ORDINANCE NO. 4955

AN ORDINANCE TO **ANNEX LANDS DESCRIBED AS FOLLOWS:**

A portion of **70th Avenue North Right-of-Way**, being a part of the Southeast Quarter of Section 12, Township 152 North, Range 51 West of the 5th Principal Meridian, Section 7, Township 152 North, Range 50 West of the 5th Principal Meridian, and Section 18, Township 152 North, Range 50 West of the 5th Principal Meridian, in Grand Forks County, North Dakota.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA THAT:

Section 1

The following territory is hereby annexed to the City of Grand Forks, North Dakota, together with the full width of all platted streets and public rights-of-way contiguous thereto:

LAND DESCRIPTION: (Annexation Area "A")

A 27.00 feet wide strip of land located in the Southeast Quarter of Section 12, Township 152 North, Range 51 West of the 5th/ Principal Meridian, in Grand Forks County, North Dakotamore particularly described as follows:

Commencing at the southwest corner of said Southeast Quarter of Section 12; **THENCE** North 02°32'19" West, along the west line of said Southeast Quarter, for a distance of 33.00 feet to a point on a line parallel with and offset 33.00 feet northerly of, as measured perpendicularly from, the south line of said Southeast Quarter of Section 12, said point being the **Point of Beginning**;

1) **THENCE** North 02°32'19" West, continuing along said west line of the Southeast Quarter, for a distance of 27.00 feet to a point on a line parallel with and offset 60.00 feet northerly of, as measured perpendicularly from, said south line of the Southeast Quarter of Section 12;
2) **THENCE** North 87°07'20" East, along said 60.00 feet northerly offset line, for a distance of 1944.09 feet to a point on the west line of the East 700.00 feet of said Southeast Quarter of Section 12;
3) **THENCE** South 2°37'55" East, along said west line of the East 700.00 feet of the Southeast Quarter of Section 12, for a distance of 27.00 feet to a point on said 33.00 feet northerly offset line;
4) **THENCE** South 87°07'20" West, along said 33.00 feet northerly offset line for a distance of 1944.19 feet to the **Point of Beginning**.

Containing 52,491 square feet (1.21 Acres) more or less.

LAND DESCRIPTION: (Annexation Area "B")

A parcel of land located in the Southwest Quarter of Section 7, Township 152 North, Range 50 West of the 5th/ Principal Meridian, in Grand Forks County, North Dakota more particularly described as follows:

Commencing at the southwest corner of said Southwest Quarter of Section 7; **THENCE** North 02°37'55" West, along the west line of said Southwest Quarter, for a distance of 33.00 feet to a point on a line parallel with and offset 33.00 feet northerly of, as measured perpendicularly from, the south line of said Southwest Quarter of Section 7, said point being the **Point of Beginning**;

1) **THENCE** North 02°37'55" West, continuing along said west line of the Southwest Quarter of Section 7, for a distance of 27.00 feet to a point on a line parallel with and offset 60.00 feet northerly of, as measured perpendicularly from, said south line of the Southwest Quarter of Section 7;
2) **THENCE** North 86°20'50" East, along said 60.00 feet northerly offset line, for a distance of 2107.76 feet to a point on the west Right of Way line of the Burlington Northern Santa Fe Railroad;
3) **THENCE** South 33°10'09" East, along said west Right of Way line, for a distance of 68.95 feet to a point on the south line of said Southwest Quarter of Section 7;
4) **THENCE** South 86°20'50" West, along said south line of the Southwest Quarter of Section 7, for a distance of 2109.80 feet to a point on a line offset 33.00 feet easterly of, as measured perpendicularly from, said west line of the Southwest Quarter of Section 7;
5) **THENCE** North 02°37'55" West, along said 33.00 feet easterly offset line, for a distance of 33.01 feet to a point on said 33.00 feet northerly offset line;
6) **THENCE** South 86°20'50" West, along said 33.00 feet offset northerly line, for a distance of 33.01 feet to the **Point of Beginning**.

Containing 126,428 square feet (2.90 Acres) more or less.

AND ALSO INCLUDING;

LAND DESCRIPTION (Annexation Area "C")

A parcel of land located in the Northwest Quarter of Section 18, Township 152 North, Range 50 West of the 5th/ Principal Meridian, in Grand Forks County, North Dakota more particularly described as follows:

Commencing at the northwest corner of said northwest Quarter of Section 18; **THENCE** North 86°20'50" East, along the north line of said Northwest Quarter, for a distance of 33.00 feet to a point on a line parallel with and offset 33.00 feet easterly of, as measured perpendicularly from, the west line of said Northwest Quarter of Section 18, said point being the **Point of Beginning**;

1) **THENCE** North 86°20'50" East, continuing along said north line of the Northwest Quarter of Section 18, for a distance of 2109.80 feet to a point on the west Right of Way line of the Burlington Northern Santa Fe Railroad;
2) **THENCE** South 33°10'09" East, along said west Right of Way line, for a distance of 103.42 feet;
3) **THENCE** North 76°53'41" West for a distance of 104.05 feet to a point on a line parallel with and offset 60.00 feet southerly, as measured perpendicularly from, said north line of the Northwest Quarter of Section 18;

4) **THENCE** South 86°20'50" West, along said 60.00 feet southerly offset line, for a distance of 1980.31 feet;
5) THENCE South 41°54'25" West for a distance of 85.65 feet to a point on a line parallel with and offset 55.00 feet easterly, as measured perpendicularly from, said west line of the Northwest Quarter of Section 18;
6) **THENCE** South 2°31'59" East, along said 55.00 feet easterly offset line, for a distance of 141.09 feet;
7) **THENCE** South 87°28'01" West for a distance of 22.00 feet to a point on said 33.00 feet easterly offset line;
8) **THENCE** North 02°31'59" West, along said 33.00 feet easterly offset line, for a distance of 260.64 feet to the **Point of Beginning**.

Containing 135,099 square feet (3.10 Acres) more or less.

Section 2.

This ordinance shall be in full force and effect after its passage and approval as provided by law.

_____
Brandon Bochenski, Mayor

ATTEST:

_____
Maureen Storstad, City Auditor

Introduction and first reading: 05/18/2026
Public Hearing: 06/01/2026
Second reading and final passage: 06/01/2026
Approved: 06/01/2026
Published: Not required by law.

APPROVED & ACCEPTED
by City Council
05/18/2026
Maureen Storstad
Maureen Storstad
City Auditor

APPROVED & ACCEPTED
by City Council
06/01/20266
Maureen Storstad
Maureen Storstad
City Auditor

City of Grand Forks
Staff Report

Planning & Zoning Commission – May 6, 2026
City Council – May 18, 2026
City Council - June 1, 2026

Item 4-3 – Annexation	
Title: Annexation of 70th Avenue North	
Location: 4800-6200 70th Avenue North	
Proposed Legal Description: See attached exhibit.	
Applicant: City of Grand Forks	**Owner:** City of Grand Forks
Prepared By: Sierra Johnson, Planner	**Submitted By:** Ryan Brooks, Director of Planning & Community Development
Purpose: Annex 70th Ave N right-of-way to enable road project and future industrial development.	

Staff Recommendation
Staff recommends approval of the proposed annexation areas and set public hearing as prescribed by law.

Application Status
May 6, 2026 – Planning and Zoning Commission Recommended Action: Motion by Reichert, second by Sande for approval of staff recommendation. Motion carried unanimously.
May 18, 2026 – City Council Action: Motion by Osowski, second by Berg to approve. Motion passed unanimously.
June 1, 2026 (Public Hearing) – City Council Action: Motion by Sande, second by Fridlfs to approve the annexation. Motion passed 6-1 with Osowski dissenting.

Existing	Proposed
Land Use: Vacant	**Land Use:** Future industrial development
Zoning: A-1 Ag Preservation District	**Zoning:** No change.
Uses Permitted: All uses permitted in A-1 district	**Uses Permitted:** No change.

Context
Adjacent Zoning Districts: A-1 & not yet zoned (outside of City zoning area)
Adjacent Streets: 70th Ave N, N 55th St, N Washington St
Adjacent Bike/Ped Facilities: None.
Adjacent CAT Routes: None.

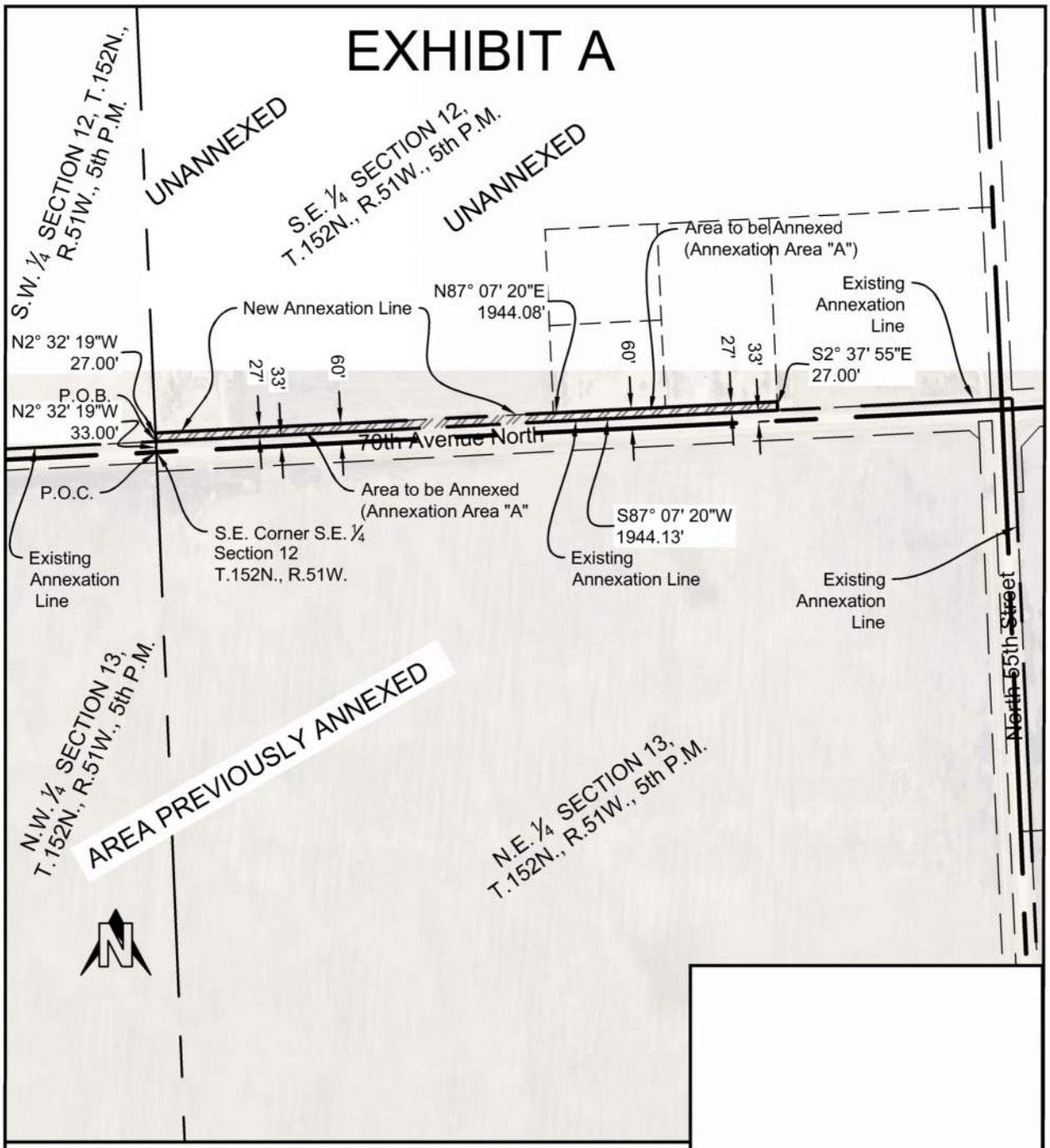
Consistency with 2050 Land Use Plan
This request and coinciding requests align with the following Land Use goal and objective: • General Development Goal 3, Objective C: "Annexation will be used as a tool for equity, providing a system where all residents and landowners share in the benefits and costs of municipal services."

Background and Discussion
• This request is to annex 3 different annexation areas (areas "A," "B," and "C") which would act as right-of-way for 70th Ave N. The purpose of annexing this right-of- way is to allow for a road improvement project to take place on 70th Ave N and to provide access for future industrial development in the area. • Refer to annexation exhibit for the annexation area descriptions. • The City of Grand Forks has worked with two local consultants to assist on this project. AE2S has been the consultant to work with both Rye and Falconer Townships. • Staff is recommending approval of the request.

Findings of Fact
• By state law, city council's act on the requests for annexations • Planning & Zoning Commission has requested to recommend action to City Council regarding annexation items and the request is currently under review with the City Attorney. The City Council has requested the Planning & Zoning Commission make recommendations on all annexations.

Attachments
• Annexation Map • Annexation Points • Annexation Ordinance • Falconer Township Letter • City Response letter to Falconer Township

EXHIBIT A



ANNEXATION AREA

LAND DESCRIPTION- SEE PAGE 2 OF 5

CITY OF GRAND FORKS ENGINEERING DEPARTMENT	ANNEXATION S.E. ¼, SECTION 12 T.152N., R.51W. GRAND FORKS, N.D.	DATE 4/30/2026	REVIEWED BY B. Danielson
		SCALE 1"=500'	DRAWN BY B. Danielson

K:\BDanielson\Annexations\2026\70th Ave North\70th Avenue North Annexation.dwg

EXHIBIT A

ANNEXATION AREA

LAND DESCRIPTION: (Annexation Area "A")

A 27.00 feet wide strip of land located in the Southeast Quarter of Section 12, Township 152 North, Range 51 West of the 5th Principal Meridian, in Grand Forks County, North Dakota more particularly described as follows:

Commencing at the southwest corner of said Southeast Quarter of Section 12; **THENCE** North 02°32'19" West, along the west line of said Southeast Quarter, for a distance of 33.00 feet to a point on a line parallel with and offset 33.00 feet northerly of, as measured perpendicularly from, the south line of said Southeast Quarter of Section 12, said point being the **Point of Beginning**;

1) **THENCE** North 02°32'19" West, continuing along said west line of the Southeast Quarter, for a distance of 27.00 feet to a point on a line parallel with and offset 60.00 feet northerly of, as measured perpendicularly from, said south line of the Southeast Quarter of Section 12;
2) **THENCE** North 87°07'20" East, along said 60.00 feet northerly offset line, for a distance of 1944.09 feet to a point on the west line of the East 700.00 feet of said Southeast Quarter of Section 12;
3) **THENCE** South 2°37'55" East, along said west line of the East 700.00 feet of the Southeast Quarter of Section 12, for a distance of 27.00 feet to a point on said 33.00 feet northerly offset line;
4) **THENCE** South 87°07'20" West, along said 33.00 feet northerly offset line for a distance of 1944.19 feet to the **Point of Beginning**.

Containing 52,491 square feet (1.21 Acres) more or less.

CITY OF GRAND FORKS ENGINEERING DEPARTMENT	ANNEXATION S.E. ¼, SECTION12 T.152N., R.51W. GRAND FORKS, N.D.	DATE 4/30/2026	REVIEWED BY B. Danielson
		SCALE N/A	DRAWN BY B. Danielson

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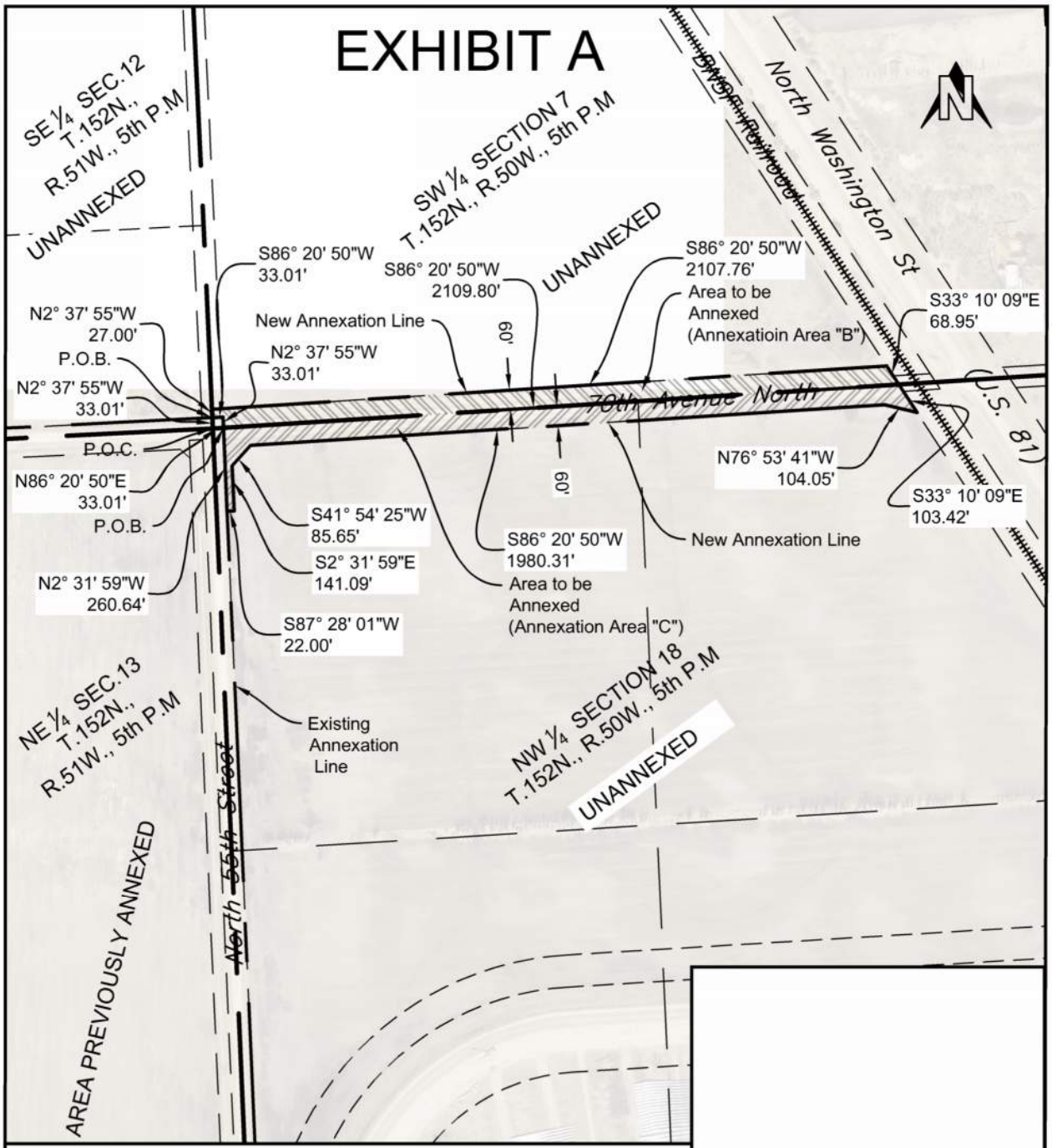
EXHIBIT A



ANNEXATION AREA

LAND DESCRIPTIONS- SEE PAGES 4&5 OF 5

CITY OF GRAND FORKS ENGINEERING DEPARTMENT	ANNEXATION SW ¼ SECTION 7 N.W. ¼ SECTION 18 T.152N., R.50W. GRAND FORKS, N.D.	DATE 4/30/2026	REVIEWED BY B. Danielson
		SCALE 1"=500'	DRAWN BY B. Danielson

K: \BDanielson\Annexations\2026\70th Ave North\70th Avenue North Annexation.dwg

EXHIBIT A

LAND DESCRIPTION: (Annexation Area "B")

A parcel of land located in the Southwest Quarter of Section 7, Township 152 North, Range 50 West of the 5th Principal Meridian, in Grand Forks County, North Dakota more particularly described as follows:

Commencing at the southwest corner of said Southwest Quarter of Section 7; **THENCE** North 02°37'55" West, along the west line of said Southwest Quarter, for a distance of 33.00 feet to a point on a line parallel with and offset 33.00 feet northerly of, as measured perpendicularly from, the south line of said Southwest Quarter of Section 7, said point being the **Point of Beginning**;

1) **THENCE** North 02°37'55" West, continuing along said west line of the Southwest Quarter of Section 7, for a distance of 27.00 feet to a point on a line parallel with and offset 60.00 feet northerly of, as measured perpendicularly from, said south line of the Southwest Quarter of Section 7;
2) **THENCE** North 86°20'50" East, along said 60.00 feet northerly offset line, for a distance of 2107.76 feet to a point on the west Right of Way line of the Burlington Northern Santa Fe Railroad;
3) **THENCE** South 33°10'09" East, along said west Right of Way line, for a distance of 68.95 feet to a point on the south line of said Southwest Quarter of Section 7;
4) **THENCE** South 86°20'50" West, along said south line of the Southwest Quarter of Section 7, for a distance of 2109.80 feet to a point on a line offset 33.00 feet easterly of, as measured perpendicularly from, said west line of the Southwest Quarter of Section 7;
5) **THENCE** North 02°37'55" West, along said 33.00 feet easterly offset line, for a distance of 33.01 feet to a point on said 33.00 feet northerly offset line;
6) **THENCE** South 86°20'50" West, along said 33.00 feet offset northerly line, for a distance of 33.01 feet to the **Point of Beginning**.

Containing 126,428 square feet (2.90 Acres) more or less.

AND ALSO INCLUDING;

Continued on Page 5 of 5

CITY OF GRAND FORKS ENGINEERING DEPARTMENT	ANNEXATION SW ¼ SECTION 7 N.W. ¼ SECTION 18 T.152N., R.50W. GRAND FORKS, N.D.	DATE 4/30/2026	REVIEWED BY B. Danielson
		SCALE N/A	DRAWN BY B. Danielson

K:\BDanielson\Annexations\2026\70th Ave North\70th Avenue North Annexation.dwg

EXHIBIT A

LAND DESCRIPTION (Continued from Page 4 of 5)

(Annexation Area "C")

A parcel of land located in the Northwest Quarter of Section 18, Township 152 North, Range 50 West of the 5th Principal Meridian, in Grand Forks County, North Dakota more particularly described as follows:

Commencing at the northwest corner of said northwest Quarter of Section 18; **THENCE** North 86°20'50" East, along the north line of said Northwest Quarter, for a distance of 33.00 feet to a point on a line parallel with and offset 33.00 feet easterly of, as measured perpendicularly from, the west line of said Northwest Quarter of Section 18, said point being the **Point of Beginning**;

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Containing 135,099 square feet (3.10 Acres) more or less.

CITY OF GRAND FORKS ENGINEERING DEPARTMENT	ANNEXATION SW ¼ SECTION 7 N.W. ¼ SECTION 18 T.152N., R.50W. GRAND FORKS, N.D.	DATE 4/30/2026	REVIEWED BY B. Danielson
		SCALE N/A	DRAWN BY B. Danielson

K:\BDanielson\Annexations\2026\70th Ave North\70th Avenue North Annexation.dwg

Annexation Point Rating System
70th Avenue North

	Criteria		Comm. Dev.	Res. Dev.	Project	Measurement Method
I.	**Municipal Water Availability**	Within: 1/2 mile	2	2	0	Nearest water main is about 3 miles away.
		1/2 mile to 1 mile	1	1		
		Further than 1 mile	0	0		
II.	**Sanitary Sewer Availability**	Within: 1/2 mile	2	2	0	Sanitary gravity main is about 2 miles away.
		1/2 mile to 1 mile	1	1		
		Further than 1 mile	0	0		
III.	**Transportation Accessibility**	Within: 1/2 mile	1	1	1	Distance from existing arterial or collector street to be measured in
		Further than 1/2 mile	0	0		actual vehicle miles - North Washington Street
IV.	**Municipal Fire Station**	Within 3 miles	1	1		Distance to be measured in actual vehicle miles from
		Further than 3 miles	0	0	0	existing fire stations - 4.5 miles from Station 2
V.	**Improved Public Park**	Within Service Area	NA	1	NA	As determined by using Map 2.16 of the 2040 Land Use Plan, not
		Outside Service Area	NA	0		applicable for commercial development
VI.	**Soils**	Poor Farmland	2	1	2	As determined by using Map 2.17 of the 2040 Land Use Plan; annexation
		Prime Farmland	0	0		includes only roadway & no farmland
VII.	**Location**	Tier 1	6	6		As determined by using Map 3.1 of the 2040 Land Use Plan and
		Tier 2	3	3	3	calculating the tier with the most existing urban development
		Tier 3	0	0		
VIII.	**Contiguity**	80%-100%	6	6		Points determined by the percent of the boundary of the proposed
		60%-79%	5	5		annexation area that is contiguous to the existing corporate limits.
		40%-59%	4	4		
		20%-39%	3	3	3	
		1%-19%	2	2		
		0%	0	0		
IX.	**Flood Protection**	Within City System	3	3		As determined by the map approved and used to determine Flood
		Outside City System	0	0	0	Protection Special Assessments by the Special Assessment Comm.
	TOTAL POINTS		23	23	9	12 points is the minimum point total required to justify annexation.

Falconer Township

May 8, 2026

Mr. Ryan Brooks, City Planner

Mr. Todd Feland, City Administrator

City of Grand Forks

255 North Fourth Street

Grand Forks, North Dakota 58203

Re: 70th Avenue North Annexation and Roadway Improvements

Gentlemen:

On January 16, 2026, I received a copy of a press release indicating the granting of a 3.2-million-dollar grant from the US Department of Commerce. The grant is for roadway improvements of 70th Avenue North in Falconer and Rye Township. (Not city property or under city control) On January 27, 2026, the Grand Forks City Committee of the Whole and the February 3, 2026, City Council Meeting approved and accepted the funding. All without any input from Falconer Township. On January 30, 2026, I met with Jim Mulligan, township resident and Mike Bibow of AE2S the project representative for the 70th Avenue project. It was then that I was made aware of the scope of the project and the need to purchase adjacent land to increase the Right-of-Way and Easements for the project. At that time Mr. Bibow was not aware that the city of Gand Forks did not own that roadway. Mr. Mulligan has agreed to sell to the city the needed land for the project. We expressed our desire to review the plans of the project to make sure it would not have any detrimental effects on the adjacent township properties or other roadways. To that end, Mr. Bibow provided us with plans for project to review on April 7, 2026. On April 23, 2026, our township officials provided a preliminary approval of the plans finding that there are some concerns that need to be addressed by the city.

To that end I attended the May 6, 2026, Planning and Zoning Commission meeting to voice the township concerns regarding the Annexation and upgrades to 70th Avenue North. Chairman Steve Wasvick was gracious enough to grant me time to address our concerns with the annexation to the Commission. It was cut short by Megan Sande's remarks that" this was not the time or place for public comment from a private citizen." So, I am addressing our concerns to you gentlemen in

hopes that the city will listen, take into consideration, and put into place a process for future dealings with the adjacent townships and landowners that are within the City of Grand Forks reach.

As stated previously we consider the project as designed by Bolton and Menk and AE2S to be acceptable improvements to 70th Avenue North. Specifically, the drainage appears to be adequate and the problematic culvert under the BNSF railway is being resolved. We understand that Rye Township (The west end of this project) is aware of the improvements and agrees with the project. But we do have concerns that need to be addressed in writing with assurances from the city and signed off by the Mayor and / or Chair of the City Council. I feel that is necessary to ensure that the "Memory" of this event is not forgotten, and we recreate this lack of communication in the future.

1. Drainage from the adjacent properties enters these ditches along 70th avenue north and drains to the East. The overall drainage in this area and north and east is very poor. We need assurances that no additional drainage will be added by future projects (Soybean Processing Plant) or any other commercial of industrial project. We need assurance that the drainage from the Municipal Solid Waste Dump does not enter the ditch and that the ditches be maintained by the city for mowing, drainage pattern, weed control and garbage removal.
2. We assume the city will be responsible for maintaining the roadway including signage, pavement markings, snow removal and overall upkeep of the roadway. We would like that in writing.
3. Since the city plans to annex this property do you have the intent to extend the Two-mile Extra-territorial zoning authority? We oppose such a move, but need your written assurances that this will not happen.
4. Will adjacent landowners be assessed for this road improvement and annexation? Will future projects: sewer, water, power, or other infrastructure projects be assessed to adjacent landowners? We would vigorously oppose that unless a landowner was willing to partake in those city services.
5. We request that the city informs Falconer Township Officials of any impending projects, building permits or exploration of future projects regardless of whether they are in the extra-territorial zoning or not, and to be notified and made part of the planning and implementation process rather than writing lengthy letters and hiring Lawyers to protect our township and its residents.

Gentlemen I will give a copy of this correspondence to Mike Bibow so that he is informed of our input for this project since he was so gracious to include us in the process.

We are open and agreeable to working with the City on Projects that involve our Township and its residents. We get upset when we get cut out of the process or neglected for whatever reason. It's tough when the "horse is gone, the barn door is closed, and we are left with a broken cart." I think you would agree that working with our township would be most beneficial to both our entities. We are not saying that we would "rubber stamp" whatever you want but the Township needs to keep the wants and concerns of our residents as the priority. Yes, we are private tax

paying citizens, but the township is the first layer and probably the most important layer of governance in our state. Let's work together to make it better for us all.

Respectfully submitted,

Phil Kraemer

Chairman, Falconer Township Supervisors

2696 Fox Farm Road

Grand Forks, ND 58203

(218) 791-3330

poppakraemer@gmail.com

cc: Mr. Mike Bibow, AE2S

255 N. 4th St.
PO Box 5200
Grand Forks, ND 58206-5200

CITY OF GRAND FORKS NORTH DAKOTA

Planning & Community
Development Department

May 14, 2026

Phil Kraemer
Falconer Township Chairman
2696 Fox Farm Road
Grand Forks, ND 58203

Phil,

I received your letter regarding the 70th Avenue North Annexation and Roadway Improvements. Within the document it included five questions. This letter answers those questions but first I wanted to provide a status of the project.

The project includes a new paved surface, rail crossing improvements, improved ditch and corridor drainage with culvert replacements and some lighting at the intersection of 70th Ave N and N 55th St. This project design is complete and details of land acquisition with the participating landowners are being finalized to allow for space to construct the project. The project team is collaborating with BNSF to obtain all the necessary permits near the rail line in the area. Once the acquisition and permitting is complete, the Economic Development Administration (EDA) who is providing 80% funding, will do their review. At this time, the project team is working to get the project out for bid so that construction can begin in late 2026 or early 2027.

The following are the answers to the questions we received in your letter. Please contact me or the Mike Bibow with AE2S the city's consultant on the project, with any further questions.

1. The City MSW Landfill (not dump) has its own stormwater drainage and pond and has since its construction in 2008, and this has taken the MSW Landfill off the 70th Avenue North drainage. The MSW Landfill has only improved the drainage in this area to include 70th Avenue North. If the Epitome Energy Project proceeds, it will also have its own stormwater drainage and pond and like the MSW Landfill will only improve the 70th Avenue North drainage. The City will maintain any annexed 70th Avenue North roadway and stormwater drainage.
2. When the City annexes roadways, then the City assumes ownership and maintenance responsibility.
3. With this 70th Avenue North annexation, the City is not extending the two (2) mile extra territorial zoning in a similar manner to what the City did when annexing the City property and roadways in the area many years ago.
4. The City is not assessing the local cost share of the United State Economic Development Administration (EDA) grant for the 70th Avenue North roadway and the City is paying the local cost share. The City is not moving forward with City sewer, water, and other utilities until a development in the area requires further City infrastructure development, such as

Epitome Energy. Generally, the City assesses benefiting properties and/or developments for public utilities and often with a City cost share. This matter is to be determined.

5. The City will keep Falconer Township informed as always and Falconer Township can continue to follow up with the City also.

Please contact me with any questions. This project will be an improvement for the roadways in this area and we look forward to further collaboration on the project. If you need anything else don't hesitate to contact me.

Sincerely,

Ryan P. Brooks
Director of Planning & Community Development, City of Grand Forks
(701) 746-2678, rbrooks@grandforksgov.com

CC: Todd Feland, City Administrator
Christian Danielson, City Engineer
Mike Bibow, AE2S