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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 3221

March 1, 2010

Authored by Holberg

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to transportation; amending certain town road extinguishment
1.3 nullification procedures; amending Laws 2008, chapter 287, article 1, section
1.4 122.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Laws 2008, chapter 287, article 1, section 122, is amended to read:

1.7 Sec. 122. NULLIFICATION OF EXPEDITED TOWN ROAD
1.8 EXTINGUISHMENT.

1.9 (a) Any extinguishment of town interest in a town road under Minnesota Statutes,
1.10 section 164.06, subdivision 2, is hereby nullified if:

1.11 (1) the interest was not recorded or filed with the county recorder but was recorded
1.12 or filed with the county auditor prior to 1972;

1.13 (2) the state or a political subdivision has constructed or funded a road or bridge
1.14 improvement on a right-of-way affected by the interest;

1.15 (3) the affected road was the only means of access to a property;

1.16 (4) the extinguishment took place within the last ten years; and

1.17 (5) a person whose only access to property was lost because of the extinguishment
1.18 files a petition of a nullification with the town board stating that the person's property
1.19 became landlocked because of the extinguishment and that the road satisfies all of the
1.20 requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or
1.21 recorded with the county auditor must be attached to the petition. The town shall file the
1.22 petition with the county auditor and record it with the county recorder.

1.23 (b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and
1.24 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to

2.1 be a cartway. No additional damages or other payments may be required other than those
2.2 paid at the time the fee interest was originally acquired and the order filed with the county
2.3 auditor. A cartway created by this paragraph may be converted to a private driveway
2.4 under Minnesota Statutes, section 164.08, subdivision 2.

2.5 (c) For purposes of this section, "affected road" means the road in which the town
2.6 board extinguished its interest.

2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.