

For such service the county auditor shall receive a compensation of ~~25~~ 50 cents for each lot or tract of land described in the certificate, which compensation shall be in addition to any compensation allowed him by law. Any number of contiguous tracts of land not exceeding one section, assessed as broad acres, or adjoining lots in the same block, in the city or village, shall be considered as one lot or parcel within the meaning of this section. The provisions of this section shall not apply to counties having a population of more than 225,000.

Approved May 7, 1963.

CHAPTER 554—H. F. No. 955

[Coded in Part]

An act relating to eminent domain proceedings; amending Minnesota Statutes 1961, Chapter 117, by adding a new section; and amending Minnesota Statutes 1961, Section 117.20, Subdivision 8.

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

Section 1. Minnesota Statutes 1961, Section 117.20, Subdivision 8, is amended to read:

Subd. 8. Eminent domain; moving expenses. In all eminent domain proceedings instituted by the state or any of its agencies or political subdivisions or any of its agencies, the following additional provisions shall control:

(a) In all cases a petition, describing the desired land, stating by whom and for what purposes it is proposed to be taken, and giving the names of all persons appearing of record or known to the petitioner to be the owners thereof, shall be presented to the district court of the county in which the land is situated praying for the appointment of commissioners to appraise the damage which may be occasioned by such taking. Notice of the objects of the petition and of the time and place of presenting the same shall be served at least 20 days before such time of presentation upon all persons named in the petition as owners as defined in Minnesota Statutes, Section 117.02, Subdivision 3, and upon all occupants of such land in the same manner as a summons in a civil action. If any such owner be not a resident of the state, or his place of residence be unknown to the petitioner, upon the filing of an affidavit of the petitioner, his agent or attorney, stating that he believes that such owner is not a resident of the state and that he has mailed a copy of the notice to him at his

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place of residence, or that after diligent inquiry his place of residence cannot be ascertained by the affiant, then service may be made upon such owner by three weeks' published notice. If the state be an owner, the notice shall be served upon the attorney general. No owner not served as herein provided shall be bound by such proceeding unless he voluntarily appears therein. Any owner shall be furnished a right-of-way map or plat of all that part of his land taken upon written demand, provided that the petitioner shall have ten days from the receipt of the demand within which to furnish the same. Any plans or profiles which the petitioner has shall be made available to the owner for inspection.

(b) The commissioners, having qualified according to law, shall meet as directed by the order of the appointment and hear the allegations and proofs of all persons interested touching upon the matters to them committed in accordance with the procedures set forth in section 117.08, except as hereinafter provided. *Except for proceedings instituted by the state to acquire lands for the interstate system of highways, such commissioners may, in addition to their assessment and their award of the damages, in their discretion allow and show separately reasonable expenses for moving personal property which are reasonably expected to be incurred by a person occupying a residence and who is the fee owner, contract for deed vendee or lessee, but such amount shall in no event exceed \$200; where non-residential property or a farm is being acquired, the commissioners may in their discretion allow and show separately the reasonable expenses of moving personal property within the state of Minnesota for a distance not to exceed 50 miles which are reasonably expected to be incurred by a person occupying the property as the fee owner, contract for deed vendee or lessee, but in not event shall this amount exceed \$3,000. In proceedings instituted by the state to acquire lands for the interstate system of highways, the commissioners may, in addition to their assessment and award of damages, in their discretion provide that the state shall pay the actual expenses for moving personal property incurred by a person occupying a residence that is being taken, and who is the fee owner, contract for deed vendee, or lessee, but such amount shall in no event exceed \$200; when nonresidential property or a farm is being acquired the commissioners may, in addition to their assessment and award of damages, in their discretion provide that the state pay the actual expenses for moving personal property within the state of Minnesota for a distance not to exceed 50 miles which are incurred by a person occupying the property as the fee owner, contract for deed vendee, or lessee, but in no event shall this amount exceed \$3,000. In both of the latter two instances when the state is acquiring for the interstate system, the fee owner, contract for deed vendee,*

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or lessee, in order to obtain moving expenses, shall submit to the state on forms provided by the state a written claim supported by receipted bills or other acceptable evidence of the expenses incurred, together with other information required, so that the state may receive federal participation in such moving costs. The commissioners, in all such proceedings including proceedings for the acquisition of lands for the interstate system, may in their discretion allow and show separately in addition to such separate assessment and award of the damages reasonable appraisal fees not to exceed a total of \$150.

(c) Such appeal may be noticed for trial as in the case of a civil action, and the court may direct that issues be framed, and require other parties to be joined and to plead therein when necessary for the proper determination of the questions involved. The cause shall be tried by a jury unless the parties otherwise agree, and the court or jury trying the same shall reassess the damages and apportion the same as justice may require. Whenever the state is acquiring property, the jury or court shall show in the verdict or order the amount of the award of damages which is to reimburse the owner and tenant or lessee, for the value of the land taken, and the amount of the award of damages, if any, which is to reimburse the owner and tenant or lessee for damages to other property involved. The amounts awarded to each person shall also be shown separately. Except as herein otherwise provided, the trial shall be conducted and the cause disposed of according to the rules applicable to ordinary civil actions in the district court. A commissioner in a condemnation proceeding may be called by any party as a witness to testify as to the amount of the award of the commissioners.

(d) The court may, in its discretion, after a verdict has been rendered on the trial of an appeal allow as taxable costs reasonable appraisers' fees not to exceed \$150 for each appraiser and not more than two appraisers. The court may, in its discretion, allow as taxable costs reasonable expenses for moving ~~personalty~~ *personal property* incurred by a person occupying a residence and who is the fee owner, contract for deed vendee or lessee ~~under a written lease,~~ but such amount shall in no event exceed \$200. ~~Where business property has been acquired, the court may in its discretion allow as taxable costs the reasonable expenses of moving personalty if such expenses have been incurred by a person occupying the property as the fee owner, contract for deed vendee or lessee under written lease; but in no event shall this amount exceed \$500. Where non residential property or a farm has been acquired, the court may in its discretion allow as taxable costs the reasonable expenses of moving personal property within the state of Minnesota for a distance not to exceed 50 miles if such expenses have been incurred by a person~~

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occupying the property as the fee owner, contract for deed vendee or lessee, but in not event shall this amount exceed \$3,000. The court may in its discretion allow such moving costs and appraisers' fees whether or not the parties entitled thereto are the prevailing parties. If moving costs are allowed by the court, in those cases arising out of land acquisition for the interstate system of highways, the person to receive such costs shall submit to the state on forms provided by the state a written claim supported by receipted bills or other acceptable evidence of the expenses incurred, together with other information required, so that the state may receive federal participation in such moving costs. No costs shall be taxed by the state against any other party.

Sec. 2. Minnesota Statutes 1961, Chapter 117, is amended by adding a new section to read:

[117.202] Direct purchase by state, its agencies, or political subdivision. *Subdivision 1. In cases where acquisition of private property for public use is accomplished by direct purchase by the state or any of its agencies or political subdivisions, the purchaser shall in the instances as set forth in section 117.20, subdivision 8, include such sums for appraisal fees and moving costs not to exceed the limits in such instances as set forth in said section 117.20, as it deems reasonable and just in the circumstances and shall separately state such costs to the owner.*

Subd. 2. In the event the purchaser and owner agree on the fair market value of the real estate but cannot agree on the appraisal fees and moving costs, the purchaser shall have the option to accept the offer for the real estate and reject the offer for the appraisal fees and moving costs. In addition thereto, the owner may, if he desires, bring a motion at a special term of the district court in the county in which the property is located for a determination of such moving costs and appraisal fees by the court.

Sec. 3. *Sections 1 and 2 apply to proceedings in eminent domain and acquisitions by direct purchase commenced on and after final enactment of this act.*

Approved May 7, 1963.

CHAPTER 555—H. F. No. 1611

[Not Coded]

An act relating to the salary of the judge of probate court of Sibley county.

Changes or additions indicated by italics, deletions by strikethrough.