

CHAPTER 85-04-09
LAND SALES UNDER NORTH DAKOTA CENTURY CODE CHAPTER 15-09

Section

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85-04-09-01. Sale of lands for public or quasi-public purpose.

The department shall consider the following criteria when reviewing an application for sale under North Dakota Century Code chapter 15-09:

1. The tract is required for the purposes stated in the application and issuance of the patent or deed must not have a significant negative impact on the remainder of the trust lands;
2. Environmental impacts are minimal or are required to be mitigated in an acceptable manner;
3. Impacts on the value of the remainder of the trust lands are minimal or are required to be mitigated in an acceptable manner;
4. Impacts to significant archaeological and historical sites are minimal, or are required to be mitigated in an acceptable manner;
5. The sale must produce a positive financial return to the trusts;
6. There is no known formal challenge regarding the project;
7. The surface lessee has been notified of the project; and
8. If the application is for a sale of land for use as a landfill by a public entity, the following requirements must be met:
 - a. Applicants shall work with the department of environmental quality to ensure the operation of the proposed landfill is in accordance with state and federal laws, rules, and regulations.
 - b. Before final approval of a sale is given, the applicant shall submit evidence that the site meets appropriate geological, hydrological, and other requirements established by the department of environmental quality and the United States environmental protection agency. A permit for feasibility testing may be issued prior to final approval of a sale.
 - c. When determining the purchase price, the board shall consider the following additional factors:
 - (1) The unique geological and hydrological characteristics which make the site suitable for use as a landfill;
 - (2) The effect on the value of adjacent state properties caused by using the site as a landfill; and
 - (3) The price paid by other purchasers for similar landfill sites.

History: Effective January 1, 2021.

General Authority: N.D. Constitution article IX, § 6; NDCC 28-32-02

85-04-09-02. Sale procedure.

1. The commissioner may accept an application to purchase land in accordance with North Dakota Century Code chapter 15-09.
2. An application must be submitted on a form prescribed by the department upon request.
3. The application must:
 - a. Be completed and signed by authorized personnel;
 - b. Include a nonrefundable application fee in an amount set by the board unless waived by the commissioner; and
 - c. Meet the requirements of North Dakota Century Code section 15-09-01.
4. The department may request additional supporting documents for the application.
5. If the land is leased, the commissioner shall notify the lessee of the intent to sell the property.
6. If the commissioner determines to proceed with the sale, the department shall:
 - a. Notify the lessee if the lands are leased.
 - b. Obtain all appraisals from a certified appraiser for tracts to be sold. The commissioner may require additional appraisals be conducted by different certified appraisers.
 - c. Obtain from the applicant a "metes and bounds" survey of the land to be purchased, including both a plat and written narrative of the survey. The narrative must include the distances and angles between points of intersection and points of entry and exit tied into the section corners, quarter section corners, or lot corners, and a breakdown of the acreage in the parcel for each separate quarter section or lot included in the purchase.
7. The commissioner shall present to the board the proposed land sale, including appraisals public comments and any other relevant information. Upon a determination by the board it is willing to sell:
 - a. The board shall set a minimum acceptable sale price.
 - b. The department shall:
 - (1) Publish a notice of sale that includes a request for bidders. The notice of sale must include:
 - (a) The legal description of the proposed trust land tract to be sold;
 - (b) Instructions on how to register to bid; and
 - (c) The deadline for bidders to register.
 - (2) Notify the lessee of the intent to sell the property within the months of October through January if the land is leased.
 - (3) Conduct a hearing according to North Dakota Century Code section 15-09-03. Any comments made at the hearing must be brought to the board, along with recommendations regarding the comments.

8. If the applicant desires to purchase the property at the price set by the board and pays full purchase price, the commissioner may complete the sale on the board's behalf.

History: Effective January 1, 2021; amended effective April 1, 2026.

General Authority: N.D. Constitution article IX, § 6; NDCC 15-01-02, 28-32-02

Law Implemented: NDCC 15-09

85-04-09-03. Payment of costs.

The purchaser is responsible for payment of all costs, including appraisals, title examinations, and other costs as may be necessary to complete the sale.

History: Effective January 1, 2021.

General Authority: N.D. Constitution article IX, § 6; NDCC 28-32-02

Law Implemented: NDCC 15-09

85-04-09-04. Fencing.

A no-fencing clause may be added to the conveyance to keep trust lands from being severed.

History: Effective January 1, 2021.

General Authority: N.D. Constitution article IX, § 6; NDCC 28-32-02

Law Implemented: NDCC 15-09

85-04-09-05. Reversion clause.

Any conveyance must contain a reversion clause stipulating that if the property is at any time not used for its stated purpose at the time of purchase, the board may terminate the estate created by the conveyance and repossess the property. The power of termination and re-entry may be exercised by the board without reimbursement to the purchaser of any part of the purchase price, and without payment of any other consideration.

History: Effective January 1, 2021.

General Authority: N.D. Constitution article IX, § 6; NDCC 28-32-02

Law Implemented: NDCC 15-09

85-04-09-06. Board review.

Within thirty days of a decision under these rules, an aggrieved party may request the commissioner review the decision. The aggrieved party seeking review shall submit any information required by the commissioner as part of this request. Within thirty days of the commissioner's review, the aggrieved party may request board review, and the commissioner shall determine if board review is warranted.

History: Effective January 1, 2021; amended effective April 1, 2026.

General Authority: N.D. Constitution article IX, § 6; NDCC 15-01-02, 28-32-02

Law Implemented: NDCC 15-09