

cess, and before preparation of any detailed technical plans for the extension of municipal services into an unincorporated area, a city shall meet at least once with the town board of the affected area and the county planning commission, in joint session, to review the plans and consider the comments of the town board and the county planning commission. The city may thereafter proceed to undertake the proposed extension in accordance with applicable law. Any duly organized sewer district or sanitary district created pursuant to special law or pursuant to chapters 115, 116A, or 473C, or section 378.31, is not affected by this act.

Sec. 2. **[471.591]** **[Subd. 2.]** For the purposes of this act, "municipal service" means sewer, water, electrical, or other utility service.

Sec. 3. This act is effective on the day following final enactment.

Approved April 11, 1974.

CHAPTER 531—H.F.No.3129
[Coded]

An act relating to natural resources; authorizing the commissioner of natural resources to acquire conservation restrictions by gift, purchase or exchange.

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

Section 1. [84.64] NATURAL RESOURCES; CONSERVATION RESTRICTIONS; ACQUISITION BY COMMISSIONER OF NATURAL RESOURCES. Subdivision 1. The commissioner of natural resources, in the name of the state, may acquire by gift, purchase or exchange, conservation restrictions with funds specifically made available for that purpose.

Subd. 2. For the purpose of this section, a "conservation restriction" means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land or in any order of taking, appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, or as suitable habitat for fish and wild life, to forbid or limit any or all:

(a) **STRUCTURES.** Construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground.

(b) **LANDFILL.** Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials.

Changes or additions indicated by underline deletions by ~~strikeout~~

(c) **VEGETATION.** Removal or destruction of trees, shrubs or other vegetation.

(d) **LOAM, GRAVEL, ETC.** Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface.

(e) **SURFACE USE.** Surface use except for purposes permitting the land or water area to remain predominately in its natural condition.

(f) **ACTS DETRIMENTAL TO CONSERVATION.** Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or fish and wild life habitat preservation, or

(g) **OTHER ACTS.** Other acts or uses detrimental to such retention of land or water areas.

Sec. 2. [84.65] CONSERVATION RESTRICTIONS; EFFECT OF RECORDING; RELEASE OF RESTRICTIONS; ENFORCEMENT. Subdivision 1. No conservation restriction as defined in section 1 held by the commissioner of natural resources shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land. All restrictions shall be duly recorded and indexed in the office of the register of deeds or the registrar of titles for the county where the land lies so as to affect its title, in the manner of other conveyances of interests in land, and shall describe the land subject to the restrictions by adequate legal description or by reference to a recorded plat showing its boundaries.

Subd. 2. The restriction may be enforced by injunction and shall entitle representatives of the holder of it to enter the land in a reasonable manner and at reasonable times to assure compliance.

Subd. 3. The restriction may be released, in whole or in part, by the holder for consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, subject, to conditions as may have been imposed at the time of creation of the restriction.

Subd. 4. This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable. Nothing in this section or section 1 shall diminish the powers granted by law to the commissioner of natural resources or to any other state agency or political subdivision to acquire by purchase, gift, eminent domain or otherwise and to use land for public purposes.

Approved April 11, 1974.

Changes or additions indicated by underline deletions by ~~strikeout~~