

7819.3200 RIGHT-OF-WAY VACATION.

Subpart 1. **Reservation of right.** If the local government unit vacates a right-of-way that contains the facilities of a right-of-way user and the right-of-way vacation does not require the relocation of the right-of-way user's facilities, the local government unit shall, except when it would not be in the public interest, reserve to and for itself and all right-of-way users having facilities in the vacated right-of-way, the right to install, maintain, and operate facilities in the vacated right-of-way and to enter upon the right-of-way at any time to reconstruct, inspect, maintain, or repair the facilities.

Subp. 2. **Relocation of facilities.** If the local government unit vacates a right-of-way that contains the facilities of a right-of-way user and the right-of-way vacation requires the relocation of the right-of-way user's facilities, payment of the relocation costs must be determined as follows: (1) if the vacation proceedings are initiated by the right-of-way user, the right-of-way user must pay the relocation costs; (2) if the vacation proceedings are initiated by the local government unit for a public project, the right-of-way user must pay the relocation costs unless otherwise agreed to by the local government unit and the right-of-way user; or (3) if the vacation proceedings are initiated for the purpose of benefiting a person other than the right-of-way user, the benefited person must pay the relocation costs.

Statutory Authority: *MS s 237.163*

History: *23 SR 2004*

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