

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

WHEREAS, the City Council for the City of Minot, a North Dakota municipal corporation, finds it necessary, for public use and purpose of conducting water, stormwater, providing drainage and protecting the City of Minot, its residents and infrastructure; to acquire certain property for the construction and operation 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; 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: 1830 Burdick Expressway West  
Record Title Owner: Jane Ballantyne Hegeler, Trustee of The Jean Ballantyne Living Trust of 1997  
Legal Description: A portion of Lot 1, Spoklies First Addition of Outlot 14, Section 27, Township 155 North, Range 83 West to the City of Minot, North Dakota, more particularly described as follows: Commencing at the southeast corner of Lot 1, Spoklies First Addition of Outlot 14, Section 27, Township 155 North, Range 83 West to the City of Minot, North Dakota, a Plat of record in the Office of the Recorder of Ward County, North Dakota; thence N 19°36'31.5" W, along the East boundary of Lot 1, a distance of 131.40 feet to the point of beginning; thence N 83°08'41.0" W, a distance of 162.26 feet; thence N 71°20'39.2" W, a distance of 119.29 feet to a West boundary of Lot 1; thence N 00°23'01.5" W, along a West boundary of Lot 1, a distance of 246.60 feet to a northwest corner of Lot 1; thence S 74°21'55.7" E, along the North boundary of Lot 1, a distance of 15.44 feet; thence S 34°48'59.3" E, along said boundary, a distance of 75.45 feet; thence S 56°23'00.5" E, along said boundary, a distance of 75.72 feet; thence N 85°14'15.1" E, along said boundary, a distance of 72.52 feet; thence N 80°59'22.3" E, along said boundary, a distance of 10.06 feet to a northeast corner of Lot 1; thence S 19°36'31.5" E, along the East boundary of Lot 1, a distance of 216.23 feet to the point of beginning. Tract contains 47,357.04 sq.ft. or 1.09 acres.

WHEREAS, the parties listed above claim an estate or interest in, or lien or encumbrance upon said property; and

WHEREAS, offers to purchase, based upon written appraisals, have been made to the record title owners listed above in an amount equal to the amount believed to be just compensation. Copies of written appraisals have been provided to the property owners listed above. Reasonable and diligent efforts to acquire the property by negotiation have been unsuccessful.

NOW, THEREFORE, BE IT 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, State of North Dakota hereby authorizes the use of eminent domain proceedings to acquire fee simple right-of-way and/or easements as necessary of the above described properties contingent upon prior settlement.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

Approved: \_\_\_\_\_  
Chuck Barney, 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 were absent: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The motion carried and the Resolution was duly adopted by the City Council of Minot, North Dakota on the \_\_\_\_ day of \_\_\_\_\_, 2017.

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

\_\_\_\_\_  
City Clerk