# CHAPTER 458

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**458.01** [Repealed, 1949 c 119 s 110]

## TRANSPORT FACILITIES IN CITIES OF 4,000 TO 50,000

### 458.02 POWER TO GET LAND FOR TRANSPORT FACILITIES; USE.

Subdivision 1. **May get, hold.** A city with a population from 4,000 to 50,000 may acquire land on a navigable stream in the city by purchase or condemnation, and may hold it.

Subd. 2. **Use.** The city may set aside when acquired, as much of the land as public needs require for public travel. The remainder must be used as required by the federal government or for docks, quays, levees, wharves, landing places, railroad and other land transportation loading and unloading places, land and water freight and passenger stations, terminals and terminal buildings for carriers, and necessary equipment and appurtenances.

**History:** *(1372-1) 1927 c 152 s 1; 1965 c 45 s 60; 1985 c 265 art 8 s 1*

### 458.03 POWER TO BUILD FACILITIES, CHARGE FEES FOR USE.

Subdivision 1. **Construction.** A city described in section 458.02 may construct, erect, and maintain on land acquired under that section, docks, quays, levees, wharves, landing places, railroad and other transportation loading and unloading places, water freight and passenger stations, terminals and terminal buildings for carriers, and necessary equipment and appurtenances.

Subd. 2. **Fees.** The city council may set reasonable fees for the use of the facilities and necessary equipment and appurtenances described in section 458.02.

**History:** *(1372-2) 1927 c 152 s 2; 1985 c 265 art 8 s 1*

**458.04** MS 1941 [Expired]

**458.05** MS 1941 [Expired]

**458.06** MS 1941 [Expired]

**458.07** MS 1941 [Expired]

**458.08** MS 1941 [Expired]

**458.09** [Repealed, 1987 c 291 s 244]

**458.091** [Repealed, 1987 c 291 s 244]

**458.10** [Repealed, 1987 c 291 s 244]

**458.101** MS 2002 [Renumbered 469.0671]

**458.11** [Repealed, 1987 c 291 s 244]

**458.12** [Repealed, 1987 c 291 s 244]

**458.13** [Repealed, 1985 c 265 art 8 s 28]

**458.14** [Repealed, 1987 c 291 s 244]

**458.15** [Repealed, 1987 c 291 s 244]

**458.16** [Repealed, 1987 c 291 s 244]

**458.17** [Repealed, 1987 c 291 s 244]

**458.18** [Repealed, 1987 c 291 s 244]

**458.19** [Repealed, 1987 c 291 s 244]

**458.191** [Repealed, 1987 c 291 s 244]

**458.192** [Repealed, 1987 c 291 s 244]

**458.193** [Repealed, 1987 c 291 s 244]

**458.1931** [Repealed, 1996 c 310 s 1]

**458.194** [Repealed, 1987 c 291 s 244]

**458.1941** [Repealed, 1987 c 291 s 244]

**458.195** [Repealed, 1987 c 291 s 244]

**458.196** [Repealed, 1987 c 291 s 244]

**458.197** [Repealed, 1987 c 291 s 244]

**458.198** [Repealed, 1987 c 291 s 244]

**458.199** [Repealed, 1987 c 291 s 244]

**458.1991** [Repealed, 1987 c 291 s 244]

## PUBLIC WATER HIGHWAYS IN CITIES OF FIRST CLASS

### 458.20 CITY MAY CONDEMN WATER-COVERED LAND FOR SLIPS.

A city of the first class may acquire by eminent domain land covered with water or an easement in the land in the city. The water-covered land must connect with or be near public navigable water other than nearby rivers in or near the city. The city council must first declare by resolution that the land must be taken to open, to lay out, or to improve a slip or other waterway. The taking may include damage, injury, or destruction to the water-covered land. The slip or waterway must lead into or connect with the public navigable water.

**History:** *(1500) 1905 c 213 s 1; 1976 c 44 s 61; 1985 c 265 art 8 s 1*

### 458.21 CONDEMNED LAND MUST BE PUBLIC WATER HIGHWAY.

Land acquired under section 458.20 must be held for use as a public water highway for the travel accommodation and passage of watercraft.

**History:** *(1501) 1905 c 213 s 2; 1985 c 265 art 8 s 1*

### 458.22 CITY TO ACT AS CITY GETTING BUILDING LINE EASEMENT.

When a city council acts to acquire land or an easement in land under section 458.20, it must act the way a city council does under sections 463.01 to 463.07.

**History:** *(1502) 1905 c 213 s 3; 1985 c 265 art 8 s 1*

### 458.23 LAND OR EASEMENT TO VEST IN CITY.

The city's taking and appropriation of the land for the purposes of sections 458.20 to 458.23 occurs when the proceedings are over and the awards are paid. At that time the land or the easement in the land for those purposes vests absolutely in the condemning city.

**History:** *(1503) 1905 c 213 s 4; 1985 c 265 art 8 s 1*

## HARBORS AND WHARVES IN CITIES OF FIRST CLASS

### 458.24 LAND MAY BE CONDEMNED FOR HARBORS AND WHARVES.

Subdivision 1. **Power.** A city of the first class may condemn lands for harbors, wharves, boat landings, and for the required canals and approaches to them and may levy taxes to pay damages and other expenses of the condemnation proceedings. The condemnation must be done under chapter 117.

Subd. 2. **Entry.** The city after filing and giving notice of the filing of the award under chapter 117, may enter on and appropriate the condemned land without giving a bond. If the entry and appropriation are made, the city is absolutely bound to pay damages awarded by the commissioners or by the court on appeal and the costs and expenses assessed against it. The payment must be made within the time limit in chapter 117.

Subd. 3. **No appeal bond.** If the city appeals from the commissioner's award, the city need not give or file an appeal bond.

**History:** *(1504) 1909 c 327 s 1; 1985 c 265 art 8 s 1*

**458.25 BUILD AND OPERATE WHARVES AND DOCKS; USER FEES.**

Subdivision 1. **Powers.** A city of the first class may:

(1) establish, construct, maintain, and operate public landings, public wharves and docks, and transfer railroad tracks, and loading, unloading, transfer and storage facilities, in or out of the city;

(2) acquire by condemnation or otherwise riparian or other lands and other rights and easements needed for a purpose in clause (1) and construct, maintain, and operate the buildings and warehouses needed for that purpose;

(3) lay and collect reasonable duties or wharfage fees on vessels coming to or using the landings, wharves or docks;

(4) regulate the use of other wharves and docks in the city and the rates of wharfage to be paid by vessels using them;

(5) dredge or deepen the harbor or river or a branch or portion of it;

(6) make and enforce reasonable rules for the protection and use of its properties in or out of the city and impose and enforce adequate penalties for the violation of the rules.

Subd. 2. **Chapter 117 applies.** Condemnation under this section must be done under chapter 117.

**History:** *(1504-1) 1921 c 363 s 1; 1976 c 44 s 62; 1985 c 265 art 8 s 1*

**458.26** [Repealed, 1976 c 44 s 70]

**458.27** [Repealed, 1976 c 44 s 70]

**458.28** [Repealed, 1976 c 44 s 70]

**458.29** [Repealed, 1976 c 44 s 70]

**458.30** [Repealed, 1976 c 44 s 70]

**458.31** [Repealed, 1976 c 44 s 70]

## LEVEES IN CITIES OF FIRST CLASS

**458.32 CITY MAY GET LEVEES ON STREAM IF CHANNEL MOVED.**

Subdivision 1. **Power.** A city of the first class may acquire levees by purchase or condemnation and may hold them. The levees must not be more than 200 feet wide and may be on either side or both sides of a navigable stream in the city. The levees may be acquired when the stream's channel is changed by the federal government.

Subd. 2. **Use.** The city may set aside part of the levees as the public needs require for travel. The city may devote the rest of the levees to uses the city council considers for the best interests of the city, allowing for any required use by the federal government.

**History:** *(1505) 1911 c 114 s 1; 1985 c 265 art 8 s 1*

### 458.33 ISSUANCE OF BONDS TO GET AND IMPROVE LEVEES.

A city of the first class may by ordinance adopted by a two-thirds vote of its entire council issue and sell bonds of the city of the par value of not more than $500,000 to help pay to acquire and improve the levees described in section 458.32.

**History:** *(1506) 1911 c 114 s 2; 1985 c 265 art 8 s 1*

### 458.34 LEVY FOR BONDS; DEBT LIMIT WAIVED; TAX LEVY.

Subdivision 1. **Beyond debt limit.** The bonds authorized by sections 458.32 to 458.35 may be issued and sold by the city even if the sale results in the bonded debt of the city exceeding a limit in its charter or in state law.

Subd. 2. **Pledge, levy.** The full faith and credit of the city must at all times be pledged to pay the bonds issued under sections 458.32 to 458.35, and to pay the current interest on the bonds. The city council shall each year include in its tax levy a sufficient amount to pay the interest as it accrues and to accumulate a sinking fund to redeem the bonds at their maturity.

**History:** *(1507) 1911 c 114 s 3; 1985 c 265 art 8 s 1*

### 458.35 TERM OF BONDS; SALE.

Bonds issued for the purposes mentioned in sections 458.32 to 458.34 must not run for a longer term than 30 years or bear a higher rate of interest than four percent per year, payable semiannually. The city council shall decide the place of payment of the principal and interest on the bonds and the denominations of the bonds. The bonds may be in the form of coupon bonds or registered certificates. The bonds must be signed by the mayor, be attested by the city clerk, be countersigned by the city comptroller, and be sealed with the city seal. The signatures on the coupons, if any, attached to the bonds may be lithographed. The bonds must not be sold at less than their par value plus accrued interest. The bonds must be sold to the highest responsible bidder.

**History:** *(1508) 1911 c 114 s 4; 1985 c 265 art 8 s 1*

## ROCK QUARRIES AND DOCKS IN CITIES OF FIRST CLASS

### 458.36 BONDS FOR QUARRIES AND DOCKS.

Subdivision 1. **Power; details.** The council of a city of the first class, for a purpose in sections 458.36 to 458.40, may issue from time to time as needed negotiable bonds of the city to a total amount of not more than $500,000. The council shall decide what denominations, place, and time of payment are best for the bonds. The bonds must be paid within ten years of their issue date. The bonds must be serial in form. One-tenth must be retired each year after issue. They must bear interest of not more than six percent per year payable semiannually, with interest coupons attached, payable at the place named on them. The city

council may also negotiate and sell the bonds from time to time to the highest bidder on the best terms that can be obtained for the bonds.

Subd. 2. **Par.** The bonds must not be sold for less than their par value plus accrued interest on them.

Subd. 3. **Charter prevails.** Sections 458.36 to 458.40 do not supersede a city charter provision for a voter's referendum on ordinances passed by the council. The sections also do not supersede a city charter provision making the action of the council subject to approval of a board of estimate and taxation or fixing a particular method to authorize bonds.

**History:** *(1600-1) 1925 c 64 s 1; 1985 c 265 art 8 s 1*

**458.37 TAX LEVY TO PAY BONDS.**

The full faith and credit of the issuing city must at all times be pledged to pay bonds issued under sections 458.36 to 458.40, and to pay the current interest on them. The city's council shall each year include in its tax levy a sufficient amount to pay the interest as it accrues.

A tax levy need not be made if the quarry and dock fund described in section 458.39 contains enough money to make the payment.

**History:** *(1600-2) 1925 c 64 s 2; 1985 c 265 art 8 s 1*

**458.38 ISSUE AND SALE OF BONDS.**

Bonds issued under sections 458.36 to 458.40 must be sealed with the city seal, signed by the mayor, attested by the city clerk, and countersigned by the city comptroller or city auditor. The signatures on the coupons, if any, attached to the bonds may be lithographed. The city council shall decide the manner of the sale and how much to sell of the amount authorized in sections 458.36 to 458.40.

**History:** *(1600-3) 1925 c 64 s 3; 1985 c 265 art 8 s 1*

**458.39 USE OF BOND PROCEEDS; QUARRY AND DOCK FUND.**

Subdivision 1. **Proceeds.** The proceeds of bonds issued and sold under sections 458.36 to 458.40 must be used only: to acquire by gift, purchase, or condemnation, a site containing rock; to remove and use the rock for a municipal purpose, especially to construct public grounds, public docks, harbor terminals, and a breakwater for protection of the grounds, docks, and terminals; to get and pay for equipment or machinery, tracks, and labor required to make the public improvements; and to clear rock obstructions from public highways near the public improvement sites.

Subd. 2. **Quantity of rock.** The city department in charge of removing and disposing of the rock shall record the exact amount of the rock or crushed rock made from it that is removed and used by the city on its highways, or sold to contractors for the same use, or used for making other improvements under city authority or franchise.

Subd. 3. **Quarry and dock fund.** If on its highways the city uses the rock or crushed rock made from it, then the city department that maintains the streets shall pay into the city's quarry and dock fund, money equal to what it would fairly spend for the material if obtained elsewhere in the city.

If the rock is sold to contractors making public improvements in the city, or under franchise from the city, then the money must also go into the quarry and dock fund. The money in the fund must be used only

to pay interest on the bonds and to retire and pay the principal of the bonds. A tax must not be levied unless there is a deficiency in the quarry and dock fund to pay the interest or principal.

If a tax is needed to make up for a deficit in the quarry and dock fund, the amount levied must be paid to the city's general fund out of proceeds of the quarry and dock fund as soon as there is enough money in the quarry and dock fund to make the payment.

**History:** *(1600-4) 1925 c 64 s 4; 1985 c 265 art 8 s 1*

**458.40 MUST VOTE TO ISSUE BONDS IF CHARTER SAYS SO.**

If a charter adopted under the Minnesota Constitution, article IV, section 36, article XI, section 4, or article XII, section 5, has a provision that requires the question of the issuance of bonds to be submitted to the electors, the provision prevails over sections 458.36 to 458.40.

**History:** *(1600-5) 1925 c 64 s 5; 1985 c 265 art 8 s 1; 1997 c 7 art 4 s 4*

**458.41** [Repealed, 1985 c 265 art 8 s 28]

**458.42** [Repealed, 1976 c 44 s 70]

**458.43** [Repealed, 1976 c 44 s 70]

**458.44** [Repealed, 1976 c 44 s 70]

**458.45** [Repealed, 1976 c 44 s 70]

## CITY PUBLIC DOCKS

**458.46 MAY GET AND FIX LAND FOR DOCKS; SET FEES; REGULATE.**

A city council may by a two-thirds vote of all its members acquire lands or lands covered with water or buildings, for sites for public passenger docks. The lands must be acquired by purchase or by condemnation under chapter 117. A site for a public dock must not be acquired unless the council decides by two-thirds vote of all its members that the dock site is needed. The council may improve sites acquired for public docks by building and maintaining suitable buildings and suitable piers on the land. The city may by ordinance provide for the regulation, control, and operation of the docks, buildings and piers, and fix fees for their use.

**History:** *1897 c 181 s 1; 1976 c 44 s 63; 1985 c 265 art 8 s 1*

**458.47** [Repealed, 1976 c 44 s 70]

**458.48** [Repealed, 1976 c 44 s 70]

**458.49** [Repealed, 1976 c 44 s 70]

**458.50** [Repealed, 1985 c 265 art 8 s 28]

**458.51** [Repealed, 1985 c 265 art 8 s 28]

**458.52** [Repealed, 1985 c 265 art 8 s 28]

**458.53** [Repealed, 1980 c 607 art 14 s 48]

**458.54** [Repealed, 1985 c 265 art 8 s 28]

**458.55** [Repealed, 1985 c 265 art 8 s 28]

**458.56** [Repealed, 1985 c 265 art 8 s 28]

**458.57** [Repealed, 1985 c 265 art 8 s 28]

**458.58** [Repealed, 1985 c 265 art 8 s 28]

## HARBOR RECLAMATION

### 458.59 RECLAIMING WASTED HARBOR LAND; SALE AND USE.

Subdivision 1. **Policy.** The use of submerged, eroded, or depleted tracts of land in harbors on navigable waters by a political subdivision or by a port authority to conserve, develop, reclaim, or protect the land so as to restore them to economic usefulness is a public use conferring a public benefit.

Subd. 1a. **If tax-forfeit land.** The commissioner of revenue may transfer such a tract forfeited to the state for taxes to a political subdivision or port authority for a purpose in subdivision 1 in accordance with section 282.01. A political subdivision or a port authority acquiring the lands may conserve, develop, reclaim or protect them in any manner considered suitable by its governing body. After restoring the lands to a state of economic usefulness, the political subdivision or port authority may use the lands itself, or lease them on any terms and conditions the governing body sees fit.

A lease of the lands must not be made without the approval of the governor and the state executive council.

Subd. 2. **Seaway harbor land.** State-owned tax-forfeited riparian or submerged lands located in harbors on the Great Lakes-St. Lawrence Seaway and lying within 1,500 feet of the established harbor line may be offered for sale or sold as tax-forfeited land under law. If the lands lie within a port district of a seaway port authority the offer for sale or sale must not be made without the approval by resolution of the seaway port authority and of the state executive council. This subdivision does not affect Laws 1963, chapter 827.

If the lands have been developed, improved or used for business or development purposes by persons, firms, or corporations who are using and occupying, and who have used and occupied, the property for business or development purposes for at least two years prior to sale, under a lease with the state or a governmental subdivision, then the person, firm, or corporation has the right, on the first day set for sale by the county auditor, to purchase the property at 125 percent of the appraised value.

**History:** *1957 c 849 s 10; 1965 c 473 s 1; 1973 c 582 s 3; 1985 c 265 art 8 s 1*

**458.60** [Repealed, 1985 c 265 art 8 s 28]

**458.70** [Repealed, 1987 c 291 s 244]

**458.701** [Repealed, 1987 c 291 s 244]

**458.702** [Repealed, 1987 c 291 s 244]

**458.703** [Repealed, 1987 c 291 s 244]

**458.711** [Repealed, 1987 c 291 s 244]

**458.712** [Repealed, 1987 c 291 s 244]

**458.713** [Repealed, 1987 c 291 s 244]

**458.72** [Repealed, 1987 c 291 s 244]

## CITY OF LAKE CITY HARBOR AND MARINA

### 458.73 POWER; FUND BY 40 YEAR CHAPTER 475 OBLIGATIONS.

Subdivision 1. **Facilities.** The city of Lake City, by its common council at the request of its waterfront board, may establish, acquire, construct, equip, lease, operate, maintain, extend, and improve a municipal harbor and marina at Lake Pepin and on land near the lake. Property owned by the city on October 21, 1965, may be used for this purpose. The harbor and marina facilities may include a harbor, docks and slips for watercraft, automobile parking areas, bathing beaches, bath houses, trailer parks, picnic and recreation areas, a harbor and marina office building, concession facilities, other facilities, and needed appurtenances for any of the facilities.

Subd. 2. **Obligations.** The city of Lake City, by its common council at the request of its waterfront board, may sell and issue special obligations of the city in an amount not to exceed $600,000. The obligations are to get money for capital spending under subdivision 1, and for needed or proper expenses incidental to the capital projects as determined by the council, and for interest on money borrowed for the capital spending during and for a reasonable time after construction. The obligations are payable solely from the revenues to come from operating the municipal harbor and marina. The obligations may mature at any time within 40 years of their date of issue. Before the obligations are delivered the council may make the pledges and covenants about them as it considers necessary or desirable. The council may pledge revenues from owning, leasing, and operating the facilities to pay the obligations.

Subd. 3. **Chapter 475 applies.** The obligations authorized in this section shall be sold and issued under chapter 475.

**History:** *1965 c 344 s 1-4; 1967 c 10 s 1; 1985 c 265 art 8 s 10*

**458.74** [Repealed, 1987 c 291 s 244]

**458.741** [Repealed, 1987 c 291 s 244]

**458.75** [Repealed, 1987 c 291 s 244]

**458.76** [Repealed, 1987 c 291 s 244]

**458.77** [Repealed, 1987 c 291 s 244]

**458.771** [Repealed, 1987 c 291 s 244]

**458.772** [Repealed, 1987 c 291 s 244]

**458.773** [Repealed, 1987 c 291 s 244]

**458.774** [Repealed, 1987 c 291 s 244]

**458.775** [Repealed, 1987 c 291 s 244]

**458.776** [Repealed, 1987 c 291 s 244]

**458.777** [Repealed, 1987 c 291 s 244]

**458.778** [Repealed, 1987 c 291 s 244]

**458.79** [Repealed, 1987 c 291 s 244]

**458.80** [Repealed, 1987 c 291 s 244]

**458.801** [Repealed, 1987 c 291 s 244]

**458.81** [Repealed, 1987 c 291 s 244]