

CHAPTER 117

EMINENT DOMAIN

117.011 Must use this procedure; exceptions.
 117.065 Notices of pendency and abandonment; required filings.

117.115 Report, notice.
 117.145 Appeal: deadline, notice, service, contents; by other parties.

117.011 MUST USE THIS PROCEDURE; EXCEPTIONS.

All bodies, public or private, who have the right of eminent domain, when exercising the right, shall do so in the manner prescribed by this chapter, even though a different procedure may be provided by charter provisions, ordinance or statute, but nothing herein shall apply to the taking of property under laws relating to drainage or to town roads when those laws themselves expressly provide for the taking and specifically prescribe the procedure. The taking of property for a project undertaken by a watershed district under chapter 103D or for a project undertaken by a drainage authority under chapter 103E may be carried out under the procedure provided by those chapters.

History: 1995 c 199 s 61

117.065 NOTICES OF PENDENCY AND ABANDONMENT; REQUIRED FILINGS.

At the time of filing the petition the petitioner shall file for record a notice of the pendency of the proceeding, describing with reasonable certainty the lands affected and for what purpose they are to be taken. The notice shall be filed as follows:

- (1) if the lands are registered lands, with the registrar of titles;
- (2) if the lands are nonregistered, with the county recorder;
- (3) if the lands are both registered and nonregistered, with both the registrar and the county recorder.

If the proceeding be abandoned in whole or in part the petitioner shall within ten days thereafter file a notice to that effect, describing with reasonable certainty the lands so abandoned. The notice of abandonment shall be filed in the same places as the notice of the pendency of the proceeding.

History: 1995 c 106 s 1

117.115 REPORT, NOTICE.

[For text of subd 1, see M.S.1994]

Subd. 2. Within ten days after the date of the filing of the report of commissioners, the petitioner shall notify the following listed persons, by mail, of the filing of the report of commissioners setting forth the date of filing of the report, the amount of the award, and all the terms and conditions thereof as the same pertain to the respondent or party listed:

- (1) each respondent listed in the petition as having an interest in any parcel described in the report;
- (2) each other party to the proceeding whose appearance has been noted by the court in its order approving the petition under section 117.075; and
- (3) each respondent's attorney.

Such notification shall be addressed to the last known post office address of each person notified. Notice of the filing of the report need not be given to parties initially served by publication under section 117.055. The petitioner shall file with the court administrator an affidavit of mailing of the notice, setting forth the names and addresses of all the persons so notified.

History: 1995 c 106 s 2

117.145 APPEAL: DEADLINE, NOTICE, SERVICE, CONTENTS; BY OTHER PARTIES.

At any time within 40 days from the date that the report has been filed, any party to the proceedings may appeal to the district court from any award of damages embraced in the re-

port, or from any omission to award damages, by: (1) filing with the court administrator a notice of such appeal, and (2) serving by mail a copy of such notice on all respondents and all other parties to the proceedings having an interest in any parcel described in the appeal who are shown in the petitioner's affidavit of mailing, required by section 117.115, subdivision 2, as having been mailed a notice of the report of the commissioners.

If any notice of appeal is filed, any other party may appeal within 50 days from the date that the report was filed by: (1) filing with the court administrator a notice of the appeal; and (2) serving the notice of appeal by mail, as provided in this section. Service by mail is deemed effective upon deposit of the notice in the United States mail, by first class mail, with postage prepaid, and addressed to each person served at the address shown in the petitioner's affidavit of mailing required by section 117.115, subdivision 2. Proof of service by mail of a notice of appeal shall be filed with the court administrator promptly following the mailing of any notice of appeal. The notice of appeal shall specify the particular award or failure to award appealed from, the nature and amount of the claim, the land to which it relates, and grounds of the appeal, and if applicable, the notice required in section 117.086.

History: 1995 c 106 s 3