

## ENTITIES WITH EMINENT DOMAIN AUTHORITY

The purposes for which eminent domain may be exercised are contained in North Dakota Century Code Section 32-15-02. This section provides:

**Purposes for which exercised.** Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the government of the United States.
2. Public buildings and grounds for the use of the state and all other public uses authorized by the legislative assembly of the state.
3. Public buildings and grounds for the use of any county, city, park district, or school district; canals, aqueducts, flumes, ditches, or pipes for conducting water for the use of the inhabitants of any county or city, or for draining any county or city; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets, and alleys, and all other uses for the benefit of any county, city, or park district, or the inhabitants thereof, which may be authorized by the legislative assembly, but the mode of apportioning and collecting the costs of such improvement shall be such as may be provided in the statutes by which the same may be authorized.
4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, railroads and street railways, electric light plants and power transmission lines and canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mines, and irrigating, draining, and reclaiming lands.
5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines, outlets, natural or otherwise for the flow, deposit, or conduct of the tailings or refuse from mines and mill dams.
6. Byroads leading from highways to residences and farms.
7. Telegraph and telephone lines.
8. Sewage disposal of any city, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state, or of any college or university.
9. Cemeteries and public parks.

10. Oil, gas, coal, and carbon dioxide pipelines and works and plants for supplying or conducting gas, oil, coal, carbon dioxide, heat, refrigeration, or power for the use of any county, city, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use, or operate pumps, stations, tanks, and other machinery or apparatus, and buildings, works, and plants for the purpose of generating, refining, regulating, compressing, transmitting, or distributing the same, or necessary for the proper development and control of such gas, oil, coal, carbon dioxide, heat, refrigeration, or power, either at the time of the taking of said property or for the future proper development and control thereof.
11. Lands sought to be acquired by the state or any duly authorized and designated state official or board, which lands necessarily must be flooded in widening or raising the waters of any body or stream of navigable or public water in the state of North Dakota.

Under the North Dakota Century Code, the following entities have been granted eminent domain authority:

| North Dakota Century Code Chapter | Entity                                                                                                                   |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 2-02                              | North Dakota Aeronautics Commission                                                                                      |
| 2-04                              | Political subdivision for purpose of airport zoning                                                                      |
| 2-06                              | Airport authorities                                                                                                      |
| 6-09                              | Bank of North Dakota                                                                                                     |
| 10-13                             | Electric cooperatives                                                                                                    |
| 11-09.1                           | Home rule counties                                                                                                       |
| 11-10                             | Counties                                                                                                                 |
| 11-11                             | Boards of county commissioners                                                                                           |
| 11-28                             | Boards of county park commissioners                                                                                      |
| 11-36                             | Port authorities                                                                                                         |
| 11-37                             | Commerce authorities                                                                                                     |
| 15-09                             | Board of University and School Lands                                                                                     |
| 15.1-09                           | School boards                                                                                                            |
| 20.1-02                           | Director of Game and Fish Department                                                                                     |
| 23-11                             | Housing authorities                                                                                                      |
| 24-01                             | Director of Department of Transportation                                                                                 |
| 24-02                             | Director of Department of Transportation with respect to cooperating with a federal agency for national defense purposes |
| 24-05                             | Boards of county commissioners for county roads                                                                          |

| North Dakota<br>Century Code<br>Chapter | Entity                                                                                                        |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 24-16                                   | Director of Department of Transportation with respect to the establishment of junk-yards adjacent to highways |
| 24-17                                   | Director of Department of Transportation with respect to advertising adjacent to highways                     |
| 38-14.2                                 | Public Service Commission with respect to abandoned surface mine reclamation                                  |
| 40-05                                   | Municipalities                                                                                                |
| 40-05.1                                 | Home rule municipalities                                                                                      |
| 40-22                                   | Municipalities with respect to construction of sewers, water mains, and water supplies                        |
| 40-33.1                                 | Municipalities steam heating authorities                                                                      |
| 40-33.2                                 | Municipal power agencies                                                                                      |
| 40-33.3                                 | Municipal pipeline authorities                                                                                |
| 40-34                                   | Municipalities for the purpose of disposal of sewage or garbage                                               |
| 40-35                                   | Municipalities with respect to revenue bond law                                                               |
| 40-39                                   | Municipalities with respect to streets and alleys                                                             |
| 40-49                                   | Boards of park commissioners                                                                                  |
| 40-58                                   | Municipalities with respect to urban renewal                                                                  |
| 40-61                                   | Municipal parking authorities                                                                                 |
| 48-02.1                                 | Public authorities with respect to private infrastructure development by private operators                    |
| 49-17.2                                 | Regional railroad authorities                                                                                 |
| 49-19                                   | Common pipeline carriers                                                                                      |
| 54-01                                   | State of North Dakota with respect to property used for public use                                            |
| 54-17                                   | North Dakota Industrial Commission                                                                            |
| 54-17.2                                 | North Dakota Building Authority                                                                               |
| 54-18                                   | North Dakota Industrial Commission with respect to the operation of the Mill and Elevator Association         |
| 55-04                                   | State of North Dakota and counties for the purpose of acquiring lands for public parks                        |
| 55-08                                   | Director of Parks and Recreation Department                                                                   |
| 61-01                                   | United States or any person with respect to public use of water                                               |
| 61-02                                   | State Water Commission                                                                                        |
| 61-07                                   | Irrigation districts                                                                                          |
| 61-12                                   | Board of Flood Irrigation                                                                                     |
| 61-16.1                                 | Water resource boards                                                                                         |
| 61-21                                   | Water resource boards with respect to drainage projects                                                       |
| 61-23                                   | State for the purposes of the Yellowstone River Compact                                                       |
| 61-24                                   | Garrison Diversion Conservancy District                                                                       |
| 61-24.5                                 | Southwest Water Authority                                                                                     |
| 61-35                                   | Water district boards                                                                                         |
| 61-39                                   | Lake Agassiz Water Authority                                                                                  |