

## **ORDINANCE NO. 373**

### **AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF BEACH, NORTH DAKOTA, AND ANNEXING CERTAIN TRACTS OF LAND ADJACENT TO THE BOUNDARIES OF THE PRESENT CITY LIMITS**

WHEREAS, the City of Beach has received a written petition to annex to the city limits certain real property contiguous to the City of Beach; and

WHEREAS, such petition is signed by the not less than three-fourths in assessed value of the property of the territory proposed to be annexed, which such territory is contiguous or adjacent to the incorporated municipality of the City of Beach and is not embraced within the limits thereof; and

WHEREAS, NDCC §40-51.2-07 permits annexation by ordinance of the governing body upon receipt of such a petition; and

WHEREAS, the City Council of the City of Beach, North Dakota, desires to annex the property to the City of Beach for the following reasons: The territory is contiguous to the City of Beach, and its proposed annexation will contribute to and facilitate the orderly growth and development of both the City and the territory proposed to be annexed; annexation will encourage natural and well-ordered development of the City of Beach and the territory proposed to be annexed; annexation will extend municipal government to areas which form a part of the whole community of Beach; annexation will simplify government structure in the area of the City of Beach; annexation will recognize the interrelationship and interdependence between the City of Beach and areas contiguous or adjacent thereto; annexation will contribute to the proper and orderly layout, design and construction of streets, gutters, sidewalks, water mains, sanitary and storm water sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and annexation will provide and facilitate the proper overall planning and zoning of land, and subdivision of lands in the City and the territory proposed to be annexed in a manner most conducive to the welfare of the City and the territory proposed to be annexed;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH, NORTH DAKOTA, AS FOLLOWS:

Section 1: The following real property, situated, lying and being in the Golden Valley County, State of North Dakota, is hereby annexed to the city limits of the City of Beach:

The South Half of the Southwest Quarter of Section 13, Township 140 North, Range 106 West and the Southeast Quarter of Section 14, Township 140 North, Range 106 West and the that part of the Northwest Quarter of Section 23, Township 140, Range 106 West, north of the north right of way line of Interstate 94, all in the County of Golden Valley, North Dakota.

Section 2: A notice of the presentation of the petition and the City Council's consideration of this ordinance shall be given by one publication in the official newspaper of the City.

Section 3: A notice of the time and place of the presentation of the petition and the City Council's consideration of this ordinance shall be mailed, by certified mail, to the owner of each parcel of real property within the area described herein at the person's last-known mailing address. The notice is not required to be sent to any owner of real property who signed the petition requesting annexation. The City shall also mail, by certified mail, the notice described herein to the governing body of Golden Valley County, North Dakota, as a county directly affected by the land area petitioned to be annexed.

Section 4: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 6: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

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Mayor, City of Beach

ATTEST

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City Auditor

First Reading: October 1, 2012

Second Reading: October 15, 2012

Final Passage: October 15, 2012