A BILL for an Act to create and enact a new section to chapter 32-15 of the North Dakota Century Code, relating to the sale of property acquired by eminent domain or acquired when the property was eligible for taking by eminent domain, but no longer needed for a public purpose; and to amend and reenact section 24-01-28 of the North Dakota Century Code, relating to vacating property acquired through eminent domain for highways.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-01-28 of the North Dakota Century Code is amended and reenacted as follows:


The director may vacate any land or part thereof, or rights in land taken or acquired for highway purposes under the provisions of this title, by executing and recording a deed thereof, and the vacation vests the title to the land or rights in the persons, their heirs, successors, or assigns, in whom it was vested at the time of the taking. As oil, gas, and fluid minerals are not a part of and essential for highway purposes, all such rights heretofore taken, if any, are hereby vacated and returned to the person or persons in whom the title was vested at the time of taking, their heirs, administrators, executors, or assigns. Such reconveyance is subject to any existing contracts or agreements covering the property, and all rights and benefits thereof accrue to the grantee. The governor, on recommendation of the director, may sell and convey on behalf of the state the interests of the state in property acquired by purchase under this title and deemed no longer necessary for the purposes for which it was acquired, and the proceeds of the sale so far as practicable must be credited to the funds from which the purchase was made originally. With the consent of the persons, their heirs, successors, or assigns in whom the title or rights to the land were vested at the time of the purchase or acquisition, the director may vacate land acquired by purchase under this title.
Sixty-sixth
Legislative Assembly

which is deemed no longer necessary for highway purposes and which the director has
determined that the cost of the sale exceeds the estimated value of the property, by executing
and recording a deed thereof, and the vacation revests the title to the land or rights in those-
persons, their heirs, successors, or assigns.

SECTION 2. A new section to chapter 32-15 of the North Dakota Century Code is created
and enacted as follows:

Sale of property no longer needed.

When property acquired by the state or a political subdivision through eminent domain or
property otherwise acquired by the state or a political subdivision when the property was eligible
for taking by eminent domain is no longer needed for the purpose for which it was acquired or
another purpose for which eminent domain may be exercised, the person from whom it was
acquired or that person's heirs or assignees must be given an opportunity to purchase the
property. The purchase price must equal the just compensation paid for the property minus any
attorney's fees and court costs the purchaser incurs in the new transaction or incurred
challenging the original acquisition. If the opportunity to purchase the property is declined, the
property must be sold at auction.