

**LETTER OPINION**  
**93-L-186**

June 15, 1993

Mr. Stephen J. Rice  
Walsh County State's Attorney  
Walsh County Courthouse  
Grafton, ND 58237

Dear Mr. Rice:

Thank you for your May 4, 1993, letter requesting me to review a previous opinion from Attorney General Nicholas J. Spaeth to Nicholas B. Hall, Walsh County state's attorney (October 27, 1987), which addressed the vacation of a road that had been deleted from the designated county road system.

In response to your request, I have reviewed the October 27, 1987, opinion to Nicholas B. Hall. Such review was coupled with an examination of the current North Dakota law applicable to the abandonment or vacation of county highways including changes made by the 1993 Legislative Assembly. No changes in case law or in the statutes provide a basis for changing the rationale and opinion expressed in the October 27, 1987, opinion to Nicholas B. Hall. Consequently, I reaffirm the opinion given by former Attorney General Nicholas J. Spaeth to Walsh County State's Attorney Nicholas B. Hall in his October 27, 1987, letter, a copy of which is enclosed.

Sincerely

Heidi Heitkamp  
Attorney General

meb/krb  
Enclosure