

**116G.13 CRITICAL AREAS**

duly restrictive or constitutes a taking of real or personal property in violation of the constitution of this state or of the United States.

Subd. 2. Neither the designation of an area of critical concern nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized by registration and recordation of a subdivision pursuant to state laws, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued prior to the date of notice for public hearing as provided by section 116G.06. If a developer has by his actions in reliance on prior regulations obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to his interests, nothing in sections 116G.01 to 116G.14 authorizes any governmental agency to abridge those rights.

[1973 c 752 s 13]

**116G.14 Planning grants**

The council shall prepare guidelines for dispersing funds to local units of government or regional development commissions for as much as 100 percent but not less than 50 percent of the non-federal cost of preparing and adopting plans and regulations for areas of critical concern pursuant to section 116G.07, for a period not to exceed five years from the date the legislature or regional development commissions approve the designation of an area of critical concern.

[1973 c 752 s 14]

**EMINENT DOMAIN, DEPOSITORIES**

**CHAPTER 117. EMINENT DOMAIN**

Sec.		Sec.	
117.095	Repealed.	117.54	No additional damages created [New].
117.135	Taxes and assessments.	117.55	Payments not considered income for tax or public assistance purposes [New].
117.50	Definitions [New].	117.56	Inapplicability to hazardous and substandard building proceedings [New].
117.51	Cooperation with federal authorities [New].		
117.52	Uniform relocation assistance [New].		
117.53	Authorization [New].		

**117.095** [Repealed, 1973 c 604 s 8]

**117.135 Taxes and assessments**

Subdivision 1. In all eminent domain proceedings taxes and assessments imposed upon the acquired property shall be compensated for as provided by section 272.68, except the state highway department, as the acquiring authority, shall pay all taxes, including all unpaid special assessments and future installments thereof, as provided in subdivision 2.

Subd. 2. When the state highway department acquires a fee interest in property before forfeiture, by any means, provision must be made to pay all taxes, including all unpaid special assessments and future installments thereof, unpaid on the property at the date of acquisition. For the purpose of this section, the date of acquisition shall be either the date on which the department enters into a written agreement to purchase the property or, in cases of condemnation, the date of acquisition shall be the date of the award of the court-appointed commissioners; except where the provisions of section 117.042 are exercised and apply, in which case the date of acquisition will be the date on which the state highway department is entitled to take possession. Taxes lawfully levied shall not be abated. This subdivision shall not be construed to require the payment of accrued taxes and unpaid assessments on

the acquired property which exceed the fair market value thereof. The state highway department in acquiring property may make provisions for the apportionment of the taxes and unpaid assessments if less than a complete parcel or tract is acquired.

If such accrued taxes and unpaid assessments are not paid as hereinabove required, then the county auditor of the county in which the acquired property is located shall notify the state auditor of the pertinent facts, and the state auditor shall divert an amount equal to such accrued taxes and unpaid assessments from any funds which are thereafter to be distributed by the state auditor or the state treasurer to the state highway department from the trunk highway fund, and shall pay over such diverted funds to the county treasurer of the county in which the acquired property is located in payment of such accrued taxes and unpaid assessments.

Subd. 3. If the state highway department permits a person or business to occupy a property for a period of more than 120 days after the date of acquisition, the department shall thereafter charge a reasonable rental therefor in accordance with the provisions of section 161.23, subdivision 3.

[1973 c 543 s 1]

#### 117.50 Definitions

Subdivision 1. As used in sections 117.50 to 117.56, the terms defined in this section shall have the meanings given them.

Subd. 2. "Person" means any individual, partnership, corporation, or association.

Subd. 3. "Displaced person" means any person who moves from real property, or moves his personal property from real property, as a result of acquisition undertaken by an acquiring authority or as a result of voluntary rehabilitation carried out by a person pursuant to acquisition or as a consequence thereof.

Subd. 4. "Acquisition" includes:

- (a) acquisition by eminent domain;
- (b) acquisition by negotiation;
- (c) programs of areawide systematic housing code enforcement; and
- (d) demolition.

Subd. 5. "Acquiring authority" includes:

- (a) the state and every public and private body and agency thereof which has the power of eminent domain; and
- (b) any acquiring authority carrying out an areawide systematic housing code enforcement program.

[1973 c 604 s 1]

#### 117.51 Cooperation with federal authorities

In all acquisitions undertaken by any acquiring authority and in all voluntary rehabilitation carried out by a person pursuant to acquisition or as a consequence thereof, the acquiring authority shall cooperate to the fullest extent with federal departments and agencies, and it shall take all necessary action in order to insure, to the maximum extent possible, federal financial participation in any and all phases of acquisition, including the provision of relocation assistance, services, payments and benefits to displaced persons.

[1973 c 604 s 2]

#### 117.52 Uniform relocation assistance

In all acquisitions undertaken by any acquiring authority and in all voluntary rehabilitation carried out by a person pursuant to acquisition or as a consequence thereof, in which, due to the lack of federal financial participation, relocation assistance, services, payments and benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84

**117.52 EMINENT DOMAIN**

Stat. 1894 (1971), 42 United States Code, Section 4601, et seq., are not available, the acquiring authority, as a cost of acquisition, shall provide all relocation assistance, services, payments and benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and any regulations adopted pursuant thereto by the United States Department of Housing and Urban Development, except that with respect to acquisitions for highway purposes or acquisitions for which the state department of highways performs relocation assistance services for the department of administration, the regulations of the United States department of transportation may be applied, as of the date of enactment of sections 117.50 to 117.56, to all displaced persons who would otherwise be eligible for such relocation assistance, services, payments and benefits thereunder but for the lack of federal financial participation.

This section shall not apply in the case where federal financial participation for provision of relocation assistance, services, payments and benefits in connection with an acquisition has been procured or committed pursuant to section 117.51 and has then been withdrawn by the United States, unless the acquiring authority subsequently determines to proceed with the acquisition in question using non-federal funds.

[1973 c 604 s 3]

**117.53 Authorization**

All acquiring authorities are hereby authorized to do any acts and take all actions necessary to carry out the provisions of sections 117.50 to 117.56, including the acquisition, rehabilitation and relocation of existing housing and the construction of new housing in accordance with the provisions of the Federal Aid Highway Act of 1970, 84 Stat. 1713 (1971), 23 United States Code, Section 101, et seq.,<sup>1</sup> and any other federal and state laws, where projects cannot proceed to construction because replacement housing cannot be made available.

<sup>1</sup> 23 U.S.C.A. § 101 et seq.

[1973 c 604 s 4]

**117.54 No additional damages created**

Nothing in sections 117.50 to 117.56 shall be construed as creating in any condemnation proceedings brought by any acquiring authority under the power of eminent domain, any element of damages not recognized on August 22, 1968.

[1973 c 604 s 5]

**117.55 Payments not considered income for tax or public assistance purposes**

No payments received under sections 117.50 to 117.56 shall be considered as income for the purposes of chapter 290, or for purposes of determining the eligibility or the extent of eligibility of any person for public assistance based on need under the laws of the state of Minnesota.

[1973 c 604 s 6]

**117.56 Inapplicability to hazardous and substandard building proceedings**

The provisions of sections 117.50 to 117.56 shall not apply to any proceedings brought by a governmental subdivision under sections 463.15 to 463.26.

[1973 c 604 s 7]