

**NOTICE AND RESOLUTION NO. 02-2013**

**A RESOLUTION TO ADVERTISE AND NOTICE INTENT TO ANNEX THE FOLLOWING LAND PURSUANT TO NORTH DAKOTA CENTURY CODE 40-51.2-07 AND CHAPTER 19, ARTICLE 1 OF THE CITY CODE OF THE CITY OF BELFIELD, NORTH DAKOTA.**

WHEREAS, NDCC Section 40-51.2-07 and Chapter 19, Article 7 of the City Code of the City of Belfield provides in relevant part:

1. The governing body of any city may adopt a resolution to annex contiguous or adjacent territory as follows:

a. The governing body of the city shall adopt a resolution describing the property to be annexed.

b. The governing body of the city shall publish the resolution and a notice of the time and place the governing body will meet to hear and determine the sufficiency of any written protests against the proposed annexation in the official newspaper once each week for two consecutive weeks. The governing body of the city shall mail at least seven days before the meeting, 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. The notice must inform landowners of the resolution, the time and place of hearing, and the requirement that protests must be filed in writing. 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. The governing body of the city also shall mail at least seven days before the meeting, by certified mail, the notice of the time and place of the hearing to the governing body of each city, county, or township directly affected by the land area proposed to be annexed. No state-owned property may be annexed without the written consent of the state agency or department having control of the property. The governing body of the city, at its next meeting after the expiration of the time for filing the protests, shall hear and determine the sufficiency of the protests.

c. 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 the resolution becomes a part of the city. When a copy of the resolution and an accurate map of the annexed area, certified by the executive officer of the city, are filed and recorded with the county recorder, the annexation becomes effective. Annexation is effective for the purpose of general taxation on and after the first day of the next February. However, the city shall continue to classify as agricultural lands for tax purposes all lands in the annexed area which were classified as agricultural lands immediately before the annexation proceedings until those lands are put to another use.

2. If the owners of one-fourth or more of the territory proposed to be annexed protest, or if a city that has extraterritorial zoning or subdivision regulation authority over the area petitioned to be annexed protests, the city may either stop its pursuit of the annexation or submit the matter to a committee for mediation as provided in section 40-51.2-07.1.

WHEREAS, the City of Belfield, a ND Municipal Corporation finds the area proposed to be annexed is about to become urban in character; City government in the area proposed to be

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annexed is required to protect the public health, safety, and welfare; and the annexation would be in the best interest of the area proposed to be annexed; and

WHEREAS, the City of Belfield governing Council finds it is in the best interests of the City and its citizens to annex the area;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELFIELD, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF BELFIELD, AS FOLLOWS:**

Section 1. The following area shall be and is hereby annexed: All that part of Section 4, Township 139N, Range 99W, of the 5<sup>th</sup> Principal Meridian, South of the south BNSF Railroad Right-of-Way and all that part of Section 5, T139N, R99W, South of the south BNSF Railroad Right-of-Way East of the east Right-of-Way of 5<sup>th</sup> Street SE and North of the south Right-of-Way of 5<sup>th</sup> Avenue SE extended, Stark County North Dakota;

Section 2. **NOTICE IS HEREBY PROVIDED:** The City Council of the City of Belfield has authorized by Resolution the annexation of said area. This NOTICE and RESOLUTION shall be published in the City's official newspaper as provided in Section 40-51.2-07, NDCC, once each week for two (2) consecutive weeks;

Section 3. All prior resolutions in conflict with this Resolution, are hereby repealed.

Section 4. If any provision, section, subsection, sentence, clause, or phrase of this Resolution, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Resolution or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Resolution that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionally, voidness or invalidity of any other portion hereof, and provisions of this Resolution are declared to be severable for that purpose.

Section 5. This Resolution shall be passed finally on the date of its introduction and shall take effect immediately upon its passage and approval by the City Council.

ADOPTED

  
\_\_\_\_\_  
Leo Schneider, Mayor

ATTEST:

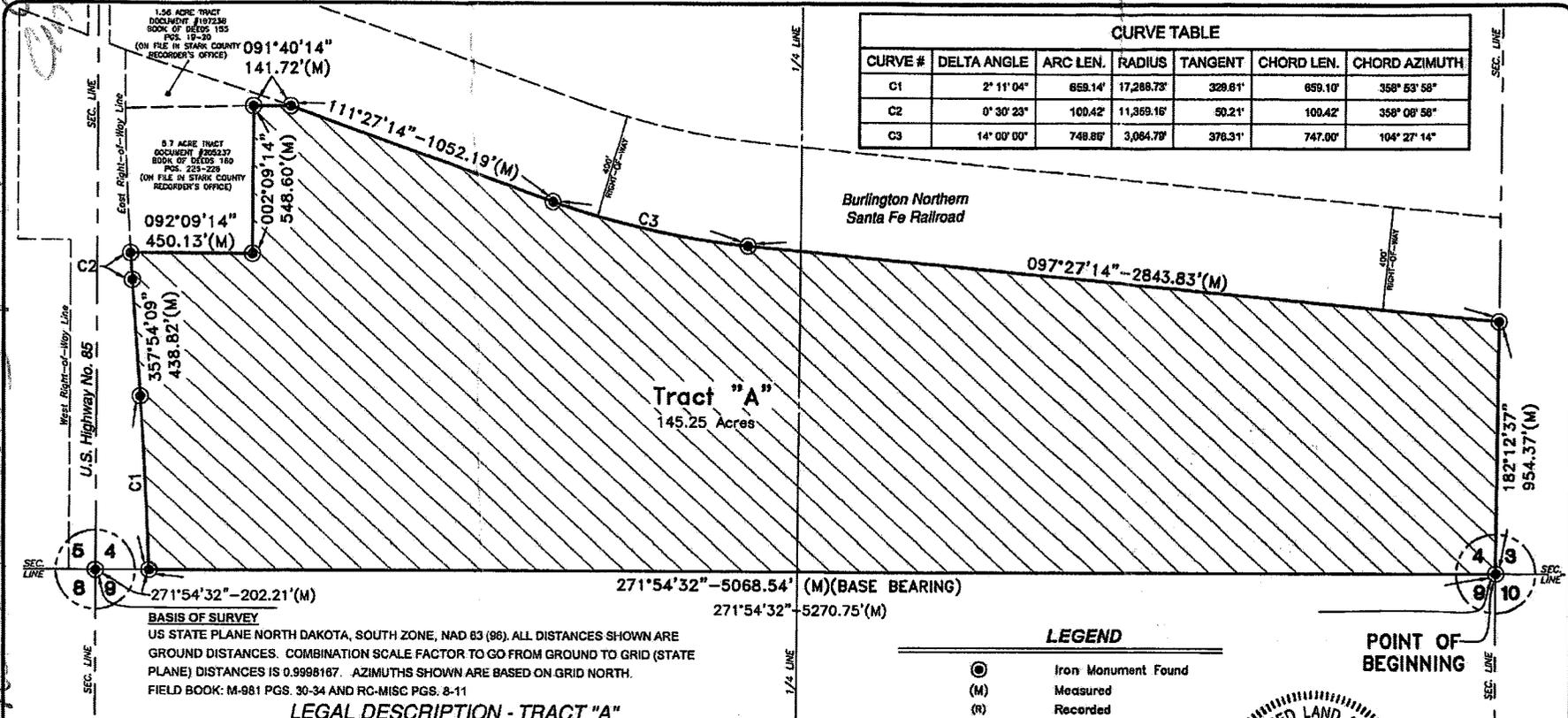
  
\_\_\_\_\_  
Cindy Ewoniuk, Auditor  
Final Passage:



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ORD 313  
 Enclosures relative to (see) plat for the above



CURVE TABLE						
CURVE #	DELTA ANGLE	ARC LEN.	RADIUS	TANGENT	CHORD LEN.	CHORD AZIMUTH
C1	2° 11' 04"	658.14'	17,288.73'	329.61'	659.10'	358° 53' 58"
C2	0° 30' 23"	100.42'	11,369.16'	50.21'	100.42'	358° 08' 56"
C3	14° 00' 00"	748.86'	3,064.79'	376.31'	747.00'	104° 27' 14"

**BASIS OF SURVEY**  
 US STATE PLANE NORTH DAKOTA, SOUTH ZONE, NAD 83 (96). ALL DISTANCES SHOWN ARE GROUND DISTANCES. COMBINATION SCALE FACTOR TO GO FROM GROUND TO GRID (STATE PLANE) DISTANCES IS 0.9998187. AZIMUTHS SHOWN ARE BASED ON GRID NORTH.  
 FIELD BOOK: M-981 PGS. 30-34 AND RC-MISC PGS. 8-11

**LEGAL DESCRIPTION - TRACT "A"**

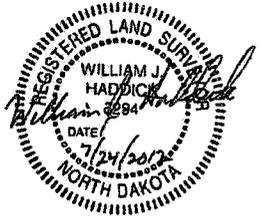
A tract of land located in the South Half (S1/2) of Section 4, Township 139 North, Range 99 West of the 5th Principal Meridian, Stark County, State of North Dakota, being more particularly described as follows:

BEGINNING at the southeast corner of said South Half of Section 4, then along the south line of said South Half of Section 4 on an azimuth of 271°54'32", a distance of 5,068.54 feet to a point on the east right-of-way line of United States (US) Highway Number 85 and the beginning of a curve concave to the southwest and having a radius of 17,288.73 feet; then along the east right-of-way line of US Highway Number 85 and the arc of said curve through a central angle of 02°11'04", a distance of 658.14 feet (Chord Azimuth 358°53'58", Chord Length 659.10 feet) to the end of curve; then continuing along the east right-of-way line of US Highway Number 85 on an azimuth of 357°54'09", a distance of 438.82 feet to the beginning of a curve concave to the northeast and having a radius of 11,369.16 feet; then continuing along the east right-of-way line of US Highway Number 85 and the arc of said curve through a central angle of 00°30'23", a distance of 100.42 feet (Chord Azimuth 358°08'56", Chord Length 100.42 feet) to the southwest corner of a 5.7 acre tract of land described in Document Number 205237 (Book of Deeds 160, Pgs. 225-226, on file with Stark County Recorder's Office); then along the south line of said 5.7 acre tract of land on an azimuth of 092°09'14", a distance of 450.13 feet to the southeast corner of said 5.7 acre tract of land; then along the east line of said 5.7 acre tract of land on an azimuth of 002°09'14", a distance of 548.60 feet to the northeast corner of said 5.7 acre tract of land, said point also being on the south line of a 1.56 acre tract of land as described in Document Number 197238 (Book of Deeds 155, Pgs. 19-20, on file with Stark County Recorder's Office); then along said south line of said 1.56 acre tract of land on an azimuth of 091°40'14", a distance of 141.72 feet to the southeast corner of said 1.56 acre tract of land, said point also being on the south right-of-way line of Burlington Northern Santa Fe Railroad; then along the south right-of-way line of Burlington Northern Santa Fe Railroad on an azimuth of 111°27'14", a distance of 1052.19 feet to the beginning of a curve concave to the northeast and having a radius of 3,064.79 feet; then continuing along the south right-of-way line of Burlington Northern Santa Fe Railroad and the arc of said curve through a central angle of 14°00'00", a distance of 748.86 feet (Chord Azimuth 104°27'14", Chord Length 747.00 feet) to the end of curve; then continuing along the south right-of-way line of Burlington Northern Santa Fe Railroad on an azimuth of 097°27'14", a distance of 2843.83 feet to a point on the east line of said South Half of Section 4; then along said east line of the South Half of Section 4 on an azimuth of 182°12'37", a distance of 954.37 feet to the POINT OF BEGINNING.

Said tract contains 145.25 acres.

**LEGEND**

- Iron Monument Found
- (M) Measured
- (R) Recorded
- Tract "A" Property Line
- - - Adjacent Property Line
- ▨ Tract "A"



I, William J. Haddick, Registered Land Surveyor, N.D. No. 6294, do hereby certify that the survey plat shown hereon 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. The field survey was performed on 6/01/2012.

7-24-2012  
 Date  
 William J. Haddick  
 William J. Haddick, Registered Land Surveyor  
 N.D. RLS No. 6294



**Kadmas Lee & Jackson**  
 Engineers Surveyors Planners  
 www.kljeng.com

REVISION	
DATE	
NO.	
DESIGNED	CLS
DRAWN	JKW
CHECKED	JKW
DATE	7-10-2012

**TRACT SURVEY**  
 ZECO EQUIPMENT COMPANY  
 STARK COUNTY, NORTH DAKOTA  
 TRACT IN S1/2 OF SEC. 4, T.139N., R.99W.

SHEET  
 1



*Kathy Schwab*

**RETURN TO:**

**LEGAL EDGE SOLUTIONS PLLC  
536 VILLARD ST W  
DICKINSON, ND 58601**

**3125337**

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