



**892063**

WILLIAMS COUNTY, ND

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1/5/2022 1:57 PM RES  
\$99.00

**RESOLUTION 21-016**

**RESOLUTION DECLARING CONTIGUOUS OR ADJACENT TERRITORY IS ANNEXED INTO THE CITY OF WILLISTON, WILLIAMS COUNTY, NORTH DAKOTA.**

**WHEREAS**, the City of Williston, Williams County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota; and

**WHEREAS**, the City of Williston duly passed a Resolution of Annexation (Resolution 21-007) at a regular meeting of the City commission held on April 13, 2021, a copy of which is marked Exhibit A hereto and by reference made a part hereof as much as if the same were recited herein in its entirety; and

**WHEREAS**, said Resolution 21-007 was published on May 21, 2021, and May 28, 2021; and

**WHEREAS**, notice of Resolution 21-007 was mailed to the owner of each parcel of real property within the area to be annexed at the person's last known mailing address; and

**WHEREAS**, thirty days has now elapsed from the date of the first publication of such Resolution as evidenced by the Affidavit of Publication herein referred to, a copy of which is marked as Exhibit B hereto; and

**WHEREAS**, this Resolution came on for a hearing was held on June 29, 2021, at 6:00 p.m. in the City Commission Room, City Hall, 22 East Broadway Williston, North Dakota 58801; and

**WHEREAS**, the City Finance Director and Auditor did not receive protests filed by the owners of more than one-fourth of the territory proposed to be annexed as of the date of the adoption of this resolution; and

**WHEREAS**, in accordance with N.D.C.C. § 40-51.2-07(b), the North Dakota Department of Transportation, which is the state department having control over state-owned property within the annexed territory, has provided its written consent to the annexation of a portion of US Highway 85B, which is marked as Exhibit C hereto; and

**WHEREAS**, that no legal cause has been shown why said resolution for annexation should not be, in all things, granted and said territory annexed.

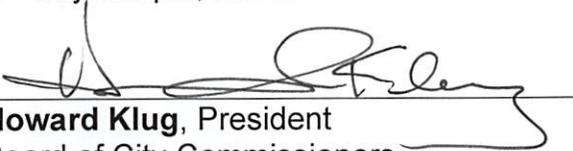
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:**

That pursuant to the authority vested in the Board of City Commissioners for the City of Williston by Section 40-51.2-07, N.D.C.C., the property described in Exhibit D, which is made a part hereof as much as if the same were recited herein in its entirety, shall and is hereby declared to be annexed to the City of Williston, Williams County, North Dakota.

A copy of this Resolution with an accurate map of the said annexed territory certified by the President of the Board of City Commissioners as the Executive Officer of said City, shall be filed and recorded in the office of the Recorder of Williams County, North Dakota, in which said annexed territory is situated. Upon recordation the map, the annexation shall become effective.

Commissioner Brostuen moved the adoption of the foregoing resolution. The motion was seconded by Commissioner Piesik. ON A ROLL CALL VOTE, THE following Commissioners voted "AYE": Bekkedahl, Piesik, Cymbaluk, Brostuen and Klug. The following Commissioners voted "NAY": none. The following Commissioners voted "ABSTAIN": none.

THEREUPON, the Resolution was declared adopted and carried. Approved this 22<sup>nd</sup> day of April, 2021.

  
**Howard Klug**, President  
Board of City Commissioners

ATTEST:

  
**Hercules Cummings**,  
City Finance Director & City Auditor

  
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WILLIAMS COUNTY, ND 1/5/2022 1:57 PM RES \$99.00

STATE OF NORTH DAKOTA )

SS)

COUNTY OF WILLIAMS )

The foregoing instrument was acknowledged before me by Howard Klug, President, Williston City Commission and Hercules Cummings, Williston City Financial Director on

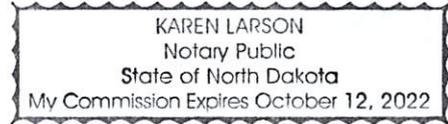
the 22 day of April, 2021.

WITNESS my hand and official seal.

My commission expires: 10/12/22

Karen Larson

Notary Public



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WILLIAMS COUNTY, ND

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\$99.00

# Exhibit A

## RESOLUTION 21-007

RESOLUTION TO ANNEX CONTIGUOUS OR ADJACENT TERRITORY INTO THE CITY OF WILLISTON, WILLIAMS COUNTY, NORTH DAKOTA.

**WHEREAS**, the City of Williston, Williams County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota; and

**WHEREAS**, there is an interrelationship and interdependence between the City of Williston and the areas contiguous or adjacent thereto; and

**WHEREAS**, there is contiguous and adjacent tracts or parcels of land to the City of Williston hereinafter specifically described, containing 1,736.67 acres more or less, which tracts or parcels of land are not presently a part of the City of Williston; and

**WHEREAS**, the governing body for the City of Williston desires to annex certain contiguous or adjacent territory.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:**

Pursuant to the authority vested in the governing body by Section 40-51.2-07, N.D.C.C., that the boundaries of the City of Williston be extended to include and incorporate within the corporate limits of the City of Williston, Williams County, North Dakota, the following described land, to-wit:

**See Attached Map and Description**

**FURTHER, NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:**

That this Resolution be published in the official newspaper for the City of Williston, once a week for two consecutive weeks, that the notice of the Resolution be mailed to the owner of each parcel of real property within the area to be annexed at the person's last known mailing address, and a hearing be held on June 22, 2021 at 6:00 p.m. in the City Commission Room, City Hall, 22 East Broadway, Williston, North Dakota 58801. The owners of any real property within the territory proposed to be annexed, within 30 days of the first publication of such resolution, may file written protests with the City Auditor protesting against the proposed annexation.

Commissioner Brostuen moved the adoption of the foregoing resolution. The motion was seconded by Commissioner Cymbaluk. ON A ROLL CALL VOTE, THE following Commissioners voted "AYE": Brostuen, Bekkedahl, Piesik, Cymbaluk and Klug. The following Commissioners voted "NAY": None. The following Commissioners voted "ABSTAIN": None.



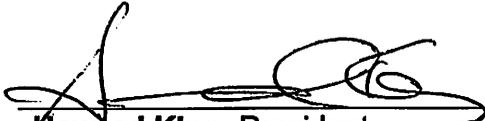
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WILLIAMS COUNTY, ND

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\$99.00

THEREUPON, the Resolution was declared adopted and carried. Approved this 13th day of April 2021.

  
Howard Klug, President  
Board of City Commissioners

ATTEST:

  
Hercules Cummings,  
City Finance Director & City Auditor

  
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WILLIAMS COUNTY, ND 1/5/2022 1:57 PM RES  
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When recorded return to:  
City of Williston  
PO Box 1306  
Williston, ND 58802

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA)  
:SS.  
COUNTY OF WILLIAMS)

Maxine McGinnis being first  
duly sworn, deposes and says: that (he) (she) is the Agent to  
the Publisher of the WILLISTON HERALD, a newspaper  
printed and published six days a week in the county of  
Williams, State of North Dakota, and of general circulation in  
the City of Williston, County of Williams, State of North  
Dakota and elsewhere, and the hereto attached

PH CC RESOLUTION TO  
ANNEX XWA FINAL  
PLANNING & ZONING

was printed and published correctly in the regular and  
entire issue of said DAILY HERALD for 2  
issues, that the first was made on the 21st day of  
May 2021 that said publication  
was made on each of the following dates to wit:

05/21/2021 05/28/2021  
Ad #399969

Request of

CITY OF WILLISTON

**Williston Herald**

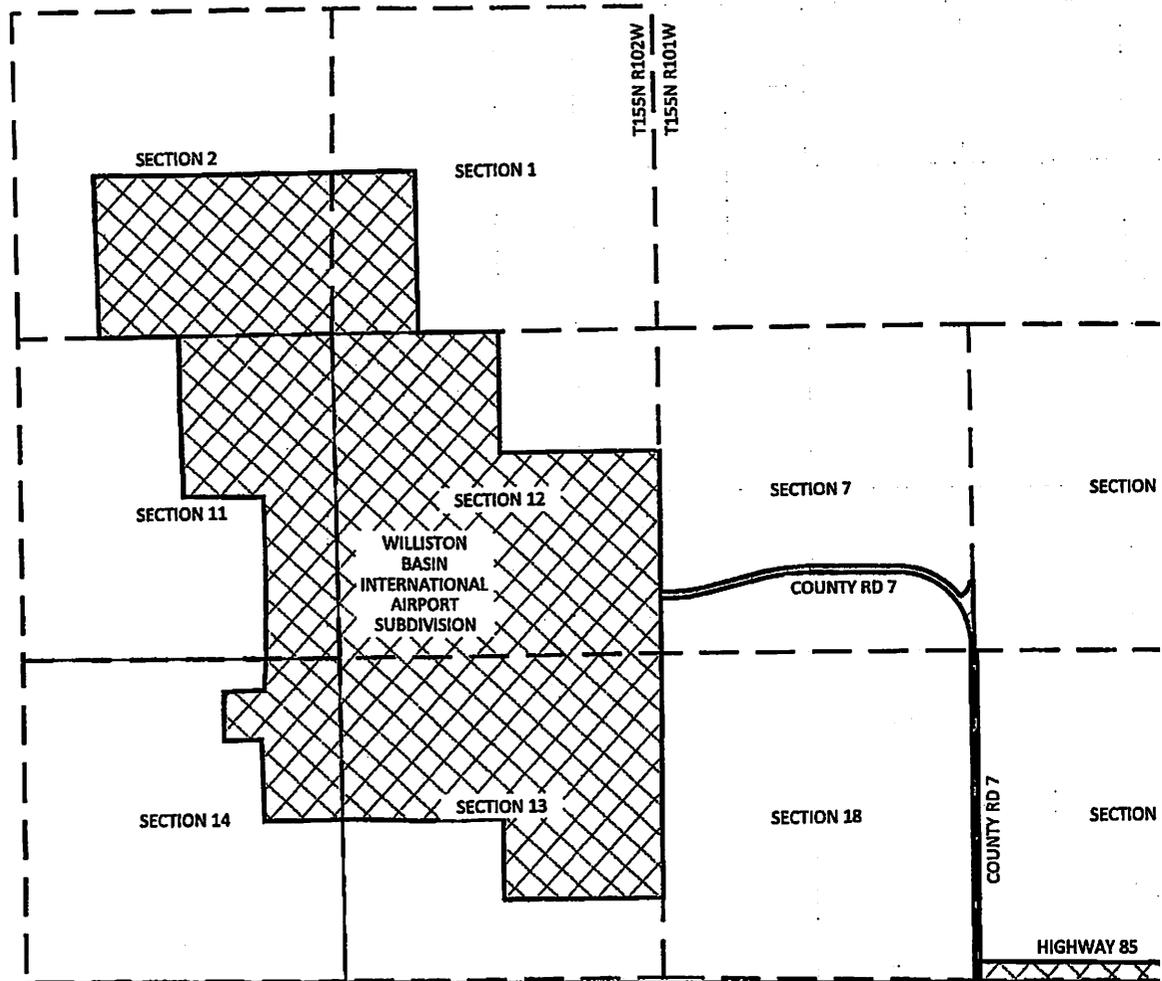
By Maxine McGinnis  
Subscribed and sworn to before me this 28th day of May 2021

Notary public in and for the County of Williams, State of North Dakota

My commission Expires:

JAMIE D. LAWRENCE  
Notary Public  
State of North Dakota  
My Commission Expires May 19, 2024

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 ANNEXATION BOUNDARY

 WILLISTON CITY BOUNDARY

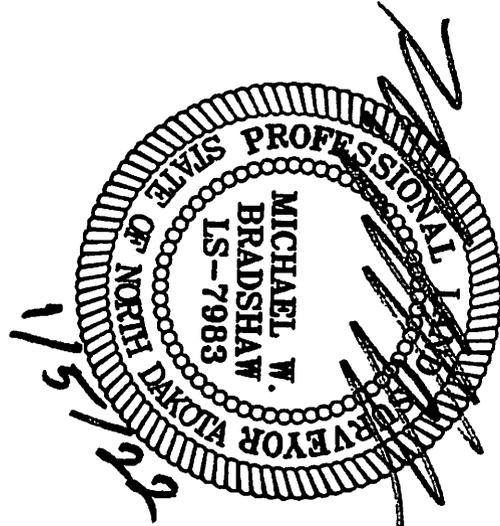
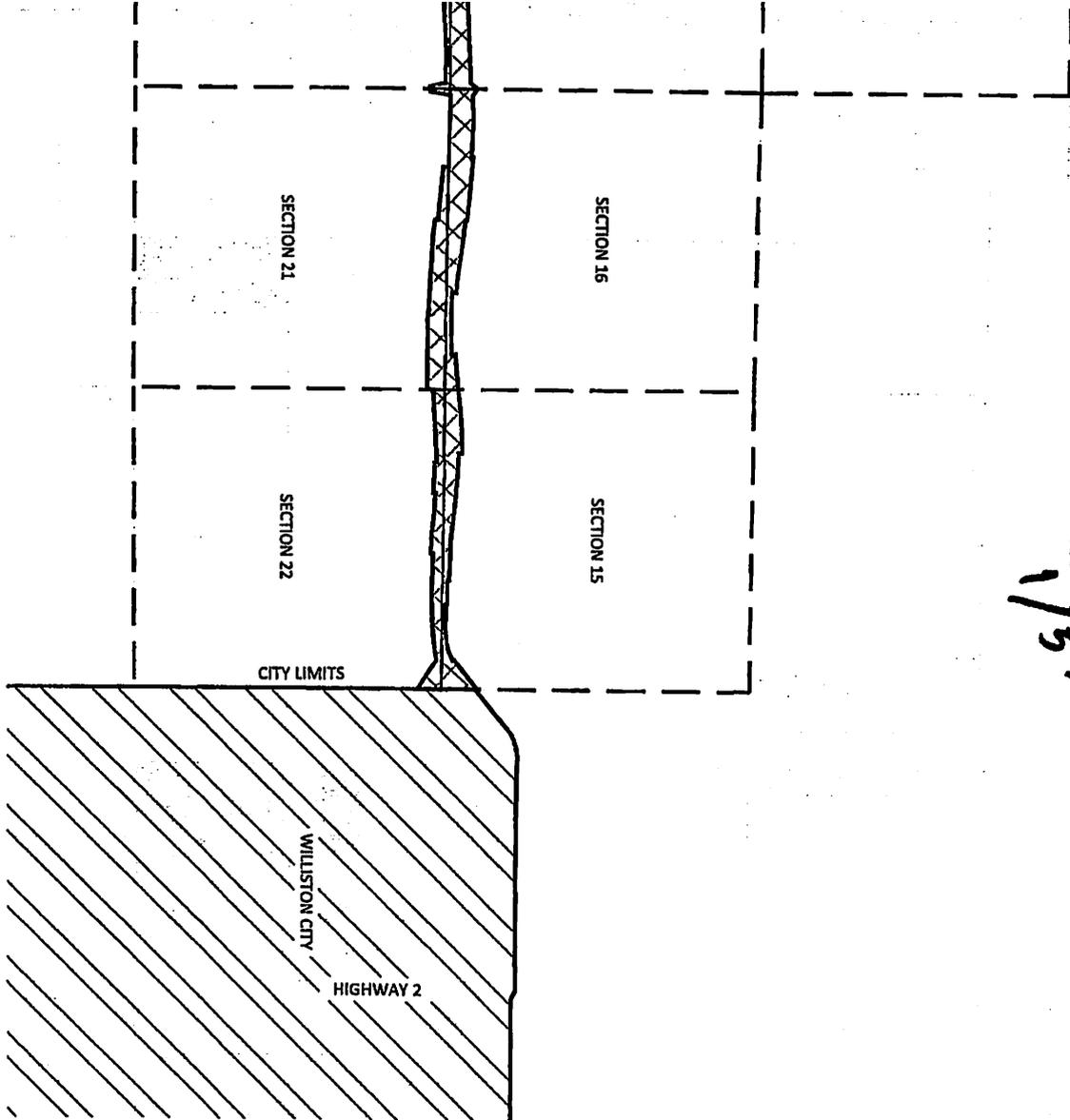
MAP CREATED BY:



**ALLIANCE CONSULTING**  
A PLANNING AND ENGINEERING FIRM



T155N R102W  
T155N R101W



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Public Hearing Notice  
Notice Is Hereby

WILLIAMS COUNTY, ND \$99.00

GIVEN that the City Commission of the City of Williston, North Dakota, schedules a public hearing on Tuesday, June 22, 2021 at 6:00 PM C.D.T in the Commission Room of City Hall and by GoTo Meeting <https://global.go-tomeeting.com/join/255319973> at which time the Board of Commissioners will meet to hear and determine the sufficiency of any written protests against the proposed annexation. Any owner of real property within the territory to be annexed may, within thirty days of the first publication, file written protests with the city auditor protesting against the proposed annexation. You can also dial in using your phone +1 (408) 650-3123 , Access Code: 255-319-973. The hearing will review Resolution #21-0016 which proposes to annex the property listed below into the City of Williston, as per Resolution #21- 007, a Resolution to Annex, approved on April 13, 2021. This Annexation area encompasses the Williston Basin International Airport, parts of Hwy 85, and part of 140th Ave NW.

**Annexation Area:**

A tract of land located in Sections 1, 2, 11, 12, 13 and 14, T155N, R102W of the 5th Principal Meridian, Williams County, North Dakota more particularly described as follows:  
Williston Basin International Airport Subdivision  
Containing 1557.26 Acres more or less.  
As shown and described in Document Number 867178 recorded in the Williams County Recorders Office..

And

A tract of land located in the SE1/4 of Section 12, T155N, R102W of the 5th Principal Meridian, Williams County, North Dakota more particularly described as follows: Minor Subdivision 18-0006 (MS 18-0006)  
Containing 5.17 Acres more or less.  
As shown and described in Document 853505 recorded in the Williams County Recorders Office.

And

A tract of land located in the S1/2 of Section 7, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as: Minor Subdivision 18-0025 (MS 18-0025)  
Containing 14.85 Acres more or less.  
As shown and described in Document Number 854263 recorded in the Williams County Recorders Office.

And

A tract of land located in the E1/2 of Section 18, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:  
The East 50 feet of said Section 18.  
Containing 6.06 Acres more or less.

And

A tract of land located in the W1/2 of Section 17, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:  
The West 50 feet of said Section 17.  
Containing 6.06 Acres more or less.

And

A tract of land located in the NE1/4 of Section 19, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:  
The East 75 feet of the North 130 feet of the NE1/4 of said Section 19. Containing 0.22 Acres more or less.

And

A tract of land located in in the SE1/4 and SW1/4 of Section 17, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:  
The US Highway 85 Right of Way along and adjacent to south line of said Section 17.  
Containing 33.70 Acres more or less.  
As shown and described in Document Number 804424 recorded in the Williams County Recorders Office.

And

A tract of land located in the NE1/4 and NW1/4 of Section 20, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:  
The US Highway 85 Right of Way along and adjacent to north line of said Section 20.  
Containing 13.64 Acres more or less.  
As shown and described in Document Number 804424 recorded in the Williams County Recorders Office.

And

A tract of land located in the SE1/4 and SW1/4 of Section 16, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:

The US Highway 85 Right of Way along and adjacent to south line of said Section 16.

Containing 33.22 Acres more or less.

As shown and described in Document Number 804424 recorded in the Williams County Recorders Office.

And

A tract of land located in the NE1/4 and NW1/4 of Section 21, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:

The US Highway 85 Right of Way along and adjacent to north line of said Section 21.

Containing 23.36 Acres more or less.

As shown and described in Document Number 804424 recorded in the Williams County Recorders Office.

And

A tract of land located in the SE1/4 and SW1/4 of Section 15, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:

The US Highway 85 Right of Way along and adjacent to south line of said Section 15.

Containing 26.89 Acres more or less.

As shown and described in Document Number 804424 recorded in the Williams County Recorders Office.

And

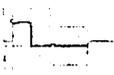
A tract of land located in the NE1/4 and NW1/4 of Section 22, T155N, R101W of the Fifth Principal Meridian, Williams County, North Dakota more particularly described as follows:

The US Highway 85 Right of Way along and adjacent to north line of said Section 22.

Containing 21.41 Acres more or less.

As shown and described in Document Number 804424 recorded in the Williams County Recorders Office.

Said Annexation Description contains 1,736.67 Acres more or less.



If you plan to attend the hearing and will need special facilities or assistance relating to a disability, contact City Hall at 701.577.8104 or through the TDD State Relay at 711.

BY ORDER OF THE WILLISTON CITY COMMISSION

Hercules Cummings Financial Director

Legal #399969 – Published May 21 & 28, 2021

  
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November 10, 2021

David Juma, PE  
City Engineer  
City of Williston  
PO Box 2437  
Williston, ND 58802-2437

Dear Mr. Juma:

CONSENT TO ANNEXATION – CITY OF WILLISTON – HIGHWAY 85B RIGHT OF WAY

The North Dakota Department of Transportation (NDDOT) hereby consents to the annexation of a portion of the US Highway 85B right of way as described in the Resolution of Proposal for Annexation (Resolution No. 2021-07) published by the City Council of the City of Williston.

The highway right of way continues to be State property for highway purposes and is exempt from taxation by N.D.C.C. § 57-02-08, ¶ 2. Additionally, highway right of way is exempt from special assessments by N.D.C.C. § 40-23-22.

The City of Williston will be required to obtain the appropriate permits and risk management documents from the Williston District for any work, including installation of utilities that may occur within the highway right of way. You may contract Joel Wilt, Williston District Engineer, at (701) 774-2700 for permit information.

NDDOT understands the proposed annexation provides connection to the new Williston XWA airport property and the proposed annexation is consistent with community development. No physical improvements are proposed in the resolution.

Sincerely,

William T. Panos  
Director

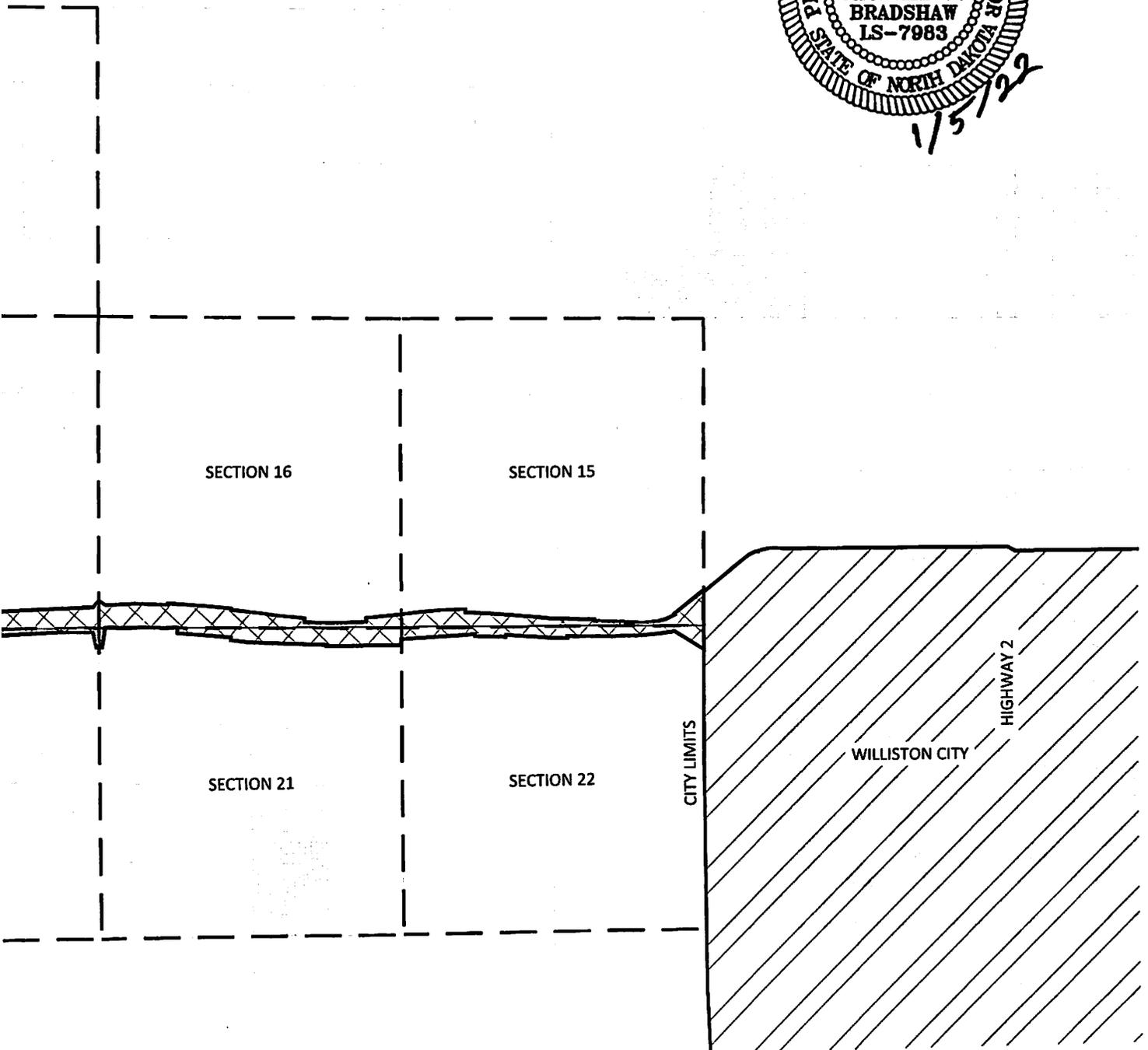
19/msg  
Enclosures  
cc: Joel Wilt, Williston District Engineer, [jwilt@nd.gov](mailto:jwilt@nd.gov)

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WILLIAMS COUNTY, ND  
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1/5/2022 1:57 PM RES \$99.00

# Exhibit D



15  
57 PM RES  
\$99.00





ANNEXATION DESCRIPTION

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WILLIAMS COUNTY, ND

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Containing 23.36 Acres more or less.

When recorded return to:  
**City of Williston**  
PO Box 1306  
Williston, ND 58802

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WILLIAMS COUNTY, ND

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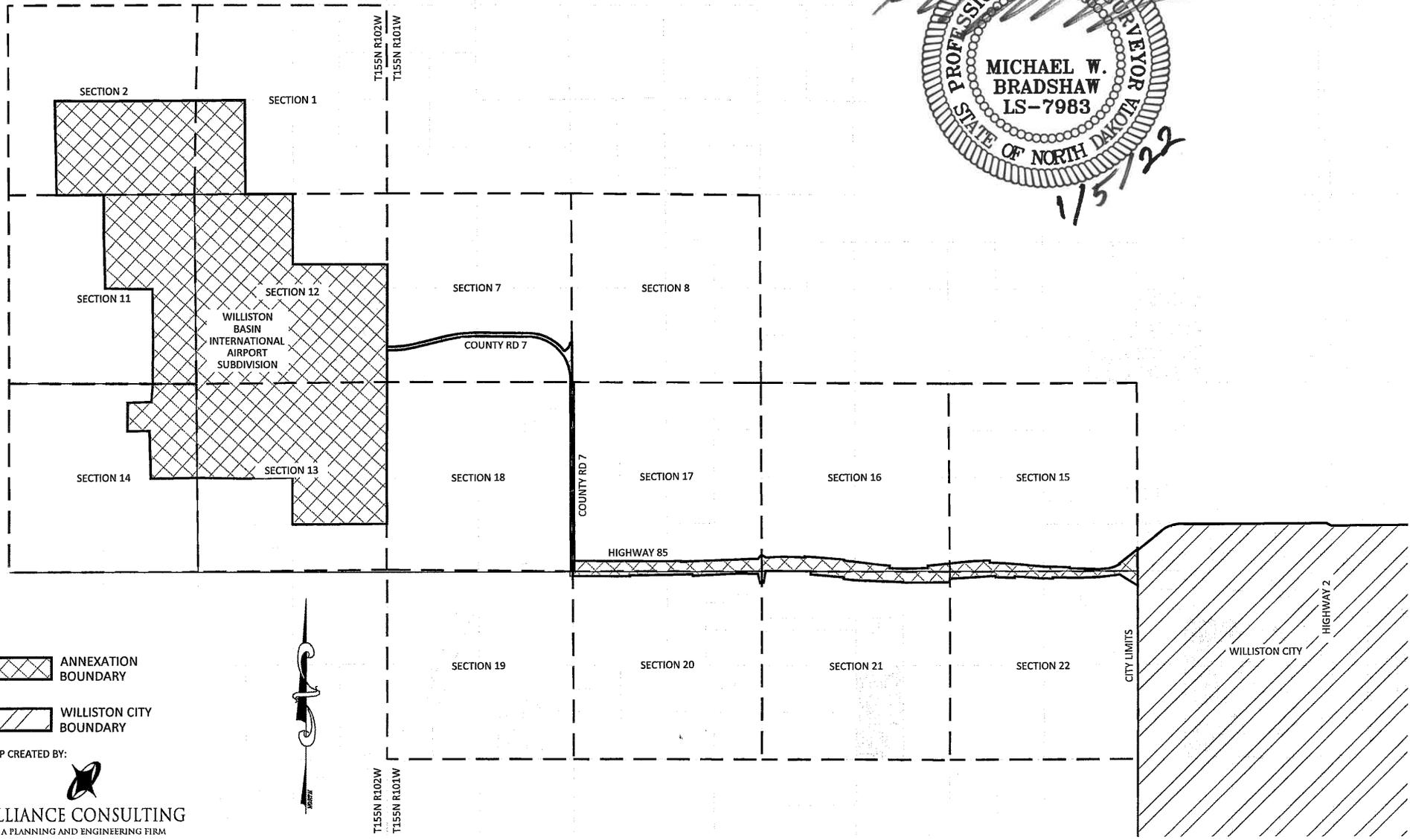
COUNTY RECORDER, WILLIAMS COUNTY, ND

1/5/2022 1:57 PM

I certify that this instrument was filed and recorded  
Patti Ogurchak, County Recorder

by Jeani Bendysen deputy **892063**

PROFESSIONAL LAND SURVEYOR  
 STATE OF NORTH DAKOTA  
 MICHAEL W. BRADSHAW  
 LS-7983  
 1/5/22



-  ANNEXATION BOUNDARY
-  WILLISTON CITY BOUNDARY

MAP CREATED BY:

  
**ALLIANCE CONSULTING**  
 A PLANNING AND ENGINEERING FIRM

# Exhibit D



-  ANNEXATION BOUNDARY
-  WILLISTON CITY BOUNDARY