

*said time has not given to said corporation a written notice of claim or interest in such lots or parcels, or (b) has not, for a term of 20 years or more, used such plot or definite parts thereof and has failed to keep the same clear of weeds or brush, shall be prima facie evidence that such party has abandoned the same.*

Sec. 3. Minnesota Statutes 1967, Chapter 306, is amended by adding a section to read:

**[306.241] Deposit of net proceeds from lot resales.** *All of the proceeds from the subsequent resale of any lots or parcels the title to which has been revested in the corporation pursuant to Minnesota Statutes, Sections 306.21 to 306.24, less the costs and expenses incurred in such proceedings approved by the district court, shall become a part of the permanent care and improvement fund of the corporation.*

Approved May 7, 1969.

---

CHAPTER 312—H. F. No. 1177

[Coded]

*An act relating to trunk highways; providing for approval of plans as to the routing and construction thereof through municipalities; repealing Minnesota Statutes 1967, Sections 161.17, Subdivision 1 and 160.08, Subdivision 2.*

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

Section 1. **[161.171] Trunk highways; routing and construction through municipalities; definitions.** Subdivision 1. As used in sections 1 to 8, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of highways.

Subd. 3. "Governing body of a municipality" means the duly elected council of a municipality.

Subd. 4. "Municipality" means any city, village, or borough within the state.

Subd. 5. "Metropolitan area" includes the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, presently

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

under the jurisdiction, for metropolitan area planning and co-ordination purposes, of the metropolitan council established pursuant to Minnesota Statutes, Chapter 473B, which council is hereinafter referred to as "agency".

Subd. 6. "Layout plan" means a preliminary plan for the proposed construction or reconstruction of a highway facility which plan indicates the proposed locations, elevation, width of lanes, and the type and location of proposed roadway intersections or interchanges together with the approximate location, width, and length of bridges and the approximate right of way limits and access locations, where applicable.

Subd. 7. "Construction plan" means the plan sheets, profiles, typical cross-sections and supplemental drawings which show the location, character, dimensions and details of the highway construction or improvement work to be done, and which are substantially in conformance with the plan which will be submitted to prospective bidders.

Sec. 2. **[161.172] Municipalities to consent.** Except for routes on the interstate system, no state trunk highway or any part thereof, located within the corporate limits of any municipality, shall be constructed or improved without the consent of the governing body of such municipality, unless the procedures prescribed by sections 2 through 7 shall have been followed by the commissioner of highways. This section shall not limit the power of the commissioner to regulate traffic or install traffic control devices or other safety devices on trunk highways located within municipalities.

Nothing contained in this section shall be construed as in any way limiting the commissioner's discretion to determine the priority and programming of trunk highway construction.

Sec. 3. **[161.173] Submission of corridor proposal.** The commissioner shall submit to the governing body of each municipality wherein a trunk highway is proposed to be constructed or improved, and to the governing body of each municipality adjacent to any such municipality, a report containing: a statement of the need for this proposed construction or improvement, a description of alternate routes which were considered by the commissioner and an explanation of the advantages and disadvantages in the selection of any route considered. The report shall also contain for each alternate, the following information: general alignment and profile, approximate points of access, highway classification, an approximate cost estimate, relation to existing and planned regional and local development and to other transportation routes and facilities, and a statement of the ex-

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

pected general effect on present and future use of the property within the corridor. Where a state trunk highway is proposed to be constructed or improved within the metropolitan area, a copy of the report shall also be submitted to the metropolitan council established by Minnesota Statutes, Chapter 473B, and the metropolitan transit commission established by Minnesota Statutes, Chapter 473A. In all areas of the state a copy of the report shall be sent to established regional, county and municipal planning commissions in the area affected by the highway project. Not less than 45 nor more than 90 days, or as otherwise mutually agreed, after the report has been submitted, the commissioner shall hold a public hearing on the proposed highway construction or improvement at such time and place within any municipality wherein a portion of the proposed construction or improvement is located, as the commissioner shall determine. Not less than 30 days before the hearing the commissioner shall mail notice thereof to the governing body of each municipality or agency entitled to receive a copy of the report, and shall cause notice of the hearing to be published at least once each week for two successive weeks in a newspaper or newspapers having general circulation in such municipalities, the second publication to be not less than 5 days before the date of the hearing. The notice shall state the date, time, place and purpose of the hearing, shall describe the proposed or actual general location of the highway to be constructed or improved, and shall state where the report may be inspected prior to the hearing by any interested person. The hearing shall be conducted by the commissioner or his designee, and shall be transcribed and a record thereof mailed to each municipality or agency entitled to receive a copy of the report. All interested persons shall be permitted to present their views on the proposed highway construction or improvement. The hearing may be continued as often as necessary. Within 120 days after the hearing is completed, the governing body of each municipality or agency entitled to receive a copy of the report shall submit to the commissioner its approval or disapproval of the report. If all or any part of the report is disapproved, the municipality or agency shall state the reasons for such disapproval and suggested changes in the report. The commissioner shall, before preparing additional plans for the proposed highway construction or improvement, submit to the governing body of each municipality or agency disapproving the report, a statement accepting or rejecting any suggested changes and the reasons for his acceptance or rejection.

Sec. 4. [161.174] **Submission of layout plans.** The commissioner shall submit to the governing body of each municipality wherein a highway is proposed to be constructed or improved, a proposed layout plan for the highway construction or improvement con-

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

taining: the proposed location, elevation, width and geometrics of the construction or improvement, together with a statement of the reasons therefor. Said plan shall also contain: approximate right-of-way limits; a tentative schedule for right-of-way acquisition, if known; proposed access points; frontage roads; separation structures and interchanges; location of utilities, when known; landscaping, illumination, a tentative construction schedule, if known; and the estimated cost of the construction or improvement. The commissioner shall submit more than one layout plan. Each such plan shall also be submitted to the metropolitan council and the metropolitan transit commission if any portion of the proposed highway construction or improvement is located in the metropolitan area. In all areas of the state a copy of the layout plan shall be sent to established regional, county and municipal planning commissions in the area affected by the highway project. Not less than 90 nor more than 120 days after said plan has been submitted, the commissioner shall hold a public hearing on the proposed highway construction or improvement at such time and place within any municipality wherein a portion of the construction or improvement is located, as the commissioner shall determine. The hearing shall be noticed, held and conducted in the manner provided in section 3, except that the commissioner shall mail notice of the hearing only to those municipalities and agencies entitled to receive a copy of the layout plan. The hearing shall be transcribed and a record thereof made available to each municipality or agency entitled to receive a copy of said plan. Within 180 days after the hearing is completed, the commissioner shall formally adopt a layout plan. A copy of the layout plan as adopted shall be submitted to each municipality or agency entitled to receive a copy of the proposed plan, together with the reasons for any change in the plan as presented at the hearing. Within 120 days after the receipt of the adopted layout plan, each such municipality or agency shall submit to the commissioner its approval or disapproval of the layout plan and the reasons for such disapproval, and proposed alternatives, which may include a recommendation of no highway. Such alternatives submitted by a municipality located within the metropolitan area shall, upon request of the municipality, be reviewed by the metropolitan council in order to determine whether such alternatives are likely to meet minimum federal requirements. The metropolitan council is authorized to provide whatever assistance it deems advisable to the submitting municipality in order to assist it in arriving at an alternative which meets minimum federal requirements. If said plan or any part thereof is not disapproved within such period, the commissioner may proceed to prepare final construction plans and specifications for the highway construction or improvement consistent with the adopted layout plan, and may acquire the necessary right-of-way. If the layout plan or any part

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

thereof is disapproved by any municipality or agency, and the commissioner determines to proceed with the plan without modifications, he shall proceed in the manner provided in section 5. If the commissioner determines to proceed with the plan with modifications, he shall submit the modified layout plan to the municipalities and agencies entitled to receive the original layout plan in the manner described above, for approval or disapproval by each such municipality or agency within 60 days after receipt of the modified layout plan. If the modified layout plan or any part thereof is not disapproved by any municipality or agency within 60 days after its receipt, the commissioner may proceed to prepare final construction plans and specifications consistent with the modified layout plan, and may acquire the necessary right-of-way. If the modified plan is disapproved by any municipality and the commissioner determines to proceed with the plan without additional modification, he shall proceed in the manner provided in section 5. If the layout plan is disapproved, either as originally submitted or as modified and the commissioner does not act pursuant to section 5, within one year from the date of the completion of the layout plan by virtue of this section may invoke the appellate procedure pursuant to section 5, in the same manner as the same might be invoked by the commissioner. In the event the appellate procedure is invoked by either the commissioner or the municipality, the commissioner shall hold a public hearing prior to the appointment of an appeal board. Such hearing shall be limited to the proposed alternative layout plans.

**Sec. 5. [161.175] Appeal board.** Upon the request of the commissioner an appeal board shall be appointed. One of the members shall be selected by the governor and one by the governing body of the municipality involved. If more than one municipality is involved in the proposal the governing bodies of the municipalities involved shall appoint one member. This appointment shall be made by resolutions of the governing bodies of said municipalities which resolutions shall be submitted to the governor. When the governor has received resolutions from a majority of the municipalities involved designating the same person, said person shall be deemed appointed. If a majority of the municipalities which must include all disapproving municipalities have not agreed on the same person and submitted such resolutions to the governor within 60 days after receipt of the commissioner's request for an appeal board by the commissioner, then the Chief Justice of the Supreme Court shall appoint such member upon application by the commissioner upon five days notice to all municipalities involved. The two members so selected shall select a third member. If they cannot agree on a third member within 30 days

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

after the last member was appointed, then the Chief Justice of the Supreme Court shall appoint the third member upon application of the commissioner after five days notice to the first two members. The three persons so selected and appointed shall serve as a highway appeal board and as such board they shall choose a chairman from among their members and they shall have such duties and exercise such powers as are hereinafter provided. Members of the board shall not be employees or consultants of any counties, the state of Minnesota, or any of the municipalities involved in the proposal.

Sec. 6. [161.176] **Powers of appeal board.** Subdivision 1. The highway appeal board shall, on notice to the commissioner and the affected municipalities, hold an appeal hearing on the entire highway layout plan as proposed by the commissioner, and alternates consistent with minimum federal requirements that are presented by the disapproving municipalities. The board shall take into consideration all aspects of the proposal including highway design, economic development, aesthetics, urban and rural planning, agriculture, transportation planning, and all other factors concerning highways. After considering all the evidence in the record, the appeal board shall issue an order approving the commissioner's proposed highway layout plan or one of the alternatives. The appeal board shall be limited in its ruling to any previously submitted layout plan of the commissioner or an alternate presented by the community in response to the commissioner. A copy of the order and a memorandum setting forth the reasons therefor shall be filed with the secretary of state, and shall be mailed to the commissioner and each municipality or agency entitled to receive notice of the layout hearing. If the cost is not substantially in excess of his programmed estimates for projects included in his current construction program the commissioner shall construct the plan approved by the board in accordance with the original program schedule.

Subd. 2. The chairman of the board, or any member thereof, shall have the power to subpoena witnesses; to administer oaths, and to compel the production of books, records, and other evidence. The rules of evidence and procedure for the trial of civil matters shall apply, but such rules may be modified by the board when it is deemed necessary. All evidence, including records and documents in the possession of the board of which it desires to avail itself, shall be offered and made a part of the record in the proceeding, and no other factual information or evidence shall be considered in the determination of the matter. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The board shall cause a record of all proceedings before it to be made and filed with

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

the chairman of the board. Copies thereof shall be made available upon such terms and conditions as the board shall prescribe.

Subd. 3. Members of the highway appeal board shall receive per diem compensation in the amount of \$100 for the time spent in disposing of matters presented to the board. Board members shall be reimbursed for all reasonable expenses incurred by them in the performance of their duties including all costs incurred in connection with any hearing.

Subd. 4. Each party to the appeal shall submit to the appeal board an itemized list of the expenses incurred in preparing its layout plan and presenting the appeal. The appeal board may determine what portion, if any, of a municipality's expenses incurred for the services and disbursements of persons not regularly employed by the municipality will be reimbursed from the trunk highway fund.

Sec. 7. [161.177] **Construction plans and specifications.** Not less than 120 days before the date specified by the commissioner for the receipt of construction bids for the construction or improvement of any state trunk highway within any municipality, the commissioner shall submit to the governing body of each municipality or agency entitled to receive a copy of the layout plan therefor under section 4, a copy of as complete a set of construction plans as is possible which will be issued to prospective bidders. All such plans shall be in accordance with the highway construction or improvement layout plan as approved under section 4, or section 6. If the construction plans are not in accordance with the layout plan as approved, the governing body of any municipality or agency entitled to receive notice of the hearing under section 4, within 60 days after the receipt of such construction plans, may request the establishment of a highway appeal board as provided in section 5, and the highway appeal board shall approve the plans following the procedures outlined in that section, except that action and comment is limited to changes from or additions to the layout. Changes in design capacity required to accommodate increased traffic forecasts shall not be considered deviations from the layout. A copy of any plans prepared to affect any highway construction or improvement plan previously approved by the highway appeal board, shall also be sent to the chairman of the board. If the construction plans are not in accordance with the layout plan approved by the board under section 6, the board, within 60 days after the receipt of such plans, shall issue its order directing the commissioner to withhold any advertisement for construction bids until the plans are revised to comply with the plan approved by the board, or are approved by the board. If no municipality or agency requests the establishment of a highway appeal board, or the

**Changes or additions indicated by italics, deletions by ~~strike out~~.**

highway appeal board does not issue its order, as provided above, the commissioner may proceed to advertise for construction bids.

Sec. 8. Minnesota Statutes 1967, Section 160.08, Subdivision 2, and 161.17, Subdivision 1, are repealed.

Approved May 7, 1969.

---

CHAPTER 313—S. F. No. 707

[Not Coded]

*An act relating to Itasca county, authorizing the issuance of revenue bonds for improvement of the hospital, re-enacting laws creating and regulating its county welfare board, and validating actions taken pursuant thereto.*

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

Section 1. **Itasca county; hospital.** The county welfare board of Itasca county is authorized, subject to concurring action by the board of county commissioners of the county, to issue bonds of the county in an amount not exceeding \$500,000 for the purpose of improving the county hospital by addition of a radiology department and reconstruction and equipment of a boiler room and kitchen, or by making any one or more of such improvements, and to pledge and appropriate the revenues to be derived from its operation of the hospital and additions thereto to pay the principal and interest on the bonds when due and to create and maintain reserves for that purpose, as a first and prior lien on all such revenues or, if so provided in the bond resolution, as a lien thereon subordinate to the current payment of a fixed amount or percentage or all of the annual costs of the operation, administration, and maintenance of the hospital. Revenue bonds shall not be included in the county's net debt for the purpose of any limitation. The bonds shall mature serially within ten years from their date of issue. In the issuance of such bonds the revenues or lease rentals from any or all hospital facilities may be pledged and appropriated by resolution for the use and benefit of the bondholders, or may be pledged by the execution of an indenture or other appropriate instrument to a trustee for the bondholders. The county welfare board shall have power to make and enter into any and all covenants with the bondholders or trustee which are determined by it to be necessary or proper to assure the marketability of the bonds, the completion of the hospital improvements, the segregation of the revenues or rentals

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