

COUNTY RECORDER, WILLIAMS COUNTY, ND 09/26/2007 11:19AM  
I certify that this instrument was filed and recorded  
Kari Evenson, County Recorder

by Tracey Bernhardt Deputy 649007

 649007  
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09/26/2007 11:19A  
WILLIAMS COUNTY, ND OR 25.00



ORDINANCE NO. 896

AN ORDINANCE ANNEXING TO THE CITY OF WILLISTON, WILLIAMS COUNTY, NORTH DAKOTA, THAT CERTAIN TERRITORY CONTIGUOUS THERETO AND NOT EMBRACED WITHIN THE LIMITS THEREOF, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 154 NORTH, RANGE 101 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WILLIAMS COUNTY, NORTH DAKOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, SAID POINT BE THE SOUTHWESTERLY CORNER OF THE CREEKSIDE RIDGE SUBDIVISION, CITY OF WILLISTON, NORTH DAKOTA; THENCE S 74° 59 '10" E, ON AND ALONG THE SOUTHERLY BOUNDARY OF SAID CREEKSIDE RIDGE SUBDIVISION, A DISTANCE OF 443.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 74°59'10" E, ON AND ALONG SAID SOUTHERLY BOUNDARY OF THE CREEKSIDE RIDGE SUBDIVISION AND THE SOUTHERLY BOUNDARY OF THE ENDRES SECOND ADDITION, CITY OF WILLISTON, NORTH DAKOTA, A DISTANCE OF 936.92 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID ENDRES SECOND ADDITION AND THE WEST RIGHT-OF-WAY LINE OF 19TH. AVENUE WEST; THENCE S 28°14'19" E, ON AND ALONG SAID WEST RIGHT-OF-WAY LINE OF 19TH. AVENUE WEST, A DISTANCE OF 345.86 FEET TO THE NORTHEAST CORNER OF LOT 2 OF BLOCK 1 OF THE HERMAN SUBDIVISION, CITY OF WILLISTON, NORTH DAKOTA; THENCE N 89°51'40" W, ON AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 173.99 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEARS N 0°02'14" E, A DISTANCE OF 659.70' FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE N 46°3 '06" W A DISTANCE OF 179.39 FEET; THENCE N 62°34'04" W A DISTANCE OF 241.02 FEET; THENCE N 68°57'49" W A DISTANCE OF

569.22 FEET; THENCE N 09°59'16" W A DISTANCE OF 110.0 FEET TO THE POINT OF BEGINNING; CONTAINING 4.03 ACRES MORE OR LESS;

ONCE PLATTED TO BE KNOWN AS DAYBREAK SUBDIVISION;

SEE EXHIBIT "A" ATTACHED.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Petition presented. A petition signed by the owner of not less than three-fourths (3/4ths) in assessed value of the property in the territory contiguous or adjacent to the City of Williston, Williams County, North Dakota, and not embraced within the limits thereof described as follows, to-wit:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, SAID POINT BE THE SOUTHWESTERLY CORNER OF THE CREEKSIDE RIDGE SUBDIVISION, CITY OF WILLISTON, NORTH DAKOTA; THENCE S 74° 59 '10" E, ON AND ALONG THE SOUTHERLY BOUNDARY OF SAID CREEKSIDE RIDGE SUBDIVISION, A DISTANCE OF 443.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 74°59'10" E, ON AND ALONG SAID SOUTHERLY BOUNDARY OF THE CREEKSIDE RIDGE SUBDIVISION AND THE SOUTHERLY BOUNDARY OF THE ENDRES SECOND ADDITION, CITY OF WILLISTON, NORTH DAKOTA, A DISTANCE OF 936.92 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID ENDRES SECOND ADDITION AND THE WEST RIGHT-OF-WAY LINE OF 19TH. AVENUE WEST; THENCE S 28°14'19" E, ON AND ALONG SAID WEST RIGHT-OF-WAY LINE OF 19TH. AVENUE WEST, A DISTANCE OF 345.86 FEET TO THE NORTHEAST CORNER OF LOT 2 OF BLOCK 1 OF THE HERMAN SUBDIVISION, CITY OF WILLISTON, NORTH DAKOTA; THENCE N 89°51'40" W, ON AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 173.99 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEARS N 0°02'14" E, A DISTANCE OF 659.70' FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE N 46°35'06" W A DISTANCE OF 179.39 FEET; THENCE N 62°34'04" W A DISTANCE OF 241.02 FEET; THENCE N 68°57'49" W A DISTANCE OF 569.22 FEET; THENCE N 09°59'16" W A DISTANCE OF 110.0 FEET TO THE POINT OF BEGINNING; CONTAINING 4.03 ACRES MORE OR LESS;

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was presented to the Board of City Commissioners of the City of Williston on August 28, 2007; Notice of Presentation of Petition was given by the Petitioner by publication in the Williston Daily and Sunday Herald, the official newspaper of said City of Williston on the 12<sup>th</sup> day of July, 2007.

Section 2: Proceedings and Petition Sufficient. Said Petition for annexation of the territory described in Section 1 hereof and the proceedings had thereon are legally sufficient in all respects. That no legal cause has been shown why said Petition for annexation should not be in all things granted and said territory annexed.

Section 3: Territory annexed. Pursuant to said Petition for Annexation, that certain territory contiguous or adjacent to the City of Williston, Williams County, North Dakota, and not embraced within the limits thereof, described as follows, to-wit:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, SAID POINT BE THE SOUTHWESTERLY CORNER OF THE CREEKSIDE RIDGE SUBDIVISION, CITY OF WILLISTON, NORTH DAKOTA; THENCE S 74° 59 '10" E, ON AND ALONG THE SOUTHERLY BOUNDARY OF SAID CREEKSIDE RIDGE SUBDIVISION, A DISTANCE OF 443.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 74°59'10" E, ON AND ALONG SAID SOUTHERLY BOUNDARY OF THE CREEKSIDE RIDGE SUBDIVISION AND THE SOUTHERLY BOUNDARY OF THE ENDRES SECOND ADDITION, CITY OF WILLISTON, NORTH DAKOTA, A DISTANCE OF 936.92 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID ENDRES SECOND ADDITION AND THE WEST RIGHT-OF-WAY LINE OF 19TH. AVENUE WEST; THENCE S 28°14'19" E, ON AND ALONG SAID WEST RIGHT-OF-WAY LINE OF 19TH. AVENUE WEST, A DISTANCE OF 345.86 FEET TO THE NORTHEAST CORNER OF LOT 2 OF BLOCK 1 OF THE HERMAN SUBDIVISION, CITY OF WILLISTON, NORTH DAKOTA; THENCE N 89°51'40" W, ON AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 173.99 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEARS N 0°02'14" E, A DISTANCE OF 659.70' FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE N 46°35'06" W A DISTANCE OF 179.39 FEET; THENCE N 62°34'04" W A DISTANCE OF 241.02 FEET; THENCE N 68°57'49" W A DISTANCE OF 569.22 FEET; THENCE N 09°59'16" W A DISTANCE OF 110.0 FEET TO THE POINT OF BEGINNING; CONTAINING 4.03 ACRES MORE OR LESS;

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be and the same is hereby annexed to said City of Williston.

Section 4: Zoning Designation. The territory herein before described shall be designated and included within R3: Lowrise Multi-Family and Townhouse Residential and C3: Restricted Commercial of the zoning ordinance of the City of Williston (Ordinance No. 613, as amended).

Section 5: Ordinance and Map of Annexed Territory to be Filed. A copy of this Ordinance with an accurate map of the said annexed territory certified by the President of the Board of City Commissioners as the Executive Officer of said City, shall be filed and recorded in the office of the Register of Deeds of Williams County, North Dakota, in which said annexed territory is situated.

Section 6: Ordinance Amended. Wherever any ordinance or resolution having current or prospective operation in force to the northernmost limits of the City of Williston, such ordinance or resolution, as the case may be, is hereby amended and shall be construed so as to include the said annexed territory. Provided, however, in the case of election precincts, the said territory shall be included in Precinct 76 of said City of Williston.

Commissioner Lawson moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Bekkedahl. Upon roll call vote the following Commissioners voted "AYE": Bekkedahl, Underhill, Lawson, Bogar and Koeser and the following Commissioners voted "NAY":None. Absent and not voting:None.

WHEREUPON, the motion was passed, and the Ordinance declared amended this 11th day of September, 2007.



E. WARD KOESER, President  
Board of City Commissioners

ATTEST:

  
JOHN KAUTZMAN, City Auditor

FIRST READING: August 28, 2007

SECOND READING: September 11, 2007

PUBLISHED: N/A

ADOPTED THE 11TH DAY OF SEPTEMBER, 2007.

EXHIBIT A



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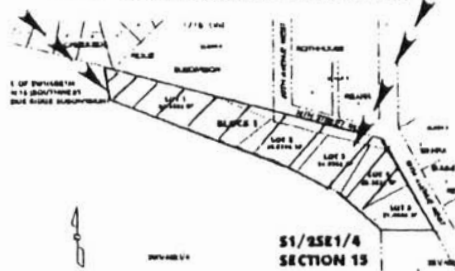
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NOTICE OF PROPOSED ANNEXATION

Kyle Heaton, as managing member of Cheekside Ridge Partners, LLC and Daybreak, LLC, have petitioned the City of Williston to annex a parcel of land located in Williston Township, located in the southwest 1/4 of the southeast 1/4 of Section 15, Township 154 North, Range 101 West of the 141st Principal Meridian, Williams County, North Dakota, and more particularly described as follows:

PROPOSED ANNEXATION AREA



COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, SAID POINT BE THE SOUTHWESTERLY CORNER OF THE CHEEKSIDE RIDGE SUBDIVISION, CITY OF WILLISTON, NORTH DAKOTA; THENCE S 74° 58' 10" E, ON AND ALONG THE SOUTHERLY BOUNDARY OF SAID CHEEKSIDE RIDGE SUBDIVISION, A DISTANCE OF 443.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 74° 58' 10" E, ON AND ALONG SAID SOUTHERLY BOUNDARY OF THE CHEEKSIDE RIDGE SUBDIVISION AND THE SOUTHERLY BOUNDARY OF THE ENDRE'S SECOND ADDITION, CITY OF WILLISTON, NORTH DAKOTA, A DISTANCE OF 536.92 FEET TO THE INTERSECTION OF THE SOUTH LINE OF SAID ENDRE'S SECOND ADDITION AND THE WEST RIGHT OF WAY LINE OF 18TH AVENUE WEST, THENCE S 28° 14' 19" E, ON AND ALONG SAID WEST RIGHT OF WAY LINE OF 18TH AVENUE WEST, A DISTANCE OF 345.86 FEET TO THE NORTHEAST CORNER OF LOT 2 OF BLOCK 1 OF THE HERMAN SUBDIVISION, CITY OF WILLISTON, NORTH DAKOTA; THENCE N 89° 51' 40" W, ON AND ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 173.99 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEARS N 0° 02' 14" E, A DISTANCE OF 851.70' FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE N 48° 55' 08" W A DISTANCE OF 179.39 FEET, THENCE N 62° 54' 04" W A DISTANCE OF 241.02 FEET, THENCE N 68° 57' 40" W A DISTANCE OF 569.22 FEET, THENCE N 06° 59' 16" W A DISTANCE OF 110.0 FEET TO THE POINT OF BEGINNING; CONTAINING 4.03 ACRES MORE OR LESS.

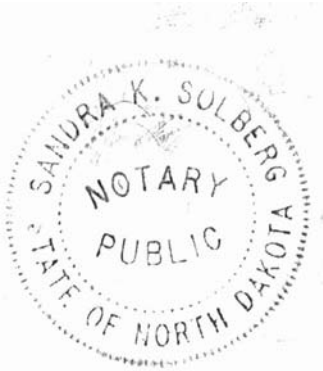
THE ABOVE DESCRIBED BEARINGS ARE BASED ON AND ALONG THE SOUTHERLY BOUNDARY OF THE CHEEKSIDE RIDGE SUBDIVISION IN WILLISTON, NORTH DAKOTA. THE ABOVE PARCEL DESCRIPTION HAS BEEN PREPARED FOR PURCHASE AGREEMENTS AND IS SUBJECT TO AND SHALL BE PLATTED AND RECORDED, SUBJECT TO THE PLATTING AND SUBDIVISION REGULATIONS AND REQUIREMENTS OF THE CITY OF WILLISTON AND OF WILLIAMS COUNTY, NORTH DAKOTA. THE PARCEL OF LAND IS ALSO SUBJECT TO THAT PORTION OF RIGHT OF WAY EASEMENT OF RECORD AS DOCUMENT NO. 814768 AT THE WILLIAMS COUNTY COURT HOUSE. (JULY 12, 2007)

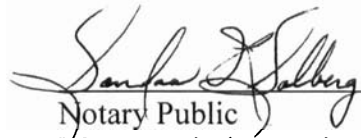
STATE OF NORTH DAKOTA)

:SS.

COUNTY OF WILLIAMS)

On this 26<sup>th</sup> day of September, 2007, before me personally appeared E. Ward Koeser and John Kautzman, known to me to be the President of the Board of City Commissioners and City Auditor, respectively, of the corporation that is described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.



  
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Notary Public  
My commission expires: 02/26/2008



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