

CHAPTER 596—H. F. No. 1685  
(Not Coded)

*An act to authorize certain cities to lease streets or alleys or parts thereof not used by the public.*

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

**Section 1. Minneapolis; lease streets or alleys not used by public.** Any city now or hereafter having a population of 500,000, or more, is hereby authorized and empowered in any and all cases where tracts of ground have, in the platting of land in such city or otherwise, been dedicated to public use to be used for streets, alleys, or other similar public purposes other than parks or parkways, and such tracts of ground or any part thereof by reason of industrial, economic, or other changes, or by reason of the growth and development of the city, have become unfitted for use by the public for the purpose for which they were dedicated to public use, to lease to the owner or owners of the property abutting thereon the surface of such portion of streets or alleys or tracts of ground as cannot be used by the city for the purpose for which such street, alley or tract of ground was dedicated, no such lease to be for a longer period than one year, but the same may be from time to time renewed.

**Sec. 2. Application.** Whenever application shall be made to the city council or common council of any such city to lease any such street or tract of ground as herein referred to, the question of the advisability of said city's making such lease shall be determined by said council, and if after a full consideration and due notice to abutting property owners, the council shall determine that it is to the interest of the city and the citizens thereof to make the proposed lease, said council may by a two-thirds vote of the whole membership of such body, grant and enter into such lease upon the terms and conditions as it may deem for the best interest of the city, and may fix the rental in such amount as is reasonable and proper.

**Sec. 3. Damages, benefits.** In any case where the city council is of the opinion that a property owner may be specially damaged by such lease, five commissioners shall be appointed to assess benefits and award damages in the same manner as commissioners are appointed to assess benefits and award damages in cases of opening new streets or alleys in said city, and such commissioners shall in all such cases receive

for their services the same fees as they receive for services in proceedings for the opening of new streets or alleys.

**Sec. 4. Reservation.** Whenever any lease is made by the city as herein set out, the city council may, in its discretion, reserve to the city or to a public utility the right to install and maintain in such street, alley or tract of ground sewers or water mains as may be needed, and all necessary manholes, hydrants, and other appliances, and any and all other poles, wires, cables, mains or conduits, either publicly or privately owned, which are necessary to promote and protect the public welfare, health and safety, nor shall any building or other structure be erected on such street, alley or tract of land without the express authority and consent of the city council.

**Sec. 5. Monies to general revenue fund.** All money paid for rental under the provisions of this act shall be paid into the general revenue fund of the city.

**Sec. 6. Special damages.** If in any case where the lease of such street, alley or tract of ground is proposed, the use of such street, alley or tract by the general public for which it was dedicated to public use is to all intents and purposes impossible, but nevertheless some persons shall be specially damaged by such lease, if made, then and in every such case the commissioners referred to in Section 3 hereof shall determine the amount of damages to which each of such persons specially damaged is entitled, and make report to the council; and said council shall require the person to whom said lease is made, and before the same is consummated to pay to each of said persons specially damaged a sum not less than the amount determined by said commissioners, and such larger sum, if any, as the said council may determine is fairly and justly due as damages to the various persons respectively who may be specially damaged by the lease in question; provided that nothing in this act shall be construed as abridging the right of anyone damaged by such lease to apply to the courts for damages or for such other relief in such case as the courts may be empowered to grant.

**Sec. 7. Not deemed an abandonment.** Any rental or lease of any street, alley or tract of land as herein set out shall not be construed as vacating of any such street, alley or tract of land, nor shall the city be deemed to have abandoned any of its rights in and to such streets, alleys or tracts of land.

Approved April 20, 1951.