

Sec. 5. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 24, 2005

Signed by the governor May 26, 2005, 9:40 p.m.

CHAPTER 117—H.F.No. 436

An act relating to natural resources; requiring commissioner's evaluation before vacating certain roads adjacent to public waters; creating right of intervention; providing an exemption for participants in National Veterans Wheelchair Games; amending Minnesota Statutes 2004, sections 164.07, subdivision 2; 412.851; 505.14.

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

Section 1. Minnesota Statutes 2004, section 164.07, subdivision 2, is amended to read:

Subd. 2. **HEARING; NOTICE.** (a) The petition shall be filed with the town clerk, who shall forthwith present it to the town board. The town board within 30 days thereafter shall make an order describing as nearly as practicable the road proposed to be established, altered, or vacated and the several tracts of land through which it passes, and fixing a time and place when and where it will meet and act upon the petition. The order must also contain a notice to affected landowners that a landowner is entitled to judicial review of damages, need, and purpose under subdivision 7 following a determination to establish or alter a road. The petitioners shall cause personal service of such the order and a copy of the petition to be made upon each occupant of such the land at least ten days before such the meeting and cause ten days' posted notice thereof to be given.

(b) In addition, the petitioners shall serve notice of the order by certified mail upon the commissioner of natural resources at least ~~30~~ 60 days before such the meeting required under paragraph (a), if the road to be vacated terminates at or, abuts upon, or is adjacent to any public water. The notice under this paragraph is ~~for notification purposes only~~ and does not create a right of intervention by the commissioner of natural resources. At least 15 days prior to convening the meeting required under paragraph (a), the town board or its designee must consult with the commissioner of natural resources to review the proposed vacation. The commissioner must evaluate:

- (1) the proposed vacation and the public benefits to do so;
- (2) the present and potential use of the land for access to public waters; and
- (3) how the vacation would impact conservation of natural resources.

The commissioner must advise the town board or its designee accordingly upon the evaluation.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 2004, section 412.851, is amended to read:

412.851 VACATION OF STREETS.

The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum, a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at or abuts upon, or is adjacent to any public water, ~~no vacation shall be made unless~~ written notice of the petition or proposed resolution is must be served by certified mail upon the commissioner of natural resources at least 30 60 days before the hearing on the matter. The notice to the commissioner of natural resources is for notification purposes only and does not create a right of intervention by the commissioner. At least 15 days prior to convening the hearing required under this section, the council or its designee must consult with the commissioner of natural resources to review the proposed vacation. The commissioner must evaluate:

- (1) the proposed vacation and the public benefits to do so;
- (2) the present and potential use of the land for access to public waters; and
- (3) how the vacation would impact conservation of natural resources.

The commissioner must advise the city council or its designee accordingly upon the evaluation. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be filed with the county recorder. Any failure to file the notice shall not invalidate any such vacation proceedings.

Sec. 3. Minnesota Statutes 2004, section 505.14, is amended to read:

505.14 VACATION.

Upon the application of the owner of land included in any plat, and upon proof that all taxes assessed against ~~such~~ the land have been paid, and the notice hereinafter provided for given, the district court may vacate or alter all, or any part, of ~~such~~ the plat, and adjudge the title to all streets, alleys, and public grounds to be in the persons entitled thereto; but streets or alleys connecting separate plats or lying between blocks or lots or providing access for the public to any public water, shall not be vacated

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between such the lots, blocks, or plats as are not also vacated, unless it appears that the street or alley or part thereof sought to be vacated is useless for the purpose for which it was laid out. If any part of a street, alley, or public ground proposed for vacation terminates at or abuts upon, or is adjacent to any public water, the petitioner shall serve notice of the petition by certified mail upon the commissioner of natural resources at least ~~30~~ 60 days before the term at which it shall be heard. The notice under this subdivision ~~is for notification purposes only and does not create~~ creates a right of intervention by the commissioner of natural resources. The petitioner shall cause two weeks published and posted notice of such application to be given, the last publication to be at least ten days before the term at which it shall be heard; and the petitioner shall also serve personally, or cause to be served personally, notice of such the application, at least ten days before the term at which the application shall be heard, upon the mayor of the city, the president of the statutory city, or the chair of the town board of the town where such the land is situated. The court shall hear all persons owning or occupying land that would be affected by the proposed vacation, and if, in the judgment of the court, the same would be damaged, the court may determine the amount of such the damage and direct its payment by the applicant before the vacation or alteration shall take effect. A certified copy of the order of the court shall be filed with the county auditor, and recorded by the county recorder. The district court shall not vacate or alter any street, alley, or public ground dedicated to the public use in or by any such plat in any city or town organized under a charter or special law which provides a method of procedure for the vacation of streets and public grounds by the municipal authorities of such the city or town.

Sec. 4. WHEELCHAIR SECUREMENT POSITION TEMPORARY EXEMPTION.

Notwithstanding any contrary provisions in Minnesota Statutes, chapter 299A, or Minnesota Rules, chapter 7450, enrolled participants in the National Veterans Wheelchair Games may be transported in transit vehicles in side-facing positions. Transportation services and operators of transit vehicles, when they are providing transportation to enrolled participants in the National Veterans Wheelchair Games in the counties of Hennepin and Ramsey, are exempt from statutes and rules insofar as they prohibit transportation of wheelchair users in side-facing positions. This exemption is effective on June 26, 2005, and expires on July 3, 2005.

Presented to the governor May 24, 2005

Signed by the governor May 27, 2005, 3:15 p.m.

CHAPTER 118—S.F.No. 1636

An act relating to commerce; regulating the powers and duties of, and annual reporting required for, certain financial institutions; regulating safe deposit companies; removing obsolete references to the credit union advisory task force; regulating residential mortgage originators;

New language is indicated by underline, deletions by ~~strikeout~~.