

Industry and Business

RE: SB2356

February 3, 2025

By: Melissa Vachal

Mountrail County Recorder, Mountrail County P&Z Director

Good Morning Senator Barta and Committee Members.

For the record I am Melissa Vachal, Mountrail County Recorder and Mountrail County Planning & Zoning Director. I am writing to you today in opposition on SB2356 and would appreciate a DO NOT PASS recommendation

The impacts of this bill are very concerning and not good for many county offices but also for the buyer of all property.

Who, wants to buy a parcel of land on a metes and bounds description and not know their actual property lines? Years ago, land was described in the deed as 100 feet from the blue shed, north 50 feet to the slough, south 50 feet to the side walk and 100 feet west back to the blue shed. Unfortunately, this metes and bounds description really shouldn't be used as the blue shed has been taken down and the slough has dried up and the side walk has been moved by not making the seller plat this property, how will the buyer know where his property lines are.

This bill would allow for the metes and bounds to be used for many years to come by allowing the deed to have the legal description from a prior deed be used and no solid lines will be defined.

In my 18 years as being County Recorder I've seen many of these metes and bounds descriptions given deed after deed. The Recorder's office only records a document if transferred by the Auditor's office and should the Auditor see that this metes and bounds needs to be platted then they do not transfer and we cannot record. There is a cleaner process and yes it may take the seller or buyer a little more process time but, in the end, we would have a clear title of property lines. There will be pins placed on the property showing where their corners are located. Then there will be no question to when they build that they will be within those lines.

If you allow a metes and bounds to continue to be used over and over there will be no reason a surveyor will need to be out placing pins for lines. Our program in the recorders office doesn't allow for us to put a metes and bounds description into it clearly but does allow us to put surveyed and platted outlots that describe a specific location based upon what the metes and bounds description.

Our Planning and Zoning office plays a big roll into making sure Outlots are on the records correctly. But without the platting process we do not get the outlot number or Auditors lot number. On the Planning and Zoning process, platting is very important so that we don't have subdivisions popping up all over the country or lots that should be given splits or if a business purchases land from a farmer/rancher, with the surveying and platting of an outlot the zoning process is able to be followed correctly.

By requiring a parcel of land to become platted at the time of the sale the lots makes sense for all parties. NDCC 57.02-39 allows the Auditor's office to require a metes and bounds description to be platted. Mountrail County implemented the platting process years ago due to issues with metes and bounds. Proper platting also allows for many entities to make sure the acreage is correct for setbacks but also can be drawn in correctly on the GIS program and locatable in the Records office by a surveyed and recorded outlot, not a metes and bounds description.

For these reasons I ask for a DO NOT PASS recommendation on SB 2356

Thank you again for your time and consideration.

Melissa Vachal

Mountrail County Recorder/Mountrail County Planning & Zoning Director