

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:	1318 - 28 th Street SW and 2816 - 14 th Avenue SW Minot, ND 58703
Record Title Owner:	Ronald Roberts and Anneliese Roberts
Legal Description:	West 429 feet of Outlot 2 of the SW ¹ / ₄ NW ¹ / ₄ and the South 100 feet of Outlot 6 of the NW ¹ / ₄ NW ¹ / ₄ Section 27, Township 155 North, Range 83 West of the 5 th P.M., Ward County, North Dakota

AND

Lot 2, Sorenson's Sixth Addition to the City of Minot,
Ward County, North Dakota

Property Address:	A portion of parking lot at 400 - 9 th Street SW, Minot, ND 58701
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Record Title Owner: Loyal Order of Moose, Minot Lodge #822
Legal Description: Part of Outlot 9 Section 23, Township 155 North, Range 83 West of the 5th P.M., Ward County, North Dakota AND That portion of the NE¹/₄SW¹/₄ Section 23, Township 155 North, Range 83 West of the 5th P.M., Ward County, North Dakota, more fully described as follows: Beginning at a stone monument situated on the north line of the right of way of the G.N.R.R. Company's right of way, 157 feet southwest of where said north line of right of way crosses the east line of the SW¹/₄ of Section 23; thence southwest along said north line of right of way 385½ feet; thence 320 feet in a northwesterly direction to a stone monument; then 250 feet in a northeasterly direction to a stone monument; thence 350 feet in a southeasterly direction to the place of beginning

Property Address: 1209 - 6th Avenue SW, Minot, ND 58701
Record Title Owner: John G. Dokken and Susan L. Dokken
Legal Description: Lot 6, Dama Subdivision of Outlot 13, Section 23, Township 155 North, Range 83 West of the 5th P.M., 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 May, 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 May, 2021.

David Lakefield, Finance Director

Kelly Matalka, City Clerk