

N.D.A.G. Letter to Eiken (April 19, 1985)

April 19, 1985

Mr. Doug Eiken, Director
North Dakota Parks and Recreation Department
Pinehurst Office Park
1424 West Century Avenue
Suite 202
Bismarck, North Dakota 58501

Re: Nature Preserves at Cross Ranch in Oliver County -- Cooperation with the Nature Conservancy

Dear Mr. Eiken:

Thank you for your letter of March 12, 1985, relating to questions about conservation easement and articles of dedication for the Cross Ranch Nature Preserve.

Pursuant to the provisions of N.D.C.C. § 55-11-05, the Nature Conservancy is granting a conservation easement to the North Dakota Parks and Recreation Department upon a part of certain real property known as the Cross Ranch. In order for this conservation easement to be effective against subsequent purchasers or grantees of the land, it must be recorded.

Pursuant to N.D.C.C. § 55-11-06, and the above mentioned conservation easement, the Department of Parks and Recreation is dedicating that property of the Nature Conservancy as a component of the state nature preserve system. N.D.C.C. § 55-11-06 also requires that "articles of dedication shall be placed on record in the office of the register of deeds in the county in which the natural area is located."

Therefore, both the conservation easement and the articles of dedication should be recorded in the office of the register of deeds in the county in which the nature area is located (Oliver County).

Provided both documents are recorded, they will accomplish your stated purposes of enforcing certain covenants and conditions, acquiring certain rights, and acquiring the preserve as an absolute gift in the form of an easement for an unlimited period of time. The language of each document contains some grammatical and technical errors, however, and generally could be more clearly worded. Allen Hoberg of my office is available to suggest some revisions if you deem it appropriate.

Sincerely,

Nicholas J. Spaeth

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