

CHAPTER 462

HOUSING, REDEVELOPMENT, PLANNING,
ZONING

462.14	Appraisal of damage.	462.445	Powers, duties.
462.355	Preparation, adoption, and amendment of comprehensive municipal plan.	462.551	Bond issue for corporate purposes.
462.36	Certified copies filed with county recorder.	462.651	Partial tax exemption.
462.428	Appointment, qualifications and tenure of commissioners.	462.715	Advance of litigation on calendar.

462.14 APPRAISAL OF DAMAGE.

[For text of subs 1 to 11, see M.S.1982]

Subd. 12. **Court proceedings.** The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as they affect the property of the appellant proposed to be included in the district or damaged or assessed, and described in the written objection. If the amount of damages or benefits assessed is complained of by the appellant, the court shall, if the proceedings are confirmed in other respects, appoint three disinterested qualified voters as appraisers to reappraise the damages and reassess benefits as to the property of appellant. The parties to the appeal shall be heard by the court upon the appointment of the appraisers. The court shall fix the time and place of meeting of the appraisers. They shall be sworn to the faithful discharge of their duties as appraisers, and proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits. The appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages or benefits and in all other material respects as are provided in sections 462.12 to 462.17 for the government of appraisers appointed by the council. They shall, after the hearing and view of the premises, report to the court their award of damages and assessment of benefits in respect to the property of the appellant. The award shall be final unless set aside by the court. The motion to set aside shall be made within 15 days. If the report is set aside, the court may, in its discretion, recommit it to the same appraisers, or appoint new appraisers as it deems best. The court shall allow to the appraisers a reasonable compensation for their services, and make such award of costs on the appeal, including the compensation of appraisers as it deems just in the premises, and enforce the award by execution. If the court is of the opinion that the appeal was frivolous or vexatious, it may adjudge double costs against the appellant. An appeal may be taken from any final decision of the district court as in other civil cases.

[For text of subd 13, see M.S.1982]

History: 1983 c 247 s 157

462.355 PREPARATION, ADOPTION, AND AMENDMENT OF COMPREHENSIVE MUNICIPAL PLAN.

[For text of subs 1 to 3, see M.S.1982]

Subd. 4. **Interim ordinance.** If a municipality is conducting studies or has authorized a study to be conducted or has held or has scheduled a hearing for the

purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 462.352, subdivision 15, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict or prohibit any use, development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective, and may be extended for such additional periods as the municipality may deem appropriate, not exceeding a total additional period of 18 months. No interim ordinance may halt, delay, or impede a subdivision which has been given preliminary approval prior to the effective date of the interim ordinance.

History: 1983 c 216 art 1 s 67

462.36 CERTIFIED COPIES FILED WITH COUNTY RECORDER.

Subdivision 1. **Required documents.** A certified copy of every ordinance, resolution, map, regulation adopted, or variance granted under the provisions of sections 462.358 and 462.3595 shall be filed with the county recorder of the county or counties in which the municipality adopting it is located. Ordinances, resolutions, maps, regulations or variances filed with the county recorder pursuant to this subdivision do not constitute encumbrances on real property. The order issued by the governing body or board of appeals and adjustments as the case may be, shall include the legal description of the property involved. Failure to file an ordinance, resolution, map, regulation, variance, or order shall not affect its validity or enforceability.

[For text of subds 2 and 3, see M.S.1982]

History: 1983 c 187 s 1; 1983 c 216 art 1 s 68

462.428 APPOINTMENT, QUALIFICATIONS AND TENURE OF COMMISSIONERS.

[For text of subd 1, see M.S.1982]

Subd. 2. **Multi-county commissioners.** The governing body in the case of a county, and the mayor with the approval of the governing body in the case of a municipality, of each political subdivision included in a multi-county authority shall appoint one person as a commissioner of the authority. Each commissioner to be first appointed may be appointed at or after the time of the adoption of the resolution declaring the need for the authority or declaring the need for the inclusion of the political subdivision in the area of operation of the authority.

In the case of a multi-county authority comprising only two or three political subdivisions, the appointing authorities of the participating political subdivisions shall each appoint one additional commissioner, and successors, whose term of office shall be as provided for a commissioner of a multi-county authority. If the number of participants in the authority is increased to more than three due to the subsequent addition of political subdivisions, the appointments of additional commissioners under the foregoing provision shall be vacated.

When the area of operation of a multi-county authority is increased to include an additional political subdivision or subdivisions, the appointing authority of each additional political subdivision shall appoint one or, if appropriate, two commissioners of the multi-county authority. The appointing authority of each political

subdivision shall appoint the successors of the commissioner appointed by it. The commissioners of a multi-county authority shall be appointed for terms of five years except that all vacancies shall be filled for the unexpired terms.

[For text of subd 3, see M.S.1982]

History: 1983 c 309 s 1

462.445 POWERS, DUTIES.

[For text of subds 1 to 13, see M.S.1982]

Subd. 14. **Authorities created pursuant to special law.** Except as expressly limited by the special law establishing the authority, an authority created pursuant to special law shall have the powers granted by any statute to any authority created pursuant to this chapter.

History: 1983 c 216 art 1 s 69

462.551 BOND ISSUE FOR CORPORATE PURPOSES.

An authority shall have power to issue bonds for any of its corporate purposes. Such bonds may be such type as it determines, including, but not limited to, bonds on which the principal and interest are payable exclusively from the income and revenues of the project financed with the proceeds of such bonds, or exclusively from the income and revenues of certain designated projects, whether or not they are financed in whole or in part with the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any grant or contributions from the federal government or other source, or a pledge of any income or revenues of the authority, from the project for which the proceeds of the bonds are to be used, or a mortgage of any project, projects, or other property of the authority. No proceeds of bonds issued for or revenue authorized for or derived from any redevelopment project or area shall be used to pay the bonds or costs of, or make contributions or loans to, any public housing project. Further, the proceeds of bonds issued for or revenues authorized for or derived from any one public housing project shall not be used to pay the bonds or costs of, or make contributions or loans to any other public housing project until the bonds and costs of the public housing project for which those bonds were issued or from which those revenues were derived or for which they were authorized shall be fully paid. Neither the commissioners of an authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of the municipality, the state or any political subdivision thereof, and neither the municipality nor the state or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities. The provisions of this act exempting from taxation authorities, their properties and income, shall be considered additional security for the repayment of bonds and shall constitute, by virtue of this act and without the necessity of the same being restated in the bonds, a contract between the bondholders and each and every one thereof, including all transferees of the bonds from time to time on the one hand and the respective authorities issuing the bonds and the state on the other. An authority may by covenant

confer upon the holder of such bonds such rights and remedies as it deems necessary or advisable, including but not limited to the right in the event of default to have a receiver appointed to take possession of and operate the project; provided, however, that when the obligations issued by an authority to assist in financing the development of a project have been retired and federal contributions have been discontinued, then the exemptions from taxes and special assessments for that project shall terminate.

History: 1983 c 213 s 18

462.651 PARTIAL TAX EXEMPTION.

[For text of subds 1 and 2, see M.S.1982]

Subd. 3. Obligations and dividends of redevelopment company exempt from taxation. Bonds and mortgages and the income debenture certificates of all redevelopment companies are declared to be instrumentalities of the state, and issued for public purposes.

[For text of subd 4, see M.S.1982]

History: 1983 c 213 s 17

462.715 ADVANCE OF LITIGATION ON CALENDAR.

In any litigation described in sections 462.713 and 462.714, in which a bond has been required and given or the court has denied a motion to require a bond, the court shall advance the case on its calendar for trial at the earliest feasible date. An appeal from an appealable order made, or from a judgment entered in a district court may be taken after 30 days from entry of the judgment or after written notice of the order from the adverse party.

History: 1983 c 247 s 158