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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1014**

February 15, 2007

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The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to transportation; modifying price of surplus easement or property  
1.3 acquired for transportation purposes and offered for reconveyance to original  
1.4 owner; amending Minnesota Statutes 2006, sections 161.43; 161.44, subdivision  
1.5 2.

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

1.7 Section 1. Minnesota Statutes 2006, section 161.43, is amended to read:

1.8 **161.43 RELINQUISHMENT OF HIGHWAY EASEMENT.**

1.9 (a) The commissioner of transportation may relinquish and quitclaim to the  
1.10 fee owner an easement or portion of an easement owned but no longer needed by  
1.11 the Transportation Department for trunk highway purposes, upon payment to the  
1.12 Transportation Department of an amount of money equal to the lesser of (1) the appraised  
1.13 current market value of the easement, or (2) the amount paid to the fee owner for  
1.14 acquisition of the easement, without interest.

1.15 (b) If the fee owner refuses to pay the required amount, or if after diligent search  
1.16 the fee owner cannot be found, the commissioner may convey the easement to an agency  
1.17 or to a political subdivision of the state upon terms and conditions agreed upon, or the  
1.18 commissioner may acquire the fee title to the land underlying the easement in the manner  
1.19 provided in section 161.20, subdivision 2. After acquisition of the fee title, the lands may  
1.20 be sold to the highest responsible bidder upon three weeks' published notice of the sale  
1.21 in a newspaper or other periodical of general circulation in the county where the land is  
1.22 located. All bids may be rejected and new bids received upon like publication. If the  
1.23 lands remain unsold after being offered for sale to the highest bidder, the commissioner  
1.24 may retain the services of a licensed real estate broker to find a buyer. The sale price

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

2.6 Sec. 2. Minnesota Statutes 2006, section 161.44, subdivision 2, is amended to read:

2.7 Subd. 2. **Reconveyance; remainder owned by vendor or surviving spouse.** If the  
2.8 lands were part of a larger tract and the remainder of the tract is still owned by the person  
2.9 or the person's surviving spouse from whom the lands were acquired, or if the lands  
2.10 constituted an entire tract, the lands must first be offered for reconveyance to the previous  
2.11 owner or the owner's surviving spouse. When lands are offered for reconveyance, the  
2.12 amount of money to be repaid for those lands must be the lesser of (1) the appraised  
2.13 current market value of the lands to be reconveyed, or (2) the amount paid to the owner  
2.14 for acquisition, without interest. The offer must be made by certified mail addressed  
2.15 to the person at the person's last known address. The person or the person's surviving  
2.16 spouse shall have 60 days from the date of mailing the offer to accept and to tender to the  
2.17 commissioner the required sum of money.

2.18 Sec. 3. **EFFECTIVE DATE.**

2.19 Sections 1 and 2 are effective July 1, 2008.