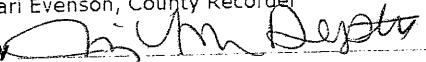


COUNTY RECORDER, WILLIAMS COUNTY, ND 2/2/2011 8:30 AM
I certify that this instrument was filed and recorded
Kari Evenson, County Recorder

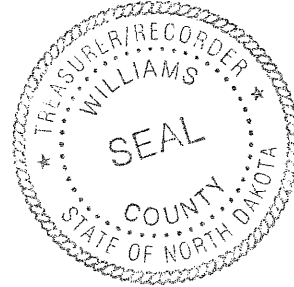
by  704897



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Page: 1 of 7
2/2/2011 8:30 AM
OR \$28.00

WILLIAMS COUNTY, ND



ORDINANCE NO. 934

AN ORDINANCE ANNEXING TO THE CITY OF WILLISTON, WILLIAMS COUNTY, NORTH DAKOTA, THAT CERTAIN TERRITORY CONTIGUOUS THERETO AND NOT EMBRACED WITHIN THE LIMITS THEREOF, LOCATED IN WILLISTON TOWNSHIP, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A tract of land being the 89' X 135' in NWSW Sec 1, this includes S 41.5' of 99' L1 B1 Wrights Subdivision T154 R101, Williams County, North Dakota,

A tract of land being the W 99' Ex W 10' of 58.5' in L1 B1 Wrights Subdivision, Williams County, North Dakota,

A tract of land being the W 99' Ex W 10' of SO 31.5' in L2 B1 Wrights Subdivision, Williams County, North Dakota

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Petition presented. A petition signed by the owner of not less than three-fourths (3/4ths) in assessed value of the property in the territory contiguous or adjacent to the City of Williston, Williams County, North Dakota, and not embraced within the limits thereof described as follows, to-wit:

A tract of land being the 89' X 135' in NWSW Sec 1, this includes S 41.5'
of 99' L1 B1 Wrights Subdivision T154 R101, Williams County, North
Dakota,

A tract of land being the W 99' Ex W 10' of 58.5' in L1 B1 Wrights
Subdivision, Williams County, North Dakota,

A tract of land being the W 99' Ex W 10' of SO 31.5' in L2 B1 Wrights
Subdivision, Williams County, North Dakota

was presented to the Board of City Commissioners of the City of Williston on January 11, 2011; Notice of Presentation of Petition was given by the Petitioner by publication in the Williston Daily and Sunday Herald, the official newspaper of said City of Williston on the 8th day of December, 2010.

Section 2: Proceedings and Petition Sufficient. Said Petition for annexation of the territory described in Section 1 hereof and the proceedings had thereon are legally sufficient in all respects. That no legal cause has been shown why said Petition for annexation should not be in all things granted and said territory annexed.

Section 3: Territory annexed. Pursuant to said Petition for Annexation, that certain territory contiguous or adjacent to the City of Williston, Williams County, North Dakota, and not embraced within the limits thereof, described as follows, to-wit:

A tract of land being the 89' X 135' in NWSW Sec 1, this includes S 41.5'
of 99' L1 B1 Wrights Subdivision T154 R101, Williams County, North
Dakota,

A tract of land being the W 99' Ex W 10' of 58.5' in L1 B1 Wrights
Subdivision, Williams County, North Dakota,

A tract of land being the W 99' Ex W 10' of SO 31.5' in L2 B1 Wrights
Subdivision, Williams County, North Dakota

be and the same is hereby annexed to said City of Williston.



WILLIAMS COUNTY, ND

704897
Page: 2 of 7
2/2/2011 8:30 AM
OR \$28.00



WILLIAMS COUNTY, ND

Section 4: Zoning Designation. The territory herein before described shall be designated and included within A: Agricultural of the zoning ordinance of the City of Williston (Ordinance No. 613, as amended).


Section 5: Ordinance and Map of Annexed Territory to be Filed. A copy of this Ordinance with an accurate map of the said annexed territory certified by the President of the Board of City Commissioners as the Executive Officer of said City, shall be filed and recorded in the office of the Register of Deeds of Williams County, North Dakota, in which said annexed territory is situated.

Section 6: Ordinance Amended. Wherever any ordinance or resolution having current or prospective operation in force to the northernmost limits of the City of Williston, such ordinance or resolution, as the case may be, is hereby amended and shall be construed so as to include the said annexed territory. Provided, however, in the case of election precincts, the said territory shall be included in Precinct 48 of said City of Williston.

Commissioner Bekkedahl moved the adoption of the foregoing Ordinance. The motion was seconded by Commissioner Cymbaluk. Upon roll call vote the following Commissioners voted "AYE": Klug, Cymbaluk, Bogar, Bekkedahl, Kooser and the following Commissioners voted "NAY": None. Absent and not voting: None.

WHEREUPON, the motion was passed, and the Ordinance declared amended this 25th day of January, 2011.




E. WARD KOESER, President
Board of City Commissioners

ATTEST:


JOHN KAUTZMAN, City Auditor



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Page: 4 of 7
2/2/2011 8:30 AM
OR \$28.00

WILLIAMS COUNTY, ND

FIRST READING: January 11, 2011

SECOND READING: January 25, 2011

PUBLISHED: N/A

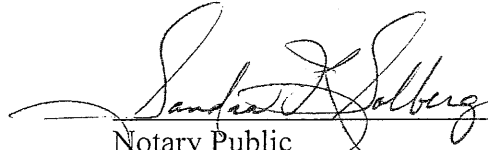
ADOPTED THE 25th DAY OF January, 2011.

STATE OF NORTH DAKOTA)

:ss.

COUNTY OF WILLIAMS)

On this 31st day of January, ²⁰¹¹~~2010~~, before me personally appeared E. Ward Koeser and John Kautzman, known to me to be the President of the Board of City Commissioners and City Auditor, respectively, of the corporation that is described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.



Notary Public
My commission expires:



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Page: 5 of 7
2/2/2011 8:30 AM
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WILLIAMS COUNTY, ND

AGREEMENT

This Agreement is entered into this 15 day of March, 2010 by and between the City of Williston, North Dakota ("City") and 5 Star Fireworks of Williston, Inc. ("Star").

RECITALS:

1. Star owns three tracts of land located in Williams County, North Dakota, described as follows, to-wit:
 - a. WILLISTON TOWNSHIP – 89' X 135' in NWSW Sec 1. THIS INCLUDES S 41.5' of 99' L 1 B 1 WRIGHTS SUB-DIV T154 R101 #612717
 - b. WILLISTON TOWNSHIP WRIGHT SUBDIVISION – W 99' EX W 10' OF 58.5' IN L 1 B 1 #612717
 - c. WILLISTON TOWNSHIP WRIGHT SUBDIVISION – W 99' EX W 10' OF SO 31.5' IN L 2 B1 #612717
2. Star is requesting that these tracts be annexed by the City; and
3. The City is desirous of annexing said tracts.

THEREFORE, the parties agree that the City will tentatively move forward to annex said tracts along with the following additional conditions:

- a. The zoning for the subject property shall not change at this time and will not change unless requested by Star, or the subject property is sold and rezoning is requested by it's successor.
- b. The sale of fireworks by Star or it's successors will be allowed on the subject property.
- c. Star or it's successors may continue to use the current septic system as long as it meets Health Department requirements.
- d. For the purposes of a special assessment district, the cost of the assessment shall only be for bringing the water and sewer improvements from the edge of the neighboring Marburger property to the subject property. See attached City and Marburger agreement dated 2-23-2010.



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Page: 1 of 3
9/14/2010 11:07 AM
AGR \$16.00

- e. For purposes of a special assessment district, for any water, sewer or other improvements created by the city around or within the subject property, Star or it's successors shall be exempt from all special assessment taxes, fees, and or charges at the time of the improvement. Once Star or it's successors connect the to the services being provided by the special assessment district, this deferred assessment shall terminate.
- f. This Agreement shall be continuing and shall be considered a covenant running with the above-described subject property, and that a copy of this Agreement may be filed by the City of Williston, North Dakota, in the office of the Recorder for Williams County, North Dakota, to be indexed against all of the said property.

It is specifically understood that this is an agreement to pursue annexation by both sides, but is not a final agreement as to all annexation issues.

Dated the date and year noted above.

Dianna Hersch, President
 Dianna Hersch, President

STATE OF NORTH DAKOTA)
) SS
 COUNTY OF WILLIAMS)

On this 15th day of March 2010, before me personally appeared **Dianna Hersch**, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same.

KATHLEEN J. KAUTZMAN
 Notary Public
 State of North Dakota
 My Commission Expires May 10, 2012

Kathleen J. Kautzman
 Notary Public
 State of North Dakota

CITY OF WILLISTON

Attested By:

John Kautzman
 John Kautzman
 City Auditor

E. Ward Koeser
 E. Ward Koeser, President
 Williston City Commission

STATE OF NORTH DAKOTA)
) ss
 COUNTY OF WILLIAMS)

ACKNOWLEDGMENT

On this _____ day of _____, 2010, before me personally appeared **E. Ward Koeser** and **John Kautzman**, known to me to be the President of the Board of



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 Page: 6 of 7
 2/2/2011 8:30 AM
 OR \$28.00



WILLIAMS COUNTY, ND

This notary certificate is prepared on a separate page and is attached to the document entitled AGREEMENT, containing two (2) pages and is attached to that document by means of a staple.

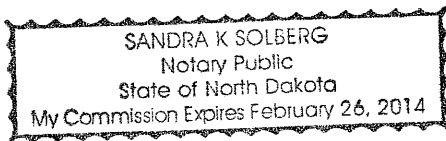
STATE OF NORTH DAKOTA)

:ss.

ACKNOWLEDGEMENT

COUNTY OF WILLIAMS)

The foregoing instrument was acknowledged before me this 1st day of September, 2010 by E. Ward Koeser and John Kautzman, President of the Board of City Commissioners and City Auditor, respectively, of City of Williston, a municipal corporation, on behalf of the corporation.



Sandra K Solberg

Notary Public



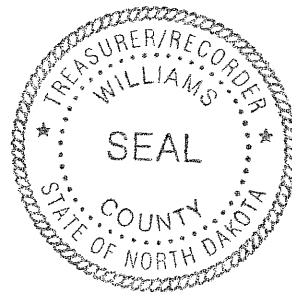
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Page: 3 of 3

9/14/2010 11:07 AM

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WILLIAMS COUNTY, ND



COUNTY RECORDER, WILLIAMS COUNTY, ND
I certify that this instrument was filed and recorded
Kari Evenson, County Recorder

9/14/2010 11:07 AM

by *Keri Hauge deputy*

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704897

Page: 7 of 7

2/2/2011 8:30 AM

OR \$28.00

WILLIAMS COUNTY, ND