

Member Kersting introduced and moved the adoption of the following Resolution:

RESOLUTION

WHEREAS, the City of Kindred duly passed a Resolution of Annexation at the regular meeting of the City Council held on July 2, 2013, a copy of which is marked **Exhibit A**, annexed hereto and by reference made a part hereof as much as if the same were recited herein in its entirety; and

WHEREAS, said Resolution was published in the official newspaper of the City of Kindred, North Dakota, on July 31, 2013 and August 7, 2013; and

WHEREAS, notice of the Resolution 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

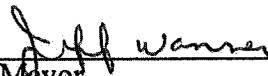
WHEREAS, thirty days have now elapsed from the date of the first publication of such Resolution as evidenced by the heretofore referred to Affidavit of Publication; and

WHEREAS, said Resolution came on for hearing in the City Hall on September 4, 2013, at 7:00 p.m.; and

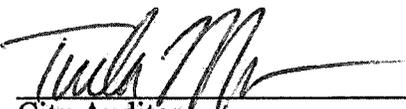
WHEREAS, protests were not filed by more than 1/4 of the territory proposed to be annexed;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Kindred, North Dakota, that the property hereinbefore described in **Exhibit A** shall and is hereby declared to be annexed to the City of Kindred, North Dakota, in accordance with and pursuant to Section 40-51.2-07 of the North Dakota Century Code.

Dated: April 2, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Auditor

Member Spelhaug seconded the motion. On roll call the following members voted in favor of said motion: Kersting, Spelhaug, Clarke, and Rankin. The following members voted nay: none. The following members were absent and not voting: none. The majority having voted aye, the motion was carried and the Resolution was duly adopted.

## RESOLUTION OF ANNEXATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KINDRED:

WHEREAS, the City of Kindred, Cass County, North Dakota, is a municipal corporation, organized and existing under the laws of the State of North Dakota; and

WHEREAS, there is contiguous and adjacent to the City of Kindred a tract or parcel of land hereinafter specifically described, containing approximately 2.56 acres, more or less, which tract or parcel of land is not presently a part of the City of Kindred.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Kindred, North Dakota, that the boundaries of the City of Kindred be, and they hereby are, extended so as to include and incorporate within the corporate limits of the City of Kindred, Cass County, North Dakota, the following described land, to-wit:

All that part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 33, Township 137 North, Range 50 West, Cass County, North Dakota, described as follows: Commencing at the Northwest corner of Northwest Quarter (NW $\frac{1}{4}$ ); thence North 87°13'15" East along the North line of said Northwest Quarter (NW $\frac{1}{4}$ ) for a distance of 740.00 feet to the Southwest corner of Newport Ridge First Addition to the City of Kindred, Cass County, North Dakota, the point of beginning; thence continue North 87°13'15" East along the North line of said Northwest Quarter (NW $\frac{1}{4}$ ) for a distance of 309.59 feet; thence South 02°46'45" East for a distance of 172.21 feet; thence Southwesterly along a tangential curve concave to the Northwest having a radius of 221.32 feet and a central angle of 90°09'30" for an arc distance of 348.25 feet; thence South 87°22'41" West for a distance of 88.88 feet; thence North 02°36'04" West for a distance of 393.29 feet to a point on the North line of said Northwest Quarter (NW $\frac{1}{4}$ ), the point of beginning. Said tract contains 2.56 acres, more or less, and is subject to easements, reservations, restrictions and rights-of-way of record, if any.

BE IT FURTHER RESOLVED, by the City Council of the City of Kindred, North Dakota, that this Resolution be published in the official newspaper for the City of Kindred once each week for two successive weeks, that 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 September 4, 2013, at 7:00 p.m., in the City Hall, Kindred, North Dakota. 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.

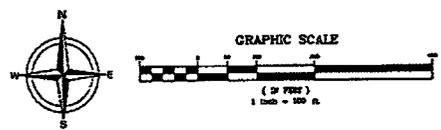
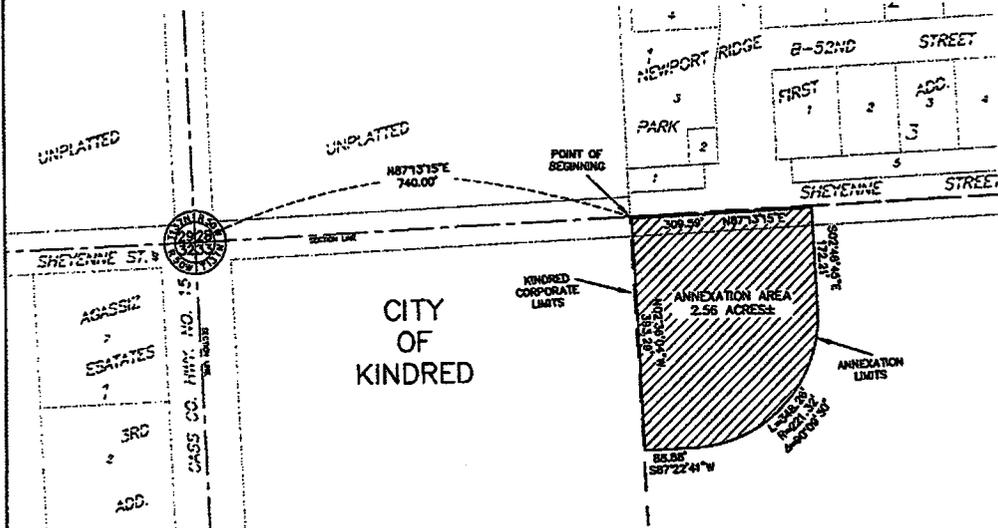
Jeff Wanner  
Mayor

ATTEST:

Twila Morrison  
City Auditor

# ANNEXATION PLAT

## TO THE CITY OF KINDRED, OF A PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 137 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA.



**CERTIFICATE**  
 DAVID S. HEYER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "NEWPORT RIDGE SOUTHWEST ADDITION" TO THE CITY OF KINDRED, A PLAT OF A PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 137 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA. THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT THE EXTERIOR BOUNDARY LINES OF SAID ADDITION ARE DESCRIBED AS FOLLOWS, TO WIT:

ALL THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 137 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF NORTHWEST QUARTER; THENCE NORTH 87°13'15" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 740.00 FEET TO THE SOUTHWEST CORNER OF NEWPORT RIDGE FIRST ADDITION TO THE CITY OF KINDRED, CASS COUNTY, NORTH DAKOTA, THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°13'15" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 309.59 FEET; THENCE SOUTH 02°46'45" EAST FOR A DISTANCE OF 172.21 FEET; THENCE SOUTHWESTERLY ALONG A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 221.53 FEET AND A CENTRAL ANGLE OF 90°05'30" FOR AN ARC DISTANCE OF 385.25 FEET; THENCE SOUTH 87°22'41" WEST FOR A DISTANCE OF 88.88 FEET; THENCE NORTH 02°36'04" WEST FOR A DISTANCE OF 393.29 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER. THE POINT OF BEGINNING SAID TRACT CONTAINS 2.56 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD, IF ANY.



DAVID S. HEYER  
 REGISTERED LAND SURVEYOR  
 NO. REG. NO. 2008  
 STATE OF NORTH DAKOTA  
 COUNTY OF CASS  
 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAVID S. HEYER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE BY EXECUTIVE OFFICER OF CITY**  
 I, JEFF WANNER, DO HEREBY CERTIFY THAT I AM NOW AND AT ALL TIMES DURING THE ANNEXATION OF THE PROPERTY DESCRIBED HAVE BEEN MAYOR OF THE CITY OF KINDRED, COUNTY OF CASS, STATE OF NORTH DAKOTA, AND I FURTHER CERTIFY THAT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, AT \_\_\_\_\_ PL, THE CITY OF KINDRED, COUNTY OF CASS, STATE OF NORTH DAKOTA, DID ANNEX THE PROPERTY DESCRIBED IN THE CERTIFICATE SHOWN ON THE ANNEXATION PLAT BY DAVID S. HEYER, REGISTERED LAND SURVEYOR; THAT THE DESCRIPTION, DISTANCES AND LIMITS SHOWN ON SAID PLAT ARE THE SAME USED IN THE ANNEXATION PROCEEDINGS BEFORE THE CITY COMMISSION OF THE CITY OF KINDRED; AND THAT THE PLAT SHOWS THE CORPORATE LIMITS OF THE CITY OF KINDRED AND THE CHANGE MADE THEREIN BY SAID ANNEXATION.

JEFF WANNER, MAYOR  
 STATE OF NORTH DAKOTA  
 COUNTY OF CASS

TWILA MORRISON, CITY AUDITOR

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JEFF WANNER, MAYOR, AND TWILA MORRISON, CITY AUDITOR, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF THE CITY OF KINDRED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**KINDRED PLANNING COMMISSION APPROVAL**  
 THIS PLAT IN THE CITY OF KINDRED IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BRIAN LAMMERS, CHAIRMAN  
 STATE OF NORTH DAKOTA  
 COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRIAN LAMMERS, CHAIRMAN OF THE KINDRED PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE KINDRED PLANNING COMMISSION.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**CITY ENGINEER'S APPROVAL**  
 THIS PLAT IN THE CITY OF KINDRED IS HEREBY APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

BRANDON OYE, CITY ENGINEER

STATE OF NORTH DAKOTA  
 COUNTY OF CASS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRANDON OYE, CITY ENGINEER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

REVISED:  
 2/19/14