

**OPINION
75-140**

July 2, 1975 (OPINION)

Mr. Einar L. Johnson

Director

North Dakota State Park Service

P.O. Box 139

Mandan, ND 58554

DESCRIPTION:

A tract of land lying in the N.E. 1/4 Section 25, Township 138 North, Range 81 West of the 5th Principal Meridian, Morton County, North Dakota, more fully described as follows: Beginning at the N.W. corner of Auditor's Lot "C" of the N.E. 1/4 Section 25, Township 138 North Range 81 West; thence continuing northerly at the same bearing as the west boundary line of said Lot "C" a distance of 150 feet; thence easterly at an interior angle of 93 degrees 57 feet 7 inches to the westerly right-of-way of N.D. Highway 1806 and the N.E. corner of Auditor's Lot "C" a distance of 340.43 feet; thence southwesterly at an interior angle of 47 degrees 33 feet 35 inches along the North boundary line of said Lot "C" a distance of 205.35 feet; thence northwesterly at an interior angle of 131 degrees 58 feet 18 inches along the north line of said Lot "C" a distance of 212.15 feet to the point of beginning, said tract containing 0.96 acres more or less, and will be known as Auditor's Lot "D" of the N.E. 1/4 Section 25 Township 138 Range 81 West of the 5th Principal Meridian, all in Morton County, North Dakota.

Dear Mr. Johnson:

I hereby certify that I have this day examined one abstract of title which covers all of the above-described premises, as compiled by and last certified to by The Mandan Abstract Company, official abstractor for Morton County, North Dakota, on the thirty-first day of March, A.D. 1975, at 8 o'clock in the a.m.

From such examination I find the record title of said premises is as follows:

THE STATE OF NORTH DAKOTA FOR THE USE AND BENEFIT OF THE NORTH DAKOTA PARK SERVICE, appears as record owner of the above-described premises, subject to the following:

NONE

This examination is expressly limited to the abstracts of title and no opinion is given or expressed as to the validity and authenticity of the documents abstracted therein, matters which have transpired

since the date of last certification; the interests of the parties in possession, other than the present record owners; the correctness of boundaries or surveys; the presence of easements or encroachments or of compliance of structures located thereon, if any, with local zoning regulations. Independent investigation as to the status of special assessments and the possibility of mechanic's liens filed for recent improvements, if any, should be made.

Pursuant to Chapter 98 of the Session Laws of North Dakota for 1973, being Sections 11-18-16 to 11-18-20, inclusive, of the North Dakota Century Code, as amended, pertaining to the locations of buried transmission facilities, it is noted that the abstract of title upon date of last certification sets forth the following cards on file in the office of Register of Deeds of Morton County, North Dakota:

Telephone utility on said land from Northwestern Bell Telephone Company of 220 North Fifth Street, Bismarck, North Dakota, telephone Zenith 2345, and filed September 26, 1973.

Electric Power Equipment on said land from Mor-Gran-Sou Electric Co-op, Incorporated of Flasher, North Dakota, telephone 597-3301, and filed December 14, 1973.

I have not considered herein easements for public roads, highways, or easements herein laid out, taken or established along or across said lands, mineral interests or reservations of record in connection with such easements, if any there be, or severance agreements.

Dated at Bismarck, North Dakota, this first day of July, A.D. 1975.

Sincerely,

ALLEN I. OLSON

Attorney General