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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE No. 1376**

February 26, 2007

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The bill was read for the first time and referred to the Transportation Finance Division

March 19, 2007

Committee Recommendation and Adoption of Report:

Re-referred to the Committee on Local Government and Metropolitan Affairs without further recommendation

1.1 A bill for an act  
1.2 relating to transportation; amending requirements for expedited extinguishment  
1.3 of interest in a town road; nullifying such extinguishments under certain  
1.4 circumstances; amending Minnesota Statutes 2006, section 164.06, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2006, section 164.06, subdivision 2, is amended to read:

1.7 Subd. 2. **Extinguishing interest in abandoned road.** (a) After providing notice  
1.8 ~~under section 366.01, subdivision 8~~ as required in paragraph (c), the town board may by  
1.9 resolution disclaim and extinguish a town interest in a town road without action under  
1.10 subdivision 1 if:

1.11 (1) the extinguishment is found by the town board to be in the public interest;

1.12 (2) the interest is not a fee interest;

1.13 (3) the interest was established more than 25 years earlier;

1.14 (4) the interest is not recorded or filed with the county recorder or the county auditor;

1.15 (5) no road improvement has been constructed on a right-of-way affected by the  
1.16 interest within the last 25 years; and

1.17 (6) no road maintenance on a right-of-way affected by the interest has occurred  
1.18 within the last 25 years.

1.19 (b) The resolution shall be filed with the county auditor and recorded with the  
1.20 county recorder.

1.21 (c) Not less than 30 days before the hearing on any resolution to disclaim and  
1.22 extinguish a town interest in a town road under this subdivision, the town board shall  
1.23 provide notice of the hearing by certified mail, return receipt requested, to each property  
1.24 owner directly affected by the proposed extinguishment of the interest. A notice must

2.1 also be posted as provided under section 366.01, subdivision 8. For purposes of this  
2.2 subdivision, property owner includes those persons who own land adjacent to, or who have  
2.3 no access to their property except by way of, the town road proposed to be extinguished.

2.4 Sec. 2. **NULLIFICATION OF EXPEDITED TOWN ROAD EXTINGUISHMENT.**

2.5 Any extinguishment of town interest in a town road under Minnesota Statutes,  
2.6 section 164.06, subdivision 2, is hereby nullified if the interest is not recorded or filed with  
2.7 the county recorder but is recorded or filed with the county auditor.

2.8 Sec. 3. **EFFECTIVE DATE.**

2.9 Sections 1 and 2 are effective the day following final enactment.