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EMINENT DOMAIN - MINNESOTA

Great River Energy v. Swedzinski

Court of Appeals of Minnesota - March 31, 2014 - Not Reported in N.W.2d - 2014 WL 1272381

Appellants are public utilities engaged in the business of generating and transmitting electric power throughout Minnesota, North Dakota, South Dakota, and Wisconsin. Under the name “CapX2020,” appellants have undertaken to construct a 345 kilovolt high voltage transmission line from Brookings, S.D. to Hampton, MN. The Minnesota Public Utilities Commission (MPUC) issued appellants the required certificate of need and route permit for the power line, thereby authorizing appellants to exercise their eminent-domain powers to acquire the right-of-way for the project.

In August 2012, appellants initiated a condemnation action, seeking to acquire easements for the power-line project. In October 2012, respondent landowners notified appellants of their “buy-the-farm” election under [Minn.Stat. § 216E.12, subd. 4 \(2012\)](#), requiring appellants to acquire fee title to their 218.85 acres of land instead of taking only the 8.86 acre easement needed for the project.

The District Court granted landowner’s buy-the-farm election. Appellants appealed the election, arguing that the District Court failed to consider the law’s reasonableness requirement, given that the total amount of respondents’ land was so much greater than the actual amount of land needed for the power line easement. The Court of Appeals affirmed the election, finding that it fell within the provisions of the statute.