

RESOLUTION NO. 09-01

A RESOLUTION EXTENDING THE BOUNDARIES OF THE CITY OF MEDORA, NORTH DAKOTA AND ANNEXING A CERTAIN TRACT OF LAND ADJACENT TO THE BOUNDARIES OF THE PRESENT CITY LIMITS

BE IT RESOLVED by the City of Medora, North Dakota (the "City"), as follows:

WHEREAS, it appears that the area hereinafter described along the boundary of the City of Medora, should be annexed to the City of Medora; and

WHEREAS, said property is described as follows, to-wit:

Beginning at the southeast corner of said Section 27, an aluminum cap found in place, thence northerly along the east line of said Section 27 on a record azimuth of $000^{\circ}32'45''$ a distance of 952.51 feet to the south right-of-way line of an existing roadway; thence westerly along said road right-of-way line on an azimuth of $290^{\circ}15'20''$ a distance of 266.11 feet to the south line of a Billings County Shop parcel of land; thence westerly along the south boundary line of said Billings County Shop parcel of land on an azimuth $270^{\circ}29'53''$ a distance of 648.31 feet to the centerline of an existing county roadway; thence southerly along said centerline of county roadway on an azimuth of $164^{\circ}41'47''$ a distance of 693.25 feet to the beginning of a curve concave to the northeast and having a radius of 1909.86 feet; thence continuing along said curve through a central angle of $11^{\circ}59'33''$ a distance of 399.75 feet to end of curve on the south line of said Section 27; thence easterly along the said south line of said Section 27 on a azimuth of $090^{\circ}59'44''$ a distance of 561.03 feet to the Point of Beginning.

Excluding therefrom a county road easement along the west boundary line of said property, an area of 2.11 acres, as shown in right-of-way plat vol. 0129 pg. 688 on file in the Office of the County Recorder of Billings County, North Dakota, a copy of which is attached hereto and incorporated by reference.

WHEREAS, NDCC §40-51.2-07 permits annexation by Resolution of the governing body of any municipality; and

WHEREAS, the City Council of the City of Medora, North Dakota, desires to annex said property to said City for the following reasons: The territory is contiguous to the City of Medora, North Dakota, and its proposed annexation will contribute to and facilitate the orderly growth and development of both the city and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sidewalks, water mains, sanitary and storm water sewers and drainage facilities, both within the city and within the territory proposed to be annexed; and will provide and facilitate the proper overall planning and zoning of land, and subdivision of lands in said city and said territory, in a manner most conducive to the welfare of said city and said territory; and

WHEREAS, pursuant to said statute made and provided, any person owning any real property within the heretofore described territory may file written protests within 30 days of the first publication of this resolution with the Medora City Council by depositing the same with the City Auditor at the Medora Community Center, Medora, North Dakota, protesting against the proposed annexation. Such written protests shall contain the interested party's name and address together with the legal description of the property owned by him or them. The City Council of the City of Medora, Billings County, North Dakota, shall meet at its next meeting after the expiration of the time for filing protests, to hear and determine the sufficiency of any written protests against such proposed annexation.

NOW, THEREFORE, BE IT RESOLVED, that the following described territory is annexed to the City of Medora, North Dakota, to-wit:

Beginning at the southeast corner of said Section 27, an aluminum cap found in place, thence northerly along the east line of said Section 27 on a record azimuth of $000^{\circ}32'45''$ a distance of 952.51 feet to the south right-of-way line of an existing roadway; thence westerly along said road right-of-way line on an azimuth of $290^{\circ}15'20''$ a distance of 266.11 feet to the south line of a Billings County Shop parcel of land; thence westerly along the south boundary line of said Billings County Shop parcel of land on an azimuth $270^{\circ}29'53''$ a distance of 648.31 feet to the centerline of an existing county roadway; thence southerly along said centerline of county roadway on an azimuth of $164^{\circ}41'47''$ a distance of 693.25 feet to the beginning of a curve concave to the northeast and having a radius of 1909.86 feet; thence continuing along said curve through a central angle of $11^{\circ}59'33''$ a distance of 399.75 feet to end of curve on the south line of said Section 27; thence easterly along the said south line of said Section 27 on a azimuth of $090^{\circ}59'44''$ a distance of 561.03 feet to the Point of Beginning.

Excluding therefrom a county road easement along the west boundary line of said property, an area of 2.11 acres, as shown in right-of-way plat vol. 0129 pg. 688 on file in the Office of the County Recorder of Billings County, North Dakota, a copy of which is attached hereto and incorporated by reference.

IT IS FURTHER RESOLVED, that the City Auditor of the City of Medora, North Dakota shall publish this Resolution once a week for two successive weeks in the official newspaper in the City of Medora, North Dakota, namely; and

IT IS FURTHER RESOLVED, that in the absence of protests filed within thirty days after the first publication of this resolution, 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, the property described in the resolution shall be included within and shall become a part of the City, and a copy of this Resolution with an accurate map of the annexed area, certified by the Executive Officer of the Municipality, will be filed and recorded with the Billings County Register of Deeds.

Dated this 3rd day of March, 2009.

Doug Ellison
Doug Ellison, Mayor
City of Medora

ATTEST:

Jennifer Ondracek
Jennifer Ondracek, City Auditor

Document No. 135953
STATE OF NORTH DAKOTA
COUNTY OF BILLINGS

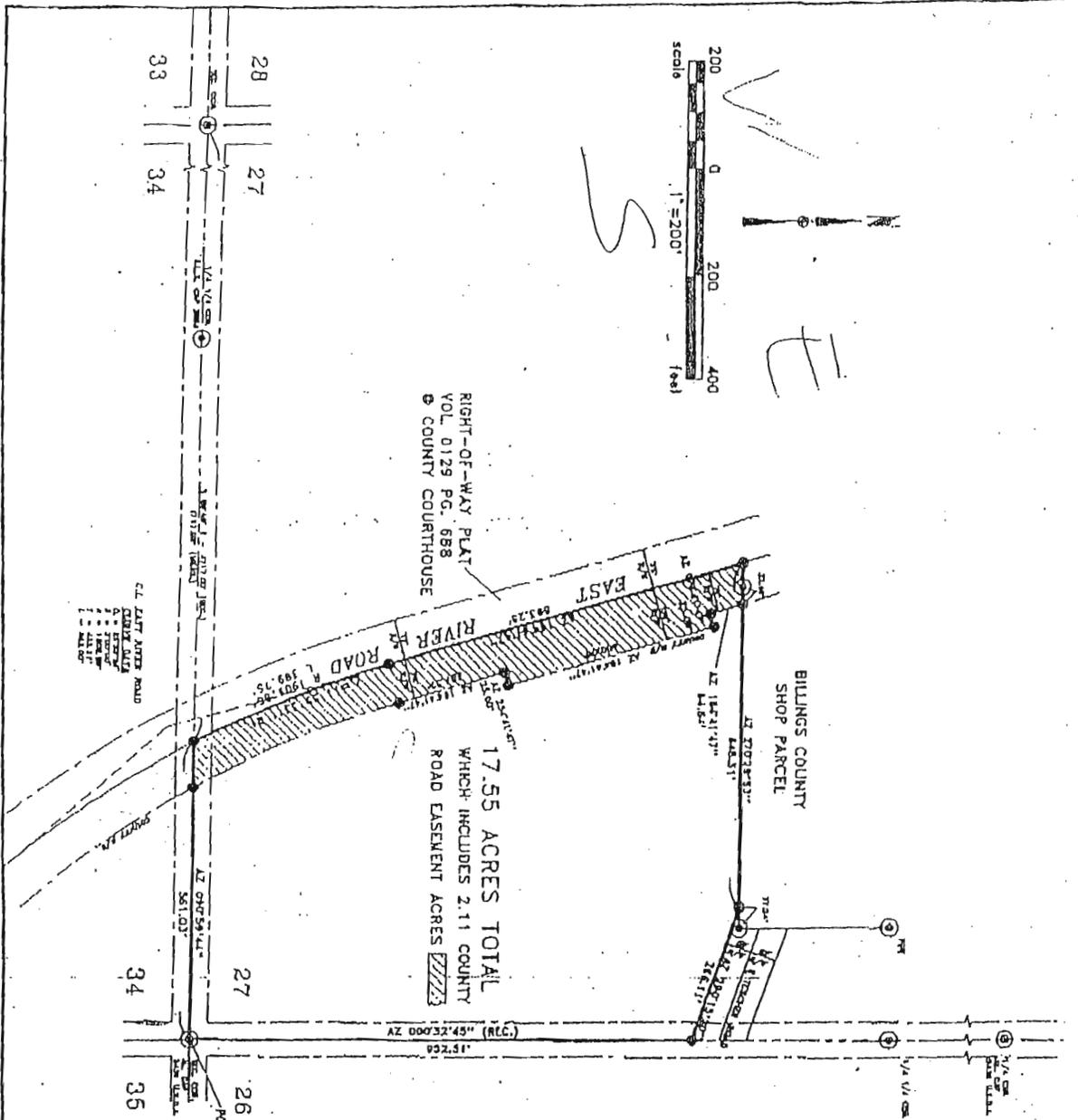
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OFFICE OF
COUNTY RECORDER

I hereby certify that the within instrument was filed in this office for record this 5/10/2011 at 11:50 AM, and was duly recorded as document # 135953 Fee: \$19.00

County Recorder Donna Adams
By Deputy Chris Johnson
Return To: CITY OF MEDORA, PO BOX 418A
MEDORA, ND 58645

135953

701-663-6483 (w) (Evan Manchester) Toman Eng.



DESCRIPTION

A tract of land located in the Southeast Quarter of the Southwest Quarter (SE1/4SE1/4) of Section 27, Township 1 North, Range 102 West of the 5th P.M., Billings County, State of North Dakota, being more specifically described as follows:

Beginning at the southeast corner of said Section 27 on a monument cap found in place, thence northerly along the east line of said Section 27 on a record azimuth of 000° 32' 45" a distance of 332.51 feet to the south right-of-way line of an existing roadway, thence westerly along said road right-of-way line on an azimuth of 290° 15' 20" a distance of 382.11 feet to the south line of a Billings County Shop parcel of land on an azimuth of 270° 28' 35" a distance of 422.31 feet to the southeast corner of an existing county roadway, thence southerly along said roadway on an azimuth of 162° 31' 47" a distance of 893.25 feet to the beginning of a curve concave to the northeast and having a radius of 1809.26 feet, thence continuing along said curve through a spiral angle of 11° 39' 35" a distance of 389.75 feet to the center of the curve, thence southerly along the south line of said Section 27, thence westerly along the south line of said Section 27 on an azimuth of 090° 28' 44" a distance of 581.03 feet to the Point of Beginning.

Said tract contains 17.55 acres.

I, Mathias A. Krebs, Registered Land Surveyor, do hereby certify that the survey plat shown herein was made by me, or under my direction from notes made in the field and the same is true and correct to the best of my knowledge and belief.

Mathias A. Krebs
Reg. L.S. No. 3514

Date 4-6-96



LEGEND

- ① HIGHWAY
- ② UNIMPROVED CUP ROAD
- ③ RAILROAD
- ④ POINT OF BEGINNING

<p>COLBERG TRACT S1/4SE1/4 OF SECTION 27, T14N, R102W BILLINGS COUNTY, NORTH DAKOTA</p>	
<p>DATE: 4-6-96</p>	<p>BY: M.A. KREBS</p>
<p>SCALE: AS SHOWN</p>	<p>PROJECT: SURVEY DRAWING</p>
<p>NO. 1</p>	<p>SHEET NO. 1 OF 1</p>