

INTRODUCTION TO EMINENT DOMAIN IN MINNESOTA

COURSE OUTLINE

- I. Legal underpinnings of power of eminent domain
 - a. U.S. Const., Amend. V.
 - b. Inherent power, not enumerated power
 - c. *Kelo v. City of New London* and scope of eminent domain power
- II. What is “public use”?
 - a. *Kelo* and statutory reform that followed
 - b. Public uses before and after 2006 eminent domain reform
- III. Procedure
 - a. Public Use determination phase
 - i. Pre-petition
 - ii. Petition and hearing on petition
 1. Judicial review of condemning authority’s determinations of public use and necessity
 2. Illustrative cases
 - b. Compensation phase
 - i. “Quick-take” procedure
 - ii. Commissioners and their hearings
 - iii. What is “Just Compensation”?
 1. Fair market value
 2. Partial takings
 - iv. “Appeal” from commissioners’ award and jury trial