

# **Bond Case Briefs**

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## **UTILITIES - NORTH DAKOTA**

### **Nandan, LLP v. City of Fargo**

**Supreme Court of North Dakota - March 30, 2017 - N.W.2d - 2017 WL 1196677 - 2017 ND 72**

Property owner brought action against city challenging legality of road and utility repairs.

The District Court granted city's motion to dismiss. Property owner appealed. The Supreme Court affirmed in part, reversed in part, and remanded. On remand, the District Court granted summary judgment in favor of city. Property owner appealed.

The Supreme Court of North Dakota held that city was not statutorily required to pass resolution of necessity to create improvement district to fund repairs.

City's road and utility repairs were incidental to the repair of a water and sewer system damaged by a landslide, and therefore city was not statutorily required to pass a resolution of necessity to create an improvement district to fund the repairs, where most of the work on the project was performed on county drain that was part of city's storm sewer system.