

ORDINANCE NO. 936

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

WHEREAS, The City of Mandan, by Resolution adopted April 16, 2002, determined and declared that it is necessary and in the best interests of the City of Mandan and of the owners of property described herein, which property is contiguous to, but not embraced within the corporate boundaries of the City, that the same property be annexed to and incorporated within the corporate boundaries of the City of Mandan; and

WHEREAS, The City published notice of the resolution stating its intent to annex the property described herein, and on May 21, 2002, did hold a public hearing for the purpose of receiving comments and or protests to the intended annexation, at which hearing no protests were received.

WHEREAS, The City having determined that the April 16, 2002 publication of the Resolution of Intent to Annex the area contained an erroneous legal description, but that the map accompanying the Resolution was a true and accurate depiction of the area intended to be annexed, the Board does hereby determine that: 1) no individual property rights, in particular the right to protest, were abrogated by the April 16, 2002 publication of notice, because in addition to the publication, a notice of the time and place of consideration of the matter was mailed to the affected property owners, 2) an Amended Resolution need not be published, as adequate notice of the City's intent to annex was provided by way of the map published on April 16, 2002 and the notices mailed to the property owners, and 3) the irregularities in the proceedings are not a fatal defect in the proceedings.

SECTION 1. Property Annexed. The following described lands situated in the County of Morton, State of North Dakota, and contiguous to the corporate boundaries of the City of Mandan, North Dakota, is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

Beginning at the intersection of the west boundary line of the 66' Highland Road NW right-of-way and the east-west quarter-line of Section 8, Township 139N, Range 81W, said quarter-line being the corporate limit line for the City of Mandan; thence northerly along said westerly boundary on a curve to the left having a radius of 799.56' a distance of 364.07'; thence northwesterly continuing along said westerly boundary at a bearing of N 26°10'08" W a distance of 277.50'; thence westerly continuing along said west boundary line at a bearing of N 89°45'17" W a distance of 19.14'; thence northwesterly continuing along said west boundary line at a bearing of N 25°14'03" W a distance of 113.35'; thence northerly continuing along said west boundary line along a curve to the right having a radius of 250' a distance of 36.74'; thence northeasterly at a bearing of N 73°16'31" E a distance of 153.40'; thence southerly at a bearing of S 00°17'37" E a distance of 42.14'; thence westerly at a bearing of N 89°11'06" E a distance of 391.20'; thence southerly at a bearing of S 00°17'37" E a distance of 741.51' to a point on the said east-west quarter-line of Section 8, said line being the corporate limit line for the City of Mandan; thence westerly along said quarter-line at a bearing of S 89°11'06" W a distance of 257.74' to the point of beginning.

SECTION 2. Corporate Boundary Extended. From and after the filing and recording of this ordinance in the office of the Morton County Recorder, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.


 Ken LaMont, President, Board of City Commissioners

Attest:


 James Neubauer, City Administrator

Auditor's Office Morton Co., ND
 TRANSFER ACCEPTED

.....7-23-02.....
 PAUL E. TRAUGER, County Auditor
 ByKathy France..... Deputy

Publication Dates:	<u>April 18 & April 25, 2002</u>
Public Hearing:	<u>May 21, 2002</u>
First Reading:	<u>June 4, 2002</u>
Second Reading:	<u>June 18, 2002</u>
Final Passage:	<u>July 2, 2002</u>
Date of Recording:	_____

