

A bill for an act
relating to metropolitan government; authorizing the Metropolitan Council
to acquire certain property interests of the University of Minnesota by
condemnation proceedings; amending Minnesota Statutes 2008, section 473.405,
subdivisions 3, 9.

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

Section 1. Minnesota Statutes 2008, section 473.405, subdivision 3, is amended to read:

Subd. 3. **Condemnation.** The council may for transit purposes acquire property,
franchises, easements, or property rights or interests of any kind, including property,
franchises, easements, or property rights or interests of the University of Minnesota, by
condemnation proceedings pursuant to chapter 117. Except as provided in subdivision
9, the council may take possession of any property, including property of the University
of Minnesota, for which condemnation proceedings have been commenced at any time
after the filing of the petition describing the property in the proceedings. The council
may contract with an operator or other persons for the use by the operator or person of
any property under the council's control.

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

Sec. 2. Minnesota Statutes 2008, section 473.405, subdivision 9, is amended to read:

Subd. 9. **Condemnation of public or public service corporation property.**
The fact that property is owned by or is in charge of a public agency, the University of
Minnesota, or a public service corporation organized for a purpose specified in section
301B.01, or is already devoted to a public use or to use by the corporation or was acquired
therefor by condemnation may not prevent its acquisition by the council by condemnation,

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2.1 but if the property is in actual public use or in actual use by the corporation for any
2.2 purpose of interest or benefit to the public, the taking by the council by condemnation
2.3 may not be authorized unless the court finds and determines that there is greater public
2.4 necessity for the proposed use by the council than for the existing use.

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