

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2201

2001 SENATE JUDICIARY  
SB 2201

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2201

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 23rd, 2001

Tape Number	Side A	Side B	Meter #
1	X		0-15.5
January 30th, 2001 (tape 1&20)		X	37.9
tape 2	X		0-8.5
Committee Clerk Signature			

Minutes: **Senator Watne** opened the hearing on SB 2201: A BILL FOR AN ACT TO PROVIDE FOR THE REMOVAL OF A FUTURE INTEREST AND A COVENANT FROM DEEDS TRANSFERRING LAND FROM THIS STATE TO THE DEVILS LAKE PUBLIC SCHOOL DISTRICT NO. 1.

**Senator Traynor**, introduced this bill at the request of the Devils Lake Public School Superintendent to obtain deeds from the state. State had placed covenants on these deeds. If these deeds weren't used for education purposes they were to be reverted back to the state. The school would like to build houses on this land and sell them to 3rd parties. There are too many covenants which restricts this from happening. SB 2201 addresses this issue. (Testimony attached)

**Ronald P. Bommersbach, Supt., for Devil's Lake Public School.** (Testimony attached)

**Senator Nelson**, I would like to see what the land looks like around the school? How saleable is the land going to be if its between two institutions?

Page 2

Senate Judiciary Committee

Bill/Resolution Number SB 2201

Hearing Date January 23rd, 2001

**Senator Watne**, how much land is involved?

**Senator Traynor** 50 acres. Both deeds also have mineral reservations, Legislative Council was wondering if it was accessible.

**Senator Watne** 50 acres.

**Senator Bercier** is there any part of testimony that may allude to them developing a housing tract.

**Senator Traynor** possible that a program may be expanded.

**Senator Bercier** Their vocational program would sell and lease the houses?

**Senator Traynor** the house would not be moved.

**Senator Bercier** the houses could be reverted to school dorms.

**Senator Traynor** they want the restrictions released to.

**Senator Dever** does 30,000 dollars represent full market value?

**Senator Traynor** I'm looking at the bill that authorized the land to be sold in 1989. Which states that the land will be sold for appraised price.

**Senator Watne** is there an appraised price?

**Senator Traynor** yes.

**Senator Nelson** this land, how is it zoned?

**Senator Watne** agriculture. **Senator Watne** then closed the hearing until further information on SB 2201 could be obtained.

January 30th, 2001 tape 1 side 1 meter #37.9

**Ron Bommersbach**, Superintendent of Schools for the Devil's Lake Public School District.

Testifies in support of SB 2201. (testimony attached) Discussion on the use of land ensued by the committee and the intention of its use.

Page 3

Senate Judiciary Committee

Bill/Resolution Number SB 2201

Hearing Date January 23rd, 2001

**Senator Traynor** closed the hearing on SB 2201.

**MOTION MADE BY SENATOR WATNE TO DO PASS, SECONDED BY SENATOR  
TRENBEATH. VOTE INDICATED 7 YEAS, 0 NAYS AND 0 ABSENT AND NOT  
VOTING. SENATOR TRAYNOR VOLUNTEERED TO CARRY THE BILL.**

Date: 1/31/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2201

Senate Judiciary Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Watne Seconded By Trenbeath

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.	X	
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Traynor

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
January 31, 2001 4:38 p.m.

**Module No: SR-17-2046**  
**Carrier: Traynor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2201: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS**  
**(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the**  
**Eleventh order on the calendar.**

2001 HOUSE NATURAL RESOURCES

SB 2201



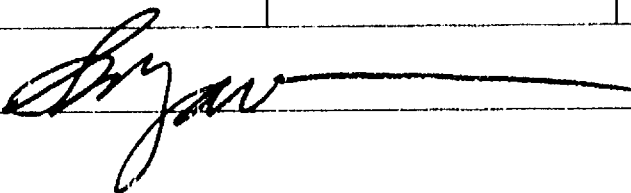
## 2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2201

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 2, 2001

Tape Number	Side A	Side B	Meter #
1	x		1 to 2030
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Klein, Rep. Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: I will call the Natural Resources Committee to order. Will you call the roll. I will open the hearing on SB 2201.

Sen. Traynor - District 15: I introduced SB 2201 at the request of the administration of the Devils Lake School District. The school district acquired property from the state of ND in 1989 and 1975. The property was originally part the ND School for the Deaf. It was not longer needed by the school for the deaf so the school district negotiated for the acquisition of the property. There's been a lot of development on the property since then. The new Devils Lake High School, the Sports Center, the Burdick Ice Arena and the new football field. In the 2 conveyances, the deeds had certain restrictions and reservations. A lot of which was if the property was no longer

used for school purposes the title would revert to the state of ND. Other reservations included the mineral reservations and a provision that students from the ND School for the Deaf could use whatever facilities were directed on the property. The relationship between the Devils Lake School and the School for the Deaf has been excellent for years. Students use both facilities at ease. Now the school district has a plan in their vocational program as well as in the new Outlooks Program to build some house on the property. These formerly were built and then moved off, now the plan is to actually develop this in a residential context and to sell the land with the house. Because they need to sell the land and convey a good title, we have to get rid of the restrictions in the deed. That is what the bill calls for, the removal of the restrictions. It would require another deed from the state. I think really the restrictions are rather meaningless, but they are a cloud on the title. Any third party that bought a house there, wouldn't want to buy it with all of these covenants on the title. It would render the title unmerchantable in a commercial sense. That is the purpose of the bill. It address both deeds. The superintendent of schools is here to explain the details.

Chairman Rennerfeldt: Are there any questions of the committee?

Vice Chair Nelson: So the school district will develop this land and these homes will be placed there. What are you hearing from the construction and real estate people in Devils Lake? Are they fully behind this?

Sen. Traynor: I haven't heard any opposition. It has been well publicized in our community.

Rep. Weiler: On section three of the bill, the mineral rights and all that need to be deeded back? Those need to be deeded to the Devils Lake... The state owns them now?

Sen. Traynor: There is no mineral activity in our area at all.

Rep. DeKrey: How about the School for The Deaf kids? Are they going to have full access to all this?

Sen. Traynor: The School for the Deaf administration is in full agreement with what we are doing here.

Chairman Rennerfeldt: This is just on the land where the houses are?

Sen. Traynor: No, it would be all the land, the reservation about using for school purposes, as I said, it is kind of obsolete. Those huge buildings there could only be used for school purposes.

Chairman Rennerfeldt: Any questions?

Ron Bommersbach - Devils Lake Public Schools: I am here to supply testimony in favor of SB 2201. (See written testimony and maps).

Rep. DeKrey: It has been interesting to watch that develop through the years, when I was there, the FFA used to farm that land and the school board found out how much money they were making and then they rented it out.

Rep. Drovdal: When the state has sold land in the past, I think they have generally kept the mineral acres underneath that land. Is there a particular reason we are treating these mineral acres different?

Bommersbach: I don't know if it would make it difficult for a new home owner to buy, if there was any kind of restriction on that land at all. I would suspect it would make it a bit suspect if there was any kind of restriction on there.

Vice Chair Nelson: How many units do you plan on developing in these areas?

Bommersbach: We have sort of a tentative plot, especially for the one located by the football field. We are looking at putting the New Outlooks on that triangular portion. We would have room to put 3 or 4 houses on there as well. On the one located by the football field we could

perhaps get up to eight house on there. We have a real problem with that though in that the city has not run any water or sewer to that area at all. So in order for us to be able to build anything on site there, we would initially have to work up the city to run that. We would probably have to sell a lot in order to get the money to do that. I would think we might be able to get up to eight house on there.

Vice Chair Nelson: Is there water and sewer in that trailer court to the west of there?

Bommersbach: Yes.

Vice Chair Nelson: Is there any restriction in that area as far as basements? And looking at the vocational training, would you expand your program to include like constructing basements and things like that?

Bommersbach: Not initially. We have that done because of the short building time. They need to have the basement done before they start the school year so they can get the walls up and then do interior over the winter.

Vice Chair Nelson: Basically you would still be doing one unit per year?

Bommersbach: One a year, or we don't know if we would even do one every year. Sometimes we get requests to do other kinds of buildings. We had a number of requests for cabins. That venture could be a fifteen year project. It does give us some good options for the kids.

Vice Chair Nelson: You do have a vocational agreement with the School for the Deaf so they do share the vocational program?

Bommersbach: They share all of our programs K-12.

Chairman Rennerfeldt: Any further questions of the committee? Anyone else here to testify in favor of SB 2201? Is there any opposition? If not, I will close the hearing on SB 2201.

Rep. DeKrey: I move a Do Pass.

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House Natural Resources Committee

Bill/Resolution Number SB 2201

Hearing Date March 2, 2001

Rep. Porter: I second.

Chairman Rennerfeldt: Any further discussion? Call the roll.

**MOTION FOR A DO PASS**

**YES, 13        NO, 0**

**2 ABSENT AND NOT VOTING**

**CARRIED BY REP. BREKKE**

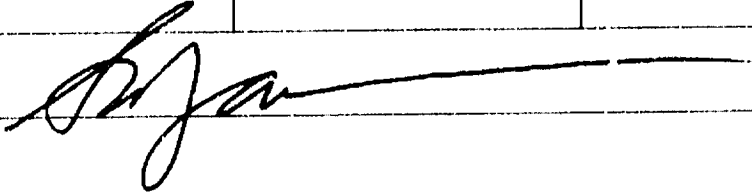
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2201

House Natural Resources Committee

☐ Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
2		x	3800 to 4265
Committee Clerk Signature 			

Minutes:

Chairman Earl Rennerfeldt, Vice Chair Jon O. Nelson, Rep. Brekke, Rep. DeKrey, Rep. Drovdal, Rep. Galvin, Rep. Keiser, Rep. Klein, Rep. Nottestad, Rep. Porter, Rep. Weiler, Rep. Hanson, Rep. Kelsh, Rep. Solberg, Rep. Winrich.

Chairman Rennerfeldt: Let's finish up on SB 2201.

Rep. Drovdal: I move to reconsider the action on SB 2201.

Rep. Porter: I second.

Chairman Rennerfeldt: I have a motion to reconsider and a second. All in favor signify by saying Aye. Opposed? Motion carries.

Rep. Weiler: The amendments for SB 2201 are pretty simple. The state when they transfer lands to an entity or anything to my knowledge have never handed over the minerals as well. The amendment simply keeps the minerals in the states hands.

Page 2

House Natural Resources Committee

Bill/Resolution Number SB 2201

Hearing Date March 15, 2001

Rep. Droydal: The minerals we are talking about are not just the minerals under the 7 acres, but under the original land transfer which is forty acres. I did talk to the primary sponsors and they didn't object.

Rep. Keiser: Move the adoption of the amendment.

Vice Chair Nelson: I second.

Chairman Rennerfeldt: Any discussion on the amendments? If not signify by saying Aye.

Opposed? Amendments carry.

Rep. Keiser: I move to Do Pass as Amended.

Vice Chair Nelson: I second.

Chairman Rennerfeldt: Any further discussion on the bill as amended. If not call the roll for a Do

Pass.

**MOTION FOR A DO PASS AS AMENDED**

**YES, 15      NO, 0**

**CARRIED BY REP. BREKKE**

10038.0301  
Title.0400

Prepared by the Legislative Council staff for  
Representative Weiler  
March 7, 2001

VR  
3/15/01

**HOUSE AMENDMENTS TO SB 2201** **HOUSE NATURAL RESOURCES** **03/16/01**  
Page 2, line 7, remove "Any transfer or transaction under section 1 or 2 of this Act of land that  
is"

Page 2, remove line 8

Page 2, line 9, remove "the property and gravel, clay, and scoria."

Renumber accordingly



Date: 3/02/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2201

House Natural Resources Committee

☐ Subcommittee on \_\_\_\_\_

or

☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO Pass

Motion Made By Rep. DeKrey Seconded By Rep. Porter

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Joni O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvan Solberg	✓	
David Droydal	✓				
Pat Galvin	✓				
George Keiser					
Frank Klein	✓				
Darrell D. Nottestad					
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Brekke

If the vote is on an amendment, briefly indicate intent:

Date: 3/15/01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2201

House Natural Resources Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO Pass as Amended

Motion Made By Rep. Keiser Seconded  
By Rep. Nelson

Representatives	Yes	No	Representatives	Yes	No
Earl Rennerfeldt - Chairman	✓		Lyle Hanson	✓	
Jon O. Nelson - Vice Chairman	✓		Scot Kelsh	✓	
Curtis E. Brekke	✓		Lonnie B. Winrich	✓	
Duane DeKrey	✓		Dorvar Solberg	✓	
David Drovdal	✓				
Pat Galvin	✓				
George Keiser	✓				
Frank Klein	✓				
Darrell D. Nottestad	✓				
Todd Porter	✓				
Dave Weiler	✓				

Total (Yes) 15 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. Burke

If the vote is on an amendment, briefly indicate intent:

Mineral Rights

**REPORT OF STANDING COMMITTEE (410)**  
March 16, 2001 12:15 p.m.

Module No: HR-45-5820  
Carrier: Brække  
Insert LC: 10038.0301 Title: .0400

**REPORT OF STANDING COMMITTEE**

**SB 2201: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Sixth order on the calendar.**

Page 2, line 7, remove "Any transfer or transaction under section 1 or 2 of this Act of land that is"

Page 2, remove line 8

Page 2, line 9, remove "the property and gravel, clay, and scoria."

Renumber accordingly

2001 SENATE JUDICIARY

CONFERENCE COMMITTEE

SB 2201

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2201

Senate Judiciary Committee

☒ Conference Committee

Hearing Date March 28th, 2001

Tape Number	Side A	Side B	Meter #
1	x		5-end
March 29th, tape 1	x		0-7.6
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the conference committee on SB 2201. I was the prime sponsor of this bill, the Devils Lake school wants to build houses near the school. The plan is to then sell the houses. The new outlet building by Devils Lake is not accessible to Devils Lake students. The plan to use talents of the students with a new outlet facilities Legislative Council advised me that it was possible to remove the mineral reservation. That would be desirable for the school when they intend to sell the property to third parties. The house took out the part of section 3, the part they took out "any transfer of land in section 1 and 2 of this bill..." This deals with property rights. There would have to be a bidding process. The only propose of the bill is to remove the clouds from deals already made with the state.

**Rep. Rennerfelt**, it is my understanding that being this is state land, all minerals must be preserved by the state. On chapter 1-30.

**Senator Traynor**, that was the very same question I asked legislative council.

**Senator Trenbeath**, I would expect that the answer would be that any subsequent legislation would supersede that. That is my understanding.

**Senator Watne**, as a Realtor, when there are mineral rights, agricultural land is different.

**Senator Trenbeath**, the genesis of that goes back to '39. I don't know there intent, but housing in a city would make minerals inaccessible.

**Rep. Rennerfelt**, that is in the case of state land?

**Senator Traynor**, in my practice I've sold a lot of farm land, and in those cases there is a hesitancy in the buyer if there are mineral reservations on the land.

**Rep. Rennerfelt**, my concern is we would be changing the state policy if this deal goes in place.

**Rep. Winrich**, the question would turn both ways. If there are no minerals in place are we really incumbering a potential sale?

**Senator Trenbeath**, then it becomes a perception. Whether it means something, it certainly would be perceived as meaning something.

**Rep. Winrich**, it is anticipated that this will be fairly special purpose housing.

**Senator Traynor**, I think they are.

**Rep. Rennerfelt**, on our side of the state all minerals are reserved, the same with housing development.

**Senator Watne**, but you have oil there.

**Rep. Rennerfelt**, if you have no oil up there, this should be a non issue.

**Senator Trenbeath**, I think it is an issue. There are minerals that would effect the surface.

**Rep. Rennerfelt**, there are city ordinances.

**Senator Traynor**, I'm not familiar with any city ordinances in Devils Lake. I would hope the house would change its position.

Page 3  
Senate Judiciary Committee  
Bill/Resolution Number 2201  
Hearing Date March 28th, 2001

**Rep. Rennerfelt**, I talked with the Attorney Generals office. They seemed to have reservations about the legal issues.

**Seantor Traynor**, Tim Dawson who drafted the bill, said there were no legal problems with this bill.

**Rep. Rennerfelt**, I visited with him too this morning and he said he is not 100% clear.

**Senator Trenbeath**, if this became law, it repeals the previous affect of the state law.

**Seantor Traynor**, I think that is correct.

**Senator Trenbeath**, if we got the AG or Dawson down here could we then talk about this.

**Senator Traynor**, adjourned the meeting.

Discussion.

**Senator Trenbeath** motioned to accede to the house amendments, seconded by Senator Watne. Vote indicated 6 yeas, 0 nays.

Roll Call Vote #: 1

Senate \_\_\_\_\_ Committee \_\_\_\_\_

**If the vote is on an amendment, briefly indicate intent:**



**REPORT OF CONFERENCE COMMITTEE (420)**  
**March 29, 2001 3:17 p.m.**

**Module No: SR-55-7205**

**Insert LC: .**

**REPORT OF CONFERENCE COMMITTEE**

**SB 2201:** Your conference committee (Sens. Traynor, Trenbeath, Watne and Reps. Rennerfeldt, Brekke, Winrich) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 885 and place SB 2201 on the Seventh order.

SB 2201 was placed on the Seventh order of business on the calendar.

=====

REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE) - 420

=====

07398

(Bill Number) 2201 (, as (re)engrossed):

Your Conference Committee

For the Senate:

S. Traynor  
S. Trenbath  
S. Watne

For the House:

R. Rannerfelt  
R. Brekke  
R. Wierich

☐ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)  
723/724 725/726 S724/H726 S723/H725  
the (Senate/House) amendments on (SJ/HJ) page(s) 885 - \_\_\_\_\_

☒ and place 2201 on the Seventh order.  
727

☐ , adopt (further) amendments as follows, and place  
\_\_\_\_\_ on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged  
and a new committee be appointed. 690/515

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the  
calendar.

=====

DATE: 03 / 29 / 01

CARRIER: Traynor

LC NO. 10038 . 0301 of amendment

LC NO. 10038 . 0300 of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_

=====

(1) LC (2) LC (3) DESK (4) COMM.

2001 TESTIMONY

SB 2201



# NORTH DAKOTA SENATE

Senator John T. Traynor  
District 15  
P.O. Box 838  
Devils Lake, ND 58301-0838

STATE CAPITOL  
600 EAST BOULLEVARDE  
BISMARCK, ND 58505-0360

COMMITTEES:  
Judiciary, Chairman  
Natural Resources

## TESTIMONY OF SENATOR JACK TRAYNOR SENATE BILL NUMBER 2201

MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

I INTRODUCED SENATE BILL NUMBER 2201 AT THE REQUEST OF THE ADMINISTRATION OF THE DEVILS LAKE SCHOOL DISTRICT. THE DISTRICT RECEIVED TITLE TO CERTAIN LANDS FROM THE STATE OF NORTH DAKOTA UNDER AUTHORIZATION OF THE 1989 AND 1975 LEGISLATIVE SESSIONS. THE DEEDS CONVEYING TITLE CONTAINED PROVISIONS THAT RENDER THE TITLE UNMERCHANTABLE.

THE SCHOOL DISTRICT HAS PLANS TO USE THE PROPERTY FOR INSTRUCTION PURPOSES TO ERECT BUILDINGS AND THEN SELL THE PROPERTY TO THIRD PARTIES. IN ORDER TO PASS GOOD TITLE FROM THE SCHOOL DISTRICT TO THESE THIRD PARTIES, SEVERAL PROVISIONS IN THE DEEDS WHICH CONVEYED TITLE MUST BE REMOVED. SENATE BILL NUMBER 2201 WOULD REMOVE THESE CLOUDS ON THE TITLE.

REPRESENTATIVES OF THE SCHOOL DISTRICT ARE PRESENT TO GIVE THE COMMITTEE THE DETAILS. IF THE COMMITTEE HAS ANY QUESTIONS I WILL BE HAPPY TO RESPOND.

# Devils Lake Public Schools

Sports Center, 1601 College Drive North  
Devils Lake, ND 58301

(701) 662-7640  
(701) 662-7646 FAX

Ronald P. Bommersbach, Supt.  
E-mail address: rbommers@sendit.nodak.edu

January 23, 2001

Mr. Chairman and Committee Members:

My name is Ron Bommersbach and I am Superintendent of Schools for the Devils Lake Public School District.

I'd like to thank you for the opportunity to appear before you today to present testimony in favor of **Senate Bill #2201**.

I have provided you with copies of six documents which I would simply point out to you at this time, but which I will further discuss in my testimony.

#1 A diagram of the land in question with X<sup>1</sup> and X<sup>3</sup> identifying parcels of land that I will be talking about today.

#2 The March 25, 1975 Bill related to the sale of land bounded within the area marked X<sup>1</sup> on the map.

#3 The Quit Claim Deed #160122 in respect to the sale of this land to the Devils Lake Public School District.



*It is the policy of the Devils Lake Public School District that educational activities, employment programs and services are offered without regard to race, national origin, sex, religion, disability or age*

#4 The March 22, 1989 Bill authorizing the sale of land bounded by the area marked X<sup>2</sup> on the accompanying map.

#5 A copy of the Quit Claim Deed for the land defined in House Bill #1650.

#6 A letter to Attorney Tom Rutten regarding an enclosed letter from Dr. Wayne Sanstead, State Superintendent.

Referring to Handout #1, note that the area marked X<sup>1</sup> bounded by College Drive to the east and the County Road to the west is that parcel of land approved by the legislature on March 25, 1975. This contains 32.2 acres with construction occurring as follows:

1975.....Lake Area Vocational Technical Center

1976.....Football Field

1979.....Burdick Arena

1980.....Sports Center

1992.....Devils Lake High School

The only undeveloped land remaining is bounded by the football field to the east and the County Road to the west.

In reference to Handout #3, the Quit Claim Deed executed May 5, 1975, showed a sale of this land identified in Handout #1 from the State to the Devils Lake Public School District in the amount of \$15,100. In reference to Handout #2, the Bill and Quit Claim Deed #160122 contain stipulations we would like removed as follows:

- reserve to the state all mineral rights.
- If the land is ever no longer used for school purposes, the land shall revert to the state of North Dakota upon payment to the school district the same price for which it was purchased.

- students enrolled at NDSD are guaranteed use of the facilities placed upon the property by the Devils Lake Public School District in the proportion that the number of students enrolled at NDSD bears to the total number of students entitled to use the facilities. Students at NDSD have not used this land at all over the years.

In reference to the map that I have given you, in Handout #1, the amount of land we are talking about utilizing in the future is marked X<sup>1</sup> and contains about 3 acres bounded by the County Road on the west and the football field on the east.

The second parcel of land that we're talking about is marked X<sup>2</sup> on the map and is intersected by railroad tracks and also includes the parcel of land marked X<sup>3</sup>. That square piece of land consists of approximately 24.3 acres excluding the railroad track. The triangular area marked X<sup>3</sup> contains about 3.3 acres and is the parcel of land that we are talking about developing. The 21 acres north of the railroad tracks are currently being developed for a Devils Lake High School Sports Complex including two football/soccer fields, a softball facility, and areas for track and field as well as the possible future construction of a locker room facility.

So in review, we are talking about 3 acres marked by X<sup>1</sup> and 3.3 acres marked by X<sup>3</sup>.

Handouts #4 and #5 in your packets include House Bill #1650 and Quit Claim Deed #199732 in reference to the sale of this parcel of land (marked X<sup>2</sup> on your map) from the State of North Dakota to the Devils Lake Public School District on May 21, 1992, for \$16,500.

The Bill and the Quit Claim Deed both identified some stipulations as follows:

- reserving onto the state all mineral rights
- an agreement that students enrolled at the North Dakota School of the Deaf are guaranteed the use of the facilities placed upon the property by the School District in the proportion that the number of students enrolled at the School for the Deaf bears to the total number of students entitled to use the facilities.
- the school district covenants and agrees to erect and maintain on the boundary line between the parcel conveyed and the property owned by the ND School for the Deaf a good, lawful and sufficient fence of equal quality to and compatible with the fence which exists along the north property line of the School for the Deaf.
- the school district agrees that its development of the property will not result in adverse drainage or flooding to property of the ND School for the Deaf lying adjacent to the property conveyed.
- the school district agrees that it will save and hold harmless and indemnify the state against any special assessments levied by the city of Devils Lake for any improvements constructed on or near the property conveyed by this deed.

In regard to the last three restrictions defined in Quit Claim Deed #199732, the Devils Lake Public School District has already been in compliance with them. We have erected a quality fence on the boundary line between the property owned by NDSD and that which we purchased from them. Additionally, through the efforts of the Devils Lake High School Sports Complex Committee, we have erected a new fence around approximately 21 acres of the total 24.3 acres purchased from NDSD in 1992.



In regard to adverse drainage or flooding, we have also taken care of that potential problem. The Devils Lake Public School District partnered with Lake Region State College and the City of Devils Lake to complete a \$2.4 million Hazard Mitigation Project which has alleviated the drainage problems that occurred in the past, not only on the high school and college campuses but also in that area bounded by the ND School for the Deaf.

The final restriction was in reference to special assessments. As part of the land sale agreement, the Devils Lake Public School District agreed there would be no special assessments to NDSD for any road or drainage work completed. The special assessments have been set for both the road work and the drainage work and NDSD received no portion of that and they will receive no assessment for any future endeavors as well.

So what is it that we are asking of the legislature? We are requesting approval of the proposed Senate Bill #2201.

Why are we requesting this? The primary reason is that we are contemplating the construction of a new New Outlooks Facility. New Outlooks is a total program which provides an environment that allows high school students with disabilities to acquire skills they will need to live independently or semi-independently after graduation. The facility consists of boys and girls apartments and a resident instructor's apartment. The program is in operation 5 days per week during the school year.

Each student in the program receives an individualized education plan which, in conjunction with the structured learning environment, provides an avenue for each student to develop academic, vocational and independent living skills to the maximum extent of his/her capabilities.

This program houses high school students in a group child care facility licensed by foster care with the number of children served not to exceed ten.

The current facility is located near downtown Devils Lake and is basically a 50-60 year old house with some additions to make it usable for this program. However, it has become antiquated, is in a state of disrepair, and is not handicapped accessible. Thus, there is a need for a new facility.

While there is nothing in the current legislation which would prohibit us from building this new facility on either of the sites, the requirement that it be built in an area of adjacent housing would be difficult to meet in the case of the site marked X<sup>1</sup> on the map as this 3 acres is totally undeveloped at this time with no provisions for water and sewer.

This brings us to the second reason for wanting to remove the restrictions. Our Lake Area Vocational Technical Center Buildings and Trades Program typically constructs one home per year on site at the Vocational Center. This is then sold in the spring and the new owner relocates it to their lot. Because these two parcels of land, particularly the X<sup>1</sup> site on the map, are so close to the Vocational Center it would be advantageous to be able to construct one house per year on a part of this land and then sell the lot and building to a new owner. We do not build these houses as money making ventures, but rather as experience for the students involved. So we primarily sell them for the costs involved.

It may be a need, however, to sell some of this property in order that we can get enough dollars to bring in sewer, water and roadways. That is basically reason #3 for our request to you in that it may be necessary to remove the restriction of all of the land being used for school use in order that we could sell and/or build on these sites.

Finally, I would refer you to Handout #6 which is a letter from me to our school attorney, Tom Rutten, including a letter from Dr. Wayne Sanstead, Superintendent of Public Instruction, indicating that he has reviewed the information concerning both parcels of property and that he can see no reason to resist the movement to amend existing law as well as the deeds for this property in order for the community to utilize the property for what appears to be appropriate and necessary facilities. Mr. Rocky Cofer, Superintendent at the School for the Deaf, is also in agreement with our proposals.

I thank you for taking the time to listen to my presentation today and to consider the request from the Devils  
Lake Public School District. I realize that there may be questions and would be pleased to try to answer any  
that you may have at this time.

#1





CHAPTER 247

HOUSE BILL NO. 1537  
(Mertens, Hildebrand)

SALE OF DEAF SCHOOL LAND

AN ACT to provide for the sale of land belonging to the school for the deaf to Devils Lake public school district no. 1, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) The director of institutions is hereby authorized to sell certain state lands under the control and management of the school for the deaf of North Dakota to the Devils Lake school district no. 1, which lands are described as follows:

A parcel of land located in the southwest quarter of section twenty-seven, in township one hundred fifty-four north of range sixty-four west of the fifth principal meridian, Ramsey County, state of North Dakota, further described as follows: Beginning at a point eighty feet north, along the section line between sections twenty-seven and twenty-eight, of the quarter - quarter corner on the west side of the southwest quarter of said section twenty-seven and thirty-three feet east of said section line, thence turn a deflection angle right of eighty-nine degrees fifty-nine minutes and proceed easterly a distance of two thousand three hundred twenty-one and one-tenth feet, thence turn a deflection angle right of eighty-four degrees forty-eight minutes and proceed southerly along the west right-of-way of ND highway 20 on a zero degree forty-two minute curve to the left a chord distance of five hundred two and six-tenths feet, thence turn a deflection angle left of ninety-one degrees fifty-five minutes and proceed easterly a distance of forty and five-tenths feet, thence turn a deflection angle right of ninety degrees sixteen minutes and proceed southerly a distance of ninety-eight and five-tenths feet, thence turn a deflection angle right of ninety-eight degrees forty-five minutes and proceed westerly a distance of two thousand four hundred twenty-one and one-tenth feet, thence turn a deflection angle right of eighty-eight degrees seven minutes and proceed northerly along the section line between sections twenty-seven and twenty-eight a distance of five hundred twelve and nine-tenths feet to the point of beginning. This tract contains thirty and two-tenths acres more or less.

The director of institutions shall cause the above described property to be appraised, and shall set the minimum sale price for the land. The director of institutions is authorized to negotiate the sale of the above-described real estate, but under no conditions may negotiate for the sale of the land in an amount less than that appraised by the board of university and school lands. Such conveyance shall reserve to the state all mineral rights in and under the premises conveyed. Further, the quitclaim deed shall recite that if the land is ever no longer used for school purposes, then the land shall revert to the state of North Dakota upon payment to the school district of the same price for which it was purchased. Further, the quitclaim deed shall recite that the students enrolled at the school for the deaf of North Dakota are guaranteed use of the facilities placed upon the property by Devils Lake public school district no. 1 in the proportion that the number of students enrolled at the school for the deaf of North Dakota bears to the total number of students entitled to use the facilities.

Upon sale of such land, the proceeds shall be deposited in a special fund in the state treasury and the funds so deposited shall be set aside for use toward the construction of an addition to the library at the school for the deaf at Devils Lake.

The real property shall be conveyed by quitclaim deed executed in the name of the state of North Dakota by the governor and attested by the secretary of state.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 25, 1975

**QUIT CLAIM DEED.**

163122

THIS INDENTURE, Made this 6th day of May, in the year of our Lord One Thousand Nine Hundred and Seventy-five, pursuant to the provisions and authority granted in House Bill No. 1637 of the Forty-fourth Legislative Assembly of the State of North Dakota, between the State of North Dakota, Party of the First Part, and Devils Lake Public School District No. 1 of Ramsey and Benson Counties, State of North Dakota, whose address is 325 Seventh Street, Devils Lake, North Dakota, 58301.

WITNESSETH, that the Party of the First Part, for and in consideration of the sum of Fifteen Thousand One Hundred and no/100 Dollars, to it in hand paid by the Party of the Second Part, the receipt whereof is hereby acknowledged, and in consideration of the covenants and agreements set out hereinafter; does, subject to said conditions, Remise, Release and Quit Claim to the Party of the Second Part, its successors and assigns Forever, all its right, title, interest, claim or demand in or to the following tract or parcel of land, being in the City of Devils Lake, County of Ramsey and State of North Dakota, and described as follows:

A parcel of land located in the Southwest Quarter (SW 1/4) of Section Twenty-seven (27), in Township One Hundred fifty-four (154) North of Range Sixty-four (64) West of the Fifth Principal Meridian, Ramsey County, State of North Dakota, further described as follows: Beginning at a point eighty feet (80') North, along the Section Line between Sections Twenty-seven (27) and Twenty-eight (28), of the quarter - quarter corner on the West side of the Southwest Quarter (SW 1/4) of said Section Twenty-seven (27) and thirty-three feet (33') East of said Section Line, thence turn a deflection angle right of eighty-nine (89) degrees fifty-nine (59) minutes and proceed Easterly a distance of two thousand three hundred and twenty-one and one-tenth feet (2321.1'); thence turn a deflection angle right of eighty-four (84) degrees forty-eight (48) minutes and proceed Southerly along the West right-of-way of North Dakota Highway 20 on a zero (0) degree forty-two (42) minute curve to the left a chord distance of five hundred two and six-tenths feet (502.6'), thence turn a deflection angle left of ninety-one (91) degrees fifty-five (55) minutes and proceed Easterly a distance of forty and five-tenths feet (40.5'), thence

1.  
TRAYNER & MUTTON  
ATTORNEYS AND COUNSELLORS  
200 - 1ST STREET  
DEVILS LAKE, NORTH DAKOTA 58301

160122

turn a deflection angle right of ninety (90) degrees sixteen (16) minutes and proceed Southerly a distance of ninety-eight and five-tenths feet (98.5'), thence turn a deflection angle right of ninety-eight (98) degrees forty-five (45) minutes and proceed Westerly a distance of two thousand four hundred twenty-one and one-tenth feet (2421.1'), thence turn a deflection angle right of eighty-eight (88) degrees seven (7) minutes and proceed Northerly along the Section Line between Sections Twenty-seven (27) and Twenty-eight (28) a distance of five hundred twelve and nine-tenths feet (512.9') to the point of beginning. This tract contains thirty and two-tenths (30.2) acres more or less.

Reserving unto Party of the First Part all mineral rights in and under said premises;

and further providing that if the above described real estate ceases to be used for school purposes, then said property shall revert to the Party of First Part, upon payment to the Party of the Second Part of the same price for which the same was purchased.

In accepting this conveyance, Party of the Second Part does hereby covenant and agree that students enrolled at the School for the Deaf of North Dakota are guaranteed use of the facilities placed upon said property by the Party of the Second Part, in the proportion that the number of students enrolled at the School for the Deaf of North Dakota bears to the total number of students entitled to use said facilities.

IN TESTIMONY WHEREOF, the State of North Dakota has caused these presents to be executed in its corporate name by Arthur L. Link, Governor, and Ben Meier, Secretary of State, and its official seal to be hereunto affixed the day and year first above written.

STATE OF NORTH DAKOTA

By:

Arthur L. Link, Governor.

Attest:

Ben Meier, Secretary of State.

(Seal)

2.

TRAYNOR & RUTTEN  
ATTORNEYS AND COUNSELLORS  
600 - FIVE STREET  
DEVILS LAKE, NORTH DAKOTA 58001

107



STATE OF NORTH DAKOTA )

COUNTY OF BURLEIGH )

160122

109

On this 26<sup>th</sup> day of June, 1975, before me personally appeared Arthur A. Link and Ben Moler, known to me to be the Governor and Secretary of State, respectively, of the State of North Dakota, and known to me to be the persons who executed the within instrument and acknowledged to me that they executed the same in behalf of the State of North Dakota.



Thomas P. Link  
NOTARY PUBLIC  
Burleigh County, North Dakota

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH CO., N. DAK.  
JUN 23 1975

RAMSEY COUNTY, NORTH DAKOTA

Deputy Tax and Assessor  
County of Ramsey

July 23, 1975

Raymond M. Spindall  
COUNTY AUDITOR

Arthur A. Link  
DEPUTY

Tracy Nor & Rulsten

STATE OF NORTH DAKOTA  
County of Ramsey

I hereby certify that this instrument  
was filed for record in my office on  
the 23rd day of JULY, A.D. 1975  
at the 00 o'clock P.M. and is recorded  
in Book Deeds-81 page 100

Raymond M. Spindall  
REGISTER OF DEEDS  
Deputy



# CHAPTER 647

HOUSE BILL NO. 1658  
(Representatives Gruba, Mortens, G. Berg)  
(Senator Stranne)

## SCHOOL FOR THE DEAF LAND SALE

THE ACT to authorize the director of institutions to sell and convey certain land belonging to the school for the deaf to Devils Lake public school district no. 1; and to declare an emergency.

### ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. School for the deaf land sale authorized. The director of institutions is authorized to sell and convey the following property of the school for the deaf to the Devils Lake school district no. 1, described as follows:

A parcel of land located in the southwest quarter of the southwest quarter of section twenty-seven, township one hundred (fifty-four north, range sixty-four west of the fifth principal meridian, Ramsey County, state of North Dakota, further described as follows:

Beginning at the southwest corner of the Devils Lake school district property which is located at a point on the section line eight hundred eighty-seven and one-tenth feet northerly of the section corner common to sections twenty-seven, twenty-eight, thirty-three, and thirty-four, thence southerly along said section line a distance of eight hundred eighty-seven and one-tenth feet to the section corner, thence easterly along the section line a distance of one thousand three hundred twenty feet, thence northerly along the quarter-quarterline a distance of eight hundred fifty feet to the south boundary line of the Devils Lake school district property, thence turn a left deflection angle of eighty-eight degrees twenty-three minutes along said south boundary line a distance of one thousand three hundred twenty and five-tenths feet to the point of beginning, less the 500 line railroad right of way across the property as shown on the enclosed plat. This tract contains twenty-six and three-tenths acres less two and two-tenths acres for the railroad right of way, more or less. And also includes several lots in the Wagoner first addition of the city of Devils Lake located south of the above-noted section twenty-seven in section thirty-four and east of the railroad crossing through both sections in a northeasterly direction and north of fourteenth street west and west of the north-south shelterbelt on the west side of the school for the deaf. The payment for this additional land must be the same as the assessed value of the above-described land to be sold.

This land is to be appraised and its sale shall be negotiated by the director of institutions and sold for not less than the appraised value. The

conveyance must reserve to the state all mineral rights in and under the premises conveyed. The quit claim deed must provide that if the land ever ceases to be used for school purposes the land shall revert to the state of North Dakota upon payment to the school district of the same price for which it was purchased. The deed must provide that the students enrolled at the state school for the deaf are guaranteed use of the facilities placed upon the property by the Devils Lake public school district no. 1 in the proportion that the number of students enrolled at the school for the deaf of North Dakota bears to the total number of students enrolled to use the facilities as agreed to by the officials of the school for the deaf and the school district.

The proceeds from the sale of this land must be deposited in a special fund to be used by the school for the deaf for a special project authorized by the director of institutions and may not be placed into the state's general fund.

The provisions of sections 54-01-05.2 and 54-01-05.5 do not apply to the sale authorized by this section.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure.

Approved March 22, 1983  
Filed March 23, 1983

#5

## QUITCLAIM DEED

This indenture, made this 21<sup>st</sup> day of May, 1992, pursuant to the provisions and authority granted by chapter 647 of the 1989 North Dakota Session Laws, between the State of North Dakota ("State"), and the Devils Lake Public School District No. 1, of Ramsey and Benson Counties, North Dakota, whose post office address is 325 7th Street, Devils Lake, North Dakota 58301 ("School District").

Witnesseth, that the State, for and in consideration of the sum of \$16,500, to it in hand paid by the School District, receipt of which is hereby acknowledged, and subject to the covenants, conditions, and agreements set out hereinafter, does quitclaim to the School District, its successors and assigns forever, all its right, title, interest, claim or demand in and to the following tract or parcel of land, being in the city of Devils Lake, county of Ramsey, state of North Dakota, described as follows:

A parcel of land located in the southwest quarter of the southwest quarter of section twenty-seven, township one hundred fifty-four north, range sixty-four west, of the fifth principal meridian, Ramsey County, North Dakota, further described as follows:

199732

Beginning at the southwest corner of the Devils Lake school district property which is located at a point on the section line eight hundred eighty-seven and one-tenth feet northerly of the section corner common to sections twenty-seven, twenty-eight, thirty-three, and thirty-four, thence southerly along said section line a distance of eight hundred eighty-seven and one-tenth feet to the section corner, thence easterly along the section line a distance of one thousand three hundred twenty feet, thence northerly along the quarter-quarterline a distance of eight hundred fifty feet to the south boundary line of the Devils Lake school district property, thence turn a left deflection angle of eighty-eight degrees twenty-three minutes along said south boundary line a distance of one thousand three hundred twenty and five-tenths feet to the point of beginning, less the Soo Line railroad right of way across the property as shown on the plat; excepting therefrom the entire easterly seventy-five feet of said parcel, which seventy-five foot strip is to be retained by the grantor and not included in this conveyance. This tract contains twenty-six and three-tenths acres less two and two-tenths acres for the railroad right of way and less the seventy-five foot strip excluded above, more or less.

Reserving unto the State all mineral rights in and under the premises conveyed, including but not limited to, all oil, gas, coal, gravel, scoria, clay, cement materials, sand, metallic and uranium ores.

Further reserving unto the State title to all archaeological and paleontological materials, on or below the surface of such land, as required by N.D.C.C. § 55-03-06, and right of way constructed by authority of the United States authorized under N.D.C.C. § 54-01-17.

And subject to all easements of record.

By accepting this conveyance, the School District covenants, and agrees that if the above-described real estate ever ceases to be used for school purposes, then said property shall at that time revert to the State, upon payment to the School District of the same price for which it was purchased under this instrument.

199732

By accepting this conveyance, the School District hereby covenants and agrees that students enrolled at the North Dakota School for the Deaf are guaranteed the use of the facilities placed upon the property by the School District in the proportion that the number of students enrolled at the School for the Deaf bears to the total number of students entitled to use the facilities placed thereon, and as agreed by officials of the North Dakota School for the Deaf and the School District.

By accepting this conveyance, the School District covenants and agrees to erect and maintain on the boundary line between the parcel conveyed and the property owned by the North Dakota School for the Deaf a good, lawful, and sufficient fence of equal quality to and compatible with the fence which exists along the north property line of the School for the Deaf, extending 1,130 feet west of North Dakota Highway 20.

By accepting this conveyance, the School District hereby covenants and agrees that its development of the property conveyed to it by this deed will not result in adverse drainage or flooding to property of the North Dakota School for the Deaf lying adjacent to the property conveyed.

By accepting this conveyance, the School District hereby covenants and agrees that it will save and hold harmless and indemnify the State against any special assessments levied by the city of Devils Lake, North Dakota, for any improvements constructed on or near the property conveyed by this deed.

In testimony whereof, the State of North Dakota has caused this instrument to be executed in its name by George A. Sinner, Governor, and attested by Jim Kusler, Secretary of State, and its

199732

official seal to be affixed hereto the day and year first above written.

State of North Dakota

SEAL

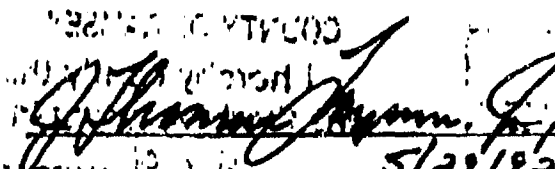
BY:

  
 George A. Sinner, Governor

ATTEST:

  
 Jim Kusler, Secretary of State

On behalf of the School District, grantee, I certify that the full consideration paid for the property conveyed by this instrument was \$16,500.

  
 5/29/92

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

On the 21st day of May, 1992, before me personally appeared George A. Sinner and Jim Kusler, known to me to be the Governor and Secretary of State, respectively, of the state of North Dakota, known to me to be the persons who executed the within instrument, and acknowledged to me that they executed the same on behalf of the State of North Dakota.

  
 Notary Public

 County, North Dakota  
 My Commission Expires:

MARY J. HILZENOEGER  
 Notary Public - State of North Dakota  
 My Commission Expires: May 1, 1995

DEVILS LAKE PUBLIC SCHOOLS      ADDITIONAL COPIES      JAN 20 01      0120 ND,001 P.10

#6

## Devils Lake Public Schools

Ronald P. Bommersbach, Superintendent  
Devils Lake Public School District  
1601 College Drive North  
Devils Lake, ND 58301

Telephone 701-662-7640  
Fax 701-662-7646

February 18, 2000

RE: BILL TO BE PRESENTED TO NORTH DAKOTA LEGISLATURE  
(FORMER NDSD SCHOOL PROPERTY)

Dear Mr. Ruten:

Rocky Cofer, Superintendent of the North Dakota School for the Deaf, visited my office today to present me with a copy of a letter from Dr. Wayne Sanstead, State Superintendent, who has indicated there is no resistance on his part for us to move forward with legislation on the land purchased from NDSD.

I have enclosed a copy of that letter for your information and use as necessary.

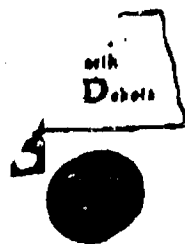
Thank you.

Sincerely,



Ron Bommersbach  
Superintendent of Schools

cc: School Board Members  
Tom Dion  
Scott Privratsky  
Steve Swiontek  
Cindy Wilcox

**Department of Public Instruction****600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440****(701) 328-3260 Fax - (701) 328-2461****<http://www.dpi.state.nd.us>****Dr. Wayne G. Sanstead****State Superintendent**

February 15, 2000

Rocklyn Cofer  
North Dakota School for the Deaf  
1401 College Drive  
Devils Lake, ND 58301-1598

Dear Rocky:

I have reviewed the information you provided concerning the property that was deeded to the Devils Lake School District. There is reference to requirements in law and also in the deed that restrict the use of this property. I understand that the local district is interested in the development of the property as a group home facility. I can see no reason to resist the movement to amend existing law as well as the deeds for this property in order for the community to utilize the property for what appears to be appropriate and necessary facilities.

Sincerely,

Dr. Wayne G. Sanstead  
State Superintendent









Scale in feet

Project Title	PROPERTY LOCATION MAP PROPOSED NEW OUTLOOKS FACILITY CITY OF DEVILS LAKE		
Job No	1999187	Date	1/25/01
		Sheet	1 of 1

**Land Surveying Services**

507 3rd Street  
 Devils Lake, ND 58001  
 701-662-9065

# Certificate of Survey

I, David K. Hovendick, Registered Land Surveyor in the State of North Dakota, do hereby certify that this is a true and correct representation of 2 parcels of land surveyed by me or under my direct supervision and that said parcels are situated in the SW 1/4 of Section 27, T153N, R64W of the 5th Principal Meridian, City of Devils Lake, Ramsey County, North Dakota, and are more particularly described as follows:

## Parcel No. 1

Beginning at the point where the north right of way line of 16th Street intersects the east right of way line of 8th Avenue West; thence N00°00'18"E along the said 8th Avenue West a distance of 506.47 feet to the north boundary of a parcel described in Document No. 160122 on file at the Ramsey County Register of Deeds office; thence S89°58'42"E along said parcel boundary a distance of 421.96 feet; thence S100°00'18"W a distance of 506.47 feet to the north right of way line of said 16th Street West; thence N89°56'35"W a distance of 421.96 feet to the point of beginning. Said parcel contains 4.91 acres more or less.

## Parcel No. 2

Beginning at a point on the south line of said Section 27 located 33.00 feet east of the SW corner of said Section 27; thence N00°00'18"E along the east right of way line of 8th Avenue a distance of 420.35 feet to the south right of way line of the Soo Line Railroad; thence S89°08'47"E along said Railroad right of way line a distance of 227.12 feet; thence continuing along said Railroad right of way line along a simple curve having a radius of 18,151.00 feet, a tangent of 227.12 feet and a chord bearing of S89°03'19"E for an arc distance of 505.32 feet; thence S89°15'33"E along said Railroad right of way line a distance of 22.71 feet to the south line of said Section 27; thence N89°59'21"W along said Section line a distance of 657.12 feet to the point of beginning. Said parcel contains 3.20 acres more or less.

*David K. Hovendick* NOV 26 - 2001  
DAVID K. HOVENDICK  
REGISTERED LAND  
SURVEYOR  
LS 3612  
STATE OF NORTH DAKOTA  
COUNTY OF RAMSEY

Subscribed and affirmed: 1100 this 26 day of JANUARY, 2001  
A.D.

*Nail Wilson*  
NAIL WILSON  
NOTARY PUBLIC  
RAMSEY COUNTY, NORTH DAKOTA  
My Commission Expires OCT 20, 2004

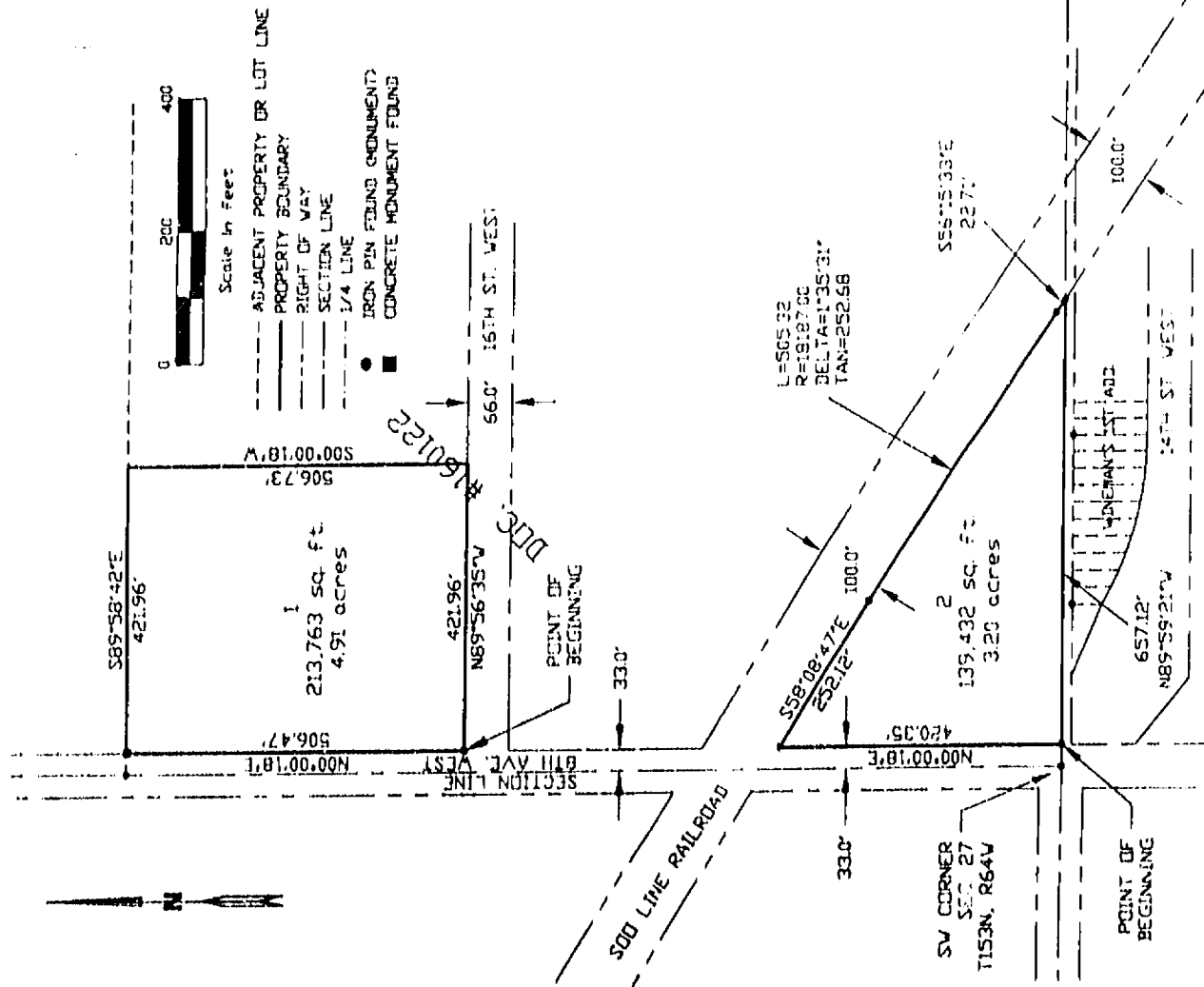
State of North Dakota  
County of Ramsey  
My Commission Expires: 10/24/2004

State of North Dakota  
County of Ramsey

I hereby certify that this instrument was filed in this office of record on this 26 day of JANUARY, A.D. at 11:00 o'clock A.M. and was filed as document number 1100.

*David K. Hovendick*  
DAVID K. HOVENDICK  
REGISTERED LAND  
SURVEYOR  
LS 3612  
STATE OF NORTH DAKOTA  
COUNTY OF RAMSEY

1999:87



# Devils Lake Public Schools

Sports Center, 1601 College Drive North  
Devils Lake, ND 58301

(701) 662-7640  
(701) 662-7646 FAX

Ronald P. Bommersbach, Supt.  
E-mail address: rbommers@sendit.nodak.edu

March, 2001

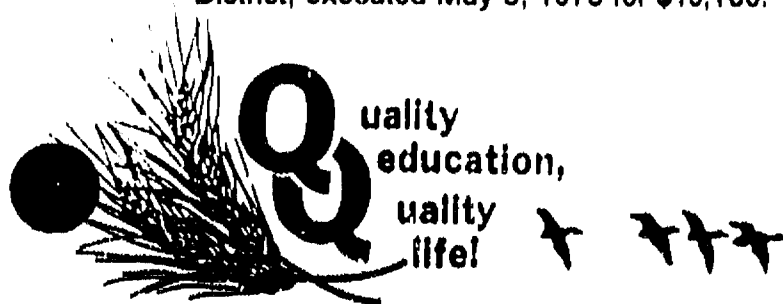
Mr. Chairman and Committee Members:

My name is Ron Bommersbach and I am Superintendent of Schools for the Devils Lake Public School District.

I'd like to thank you for the opportunity to appear before you today to present testimony in favor of **Senate Bill #2201**.

I have provided you with copies of six documents which I would simply point out to you at this time, but which I will further discuss in my testimony.

- #1 A diagram of the land in question with X<sup>1</sup> and X<sup>3</sup> identifying parcels of land that I will be talking about today.
- #2 The March 25, 1975 House Bill 1537 related to the sale of land bounded within the area marked X<sup>1</sup> on the map.
- #3 The Quit Claim Deed #160122 in respect to the sale of this land to the Devils Lake Public School District, executed May 5, 1975 for \$15,100.



#4 The March 22, 1989 House Bill 1650 authorizing the sale of land bounded by the area marked X<sup>2</sup> on the accompanying map.

#5 A copy of the Quit Claim Deed #199732 dated May 21, 1992 for \$16,500 for the land defined in House Bill #1650.

#6 A letter to Attorney Tom Rutten regarding an enclosed letter from Dr. Wayne Sanstead, State Superintendent.

Referring to Handout #1, note that the area marked X<sup>1</sup> bounded by College Drive to the east and the County Road to the west is that parcel of land approved by the legislature on March 25, 1975. This contains 32.2 acres with construction occurring as follows:

1975.....Lake Area Vocational Technical Center

1978.....Football Field

1979.....Burdick Arena

1980.....Sports Center

1992.....Devils Lake High School

The only undeveloped land remaining is bounded by the football field to the east and the County Road to the west.

In reference to Handout #3, the Quit Claim Deed executed May 5, 1975, showed a sale of this land identified in Handout #1 from the State to the Devils Lake Public School District in the amount of \$15,100. In reference to Handout #2, the Bill and Quit Claim Deed #160122 contain stipulations we would like removed as follows:

- reserve to the state all mineral rights.
- If the land is ever no longer used for school purposes, the land shall revert to the state of North Dakota upon payment to the school district the same price for which it was purchased.

- students enrolled at NDSD are guaranteed use of the facilities placed upon the property by the Devils Lake Public School District in the proportion that the number of students enrolled at NDSD bears to the total number of students entitled to use the facilities. Students at NDSD have not used this land at all over the years.

In reference to the map that I have given you, in Handout #1, the amount of land we are talking about utilizing in the future is marked X<sup>1</sup> and contains about 4.91 acres bounded by the County Road on the west and the football field on the east.

The second parcel of land that we're talking about is marked X<sup>2</sup> on the map and is intersected by railroad tracks and also includes the parcel of land marked X<sup>3</sup>. That square piece of land consists of approximately 24.3 acres excluding the railroad track. The triangular area marked X<sup>3</sup> contains about 3.2 acres and is the parcel of land that we are talking about developing. The 21 acres north of the railroad tracks are currently being developed for a Devils Lake High School Sports Complex including two football/soccer fields, a softball facility, and areas for track and field as well as the possible future construction of a locker room facility.

So in review, we are talking about 4.91 acres marked by X<sup>1</sup> and 3.2 acres marked by X<sup>3</sup>.

Handouts #4 and #5 in your packets include House Bill #1650 and Quit Claim Deed #199732 in reference to the sale of this parcel of land (marked X<sup>2</sup> on your map) from the State of North Dakota to the Devils Lake Public School District on May 21, 1992, for \$16,500.

The Bill and the Quit Claim Deed both identified some stipulations as follows:

- reserving onto the state all mineral rights
- an agreement that students enrolled at the North Dakota School of the Deaf are guaranteed the use of the facilities placed upon the property by the School District in the proportion that the number of students enrolled at the School for the Deaf bears to the total number of students entitled to use the facilities.
- the school district covenants and agrees to erect and maintain on the boundary line between the parcel conveyed and the property owned by the ND School for the Deaf a good, lawful and sufficient fence of equal quality to and compatible with the fence which exists along the north property line of the School for the Deaf.
- the school district agrees that its development of the property will not result in adverse drainage or flooding to property of the ND School for the Deaf lying adjacent to the property conveyed.
- the school district agrees that it will save and hold harmless and indemnify the state against any special assessments levied by the city of Devils Lake for any improvements constructed on or near the property conveyed by this deed.

In regard to the last three restrictions defined in Quit Claim Deed #199732, the Devils Lake Public School District has already been in compliance with them. We have erected a quality fence on the boundary line between the property owned by NDSD and that which we purchased from them. Additionally, through the efforts of the Devils Lake High School Sports Complex Committee, we have erected a new fence around approximately 21 acres of the total 24.3 acres purchased from NDSD in 1992.



In regard to adverse drainage or flooding, we have also taken care of that potential problem. The Devils Lake Public School District partnered with Lake Region State College and the City of Devils Lake to complete a \$2.4 million Hazard Mitigation Project which has alleviated the drainage problems that occurred in the past, not only on the high school and college campuses but also in that area bounded by the ND School for the Deaf.

The final restriction was in reference to special assessments. As part of the land sale agreement, the Devils Lake Public School District agreed there would be no special assessments to NDSD for any road or drainage work completed. The special assessments have been set for both the road work and the drainage work and NDSD received no portion of that and they will receive no assessment for any future endeavors as well.

So what is it that we are asking of the legislature? We are requesting approval of the proposed Senate Bill #2201.

Why are we requesting this? The primary reason is that we are contemplating the construction of a new New Outlooks Facility. New Outlooks is a total program which provides an environment that allows high school students with disabilities to acquire skills they will need to live independently or semi-independently after graduation. The facility consists of boys and girls apartments and a resident instructor's apartment. The program is in operation 5 days per week during the school year.

Each student in the program receives an individualized education plan which, in conjunction with the structured learning environment, provides an avenue for each student to develop academic, vocational and independent living skills to the maximum extent of his/her capabilities.

This program houses high school students in a group child care facility licensed by foster care with the number of children served not to exceed ten.

The current facility is located near downtown Devils Lake and is basically a 50-60 year old house with some additions to make it usable for this program. However, it has become antiquated, is in a state of disrepair, and is not handicapped accessible. Thus, there is a need for a new facility.

While there is nothing in the current legislation which would prohibit us from building this new facility on either of the sites, the requirement that it be built in an area of adjacent housing would be difficult to meet in the case of the site marked X<sup>1</sup> on the map as this 4.91 acres is totally undeveloped at this time with no provisions for water and sewer.

This brings us to the second reason for wanting to remove the restrictions. Our Lake Area Vocational Technical Center Buildings and Trades Program typically constructs one home per year on site at the Vocational Center. This is then sold in the spring and the new owner relocates it to their lot. Because these two parcels of land, particularly the X<sup>1</sup> site on the map, are so close to the Vocational Center it would be advantageous to be able to construct one house per year on a part of this land and then sell the lot and building to a new owner. We do not build these houses as money making ventures, but rather as experience for the students involved. So we primarily sell them for the costs involved.

It may be a need, however, to sell some of this property in order that we can get enough dollars to bring in sewer, water and roadways. That is basically reason #3 for our request to you in that it may be necessary to remove the restriction of all of the land being used for school use in order that we could sell and/or build on these sites.

I would now refer you to Handout #6 which is a letter from me to our school attorney, Tom Rutten, including a letter from Dr. Wayne Sanstead, Superintendent of Public Instruction, indicating that he has reviewed the information concerning both parcels of property and that he can see no reason to resist the movement to amend existing law as well as the deeds for this property in order for the community to utilize the property for what appears to be appropriate and necessary facilities. Mr. Rocky Cofer, Superintendent at the School for the Deaf, is also in agreement with our proposals.

Finally, let me distribute my last handout.

This shows a surveyor's legal description of the two parcels of land I am talking about. Parcel #1 is the 4.91 acres in the first deed. Parcel #2 is the 3.2 acres in the second deed. This proposed bill would thus remove the restrictions upon these two parcels of land identified by their legal descriptions.

I thank you for taking the time to listen to my presentation today and to consider the request from the Devils Lake Public School District. I realize that there may be questions and would be pleased to try to answer any that you may have at this time.