CHAPTER 463

LINE EASEMENTS; HAZARDOUS OR SUBSTANDARD BUILDINGS

BUILDING LINE EASEMENTS

463.01 BUILDING LINES, EASEMENTS; EXISTING STRUCTURES.
463.02 GRANT, CONDEMNATION OR DEDICATION.
463.03 ALONG PARKS AND PARKWAYS.
463.04 CONDEMNATION PROCEEDINGS FOR BUILDING LINE EASEMENTS.
463.06 PLATS; ASSESSMENT COPY TO AUDITOR; COLLECTION, PAYMENT.
463.07 VACATION OF EASEMENT.

HAZARDOUS OR SUBSTANDARD BUILDINGS

463.15 DEFINITIONS.
463.151 REMOVAL BY MUNICIPALITY; CONSENT; COST.
463.152 EXERCISE OF EMINENT DOMAIN.
463.16 REPAIR OR REMOVE HAZARDOUS PROPERTY CONDITION.
463.161 ABATEMENT.
463.17 ORDER.
463.18 ANSWER.
463.19 DEFAULT CASES.
463.20 CONTESTED CASES.
463.21 ENFORCEMENT OF JUDGMENT.
463.22 STATEMENT OF MONEYS RECEIVED.
463.23 PAYMENT, TENDER, DEPOSIT IN COURT.
463.24 PERSONAL PROPERTY OR FIXTURES.
463.25 HAZARDOUS EXCAVATIONS.
463.251 SECURING VACANT BUILDINGS.
463.26 LOCAL ACTS AND CHARTER PROVISIONS.
463.261 RELOCATION BENEFITS.

BUILDING LINE EASEMENTS

463.01 BUILDING LINES, EASEMENTS; EXISTING STRUCTURES.

The council of any city, including any city of this state operating under a home rule charter adopted pursuant to the Constitution of the state of Minnesota, article 4, section 36, article XI, section 4, or article XII, section 5, may establish along any street or highway within such city a building line upon the land adjoining such street or highway, or any portion thereof, and distant not more than 50 feet from the margin of such street or highway, and may, in behalf of the city, acquire an easement in the land between such line and exterior street line, such that no buildings or structures shall be erected or maintained upon this land. Such easement shall be known as a building line easement. The governing body may, at the time they designate the easement to be acquired and define the line by which it is bounded, provide in the resolution designating such easement that buildings or structures or any portions of buildings or structures existing within the boundaries of the easement at that time may remain thereon for stated periods of time or remain thereon during the life of such buildings or structures or portions thereof, but no alteration of any such buildings or structures or portions thereof upon such easement shall be permitted after the designation of such easements, and when such buildings are removed no other buildings or structures shall be erected thereon. Such permission to maintain existing structures upon such easement shall be clearly defined as to time in such resolution and shall confer the right upon the owner of such buildings or structures or portions thereof to maintain the same as defined in such resolution.

History: *(1321-1) 1903 c 194 s 1; 1923 c 193 s 1; 1997 c 7 art 4 s 5*

463.02 GRANT, CONDEMNATION OR DEDICATION.

Such easement may be acquired by the council by purchase, by grant, or by condemnation. It may also be created by dedication by indicating such building line upon any plat hereafter recorded in the office of the county recorder of the county where the land lies; and the council shall have power to refuse to accept or approve plats of lands unless building lines are shown thereon.

History: *(1321-2) 1903 c 194 s 2; 1919 c 504 s 1; 1976 c 181 s 2*

463.03 ALONG PARKS AND PARKWAYS.

Any board of park commissioners having control of any park or parkway may in like manner acquire building line easements along the same, or any portion thereof.

History: *(1321-3) 1903 c 194 s 3*

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*

463.05 MS 1974 [Repealed, 1976 c 44 s 70]

463.06 PLATS; ASSESSMENT COPY TO AUDITOR; COLLECTION, PAYMENT.

As soon as such condemnation proceedings have been completed, it shall be the duty of such governing body to cause plats of such improvement to be made, which shall be copies of the original plat on file, with a list of the parcels of land taken and the amount paid on account of each parcel, and to file one of such plats and list duly certified by the president of the governing body and the clerk or secretary, as the case may be, in each of the following offices: The office of the city engineer, the office of the county recorder of the county, and the office of the city clerk or secretary of the park board, as the case may be; and the same shall be prima facie evidence of the full and complete condemnation and appropriation of such easement for the public use. As soon as the assessments are confirmed, the secretary of the board of park commissioners or the city clerk, or the court administrator of the district court, as the case may be, shall transmit a copy thereof duly certified, to the county auditor of the county in which the lands lie. The county auditor shall include the same in the next general tax list for the collection of state, county and city taxes, against the several tracts or parcels of land, and the assessments shall be collected with and as a part of, and shall be subject to the same penalties, costs and interest, as the general taxes. Such assessments shall be set down in the tax books in an appropriate column to be headed, "Building Line Assessments," and when collected a separate account thereof shall be kept by the county auditor, and the same shall be transmitted to the treasurer of the city, and placed to the credit of the proper fund.

History: *(1321-6) 1903 c 194 s 6; 1919 c 504 s 8; 1976 c 181 s 2; 1Sp1986 c 3 art 1 s 82*

463.07 VACATION OF EASEMENT.

The governing body shall have power at any time to vacate such building line easement or any portion thereof.

History: *(1321-7) 1903 c 194 s 7*

463.08 MS 1945 [Repealed, 1949 c 119 s 110]

463.09 MS 1967 [Repealed, 1976 c 44 s 70]

463.10 MS 1967 [Repealed, 1976 c 44 s 70]

463.11 MS 1967 [Repealed, 1976 c 44 s 70]

463.12 MS 1967 [Repealed, 1976 c 44 s 70]

463.13 MS 1967 [Repealed, 1976 c 44 s 70]

HAZARDOUS OR SUBSTANDARD BUILDINGS

463.15 DEFINITIONS.

Subdivision 1. **Coverage.** For purposes of sections 463.15 to 463.26 the terms defined in this section have the meanings given them.

Subd. 2. **Building.** "Building" includes any structure or part of a structure.

Subd. 3. **Hazardous building or hazardous property.** "Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Subd. 3a. **Municipality.** "Municipality" means a county, city, or town.

Subd. 4. **Owner, owner of record, and lienholder of record.** "Owner," "owner of record," and "lienholder of record" means a person having a right or interest in property described in subdivision 3 and evidence of which is recorded in the office of the county recorder or registrar of titles in the county in which the property is situated.

History: *1965 c 393 s 1; 1967 c 324 s 1; 1976 c 181 s 2; 1989 c 328 art 6 s 5,6; 2004 c 147 s 1; 2005 c 4 s 113*

463.151 REMOVAL BY MUNICIPALITY; CONSENT; COST.

The governing body of any municipality may remove or raze any hazardous building or remove or correct any hazardous condition of real estate upon obtaining the consent in writing of all owners of record, occupying tenants, and all lienholders of record; the cost shall be charged against the real estate as provided in section 463.21, except the governing body may provide that the cost so assessed may be paid in not to exceed five equal annual installments with interest thereon, at eight percent per annum.

History: *1967 c 324 s 2; 1974 c 341 s 1; 2004 c 147 s 2*

463.152 EXERCISE OF EMINENT DOMAIN.

Subdivision 1. **Purpose, public interest.** In order to maintain a sufficient supply of adequate, safe, and sanitary housing and buildings used for living, commercial, industrial, or other purposes or any combination of purposes, it is found that the public interest requires that municipalities be authorized to acquire buildings, real estate on which buildings are located, or vacant or undeveloped real estate which are found to be hazardous within the meaning of section 463.15, subdivision 3, and the acquisition of such buildings and real estate is hereby declared to be a public purpose.

Subd. 2. **Acquisition; procedure.** In furtherance of the public policy declared in subdivision 1, the governing body of any municipality may acquire any hazardous building, real estate on which any such building is located, or vacant or undeveloped real estate by eminent domain in the manner provided by chapter 117.

History: *1974 c 341 s 3; 1976 c 2 s 140; 2004 c 147 s 3*

463.16 REPAIR OR REMOVE HAZARDOUS PROPERTY CONDITION.

The governing body of any municipality may order the owner of any hazardous building or property within the municipality to correct or remove the hazardous condition of the building or property or to raze or remove the building.

History: *1965 c 393 s 2; 1973 c 123 art 5 s 7; 1989 c 328 art 6 s 7; 2004 c 147 s 4*

463.161 ABATEMENT.

In the manner prescribed in section 463.21 the governing body of any municipality may correct or remove the hazardous condition of any hazardous building or property; the cost of which shall be charged against the real estate as provided in section 463.21 except the governing body may provide that the cost so assessed may be paid in not to exceed five equal annual installments with interest therein, at eight percent per annum.

History: *1974 c 341 s 2; 1989 c 328 art 6 s 8; 2004 c 147 s 5*

463.17 ORDER.

Subdivision 1. **Contents.** The order shall be in writing; recite the grounds therefor; specify the necessary repairs, if any, and provide a reasonable time for compliance; and shall state that a motion for summary enforcement of the order will be made to the district court of the county in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in section 463.18.

Subd. 2. **Service.** The order shall be served upon the owner of record, or the owner's agent if an agent is in charge of the building or property, and upon the occupying tenant, if there is one, and upon all lienholders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon the owner by posting it at the main entrance to the building or, if there is no building, in a conspicuous place on the property, and by four weeks' publication in the official newspaper of the municipality if it has one, otherwise in a legal newspaper in the county.

Subd. 3. **Filing.** A copy of the order with proof of service shall be filed with the court administrator of district court of the county in which the hazardous building or property is located not less than five days prior to the filing of a motion pursuant to section 463.19 to enforce the order. At the time of filing such order the municipality shall file for record with the county recorder or registrar of titles a notice of the pendency

of the proceeding, describing with reasonable certainty the lands affected and the nature of the order. If the proceeding be abandoned the municipality shall within ten days thereafter file with the county recorder a notice to that effect.

History: *1965 c 393 s 3; 1976 c 181 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 328 art 6 s 9*

463.18 ANSWER.

Within 20 days from the date of service, any person upon whom the order is served may serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the order as are in dispute.

History: *1965 c 393 s 4*

463.19 DEFAULT CASES.

If no answer is served, the governing body may move the court for the enforcement of the order. If such a motion is made the court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the governing body may proceed with the enforcement of the order. The court administrator shall cause a copy of the judgment to be mailed forthwith to persons upon whom the original order was served.

History: *1965 c 393 s 5; 1Sp1986 c 3 art 1 s 82*

463.20 CONTESTED CASES.

If an answer is filed and served as provided in section 463.18, further proceedings in the action shall be governed by the Rules of Civil Procedure for the District Courts, except that the action has priority over all pending civil actions and shall be tried forthwith. If the order is sustained following the trial, the court shall enter judgment and shall fix a time after which the building must be destroyed or repaired or the hazardous condition removed or corrected, as the case may be, in compliance with the order as originally filed or modified by the court. If the order is not sustained, it shall be annulled and set aside. The court administrator of the court shall cause a copy of the judgment to be mailed forthwith to the persons upon whom the original order was served.

History: *1965 c 393 s 6; 1Sp1986 c 3 art 1 s 82; 1989 c 328 art 6 s 10*

463.21 ENFORCEMENT OF JUDGMENT.

If a judgment is not complied with in the time prescribed, the governing body may cause the building to be repaired, razed, or removed or the hazardous condition to be removed or corrected as set forth in the judgment, or acquire the building, if any, and real estate on which the building or hazardous condition is located by eminent domain as provided in section 463.152. The cost of the repairs, razing, correction, or removal may be: a lien against the real estate on which the building is located or the hazardous condition exists, or recovered by obtaining a judgment against the owner of the real estate on which the building is located or the hazardous condition exists. A lien may be levied and collected only as a special assessment in the manner provided by Minnesota Statutes 1961, sections 429.061 to 429.081, but the assessment is payable in a single installment. When the building is razed or removed by the municipality, the governing body may sell the salvage and valuable materials at public auction upon three days' posted notice.

History: *1965 c 393 s 7; 1974 c 341 s 4; 1989 c 328 art 3 s 3*

463.22 STATEMENT OF MONEYS RECEIVED.

The municipality shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, attorney's fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the municipality from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, and shall report its action under the order, with a statement of moneys received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account, and, if the amount received from the sale of the salvage, or of the building or structure, does not equal or exceed the amount of expenses as allowed, the court shall by its judgment certify the deficiency in the amount so allowed to the municipal clerk for collection. The owner or other party in interest shall pay the same, without penalty added thereon, and in default of payment by October 1, the clerk shall certify the amount of the expense to the county auditor for entry on the tax lists of the county as a special charge against the real estate on which the building or hazardous condition is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected shall be paid into the municipal treasury. If the amount received for the sale of the salvage or of the building or structure exceeds the expense incurred by the municipality as allowed by the court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into court, as provided in sections 463.15 to 463.26. If there are delinquent taxes against the property, the court shall direct the payment of the surplus to the county treasurer to be applied on such taxes.

History: *1965 c 393 s 8; 1974 c 329 s 1; 1989 c 328 art 6 s 11*

463.23 PAYMENT, TENDER, DEPOSIT IN COURT.

The net proceeds of a sale under section 463.21 or 463.24 shall be paid to persons designated in the judgment in the proportions as their interests shall appear therein. Acceptance of such payment shall be taken as a waiver of all objections to the payment and to the proceedings leading thereto on the part of the payee and of all persons for whom the payee is lawfully empowered to act. In case any party to whom a payment of damages is made be not a resident of the state, or the place of residence be unknown, or the party be an infant or other person under legal disability, or, being legally capable, refuses to accept payment, or if for any reason it be doubtful to whom any payment should be paid, the municipality may pay the same to the clerk, to be paid out under the direction of the court; and, unless an appeal be taken such deposit with the clerk shall be deemed a payment of the award.

History: *1965 c 393 s 9; 1986 c 444*

463.24 PERSONAL PROPERTY OR FIXTURES.

If any building ordered razed, removed, or made safe and sanitary by repairs contains personal property or fixtures which will unreasonably interfere with the razing, removal, or repair of such building, or if the razing or removal of the building makes necessary the removal of such personal property or fixtures, the original order of the governing body may direct the removal of such personal property or fixtures within a reasonable time. If the property or fixtures are not removed by the time specified, and the governing body subsequently desires to enforce a judgment under sections 463.15 to 463.26, it may sell the same at public auction as provided in section 463.21, or if without appreciable value, the governing body may destroy the same.

History: *1965 c 393 s 10*

463.25 HAZARDOUS EXCAVATIONS.

If in any municipality, an excavation for building purposes is left open for more than six months without proceeding with the erection of a building thereon, whether or not completed, or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, demolished or removed, the governing body may order such excavation to be filled or protected or in the alternative that erection of a building begin forthwith if the excavation is for building purposes. The order shall be served upon the owner or the owner's agent in the manner provided by section 463.17. If the owner of the land fails to comply with the order within 15 days after the order is served, the governing body shall cause the excavation to be filled to grade or protected and the cost shall be charged against the real estate as provided in section 463.21.

History: *1965 c 393 s 11; 1973 c 123 art 5 s 7; 1986 c 444; 2004 c 147 s 6*

463.251 SECURING VACANT BUILDINGS.

Subdivision 1. **Definitions.** The following terms have the meanings given them for the purposes of this section.

(a) "City" means a statutory or home rule charter city.

(b) "Neighborhood association" means an organization recognized by the city as representing a neighborhood within the city.

(c) "Secure" may include, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system.

Subd. 2. **Order; notice.** (a) If in any city a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the governing body may order the building secured and shall cause notice of the order to be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice, by delivering or mailing a copy to the owner or agent, the identified taxpayer, the holder of the mortgage or sheriff's certificate, and the neighborhood association, at the last known address. Service by mail is complete upon mailing.

(b) The notice under this subdivision must include a statement that:

(1) informs the owner and the holder of any mortgage or sheriff's certificate of the requirements of subdivision 3 and that costs may be assessed against the property if the person does not secure the building;

(2) informs the owner and the holder of any mortgage or sheriff's certificate that the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous; and

(3) notifies the holder of any sheriff's certificate of the holder's duty under section 582.031, subdivision 1, paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in section 582.032, subdivision 7.

Subd. 3. **Securing building by city; lien.** If the owner of the building or a holder of the sheriff's certificate of sale fails to either comply or provide to the governing body a reasonable plan and schedule to comply

with an order issued under subdivision 2 or to request a hearing on the order within six days after the order is served, the governing body shall cause the building to be properly secured and the cost of securing the building may be charged against the real estate as provided in section 463.21. In the metropolitan area, as defined in section 473.121, subdivision 2, the governing body may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion. The city may use rehabilitation and revitalization funds in implementing this section.

Subd. 4. **Emergency securing.** A city may provide by ordinance for emergency securing of a building that presents an immediate danger to the health and safety of persons in the community.

History: *1973 c 123 art 5 s 7; 1973 c 520 s 1; 1986 c 444; 1996 c 286 s 1; 2009 c 123 s 1,2; 2010 c 375 s 8*

463.26 LOCAL ACTS AND CHARTER PROVISIONS.

Sections 463.15 to 463.26 are supplementary to other statutory and charter provisions and do not limit the authority of any city to enact and enforce ordinances on the same subject.

History: *1965 c 393 s 12; 1973 c 123 art 5 s 7*

463.261 RELOCATION BENEFITS.

Notwithstanding the provisions of section 117.56, or any other law to the contrary, all acquisitions of buildings and real estate upon which buildings are located by governmental subdivisions pursuant to the exercise of the power of eminent domain as provided in section 463.152 shall be acquisitions for the purposes of sections 117.50 to 117.56.

History: *1974 c 341 s 5; 1976 c 2 s 141*