

1.1 A bill for an act

1.2 relating to real property; regulating interests related to wind energy developments;
1.3 amending Minnesota Statutes 2006, section 500.30.

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

1.5 Section 1. Minnesota Statutes 2006, section 500.30, is amended to read:

1.6 **500.30 SOLAR OR WIND EASEMENTS.**

1.7 Subdivision 1. ~~Solar easement~~ Definitions. (a) "Solar easement" means a right,
1.8 whether or not stated in the form of a restriction, easement, covenant, or condition, in
1.9 any deed, will, or other instrument executed by or on behalf of any owner of land or
1.10 solar skyspace for the purpose of ensuring adequate exposure of a solar energy system as
1.11 defined in section 216C.06, subdivision 17, to solar energy.

1.12 ~~Subd. 1a. Wind easement.~~ (b) "Wind easement" means a right, whether or not
1.13 stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or
1.14 other instrument executed by or on behalf of any owner of land or air space for the purpose
1.15 of ensuring adequate exposure of a wind power system to the winds.

1.16 (c) "Wind agreement" means an easement, lease, option, or other agreement, or
1.17 any combination thereof, that creates an interest in a tract of land to develop, construct,
1.18 or operate a wind power system.

1.19 Subd. 2. **Like any conveyance.** Any property owner may grant a solar or wind
1.20 easement in the same manner and with the same effect as a conveyance of an interest in
1.21 real property. The easements shall be created in writing and shall be filed, duly recorded,
1.22 and indexed in the office of the recorder of the county in which the easement is granted.
1.23 No duly recorded easement shall be unenforceable on account of lack of privity of estate
1.24 or privity of contract; such easements shall run with the land or lands benefited and

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2.1 burdened and shall ~~constitute a perpetual easement, except that an easement may~~ terminate
2.2 upon the conditions stated therein or pursuant to the provisions of section 500.20.

2.3 Subd. 3. **Required contents.** Any deed, will, or other instrument that creates a solar
2.4 or wind easement shall include, but the contents are not limited to:

2.5 (a) a description of the real property subject to the easement and a description of the
2.6 real property benefiting from the solar or wind easement; and

2.7 (b) for solar easements, a description of the vertical and horizontal angles, expressed
2.8 in degrees and measured from the site of the solar energy system, at which the solar
2.9 easement extends over the real property subject to the easement, or any other description
2.10 which defines the three dimensional space, or the place and times of day in which an
2.11 obstruction to direct sunlight is prohibited or limited;

2.12 (c) a description of the vertical and horizontal angles, expressed in degrees, and
2.13 distances from the site of the wind power system in which an obstruction to the winds
2.14 is prohibited or limited;

2.15 (d) any terms or conditions under which the easement is granted or may be
2.16 terminated;

2.17 (e) any provisions for compensation of the owner of the real property benefiting
2.18 from the easement in the event of interference with the enjoyment of the easement, or
2.19 compensation of the owner of the real property subject to the easement for maintaining
2.20 the easement;

2.21 (f) any other provisions necessary or desirable to execute the instrument.

2.22 Subd. 4. **Development required.** A wind agreement on a property shall terminate
2.23 five years after the date the wind agreement is entered into if a wind energy project on the
2.24 property to which the wind agreement applies does not begin commercial operation within
2.25 five years of the date the wind agreement is entered into.

2.26 Subd. 5. **Term limited.** The term of any wind agreement shall not exceed 50 years.

2.27 Subd. 6. **Severance of wind energy rights limited.** An interest in a wind resource
2.28 created by a wind agreement on a tract of land may not be severed from the surface estate.

2.29 Subd. ~~4~~ **7. Enforcement.** A solar or wind easement may be enforced by injunction
2.30 or proceedings in equity or other civil action.

2.31 Subd. ~~5~~ **8. Depreciation, not appreciation counted for taxes.** Any depreciation
2.32 caused by any solar or wind easement which is imposed upon designated property, but
2.33 not any appreciation caused by any easement which benefits designated property, shall be
2.34 included in the net tax capacity of the property for property tax purposes.