

JOINT POWERS AGREEMENT

This Joint Powers Agreement (the "Agreement") is to be effective March 18, 2014 by and between Antelope Creek Township, a political subdivision of the State of North Dakota (the "Township"), and McKenzie County, North Dakota, a political subdivision of the State of North Dakota (the "County").

Purpose

The purpose of this Agreement is for the Township to relinquish its zoning authority to the County subject to the right to reacquire such zoning authority.

Recitals

1. The Township has adopted a comprehensive land use plan and zoning ordinance under North Dakota law and, accordingly, has exercised its zoning authority within the boundaries of the Township.

2. Under North Dakota law, the Township's zoning authority has primacy over the County's zoning authority unless the Township relinquishes its zoning authority to the County.

3. The Township may transfer its zoning authority to the County pursuant to a joint powers agreement under article VII, section 7 of the North Dakota Constitution and North Dakota Century Code section 54-40-5-03.

4. The Township has no employees, equipment or real property related to the transfer of its zoning authority,

5. The Township may reacquire its zoning authority from the County and terminate an Agreement transferring such authority as provided in this Agreement.

Agreement

1. The Township hereby relinquishes and transfers its zoning authority to the County, as of the effective date of this Agreement.

2. The Township reserves the right to recover its zoning authority from the County and terminate this Agreement after giving the County three months notice of its intent to recover its zoning authority and terminate this Agreement.

3. The County shall undertake all financial responsibility for exercising such zoning until such time as the Township recovers such authority.

4. This Agreement may be amended by further written agreement of the Township and the County.

5. The Township hereby designates all real property located within its boundaries to be zoned as an Agricultural District as that term is provided in the McKenzie County Zoning Ordinance as of the effective date of this Agreement.


6. The County acknowledges that land within the Township has historically been used for agricultural purposes and the Township desires the land be primarily used for agricultural purposes in the future. When considering a proposed non-agricultural use within the Township, the County shall earnestly take into account such historical uses and future desired uses. If commercial or industrial use is considered by the County, the County shall consider the Township's preference of locating such commercial and industrial uses on properties adjacent to highways.

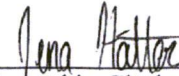
7. Within sixty (60) days of the effective date of this Agreement, the Township shall provide copies of any documents relating to the establishment, maintenance, or enforcement of the Township's comprehensive land use plan and zoning ordinance.

8. The County shall provide the Township (through the Township chairman or clerk) at least one (1) week's written notice of any public hearing relating to any type of zoning request within the boundaries of the Township.

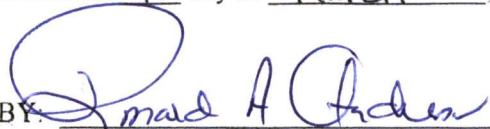
9. The County Planning and Zoning Office shall provide timely responses to inquiries from Township officers and owners of land from within the Township. Failure to provide such responses within two weeks of the inquiry entitles the inquiring party to have the inquiry placed on the agenda of the next regularly-scheduled planning and zoning commission meeting.

Dated this 18th day of March, 2014

BY: 
Artie Weber, Chairman
Antelope Creek Township

ATTEST: 
Township Clerk

Dated this 18th day of March, 2014

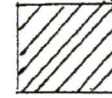
BY:  Comm Ch
McKenzie County Commission 9/15/14

ZONING DISTRICT MAP

DATED 5/7/12, THE DATE OF ADOPTION

MAP OF

ANTELOPE CREEK

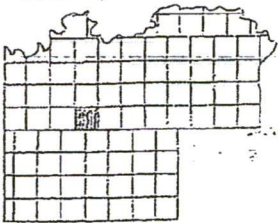
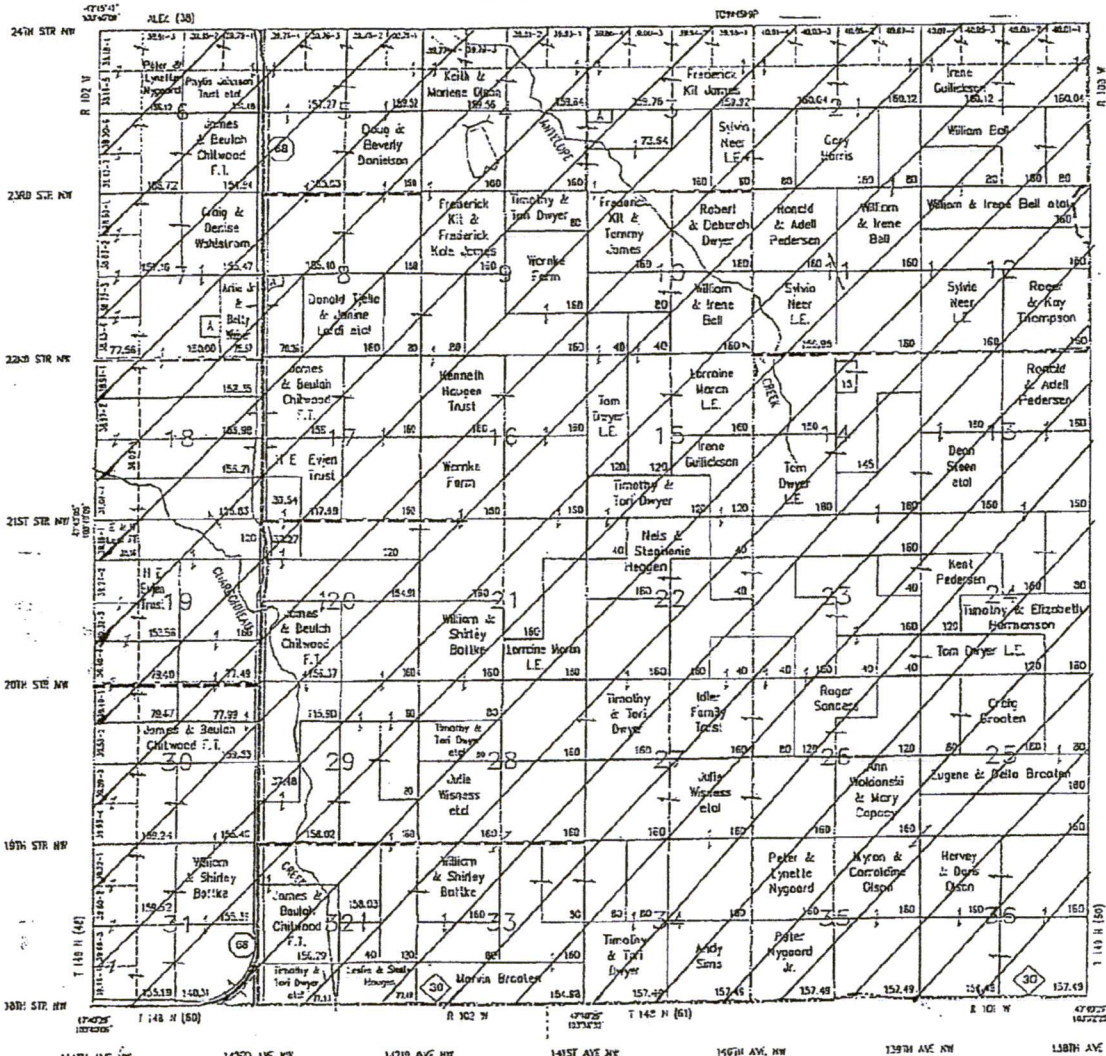


= RA- Rural
Agricultural

TOWNSHIP: 149 N
MCKENZIE COUNTY

RANGE: 101 W
NORTH DAKOTA

CODE: ED



[Signature]
Township Chairman
05/10/12
Date

I hereby certify this is the Zoning
District Map for
Antelope Creek Township
[Signature]
Township Clerk
05/10/12
Date

To
Ari to
Coordinator

Levi D. Andrist

Direct Dial: 701.250.5234 | landrist@vogellaw.com

May 12, 2014

VIA EMAIL ONLY

Walter Hadley
Director
Planning Department
McKenzie County
201 5th Street NW – 2nd Floor
Watford City, ND 58854
whadley@co.mckenzie.nd.us

Re: Antelope Creek Township Designation

Walter:

As we discussed on May 12, you indicated that you wanted a map from Antelope Creek Township designating the types of zoning districts the township would like to see. Please see the attached map indicating – consistent with section 6 of the Joint Powers Agreement – the township's desire to designate its lands as agricultural. I've also attached a copy of the executed copy of the township zoning ordinance if that would help give guidance to the planning and zoning commission's consideration of what types of uses the township historically considered.

Further, when the County Commission adopts the JPA, I would ask it acknowledge the pre-JPA designation as agricultural and the post-JPA designation as agricultural. That way, the hand-off would be clear in the minutes of the Commission indicating this was always zoned agricultural and it continues to be zoned agricultural.

As always, please don't hesitate to call or e-mail with any questions or concerns.

Best Regards,



Levi D. Andrist

cc: Betty Weber (*via e-mail only*)
Ari Johnson (*via e-mail only*)

VOGEL
Law Firm

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