

**RESOLUTION NO. 11-36**

Commissioner Bogar introduced the following Resolution and moved its adoption:

**RESOLUTION DECLARING NECESSITY OF AN IMPROVEMENT IN WATER,  
SEWER, STREET & ALLEY IMPROVEMENT DISTRICT 11-4.**

BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:

That the Board of City Commissioners has received the Engineer's Report for the **WATER, SEWER, STREET & ALLEY IMPROVEMENT DISTRICT 11-4**, and determines that it is necessary to make the following improvements:

- Section I: Paving improvements on the alley located between Main Street and 1<sup>st</sup> Avenue East from 18<sup>th</sup> and 20<sup>th</sup> Street.
- Section II: Mill and asphalt overlay 22<sup>nd</sup> Avenue West between 32<sup>nd</sup> and 38<sup>th</sup> Streets West and 38<sup>th</sup> Street West from 22<sup>nd</sup> Avenue West to the west line of the Cimarron Heights Mobile Home Park.
- Section III: Widen, mill and asphalt overlay West Highland Drive between 2<sup>nd</sup> and 4<sup>th</sup> Avenues West and mill and asphalt overlay West Highland Drive between 4<sup>th</sup> and 6<sup>th</sup> Avenues West.
- Section IV: 11<sup>th</sup> Avenue West and 24<sup>th</sup> Street West improvements consisting of:
  - Part A: Install water lines along 11<sup>th</sup> Avenue West between Knoll Street and 24<sup>th</sup> Street. Install sewer lines along 11<sup>th</sup> Avenue West from Knoll Street to 24<sup>th</sup> Street and along 24<sup>th</sup> Street between 11<sup>th</sup> and 12<sup>th</sup> Avenues West.
  - Part B: Grade and install an aggregate base and concrete curb & gutter along 11<sup>th</sup> Avenue West from Knoll Street to 24<sup>th</sup> Street and 24<sup>th</sup> Street West between 9<sup>th</sup> and 12<sup>th</sup> Avenues West.
  - Part C: Paving 11<sup>th</sup> Avenue West from Knoll Street to 24<sup>th</sup> Street and 24<sup>th</sup> Street West between 9<sup>th</sup> and 12<sup>th</sup> Avenues West.
- Section V: 22<sup>nd</sup> Street West improvements consisting of:

The reconstruction of 22<sup>nd</sup> Street West from 4<sup>th</sup> Avenue West going west to the North Dakota Department of Transportation maintenance yard including the installation of a 2 inch water service line and the extension of the 4<sup>th</sup> Avenue West Alley 18" Storm Sewer to 22<sup>nd</sup> Street West.

That the boundaries of said improvement District are as follows:

Section I—Paving improvements on the alley located between Main Street and 1<sup>st</sup> Avenue East from 18<sup>th</sup> and 20<sup>th</sup> Street:

Block 2 of the Severtsen Rearrangement and Block 2 of the Volney 3<sup>rd</sup> Rearrangement.

Section II—22<sup>nd</sup> Avenue West and 38<sup>th</sup> Street West Mill & Overlay:

Blocks 19, 20, 21, 22, 23, 24 and 25 of the Pheasant Run 1<sup>st</sup> Addition.

Section III—West Highland Drive:

Lots 9 and 10 of Block 2 and Lots 7 through 12 of Block 3 of the Highland Homes 1st Addition; the south 135 feet of Plot 3 and a 143' X 100' tract and a 104' X 140' tract in Plot 4 of the Liberty Homes Addition; Block 1 of the Million Dollar Center Addition; Block 2 of the Sandvik Rearrangement and the West 350' X 179.58' tract in the SE 1/4, SE 1/4 of the unplatted portion of Section 14, T154N, R101W.

Section IV—11<sup>th</sup> Avenue West and 24<sup>th</sup> Street West:

A 102.66 foot wide strip of land laying adjacent to and south of the north lot line of Lots 1 and 2, Block 4 and all of Lots 1, 7, 8 & 9, Block 5 of the Lewison Addition; a 102.66 foot wide strip of land laying adjacent to and north of the south lot line of Lot 1R, Block 1, and Lot 7R, Block 2 of the Lewison Rearrangement; and all of Lot 1R and Lot 2R except for the southeast 144.76 feet, Block 1 of the Sundance Rearrangement.

Section V—22<sup>nd</sup> Street West Reconstruction:

Lots 11 & 12, Block 2 and Lots 1 & 2, Block 3 of the Airport 1<sup>st</sup> Addition.

As shown on the attached maps.

That this Resolution Declaring the Necessity to make the improvements described in the Engineer's Report previously filed here in for Sections I, II, IV and V shall not require a protest hearing because of the written petitions received by the Board of City Commissioners as allowed by the provisions of Section 40-22-15 of the North Dakota Century Code.

That this Resolution Declaring The Necessity to make the Improvements described in the Engineer's Report previously filed herein for **WATER, SEWER, STREET & ALLEY IMPROVEMENT DISTRICT 11-4, Section III** shall require a protest hearing and that the owners of property within said **WATER, SEWER, STREET & ALLEY IMPROVEMENT DISTRICT 11-4, Section III** shall be afforded an opportunity to file written protests against said improvements with the City Auditor at any time within 30 days of the first publication of this resolution. The Board of City Commissioners shall meet to hear and to determine the sufficiency of any protests that are filed with the City Auditor prior to **May 24<sup>th</sup>, 2011**, at 7:30 PM at City Hall in the Commission Room.

That the City Auditor is hereby authorized and directed to cause the Resolution Declaring Necessity of an improvement in **WATER, SEWER, STREET & ALLEY IMPROVEMENT DISTRICT 11-4** to be published once each week for two (2) consecutive weeks in the official newspaper of the city.

The motion for the adoption of the foregoing Resolution was duly seconded by Commissioner Cymbaluk, and upon vote being taken thereon, the following Commissioners voted "AYE": Bogar, Klug, Cymbaluk, Koeser and the following voted "NAY": None. Absent and not voting: Bekkedahl. Whereupon said motion was declared duly passed and adopted this **12<sup>th</sup> day of April, 2011**.



\_\_\_\_\_  
E. Ward Koeser, President  
Board of City Commissioners

ATTEST:



\_\_\_\_\_  
John Kautzman, City Auditor

**Publish: April 17<sup>th</sup> and 24<sup>th</sup>, 2011**