

CITY OF BISMARCK

ORDINANCE NO. 6622

<i>First Reading</i>	<u>April 8, 2025</u>
<i>Second Reading</i>	<u>June 10, 2025</u>
<i>Final Passage and Adoption</i>	<u>June 10, 2025</u>
<i>Publication Date</i>	<u>June 19, 2025</u>

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the PUD – Planned Unit Development (Ordinance 5435) and included in the PUD – Planned Unit Development zoning district:

Lot 1, Lots 3-83, and Lot 85, Block 1; Lot 1, Block 2; Lots 1-39, Block 3; and Lot 1, Block 4; Misty Waters

This PUD is subject to the following standards:

1. *Uses Permitted*. The uses within the district shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:
 - i. Single-family dwelling.
 1. Lots 3-81, Block 1: Single-family dwelling
 2. Lots 2-37, Block 3: Single-family dwelling
 - ii. Multi-family or two-family:
 1. Lots 82-83, Block 1: Multi-family or two-family (separate parcels with the option of a separate

condominium-association for each parcel or a twinhome/townhouse project with mutual easements and obligations for each parcel and with up to fifteen buildings with no more than two units in each building)

2. Lots 38-39, Block 3: Multi-family or two-family (separate parcels with the option of a separate condominium-association for each parcel or a twinhome/townhouse project with mutual easements and obligations for each parcel and with up to fifteen buildings with no more than two units in each building)

- iii. Commercial. Water-related commercial uses, including marina parking facilities; parking facilities for winter storage of marine boats and pontoons; and a public boat ramp.

1. Lot 1, Block 1: Marina Parking Facilities, restroom, and concession facility.
2. Lot 1, Block 4: Public Boat Ramp.

2. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on the property.

- i. Accessory buildings may be allowed in accordance with Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure.

3. *Special Uses.* The following uses shall be allowed with a special use permit.

- a. None.

4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:

- a. *Lot coverage.*

- i. Lots 3-81, Block 1: The maximum lot coverage shall be 30 percent.
- ii. Lots 2-37, Block 3: The maximum lot coverage shall be 30 percent.

- iii. Lots 82-83, Block 1: The maximum lot coverage shall be 40 percent.
- iv. Lots 38-39, Block 3: The maximum lot coverage shall be 40 percent.
- b. *Front yards.* The minimum front yard setback shall be 40 feet along Burnt Creek Loop, 35 feet along Misty Waters Drive and 25 feet along all other interior roadways.
- c. *Side yards.*
 - i. Lots 3-81, Block 1: The minimum side yard setback shall be 10 feet with no encroachments (decks, bay windows, etc).
 - ii. Lots 1-37, Block 3: The minimum side yard setback shall be 10 feet with no encroachments (decks, bay windows, etc).
 - iii. Lots 82-83, Block 1: The minimum side yard setback shall be 15 feet with no encroachments (decks, bay windows, etc).
 - iv. Lots 38-39, Block 3: The minimum side yard setback shall be 15 feet with no encroachments (decks, bay windows, etc).
 - v. Lot 1, Block 4: The minimum side yard setback shall be 10 feet with no encroachments (decks, bay windows, etc).
- d. *Rear yards.*
 - i. Lot 3, Block 1. The minimum rear yard setback shall be 50 feet.
 - ii. Lot 1, Lot 4, Lot 13, Lot 17, Lot 26, Lot 30, Lot 39, Lot 56, Lot 63, Block 1. The minimum rear yard setback shall be 30 feet.
 - iii. Lots 5-12, 14-16, 18-25, 27-29, 31-38, 40-55, 57-62, and 64-83, Block 1 (bay lots). The minimum rear yard setback shall be as noted on Document Number 980792 recorded on August 1, 2025.
 - iv. Lot 1, Block 2. The minimum rear yard setback shall be 30 feet.

- v. Lots 1-5, Block 3. The minimum rear yard setback shall be 30 feet.
 - vi. Lots 6-39, Block 3 (river lots). The minimum rear yard setback from the ordinary highwater mark of the Missouri River shall be 100 feet, measured from the ordinary high water mark of the Missouri River.
 - vii. Lot 1, Block 4 (river lot). The minimum rear yard setback from the ordinary highwater mark of the Missouri River shall be 100 feet, measured from the ordinary high water mark of the Missouri River.
 - e. *Walkout basements*. Walkout basement shall be elevated to a minimum of one foot above the base flood elevation.
 - f. *Building Height*. The maximum building height shall be 35 feet.
5. *Development Standards*. The following development standards shall apply to all development within the district.
- a. *Commercial*. Marina parking facilities, including parking facilities for winter storage of marine boats and pontoons, in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on a ratio of one parking space per 1.5 boat slips. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. A marina restroom and concession facility may be located on Lot 1, Block 1, and each shall be no larger than 500 square feet in area, no more than one story in height, be architecturally similar to other commercial buildings in the development and be subject to the same development standards as outlined for commercial uses.
 - b. *Public Boat Ramp*. Boat ramp and parking facilities shall be developed in accordance with the agreement between the Developer and Burleigh County. Upon conveyance of the property to Burleigh County, the County may construct other complementary facilities, such as restrooms, fish cleaning stations, and picnic shelters.
6. *Common Elements*. Maintenance of all common elements, including the bay/inlet (Lot 85, Block 1) and open space lots (Lot 1, Block 2 and Lot 1, Block 3), shall be the responsibility of the property owner's association.

7. *No-Build Easement.* A no-build easement is shown on the face of the plat of Misty Waters over a portion of Lot 1, Block 1. The intent of this easement is to prohibit construction of structures within this area, as it is part of the Northern Bridge Corridor. The easement reserves the area for the future bridge and related roadways but does not dedicate the property for this purpose.

Section 2. The following described property shall be excluded from the PUD – Planned Unit Development (Ordinance 5435) and included in the PUD – Planned Unit Development zoning district:

Lots 1-3, Block 1 and Lots 1-3, Block 2, Misty Waters First Replat

This PUD is subject to the following standards:

1. *Uses Permitted.* The uses within the district shall be limited to the following:
 - a. *Principal Uses.* The following principal uses shall be allowed:
 - i. Single-family dwelling
 1. Lots 1-3, Block 1
 2. Lots 1-3, Block 2
2. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on the property.
 - i. Accessory buildings may be allowed in accordance with Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure.
3. *Special Uses.* The following uses shall be allowed with a special use permit.
 - a. None.
4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
 - a. *Lot coverage.* The maximum lot coverage shall be 30 percent.
 - b. *Front yards.* The minimum front yard setback shall be 35 feet.
 - c. *Side yards.* The minimum side yard setback shall be 10 feet with no encroachments (decks, bay windows, etc).

d. *Rear yards.*

- i. Lots 1-3, Block 1 (bay lots). The minimum rear yard setback shall be as noted on Document Number 980792 recorded on August 1, 2025.
- ii. Lots 1-3, Block 2 (river lots). The minimum rear yard setback from the ordinary highwater mark of the Missouri River shall be 100 feet measured from the ordinary high water mark of the Missouri River.

e. *Walkout basements.* Walkout basement shall be elevated to a minimum of one foot above the base flood elevation.

f. *Building Height.* The maximum building height shall be 35 feet.

Section 3. The following described property shall be excluded from the PUD – Planned Unit Development (Ordinance 5435) and included in the PUD – Planned Unit Development zoning district:

Lots 1-2, Block 1, Misty Waters Second Replat

This PUD is subject to the following standards:

1. *Uses Permitted.* The uses within the district shall be limited to the following:

a. *Principal Uses.* The following principal uses shall be allowed:

i. Self-Storage

- 1. Lot 1, Block 1: Seven self-storage buildings

ii. Commercial

- 1. Lot 2, Block 1: Water-related commercial uses, including marina with boat slip mooring, dockside fuel, boat rental, a gas station/convenience store, two-bay boat repair facility, and restaurant/bar.

b. *Accessory Uses.* The following uses shall be allowed as accessory to the principal uses on the property.

i. None.

2. *Special Uses.* The following uses shall be allowed with a special use permit.

- a. Gas dispensing/filling station.
 - b. Retail liquor sales. Any liquor sales will be subject to the standards agreed to by Burleigh County and the developer in conjunction with liquor licensing.
3. *Use Standards.* The following use standards shall apply to all structures on Lot 1, Block 1:
- a. Commercial (including offices), residential, and assembly uses are prohibited within storage buildings/units, except for up to 2 units in the southwestern most building. These units may be used for marina operations, watercraft winterization and minor maintenance of watercraft.
 - b. Fixtures commonly associated with bathrooms, kitchens, offices and bedrooms are prohibited, with the exception of no more than 1 toilet and 1 sink, in each storage unit.
 - c. Floor drains are permitted in each unit.
 - d. Water may be installed to one common exterior location for watercraft maintenance.
4. *Conformance to Submitted Documents.* The development of Lot 1, Block 1, must generally confirm to the submitted site plan approved in conjunction with this PUD.
5. *Design and Aesthetic Standards.* The following design and aesthetic standards shall apply to all structures located on Lot 1, Block 1:
- a. *Intent.* It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
 - b. *Building Materials.* All building facades must be designed primarily with architecturally finished materials:
 - i. Primary building materials are limited to modular masonry materials such as brick, stone, or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels.
 - ii. The following building materials are expressly prohibited; wood as an exterior wall finish, except were

used as an accent material; and exposed, untextured, uncolored, unaugmented concrete, including poured in place pre-cast concrete panels and concrete block.

6. *Off-Street Parking and Loading.* Parking areas for commercial uses shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required.
7. *Landscaping.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The perimeter parking lot landscaping requirements may be modified by the City Forester and/or Community Development Director to recognize the setting of the development and to incorporate deer and drought-resistant plant materials, provided the overall intent of the landscaping requirements, if not the specific plant quantities, are met.

The following landscaping and buffering requirements shall be installed in conjunction with development of Lot 1, Block 1, Misty Waters Second Replat:

- a. A 20-foot wide landscaping buffer along the north side of the lot with planting materials and density outlined in Section 14-03-11 of the City Code of Ordinances.
 - b. A 20-foot wide landscaping buffer along the east side of the lot, within the Burnt Creek Loop right-of-way with planting materials and density outlined in Section 14-03-11 of the City Code of Ordinances
8. *No-Build Easement.* A no-build easement is shown on the face of the plat of Misty Waters Second Replat over a portion of Lot 2, Block 1. The intent of this easement is to prohibit construction of structures within this area, as it is part of the Northern Bridge Corridor. The easement reserves the area for the future bridge and related roadways but does not dedicate the property for this purpose.
9. *Lighting.* All exterior lighting shall be designed and installed in a manner intended to limit off-site impacts to adjacent residential uses.
10. *Signs.* Development identification signage may be installed on Lot 1, Block 2, in accordance with the requirements of Section 14-03.1-07 of the City Code of Ordinances (Residential Area Identification Signs). Signage for the commercial uses on Lot 2, Block 1, Misty Waters Second Replat shall be limited to one pylon sign no more than 35 feet in overall height with a face not exceeding 96 square feet, one

monument sign with a face not exceeding 48 square feet, and up to two wall signs per building (one facing the marina and one facing the entrance to the commercial area).

Section 4. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments).

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

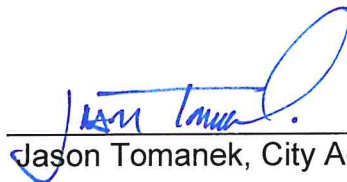
Section 6. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

I, Jason Tomanek, do hereby certify that I am the duly appointed, qualified City Administrator of the City of Bismarck, North Dakota and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of City Commissioners at its regular meeting of June 10, 2025

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 13th day of August, 2025.

(SEAL)



Jason Tomanek, City Administrator



CITY OF BISMARCK PLANNING
Barbara Marquardt

SURAFF

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Burleigh County



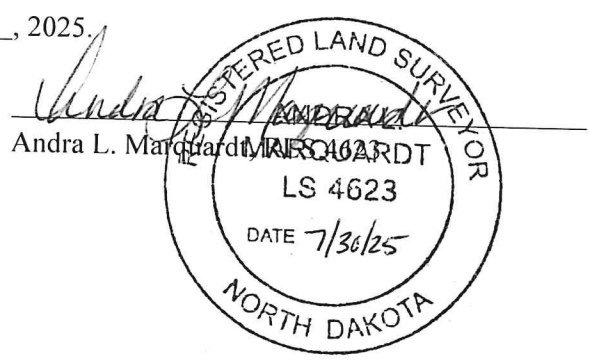
SURVEYOR'S AFFIDAVIT

Reference: Lots 5-12, 14-16, 18-26, 27-29, 31-38, 40-55, 57-62, and 64-83, Block 1, Misty Waters (Document No. 644375) and Lots 1-3, Block 1, Misty Waters First Replat (Document No. 922016) of the W1/2 of Section 11 and the E1/2 of Section 10, T139N-R81W of Burleigh County, North Dakota.

I, Andra L. Marquardt, Registered Professional Land Surveyor in the State of North Dakota do hereby state:

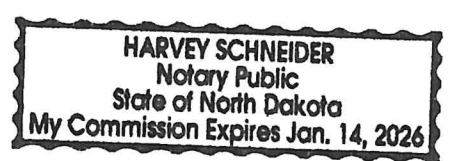
At the request of Bismarck City Commission on June 10, 2025, this document is to describe the modified building setback line for the above described lots along Misty Waters Bay. The attached Exhibit "A" shows its location with bearings and distances so it can be located in the field when necessary.

Dated this 30th day of July, 2025.



State of North Dakota)
)ss
County of Morton)

Subscribed and sworn to before me this 30th day of July, 2025.



Harvey Schneider
Notary Public

EXHIBIT "A" - BAY SIDE BUILDING SETBACK LINE

LOTS 5-12, 14-16, 18-26, 27-29, 31-38, 40-55, 57-62, AND 64-83, BLOCK 1, MISTY WATERS & LOTS 1-3 BLOCK 1, MISTY WATERS FIRST REPLAT OF THE W1/2 OF SECTION 11 & E1/2 OF SECTION 10, T139N-R81W

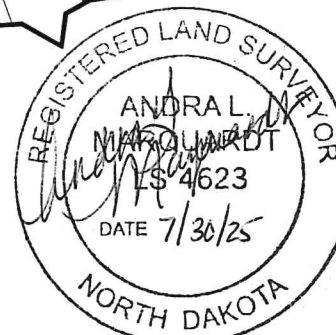
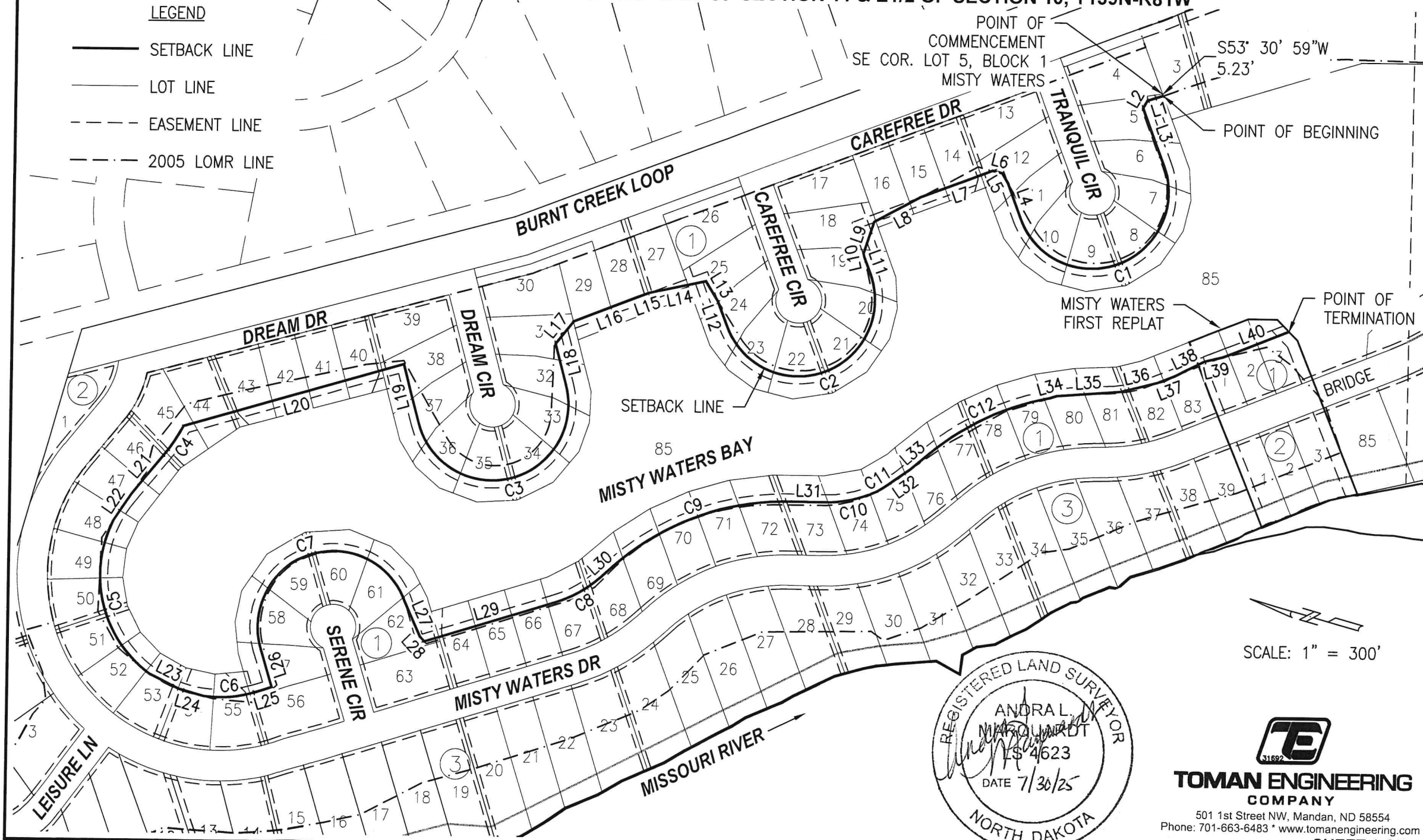
LEGEND

- SETBACK LINE
- LOT LINE
- - - EASEMENT LINE
- - - 2005 LOMR LINE

POINT OF COMMENCEMENT
SE COR. LOT 5, BLOCK 1
MISTY WATERS

S53° 30' 59"W
5.23'

POINT OF BEGINNING



SCALE: 1" = 300'



**TOMAN ENGINEERING
COMPANY**

501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * www.tomanengineering.com

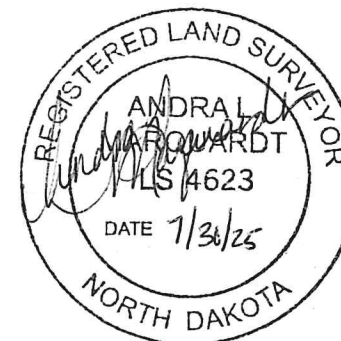
SHEET 1 OF 4

EXHIBIT "A" - BAY SIDE BUILDING SETBACK LINE
LOTS 5-12, 14-16, 18-26, 27-29, 31-38, 40-55, 57-62, AND 64-83, BLOCK 1, MISTY WATERS & LOTS 1-3 BLOCK
1, MISTY WATERS FIRST REPLAT OF THE W1/2 OF SECTION 11 & E1/2 OF SECTION 10, T139N-R81W

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N34° 06' 33"W	42.75'
L2	N76° 44' 00"W	22.66'
L3	S53° 30' 59"W	162.00'
L4	N53° 30' 59"E	98.63'
L5	N43° 31' 59"E	31.71'
L6	N1° 46' 24"W	25.98'
L7	N36° 29' 01"W	200.37'
L8	N44° 11' 37"W	138.29'
L9	N87° 51' 43"W	87.34'
L10	S60° 56' 58"W	9.47'
L11	S53° 30' 59"W	48.47'
L12	N53° 30' 59"E	71.65'
L13	N42° 11' 00"E	61.58'
L14	N27° 49' 54"W	150.82'
L15	N36° 29' 01"W	34.54'
L16	N37° 05' 10"W	178.44'
L17	N67° 08' 52"W	76.44'
L18	S59° 14' 18"W	114.32'
L19	N59° 14' 18"E	161.87'
L20	N31° 55' 09"W	602.14'

LINE TABLE		
LINE #	BEARING	DISTANCE
L21	N66° 25' 29"W	135.48'
L22	N71° 56' 45"W	85.47'
L23	S10° 41' 01"W	85.10'
L24	S0° 06' 33"E	69.54'
L25	S32° 43' 30"E	44.01'
L26	N57° 10' 09"E	104.47'
L27	S49° 46' 43"W	104.33'
L28	S31° 24' 56"W	17.00'
L29	S32° 49' 51"E	358.41'
L30	S57° 23' 54"E	48.99'
L31	S14° 49' 06"E	84.61'
L32	S50° 53' 50"E	73.59'
L33	S56° 02' 15"E	63.74'
L34	S32° 45' 21"E	18.31'
L35	S20° 04' 28"E	168.20'
L36	S29° 52' 11"E	99.17'
L37	S37° 43' 45"E	47.75'
L38	S42° 22' 20"E	87.44'
L39	S29° 40' 59"E	50.57'
L40	S37° 43' 45"E	184.59'

CURVE TABLE					
CURVE #	RADIUS	DELTA	ARC LENGTH	BEARING	CHORD LENGTH
C1	200.00'	180°00'00"	628.32'	N36° 29' 01"W	400.00'
C2	200.00'	180°00'00"	628.32'	N36° 29' 01"W	400.00'
C3	200.00'	180°00'00"	628.31'	N30° 45' 42"W	400.00'
C4	430.10'	11°52'31"	89.14'	N72° 21' 44"W	88.98'
C5	319.90'	80°48'01"	451.14'	S60° 09' 21"W	414.67'
C6	319.90'	24°44'14"	138.12'	S20° 27' 38"E	137.05'
C7	200.00'	175°54'13"	614.01'	S34° 52' 44"E	399.74'
C8	320.00'	24°34'03"	137.21'	S45° 06' 52"E	136.16'
C9	680.00'	42°34'48"	505.35'	S36° 06' 30"E	493.80'
C10	320.00'	26°12'57"	146.42'	S27° 55' 35"E	145.14'
C11	300.00'	5°52'10"	30.73'	S47° 57' 45"E	30.72'
C12	680.00'	29°49'08"	353.90'	S41° 07' 41"E	349.92'



**PROPERTY DESCRIPTION – MISTY WATERS BAYSIDE BUILDING SETBACK LINE**

A TRACT OF LAND BEING A PART OF LOTS 5-12, 14-16, 18-26, 27-29, 31-38, 40-55, 57-62, AND 64-83, BLOCK 1, MISTY WATERS AND PART OF LOTS 1-3, BLOCK 1, MISTY WATERS FIRST REPLAT OF THE W1/2 OF SECTION 11 AND THE E1/2 OF SECTION 10, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5, BLOCK 1, MISTY WATERS OF BURLEIGH COUNTY, NORTH DAKOTA; THENCE SOUTH 54°19'49" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 5 FOR 5.23 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND BEING ON THE LOMR (LETTER OF MAP REVISION) LINE AS DESCRIBED IN THE FEMA LOMR LETTER, CASE NUMBER 05-08-0351A; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (2) COURSES; THENCE NORTH 33°17'43" WEST FOR 42.75 FEET; THENCE NORTH 75°55'10" WEST FOR 22.66 FEET TO A POINT ON THE 20 FOOT WIDE DRAINAGE EASEMENT LINE; THENCE ALONG SAID EASEMENT LINE THE FOLLOWING THREE (3) COURSES; THENCE SOUTH 54°19'49" WEST FOR 162.00 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 35°40'11" WEST, 400.00 FEET) AN ARC LENGTH OF 628.32 FEET TO THE P.T. (POINT OF TANGENCY) OF SAID CURVE TO THE RIGHT; THENCE NORTH 54°19'49" EAST FOR 98.63 FEET TO A POINT ON SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (2) COURSES; THENCE NORTH 44°20'49" EAST FOR 31.71 FEET; THENCE NORTH 00°57'34" WEST FOR 25.98 FEET TO A POINT ON SAID EASEMENT LINE; THENCE NORTH 35°40'11" WEST ALONG SAID EASEMENT LINE FOR 200.37 FEET TO A POINT ON SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (3) COURSES; THENCE NORTH 43°22'47" WEST FOR 138.29 FEET; THENCE NORTH 87°02'53" WEST FOR 87.34 FEET; THENCE SOUTH 61°45'48" WEST FOR 9.47 FEET TO A POINT ON SAID EASEMENT LINE; THENCE ALONG SAID EASEMENT LINE THE FOLLOWING THREE (3) COURSES; THENCE SOUTH 54°19'49" WEST FOR 48.47 FEET TO THE P.C. (POINT OF CURVATURE) OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 35°40'11" WEST, 400.00 FEET) AN ARC LENGTH OF 628.32 FEET TO THE P.T. OF SAID CURVE TO THE RIGHT; THENCE NORTH 54°19'49" EAST FOR 71.65 FEET TO A POINT ON SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (2) COURSES; THENCE NORTH 42°59'50" EAST FOR 61.58 FEET; THENCE NORTH 27°01'04" WEST FOR 150.82 FEET TO A POINT ON SAID EASEMENT LINE; THENCE NORTH 35°40'11" WEST ALONG SAID EASEMENT LINE FOR 34.54 FEET TO A POINT ON SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (2) COURSES; THENCE NORTH 36°16'20" WEST FOR 178.44 FEET; THENCE NORTH 66°20'02" WEST FOR 76.44 FEET TO A POINT ON SAID EASEMENT LINE; THENCE ALONG SAID EASEMENT LINE THE FOLLOWING SIX (6) COURSES; THENCE SOUTH 60°03'08" WEST FOR 114.32 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 29°56'52" WEST, 400.00 FEET) AN ARC LENGTH OF 628.31 FEET TO THE P.T. OF SAID CURVE TO THE RIGHT; THENCE NORTH 60°03'08" EAST FOR 161.87 FEET; THENCE NORTH 31°06'19" WEST FOR 602.14 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 430.10 FEET; THENCE ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 71°32'54" WEST, 88.98 FEET) AN ARC LENGTH OF 89.14 FEET TO THE P.T. OF SAID CURVE TO THE RIGHT; THENCE NORTH 65°36'39" WEST FOR 135.48 FEET TO A POINT ON SAID LOMR LINE; THENCE NORTH 71°07'55" WEST FOR 85.47 FEET A POINT ON SAID EASEMENT LINE, SAID POINT ALSO BEING ON THE ARC OF CURVE TO THE LEFT HAVING A RADIUS OF 319.90 FEET; THENCE ALONG SAID CURVE TO THE LEFT AND ALONG SAID EASEMENT LINE (THE CHORD OF WHICH BEARS SOUTH 60°58'11" WEST, 414.67 FEET) AN ARC LENGTH OF 451.14 FEET TO A POINT ON SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (2) COURSES; THENCE SOUTH 11°29'51" WEST FOR 85.10 FEET; THENCE SOUTH 00°42'17" WEST FOR 69.54 FEET TO A POINT ON SAID EASEMENT LINE; THENCE ALONG SAID EASEMENT LINE THE FOLLOWING FOUR (4) COURSES; SAID POINT ALSO BEING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 319.90 FEET; THENCE ALONG SAID CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 19°38'48" EAST, 137.05 FEET) AN ARC LENGTH OF 138.12 FEET TO THE P.T. OF SAID CURVE TO THE LEFT; THENCE SOUTH 31°54'40" EAST FOR 44.01 FEET; THENCE NORTH 57°58'59" EAST FOR 104.47 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 34°03'54" EAST, 399.74 FEET) AN ARC LENGTH OF 614.01 FEET TO A POINT ALONG SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (2) COURSES; THENCE SOUTH 50°35'33" WEST FOR 104.33 FEET; THENCE SOUTH 32°13'46" WEST FOR 17.00 FEET TO A POINT ALONG SAID EASEMENT LINE; THENCE ALONG SAID EASEMENT LINE THE FOLLOWING SIX (6) COURSES; THENCE SOUTH 32°01'01" EAST FOR 358.41 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING



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A RADIUS OF 320.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 44°18'02" EAST, 136.16 FEET) AN ARC LENGTH OF 137.21 FEET TO THE P.T. OF SAID CURVE TO THE LEFT; THENCE SOUTH 56°35'04" EAST FOR 48.99 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 680.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 35°17'40" EAST, 493.80 FEET) AN ARC LENGTH OF 505.35 FEET TO THE P.T. OF SAID CURVE TO THE LEFT; THENCE SOUTH 14°00'16" EAST FOR 84.61 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 320.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 27°06'45" EAST, 145.14 FEET) AN ARC LENGTH OF 146.42 FEET TO A POINT ON SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (2) COURSES; SAID POINT ALSO BEING ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 47°08'55" EAST, 30.72 FEET) AN ARC LENGTH OF 30.73 FEET TO THE P.T. OF SAID CURVE TO THE LEFT; THENCE SOUTH 50°05'00" EAST FOR 73.59 FEET TO A POINT ON SAID EASEMENT LINE; THENCE ALONG SAID EASEMENT LINE THE FOLLOWING TWO (2) COURSES; THENCE SOUTH 55°13'25" EAST FOR 63.74 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 680.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS SOUTH 40°18'51" EAST, 349.92 FEET) AN ARC LENGTH OF 353.90 FEET TO A POINT ON SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING THREE (3) COURSES; THENCE SOUTH 31°56'31" EAST FOR 18.31 FEET; THENCE SOUTH 19°11'38" EAST FOR 168.20 FEET; THENCE SOUTH 29°03'21" EAST FOR 99.17 FEET TO A POINT ON SAID EASEMENT LINE; THENCE SOUTH 36°54'55" EAST ALONG SAID EASEMENT LINE FOR 47.75 FEET TO A POINT ON SAID LOMR LINE; THENCE ALONG SAID LOMR LINE THE FOLLOWING TWO (2) COURSES; THENCE SOUTH 41°33'30" EAST FOR 87.44 FEET; THENCE SOUTH 28°52'09" EAST FOR 50.57 FEET TO A POINT ON SAID EASEMENT LINE; THENCE SOUTH 36°54'55" EAST ALONG SAID EASEMENT LINE FOR 184.59 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY LINE OF LOT 3, BLOCK 1, MISTY WATERS FIRST REPLAT OF BURLEIGH COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING THE POINT OF TERMINATION.

