

**BEFORE THE CITY COUNCIL, CITY OF MINOT, NORTH DAKOTA  
RESOLUTION OFFERING TO PURCHASE LAND AND  
AUTHORIZING USE OF EMINENT DOMAIN AUTHORITY**

WHEREAS, the City of Minot is a North Dakota municipal corporation;

WHEREAS, the Mouse River, its tributaries and associated drain systems are prone to frequent flooding which presents a significant risk to the inhabitants, property and infrastructure of the City of Minot and surrounding areas;

WHEREAS, the City Council has adopted a flood control project to protect the City of Minot, its residents and infrastructure;

WHEREAS, the City Council for the City of Minot finds it necessary for the public use and purpose of constructing, operating and maintaining a flood control project to protect the City of Minot, its residents and infrastructure, to acquire certain property for the construction, operation and maintenance of a flood control project and related infrastructure including, but not limited to, dikes, levees, floodwalls, pipes, ditches, and flumes within and without the City of Minot, North Dakota;

WHEREAS, the City of Minot, based upon information and recommendation provided by City of Minot staff and consulting engineers has identified properties necessary to be acquired in order to construct, operate and maintain a flood control project; and

WHEREAS, pursuant to that public use and purpose, the City must acquire the following described properties which are necessary for the construction and operation of the flood control project and related infrastructure, all of which property is located in Ward County, State of North Dakota and described as follows:

Property Address:	1300 – 4 <sup>th</sup> Avenue NE Minot, ND 58703
Record Title Owner:	FerrellGas, L.P., a Delaware limited partnership
Legal Description:	Lot 2, Trillium Addition to the City of Minot, Ward County, North Dakota

WHEREAS, the City has had the property appraised by a licensed real estate appraisal and an offer in an amount equal to the amount believed to be just compensation or fair market value has been forwarded to the last known address of the record title owner listed above. Copies of written appraisals have been provided to the property owner listed above. City of Minot staff and consultants have, in good faith, undertaken reasonable and diligent efforts to acquire the property by negotiation but have been unsuccessful.

WHEREAS, offers to purchase the property, based upon written appraisals, have been made to the property owner listed above in an amount equal to the amount believed to be just compensation or fair market value. Copies of written appraisals have been provided to the property owners listed above. City of Minot staff and consultants have, in good faith, undertaken reasonable and diligent efforts to acquire the property by negotiation but have been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED that the public purpose and use for the property identified herein is a use provided for by law;

BE IT FURTHER RESOLVED that it is necessary for the City of Minot to acquire the property described herein to allow for construction, operation and maintenance of a flood protection project to protect the City of Minot, its residents and infrastructure;

BE IT FURTHER RESOLVED, that pursuant to N.D.C.C. §§ 40-05-01, 40-05-02, 40-05.1-06, and N.D.C.C. Chapter 32-15, the City of Minot hereby authorizes the use and initiation of eminent domain proceedings to acquire the property described herein for construction, operation and maintenance of a flood control project and related infrastructure.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

Approved:

\_\_\_\_\_  
Shaun Sipma, Mayor

ATTEST:

\_\_\_\_\_  
David Lakefield, Finance Director

The motion for the adoption of the foregoing Resolution was made by \_\_\_\_\_  
and duly seconded by \_\_\_\_\_. On roll-call vote, the following members  
voted in favor thereof: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The following members voted against such resolution: \_\_\_\_\_  
\_\_\_\_\_.

The following members were absent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The motion carried and the Resolution was duly adopted by the City Council of Minot, North Dakota on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
David Lakefield, Finance Director

\_\_\_\_\_  
Kelly Matalka, City Clerk