the iron ore and other valuable minerals, nor shall the minerals and mineral rights be disposed of, either before or after disposition of the surface rights, otherwise than by mining lease, in similar general form to that provided by section 93.20 for mining leases affecting state lands. The lease shall be for a term not exceeding 50 years, and be issued on a royalty basis, the royalty to be not less than 25 cents per ton of 2,240 pounds, and fix a minimum amount of royalty payable during each year, whether mineral is removed or not. Prospecting options for mining leases may be granted for periods not exceeding one year. The options shall require, among other things, periodical showings to the county board of the results of exploration work done;

(5) Make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

Sec. 5. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved May 10, 1985

**CHAPTER 109 — H.F.No. 516**

*An act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents and demonstration and experiment farms; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; 475.52, subdivision 3; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; and 395.03.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, chapter 370, is amended to read:

**370.01 CHANGE OF BOUNDARIES; CREATION OF NEW COUNTIES.**

The boundaries of counties may be changed by taking territory from a county and attaching the same it to an adjoining county, and new counties may

Changes or additions are indicated by underline, deletions by ~~strikeout~~.