

Bond Case Briefs

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DEDICATION - NORTH DAKOTA

Winnie Development LLLP v. Reveling

Supreme Court of North Dakota - February 22, 2018 - N.W.2d - 2018 WL 1006465 - 2018 ND 47

Landowner brought quiet title action against city to resolve dispute over land noted on plat for dike access and acquired by quitclaim deed for access to landowner's property. City counterclaimed alleging access rights.

The East Central Judicial District Court entered judgment in favor of city. Landowner appealed.

The Supreme Court of North Dakota held that:

- Plat statement was not statutory dedication of property to city;
- Common-law dedication arose; and
- The dedication transferred easement to city, and, thus, quitclaim deed from original grantor transferred fee title to landowner.

Plat statement dedicating "all streets and park as shown on said plat to the use of the public" was not statutory dedication of parcel noted on plat for "City Dike Access" due to the lack of a legally accurate description, and, thus, fee simple title did not vest in the city.

Common-law dedication of parcel to city for dike access arose from plat map indicating intent to grant right of access for dike access and city's use of parcel for dike access since 1979.

Interest transferred to city by common-law dedication of parcel for dike access was an easement for dike access, and, thus, quitclaim deed from original grantor transferred fee title to adjacent landowner to use parcel for access to property in ways not inconsistent with the city's easement.