

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:	308 4 <sup>th</sup> Ave NE & Vacant Lot & 306 4 <sup>th</sup> Ave NE & 400 4 <sup>th</sup> Ave NE Minot, ND 58703
Record Title Owner:	Nathan Properties, LLC
Legal Description:	Sublot A of Lot 6, Block 3, Coney Island Addition to the City of Minot, Ward County, North Dakota AND Outlot 31 of NE¼ NW¼ Section 24, Township 155 North, Range 83 West of the 5th P.M., Ward County, North Dakota AND Sublot B of Lot 6, Block 3; West 20 feet of Lot 7, Block 3, including Sublot 1 thereof, all in Coney Island Addition to the City of Minot, Ward County, North Dakota; That portion of Lot 7,

Block 3, Coney Island Addition to the City of Minot, Ward County, North Dakota, more fully described as follows: Beginning at a point 20 feet East of the Northwest corner of said Lot 7, Block 3, running thence at right angles with said North line and parallel with the West line of said Lot 7, in a southerly direction 150 feet; thence at right angles in an easterly direction 50 feet; thence at right angles in a northerly direction 150 feet to the North line of said Lot 7; thence in a westerly direction along the North line of said Lot 7, 50 feet to the place of beginning.

Property Address: 1107 6<sup>th</sup> Ave SW & 1100 Edward Ave SW  
Minot, ND 58701  
Record Title Owner: Karen Borman  
Legal Description: Lots 14 and 17, Kittleson's Subdivision of a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 23, Township 155 North, Range 83 West of the 5<sup>th</sup> PM, 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 Matalaka, City Clerk