

ORDINANCE NO. 296

AN ORDINANCE ANNEXING A 12.8 ACRE PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASSELTON:

Section 1.

WHEREAS, Maletta L. Meyer and Michael A. Meyer, wife and husband, and Wayne R. Anderson and Renee L. Anderson, husband and wife, and Central Cass Public School District No. 17, owners of more than three-fourths (3/4ths) of the property described below have petitioned the City Council of the City of Casselton, North Dakota, to annex to the City of Casselton, North Dakota, the real property described below; and

WHEREAS, the said petition has been signed by not less than  $\frac{3}{4}$  of the owners of not less than  $\frac{3}{4}$  of the assessed value of said property; and

WHEREAS, said property is contiguous to the incorporated municipality of the City of Casselton, 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 Council of the City of Casselton, North Dakota; and

WHEREAS, the petitioners, by publication in the Cass County Reporter, gave due notice of the presentation of said petition to the City Council of the City of Casselton, North Dakota; and

WHEREAS, the Planning and Zoning Commission of the City of Casselton has held a public hearing to consider the Annexation and has recommended approval of the annexation; and

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

NOW THEREFORE, all of the following described real estate:

THAT PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ ) OF SECTION TWENTY SIX (26), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 1, ANGIE'S ADDITION TO THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA AS SAID PLAT IS ON FILE AND OF RECORD IN THE OFFICE OF THE CASS

COUNTY RECORDER; THENCE NORTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 5 AND ALONG THE EXISTING CORPORATE LIMITS OF THE CITY OF CASSELTON TO A POINT ON THE NORTHERLY LINE OF A CERTAIN TRACT OF LAND AS DESCRIBED IN WARRANTY DEED DOCUMENT NUMBER 909042, RECORDED AUGUST 27, 1998, ON FILE AND OF RECORD IN THE OFFICE OF SAID RECORDER; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID TRACT TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 5 AND THE EXISTING CORPORATE LIMITS OF THE CITY OF CASSELTON; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 5 THE EASTERLY EXTENSION THEREOF AND SAID EXISTING CORPORATE LIMITS OF THE CITY OF CASSELTON TO THE POINT OF BEGINNING.


SAID TRACT CONTAINS 12.8 ACRES, MORE OR LESS.

Is hereby annexed to and made part of and included within the corporate limits of the City of Casselton, North Dakota.


Section 2. Effective date -

This ordinance shall be in full force and effect from and after its second reading and final passage. The annexation shall be effective the date the ordinance, annexation plat and certification are filed with the County Recorder.

APPROVED:

  
\_\_\_\_\_  
Lee Anderson, Mayor

ATTEST:

  
\_\_\_\_\_  
Sheila Klevgard, City Auditor

FIRST READING: 5/1/2017

SECOND READING: 6/5/2017

E-Recorded By  
Ohnstad Twichell P.C. On  
5/10/18

State of North Dakota )  
  )  
County of Cass            )

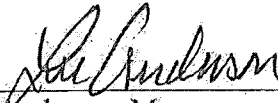
CERTIFICATE

I, Lee Anderson, the duly elected, qualified and acting Mayor of the City of Casselton; and  
I, Sheila Klevgard, the duly appointed, qualified and acting City Auditor of the City of Casselton,


DO HEREBY CERTIFY:

That the attached Ordinance #296 is a full, true and correct copy of the original ordinance providing for the annexation of the property described therein to the City of Casselton, Cass County, North Dakota, which was adopted and approved at a regular meeting of the City Council, at which five members were present and five members voted in favor of adoption; and

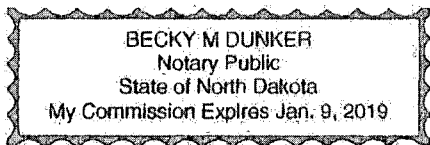
That said ordinance is now a part of the permanent records of the City of Casselton, as such records are filed in the office of the City Auditor.


  
\_\_\_\_\_  
Lee Anderson, Mayor

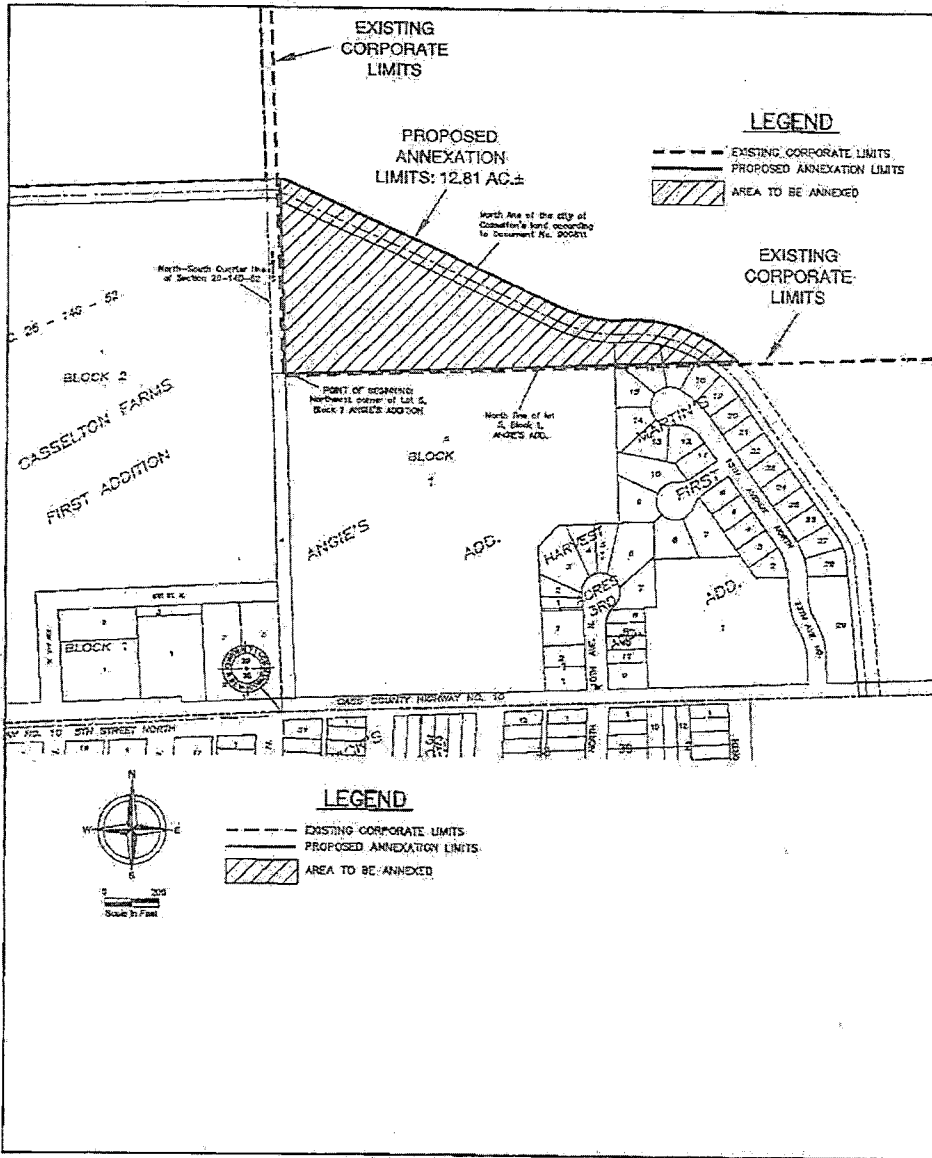
ATTEST:

  
\_\_\_\_\_  
Sheila Klevgard, City Auditor

On this 6<sup>th</sup> day of June, 2017, before me, a notary public, within and for said county and state, personally appeared Lee Anderson and Sheila Klevgard, known to me to be the Mayor and the City Auditor of the City of Casselton, a municipal corporation under the laws of the State of North Dakota, that is described in and who executed the within and foregoing instrument, and acknowledged that they executed the same.



  
\_\_\_\_\_  
Notary Public  
Cass County, North Dakota



**ANNEXATION PLAT OF A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 140 NORTH, RANGE 52 WEST, TO THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA.**

**LEGEND**

- EXISTING CORPORATE LIMITS
- PROPOSED ANNEXATION LIMITS
- ▨ AREA TO BE ANNEXED

**CERTIFICATE**

STEVEN W. HOLM, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF A PARCEL OF LAND ANNEXED TO THE CITY OF CASSELTON ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, THAT THE PROPERTY REPRESENTED IN SAID PLAT IS A PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA AND THAT SAID ATTACHED PLAT IS A CORRECT REPRESENTATION OF SAID PARCEL OF LAND ANNEXED TO THE CITY OF CASSELTON DESCRIBED AS FOLLOWS, TO-WIT:

THAT PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 1, HARVEST ADDITION TO THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA AS SAID PLAT IS ON FILE AND OF RECORD IN THE OFFICE OF THE CASS COUNTY RECORDER;

THENCE EAST ALONG THE WESTERLY EXTENSION OF THE WEST LINE OF SAID LOT 5 TO A POINT ON THE NORTH LINE OF A TRACT OF LAND OWNED BY THE CITY OF CASSELTON ACCORDING TO DOCUMENT 900681;

THENCE EAST AND SOUTHWESTERLY ALONG THE NORTH LINE OF SAID TRACT OF LAND OWNED BY THE CITY OF CASSELTON ACCORDING TO DOCUMENT 900681 TO A POINT ON THE EASTERN EXTENSION OF THE NORTH LINE OF SAID LOT 5;

THENCE WEST ALONG THE EASTERN EXTENSION OF THE NORTH LINE AND THE NORTH LINE OF SAID LOT 5 TO THE NORTHWEST CORNER THEREOF, THE POINT OF BEGINNING.

SAID TRACT CONTAINS 12.81 ACRES, MORE OR LESS.



STEVEN W. HOLM  
REGISTERED LAND SURVEYOR  
N.D. REG. NO. 8770  
STATE OF NORTH DAKOTA  
CASS COUNTY

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE BY EXECUTIVE OFFICER OF CITY**

I, LEE ANDERSON, DO HEREBY CERTIFY THAT I AM NOW AND AT ALL TIMES DURING THE ANNEXATION OF THE PROPERTY DESCRIBED HAVE BEEN MAYOR OF THE CITY OF CASSELTON, COUNTY OF CASS, STATE OF NORTH DAKOTA, AND I FURTHER CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_, AT THE \_\_\_\_\_ MEETING OF THE BOARD OF CITY ENGINEERS, I DID APPROVE THE PROPERTY DESCRIBED IN THE ANNEXATION PLAT BY STEVEN W. HOLM, REGISTERED LAND SURVEYOR, THAT THE DESCRIPTION, EXTENT AND AREA SHOWN ON SAID PLAT ARE THE SAME USED IN THE ANNEXATION PROCEEDINGS BEFORE THE BOARD OF THE CITY OF CASSELTON; AND THAT SAID PLAT SHOWS THE CORPORATE LIMITS OF THE CITY CONTIGUOUS TO THE ANNEXED PROPERTY AND THE CHANGE MADE THEREIN BY SAID ANNEXATION.

ATTEST: SHEILA KLEVENESS, CITY CLERK  
STATE OF NORTH DAKOTA  
CITY OF CASSELTON

LEE ANDERSON, MAYOR

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LEE ANDERSON, MAYOR, AND SHEILA KLEVENESS, CITY CLERK OF THE CITY OF CASSELTON, 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 CASSELTON.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

**CASSELTON CITY COUNCIL APPROVAL**

THIS PLAT OF A PARCEL OF LAND ANNEXED TO THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ATTEST: SHEILA KLEVENESS, CITY CLERK  
STATE OF NORTH DAKOTA  
CITY OF CASSELTON

LEE ANDERSON, MAYOR

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LEE ANDERSON, MAYOR, AND SHEILA KLEVENESS, CITY CLERK OF THE CITY OF CASSELTON, 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 CASSELTON.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_

**CITY ENGINEER APPROVAL**

APPROVED BY THE CITY ENGINEER: THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.



BRANDON OVI, CITY ENGINEER  
STATE OF NORTH DAKOTA  
CASS COUNTY

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRANDON OVI, CASSELTON 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.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES: \_\_\_\_\_