

# **Bond Case Briefs**

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## **SPECIAL ASSESSMENTS - NORTH DAKOTA**

### **Senske Rentals, LLC v. City of Grand Forks**

**Supreme Court of North Dakota - September 12, 2024 - N.W.3d - 2024 WL 4163014 - 2024 ND 172**

Landowner petitioned for review of city's decision to specially assess its property in subdivision for street improvements.

The District Court affirmed. Landowner appealed.

The Supreme Court held that:

- Trial court acted within its discretion in denying motion to strike city's benefit and assessment chart from the record;
- Special assessment statute requires determination of special benefits independent of, and without regard to, cost of local improvement project; overruling *Holter v. City of Mandan*, 948 N.W.2d 858; and
- City's determination of special benefit to landowner's property was improperly based on costs of project.

Trial court acted within its discretion in denying landowner's motion to strike, from the record, a benefit and assessment chart of city special assessment commission, on landowner's appeal of city's decision to specially assess its property in subdivision for street improvements, where landowner filed motion approximately eight months after the record had been filed and months after deadline for filings related to completeness of record, landowner provided no reasonable grounds for delay, and court found the documents were appropriate to be included in the record on appeal.

Statute governing determination of municipal special assessments requires a determination of special benefits independent of, and without regard to, the cost of the local improvement project; overruling *Holter v. City of Mandan*, 948 N.W.2d 858.