



Community Development Department

DATE: January 9, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Annexation of Hay Creek Township, Lot C, Section 19 and Lot B, Section 30

REQUEST:

The Park District of the City of Bismarck is requesting approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township. The requested action will bring that part of lands not previously annexed into the corporate limits to incorporate into the future nature-based recreation park north of Burnt Boat Drive and south of Valley Drive.

BACKGROUND INFORMATION:

The Planning and Zoning Commission considered this request on December 20, 2023. As this final consideration was not a public hearing, no residents spoke or submitted written comments regarding this request.

At the conclusion of the final consideration and based on the findings contained in the staff report, the Planning and Zoning Commission unanimously recommended approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township to incorporate into the future nature-based recreation park north of Burnt Boat Drive and south of Valley Drive.

RECOMMENDED CITY COMMISSION ACTION:

Consider the request for annexation as outlined in Ordinance 6570 and call for a public hearing on this item for the February 13 meeting to provide time to notify Burleigh County and Hay Creek Township of the requested annexation in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1372, behreth@bismarcknd.gov

ATTACHMENTS:

1. C) CD - Hay Creek Township Annexation

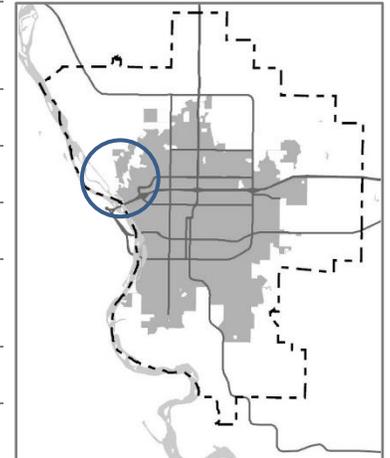
STAFF REPORT

Application for: **Annexation**

Project ID: **ANNX2023-005**

Project Summary

<i>Title:</i>	Hay Creek Township, Lot C, Section 19 and Lot B, Section 30
<i>Status:</i>	Board of City Commissioners – Consent
<i>Property Owner(s):</i>	Park District of the City of Bismarck
<i>Project Contact:</i>	Lauren Oster, Planner
<i>Project Location:</i>	In northwest Bismarck, east of River Road and north of Burnt Boat Drive
<i>Project Size:</i>	72.8 Acres, more or less
<i>Applicant Request:</i>	Annex Lot C, Section 19 and Lot B, Section 30, Hay Creek Township
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 unplatted parcels	<i>Lots/Blocks:</i>	2 unplatted parcels
<i>Land Use:</i>	Public	<i>Land Use:</i>	Public
<i>Future Land Use:</i>	Parks and Open Space (PKOS)	<i>Future Land Use:</i>	Parks and Open Space (PKOS)
<i>Zoning:</i>	P – Public Use	<i>Zoning:</i>	P – Public Use
<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses	<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	P – N/A	<i>Max Density:</i>	P – N/A

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	Hay Creek (organized)
<i>Neighborhood:</i>	Promontory Point

Property History

<i>Zoned:</i>	08/20
<i>Platted:</i>	N/A
<i>Annexed:</i>	N/A

Project Narrative

The Park District of the City of Bismarck is requesting approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township.

The requested action will bring that part of lands not previously annexed into the corporate limits to incorporate into the future nature-based

recreation park north of Burnt Boat Drive and south of Valley Drive.

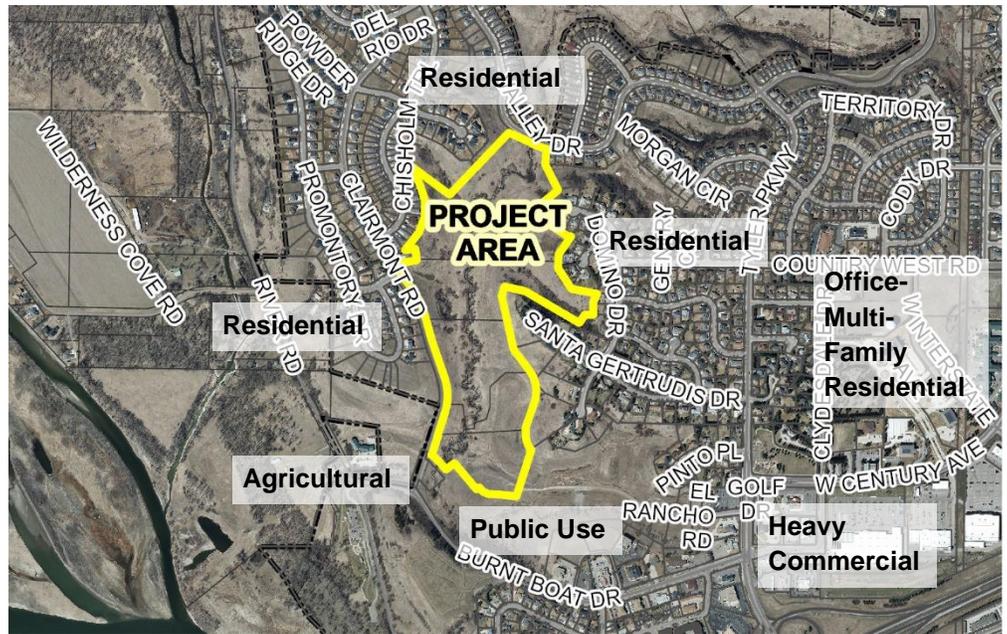
Based on the findings listed below, the Planning and Zoning Commission recommended approval of this request at their meeting on December 20, 2023.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits.



The property has been identified as Parks and Open Space (PKOS) in the Future Land Use Plan. The PKOS areas are places that are kept in a largely natural state, providing many important functions for the community and ecosystem. Goals and objectives of this plan as they relate to an annexation are referenced in review standards below.

It is the intent of the Park District of the City of Bismarck that this area be named Clairmont Family Park.

Public Engagement

Annexations do not have a public hearing before the Planning & Zoning Commission. The public will be duly notified of this request before it is heard by the City Commission, as will Burleigh County and Hay Creek Township in accordance with the provisions of Section 40-51.2-05 of the North Dakota Century Code.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The Growth Phasing Plan is adhered to with the proposed annexation ([Growth Phasing Plan](#))

Yes. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Expansion Priority 1.

Adequate public facilities are or will be available to serve the annexed properties completely and equitably ([Goal G3-b](#), [Goal G3-c](#))

Yes. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities, and programs to serve any development allowed by the annexation at the time the property is developed. However, the land is expected to remain undeveloped.

The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck ([Goal G2-b](#), [NDCC 40-51.2-03](#))

Yes. The area proposed annexation is clearly contiguous to the existing corporate boundaries. 100% of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous.

Proper administrative procedures related to the request are being followed ([NDCC 40-51.2](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. A written petition for the proposed annexation was submitted to the Community Development Department, which has been deemed valid by City staff. A public hearing, subject to all notice requirements, will be held with the City Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed annexation ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed annexation would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lot C, Section 19 and Lot B, Section 30, Hay Creek Township as outlined in the draft annexation ordinance.

Attachments

1. Draft Annexation Ordinance
2. Zoning and Plan Reference Map
3. Growth Phasing Plan Map
4. Exhibits of Lot B and Lot C

Staff report prepared by: Lauren Oster, Planner

701-355-1846 | laoster@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6570

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

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

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, Burleigh County, North Dakota, as follows:

Lot C, Section 19, Township 139 North, Range 80 West of the Fifth Principal Meridian, Bismarck, Burleigh County, North Dakota.

and

Lot B, Section 30, Township 139 North, Range 80 West of the Fifth Principal Meridian, Bismarck, Burleigh County, North Dakota.

The above-described tract of land contains 72.8 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.



Zoning and Plan Reference Map

CENTENNIAL PARK FIRST ADDITION FIRST REPLAT

MPLT2023-007

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

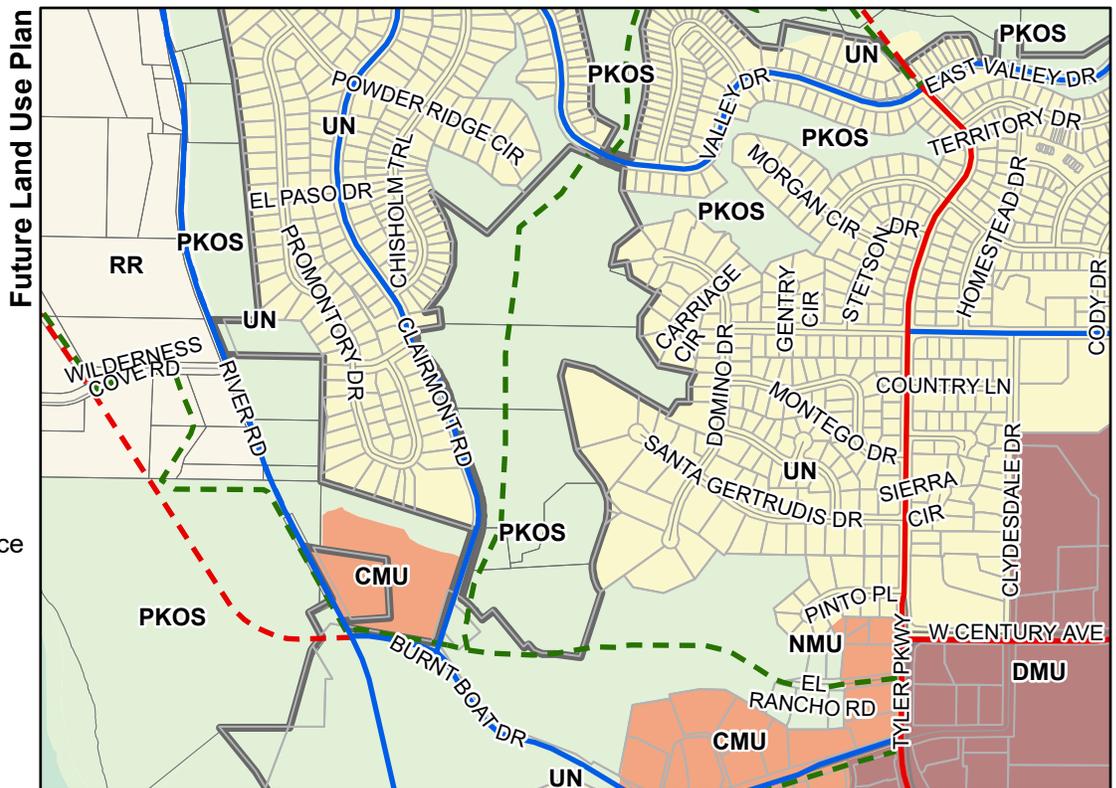
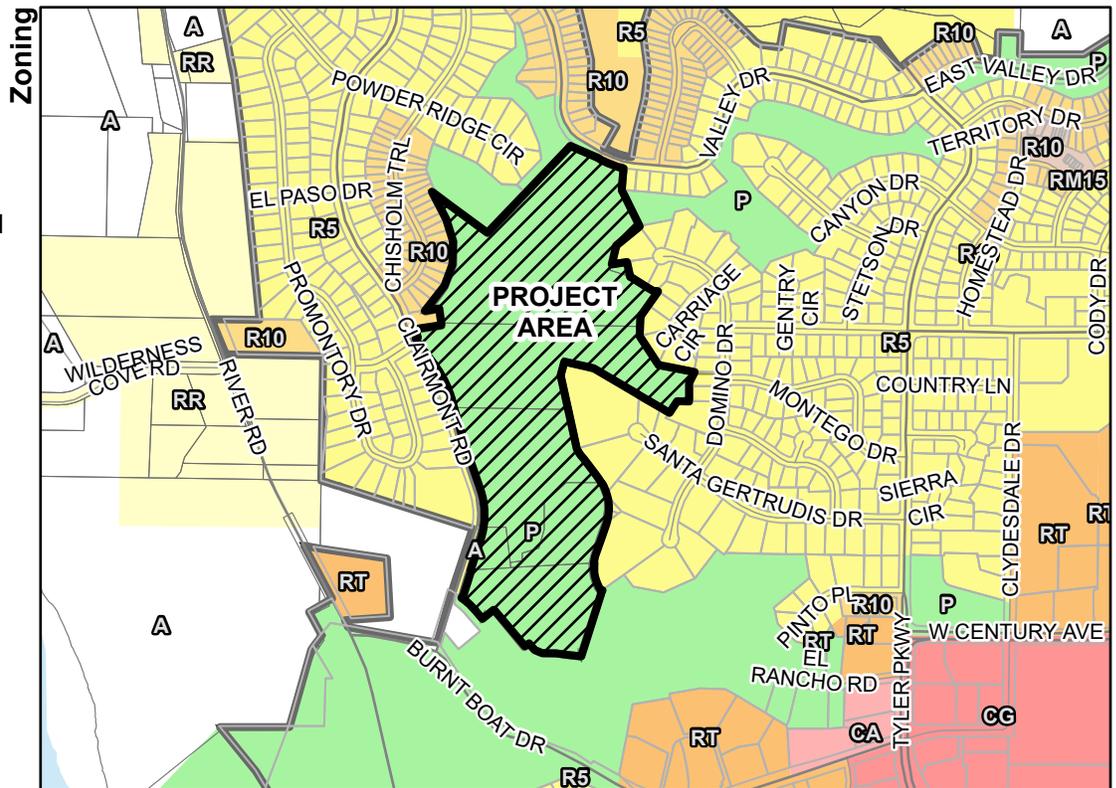
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

--- Future Shared Trail

Major Street Plan

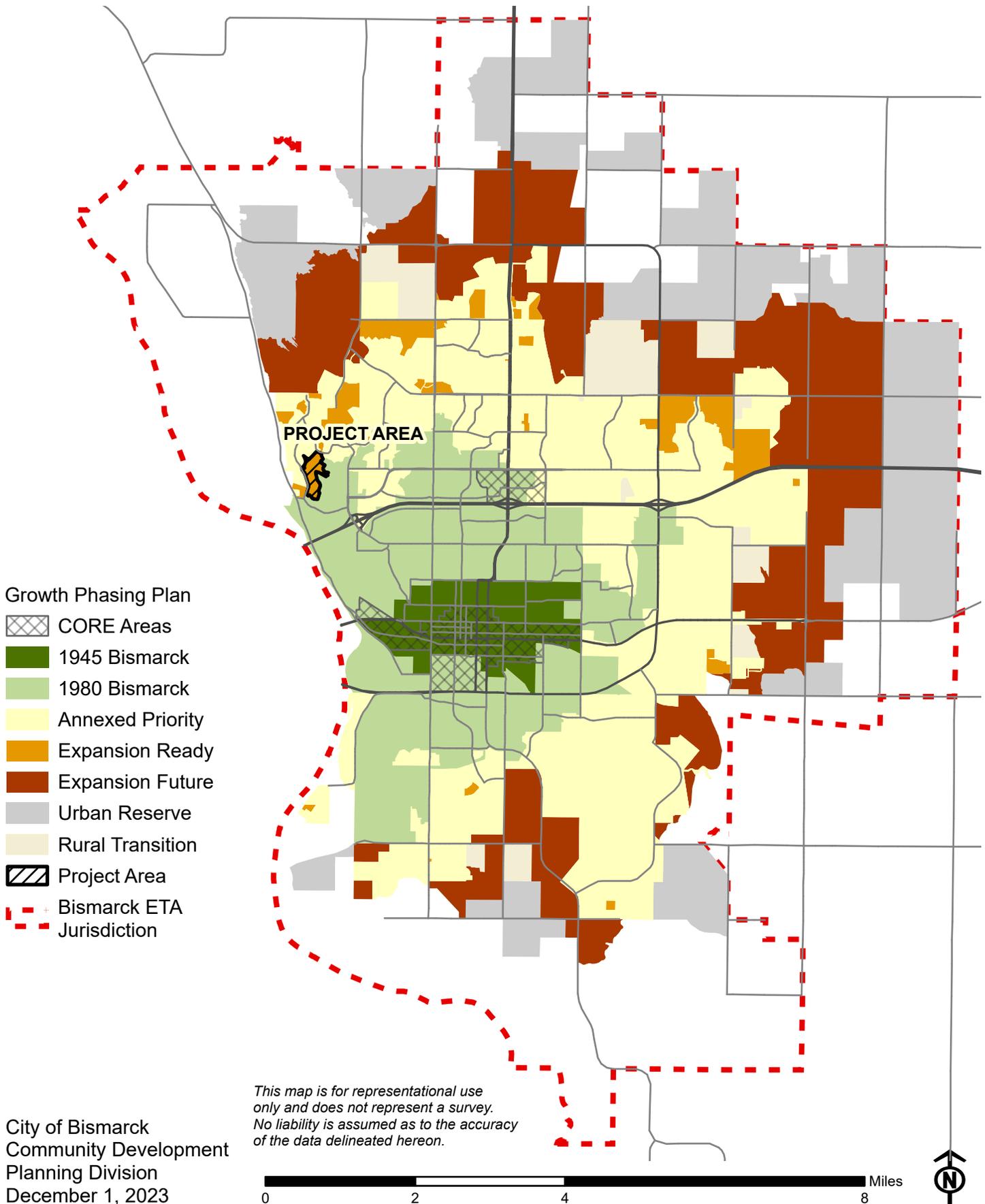
- Existing Arterial
- - - Future Arterial
- Existing Collector
- - - Future Collector
- Existing Interstate
- - - Future Interstate



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development
Planning Division
December 1, 2023





907775

\$20.00
Page: 2 of 5
8/27/2020 4:20 PM
Burlington County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT B Section 30 , Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST

LOT B 31-139-80-00-30-420, 414, 410, 417, 400

ALL THAT PART OF THE NORTH 1/2 OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BULLIUGH COUNTY

BEGINNING AT THE NORTHMOST CORNER OF LOT 1 BLOCK 4 COUNTRY WEST III; THENCE SOUTH 15 DEGREES 42 MINUTES 16 SECONDS WEST, ALONG THE BOUNDARY OF COUNTRY WEST III, A DISTANCE OF 100.19 FEET; THENCE SOUTH 12 DEGREES 16 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 500.93 FEET TO THE BOUNDARY OF TYLER'S WESTERN VILLAGE; THENCE SOUTHEASTERLY AND TO THE LEFT, ALONG SAID BOUNDARY, ON A 676.78 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 60 DEGREES 06 MINUTES 13 SECONDS EAST, AN ARC LENGTH OF 97.76 FEET; THENCE SOUTH 38 DEGREES 12 MINUTES 31 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 145.33 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID BOUNDARY, ON A 388.45 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 51 DEGREES 53 MINUTES 23 SECONDS WEST, AN ARC LENGTH OF 351.90 FEET; THENCE SOUTH 13 DEGREES 46 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 236.95 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY AND THE BOUNDARY OF VACATED TYLER'S WESTERN VILLAGE, ON A 288.68 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 76 DEGREES 29 MINUTES 17 SECONDS EAST, AN ARC LENGTH OF 352.30 FEET; THENCE SOUTH 33 DEGREES 48 MINUTES 51 SECONDS WEST, CONTINUING ALONG THE BOUNDARY OF VACATED TYLER'S WESTERN VILLAGE, A DISTANCE OF 381.12 FEET TO THE NORTH LINE OF TRACT CWXVI; THENCE NORTH 70 DEGREES 04 MINUTES 18 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 5.67 FEET; THENCE NORTH 84 DEGREES 19 MINUTES 45 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 200.00 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 90.55 FEET; THENCE NORTH 70 DEGREES 13 MINUTES 14 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 54.11 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 58.00 FEET; THENCE SOUTH 49 DEGREES 56 MINUTES 10 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 38.00 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 310.00 FEET; THENCE SOUTH 49 DEGREES 56 MINUTES 10 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 95.00 FEET; THENCE NORTH 40 DEGREES 03 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 62.21 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID NORTH LINE, ON A 510.46 FOOT RADIUS CURVE, AN ARC LENGTH OF 157.38 FEET TO THE EAST LINE OF CLAIRMONT ROAD RIGHT-OF-WAY; THENCE NORTH 18 DEGREES 00 MINUTES 27 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 417.33 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 533.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 72 DEGREES 03 MINUTES 13 SECONDS WEST, AN ARC LENGTH OF 343.92 FEET; THENCE NORTH 18 DEGREES 51 MINUTES 12 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 299.04 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID EAST LINE, ON A 1867.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 70 DEGREES 59 MINUTES 52 SECONDS EAST, AN ARC LENGTH OF 118.24 FEET; THENCE NORTH 15 DEGREES 28 MINUTES 23 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 185.30 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 783.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 74 DEGREES 35 MINUTES 51 SECONDS WEST, AN ARC LENGTH OF 314.27 FEET; THENCE NORTH 38 DEGREES 22 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 106.15 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 267.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 51 DEGREES 37 MINUTES 45 SECONDS WEST, AN ARC LENGTH OF 69.66 FEET TO THE BOUNDARY OF PROMONTORY POINT II ADDITION;



907775

\$20.00
Page: 3 of 5
8/27/2020 4:20 PM
Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT B Section 30 , Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST

LOT B

THENCE NORTH 72 DEGREES 07 MINUTES 55 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 13.87 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 43 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 52.42 FEET; THENCE NORTH 81 DEGREES 07 MINUTES 23 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 179.54 FEET; THENCE NORTH 07 DEGREES 30 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 16.04 FEET TO THE NORTH LINE OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 88 DEGREES 58 MINUTES 05 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 1331.79 FEET TO THE BOUNDARY OF COUNTRY WEST I REPLAT; THENCE SOUTH 03 DEGREES 48 MINUTES 33 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 61.81 FEET; THENCE SOUTH 32 DEGREES 55 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 227.98 FEET; THENCE SOUTH 78 DEGREES 19 MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 243.20 FEET; THENCE SOUTH 28 DEGREES 44 MINUTES 08 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 79.20 FEET; THENCE SOUTH 00 DEGREES 51 MINUTES 59 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 124.61 FEET TO THE BOUNDARY OF TYLER'S WESTERN VILLAGE; THENCE NORTH 89 DEGREES 35 MINUTES 36 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 79.30 FEET; THENCE SOUTH 35 DEGREES 52 MINUTES 14 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 91.62 FEET TO THE NORTH LINE OF COUNTRY WEST III; THENCE NORTH 59 DEGREES 16 MINUTES 37 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 565.03 FEET; THENCE NORTH 74 DEGREES 15 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 218.95 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 46.6 ACRES, MORE OR LESS.





907776

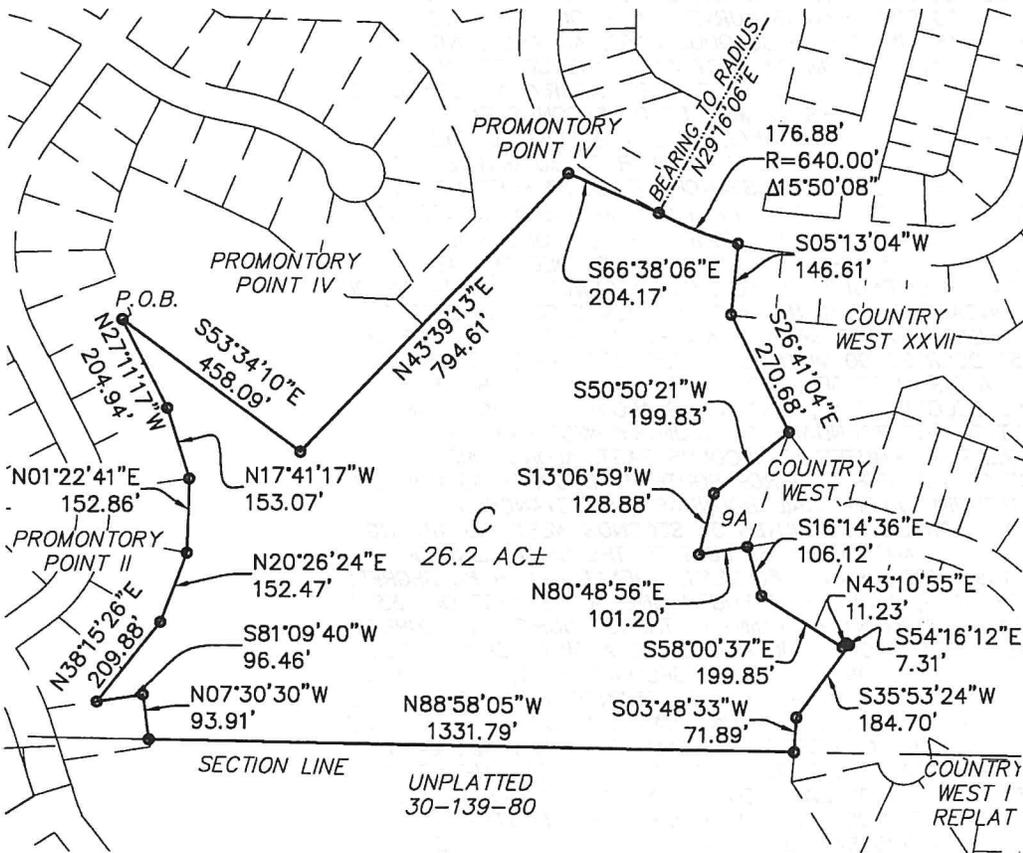
\$20.00
Page: 1 of 4
8/27/2020 4:20 PM
Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT C Section 19 , Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST



JULY 30, 2020
SCALE 1" = 300'





907776

\$20.00
Page: 2 of 4
8/27/2020 4:20 PM
Burleigh County

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39-N.D.C.C.)

PLAT OF

LOT C Section 19, Township 139 N, Range 80 W

Present Owner BELL BANK, TRUSTEE, C-FAMILY TRUST

LOT C 31-139-80-00-19-020, 017

ALL THAT PART OF THE SOUTH 1/2 OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BURLEIGH COUNTY

BEGINNING AT THE NORTHMOST CORNER OF LOT 8A BLOCK 3 PROMONTORY POINT II; THENCE SOUTH 53 DEGREES 34 MINUTES 10 SECONDS EAST, ALONG THE BOUNDARY OF PROMONTORY POINT IV, A DISTANCE OF 458.09 FEET; THENCE NORTH 43 DEGREES 39 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 794.61 FEET; THENCE SOUTH 66 DEGREES 38 MINUTES 06 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 204.17 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID BOUNDARY, ON A 640.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 29 DEGREES 16 MINUTES 06 SECONDS EAST, AN ARC LENGTH OF 176.88 FEET TO THE BOUNDARY OF COUNTRY WEST XXVII; THENCE SOUTH 05 DEGREES 13 MINUTES 04 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 146.61 FEET; THENCE SOUTH 26 DEGREES 41 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 270.68 FEET TO THE BOUNDARY OF COUNTRY WEST I; THENCE SOUTH 50 DEGREES 50 MINUTES 21 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 199.83 FEET TO THE BOUNDARY OF AUDITOR'S LOT 9A OF SECTION 19, TOWNSHIP 139 N, RANGE 80 W.; THENCE SOUTH 13 DEGREES 06 MINUTES 59 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 128.88 FEET; THENCE NORTH 80 DEGREES 48 MINUTES 56 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 101.20 FEET TO THE BOUNDARY OF COUNTRY WEST I; THENCE SOUTH 16 DEGREES 14 MINUTES 36 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 106.12 FEET; THENCE SOUTH 58 DEGREES 00 MINUTES 37 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 199.85 FEET; THENCE NORTH 43 DEGREES 10 MINUTES 55 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 11.23 FEET TO THE BOUNDARY OF COUNTRY WEST I REPLAT; THENCE SOUTH 54 DEGREES 16 MINUTES 12 SECONDS EAST, ALONG SAID BOUNDARY, A DISTANCE OF 7.31 FEET; THENCE SOUTH 35 DEGREES 53 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 184.70 FEET; THENCE SOUTH 03 DEGREES 48 MINUTES 33 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 71.89 FEET TO THE SOUTH LINE OF SECTION 30 TOWNSHIP 139 NORTH, RANGE 80 WEST; THENCE NORTH 88 DEGREES 58 MINUTES 05 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1331.79 FEET TO THE BOUNDARY OF PROMONTORY POINT II; THENCE NORTH 07 DEGREES 30 MINUTES 30 SECONDS WEST, ALONG SAID BOUNDARY, A DISTANCE OF 93.91 FEET; THENCE SOUTH 81 DEGREES 09 MINUTES 40 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 96.46 FEET; THENCE NORTH 38 DEGREES 15 MINUTES 26 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 209.88 FEET; THENCE NORTH 20 DEGREES 26 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 152.47 FEET; THENCE NORTH 01 DEGREES 22 MINUTES 41 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 152.86 FEET; THENCE NORTH 17 DEGREES 41 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 153.07 FEET; THENCE NORTH 27 DEGREES 11 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 204.94 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT CONTAINS 26.2 ACRES, MORE OR LESS.