

ENTITIES WITH EMINENT DOMAIN AUTHORITY

The purposes for which eminent domain may be exercised are contained in North Dakota Century Code Section 32-15-02. This section provides:

Purposes for which exercised. Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the government of the United States.
2. Public buildings and grounds for the use of the state and all other public uses authorized by the legislative assembly of the state.
3. Public buildings and grounds for the use of any county, city, park district, or school district; canals, aqueducts, flumes, ditches, or pipes for conducting water for the use of the inhabitants of any county or city, or for draining any county or city; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets, and alleys, and all other uses for the benefit of any county, city, or park district, or the inhabitants thereof, which may be authorized by the legislative assembly, but the mode of apportioning and collecting the costs of such improvement shall be such as may be provided in the statutes by which the same may be authorized.
4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, railroads and street railways, electric light plants and power transmission lines and canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mines, and irrigating, draining, and reclaiming lands.
5. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines, outlets, natural or otherwise for the flow, deposit, or conduct of the tailings or refuse from mines and mill dams.
6. Byroads leading from highways to residences and farms.
7. Telegraph and telephone lines.
8. Sewage disposal of any city, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state, or of any college or university.
9. Cemeteries and public parks.
10. Oil, gas, coal, and carbon dioxide pipelines and works and plants for supplying or conducting gas, oil, coal, carbon dioxide, heat, refrigeration, or power for the use of any county, city, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use, or operate pumps, stations, tanks, and other machinery or apparatus, and buildings, works, and plants for the purpose of generating, refining, regulating, compressing, transmitting, or distributing the same, or necessary for the proper development and control of such gas, oil, coal, carbon dioxide, heat, refrigeration, or power, either at the time of the taking of said property or for the future proper development and control thereof.
11. Lands sought to be acquired by the state or any duly authorized and designated state official or board, which lands necessarily must be flooded in widening or raising the waters of any body or stream of navigable or public water in the state of North Dakota.

Under the North Dakota Century Code, the following entities have been granted eminent domain authority:

North Dakota Century Code Chapter	Entity
2-02	North Dakota Aeronautics Commission
2-04	Political subdivision for purpose of airport zoning
2-06	Airport authorities
6-09	Bank of North Dakota
10-13	Electric cooperatives
11-09.1	Home rule counties
11-10	Counties
11-11	Boards of county commissioners
11-28	Boards of county park commissioners
11-36	Port authorities
11-37	Commerce authorities
15-09	Board of University and School Lands
15.1-09	School boards
20.1-02	Director of Game and Fish Department
23-11	Housing authorities
24-01	Director of Department of Transportation
24-02	Director of Department of Transportation with respect to cooperating with a federal agency for national defense purposes
24-05	Boards of county commissioners for county roads

North Dakota Century Code Chapter	Entity
24-16	Director of Department of Transportation with respect to the establishment of junk-yards adjacent to highways
24-17	Director of Department of Transportation with respect to advertising adjacent to highways
38-14.2	Public Service Commission with respect to abandoned surface mine reclamation
40-05	Municipalities
40-05.1	Home rule municipalities
40-22	Municipalities with respect to construction of sewers, water mains, and water supplies
40-33.1	Municipalities steam heating authorities
40-33.2	Municipal power agencies
40-33.3	Municipal pipeline authorities
40-34	Municipalities for the purpose of disposal of sewage or garbage
40-35	Municipalities with respect to revenue bond law
40-39	Municipalities with respect to streets and alleys
40-49	Boards of park commissioners
40-58	Municipalities with respect to urban renewal
40-61	Municipal parking authorities
48-02.1	Public authorities with respect to private infrastructure development by private operators
49-17.2	Regional railroad authorities
49-19	Common pipeline carriers
54-01	State of North Dakota with respect to property used for public use
54-17	North Dakota Industrial Commission
54-17.2	North Dakota Building Authority
54-18	North Dakota Industrial Commission with respect to the operation of the Mill and Elevator Association
55-04	State of North Dakota and counties for the purpose of acquiring lands for public parks
55-08	Director of Parks and Recreation Department
61-01	United States or any person with respect to public use of water
61-02	State Water Commission
61-07	Irrigation districts
61-12	Board of Flood Irrigation
61-16.1	Water resource boards
61-21	Water resource boards with respect to drainage projects
61-23	State for the purposes of the Yellowstone River Compact
61-24	Garrison Diversion Conservancy District
61-24.5	Southwest Water Authority
61-35	Water district boards
61-39	Lake Agassiz Water Authority