

CHAPTER 287—H. F. No. 413

An act relating to municipal planning and the control of subdivision platting of cities of less than 50,000 population, villages, boroughs and towns; amending Minnesota Statutes 1941, Sections 471.28, 471.29, 471.30, 471.31.

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

Section 1. Minnesota Statutes 1941, Section 471.28, is hereby amended to read as follows:

471.28. Municipal planning. *Subdivision 1. May lay out streets.* The governing body of any such municipality may provide for the future laying out of streets outside of platted territory and extending across unplatted territory within the corporate limits of such municipality. When it is thus desired to extend or reserve any lands for streets or other public use which are not yet dedicated to public use by platting or otherwise, or to provide for the future widening and improvement of an existing street or highway, the council shall direct the engineer of the municipality or other competent person to prepare a map of such platted or unplatted district indicating the proposed future extension or widening of existing streets of the municipality within such existing platted and developed territory or across such unplatted territory upon such map. After such map has been prepared and filed with the governing body of the municipality, it shall be adopted and published as the official map of that portion of the municipality. No such map shall be adopted or have any effect until approved by resolution duly adopted by the governing body of the municipality after a public hearing held at least ten days after a public notice thereof is given in a legal newspaper published in that municipality.

Subd. 2. Adoption of map. After such map has been filed with the register of deeds as provided in Section 5, whenever any street or highway is widened or improved or any new street is opened, or lands for other public purpose are acquired by action of the municipality, it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of such map within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus reserved for public purposes. If a permit for a building in such location is denied, the board of zoning appeals or, if there is none, a special board of appeals which may be created for the purpose by the governing body, shall have the power, upon an appeal filed with it by the owner of any such land, to grant a permit

for a building in such location in any case in which the board finds, upon the evidence and the arguments presented to it upon such appeal (a) that the entire property of the appellant, of which such reserved street location forms a part, can not yield a reasonable return to the owner unless such permit is granted, and (b) that, balancing the interest of the municipality in preserving the integrity of the official map and of the municipal plan and the interest of the owner of the property in the use of his property and in the benefits of the ownership thereof, the grant of such permit is required by considerations of reasonable justice and equity. Before taking any such action the board of appeals shall give a hearing at which the parties in interest shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be given to the appellant by mail at the address specified by the appellant in his appeal petition and shall be published in a legal newspaper published in the municipality. If the board of appeals grants a building permit in any such appeal, it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted. The adoption of the map shall not give the municipality any right or interest in such unplatted streets or other reserved areas except the right to secure the streets or lands indicated by the usual methods, but without the payment of compensation for any such improvement constructed *without a permit or in violation of conditions of a permit* upon the bed of the mapped street thereafter or outside of the established building line or within the reserved areas as herein provided.

Sec. 2. Minnesota Statutes 1941, Section 471.29, is hereby amended to read as follows:

471.29. To approve plats. Subdivision 1. Approval by resolution. The governing body of any municipality is authorized by resolution to approve all plats of land hereafter proposed within that municipality. *Any city, village, or borough is also authorized by resolution to approve such plats of land located within two miles of its limits in any direction and not in a town which has elected to require the approval of plats under this act,* provided that where two or more municipalities have contiguous territory or are situated with their boundaries less than four miles apart, each shall have control of the platting of land equidistant from its boundaries within this two-mile radius. After the adoption of *platting regulations consistent with a city plan adopted pursuant to the provisions of sections 471.26 to 471.33,* approval may be denied if the proposed plat fails to conform to the plan or with any

reasonable regulation of the municipality applicable thereto. No plat shall be filed or accepted for filing unless it is accompanied by a certified copy of the resolution approving it or accepting it as being in accord and conformity with any plans or regulations as herein specified. A copy of this resolution shall be supplied to the applicant.

Subd. 2. Description in conveyance. *In any municipality in which such platting regulations are in force, no conveyance of land in which the land conveyed is described by metes and bounds or by reference to a plat made after such regulations become effective which is not approved as provided in Subdivision 1 shall be made or recorded if the parcel described in the conveyance is less than two and one-half acres in area and 150 feet in width unless such parcel is a separate parcel of record at the time of the adoption of this act or of the adoption of platting regulations under this act, whichever is the later, or unless an agreement to convey such smaller parcel has been entered into prior to such time and the instrument showing the agreement to convey is recorded in the office of the register of deeds within one year thereafter. In any case in which compliance with the foregoing provision will involve an unnecessary hardship and failure to comply does not interfere with the purpose of such platting regulations, the governing body may waive such compliance by adoption of a resolution to that effect with the consent of the planning commission, if there is one, and the conveyance may then be recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the foregoing provision shall forfeit and pay to the municipality a penalty of not less than \$100.00 for each lot or parcel so conveyed. A municipality may enjoin such conveyance by action for injunction or may recover such penalty by a civil action in any court of competent jurisdiction.*

Subd. 3. Published notice. When a copy of any plat is filed with a municipality for approval, published notice shall be given of a public hearing to be held within 30 days thereafter, in a newspaper published in that municipality or in the county if there is no newspaper published in the municipality. At such hearing all persons interested therein may be heard and the council may thereafter approve or disapprove the plat. Such approval or disapproval shall be given not more than 60 days after the filing of any plat with a formal request for its approval. The grounds for any refusal to approve a plat shall be set forth in the proceedings of the council and reported to the person or persons applying for such approval. Plats after approval, may then be recorded as now provided by law.

Sec. 3. Minnesota Statutes 1941, Section 471.30, is hereby amended to read as follows:

471.30. Plats checked. Before the approval of a plat it shall be checked as to measurements of all lots, streets, and public lands. All proposed streets on such plat shall conform to the street plan of the municipality as adopted and laid out in the abutting territory and extended upon any official map of the adjacent district as authorized under sections 471.26 to 471.33. In considering requirements for the location and width of streets, the municipality shall take into consideration the prospective character of the development and make any reasonable requirements therefor.

As a condition precedent to the approval of the plat of lands located within the corporate limits of the municipality, the governing body may prescribe requirements of the extent to which and the manner in which streets shall be graded and improved, and water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The governing body may provide that, in lieu of the completion of such work before the final approval of a plat, the governing body may accept a bond, in an amount and with such surety and conditions satisfactory to it, providing for the securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the governing body and expressed in the bond; and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies.

In appropriate plots of subdivisions to be developed for residential uses the governing body of any municipality shall have the power to approve the same as herein provided, and may require that a portion of such land of sufficient size and character be set aside and dedicated to the public for public use as parks and playgrounds.

Sec. 4. Minnesota Statutes 1941, Section 471.31, is hereby amended to read as follows:

471.31. Permits to public utilities. No utility, municipal service, or improvement shall be constructed on any street, highway, alley, or other public way until the street, highway, alley, or other public way has been approved by being designated upon a plat duly approved and accepted or properly indicated upon an official map of the municipality as herein provided. No permit for the erection of any building shall be issued unless it shall be located upon a street or highway giving access thereto which has been duly approved and placed on the official map, and shall conform to the building line

established upon a street of the municipality and as projected into this plat or to the lines therein established. *No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of Minnesota Statutes 1941, Section 471.29, Subdivision 2.*

Sec. 5. Certified copies filed with register of deeds. A certified copy of every ordinance, resolution, map or regulation adopted under the provisions of Minnesota Statutes 1941, Sections 471.26 to 471.33, and amendments thereof, shall be filed with the register of deeds of the county or counties in which the municipality adopting it is situated.

Approved April 13, 1945.

CHAPTER 288—H.F. No. 575

An act relating to the rate of taxation of mortgages of real property; amending Minnesota Statutes 1941, Section 287.05:

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

Section 1. Minnesota Statutes 1941, Section 287.05, is amended to read as follows:

287.05. Tax on record or registration. A tax of 15 cents is hereby imposed upon each \$100.00, or fraction thereof, of the principal debt or obligation which is, or in any contingency may be, secured by any mortgage of real property situate within the state executed, delivered, and recorded or registered; provided, that if any such mortgage shall describe any real estate situate outside of this state, such tax shall be imposed upon such proportion of the whole debt secured thereby as the value of the real estate therein described situate in this state bears to the value of the whole of the real estate described therein, as such value shall be determined by the state auditor upon application of the mortgagee.

Approved April 13, 1945.