

easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sunlight is prohibited or limited;

(c) a description of the vertical and horizontal angles, expressed in degrees, and distances from the site of the wind power system in which an obstruction to the winds is prohibited or limited;

(d) any terms or conditions under which the solar easement is granted or may be terminated;

~~(d)~~ (e) any provisions for compensation of the owner of the real property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement, or compensation of the owner of the real property subject to the solar easement for maintaining the solar easement;

~~(e)~~ (f) any other provisions necessary or desirable to execute the instrument.

Subd. 4. A solar or wind easement may be enforced by injunction or proceedings in equity or other civil action.

Subd. 5. Any depreciation caused by any solar or wind easement which is imposed upon designated property, but not any appreciation caused by any solar easement which benefits designated property, shall be included in the valuation of the property for property tax purposes.

#### Sec. 17. REPEALER.

Minnesota Statutes 1980, Sections 116H.088; Subdivision 2; 116H.12, Subdivision 8; and Minnesota Statutes 1981 Supplement, Section 120.78, Subdivision 1, are repealed.

Approved March 22, 1982

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### CHAPTER 564 — S.F.No. 1907

*An act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; proposing new law coded in Minnesota Statutes, Chapter 272.*

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

Section 1. [272.162] RESTRICTIONS ON TRANSFERS OF SPECIFIC PARTS.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. CONDITIONS RESTRICTING TRANSFER. When a deed or other instrument conveying a parcel of land is presented to the county auditor for transfer or division under sections 272.12, 272.16, and 272.161, the auditor shall not transfer or divide the land or its assessed valuation in his official records and shall not certify the instrument as provided in section 272.12, if:

(a) The land conveyed is less than a whole parcel of land as charged in the tax lists;

(b) The part conveyed appears within the area of application of municipal subdivision regulations adopted and filed under section 462.36, subdivision 1; and

(c) The part conveyed is part of or constitutes a subdivision as defined in section 462.352, subdivision 12.

Subd. 2. CONDITIONS ALLOWING TRANSFER. Notwithstanding the provisions of subdivision 1, the county auditor may transfer or divide the land and its assessed valuation and may certify the instrument if the instrument contains a certification by the clerk of the municipality:

(a) that the municipality's subdivision regulations do not apply;

(b) that the subdivision has been approved by the governing body of the municipality; or

(c) that the restrictions on the division of taxes and filing and recording have been waived by resolution of the governing body of the municipality in the particular case because compliance would create an unnecessary hardship and failure to comply would not interfere with the purpose of the regulations.

If any of the conditions for certification by the municipality as provided in this subdivision exist and the municipality does not certify that they exist within 24 hours after the instrument of conveyance has been presented to the clerk of the municipality, the provisions of subdivision 1 shall not apply.

Subd. 3. APPLICABILITY OF RESTRICTIONS. This section does not apply to the exceptions set forth in section 272.12.

This section applies only to land within municipalities located within the metropolitan area, as defined in section 473.121, subdivision 2, which choose to be governed by its provisions. A municipality may choose to have this section apply to the property within its boundaries by filing a certified copy of a resolution of its governing body making that choice with the auditor of the county in which it is located.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day after final enactment.

Approved March 22, 1982

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