

Section 3 is effective the day following final enactment.

Presented to the governor May 15, 1995

Signed by the governor May 16, 1995, 1:15 p.m.

CHAPTER 175—S.F.No. 1112

An act relating to local government; authorizing Sherburne county to convey certain county ditches to the city of Elk River under certain conditions; granting certain powers to the town of Embarrass.

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

Section 1. SHERBURNE COUNTY; CONVEYANCE OF CERTAIN COUNTY DITCHES TO THE CITY OF ELK RIVER.

The county of Sherburne may, by one or more resolutions of its board of commissioners, convey to the city of Elk River all of its rights, title, and interests in all or any portion of county ditches numbered 1, 10, 12, 28, and 31.

Sec. 2. PROCEDURES AND CONDITIONS OF CONVEYANCE.

The conveyance or conveyances will be effective as of the date of such a county board resolution, provided that the city of Elk River, by resolution of its city council:

(1) has agreed to accept the conveyance to it of a specific ditch or portion thereof;

(2) has agreed to assume as of the effective date, all of the rights, title, and interests of the county; and

(3) has agreed to assume responsibility, under its municipal authority, for management of surface water within the area served by the ditch or portion of a ditch so conveyed.

Sec. 3. EFFECT OF CONVEYANCE.

Upon the effective date of a conveyance authorized under this act, with respect to any ditch or portion of a ditch so conveyed:

(1) the city of Elk River shall hold all of the county of Sherburne's property rights, title, and interests in any ditch or portion of a ditch so conveyed;

(2) Sherburne county shall have no further responsibility for the ditch or portion of a ditch so conveyed;

New language is indicated by underline, deletions by ~~strikeout~~.

(3) the ditch or portion of a ditch so conveyed shall no longer be subject to the provisions of Minnesota Statutes, chapter 103E, except that any existing drainage liens shall remain in full force and effect until paid or satisfied; and

(4) the city of Elk River shall manage surface water within the area served by the ditch or portion of a ditch so conveyed pursuant to Minnesota Statutes, chapters 412 and 444, or other applicable law governing management of surface water by cities.

The county and the city may enter into any agreement or issue any document necessary to carry out the purposes of this act.

Sec. 4. EFFECT ON REMAINING DITCHES.

This act has no effect upon any ditch or portion of a ditch that is not the subject of an agreement as described in section 2.

Sec. 5. TOWN OF EMBARRASS; CERTAIN POWERS.

After March 14, 1989, the town of Embarrass, for all purposes, is deemed to be a town possessing the power enumerated in Minnesota Statutes, section 368.01, which status continues until altered or terminated pursuant to law.

Sec. 6. EFFECTIVE DATE.

Sections 1 to 4 are effective the day after the county board of Sherburne county and the city council of Elk River comply with Minnesota Statutes, section 645.021, subdivision 3. Section 5 is effective the day after the town board of the town of Embarrass complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor May 15, 1995

Signed by the governor May 17, 1995, 1:50 p.m.

CHAPTER 176—H.F.No. 833

An act relating to local government; modifying certain provisions relating to comprehensive municipal planning in the metropolitan area; amending Minnesota Statutes 1994, sections 103B.235, subdivisions 3, 5, and by adding a subdivision; 462.355, by adding a subdivision; 473.858, subdivision 1; 473.859, subdivisions 1, 2, and 5; 473.864, subdivision 2; and 473.867, by adding a subdivision.

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

Section 1. Minnesota Statutes 1994, section 103B.235, subdivision 3, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.