

Fifty-fifth  
Legislative Assembly  
of North Dakota

**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 The director may vacate land acquired by purchase under this title which is deemed no longer  
20 necessary for highway purposes and which the director has determined has no value, by  
21 executing and recording a deed thereof, and the vacation revests the title to the land or rights in  
22 the persons, their heirs, successors, or assigns in whom it was vested at the time of the  
23 purchase or acquisition.