

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

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

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

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

- (1) the extinguishment is found by the town board to be in the public interest;
- (2) the interest is not a fee interest;
- (3) the interest was established more than 25 years earlier;
- (4) the interest is not recorded or filed with the county recorder;
- (5) no road improvement has been constructed on a right-of-way affected by the
interest within the last 25 years; and
- (6) no road maintenance on a right-of-way affected by the interest has occurred
within the last 25 years.

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

(c) Before the meeting on any resolution to disclaim and extinguish a town interest
in a town road under this subdivision, the town board shall provide notice to affected
landowners in the same manner as a petitioner under section 164.07, subdivision 2. A
notice must also be posted as provided under section 366.01, subdivision 8.

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

2.2 (a) Any extinguishment of town interest in a town road under Minnesota Statutes,
2.3 section 164.06, subdivision 2, is hereby nullified if:

2.4 (1) the interest is not recorded or filed with the county recorder but is recorded
2.5 or filed with the county auditor;

2.6 (2) the state or a political subdivision has constructed a road or bridge improvement
2.7 on a right-of-way affected by the interest;

2.8 (3) the affected road was the only means of access to a property; and

2.9 (4) the extinguishment took place within the last ten years.

2.10 (b) Notwithstanding Minnesota Statutes, section 164.08, subdivision 1, for any
2.11 nullification under paragraph (a), the affected road is hereby deemed to be a cartway.

2.12 The provisions of Minnesota Statutes, section 164.08, subdivision 2, apply except that

2.13 "petitioner" means the property owner for whom the only means of access to a property is

2.14 by way of the affected road, and that the petitioner must not be required to pay damages

2.15 for the land upon which the cartway is established, the cost of professional and other

2.16 services, hearing costs, administrative costs, recording costs, or other costs and expenses.

2.17 (c) For purposes of this section, "affected road" means the road that the town board
2.18 extinguished town interest in.

2.19 Sec. 3. **EFFECTIVE DATE.**

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