

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 2966

(SENATE AUTHORS: JASINSKI)

DATE
02/10/2022

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Introduction and first reading
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to eminent domain; modifying notice requirements; amending Minnesota
1.3 Statutes 2020, sections 117.115, subdivision 2; 117.145.

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

1.5 Section 1. Minnesota Statutes 2020, section 117.115, subdivision 2, is amended to read:

1.6 Subd. 2. **Notification.** Within ten days after the date of the filing of the report of
1.7 commissioners, the petitioner shall notify the following listed persons, by mail, of the filing
1.8 of the report of commissioners setting forth the date of filing of the report, the amount of
1.9 the award, and all the terms and conditions thereof as the same pertain to the respondent or
1.10 party listed:

1.11 (1) each respondent listed in the petition as having an interest in any parcel described
1.12 in the report;

1.13 (2) each other party to the proceeding whose appearance has been noted by the court in
1.14 its order approving the petition under section 117.075 and who has a purported interest in
1.15 any parcel described in the report; and

1.16 (3) each ~~respondent's~~ attorney appearing on behalf of each respondent or other party
1.17 having an interest in any parcel described in the report.

1.18 Such notification shall be addressed to the last known post office address of each person
1.19 notified. Notice of the filing of the report need not be given to parties initially served by
1.20 publication under section 117.055. The petitioner shall file with the court administrator an
1.21 affidavit of mailing of the notice, setting forth the names and addresses of all the persons
1.22 so notified.

2.1 Sec. 2. Minnesota Statutes 2020, section 117.145, is amended to read:

2.2 **117.145 APPEAL: DEADLINE, NOTICE, SERVICE, CONTENTS; BY OTHER**
2.3 **PARTIES.**

2.4 At any time within 40 days from the date that the report has been filed, any party to the
2.5 proceedings may appeal to the district court from any award of damages embraced in the
2.6 report, or from any omission to award damages, by: (1) filing with the court administrator
2.7 a notice of such appeal, and (2) serving by mail or E-Service a copy of such notice on all
2.8 respondents, and all other parties to the proceedings, having an interest in ~~any~~ the parcel or
2.9 parcels described in the appeal who are shown in the petitioner's affidavit of mailing, required
2.10 by section 117.115, subdivision 2, as having been mailed a notice of the report of the
2.11 commissioners, and on the petitioner.

2.12 If any notice of appeal is filed, any other party may appeal within 50 days from the date
2.13 that the report was filed by: (1) filing with the court administrator a notice of the appeal;
2.14 and (2) serving the notice of appeal by mail or E-Service, as provided in this section. Service
2.15 by mail is deemed effective upon deposit of the notice in the United States mail, by first
2.16 class mail, with postage prepaid, and addressed to each person served at the ~~address shown~~
2.17 ~~in the petitioner's affidavit of mailing required by section 117.115, subdivision 2~~ last known
2.18 post office address of each person notified. Proof of service by mail of a notice of appeal
2.19 shall be filed with the court administrator promptly following the mailing of any notice of
2.20 appeal. The notice of appeal shall specify the particular award or failure to award appealed
2.21 from, the nature and amount of the claim, the land to which it relates, and grounds of the
2.22 appeal, and if applicable, the notice required in section 117.086.