

CITY OF MANDAN, NORTH DAKOTA

**AMENDED RESOLUTION OF NECESSITY
LOWER HEART RIVER FLOOD RISK REDUCTION PROJECT**

BE IT RESOLVED by the Board of City Commissioners (the "Commission") of the City of Mandan, North Dakota (the "City"), as follows:

1. It is hereby found, determined and declared that it is necessary for the City, pursuant to a Joint Powers Agreement with the Lower Heart River Water Resource District, to construct a levee improvement project of the type specified in North Dakota Century Code Sections 40-22-01, 40-22-06 and 40-22-15. The improvement project shall include, but not be limited to the improvements of levees, seepage berms, floodwalls, lift stations and through levee pipe, as well as all other items of work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the Joint Powers Agreement dated January 18, 2021, the resolution creating said district adopted January 18, 2022, and in accordance with the Preliminary Engineering Report and Cost Estimate which have been approved by the Commission and are on file in the offices of the City Engineer and open for public inspection by anyone interested herein.
2. The cost of the improvement project shall be paid by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement district benefitted by the improvement in amounts proportionate to and not exceeding such benefits and the Commission reserves the right to provide for the payment of a portion of the costs of such improvement from such other funds as may be properly available for such purpose.
3. The City Administrator is authorized and directed to cause this resolution together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.
4. The owners of the property within said improvement district and liable to be specially assessed for said improvement shall be afforded the opportunity to file written protest with the City Administrator at any time within thirty (30) days after the first publication of this resolution. The City requires written protests only and must clearly describe the property that protests along with the name and signature of the owner of record. Written protests must be submitted to the City Administrator no later than 4:30 p.m., local time, December 15, 2025. The Board shall, at its next meeting after the expiration of said period, to wit December 16, 2025 at 5:30 p.m., meet at the City Hall, 205 2nd Avenue N.W., Mandan, North Dakota, to hear and determine the sufficiency of any protests so filed and to take such other and further action with reference to said improvement district as may then be deemed necessary and expedient.

Dated: November 4, 2025.

CITY OF MANDAN, NORTH DAKOTA

Attest:

President, Board of City Commissioners

City Administrator

The governing body of the City acted on the foregoing resolution at a properly noticed meeting held in Mandan, North Dakota, on November 4, 2025, with the motion for adoption made by _____ and seconded by _____, and the roll call vote on the motion was as follows:

"Aye" _____

"Nay" _____

Absent _____

Assessment District Boundary

Lower Heart River Flood Risk Reduction

November 4, 2025

To include all property contained within the corporate city limits line of the City of Mandan, County of Morton, State of North Dakota, USA as it is on November 4, 2025.

