

**ORDINANCE NO. 1313**

**AN ORDINANCE TO AMEND AND REENACT SECTION 105-2-2 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP AND ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.**

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

**SECTION 1. PROPERTY ANNEXED.** The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, and is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

ALL THAT PART OF LOT B OF AUDITOR'S SUBDIVISION AND ALL OF LOT A AND LOT B OF LOT B AUDITOR'S SUBDIVISION OF THE SOUTHWEST 1/4 SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 2 REPLAT OF EVERGREEN HEIGHTS 2ND ADDITION; THENCE NORTH 00 DEGREES 06 MINUTES 31 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 256.67 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 1 EVERGREEN HEIGHTS ADDITION; THENCE NORTH 89 DEGREES 53 MINUTES 40 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 129.87 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF LOT A OF E1/2SW1/4 SECTION 35, T.139N., R.81W.; THENCE NORTH 00 DEGREES 01 MINUTE 22 SECONDS WEST, ALONG EAST LINE OF SAID LOT 1 OF LOT A OF E1/2SW1/4, A DISTANCE OF 258.17 FEET TO THE SOUTH RIGHT-OF-WAY OF 15TH STREET SE; THENCE NORTHEASTERLY AND TO THE RIGHT, ALONG SAID RIGHT-OF-WAY, ON A 204.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 58 DEGREES 38 MINUTES 59 SECONDS EAST, AN ARC LENGTH OF 33.78 FEET; THENCE NORTH 40 DEGREES 50 MINUTES 14 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 90.42 FEET TO THE WEST RIGHT-OF-WAY OF HIGHWAY 1806; THENCE SOUTH 38 DEGREES 47 MINUTES 51 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 329.06 FEET; THENCE NORTH 51 DEGREES 25 MINUTES 12 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 5.16 FEET; THENCE SOUTH 38 DEGREES 42 MINUTES 43 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 285.14 FEET; THENCE SOUTH 51 DEGREES 17 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 15.00 FEET; THENCE SOUTH 38 DEGREES 48 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 163.24 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 25 SECONDS WEST, A DISTANCE OF 427.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 3.70 ACRES, MORE OR LESS.

**AND**

BEGINNING AT THE NORTHERN MOST POINT OF THE PROPOSED EVERGREEN 3RD ADDITION BEING CENTERLINE STATION 60+20.94, 50 FEET RIGHT OF NORTH DAKOTA STATE HIGHWAY 1806, THENCE NORTH 51 DEGREES 12 MINUTES 9 SECONDS EAST, NORTHEASTERLY TO THE RIGHT OF WAY OF SAID HIGHWAY 1806, THENCE SOUTHEASTERLY 150 LEFT ALONG THE NORTHEASTERLY RIGHT OF WAY 79.06 FEET TO STATION 61+00.00, WHERE THE RIGHT OF WAY CHANGES TO 100.00 FEET LEFT OF CENTERLINE, THENCE ALONG SAID RIGHT OF WAY LINE TO THE EAST WEST 1/4 1/4 LINE SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST, THENCE ALONG SAID 1/4 1/4 LINE AND SAID RIGHT OF WAY LINE TO WHERE THE RIGHT OF WAY CHANGES TO 50 FEET LEFT OF CENTERLINE, THENCE ALONG SAID RIGHT OF WAY AND THE SOUTHWESTERLY LINE OF BECKY STREET 163.24 FEET TO CENTERLINE STATION 67+98.24, THENCE PERPENDICULAR AND SOUTHWESTERLY TO THE PREVIOUS LINE A DISTANCE OF 110 FEET TO THE MOST SOUTHEASTERLY CORNER OF THE PROPOSED EVERGREEN HEIGHTS THIRD ADDITION, THENCE NORTHWESTERLY ALONG THE SOUTH WESTERLY RIGHT OF WAY LINE OF HIGHWAY 1806 AS DESCRIBED IN THE PROPOSED EVERGREEN HEIGHTS THIRD ADDITION BOUNDARY DESCRIPTION AND EXHIBIT TO THE POINT OF BEGINNING.

THE INTENT OF THE ABOVE DESCRIPTION IS INCLUDE THE 1806 RIGHT OF WAY ADJOINING THE EVERGREEN HEIGHTS THIRD ADDITION, IN THE ANNEXATION TO THE CITY OF MANDAN.

**SECTION 2. CORPORATE BOUNDARY EXTENDED.** Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

**SECTION 3. ZONING AMENDMENT.** Section 105-2-2 of the Mandan Code of Ordinances is amended to read as follows:

The following properties, being All That Part Of Lot B Of Auditor's Subdivision And All Of Lot A And Lot B Of Lot B Auditor's Subdivision Of The Southwest 1/4 Section 35, Township 139 North, Range 81 West, Morton County, North Dakota (part of that previously described in Section 1) and comprising the proposed plat of Evergreen Heights Third Addition, shall be excluded from the A Agricultural District and included in the district as outlined below:

1. Lots 1 & 2, Block 1 shall be included in the CA – Commercial District **WITH RESTRICTIONS**. The allowable uses are limited to the following:

**Residential uses:**

- Single-family dwelling;
- Two-family dwelling;
- Multifamily dwelling;

**Office-bank group uses:**


- Insurance or real estate;
- Professional Services; and
- Private company - Shop condos for contractor-related activities to include:
  - Landscaping, electrician, plumbing, HVAC, drywall taping; and
  - Carpenters, where no milling, cutting, or other wood machining is conducted

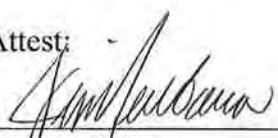
2. Lot 3, Block 1 shall be included in the CA – Commercial District **WITH RESTRICTIONS**. The allowable uses are limited to the following:

**Office-bank group uses:**

- Insurance or real estate;
- Professional Services; and
- Private company - Shop condos for contractor-related activities to include:
  - Landscaping, electrician, plumbing, HVAC, drywall taping; and
  - Carpenters, where no milling, cutting, or other wood machining is conducted

**SECTION 4. RE-ENACTMENT.** Section 105-2-2 of the Mandan Code of Ordinances is hereby re-enacted as amended. The city principal planner is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

  
 \_\_\_\_\_  
 Tim Helbling, President  
 Board of City Commissioners


Attest:  
  
 \_\_\_\_\_  
 Jim Neubauer  
 City Administrator

Planning and Zoning Commission:	<u>September 23, 2019</u>
First Consideration:	<u>October 15, 2019</u>
Second Consideration and Final Passage:	<u>November 5, 2019</u>
Recording Date:	<u>November 20, 2019</u>

COUNTY RECORDER, MORTON COUNTY, ND

**491979**

I certify that this instrument was filed and recorded.  
Nancy Seefeldt, County Recorder Fee \$20.00

By  November 20, 2019 3:57:18 PM

County Recorder  
Morton County  
Mandan ND 58554

**491979**



Page 4 of 4

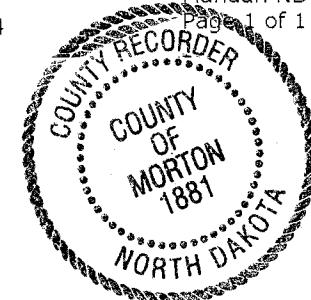
# EVERGREEN HEIGHTS THIRD ADDITION

PART OF LOT B OF AUDITOR'S SUBDIVISION AND ALL OF LOT A AND LOT B OF LOT B AUDITOR'S SUBDIVISION AND PART OF SOUTHWEST 1/4 SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST

## TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

COUNTY RECORDER, MORTON COUNTY, ND 493317  
 I certify that this instrument was filed and recorded in  
 Morton County, ND, Recorder Fee \$20.00  
 By *Nancy Seefeldt* February 19, 2020 3:55:50 PM

Return to: Morton County 493317  
 210 2ND AVE NW Mandan ND 58554  
 MANDAN ND 58554



### DESCRIPTION

ALL THAT PART OF LOT B OF AUDITOR'S SUBDIVISION AND ALL OF LOT A AND LOT B OF LOT B AUDITOR'S SUBDIVISION OF THE SOUTHWEST 1/4 SECTION 35, TOWNSHIP 139 NORTH, RANGE 81 WEST, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 2 REPLAT OF EVERGREEN HEIGHTS 2ND; THENCE NORTH 00 DEGREES 06 MINUTES 31 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 258.67 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 1 EVERGREEN HEIGHTS; THENCE NORTH 89 DEGREES 53 MINUTES 40 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 129.87 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF LOT A OF E1/2, SW1/4 SECTION 35, T.139N., R.81W.; THENCE NORTH 00 DEGREES 01 MINUTE 22 SECONDS WEST, ALONG EAST LINE OF SAID LOT 1 OF LOT A OF E1/2, SW1/4, A DISTANCE OF 258.17 FEET TO THE SOUTH RIGHT-OF-WAY OF 15TH STREET SE; THENCE NORTHEASTERLY AND TO THE RIGHT, ALONG SAID RIGHT-OF-WAY, ON A 204.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 58 DEGREES 38 MINUTES 59 SECONDS EAST, AN ARC LENGTH OF 33.78 FEET; THENCE NORTH 40 DEGREES 50 MINUTES 14 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 90.42 FEET TO THE WEST RIGHT-OF-WAY OF HIGHWAY 1806; THENCE SOUTH 38 DEGREES 47 MINUTES 51 SECONDS EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 329.06 FEET; THENCE NORTH 51 DEGREES 25 MINUTES 12 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 5.16 FEET; THENCE SOUTH 38 DEGREES 42 MINUTES 43 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 285.14 FEET; THENCE SOUTH 51 DEGREES 17 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 15.00 FEET; THENCE SOUTH 38 DEGREES 48 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 163.24 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 25 SECONDS WEST, A DISTANCE OF 427.70 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 3.70 ACRES, MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, LARRY J. SMITH, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON Sept 1, 2019, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.



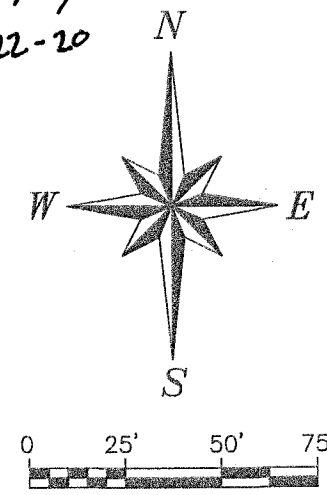
STATE OF NORTH DAKOTA )  
 COUNTY OF Morton ) SS

TRENTON HINTZ  
 Notary Public  
 State of North Dakota  
 My Commission Expires Mar 23, 2022

*Trenton Hintz*  
 Date: 1-22-20

SES GEOMATICS  
 2321 HARDING AVENUE  
 BISMARCK, NORTH DAKOTA  
 58501

*Larry J. Smith*  
 LARRY J. SMITH  
 PROFESSIONAL LAND SURVEYOR  
 N.D. REGISTRATION NO. 2363



SCALE: 1"=50'  
 DECEMBER 10, 2019  
 MONUMENT IN PLACE

### NOTES

BASIS OF BEARING:  
 NORTH DAKOTA STATE PLANE, SOUTH ZONE  
 BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.  
 PLAT IS SUBJECT TO EASEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD.  
 THEY ALSO SHALL FORMALLY SUBMIT APPLICATION FOR VACATION OF THE APPROACH PRESENTLY SERVING LOT 3, BLOCK 1 OF PROPOSED EVERGREEN HEIGHTS 3RD ADDITION TO THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION OR OTHER PROCEDURE AS REQUIRED TO EFFECT THE SAME BY SAID AGENCY.

### APPROVAL OF BOARD OF CITY COMMISSIONERS

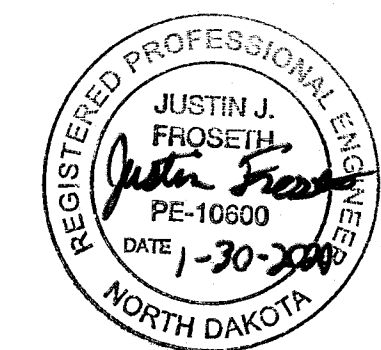
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF MANDAN, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.  
 THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF MANDAN, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 3<sup>rd</sup> DAY OF December, 2019.

*Jim Neubauer*  
 JIM NEUBAUER—CITY ADMINISTRATOR

*Tim Helbling*  
 TIM HELBLING—MAYOR

### APPROVAL OF CITY ENGINEER

I, JUSTIN FROSETH, CITY ENGINEER OF THE CITY OF MANDAN, NORTH DAKOTA, HEREBY APPROVE "EVERGREEN HEIGHTS THIRD ADDITION", MANDAN, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.



*Justin Froseth*  
 JUSTIN FROSETH  
 CITY ENGINEER

### OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT JANET DYKSHOORN AND VALAN RENNER, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "EVERGREEN HEIGHTS THIRD ADDITION", MANDAN, MORTON COUNTY, NORTH DAKOTA.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF MANDAN TO RUN WITH THE LAND FOR ACCESS, GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS ACCESS, UTILITY, SANITARY SEWER, STORM SEWER, AND WATERMAIN EASEMENTS.

STATE OF NORTH DAKOTA )  
 COUNTY OF Morton ) SS

*Janet Dykshoorn*  
 JANET DYKSHOORN  
 1601 HIGHWAY 1806 S  
 MANDAN, ND 58554

ON THIS 23 DAY OF January, 2020, BEFORE ME PERSONALLY APPEARED JANET DYKSHOORN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

*Trenton Hintz*  
 NOTARY PUBLIC  
Morton COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES 3-23-22

TRENTON HINTZ  
 Notary Public  
 State of North Dakota  
 My Commission Expires Mar 23, 2022

STATE OF NORTH DAKOTA )  
 COUNTY OF Morton ) SS

*Valan Renner*  
 VALAN RENNER  
 4655 HIGHWAY 6  
 MANDAN, ND 58554

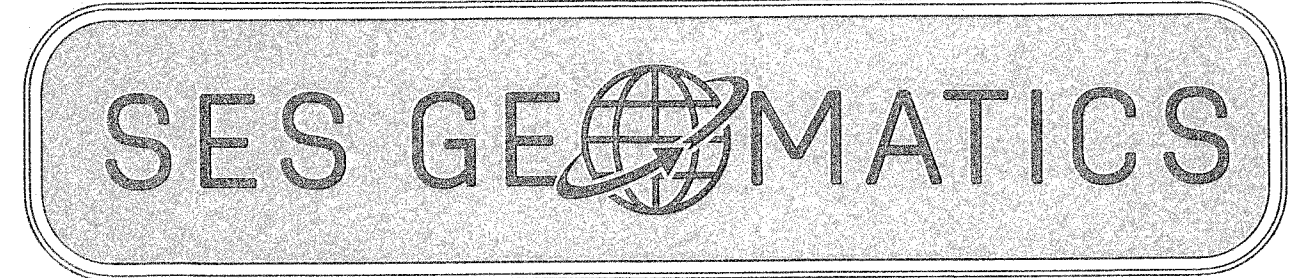
ON THIS 22 DAY OF January, 2020, BEFORE ME PERSONALLY APPEARED VALAN RENNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

*Trenton Hintz*  
 NOTARY PUBLIC  
Morton COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES 3-23-22

TRENTON HINTZ  
 Notary Public  
 State of North Dakota  
 My Commission Expires Mar 23, 2022

Auditor's Office: Morton Co., ND  
 Delinquent Taxes and Special Assessments  
 or Instruments of Special Assessments.  
 Paid and Transfer Accepted  
2-19-2020  
 DAVID J. REISCHL, Auditor  
 By *Belinda Schmith* Deputy

Approved by the Morton County Auditor's  
 Office, Dawn R. Rhone, Auditor  
 By *Belinda Schmith*  
 Date 2-19-2020



41-0282000  
 41-0282100  
 41-0282200

