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CHAPTER 18

ANNEXATION

ARTICLE 1 ANNEXATION PROCEDURE

18.0101 Use of City Water Requires Annexation, Exception

All future territory, including homes, business places, farms or any other enterprise that desires to be served City Water must first be annexed and become a part of the Corporate Limits of the City of Harvey, covering all real and personal property, except that upon application to the City Council of the City of Harvey, the City Council may after due deliberation and consideration grant permission for a home, business, farm or other enterprise to connect to city water without annexing and becoming a part of the corporate limits of the City of Harvey. Such Permission shall only be granted upon proof being demonstrated that extreme hardship will be created as a result of a denial to extend city water without annexation, and that the social and economic benefits to the City of Harvey substantially out weigh the reasons for annexation.

18.0102 Annexation through City Attorney, City Engineer and City Auditor

Any annexation to the City of Harvey must be defined by the City Attorney, a plat prepared by the City Engineer and a legal publication certified by the City Auditor and all plats and recordings recorded by the City Auditor with the Wells County Recorder.

18.0103 Expenses of Annexation Paid by Property Owner

All expenses of such annexation shall be paid by the owner or owners of said property and shall include all costs of the services of the City Attorney, City Engineer, Publications, Recordings and any and all incidents relating to said project. This payment shall be made to the City Auditor's office after the expenses have been compiled by the City Auditor.

18.0104 Specifications and Plats by City Engineer

For all annexations, the specifications, plats and other information concerning any annexation shall be prepared by the City Engineer and approved by the City Council. Before any construction of any water line to any and all annexed property can be started the specifications, plats, and information for annexation must be prepared by the City Engineer and approved by the City Council.

18.0105 Annexation Name

Any annexed real property shall be designated by a proper name, the same to be the choice of the City Engineer, City Attorney and City Council.

18.0106 Corporate Limits includes Annexed Territory

The corporate limits and boundary lines of the City of Harvey, Wells County, North Dakota, shall be extended to include all annexed territory as described by official plats.

18.0107 Annexation by Resolution

The city may adopt a resolution to annex contiguous or adjacent territory pursuant to NDCC § 40-51.2-07. Any prior annexations by resolution, and any future annexations by resolution shall be and are a part of the corporate limits and boundaries of the City of Harvey, Wells County, North Dakota. Any annexation by Resolution shall follow the procedure as outlined in this ordinance, and the laws of the State of North Dakota.

ARTICLE 2 FRUEH'S ADDITION

18.0201 Annexing Territory

All that real property lying within the boundaries of the following description, to-wit:

All that portion of land in the Southeast Quarter (SE1/4) of Section Thirty-six (36), Township One Hundred Fifty North (150N), Range Seventy-three West (73W), Wells County, North Dakota, lying within the boundary described as follows:

Commencing at a point which is the quarter corner common to Sections 31 and 36 of said T150N, R73W; thence proceeding West along the quarter line of Section 36 a distance of 660.00 feet to a point which is the east boundary of US Highway 52 right-of-way; Thence proceeding South along said right-of-way a distance of 149.28 feet to a point; thence proceeding West along said right-of-way a distance of 40 feet to a point; thence proceeding Southeasterly along said right-of-way to a point which is the intersection of said right-of-way and the Section line common to Sections 31 and 36, T150N, R73W; Thence proceeding North along said Section line a distance of 2247.70 feet to the point of beginning. Said portion of land contains 24.7 acres, more or less.

Which has been surveyed and platted into lots 1 to 11, inclusive, of Block 1; Lots 1 to 20, inclusive,

of Block 2; Block 3, Block 4, and Lots A, B, C, and D, together with all streets and alleys, according to the official plat thereof on file and of record with the City Auditor, shall be, and the same hereby is, annexed to the City of Harvey, Wells County, North Dakota, and said area hereby shall, and does, become part of, and is included within the corporate limits of the City of Harvey, and that all streets and alleys are dedicated to public use.

18.0202 Name of Annexed Territory

The foregoing annexed real property shall be, and hereby is, designated and known as Frueh's Addition to the City of Harvey, North Dakota.

18.0203 Extension of Corporate Limits:

The corporate limits and boundary lines of the City of Harvey, North Dakota, shall be, and hereby are extended to include the tract of real property described in this article.

ARTICLE 3 HAMAN'S ADDITION

18.0301 Annexing Territory

All that real property lying within the boundaries of the following description, to-wit:

A tract of land lying in the Southeast Quarter (SE1/4), in Section Twenty-five (25), in Township One Hundred Fifty (150), North, Range Seventy-three (73), West of the Fifth Principal Meridian, said tract being bounded on the Northeasterly and Easterly sides by the Southwesterly right of way line of US Highway 52 By-pass, of Harvey, North Dakota; on the South by the North 33 feet right of way line of the South line of said SE 1/4, and on the West by a line parallel to and 1962.0 feet West of the East line of said SE1/4, and being more particularly described as follows:

Beginning at a point 1592.0 feet West and 33.0 feet North of the Southeast corner of section 25, said point being the true point of beginning; thence running West and parallel to the South line of said Section 25, a distance of 370.0 feet; thence North and parallel to the east line of said Section 25, a distance of 520.0 feet, more or less, to a point of the Southwesterly right of way line of the above mentioned US Highway 52; thence Southeasterly, along a right of way curve with a radius of 2764.93 feet, 495.0 feet, more or less, to a point, said point being 315.8 feet North and 1592.0 feet West of the Southeast corner of

said Section 25, thence South and along said right of way a distance of 182.8 Feet, more or less, to the point of beginning, said tract containing 3.07 acres, more or less, and

A tract of land described as follows:

Commencing at the section corner common to sections 25, 30, 31, and 36, Township 150N, R73W, thence South along the section line common to sections 31 and 36 a distance of 479.7 feet to a point, thence S 87 degrees - 23' - 10" West a distance of 17 feet to the point of beginning, thence continuing South 87 degrees - 23' - 10" West a distance of 16.1 feet to a point, thence S 59 degrees - 48' - 20" West a distance of 1,024.9 feet to a point, thence N 60 degrees - 04' - 10" West a distance of 768.5 feet to a point, thence S 49 degrees - 1' - 30" West a distance of 141 feet said tract being located in NE 1/4 Section 36, Twp 150 N, Range 73 W, and SE 1/4 Section 25, Twp 150 N, R 73 W, and is known to be the Water line easement.

Shall be, and hereby is, annexed to the City of Harvey, Wells County, North Dakota and said area hereby is, and does become part of, and is included within the corporate limits of the City of Harvey, and all streets and alleys are dedicated to public use.

18.0302 Name of Annexed Territory

The foregoing annexed real property shall be, and hereby is, designated as Haman's Addition to the City of Harvey, North Dakota.

18.0303 Extension of Corporate Limits:

The corporate limits and boundary lines of the City of Harvey, North Dakota, shall be, and hereby are extended to include the tracts of real property described in this article.

ARTICLE 4 GRAUMANN - ROBLE ADDITION

18.0401 Annexing Territory:

All that real property lying within the boundaries of the following description, to-wit:

A tract of land situated and lying in the South Half of the Southwest Quarter (S1/2SW1/4), Section Thirty-one (31), in Township One Hundred Fifty (150), North of Range Seventy-two (72), West of the Fifth Principal Meridian, in Wells County, North Dakota, more particularly

described by metes and bounds as follows, to-wit:

Commencing at a point which is the Northeast corner of the S1/2 of section 31, T150N, R72W; Thence proceeding South along the North-South quarter line of said section 31 a distance of 66 feet to a point; Thence proceeding West at right angles to said North-South quarter line of said Section 31, a distance of 165 feet to a point; Thence proceeding South at right angles a distance of 526 feet to a point; Thence proceeding West at right angles a distance of 1850 feet to a point; Thence proceeding North at right angles a distance of 526 feet to a point; Thence proceeding West at right angles to the intersection of this line and the section line common to Section 31, T150N, R72W and Section 36, T150N, R73W; Thence proceeding North along said section line a distance of 66 feet to a point; which is the intersection of said section line and the East-West quarter-quarter line of Section 31, T150N, R72W; Thence proceeding East along said quarter-quarter line to a point of beginning. Said tract of land containing 26.12 acres more or less,

Shall be, and the same hereby is, annexed to the City of Harvey, Wells County, North Dakota, and said area hereby shall, and does, become a part of, and is included within the corporate limits of the City of Harvey, and all streets and alleys are dedicated to public use.

18.0402 Name of Annexed Territory:

The foregoing annexed real property shall be and hereby is, designated and known as the Grauman-Roble Addition to the City of Harvey, North Dakota.

18.0403 Extension of Corporate Limits:

That the corporate limits and boundary lines of the City of Harvey, North Dakota, shall be, and hereby are extended to include the tract of real property described in this article.

ARTICLE 5 KOST-MUSCHA FIRST ADDITION

18.0501 Annexing Territory:

All that real property lying within the boundaries of the following description, to-wit:

A tract of land in the West Half of the Northwest Quarter (W1/2NW1/4), in Section Thirty-two (32), Township One Hundred Fifty

(150), North of Range Seventy-two (72), West of the Fifth Principal Meridian, in Wells County, North Dakota, more particularly described by metes and bounds as follows, to-wit:

Commencing at a point which is the section corner common to Sections Twenty-nine (29), Thirty (30), thirty-one (31) and Thirty-two (32), Township One Hundred Fifty (150), Range Seventy-two (72) West, Thence from said point of beginning due East along the section line common to Sections 29 and 32, Township 150, North, Range 72, West, a distance of 403 feet; Thence South, at right angles to said section line, a distance of 2201.16 feet; Thence West, at right angles, a distance of 403 feet to a point on the section line common to sections 31 and 32, Township 150 N. Range 72 West; Thence North, a right angles, along said section line, a distance of 2201.16 feet, to a point or place of beginning, said tract containing 20.36 Acres, more or less,

Shall be, and the same hereby is, annexed to the city of Harvey, Wells County, North Dakota, and said area, hereby shall, and does, become a part of, and included within the corporate limits of the city of Harvey.

All of which tract of real property has been platted into Block One (1) and Block Two (2), Lots One (1), Two (2) and Three (3) of Kost-Muscha First Addition to Harvey, North Dakota, and the streets and alleys thereof dedicated to public use.

18.0502 Name of Annexed Territory:

The foregoing annexed real property shall be, and hereby is, designated and known as the Kost-Muscha Addition to Harvey, North Dakota.

18.0503 Extension of Corporate Limits:

That the corporate limits and boundary lines of the City of Harvey, North Dakota shall be, and hereby are extended to include the tract of real property herein described, in this article.

ARTICLE 6 LONETREE ESTATES ADDITION

18.0601 Annexing Territory

All that real property lying within the boundaries of the following description, to-wit:

All those portions of the Southwest Quarter (SW1/4) of Section 30, Township 150 N., Range 72 West of the Fifth Principal Meridian, Wells County, North Dakota, that lies within and that are bound by the following described traverses:

Beginning at a point lying on the West line of said Southwest Quarter (SW1/4) and said point being located N. 0 Degrees 22'-30" West, 660.01 feet from the Southwest corner thereof: thence N. 0 Degrees 22'-30" West along said west line 153.01 feet; Thence east 1665.75 feet; thence Southeasterly and to the right along a 13 degrees 34'-29" curve of chord definition 213.16 feet; thence S. 61 degrees 03'-49" E. 44.94 feet; thence S. 57 degrees 29'-14" E. 80.16 feet; thence S. 61 degrees 03'-49" E. 73.08 feet; thence west 2040.33 feet to the point of beginning; containing 6.68 acres, more or less. And;

Beginning at a point located N. 0 degrees 22'-30" W. 660.01 feet and East 2111.08 feet from the Southwest corner of said SW1/4; thence N. 28 degrees 56'-11" E. 190.77 feet; thence S. 61 degrees 03'-49" E. 345.06 feet; thence West 394.28 feet to the point of beginning, containing 0.76 acres, more or less.

Shall be and the same hereby is, annexed to the City of Harvey, Wells County, North Dakota, and said area hereby shall, and does become part of, and included within the corporate limits of the City of Harvey, and the streets and alleys thereof are dedicated to public use.

18.0602 Name of Annexed Territory:

The foregoing annexed real property shall be, and hereby is, designated and known as Lonetree Estates Addition to the City of Harvey, North Dakota.

18.0603 Extension of Corporate Limits:

The corporate limits and boundary lines of the City of Harvey, North Dakota, shall be, and hereby are extended to include the tract of real property described in this Article.