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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 78

01/14/2013 Authored by Quam, Drazkowski and Benson, M.,  
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act  
1.2 relating to local government; limiting a city's power of eminent domain outside  
1.3 of the city; amending Minnesota Statutes 2012, sections 412.211; 465.01.

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

1.5 Section 1. Minnesota Statutes 2012, section 412.211, is amended to read:

1.6 **412.211 GENERAL STATUTORY CITY POWERS.**

1.7 Every city shall be a municipal corporation having the powers and rights and being  
1.8 subject to the duties of municipal corporations at common law. Each shall have perpetual  
1.9 succession, may sue and be sued, may use a corporate seal, may acquire, either within or  
1.10 without its corporate limits, such real and personal property as the purposes of the city  
1.11 may require, by purchase, gift, devise, condemnation, lease or otherwise, and may hold,  
1.12 manage, control, sell, convey, lease, or otherwise dispose of such property as its interests  
1.13 require. Notwithstanding the provisions of this section, a city's power of eminent domain  
1.14 under this section is subject to the provisions of section 465.01. The powers listed in this  
1.15 act are not exclusive and other provisions of law granting additional powers to cities or to  
1.16 classes of cities shall apply except where inconsistent with this chapter.

1.17 Sec. 2. Minnesota Statutes 2012, section 465.01, is amended to read:

1.18 **465.01 POWER OF EMINENT DOMAIN.**

1.19 (a) All cities A home rule charter or statutory city may exercise the power of eminent  
1.20 domain for the purpose of acquiring private property within ~~or without~~ the corporate limits  
1.21 ~~thereof~~ of the city for any purpose for which it is authorized by law to take or hold the  
1.22 same by purchase or gift ~~and~~. Any city may also exercise the power of eminent domain for

2.1 the purpose of acquiring a right-of-way for sewerage or drainage purposes and an outlet  
2.2 for sewerage or drainage within or without the corporate limits ~~thereof~~ of the city. A city  
2.3 may also exercise the power of eminent domain outside the corporate limits of the city if:

2.4 (1) specifically authorized under law to do so;

2.5 (2) the eminent domain proceeding is brought under section 103B.311, subdivision  
2.6 2; 162.09; 165.07; 165.09; 440.38; or 471A.03; or

2.7 (3) the parcel of property is bordered by the city on at least three sides. For purposes  
2.8 of this clause, a city may not use a series of condemnations of surrounding property to  
2.9 meet the border requirements on the entire parcel.

2.10 (b) The procedure in the event of condemnation shall be that prescribed by chapter  
2.11 117, or that prescribed by the charter of ~~such~~ the city.