

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1281

Introduced by

Representatives Aarsvold, Rennerfeldt, Torgerson

Senators Lips, Robinson, Urlacher

1 A BILL for an Act to amend and reenact section 24-01-28 of the North Dakota Century Code,
2 relating to vacating land taken or acquired for highway purposes.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 24-01-28 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **24-01-28. Vacating highways by director - Sale of property.** The director may
7 vacate any land or part thereof, or rights in land taken or acquired for highway purposes under
8 the provisions of this title, by executing and recording a deed thereof, and ~~said~~ the vacation
9 revests the title to the land or rights in the persons, their heirs, successors, or assigns, in whom
10 it was vested at the time of the taking. As oil, gas, and fluid minerals are not a part of and
11 essential for highway purposes, all such rights heretofore taken, if any, are hereby vacated and
12 returned to the person or persons in whom the title was vested at the time of taking, their heirs,
13 administrators, executors, or assigns. Such reconveyance is subject to any existing contracts
14 or agreements covering ~~such~~ the property, and all rights and benefits thereof accrue to the
15 grantee. The governor, on recommendation of the director, may sell and convey on behalf of
16 the state the interests of the state in property acquired by purchase under this title and deemed
17 no longer necessary for the purposes thereof, and the proceeds of ~~such~~ the sale so far as
18 practicable must be credited to the funds from which ~~such~~ the purchase was made originally.
19 With the consent of the persons, their heirs, successors, or assigns in whom the title or rights to
20 the land were vested at the time of the purchase or acquisition, the director may vacate land
21 acquired by purchase under this title which is deemed no longer necessary for highway
22 purposes and which the director has determined that the cost of the sale exceeds the estimated
23 value of the property, by executing and recording a deed thereof, and the vacation revests the
24 title to the land or rights in those persons, their heirs, successors, or assigns.