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ORDINANCE NO. 969

AN ORDINANCE ANNEXING PROPERTY IN PART OF THE NORTHWEST QUARTER (NW¼) OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WEST FARGO, NORTH DAKOTA:

SECTION 1.

WHEREAS, Wallace Beaton, Violet Beaton, Perry Beaton and Carol Beaton, having duly petitioned the Board of City Commissioners of the City of West Fargo, North Dakota, to annex to the City of West Fargo, North Dakota, the real property described below; and

WHEREAS, said petition has been signed by owners of not less than 3/4 of the assessed value of said property; and

WHEREAS, the said property is contiguous or adjacent to the incorporated municipality of the City of West Fargo, North Dakota, and is not presently embraced within the limits thereof; and

WHEREAS, said petition was duly received by the City Auditor and filed with the City Commission of the City of West Fargo, North Dakota; and

WHEREAS, the petitioners, by publication in the West Fargo Pioneer, on July 3, 2013, will give due notice of the presentation of said petition to the Board of City Commissioners of the City of West Fargo, North Dakota; and

WHEREAS, no protests or objections to said annexation have been made;

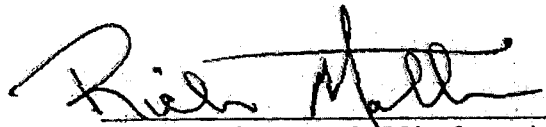
NOW THEREFORE, all of the following described real estate:

SEE ATTACHED EXHIBIT A

is hereby annexed to, made a part of, and included within the corporate limits of the City of West Fargo, North Dakota.


SECTION 2.

This ordinance shall be in full force and effect from and after its second reading and final passage.



President of the Board of City Commissioners
of the City of West Fargo, North Dakota

ATTEST:



City Auditor

Date of First Reading: July 1, 2013

Date of Second Reading
and Final Passage: July 15, 2013

WEST CREEK ANNEXATION BOUNDARY:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8" REBAR DESIGNATING THE NORTHWEST CORNER OF SAID SECTION 18;

THENCE NORTH 87°47'48" EAST ALONG THE NORTH LINE OF SAID SECTION 18 A DISTANCE OF 645.00 FEET TO THE NORTHEASTERLY CORNER OF GUSTOFSON'S SUBDIVISION, SAID PLAT IS ON FILE AND OF RECORD IN THE CASS COUNTY RECORDER'S OFFICE, SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED;

THENCE CONTINUING NORTH 87°47'48" EAST ALONG THE NORTH LINE OF SAID SECTION 18 A DISTANCE OF 866.51 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CASS COUNTY DRAIN 21, SAID LINE ALSO BEING THE WESTERLY LINES OF SHEYENNE PARK FOURTH ADDITION AND ELMWOOD COURT ADDITION, SAID PLATS ARE ON FILE AND OF RECORD IN THE CASS COUNTY RECORDER'S OFFICE;

THENCE SOUTH 10°20'12" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CASS COUNTY DRAIN 21 A DISTANCE OF 1728.25 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 94;

THENCE NORTH 49°42'17" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 1501.13 FEET TO THE SOUTHEASTERLY CORNER OF SAID GUSTOFSON'S SUBDIVISION;

THENCE NORTH 02°33'09" WEST ALONG THE EASTERLY LINE OF SAID GUSTOFSON'S SUBDIVISION A DISTANCE OF 696.76 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 25.82 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.

2013
25.82 Ac

Ordinance 969 7/15/13

ANNEXATION PLAT TO THE CITY OF WEST FARGO OF A PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA.

CERTIFICATE

DAVID S. HEYER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED ANNEXATION PLAT TO THE CITY OF WEST FARGO OF A PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA, THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY ANNEXED TO THE CITY OF WEST FARGO; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT AND THAT THE EXTERIOR BOUNDARY LINES OF SAID SECTION ARE CORRECTLY DESIGNATED AND DESCRIBED AS FOLLOWS, TO-WIT:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" NAILER DESIGNATING THE NORTHWEST CORNER OF SAID SECTION 18;

THENCE NORTH 87°44'47" EAST ALONG THE NORTH LINE OF SAID SECTION 18 A DISTANCE OF 843.06 FEET TO THE NORTHEASTLY CORNER OF GUSTAFSON'S SUBDIVISION; SAID PLAT IS ON FILE AND OF RECORD IN THE CASS COUNTY RECORDER'S OFFICE; SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED;

THENCE CONTINUING NORTH 87°44'47" EAST ALONG THE NORTH LINE OF SAID SECTION 18 A DISTANCE OF 868.59 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CASS COUNTY GRAIN 21; SAID LINE ALSO BEING THE WESTERLY LINE OF SHERIDAN PARK FOURTH ADDITION AND ELWOOD COURT ADDITION; SAID PLATS ARE ON FILE AND OF RECORD IN THE CASS COUNTY RECORDER'S OFFICE;

THENCE SOUTH 1°22'12" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID CASS COUNTY GRAIN 21 A DISTANCE OF 1782.5 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 58;

THENCE NORTH 84°27'17" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 1801.13 FEET TO THE SOUTHEASTLY CORNER OF SAID GUSTAFSON'S SUBDIVISION;

THENCE NORTH 02°02'17" WEST ALONG THE EASTERLY LINE OF SAID GUSTAFSON'S SUBDIVISION A DISTANCE OF 869.16 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 25.82 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD, IF ANY.

David S. Heyer
DAVID S. HEYER
REGISTERED LAND SURVEYOR
NO. 140, 2008
STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS 15th DAY OF July 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED DAVID S. HEYER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Tom Widdowall
TOM WIDDOWALL, CHAIRMAN
WEST FARGO PLANNING COMMISSION
CITY OF WEST FARGO
STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS 15th DAY OF July 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TOM WIDDOWALL, CHAIRMAN OF THE WEST FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE WEST FARGO PLANNING COMMISSION.

Jim Sawyer
JIM SAWYER
NOTARY PUBLIC
CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 11/21/14

CITY ENGINEER'S APPROVAL

THIS PLAT AS THE CITY OF WEST FARGO IS HEREBY APPROVED THIS 15th DAY OF July 2013.

Kevin J. Sledge
KEVIN J. SLEDGE, CITY ENGINEER
STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS 15th DAY OF July 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KEVIN J. SLEDGE, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Kevin J. Sledge
KEVIN J. SLEDGE
NOTARY PUBLIC
CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 11/21/14

CERTIFICATE BY EXECUTIVE OFFICER OF CITY

THE ANNEXATION OF THE PROPERTY DESCRIBED IN THIS PLAT AND THE PLAT ARE HEREBY APPROVED THIS 15th DAY OF July 2013, AND THE REQUEST OF THE BOARD OF CITY COMMISSIONERS IS HEREBY CERTIFIED THAT THE CITY DOES PROPERLY BOUND SAID PROPERTY, AND THAT SAID PROPERTY AT THE TIME OF RECORDING THIS PLAT SHALL BE WITHIN THE CITY LIMITS OF THE CITY OF WEST FARGO.

Robert Miller
ROBERT MILLER, PRESIDENT
WEST FARGO CITY COMMISSION
STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS 15th DAY OF July 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ROBERT MILLER, PRESIDENT OF THE WEST FARGO CITY COMMISSION, AND JAMES BROWNE, CITY CLERK, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF WEST FARGO.

James Browne
JAMES BROWNE, CITY CLERK
STATE OF NORTH DAKOTA
COUNTY OF CASS

Jim Sawyer
JIM SAWYER
NOTARY PUBLIC
CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 11/21/14

LEGEND

- EXISTING CORPORATE LIMITS
- ANNEXATION LIMITS
- ANNEXATION AREA

GRAPHIC SCALE
1" = 100'
1" = 100'

MOORE ENGINEERING, INC. SHEET 1 OF 1
PROJECT NO. 13114