

**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:	720 2 nd Ave NE Minot, ND 58703
Record Title Owner:	Deborah A. Luetzen
Legal Description:	N½ of Lots 9 and 10, Block 1, Torbenson's Second Addition to the City of Minot, Ward County, North Dakota
Property Address:	19 8 th St NE Minot, ND 58703
Record Title Owner:	David P. Cox, II and Jeanne M. Cox
Legal Description:	Lot 11, Block 1, Torbenson's Second Addition to the City of Minot, Ward County, North Dakota

WHEREAS, offers to purchase the properties, based upon written appraisals, have been made to the property owners 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 properties 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 properties 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 properties described herein for construction, operation and maintenance of a flood control project and related infrastructure.

Adopted this ____ day of _____, 2020.

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 _____, 2020.

David Lakefield, Finance Director

Kelly Mataka, City Clerk