Recording of Annexation Resolution - Corrected

STATE OF NORTH DAKOTA
COUNTY OF DUNN

Dawn Marquardt, being first duly sworn deposes and states as follows:

1. I am the City Auditor of the City of Killdeer, North Dakota. I have personal knowledge of the facts stated herein.

2. Attached hereto and recorded herewith Is the City of Killdeer’s Resolution 0422-2013, regarding the annexation of the certain real property. The legal descriptions contained in that resolution should be revised as follows:

   Lots 1-19, T.A. Dardis Subdivision In the SE¼ of Section 22, Township 145 North, Range 95 West.

   Parcel in NE¼SE¼, 22-145-95 .23 acres.

   .80 acre parcel in NE¼SE¼ 1.08 acres, less .28 acres.

   300' by 760' in SE ¼, less .38 acres and .21 acres (4.64 acres).

   10 acre parcel in NE¼SE¼ 22-145-95.

   The South 602.8' of the West 895.3' of the SW ¼ of Section 23, Township 145 North, Range 95 West.

   A tract of land in the SE¼SE¼, of Section 22, Township 145 North, Range 95 West of the 5th P.M., Dunn County, North Dakota, more particularly described as follows:

   Beginning at the northeast corner of T.A. Dardis Subdivision, thence westerly along the northerly right of way line of a 40 foot street (Stanley St.) on an azimuth of 270°12'56" (recorded on T.A. Dardis Subdivision) 350 feet (to the southwest corner of a 1.6 acre tract described in Document No. 138833) and true point of beginning; thence continuing westerly along said North line of Stanley Street on an azimuth of 270°12'56", 441.32 feet, thence on an azimuth of 000°12'56" 200 feet, thence 090°13'46", 447.88 feet, to the northwest corner of said 1.6 acre tract, thence southerly along the east line of said 1.6 acre tract on an azimuth of 182°05'44", 200 feet to the point of true beginning. Containing 2.04 acres more or less.

   G & S Hartman Subdivision, Lot 1, Block 1.
Lots 14-A, 14-B, 14-C, 14-D, 14-E, Replat of Lot 14, Hutchinson First Subdivision, in the NW¼ of Section 26, Township 145 North, Range 95 West.

Lots 9-13, Hutchinson First Subdivision, in the NW¼ of Section 26, Township 145 North, Range 95 West.

Lots 15-27, Hutchinson First Subdivision, in the NW¼ of Section 26, Township 145 North, Range 95 West.

Lots 1-41, Block 1, Hutchinson Second Subdivision, in the NW¼ of Section 26, Township 145 North, Range 95 West.

Lots 1-40, Block 2, Hutchinson Second Subdivision, in the NW¼ of Section 26, Township 145 North, Range 95 West.

Lots 1-12, Block 3, Hutchinson Second Subdivision, in the NW¼ of Section 26, Township 145 North, Range 95 West.

Lots 1-12, Block 4, Hutchinson Second Subdivision, in the NW¼ of Section 26, Township 145 North, Range 95 West.

3. The recording of Resolution 0422-2013 on July 31, 2013, was done in error. The copy of Resolution 0422-2013 recorded on July 31, 2013, was an incorrect copy, which contained an incorrect legal description of the property annexed, and may be disregarded.

4. The Resolution 0422-2013 recorded herewith is an accurate and true original of the resolution adopted by the Dickinson Board of City Commissioners on May 7, 2013. The map attached to said resolution is an accurate map of the annexed area.

Dated: December 14, 2013.

ATTEST:

Dawn Marquardt,
City Auditor

AUDITOR'S OFFICE
Dunn County, N. Dak.
Transfer entered the day of 2014

Jenice Pearson
Deputy

Lisa Guanther, Dunn County Recorder
On this 17th day of October, 2016, before me personally appeared Dawn Muscaglia, known to me to be the person who is described in and who executed the foregoing document and acknowledged to me that she executed the same.


Dawn Muscaglia
Notary Public

COUNTY OF DUNN
STATE OF NORTH DAKOTA
RESOLUTION NO. 0422 -2013

RESOLUTION FINDING THAT THE OWNERS OF LESS THAN ONE-FOURTH OF THE TERRITORY PROPOSED TO BE ANNEXED HAVE FILED WRITTEN PROTESTS

WHEREAS, the Board of City Commissioners has adopted Resolution 0422-2013 regarding the annexation of certain real property to the City of Killdeer; and

WHEREAS, the Board of City Commissioners has met to hear and determine the sufficiency of the protests; and

WHEREAS, the Board of City Commissioners finds that the annexation resolution, Resolution 0422-2013, was validly adopted; and

WHEREAS, the Board of City Commissioners finds the annexation resolution and notice of hearing were published once a week for two consecutive weeks in the official newspaper of the City; and a valid affidavit of publication has been provided to the City;

WHEREAS, the Board of City Commissioners finds that the City mailed, at least seven days before the meeting to hear and determine the sufficiency of written protests, 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; and further that the notice informed landowners of the resolution, the time and place of hearing, and the requirement that protests must be filed in writing; and further that the City mailed, at least seven days before the meeting to hear and determine the sufficiency of written protests, 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; and

WHEREAS, the Board of City Commissioners finds that the owners of less than one-fourth of the territory proposed to be annexed have filed written protests to the annexation.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of City Commissioners of the City of Killdeer, North Dakota, as follows:

1. Upon an 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; and

2. The following legally-described real property, all situated, lying and being within Dunn County, North Dakota, is hereby annexed to the City of Killdeer, North Dakota, to-wit:

TA Darid Subdivision: Lots 1-12, Lots 13,14 Less E 90’ of Lot 14, Lots 15-19; East 90’ of Lot 14 and Section 22

Section 22, TWP145, R095

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Lisa Guenther, Dunn County Recorder

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Lisa Guenther, Dunn County Recorder
Parcel 2.04A in SE4SE4

G & S Subdivision, Lot 1 Block 1, 1.5A

Section 22, TWP145, R095
Parcel in NE4SE4 .66A

Section 22, TWP145, R095
Parcel in NE4SE4 .23A

Section 22, TWP145, R095
.80A Parcel in NE4SE4 1.08A Less .28A

Section 22, TWP145, R095
300' by 760' in SE Quarter Less .38 and .21A (4.64A)

Section 22, TWP145, R095
Parcel in NE4SE4, approximately 10 acres

South 602.8' of the West 895.3' of the Southwest Quarter of Section 23, T145N, R95W, 5th PM, excepting all that portion previously acquired for public highway right-of-way and all that portion line within 33' of the section lines. Tract contains 7.98 acres more or less.

Lots 1-12, Block 4, Hutchinson Second Addition NW1/4 Section 26, TWP145N, R95W, of the 5th P.M., Dunn County North Dakota.

Lots 23-27, 7.765 acres (more or less) less the North 3 feet of Lot 23, (1128 sq ft) Hutchinson First Addition NW1/4, Section 26, TWP 145N, R95W of the 5th P.M., Dunn County North Dakota.

Lot 14-E, Block 1 in Hutchinson First Addition

Lots 14-A, 14-B, 14-C, 14-D, Block 1 in Hutchinson First Addition

Lots 12-13, Block 1 in Hutchinson First Addition

Lot 11, Block 1 in Hutchinson First Addition

Lot 10, Block 1 in Hutchinson First Addition

Lot 1, Block 1 in Hutchinson Second Addition, NW1/4 of Section 26, TWP 145N, R95W, Dunn County, North Dakota.
Lots 28-36, Block 2 in Hutchinson Second Addition, NW1/4 of Section 26, TWP 145N, R95W, Dunn County, North Dakota.

Lots 15-17, Block 1 in Hutchinson First Addition, NW1/4 of Section 26, TWP 145N, R95W, Dunn County, North Dakota.

Lots 2-41 and the South 600 feet of Lot 42 in Block 1 of Hutchinson Second Addition to City of Killdeer, North Dakota.

Lots 1-27 and the South 600 feet of Lot 41, Block 2 of the Hutchinson Second Addition to the City of Killdeer, North Dakota.

Lots 1-12, Block 3 of the Hutchinson Second Addition to the City of Killdeer, North Dakota.

3. A copy of Resolution 44 and an accurate map of the annexed area, certified by the executive officer of the City, shall be filed and recorded with the Dunn County Recorder.

Dated this 7th day of May, 2013.

Dan Dolechek, Mayor
Board of City Commissioners
City of Killdeer, North Dakota

ATTEST:

Dawn Marquardt, City Auditor

AUDITOR'S OFFICE
Dunn County, N. Dak.
Transfer entered this 19 day of July 2013

Lisa Guenther, Dunn County Recorder

DEPUTY

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On this 16th day of May, 2013, before me personally appeared Dan Dolechek, known to me as the Mayor of the Board of City Commissioners of the City of Killdeer, and who executed the within and foregoing document and acknowledged to me that the City of Killdeer executed the same.

DAWN MUSCHA  
Notary Public  
State of North Dakota  
My Commission Expires July 8, 2016

DAWN MUSCHA  
Notary Public  
State of North Dakota  
My Commission Expires July 8, 2016

On this 18th day of May, 2013, before me personally appeared Dawn Marquardt, known to me as the City Auditor of the City of Killdeer, and who executed the within and foregoing document and acknowledged to me that the City of Killdeer executed the same.

DAWN MUSCHA  
Notary Public  
State of North Dakota  
My Commission Expires July 8, 2016

DAWN MUSCHA  
Notary Public  
State of North Dakota  
My Commission Expires July 8, 2016
I hereby certify that the attached map is an accurate map of the annexed area.

Dan Dolechek
Mayor
Board of City Commissioners
City of Killdeer

STATE OF NORTH DAKOTA )
COUNTY OF DUNN )

On this 26st day of May, 2013, before me personally appeared Dan Dolechek, known to me as the Mayor of the Board of City Commissioners of the City of Killdeer, and who executed the within and foregoing document and acknowledged to me that the City of Dickinson executed the same.

DAWN MUSCHA
Notary Public
State of North Dakota
My Commission Expires July 8, 2015

RESOLUTION
$0.00
Lisa Guenther, Dunn County Recorder
By
thereby certify that I have carefully examined the within instrument and compared the same with the original now on file in this office, and that it is true and correct.

Dated this 14th day of November, 2014.

By

Lisa Grimmer, Dunn County Recorder

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By

Lisa Grimmer, Dunn County Recorder

Dated 1/24/2014 2:34 PM
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