

Bond Case Briefs

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RMM Properties, L.L.P. v. City of Minot

Supreme Court of North Dakota - November 21, 2024 - N.W.3d - 2024 WL 4846687 - 2024 ND 213

Landowner appealed city's approval of developer's application to vacate plat that had a dedicated public access easement and to approve preliminary plat for subdivision on property that adjoined landowner's property.

The District Court affirmed. Landowner appealed.

The Supreme Court held that:

- Statute providing for vacatur of an entire plat, and not statute providing for vacatur of streets, alleys, or public grounds, was applicable statute, and
- Evidence supported finding that public access easement was not an "alley" in which landowner had a fee interest.

Statute providing for vacatur of an entire plat, and not statute providing for vacatur of streets, alleys, or public grounds, was appropriate statute for city to evaluate developer's application to vacate an entire plat that had a dedicated public access easement and to approve preliminary plat for a subdivision.

Evidence supported finding that a public access easement contained in plat was not an "alley" in which adjoining landowner had a fee interest, and thus landowner's consent was not required for developer to obtain a vacatur of the entire plat by city in connection with plan for a subdivision, where plat's description denoted a 24-foot public access easement dedicated for public use, and the dedication did not state the easement was an alley or grant a fee interest.