

ORDINANCE NO. 2021-001

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF KILLDEER, NORTH DAKOTA, AND ANNEXING CERTAIN TRACTS OF LAND ADJACENT TO THE BOUNDARIES OF THE PRESENT CITY LIMITS

WHEREAS, the City of Killdeer has received a written petition to annex to the city limits certain real property contiguous to the City of Killdeer; and

WHEREAS, such petition is signed by the not less than three-fourths in assessed value of the property of the territory proposed to be annexed, which such territory is contiguous or adjacent to the incorporated municipality of the City of Killdeer and is not embraced within the limits thereof; and

WHEREAS, NDCC §40-51.2-07 permits annexation by ordinance of the governing body upon receipt of such a petition; and

WHEREAS, the Board of City Commissioners of the City of Killdeer, North Dakota, desires to annex the property to the City of Killdeer for the following reasons: The territory is contiguous to the City of Killdeer, 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; annexation will encourage natural and well-ordered development of the City of Killdeer and the territory proposed to be annexed; annexation will extend municipal government to areas which form a part of the whole community of Killdeer; annexation will simplify government structure in the area of the City of Killdeer; annexation will recognize the interrelationship and interdependence between the City of Killdeer and areas contiguous or adjacent thereto; annexation will 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 annexation will provide and facilitate the proper overall planning and zoning of land, and subdivision of lands in the City and the territory proposed to be annexed in a manner most conducive to the welfare of the City and the territory proposed to be annexed;

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

Section 1: The following real property, situated, lying and being in the Dunn County, State of North Dakota, is hereby annexed to the city limits of the City of Killdeer:

THAT PART OF THE SOUTH HALF OF SECTION 15, TOWNSHIP 145 NORTH, RANGE 95 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, DUNN COUNTY, CITY OF KILLDEER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE S88°14'24"E ALONG SOUTH LINE OF SECTION 15 A DISTANCE OF 1,682.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING

ALONG SAID SECTION LINE A DISTANCE OF 2,272.42 FEET; THENCE N01°48'17"E A DISTANCE OF 97.77 FEET; THENCE N29°48'33"W A DISTANCE OF 270.81 FEET; THENCE N88°14'24"W TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 15 A DISTANCE OF 1,176.10 FEET; THENCE N01°50'33"E ALONG SAID WEST LINE A DISTANCE OF 1,492.73 FEET; THENCE N88°13'39"W A DISTANCE OF 1,322.03 FEET; THENCE S01°44'39"W A DISTANCE OF 1,044.23 FEET; THENCE S29°58'14"E A DISTANCE OF 693.96 FEET; THENCE S01°45'36"W A DISTANCE OF 187.05 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS ±60.73 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF SIGHT AND RECORD.

Section 2: A notice of the presentation of the petition, and the City Commission's consideration of this ordinance shall be given by one publication in the official newspaper of the City.

Section 3: A notice of the time and place of the presentation of the petition and the City Commission's consideration of this ordinance shall be mailed, by certified mail, to the owner of each parcel of real property within the area described herein at the person's last-known mailing address. The notice is not required to be sent to any owner of real property who signed the petition requesting annexation. The City shall also mail, by certified mail, the notice described herein to the governing body of Dunn County, North Dakota, as a county directly affected by the land area petitioned to be annexed.

Section 4: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.


Section 5: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 6: Effective Date: This Ordinance shall be in full force and effect from and after final passage.



Charles Muscha, President
Board of City Commissioners

ATTEST



Matt Oase, City Auditor

First Reading: 04/19/2021

Second Reading: 09/20/2021

Final Passage: 09/20/2021

