463.04 CONDEMNATION PROCEEDINGS FOR BUILDING LINE EASEMENTS.

The easement specified in section 463.03 may be acquired by proceedings to be conducted in accordance with chapter 117 by the board of park commissioners, in case of parks and parkways controlled by a board of park commissioners, and by the city council in other cases.

The term "governing body" is used in sections 463.04 to 463.07 to designate the appropriate body in any given case, whether the city council, or board of park commissioners. The governing body shall first designate the easement to be acquired and define the lines by which it is bounded, and shall have power to condemn for the use of the public a building line easement as defined above, and when such condemnation shall have been completed, as in this section provided, the title to such easement shall pass to and be vested in the city for the public use. For the purpose of making the condemnation all the tracts of land required for any improvement may be included in the same proceeding.

An easement under this section must not include or take in any portion of a private residence existing at the time of the passage of sections 463.01 to 463.07 excepting by purchase or grant.

History: *(1321-4) 1903 c 194 s 4; 1976 c 44 s 64; 2013 c 125 art 1 s 70*