

CHAPTER 15-09

CONDEMNATION OF PUBLIC LANDS AND SALES IN LIEU THEREOF

15-09-01. Public lands - Application to acquire for public or quasi-public purpose.

The state of North Dakota or any person, firm, limited liability company, or public or private corporation, desiring to acquire any school or institution lands of the state for:

1. Townsite purposes;
2. Schoolhouse sites;
3. Church sites;
4. Cemetery sites;
5. Sites for other educational or charitable institutions;
6. Sites for public parks;
7. Sites for fairgrounds;
8. Public highway purposes;
9. Fish hatcheries;
10. Airports;
11. Railroad right of way or other railroad uses and purposes;
12. Reservoirs for the storage of water for irrigation;
13. Drainage ditches;
14. Irrigation ditches; or
15. Any of the other purposes for which the right of eminent domain may be exercised under the constitution and laws of the state,

may make written application to the board of university and school lands therefor. Such application shall state briefly the purposes for which the land is required, describe the land as accurately as practicable, and shall be accompanied by a map showing the land desired. The application shall be verified by the applicant, or, if the applicant is a public or private corporation, by some officer thereof, or, if the applicant is a limited liability company, by some manager thereof, or, if the applicant is the state of North Dakota, by an officer of the commission, board, or department desiring to acquire the land.

15-09-02. Appraisal of lands described in application. Unless the land described in an application made under the provisions of this chapter has been appraised within two years prior to the filing of the application, the board of university and school lands shall have the same appraised in accordance with the provisions of this title, and if the land described in the application is a fractional part of an appraised tract, an appraisal thereof must be made in any event.

15-09-03. Notice of hearing on application - Publication - Hearing and right to appear. The board of university and school lands shall cause public notice to be given of the time when and place where it will hear an application made under this chapter. Such notice must describe the land involved and must state the purpose for which it is sought to purchase the same. The notice must be published in the official newspaper of the county in which the land is

situated once each week for three consecutive weeks before the date set for hearing the application. At the time and place set for the hearing, the board shall consider the application. Any citizen may appear and show cause why the land should not be sold or why the price fixed is insufficient.

15-09-04. Board to fix price for lands described in application - Conveyance. The board of university and school lands may sell the property described in the application to the applicant at a price not less than the appraised value if the board concludes that the land described in the application is required for the purposes stated in such application and that a conveyance of the property is consistent with this title and the fiduciary responsibilities of the board. If the land described in the application is less than an entire tract, the board, in fixing the price at which such partial tract will be conveyed, shall take its value into consideration together with all detriment caused to the remaining portions of the tract by the conveyance of the partial tract. If the applicant agrees to the price fixed by the board for the land described in the application and pays the full purchase price therefor, the board shall cause the tract to be conveyed to the applicant.

15-09-05. Disagreement as to purchase price - Condemnation - Procedure - Fixing values. If the applicant is unwilling to pay the price for a conveyance fixed by the board of university and school lands, the applicant may maintain an action in the district court against the state to condemn the land under chapter 32-15. The amount awarded by the court or jury as damages for the taking of an entire tract, however, may not be less than the appraised value thereof, and the board, court, or jury, in fixing the amount to be paid for an entire tract or a part thereof, shall take into consideration the appraised value of the land, its actual value for all ordinary purposes, and any increased value it may have for any special and unusual purpose by reason of the existence of the facts authorizing the exercise of the power of eminent domain. If the land is desired for a gravel pit, its value may be estimated with reference to the existence of a demand for gravel, taking into consideration the necessities of the person seeking to acquire the land. If the land is desired for townsite purposes, consideration must be given to the value of the land to the state if it were used by the state for that purpose, and consideration also must be given to the necessity for a townsite at the place in question warranting the exercise of the power of eminent domain for that purpose. If the land is desired for other purposes, similar elements of value must be considered.