

## **CHAPTER 11-27 TRANSFER OF COUNTY PROPERTY**

### **11-27-01. Board of county commissioners authorized to sell property - Private and public sale.**

The board of county commissioners of any county may dispose of any property, either real or personal, which the county has acquired through purchase, forfeiture, conveyance, or operation of law other than through tax sale proceedings, under this chapter. When the property to be disposed of is property conveyed pursuant to Public Law No. 115-308, or property estimated by the board to be of a value of less than one thousand dollars, it may be sold at private sale upon the proper resolution of the board. In all other cases, the property may be sold only at public sale or as provided under section 11-27-03.1.

### **11-27-02. Notice of sale when property sold at public sale.**

Upon the resolution of the board of county commissioners authorizing the sale of county property at public sale, the county auditor shall cause to be published in the official county newspaper once each week for two consecutive weeks a notice containing a description of the property to be sold and designating the place where and the day and hour when the sale will be held. The notice must specify whether the bids are to be received at auction or as sealed bids as determined by the board.

### **11-27-03. Where sale held - Sale to highest bidder.**

The sale of county property at public sale shall be held at the office of the county auditor and shall be conducted by the auditor. The property advertised shall be sold to the highest bidder if the highest bid is deemed sufficient by a majority of the members of the board of county commissioners.

### **11-27-03.1. Transfer of real property by nonexclusive listing agreements.**

As an alternative to public sale under section 11-27-01, the board of county commissioners may by resolution describe the real property of the county which is to be sold; provide a maximum rate of fee, compensation, or commission; and provide that the county reserves the right to reject any and all offers determined to be insufficient. After adoption of the resolution, the board of county commissioners may engage licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements.

### **11-27-04. Reservation of mineral rights.**

Repealed by S.L. 1951, ch. 112, § 1.

### **11-27-04.1. County lands may be conveyed to United States free of reservations.**

Whenever the United States of America or any of its agencies or agents shall desire or be required to acquire or approve title to lands owned by any county, the board of county commissioners shall have power to convey the same free from any reservation of oil, gas, and minerals and rights thereto, and free of reservations of archaeological materials.

### **11-27-04.2. Reservations may be released to United States.**

Whenever any county shall have conveyed lands to any person and shall have reserved oil, gas, or minerals or rights therein or archaeological materials and the United States of America or any of its agencies or agents shall desire or be required to acquire or approve title to such lands, the board of county commissioners shall be authorized to release to the United States of America or its agency or agent everything so reserved. Such board of county commissioners shall have full power to fix and determine the consideration, if any, and terms upon which such release shall be given and any moneys or other consideration received for such release shall be covered into the fund for the benefit of which such reservations were made.

**11-27-05. Drilling or mining leases by county.**

The county, acting by and through the board of county commissioners, may join with the other owner or owners of the mineral rights in any lands in which an interest in such rights has been reserved by the county in making any standard or reasonable contract for the drilling, mining, or production of oil, gas, and minerals upon a royalty basis.

**11-27-06. When interest of county in lands conveyed.**

All the interest of a county in its lands is conveyed when an order is made for the sale by the board of county commissioners and a deed reciting such order is executed in the name of the county by the chairman of the board and signed and acknowledged by the chairman for and on behalf of the county.

**11-27-07. Proceeds of sale of county property.**

The proceeds of the sale of county property shall be paid into the county treasury. Any amounts which may be due to the state or to any city or school district for taxes which have been levied previously against the property, or a just proportion thereof, shall be apportioned and placed to the credit of such taxing district, and the remainder of the proceeds shall go into the general fund of the county.

**11-27-08. Board of county commissioners may set aside county tax deed lands for park purposes.**

The board of county commissioners may set aside and transfer to any municipality for park and recreational purposes any land which the county has acquired through tax lien foreclosure proceedings and upon which tax deeds have been issued to the county if the land is suitable and fit for use as a public park or recreational center. The transfer may be made without consideration or for such consideration as the board deems sufficient. The board also may establish such property as a county park or attach the same to and make it a part of a county park already established. All unpaid taxes against the land shall be canceled, and the land so set aside shall be withdrawn from the list of property for sale by the county.

**11-27-09. Sale of county lands to United States for national forest purposes.**

If any land owned by any county is desired by the United States for national forest purposes, the board of county commissioners of such county may determine and appraise its value and may submit a copy of the appraisal to the proper agency or officer of the United States. If the willingness of the United States to pay such appraised value is expressed by appropriate action of the authorized agency or officer, the said lands may be advertised for sale in the manner provided in title 57. If no acceptable and satisfactory bid in excess of the appraised value is received, the board may sell the lands to the United States upon payment of the appraised and agreed value thereof.

**11-27-09.1. Federal payments for game and fish lands - Allocation within county.**

Payments made by the federal government under the provisions of Public Law No. 88-523 [16 U.S.C. 715s] to any county in the state for lands taken by the federal government for game and fish management purposes shall be apportioned by that county's treasurer. Twenty-five percent thereof shall be apportioned among the townships in which the land taken is located in proportion to the number of acres [hectares] taken in each township, and shall be earmarked for roads and deposited in the townships' special road fund. Such funds received by unorganized townships shall be deposited in a special road and bridge fund maintained by the county for that township. The remaining seventy-five percent shall be apportioned among the school districts in which the land taken is located in proportion to the number of acres [hectares] taken.

**11-27-10. Board of county commissioners may deed back land donated for a special purpose.**

If land which has been donated to the county for a special purpose has not been used for the purpose for which it was donated, for a period of one year or more, the board of county

commissioners may convey the land back to the donor or the donor's heirs or assigns for a nominal consideration if the donor or the donor's heirs or assigns demand such conveyance back to them.

**11-27-11. County may exchange lands on Indian reservation for lands of federal government.**

Any county of the state, through its board of county commissioners, may exchange tracts of land belonging to such county within any Indian reservation in said county, for lands of like character and value belonging to the United States government on Indian reservations within the state. The county may execute and deliver proper conveyances of such lands in the manner and form provided by law, but without the necessity of complying with any statute requiring notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the county of the lands of the federal government for which such county lands are exchanged. Such lands exchanged by the county shall be appraised in the manner provided for the sale of real property acquired by the county for delinquent taxes, and the exchange shall be subject to the approval of the appropriate department of the federal government.

**11-27-12. Board of county commissioners permitted to exchange lands.**

The board of county commissioners of any county in this state may exchange any lands, the title to which has been acquired by tax deed proceedings, for any other lands in the same county, when it is deemed advisable or for the best interests of the county that such exchange be made, upon publication by such board of notice of the proposed exchange. Such notice shall be published six, four, and two weeks prior to the date of the proposed exchange in the official newspaper of the county in which the lands are located. The notice shall give the legal description of the lands to be exchanged and the names of the respective owners thereof. The decision of the said board to exchange the lands may be appealed from in the manner provided by law. The board of county commissioners shall not be authorized or permitted to acquire title to any land through exchange for it of other property, unless the county shall receive full value in such exchange, and unless the land so acquired shall be free and clear of all liens and encumbrances. In making an exchange for other lands, the board of county commissioners shall not be permitted to pay out or expend any funds or money belonging to the county, except the expenses incurred in the publication as herein provided.

**11-27-13. Land exchanged transferred by deed.**

Upon the making of an exchange of lands for other lands in the county as provided in section 11-27-12, the board of county commissioners and the county auditor may give a deed in the usual form, transferring all the right, title, and interest of the county in or to such lands held through tax deed proceedings, to the party or parties from whom the county receives other lands in exchange therefor. They may receive a deed from such other parties, conveying to the county the title to such lands as are acquired through such exchange.