

CITY OF STANLEY

PO BOX 249  
STANLEY ND 58784



**436556**  
County Recorder  
Mountrail County  
Stanley ND  
Page 1 of 6



208 S Main  
PO Box 249  
Stanley, ND 58784  
701-628-2225

RE: Taryn and Carly Lumley/Wildflower Ranch

I, Allyn Sveen, Stanley City Auditor, do hereby certify this to be a true and correct copy of the Minutes of the Stanley City Council Meeting that was held on December 8, 2015 and April 11, 2017 a copy of which is attached hereto.

This certification is for the purpose of placing of record the official action of the City of Stanley to annex into the corporate limits of the City of Stanley. Description of the property to be annexed is as follows:

**TOWNSHIP 156 NORTH, RANGE 91 WEST:**

Section 17: NW (less Outlot 1), NE¼, SW¼

CITY OF STANLEY

  
Allyn Sveen, City Auditor

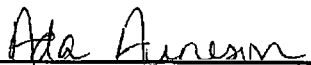
STATE OF NORTH DAKOTA, COUNTY OF MOUNTRAIL

On this day, personally appeared before me  
Allyn Sveen

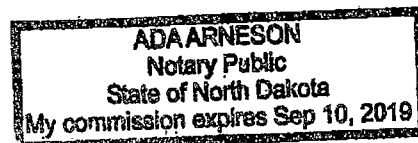
To me known to be the person(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she signed the same as his/her voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal hereto affixed

This 18<sup>th</sup> day of July, 2018

  
Notary Public in and for the State of North Dakota

Commission expires 09-10-2019



50

# ORDINANCE NO. 96-30

**AN ORDINANCE RELATING TO THE ANNEXATION OF REAL PROPERTY PRESENTLY LOCATED OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OF STANLEY**

Taryn and Carly Lumley

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STANLEY, MOUNTRAIL COUNTY, NORTH DAKOTA:**

The City Council of the City of Stanley, North Dakota, pursuant to Chapter 40-51.2 of the North Dakota Century Code, states that:

- 1) The owner of the following described real property, Taryn Lumley and Carly Lumley, having signed a written petition for annexation into the corporate boundaries of the City of Stanley, North Dakota; and
- 2) All of the below-described real property is lands that are contiguous or adjacent real property which is within the corporate limits of the City of Stanley;
- 3) The real property is fully described as follows, to-wit:

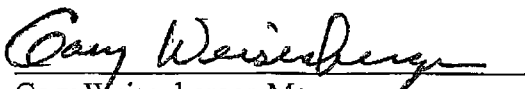
**TOWNSHIP 156 NORTH, RANGE 91 WEST:**

Section 17: NW (less Outlot 1), NE $\frac{1}{4}$ , SW $\frac{1}{4}$

**SECTION 4: EFFECTIVE DATE.**

This Ordinance shall take effect and be in force from and after final passage, and due publication according to law.

Dated this 12<sup>th</sup> day of June, 2018.

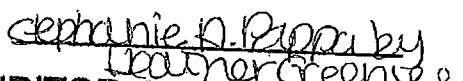
  
Gary Weisenberger, Mayor

ATTEST:

  
Allyn Sveen, City Auditor

**TRANSFER ENTERED**

DATE: July 18, 2019

  
AUDITOR, MOUNTRAIL, N.D.

First Reading: December 8, 2015

Second Reading: April 11, 2017

Publication Dates: December 23<sup>rd</sup> and 30<sup>th</sup>, 2015

County Recorder  
Mountrail County  
Stanley ND

**436556**



**1<sup>ST</sup> READING – LUMLEY ANNEXATION – DECEMBER 8, 2015**

Jeff Holcomb spoke on behalf of Taryn and Carly Lumley and the project developer, Swenson Realty Group, Inc., interested in the annexation of approximately 456 acres located in the north ½ and southwest ¼ of Section 17 T156N Range 91W. The property is being proposed for a mixed use master-planned community development consisting of a market driven blend of residential, industrial, and commercial/retail uses. Two options were presented on how to proceed with this annexation to be contiguous to city limits. The first option would be to go down 63<sup>rd</sup> Street NW to connect to the Lumley property. The second option would be to go down 63<sup>rd</sup> Street NW and then north behind the old John Deere dealership. Mr. Holcomb stated the Lumley's have had several meetings and discussions with the Idaho Township board as 63<sup>rd</sup> Street NW is a township road. The Idaho Township board has stated they are open to the project and working with the Lumley's and the City. The Idaho Township would also like the City to meet with them to discuss this project. Attorney Enget stated the key to this is to figure out access which is going to be to strip annexation. Council discussed in great length the strip annexation and the best ways to provide city services to this property. A motion made by Holte second by Gaaskjolen to approve the first reading of the following annexation: Upon roll call: All present voted in favor. Motion carried.

**ORDINANCE NO. 96-30**

**AN ORDINANCE RELATING TO THE ANNEXATION OF REAL PROPERTY PRESENTLY LOCATED OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OF STANLEY**

Taryn and Carly Lumley

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- 3) The real property is fully described as follows, to-wit:

**TOWNSHIP 156 NORTH, RANGE 91 WEST:**

Section 17: NW (less Outlot 1), NE¼, SW¼

**SECTION 4: EFFECTIVE DATE.**

This Ordinance shall take effect and be in force from and after final passage, and due publication according to law.

The first reading held on December 8, 2015, with the second reading and final passage to be held on February 9, 2016. Publication Dates: December 23 and December 30, 2015.

**2<sup>ND</sup> READING - LUMLEY ANNEXATION – APRIL 11, 2017**

Jeff Holcomb, consultant on behalf of Taryn and Carly Lumley, requested the Council act on the second reading of the Lumley Annexation. Carly and Taryn Lumley, Doug Kinnoin and Attorney Ryan Sandberg were also in attendance. Mr. Holcomb informed the Council that adjacent landowners, Colleen Evenson and Jim Dennis, will allow an easement for an utility corridor to connect the proposed property to be



annexed to the City. The proposed development will be the "Wildflower Ranch" and will consist of a mixture of residential, commercial and retail use property. Mr. Holcomb stated the proposed annexation will have no impact to the City or the taxpayers.

Discussion was held on sewer services to the development. City Engineer with Brosz Engineering, Terry Lukan, commented the Rian Development has sewer and the proposed development is 40' higher than Old Highway #2 so this will help to connect to the Rian Development. It is unknown if a lift station would be needed. Mr. Lukan felt Sewer Cell 3 could accommodate the development. Mr. Holcomb stated the infrastructure needs will be at the cost of the developer.

Attorney Evert suggested the Board place a contingency of tying the Developer's Agreement and the strip annexation to the approval of the annexation.

Chancey Henin, SNH Green Acres and resident along 63<sup>rd</sup> St NW, asked if any consideration has been given to improve 63<sup>rd</sup> St NW. Comment was made the road will remain a township road and access to the proposed development will be from Highway 8.

David Enander with Idaho Township Board commented that Stanley City will be benefiting from the tax dollars and should have an obligation to help maintain adjoining roads. Attorney Evert stated this could be addressed in the Developer's Agreement. Mr. Enander stated there is ½ mile on 63<sup>rd</sup> Street NW and 1 mile on 83<sup>rd</sup> Ave NW that will be affected by the annexation.

Councilman Taylor stated he reached out to adjoining landowners and he feels the adjoining landowners did not get fair notice of this annexation hearing because of the time frame between the first reading in December of 2015 and the second reading of today. Councilman Nohr agreed with this comment. Also, Nohr felt there is property within the City available for residential and commercial use and is not certain if another development is needed at this time.

Councilman Gaaskjolen did not feel the Council should be a road block to development and felt there is no reason to delay action. Further, the Developer's Agreement can address matters of concern.

Councilman Taylor stated he is concerned of the obligations that will be required of the City as revenues are down. Mr. Lumley stated the developers were not asking for anything from the City, everything will be funded by the developers. Councilman Taylor stated there is still the obligation in sharing maintenance on township roads and sewer issues. Mr. Holcomb stated these issues can all be addressed in the Developer's Agreement.

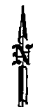
Wayne Evans, Chairman of the P&Z Board, was concerned that strip annexations could create problems. Also, Mr. Enander asked if the annexation would change the extra-territorial zoning authority. Attorney Evert stated the City does have the right by ordinance to extend their zoning authority.

Motion made by Gaaskjolen, seconded by Holte, to approve the second reading of Ordinance #96-30 for the annexation of the NW (less Outlot 1), NE¼, SW¼ of Section 17 T156N R91W for Taryn and Carly Lumley contingent upon a Developer's Agreement approved by the City and a strip annexation by adjacent property owners: ON ROLL CALL VOTE, the following Council Members voted "AYE": Gaaskjolen, Wienbar, Holte and Minton; and the following Council Members voted "NAY": Nohr and Taylor. Motion carried and Ordinance declared adopted.

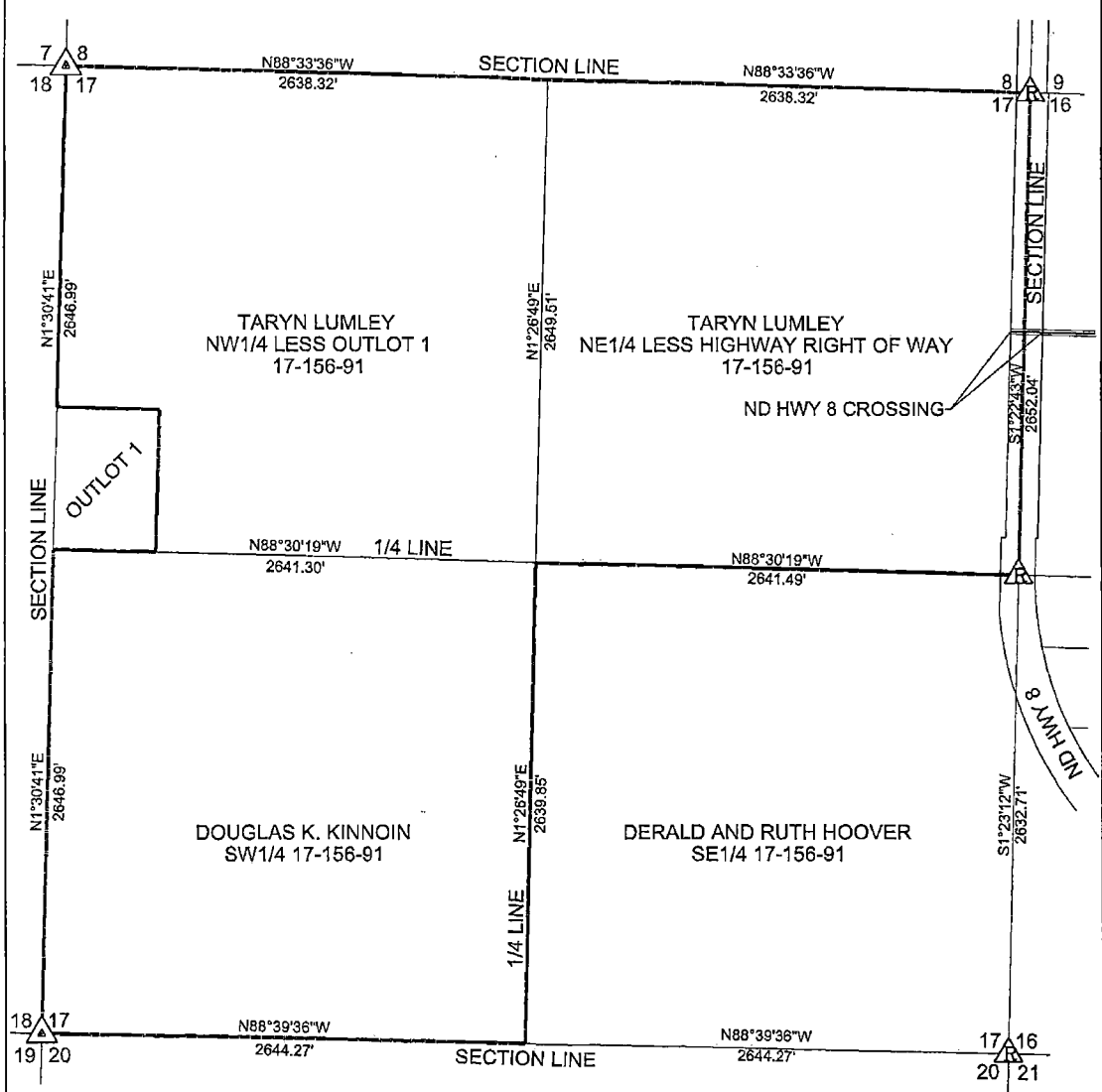




### "EXHIBIT A" LUMLEY ANNEXATION MAP



1" = 800'



#### SURVEYOR'S CERTIFICATE STATE OF NORTH DAKOTA COUNTY OF MOUNTRAIL

I, Michael A. Jordan, Registered Land Surveyor in the State of North Dakota, do here by certify that the above survey was completed under my direct supervision and the location and dimensions are true and correct as shown. This survey does not constitute a title search to determine ownership or easements of record as performed by myself or by Brosz Engineering.

*Michael A. Jordan*  
Michael A. Jordan, RLS No. 3542



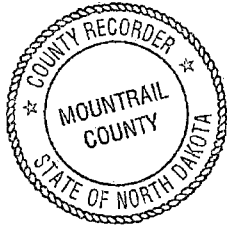
#### LEGEND

- = FOUND REBAR
- = FOUND IRON PIN AND CAP

SURVEY NOTES:  
BASIS OF BEARING: NDSPCS NORTH ZONE  
DISTANCES SHOWN ARE GRID DISTANCES

501 9th Ave. SE  
Box 178  
Stanley, ND 58784  
Ph: 701.828.3340

**Brosz**  
ENGINEERING, INC.  
ARCHITECTURE ENGINEERING SURVEYING



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Mountrail County  
Stanley ND

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County Recorder, Mountrail County ND. **436556**

I certify that this instrument was filed and recorded.

Melissa Vachal, County Recorder

By *Melissa Vachal* Fee \$30.00  
7/31/2018 4:08 PM