

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:	405 Railway Ave NE, Minot, ND 58703
Record Title Owner:	D & S Rentals II, LLC
Legal Description:	Lot 1, Werner-Porter Subdivision, Minot, Ward County, North Dakota less that portion as described in Document No. 2792384

Property Address:	1750 8 th Ave SE, Minot, ND 58701 and a portion of 1800 8 th Ave SE, Minot, ND 58701
Record Title Owner:	Trinity Medical Center
Legal Description:	Outlot 29, less the east 75' SE ¹ / ₄ SW ¹ / ₄ of Section 19, Township 155 North, Range 82 West of the 5 th P.M., Ward County, North Dakota

And

Beginning at the Northeast Corner of the Southeast Quarter of the Southwest Quarter of Section 19, Township 155 North, Range 82 West of the 5th Principal Meridian, City of Minot, County of Ward, State of North Dakota.

Thence along the North line of the said Southeast Quarter of the Southwest Quarter S89°35'25"E a distance of 754.00 feet; Thence S00°38'20"E a distance of 248.61 feet to the True Point of Beginning; Thence S37°20'44"E a distance of 573.44 feet to a non-tangent curve to the left, said curve has a central angle of 09°38'12", a radius of 1191.96 feet and a chord which bears S65°14'55"W a distance of 200.24 feet; Thence N69°26'23"W a distance of 162.35 feet; Thence N40°40'57"W a distance of 485.22 feet; Thence N00°38'20"E a distance of 332.51 feet; Thence S89°35'25"E a distance of 126.00 feet; Thence S00°38'20"W a distance of 300.00 feet; Thence S89°35'25"E a distance of 175.00 feet; Thence N00°38'20"E a distance of 84.39 feet and the True Point of Beginning.

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 June, 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 June, 2021.

David Lakefield, Finance Director

Kelly Matalka, City Clerk