

CHAPTER 121—H. F. No. 293

An act relating to eminent domain proceedings; amending Minnesota Statutes 1965, Section 117.20, Subdivision 5.

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

Section 1. Minnesota Statutes 1965, Section 117.20, Subdivision 5, is amended to read:

Subd. 5. **Eminent domain; partial payment pending appeal.** Except as otherwise provided herein payment of damages awarded may be made or tendered at any time after the filing of the report; and the duty of the public officials to pay the amount of any award or final judgment upon appeal shall, for all purposes, be held and construed to be full and just compensation to the respective owners or the persons interested in the lands. If either the petitioner or any respondent appeals from an award, the respondent or respondents, if there is more than one, except encumbrancers, having an interest in the award which has been appealed, may demand of the petitioner a partial payment of the award pending the final determination thereof, and it shall be the duty of the petitioner to comply with such demand and to promptly pay the amount demanded but not in excess of an amount equal to three-fourths of the award of damages for the parcel which has been appealed, provided however that the petitioner may by motion request, and the court may order reduction in the amount of the partial payment for cause shown. *If an appeal is taken from an award the petitioner may make a partial payment of the award pending the final determination thereof, the amount of such payment not to exceed three-fourths of the award. If any respondent or respondents having an interest in the award refuses to accept such payment the petitioner may pay the amount thereof to the clerk of district court to be paid out under direction of the court.* ~~Such~~ Any partial payment may be made in the same manner as other payments are made under this chapter. A partial payment as herein provided shall not draw interest upon the amount thereof from date of payment, and upon final determination of any appeal the total award of damages shall be reduced by the amount of the partial payment. If any partial payment exceeds the amount of the award of compensation as finally determined, the petitioner shall have a claim against the respondents receiving such payment for the amount thereof, to be recoverable in the same manner as in any civil action.

Sec. 2. *The provisions of this act shall apply to eminent domain proceedings commenced after the effective date of this act.*

Approved March 28, 1967.

Changes or additions indicated by italics, deletions by ~~strikeout~~.