

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1302

Introduced by

Representatives M. Nelson, P. Anderson, Becker, Simons

1 A BILL for an Act to create and enact a new section to chapter 32-15 of the North Dakota
2 Century Code, relating to the sale of property acquired by eminent domain or acquired when the
3 property was eligible for taking by eminent domain, but no longer needed for a public purpose;
4 ~~and to amend and reenact section 24-01-28 of the North Dakota Century Code, relating to~~
5 ~~vacating property acquired through eminent domain for highways.~~

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

7 ~~— **SECTION 1. AMENDMENT.** Section 24-01-28 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~— **24-01-28. Vacating highways by director -- Sale of property.**~~

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

1 ~~which is deemed no longer necessary for highway purposes and which the director has-~~
2 ~~determined that the cost of the sale exceeds the estimated value of the property, by executing-~~
3 ~~and recording a deed thereof, and the vacation reverts the title to the land or rights in those-~~
4 ~~persons, their heirs, successors, or assigns.~~

5 **SECTION 1.** A new section to chapter 32-15 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Sale of property ~~no longer needed~~not used for original purpose.**

8 When property ~~is~~ acquired by the state or a political subdivision through eminent domain ~~or-~~
9 ~~property otherwise acquired by the state or a political subdivision when the property was eligible-~~
10 ~~for taking by eminent domain is no longer needed~~but not used for the purpose for which it was
11 acquired ~~or another purpose for which eminent domain may be exercised~~, the person from
12 whom it was acquired ~~or that person's heirs or assignees~~ must be given an opportunity to
13 purchase the property. The purchase price must equal the just compensation paid for the
14 property minus any attorney's fees and court costs the purchaser incurs in the new transaction
15 or incurred challenging the original acquisition. If the opportunity to purchase the property is
16 declined, the property must be sold at auction, and the mineral rights, if acquired through
17 eminent domain for the same purpose, must revert to the person from whom the rights were
18 acquired.