

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2395

(SENATE AUTHORS: KOENEN)

DATE	D-PG	OFFICIAL STATUS
03/06/2014	5997	Introduction and first reading Referred to Judiciary

1.1 A bill for an act
 1.2 relating to eminent domain; providing for discharge of a portion of an easement
 1.3 acquired by condemnation for trunk highway purposes; amending Minnesota
 1.4 Statutes 2012, section 117.225.

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

1.6 Section 1. Minnesota Statutes 2012, section 117.225, is amended to read:

1.7 **117.225 EASEMENT DISCHARGE.**

1.8 Subdivision 1. General. Whenever claiming that an easement acquired by
 1.9 condemnation, or portion of an easement described in subdivision 2, is not being used for
 1.10 the purposes for which it was acquired, the underlying fee owner may apply to the district
 1.11 court of the county in which the land is situated for an order discharging the easement
 1.12 or portion of the easement, upon such terms as are just and equitable. Due notice of
 1.13 said application shall be given to all interested parties. ~~Provided, however,~~ This section
 1.14 shall not apply to easements acquired by condemnation by a public service corporation
 1.15 now or hereafter doing business in the state of Minnesota for any purpose other than
 1.16 construction or expansion of:

1.17 (1) a high-voltage transmission line of 100 kilovolts or more, including ancillary
 1.18 substations; or

1.19 (2) a natural gas, petroleum, or petroleum products pipeline, including ancillary
 1.20 compressor stations or pumping stations.

1.21 For purposes of this section, "pipeline" does not include a natural gas distribution
 1.22 line transporting gas to an end user.

1.23 Subd. 2. Discharge of portion of easement. A fee owner may apply to the district
 1.24 court for an order discharging a portion of an easement that was acquired for trunk

- 2.1 highway purposes if the portion of the easement is not being used for those purposes and
- 2.2 at least 40 years have elapsed since the easement was originally acquired.