

suit, including reasonable attorneys fees. Any person injured or who is threatened with injury or loss by reason of anything forbidden by sections 32A.01 to 32A.09, ~~or the commissioner in his own name or on behalf of any such person,~~ shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against all persons involved in any violation or threatened violation of sections 32A.01 to 32A.09, and acts amendatory thereof, to prevent and restrain violations or threatened violations thereof without alleging or proving actual damages or that an adequate remedy at law does not exist, so that injunctive relief can be obtained promptly without awaiting injury or actual damage. Such injunctive relief shall not abridge or be in lieu of any other civil remedy provided in sections 32A.01 to 32A.09.

Sec. 11. Minnesota Statutes 1969, Section 32A.09, Subdivision 2, is amended to read:

Subd. 2. ~~Either the commissioner or~~ Any person entitled to bring suit under sections 32A.01 to 32A.09 may sue both in tort and for injunctive relief and may recover for all loss, damage or injury arising from the continued violation to the time of trial or hearing of such suit.

Approved June 3, 1971.

CHAPTER 677—S.F.No.2180

[Not Coded]

An act authorizing the city of Minneapolis and the city of Robbinsdale to create development districts within the corporate boundaries of the cities; to acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote development programs to be carried out in each of the districts created; to authorize the cities to issue bonds to carry out such development programs; to authorize the city and the county auditor to use the tax increment created in the development districts to pay off the principal and interest on such bonds; to authorize the cities to operate pedestrian systems and special lighting and similar systems; to authorize the cities to assess the cost of operations against the development districts; to authorize the cities to lease space in structures and to lease or sell air rights over structures and to lease or sell property for private development.

Be it enacted by the Legislature of the State of Minnesota:

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Section 1. MINNEAPOLIS AND ROBBINSDALE, CITIES OF; DEVELOPMENT DISTRICTS; PURPOSE. In mature cities such as Minneapolis and Robbinsdale, it is found that there is a need for new development in areas of the city which are already built up. This need is particularly true in Minneapolis and Robbinsdale, East Hennepin, Lake street, West Broadway and Central avenues in Minneapolis and in the West Broadway area of Robbinsdale. This new development is crucial in providing employment opportunities for Minneapolis and Robbinsdale citizens, in improving the tax base for the community, and in improving the general economy for the metropolitan area. Under this act, the cities of Minneapolis and Robbinsdale would be authorized to develop a program for improving a district of the city in such ways as providing climate controlled linkages between developments and activities in the center city, providing impetus for commercial development, providing increased employment, protecting pedestrians from vehicular traffic and inclement weather, providing the necessary linkage between peripheral parking facilities and places of employment and shopping; providing off-street parking to serve the shoppers and employees of the district; providing open space relief within the district; and providing such other facilities as are outlined in the development program adopted by the governing body. It is hereby declared by the legislature of the state of Minnesota that the actions required to assist the implementation of such development programs are a public purpose and that the execution and financing of such programs are a public purpose.

Sec. 2. AUTHORITY GRANTED. Each of the cities of Minneapolis and Robbinsdale may, after recommendation from its planning agency and after public hearings, notice of which shall have been published for two successive weeks in a newspaper of general circulation, adopt development districts within the boundaries of the cities of Minneapolis and Robbinsdale. Within said districts, the city may adopt a development program consistent with which the city may acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote developments aimed at improving the physical facilities, quality of life and quality of transportation. The city may acquire land or easements through negotiation. The city council may adopt ordinances regulating traffic in pedestrian skyway systems, underground pedestrian concourses, public parking structures, and other facilities constructed within the development district. The city council may pass ordinances regulating access to pedestrian skyway systems and underground pedestrian concourses, and the conditions under which such access is allowed. Traffic regulations may include, but shall not be limited to, direction and speed of traffic, policing of pedestrianways, hours that pedestrianways are open to the public, kinds of service activities that will be allowed in arcades, parks and plazas, fares to be charged on the people movers, and rates to be charged in the parking structures. The city shall have the power to

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require private developers to construct buildings so as to accommodate and support such pedestrian systems which are part of the program for the development district. When the city requires the developer to construct columns, beams or girders with greater strength than required for normal building purposes, the city shall reimburse the developer for the added expense. The city shall have the authority to install special lighting systems, special street signs and street furniture, special landscaping of streets and public property. The city shall have the authority to install special snow removal systems. The city shall have the power to acquire property for any and all purposes outlined in the development program for the district. The city shall have the power to lease air rights over public buildings and to spend public funds for constructing the foundations and columns in the public buildings strong enough to support the buildings to be constructed on air rights. The city shall have the authority to lease all or portions of basement, ground and second floors of the public buildings constructed in the district. The city shall have the authority to negotiate the sale or lease of property for private development if such development is consistent with the development program for the district.

Sec. 3. **DEFINITIONS.** (a) A "development district" is a specific area within the corporate limits of the cities of Minneapolis and Robbinsdale which has been designated by the city council as a development district. Each district so designated shall be given a separate development district number.

(b) A "development program" is a statement of objectives of the cities of Minneapolis and Robbinsdale for improvement of a development district. Such development program shall contain a complete statement as to the public facilities to be constructed within the district, the open space to be created, the environmental controls to be applied, the proposed reuse of private property, and the proposed operations of the district after the capital improvements within the district have been completed.

(c) "Pedestrian skyway system" means any system of providing for pedestrian traffic circulation, mechanical or otherwise, elevated aboveground, within and without the public right of way, and through or above private property and buildings, and includes overpasses, bridges, passageways, walkways, concourses, hallways, corridors, arcades, courts, plazas, elevators, escalators, heated canopies, and accesses and all fixtures, furniture, signs, equipment, facilities, services, and appurtenances which in the judgment of the city councils of the cities of Minneapolis and Robbinsdale will enhance the movement, safety, security, convenience and enjoyment of pedestrians and benefit the city and adjoining properties.

(d) "Underground pedestrian concourse" means any system of providing for pedestrian traffic circulation, mechanical or otherwise,

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belowground, within and without the public right of way, and through or below private property, and includes tunnels, passageways, walkways, concourses, hallways, corridors, arcades, plazas, elevators, escalators, and accesses, and all fixtures, signs, furniture, equipment, facilities, and appurtenances which in the judgment of the city councils of the cities of Minneapolis and Robbinsdale will enhance the movement, safety, security, convenience and enjoyment of pedestrians and benefit the city and adjoining properties.

(e) "People mover system" means any system of providing for mechanical pedestrian traffic circulation, aboveground, on-ground, or belowground, within and without the public right of way, separately or in conjunction with the pedestrian skyway system, the underground pedestrian concourses, and rapid transit systems, and through, above or below private property and buildings, and includes overpasses, bridges, passageways, walkways, concourses, hallways, corridors, arcades, courts, stations, tunnels, elevators, escalators, heated canopies, heated sidewalks, and accesses, and all fixtures, signs, furniture, equipment, facilities, and appurtenances which in the judgment of the city councils of the cities of Minneapolis and Robbinsdale will enhance the movement, safety, security, convenience and enjoyment of pedestrians and benefit the city and adjoining properties.

(f) "Special lighting systems" means lights or light displays of any type located within or without the public right of way.

(g) "Parking structure" shall mean any building the principal use of which is designed for and intended for parking of motor vehicles. Open air parking on parking lots may also be construed as parking structures for the purpose of this act.

(h) "Maintenance and operation" shall include all activities necessary to maintain facilities after they have been developed and all activities necessary to operate the facilities including, but not limited to, informational and educational programs and safety and surveillance activities.

Sec. 4. TAX STATUS. The pedestrian skyway system, underground pedestrian concourse, the people mover system and public parking structures are all declared to be public property to be used for essential public and governmental purposes and such property shall be exempt from all taxes and special assessments of city, county, state, or any political subdivision thereof. Taxes do not include charges for utilities and special services such as heat, water, electricity, gas, sewage disposal, or garbage removal.

Sec. 5. GRANTS. The cities of Minneapolis and Robbinsdale may accept grants or other financial assistance from the government of the United States or any other entity to do studies, construct and

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operate the pedestrian skyway system, underground pedestrian concourses, people mover systems, and other public improvements authorized under this act.

Sec. 6. ISSUANCE OF BONDS. The city councils of the cities of Minneapolis and Robbinsdale may issue bonds to finance all public improvements within the development districts together with all relocation costs incidental therewith in accordance with Minnesota Statutes, Chapter 475, Sections 475.51, 475.53, 475.54, 475.55, 475.56, 475.60, 475.61, 475.62, 475.63, 475.65, 475.66, 475.69, 475.70, and 475.71. Such bonds shall not be included when computing the city's net debt.

Sec. 7. TAX INCREMENTS TO PAY CAPITAL IMPROVEMENT COSTS. The cities of Minneapolis and Robbinsdale, if they exercise the powers of this act, shall certify to the auditor of Hennepin county each development district created under the act, giving the following information: (a) legal description; (b) total cost of bonds issued to develop the district; (c) interest rate on bonds.

If the development program is carried out in stages, the cities of Minneapolis and Robbinsdale may amend the statement on bonds issued and interest rate being paid from time to time as required.

The county auditor shall distribute taxes from the affected property to each of the taxing authorities as follows:

(a) If the current taxable value is less than or the same as the original taxable value at the time the district was created, taxes as determined by the current levy;

(b) If the current taxable value exceeds the original taxable value at the time the district was created, taxes shall be distributed according to the original taxable value;

(c) The residue of taxes as collected, if any, shall be paid by the county auditor to the cities of Minneapolis and Robbinsdale. Said moneys shall be kept in a special account for the development district involved. Payments to the development district fund shall continue until total costs as indicated above have been paid into the fund. When the total costs have been paid into the development district fund, taxes shall be distributed according to the then current levies.

Sec. 8. COSTS, ASSESSMENTS. Subdivision 1. **COSTS, ESTIMATES, CATEGORIES.** *On or before July 1 of each year, the city coordinator or city manager, with the assistance of the advisory board, if any, shall report to the city council an estimate of the cost of operating and maintaining and annual improvement costs to each development district in the city for the next fiscal year of the city to be incurred under the development program then in effect, and an estimate of changes in the amounts of such costs which would follow upon the adoption of any addition or amendment to the development*

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program recommended to or under consideration by the city council. Such estimate shall be reasonably itemized and shall include a summary of the categories of cost properly chargeable as follows:

(a) The amount of costs to be charged against benefited properties in the district in proportion to benefits which shall be the aggregate of costs of annual improvements to be made in the district during the ensuing year, not exceeding the aggregate of benefits to the assessable tracts and parcels of land in the district received from such annual improvements.

(b) The amount of costs, if any, to be specially taxed against properties in the district in proportion to the cash valuation of such properties, which shall be the net amount of estimated costs remaining after deducting the amounts to be specially assessed pursuant to paragraph (a) and rentals to be received on account of use of the district's facilities.

Subd. 2. COUNCIL APPROVAL; EFFECT; SPECIAL TAX LEVY LIMITATION. The council shall receive and consider such estimate and the items of cost after such notice and hearing before it or its appropriate committee as it shall deem necessary or expedient, and shall approve the same, with such amendments thereto as it shall find necessary, and the amounts of each item of cost estimated shall be deemed appropriated and expendable for and to operate, maintain and improve the development district during the ensuing fiscal year. The amount of the special tax to be charged pursuant to paragraph (b) of subdivision 1 shall not, however, exceed 50 cents per \$100 of assessed valuation of taxable property in the district, and the council shall make such adjustment in costs of operating and maintaining the district as may be necessary to keep the amount of such tax within said limitation.

Subd. 3. ANNUAL IMPROVEMENT ASSESSMENT PROCEDURE; APPEALS. When the council shall have acted on the estimate of costs, there shall be prepared an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the district in proportion to the benefits, descriptions of such properties, and the names of the owners of such properties, so far as such names are available to him. The assessment roll, when so prepared, shall be filed in the office of the city clerk and be there available for inspection. The city council shall meet to consider objections to the amounts of such special assessments at least ten days after a notice of hearing has been published once in the official newspaper and mailed to the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the time and place of meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the city council shall have approved the amounts of the special assessments set forth

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therein, or as may be changed by it, the city clerk shall forthwith certify a copy of the assessment roll, with such changes, if any, to the county auditor to be extended on the tax lists of the county and to be collected with and in the same manner as other taxes on property for the current year. Within 20 days after the adoption of the assessment, any person aggrieved may appeal to the district court as provided in Minnesota Statutes, Section 430.03 in the case of a Minneapolis assessment, and 429.081 in the case of a Robbinsdale assessment, except that commissioners shall not be appointed to consider the amount of benefits; if the court shall find that the assessment is not arbitrary, unreasonable, or made under a demonstrable mistake of fact or erroneous theory of law, it shall confirm the proceedings, but otherwise shall remand the same to the city council for reconsideration and reassessment of the benefits upon like notice and hearing as in the case of original assessments under this subdivision. All objections to the assessment shall be deemed waived unless presented on such appeal.

Subd. 4. COSTS AND ANNUAL IMPROVEMENTS DEFINED. For the purposes of this section "annual improvements" shall with respect to development districts, mean and include any reconstruction, replacement or repair of underground pedestrian concourses, pedestrian skyway and people mover systems and other facilities of development districts, and any other local improvement which benefits properties within the district. For the purposes of this section, "costs" shall, with respect to annual improvements to and operation and maintenance of development districts, mean and include costs of annual improvements; fees of consultants employed by the city council to assist in the planning of annual improvements; premiums upon fire and extended coverage insurance, public liability insurance insuring the city and users of the development district and upon property damage insurance for development district facilities; reasonable and necessary costs to the city for the time of city officials and employees spent in connection with annual improvements to and operating and maintaining development districts levying and collecting special assessments and special taxes therefor; publication costs; and all other costs incurred or to be incurred in connection with annual improvements to and operation and maintenance of development districts.

Subd. 5. SPECIAL ACCOUNT; EXCESS COSTS; BALANCES. Moneys appropriated and collected on account of annual improvement costs and costs of operating and maintaining development districts shall be credited to a special account. The council shall have authority to incur costs for annual improvements to or operating and maintaining development districts during any fiscal year, though not provided for in an approved estimate for such fiscal year, if in its discretion it shall deem it necessary to provide for such annual improvements or operation or maintenance prior to the

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succeeding fiscal year. In such case, the costs incurred shall be included in the next estimate of costs to be approved. Any balances to the credit of the account established for a development district and remaining unexpended at the end of the fiscal year shall be charged against the proper category of the next estimate of costs to be approved.

Sec. 9. ADMINISTRATION. The city councils of the cities of Minneapolis and Robbinsdale shall have the following powers:

(a) To acquire property or easements through negotiations;

(b) To enter into operating contracts on behalf of the city for operation of any of the facilities authorized to be constructed under this act;

(c) To lease space to private individuals or corporations within the buildings constructed under the terms of this act;

(d) To lease or sell land and to lease or sell air rights over structures constructed under the authority of this act;

(e) To enter into contracts for construction of two facilities authorized for the city of Minneapolis and one facility authorized for the city of Robbinsdale;

(f) Contract with the housing and redevelopment authority in and for the city of Minneapolis for relocation services;

(g) To determine the amount of funds, if any, which must be raised through sale of bonds to finance the program for development districts;

(h) Apply for grants from the United States of America;

(i) Apply for grants from other sources.

Sec. 10. ADVISORY BOARD. In its discretion, the city council may create and appoint an advisory board consisting of seven persons. At least a majority of the members shall be owners or occupants of property located in the development district which they serve. Such an advisory board would advise the city council on the construction and implementation of the development program and maintenance and operation of the district after the development program has been completed.

Sec. 11. The provisions of this act shall be effective notwithstanding any contrary law or charter provision.

Sec. 12. This act shall become effective upon approval by resolution adopted by a majority of all the members of the city councils of the cities of Minneapolis and Robbinsdale, and upon compliance with Minnesota Statutes, Section 645.021.

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Sec. 13. No more than two development districts shall be created in the city of Minneapolis and one in the city of Robbinsdale before July 1, 1973.

Approved June 3, 1971.

CHAPTER 678—S.F.No.2212

[Coded in Part]

An act relating to highways; bridges over waters between this state and an adjoining nation or province; authorizing the creation of a joint and independent international authority or commission; amending Minnesota Statutes 1969, Section 165.08, Subdivisions 1, 2, and 4, and by adding a subdivision.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 165.08, Subdivision 1, is amended to read:

165.08 BRIDGES; INTERNATIONAL BOUNDARY WATERS; COMMISSION. Subdivision 1. When a trunk highway leads to waters forming the boundary between this state and an adjoining nation or province thereof, and the Congress of the United States has authorized the construction of a bridge or bridges over the waters, the commissioner may enter into equitable agreements with the authorized authorities of the nation or province providing for the purchase, construction, reconstruction, maintenance, repair, and operation of the bridge or bridges, and for the division of costs and responsibilities to be borne by each therefor. The bridge or bridges shall thereafter be constructed, reconstructed, maintained, improved, and operated in accordance with the agreement. Such equitable agreement may create a joint and independent international authority or commission, which may independently purchase, construct, reconstruct, maintain, improve, repair and operate the bridge or bridges in accordance with the agreement.

Sec. 2. Minnesota Statutes 1969, Section 165.08, Subdivision 2, is amended to read:

Subd. 2. The agreement may provide that such bridges may be operated as free bridges or as toll bridges, ~~and~~ and. If the latter, tolls may be collected for the use thereof at rates sufficient to liquidate the capital costs in a reasonable period of time, and after the

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