

APPLE CREEK TOWNSHIP AND BISMARCK EXTRATERRITORIAL JURISDICTION AGREEMENT - 2024

This AGREEMENT, hereinafter referred to as "2024 Agreement", is between THE CITY OF BISMARCK, a Municipal Corporation, hereinafter referred to as "Bismarck", and APPLE CREEK TOWNSHIP, an organized township, hereinafter referred to as "Apple Creek".

WHEREAS, Section 40-47-01.1 North Dakota Century Code (NDCC), Section 40-48-18 NDCC, and Section 58-03-11 NDCC provide for the jurisdiction of Bismarck and Apple Creek over the zoning of land and generally provide: that Bismarck would have sole extraterritorial authority within two miles of its corporate limits in any direction, that Bismarck and Apple Creek would have joint jurisdiction with the area from two miles and four miles of Bismarck's corporate limits in any direction in Apple Creek Township, and that Apple Creek would have sole jurisdiction within the remainder of the township beyond four miles of Bismarck's corporate limits, and

WHEREAS, Title 14, Section 14-04-19 and Section 14-05-07 of the Code of Ordinances of the City of Bismarck further provide for the jurisdiction of Bismarck over the issuance of building permits and the administration of flood plain regulations and generally provide that Bismarck would have sole extraterritorial authority for such activities within four miles of its corporate limits in any direction in Apple Creek Township, and

WHEREAS Bismarck and Apple Creek previously agreed to the extraterritorial boundaries by Agreement dated January 4, 2010 by Apple Creek Township and January 12, 2010 by the City of Bismarck, hereinafter referred to as "2010 Agreement", and now the parties terminate the 2010 Agreement and contemporaneously modify the extraterritorial boundary between the two political subdivisions under this 2024 Agreement as delineated below, and

WHEREAS, Section 40-47-01.1 NDCC provide that two subdivisions may control authority pursuant to a written agreement and that Bismarck and Apple Creek have reached such an agreement,

NOW THEREFORE, IT IS AGREED, between Bismarck and Apple Creek that Bismarck shall have sole extraterritorial zoning, building permit, and floodplain administration authority and Apple Creek shall have sole zoning, building permit, and floodplain administration authority as shown in Exhibit "A" hereto and by reference made a part hereof.

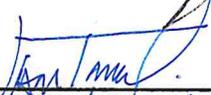
IT IS FURTHER AGREED that upon the written request of either party, the terms of the agreement shall be reviewed. Any amendments to the agreement shall be mutually approved by both parties.

IT IS FURTHER AGREED that the term of the agreement shall be for a period of five years from the date of approval of the last signature of a party noted below and shall automatically renew for successive five-year terms unless terminated in writing by notice to the other party at least six (6) months prior to the renewal date.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year written below.

BY: 
Vice President, Board of City Commissioners

BY: 
Chair, Township Board of Supervisors

ATTEST: 
Acting City Administrator / Assistant City Admin.

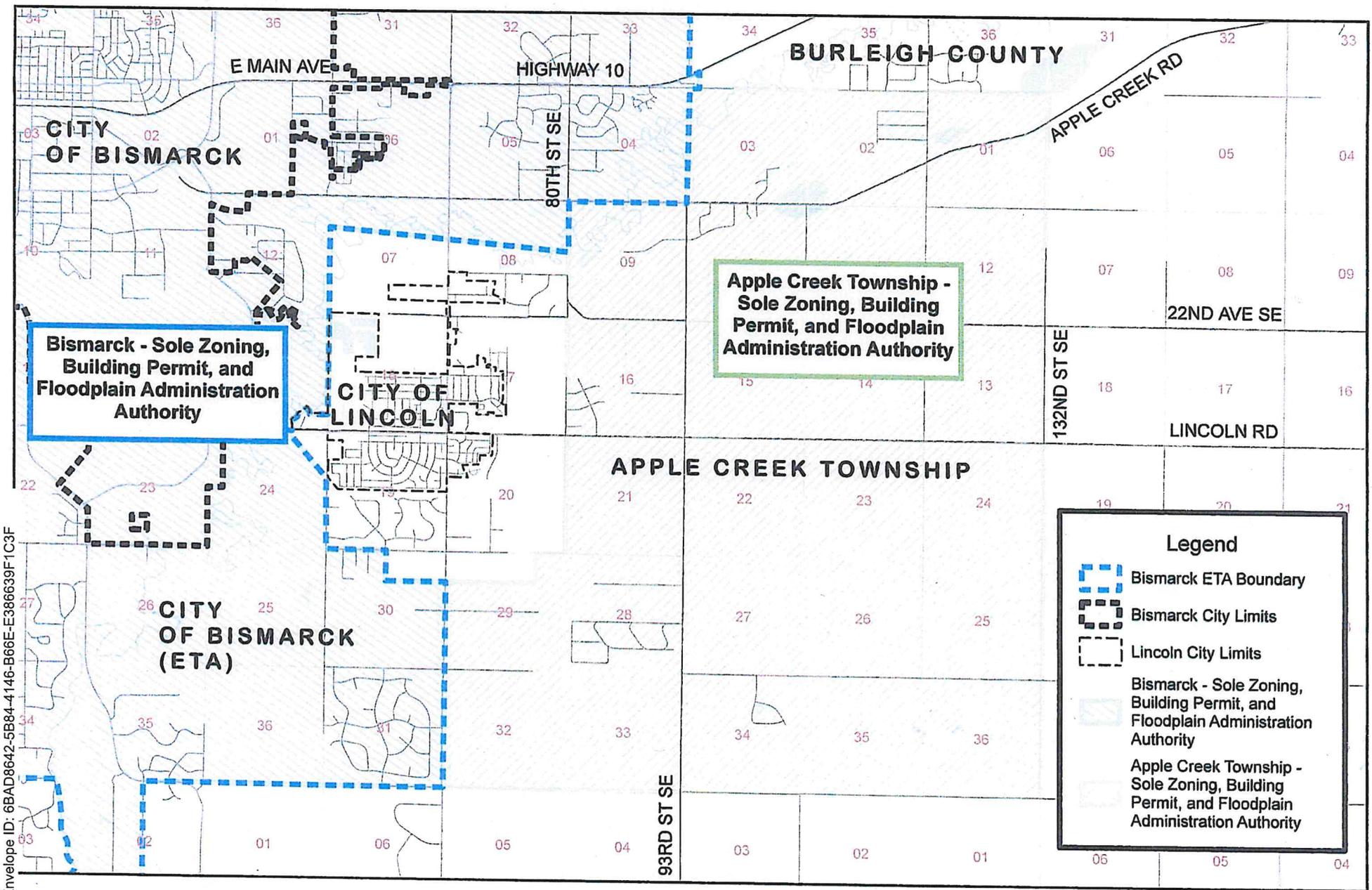
ATTEST: 
Township Secretary

DATE: 1/17/2024

DATE: 8 Jan 2024

EXHIBIT A

December 2023



DocuSign Envelope ID: 6BAD8642-5B84-4146-B66E-E386639F1C3F

This map is for reference only and is not intended as a survey. No liability is assumed as to the accuracy of the data delineated hereon.

