

**CERTIFICATE**

I, Kelly Matalka, City Clerk, in and for the City of Minot, North Dakota, hereby certify the attached to be a true and correct copy of Resolution No. \_\_\_\_\_, which resolution was adopted by the City Council of the City of Minot, North Dakota at its regular meeting held on Monday, \_\_\_\_\_, 2021, and which resolution is on file in the Finance Department in City Hall, Minot, North Dakota.

Dated at Minot, North Dakota, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

BEFORE THE CITY COUNCIL, CITY OF MINOT, NORTH DAKOTA  
RESOLUTION OFFERING TO PURCHASE LAND  
AND AUTHORIZING INITIATION OF LITIGATION

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 property which is 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:	105 – 6 <sup>th</sup> Street NE Minot, ND 58703
Record Title Owner:	Palmer Miller
Legal Description:	Lot 13, Block 2, Torbensons Addition

WHEREAS, an offer to purchase the property, based upon a written appraisal, has been made to the property owner listed above in an amount equal to the amount believed to be just compensation or fair market value. A copy of the written appraisal has been provided to the property owner listed above. As a result of negotiations between the property owner and City of Minot staff and consultants, the City of Minot and the above listed property owner have entered into a Purchase Agreement dated October 31, 2018, wherein the City agreed to purchase and the property owner agreed to sell the property listed above for the sum of \$221,000.00.

WHEREAS, the property owner has been unwilling to comply with the terms of the

Purchase Agreement and complete the sale of the property to the City. Efforts to complete the purchase according to the terms and conditions of the Purchase Agreement have been unsuccessful and the property owner remains in breach of his obligations pursuant to the Purchase Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City of Minot hereby authorizes use and initiation of litigation to pursue any and all remedies which may be available at law or in equity arising out of the Purchase Agreement dated October 31, 2018, by and between Palmer Miller as Seller and City of Minot as Buyer.

Adopted this \_\_\_\_\_ day of March, 2021.

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 March, 2021.

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

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