

HOUSE BILL NO. 1206

Introduced by

Representatives D. Anderson, Dockter, Thomas

Senator Vedaa

1 A BILL for an Act to amend and reenact section 24-07-03 and subsection 1 of section 24-08-03
2 of the North Dakota Century Code, relating to the closure of a section line open for public travel.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 24-07-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **24-07-03. Section lines considered public roads open for public travel - Closing same**
7 **under certain conditions - Bridge ownership.**

- 8 1. In all townships in this state, outside the limits of incorporated cities, and outside
9 platted townsites, additions, or subdivisions recorded pursuant to sections 40-50.1-01
10 through 40-50.1-17 or recorded prior to July 1, 1987, under former chapter 40-50, the
11 congressional section lines are considered public roads open for public travel to the
12 width of thirty-three feet [10.06 meters] on each side of the section lines.
- 13 2. The board of county commissioners, if petitioned by a person having an interest in the
14 ~~adjoining~~adjacent land or a portion thereof, after public hearing and a finding by the
15 commissioners of public benefit, may close section lines or portions thereof which are
16 ~~not~~;
- 17 a. ~~Not~~ used for ten years,~~are not~~;
- 18 b. ~~Not~~ traveled due to natural obstacles or difficulty of terrain,~~are not~~;
- 19 c. ~~Not~~ required due to readily accessible alternate routes of travel,~~or are~~
20 ~~intersected~~; or
- 21 d. Intersected by interstate highways causing the section line to be a deadend,
22 providing the closing of the dead-end section line does not deprive adjacent
23 landowners access to the landowners' property.

1 3. After the section lines are closed, they may be used to the benefit of the adjacent
2 landowners. However, survey or property reference monuments may not be disturbed,
3 removed, or destroyed. If drainage is interfered with due to the farming operations,
4 alternate means of drainage must be provided for by the landowners or tenants
5 farming the lands.

6 4. If the closed section line includes a bridge constructed entirely within this state
7 pursuant to section 24-08-01, the county shall, for a nominal amount, transfer all
8 rights, title to, and interest in the bridge to the adjacent landowners. After ownership of
9 a bridge is transferred under this section, the county is immune from claims or suits for
10 damages, occurring after the date of transfer, arising out of failure to perform an
11 inspection, signing, and repair duties required by section 24-08-03.

12 **SECTION 2. AMENDMENT.** Subsection 1 of section 24-08-03 of the North Dakota Century
13 Code is amended and reenacted as follows:

14 1. Each bridge built under the provisions of section 24-08-01 is under the supervision of
15 the board of county commissioners, and the county shall pay the cost of rebuilding or
16 repairing these bridges unless ownership of a bridge is transferred pursuant to section
17 24-07-03.