

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes changes in the law governing land acquisition for transportation purposes, by:

- increasing time that a landowner has to make an appraisal
- sets a time limit for reimbursement to the landowner for appraisal costs
- allowing appraisers to be paid directly
- requiring the acquiring agency's and landowner's appraisals to be provided to each other in order to be considered at a condemnation hearing
- requiring landowner's appraisals to be conducted according to industry standards

The bill also dedicates the proceeds from sale of excess trunk highway property to paying for costs of selling the land and purchase of new right-of-way and highway construction.

The bill provides for transfer of two trunk highways to county jurisdiction.

Section

1 **Classification of owner's appraisal.** Provides that appraised values of property made by

appraisers who work for owners of land are classified as private data on individuals or as nonpublic data if the landowner has received an offer to buy their property from the state or a political subdivision.

Deletes the requirements that such data becomes public when the negotiating parties exchange appraisals, or when the data are submitted to the owner under the law that governs acquisition of real property for transportation purposes.

2 Acquisition of real property for transportation purposes.

Subdivision 1. Application. No changes.

Subd. 2. Appraisal. Amends the law that requires a government agency seeking to obtain real property to obtain an appraisal and provide a copy to the landowner. Under present law this requirement applies only if the agency is seeking to acquire by eminent domain. Under this change it would apply whenever the agency seeks to acquire an interest in real property by any means.

Specifies that contract purchasers have the same rights as fee owners under this law.

Extends from 60 to 90 days the period of time in which an owner or contract purchaser may request reimbursement from the acquiring agency for the owner or contract purchaser's appraisal. Requires that the request must be at least 30 days before a condemnation commissioner's hearing. Requires the owner or contract purchaser to ensure that the appraisal is conducted in accordance with industry standards. Requires the acquiring authority to pay the reimbursement within 30 days of receiving a copy of the owner or contract purchaser's appraisal and the reimbursement information. Allows payment up to \$1,500 directly to the appraiser.

Subd. 3. Negotiation. Requires an acquiring authority, in negotiating with the owner or contract purchaser, to consider appraisals made and furnished by the owner or contract purchaser if available.

Subd. 4. Hearing. Prohibits an owner or contract purchaser's appraisal from being considered at a condemnation commissioner's hearing unless a copy of the appraisal is provided to the acquiring authority at least five days before the hearing. Makes a comparable requirement for the acquiring agency's appraisal.

3 Trunk highway turnback. Amends the statutory description of legislative route 143 (T. H. 104) to delete the segment between Sunberg and T. H. 12.

4 Appropriation of proceeds from sale of trunk highway property. Provides that proceeds from sale or lease of trunk highway property no longer needed for highway purposes must be placed in the trunk highway fund. Appropriates each such sum to the Department of Transportation to pay (1) actual cost of selling or leasing the property, (2) realtor fees, (3) trunk highway construction costs, including consultant fees, land acquisition, payments to lessees, interest subsidies, and relocation expenses.

5 Reconveyance to former owner. Amends the law that allows the Department of Transportation to reconvey real property acquired by eminent domain to the former owner, to allow such a reconveyance without the owner's consent if it for good cause and with the consent of the court having jurisdiction over the action. Effective immediately.

6 Acceptance of process. Requires an association of housing unit owners to accept service of process of eminent domain actions on behalf of all unit owners.

7 Easements. Allows an association of housing unit owners to grant transportation easements

through, over, or under common elements in the same manner as utility easements.

8 Exemption. Exempts conveyances of property to the state for transportation purposes from the law that provides that (1) a condominium or cooperative association must record an amended plat showing the common interest community without the conveyed property, and (2) in all common interest communities the declaration that created the community is deemed released and terminated as to the conveyed property when the instrument of conveyance is recorded.

9 Repealers. Repeals statutes that designate legislative routes 224 (marked trunk highway No. 224, Ogema to White Earth) and 268 (marked trunk highway No. 268, Trosky to Edgerton) from the trunk highway system, effective on transfer of jurisdiction to Becker and Pipestone counties respectively.