

RESOLUTION

(At its Regular Meeting on Wednesday, November 10, 2021)

Introduced by Janner Edlund who moved its adoption;

November 10, 2021

Be it resolved by the City Council of Binford, to wit:

Whereas, the City of Binford, Griggs County, North Dakota is a municipal corporation, organized and existing under the laws of the State of North Dakota; and

Whereas, Section 40-51.2-07 of the North Dakota Century Code provides that the “governing body of any city may adopt a resolution to annex contiguous or adjacent territory;” and

Whereas, the City Council of the City of Binford, North Dakota has hereby proposed the annexation of the following described lands:

That part of the Northwest Quarter of Section 8, Township 147 North, Range 60 West of the 5th Principal Meridian, Griggs County, North Dakota, described as follows:

Beginning at the southeast corner of said Northwest Quarter of Section 8; thence S89°24'39"W along the south line of said Northwest Quarter a distance of 469.14 feet; thence N27°54'34"E a distance of 855.15 feet; thence northeasterly a distance of 283.47 feet along a tangential curve concave to the northwest having a radius of 566.35 feet and a central angle of 28 degrees 40 minutes 41 seconds to the east line of said Northwest Quarter; thence S00°04'40"E along said east line Northwest Quarter a distance of 1023.15 feet to the point of beginning.

Said annexation description contains 4.78 acres more or less; and

Whereas, the City of Binford is desirous of annexing the above-described land so that it may become a part of the City of Binford; and

Whereas, the City Auditor of the City of Binford, as instructed by the City Council of the City of Binford, shall publish in Griggs County Sentinel-Courier at least once each week for two successive weeks a copy of this resolution proposing such annexation, along with a notice of the time and place the City Council of the City of Binford will meet to hear and determine the sufficiency of any written protests against the proposed annexation; and

Whereas, the City Council of the City of Binford has set for the City Council meeting set for the 12th day of January, 2022 at 8:00 p.m. at the Binford City Hall to hear such protests if any; and

Whereas, the City Auditor of the City of Binford, as instructed by the City Council of the City of Binford, shall mail within seven days of approving of this Resolution, by certified mail, a copy of the Resolution 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, the City Auditor of the City of Binford, as instructed by the City Council shall mail at least fifteen days before the hearing, by certified mail, a notice to the owner of each parcel of real property within the area to be annexed at the person's last-known mailing address informing them of the resolution, the time and place of the hearing, and the requirement that protests must be filed in writing, so that the owners of any real property within the territory proposed to be annexed within thirty days of the first publication of the resolution may file written protests with the City Auditor protesting against the proposed annexation; and

Whereas, the City Auditor of the City of Binford, as instructed by the City Council of the City of Binford, shall mail at least seven days before the meeting, by certified mail, a notice to the governing body of each city, county, or township directly affected by the land area proposed to be annexed, noticing them of the proposed annexation, the time and place of the meeting, and the requirement that all protests must be filed in writing; and

Whereas, after the expiration of the time for filing the protests, the City Council of the City of Binford, at its regularly scheduled City Council Meeting set for January 12, 2022 shall hear and determine the sufficiency of the protests, if any; and

Whereas, in the absence of 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 the resolution, the territory described in this resolution shall become a part of the City of Binford, Griggs County, North Dakota when a copy of this resolution and an accurate map of the annexed area, certified by the executive officer of the City of Binford, are filed and recorded with the county recorder, the annexation becomes effective; and

Whereas, if the owners of one-fourth or more of the territory proposed to be annexed protest, the City of Binford may, at such regularly scheduled City Council Meeting, set for January 12, 2022, either decide to stop its pursuit of the annexation or submit the matter to a committee for mediation as provided in Section 40-51.2-07.1 of the North Dakota Century Code.

Now, Therefore, Be It Resolved, by the City Council of the City of Binford, North Dakota that the City Auditor shall: (1) publish a copy of this Resolution with a Notice of Meeting in the Griggs County Sentinel-Courier at least once each week for two consecutive weeks and (2) timely mail the Notices as detailed herein; and

Now, Therefore, Be It Resolved, by the City Council of the City of Binford, North Dakota that the City Council shall meet on Wednesday, January 12, 2022, at its regularly scheduled City Council Meeting, to determine the sufficiency of the protests, if any; and

Now, Therefore, Be It Resolved, by the City Council of the City of Binford, North Dakota that in the absence of protests filed by the owners of more than one-fourth of the territory proposed

to be annexed, the territory described in this Resolution shall become a part of the City of Binford;
and

Now, Therefore, Be It Resolved, by the City Council of the City of Binford, North Dakota, that in the absence of protests filed by the owners of more than one-fourth of the territory proposed to be annexed, the City Auditor shall file and record a copy of this Resolution and an accurate map of the annexed area, certified by the executive officer of the City of Binford, in the Office of the County Recorder of Griggs County and upon publication and recording of this Resolution, the annexation shall become effective.

DATED: November 10, 2021

Approved:

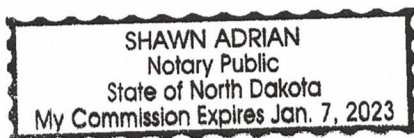
Ken Gilbertson,
Mayor of Binford

Attest

LaRae Iverson
Binford City Auditor

STATE OF NORTH DAKOTA)
) ss
COUNTY OF GRIGGS)

On the 10th day of November, 2021, before me, personally appeared Ken Gilbertson and LaRae Iverson, to be known to be the Mayor and Auditor of the corporation that is described herein, and who executed the within and foregoing instrument, and acknowledged to me that such corporation executed the same.



(SEAL)


_____, NOTARY PUBLIC
Griggs County, North Dakota

Wayne Quam seconded the Resolution for Adoption on November 10, 2021.

Roll Call: 2 ayes 0 nays 1 absent

Publish: November 19, 2021, 2021 and November 26, 2021, 2021.

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