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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-SEVENTH SESSION**

**H. F. No. 578**

02/17/2011 Authored by Koenen

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

03/01/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Transportation Policy and Finance

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; amending Minnesota Statutes 2010, section 117.225.

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

1.5 Section 1. Minnesota Statutes 2010, section 117.225, is amended to read:

1.6 **117.225 EASEMENT DISCHARGE.**

1.7 Whenever claiming that an easement or portion of an easement acquired by  
1.8 condemnation is not being used for the purposes for which it was acquired, the underlying  
1.9 fee owner may apply to the district court of the county in which the land is situated for an  
1.10 order discharging the easement or portion of the easement, upon such terms as are just and  
1.11 equitable. An application for an order discharging a portion of an easement may be made  
1.12 no sooner than five years after the granting of the easement. Due notice of said application  
1.13 shall be given to all interested parties. ~~Provided, however,~~ This section shall not apply  
1.14 to easements or portions of easements acquired by condemnation by a public service  
1.15 corporation now or hereafter doing business in the state of Minnesota for any purpose  
1.16 other than 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 **Sec. 2. DISCHARGE OF PORTION OF EASEMENT; DOUGLAS COUNTY.**

2.1 Notwithstanding any provision of Minnesota Statutes, section 117.225, to the  
2.2 contrary, where the Department of Transportation has granted a limited use permit to  
2.3 Douglas County for a public swimming area on a portion of land over which it has  
2.4 acquired by condemnation an easement for highway purposes, the underlying fee owner  
2.5 may apply to the district court for an order on terms that are just and equitable, discharging  
2.6 any or all portions of the easement that are not subject to the limited use permit.

2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.