



By

ORDINANCE NO. 2021-001

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF KILLDEER, NORTH DAKOTA, AND ANNEXING CERTAIN TRACTS OF LAND ADJACENT TO THE BOUNDARIES OF THE PRESENT CITY LIMITS

WHEREAS, the City of Killdeer has received a written petition to annex to the city limits certain real property contiguous to the City of Killdeer; and

WHEREAS, such petition is signed by the not less than three-fourths in assessed value of the property of the territory proposed to be annexed, which such territory is contiguous or adjacent to the incorporated municipality of the City of Killdeer and is not embraced within the limits thereof; and

WHEREAS, NDCC §40-51.2-07 permits annexation by ordinance of the governing body upon receipt of such a petition; and

WHEREAS, the Board of City Commissioners of the City of Killdeer, North Dakota, desires to annex the property to the City of Killdeer for the following reasons: The territory is contiguous to the City of Killdeer, and its proposed annexation will contribute to and facilitate the orderly growth and development of both the City and the territory proposed to be annexed; annexation will encourage natural and well-ordered development of the City of Killdeer and the territory proposed to be annexed; annexation will extend municipal government to areas which form a part of the whole community of Killdeer; annexation will simplify government structure in the area of the City of Killdeer; annexation will recognize the interrelationship and interdependence between the City of Killdeer and areas contiguous or adjacent thereto; annexation will contribute to the proper and orderly layout, design and construction of streets, gutters, sidewalks, water mains, sanitary and storm water sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and annexation will provide and facilitate the proper overall planning and zoning of land, and subdivision of lands in the City and the territory proposed to be annexed in a manner most conducive to the welfare of the City and the territory proposed to be annexed;

THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF KILLDEER, NORTH DAKOTA, AS FOLLOWS:

Section 1: The following real property, situated, lying and being in the Dunn County, State of North Dakota, is hereby annexed to the city limits of the City of Killdeer:

THAT PART OF THE SOUTH HALF OF SECTION 15, TOWNSHIP 145 NORTH, RANGE 95 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, DUNN COUNTY, CITY OF KILLDEER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE S88°14'24"E ALONG SOUTH LINE OF SECTION 15 A DISTANCE OF 1,682.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING



By _____

ALONG SAID SECTION LINE A DISTANCE OF 2,272.42 FEET; THENCE N01°48'17"E A DISTANCE OF 97.77 FEET; THENCE N29°48'33"W A DISTANCE OF 270.81 FEET; THENCE N88°14'24"W TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 15 A DISTANCE OF 1,176.10 FEET; THENCE N01°50'33"E ALONG SAID WEST LINE A DISTANCE OF 1,492.73 FEET; THENCE N88°13'39"W A DISTANCE OF 1,322.03 FEET; THENCE S01°44'39"W A DISTANCE OF 1,044.23 FEET; THENCE S29°58'14"E A DISTANCE OF 693.96 FEET; THENCE S01°45'36"W A DISTANCE OF 187.05 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS ±60.73 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF SIGHT AND RECORD.

Section 2: A notice of the presentation of the petition, and the City Commission's consideration of this ordinance shall be given by one publication in the official newspaper of the City.

Section 3: A notice of the time and place of the presentation of the petition and the City Commission's consideration of this ordinance shall be mailed, by certified mail, to the owner of each parcel of real property within the area described herein at the person's last-known mailing address. The notice is not required to be sent to any owner of real property who signed the petition requesting annexation. The City shall also mail, by certified mail, the notice described herein to the governing body of Dunn County, North Dakota, as a county directly affected by the land area petitioned to be annexed.

Section 4: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 6: Effective Date: This Ordinance shall be in full force and effect from and after final passage.



3095199

By _____

Charles Muscha, President
Board of City Commissioners

ATTEST

Matt Oase, City Auditor

First Reading: 04/19/2021

Second Reading: 09/20/2021

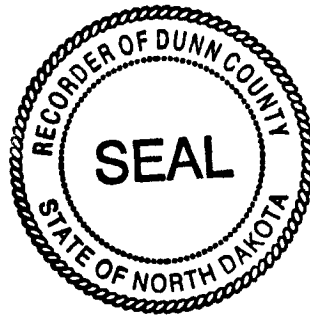
Final Passage: 09/20/2021



3095199

ANNEXATION \$20.00 Page: 4 of 4
Lisa A. Guenther, Dunn County Recorder 11/1/2021 4:26 PM

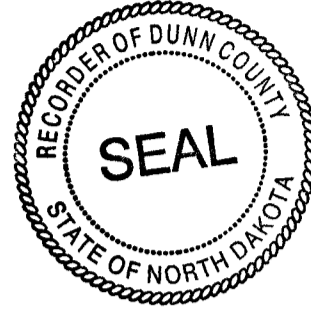
By *Lisa A. Guenther*



ANNEXATION PLAT

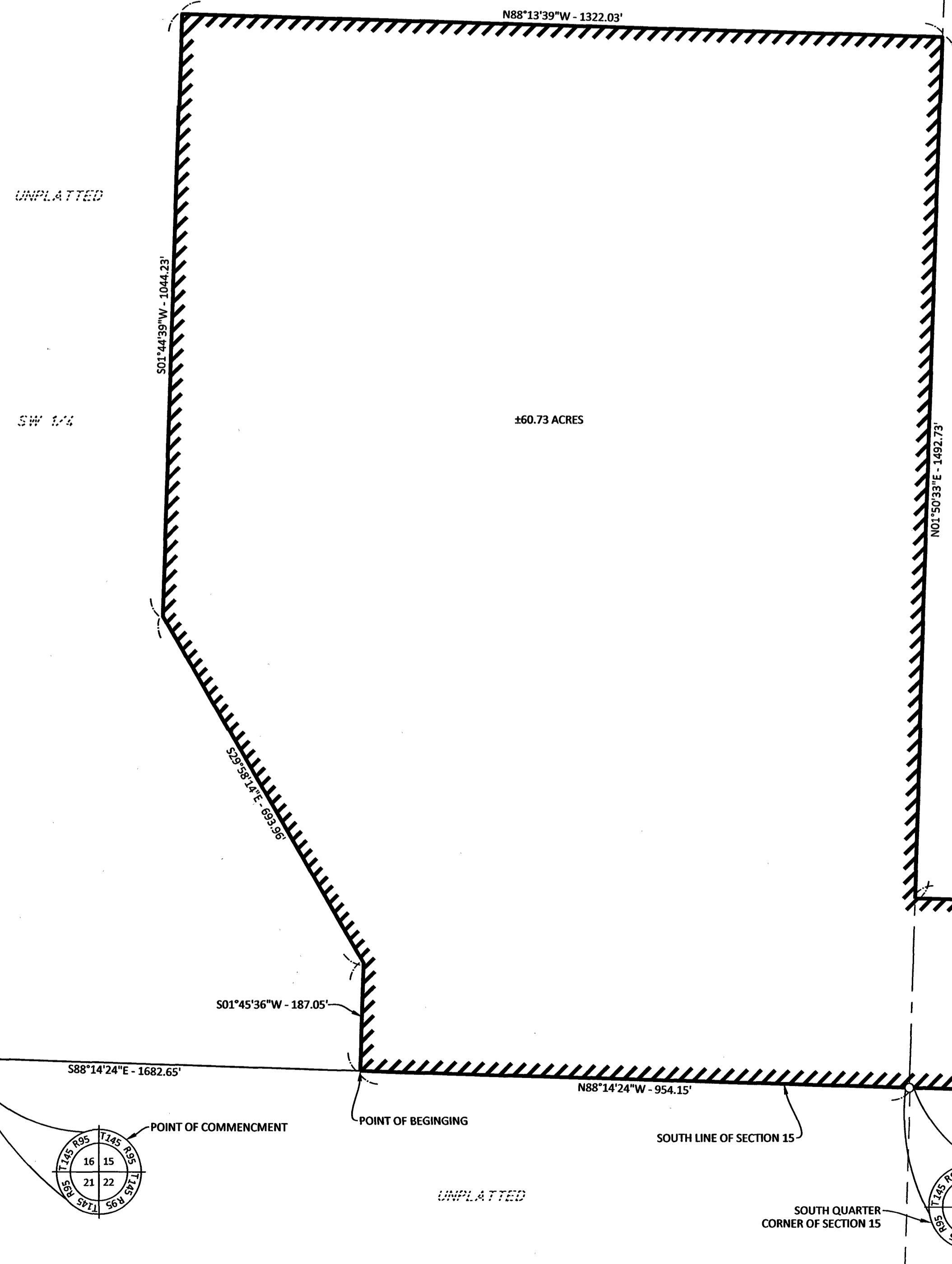
TO THE CITY OF KILLDEER, DUNN COUNTY, NORTH DAKOTA.

3095200
 Page: 1 of 1
 Lisa A. Neset - Design Survey Recorder 11/1/2021 4:26 PM
 By: *Lisa A. Neset*



SECTION 15

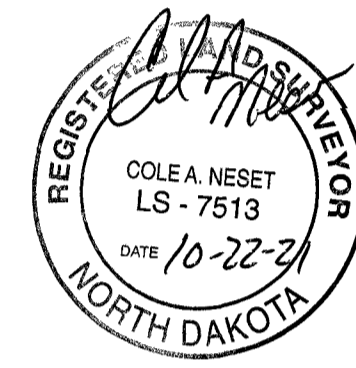
QUARTER LINE



ANNEXATION OF:
 THAT PART OF THE SOUTH HALF OF SECTION 15, TOWNSHIP 145 NORTH, RANGE 95 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, DUNN COUNTY, CITY OF KILLDEER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE S88°14'24\"/>

SURVEYORS CERTIFICATE
 I, COLE A. NESET, HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION BETWEEN [NAME] AND [NAME] AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS, AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.
 SIGNED: *CA Neset* DATE: 10-22-21

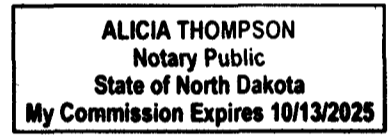
CA Neset
 COLE A. NESET,
 REGISTERED LAND SURVEYOR
 ND REG. NO. 7513



STATE OF North Dakota
 COUNTY OF Cass

ON THIS 22 DAY OF October, 2021, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

Al Thompson
 NOTARY PUBLIC, COUNTY: Cass STATE: ND
 MY COMMISSION EXPIRES: 10/13/2025



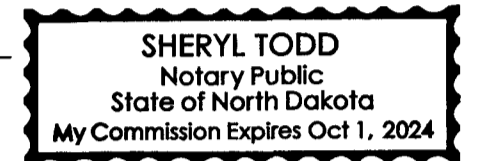
CITY ENGINEER'S APPROVAL
 APPROVED BY CITY ENGINEER THIS 26 DAY OF October 2021.

B. Morlok
 BRETT MORLOK
 CITY ENGINEER

STATE OF North Dakota
 COUNTY OF Burleigh

ON THIS 26 DAY OF October, 2021, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRETT MORLOK, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

Sherly Todd
 NOTARY PUBLIC, COUNTY: Burleigh STATE: North Dakota
 MY COMMISSION EXPIRES: October 1, 2024



CITY COMMISSION APPROVAL
 APPROVED BY CITY COMMISSION THIS 20th DAY OF September 2021.

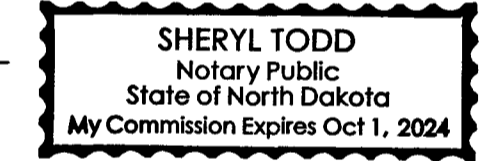
Chuck Muscha
 CHUCK MUSCHA
 COMMISSION PRESIDENT

Matt Oase
 MATT OASE
 CITY AUDITOR

STATE OF North Dakota
 COUNTY OF Burleigh

ON THIS 26th DAY OF October, 2021, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHUCK MUSCHA, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

Sherly Todd
 NOTARY PUBLIC, COUNTY: Burleigh STATE: North Dakota
 MY COMMISSION EXPIRES: October 1, 2024

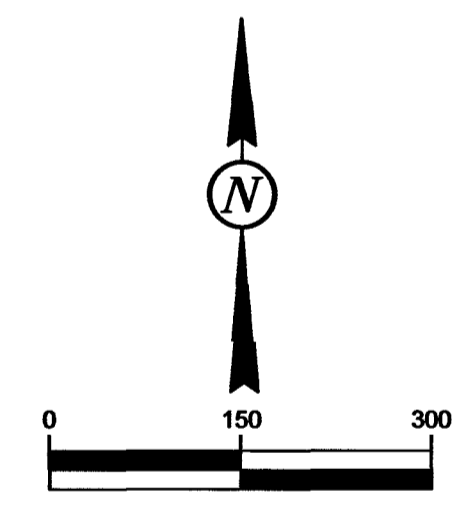
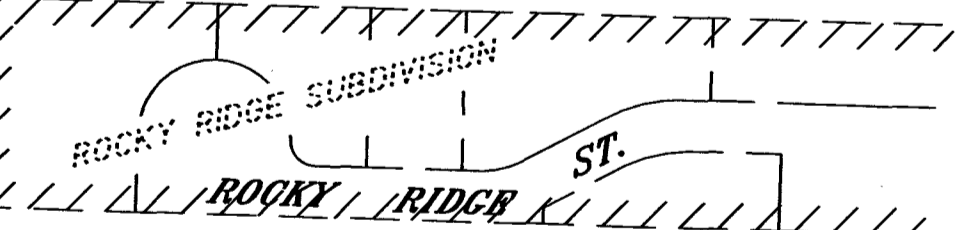


SE 1/4

SECTION 15

UNPLATTED

CURRENT CITY OF KILLDEER BOUNDARY



- LEGEND**
- MONUMENT SET
 - MONUMENT FOUND
 - - - EX. EASEMENT
 - - - EX. PROPERTY LINE
 - - - EX. SECTION LINE
 - ▬ PROPERTY BOUNDARY LINE
 - ▨ PROPOSED ANNEXATION BOUNDARY
 - ▩ CITY OF KILLDEER BOUNDARY
 - ▧ CURRENT CITY OF KILLDEER ANNEXATION

SURVEY INFORMATION
 DATE OF SURVEY: AUGUST 2020
 BASIS OF BEARING: THE SOUTH LINE OF SECTION 15 HAS AN ASSUMED BEARING OF S88°14'24\"/>

SHEET 1 OF 1



DRAWN BY: KRS
 CHECKED BY: CAN
 DATE: 3/10/2021

03/11/21 09:08:52AM Z:\Neset\Shared Files\Colin Project\2020-Projects\10_2020\Killdeer School\Killdeer Annexation Plat 22-24 3-10-2021.dwg