

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~~purchased  
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 2.** 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.**

8       When property 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 for the purpose for which it was acquired or  
11 another purpose for which eminent domain may be exercised, the person from whom it was  
12 acquired or that person's heirs or assignees must be given an opportunity to purchase the  
13 property. The purchase price must equal the just compensation paid for the property minus any  
14 attorney's fees and court costs the purchaser incurs in the new transaction or incurred  
15 challenging the original acquisition. If the opportunity to purchase the property is declined, the  
16 property must be sold at auction.