

**Cass County Planning Commission Meeting**  
**Thursday, August 25, 2016 at 7:00 a.m.**  
**Cass County Highway Department Vector Conference Room**  
**1201 West Main Avenue in West Fargo**  
**Agenda**

Business Items:

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approve Meeting Minutes of July 28, 2016
5. New Business

A. Public Hearing Items:

**Beverly's First Subdivision** – A Minor subdivision in Section 26 of Watson Township

**Lockhart Subdivision** – A Minor subdivision in Section 16 of Noble Township

6. Other Business

- A. Final Plat Approval of Chris Hansen Subdivision and Corner Subdivision
- B. Proposed Moratorium
- C. Man Camps

7. Adjournment

**CASS COUNTY PLANNING COMMISSION  
JULY 28, 2016**

**1. MEETING TO ORDER**

A meeting of the Cass County Planning Commission was called to order on July 28, 2016, at 7:00 AM in the Vector Control Conference Room with members present as follows: Todd Ellig, Kevin Fisher, David Gust, Ken Lougheed, Keith Monson, Rick Steen, and Mark Wentz. Tim Mahoney was absent. Also present were Minor Subdivision Representative Steven Ackerman, County Engineer Jason Benson, County Planner Hali Durand, Mick Gee from Cenex Harvest States, Oly Olafson from Ulteig Engineering, Township Zoning Administrator Bob Staloch, and West Fargo Planning Director Larry Weil.

**2. MINUTES, APPROVED**

***MOTION, passed***

**Mr. Gust moved and Mr. Steen seconded to approve the minutes of the May 26, 2016, meeting as presented. Motion carried.**

**3. COMPREHENSIVE PLAN UPDATE**

Ms. Durand said she submitted a letter to the Cass County Commission with a recommendation to approve a contracted planning study with Metro COG to update the Cass County Comprehensive Plan. The item will be discussed at the next county commission meeting.

**4. CORNER SUBDIVISION (Minor Subdivision), Final plat approved**

Mr. Lougheed opened the public hearing.

An application for a Minor Subdivision (plat) was received by the Cass County Planning Office for approval of a tract of land located in part of the south half of the Northwest Quarter and the north half of the Southwest Quarter of Section 8 in Normanna Township to plat one lot for residential sale. The said tract contains 20.00 acres of land, more or less. The subdivision will continue to use public gravel roads, on-site septic sewer systems, ditches for storm sewer, and rural water. The existing land is and will remain agricultural.

Ms. Durand said there will be no new development, and the boundaries of the lots will simply change. As such, Ms. Durand asked if a deed restriction should still be required. Mr. Gust said despite the fact that no new development will take place, the deed restriction is part of the standard process.

Ms. Durand recommends approval of the Final Plat as it meets all required regulations.

The public hearing was closed.

***MOTION, passed***

**Mr. Gust moved and Mr. Wentz seconded to recommend approval to the Cass County Commission of the Final Plat for Corner Subdivision (Minor Subdivision) as presented.**

**Discussion: Mr. Ellig said a precedence has been set with the consistent enforcement of the deed restriction requirement; the process should not be changed now. Motion carried.**

**5. CHRIS HANSEN SUBDIVISION (Minor Subdivision), Final plat approved**

Mr. Lougheed opened the public hearing.

An application for a Minor Subdivision (plat) was received by the Cass County Planning Office for approval of a tract of land located in part of the Southwest Quarter of the Southwest Quarter of Section 21 in Bell Township to plat two lots for sale and residential development. The said tract contains 10.097 acres of land, more or less. The subdivision will use public gravel roads, on-site septic sewer systems, ditches for storm sewer, and rural water. The existing land is and will remain agricultural.

Ms. Durand said the existing lot will be divided in two and an additional home will be built; a deed restriction up to 80 acres is required.

There was discussion on the protocol and purpose of deed restrictions.

Ms. Durand recommends approval of the Final Plat as it meets all required regulations.

The public hearing was closed.

***MOTION, passed***

**Mr. Ellig moved and Mr. Monson seconded to recommend approval to the Cass County Commission of the Final Plat for Chris Hansen Subdivision (Minor Subdivision) as presented. Motion carried.**

**6. KINDRED I94 EXIT SUBDIVISION (Minor Subdivision), Final plat approved**

Mr. Lougheed opened the public hearing.

An application for a Minor Subdivision (plat) was received by the Cass County Planning Office for approval of a tract of land located in part of the north half of Section 4 in Mapleton Township to plat two lots for sale and heavy commercial/light industrial development. The said tracts contain 123.95 acres of land, more or less. The subdivision will use county road access, on-site septic sewer systems, ditches for storm sewer, and rural water. The existing land is agricultural.

Ms. Durand said all permits have been approved by Mapleton Township. The eastern lot is in the West Fargo extraterritorial (ET) jurisdiction and will remain agricultural. The western lot is in the joint extraterritorial jurisdiction and has been rezoned for heavy commercial/light industrial development.

Mr. Lougheed asked if the entire section is included in West Fargo's ET. Ms. Durand said the eastern lot is exclusively West Fargo ET; the western lot has joint jurisdiction between West Fargo ET and Mapleton ET.

West Fargo Planning Director Larry Weil said legislation defined the joint ET area. Mapleton Township leads the jurisdiction, but notifies West Fargo of plans in the area and asks for comments or concerns.

Ms. Durand said the plat will go before the West Fargo Planning and City Commissions for review, and there will be a 30 day comment period afterwards.

Mr. Ellig said the storage tank project was previously proposed in a different location and ultimately rejected. Mr. Ellig asked why the project has now been approved by multiple jurisdictions with no resistance. Oly Olafson of Ulteig Engineering said the citizens of Raymond Township, which was the jurisdiction of the first proposed site of the project, did not want the project in their jurisdiction. When the project was subsequently presented at a Mapleton Township meeting there were questions but no strong opposition.

Mr. Weil said the only concern that has arisen with the current site is an access road. Mick Gee from Cenex Harvest States said it is in the best interest of the company to maintain the access road.

Ms. Durand recommends approval of the Final Plat as it meets all required regulations.

The public hearing was closed.

***MOTION, passed***

**Mr. Steen moved and Mr. Ellig seconded to recommend approval to the Cass County Commission of the Final Plat for Kindred 194 Exit Subdivision (Minor Subdivision) as presented. Motion carried.**

**7. PROPOSED SALE**

Ms. Durand said she was contacted about a proposed sale in Lake Township. The seller would like to deviate from the Subdivision Ordinance and use a Certificate of Survey in lieu of going through the platting process for the sale of the property. The seller would deed restrict as required.

Mr. Ellig said if an exception is made for this case, it will set a precedence for future requests to deviate from the ordinance. It is also not fair to those who have adhered to the ordinance in the past.

Mr. Gust said there is a purpose to the ordinance and it should be enforced.

**8. WHEATLAND HUTTERITE COLONY**

Ms. Durand said rough plans have been received for a Hutterite colony near Tower City. The intention of the colony would be to farm and build homes on the land, which would qualify the site as a major subdivision; however, the colony would not have the living requirements of a traditional subdivision. No application has been received at this time.

Mr. Gust said the colony could be considered agriculture-related and it may be up to the township whether or not to permit the build.

Mr. Lougheed said the colony may also be of single ownership, whether by a single person or by committee, and a single dwelling could house multiple families. Mr. Lougheed thanked Ms. Durand for the advanced notice.

**9. OLD BUSINESS**

Ms. Durand said the Buffalo 345KV, Strand, and Nelson Hest Subdivisions have been recorded.

The Planning Office has already received an application for next month's meeting.

Mr. Weil said West Fargo will be completing a comprehensive plan and will be seeking widespread public input. A firm has been selected but no contract has been entered into. Public meeting dates will be published at a later time.

**10. ADJOURNMENT**

**On motion by Mr. Gust, seconded by Mr. Steen, and all voting in favor, the meeting was adjourned at 8:03 AM.**



## Final Plat Report

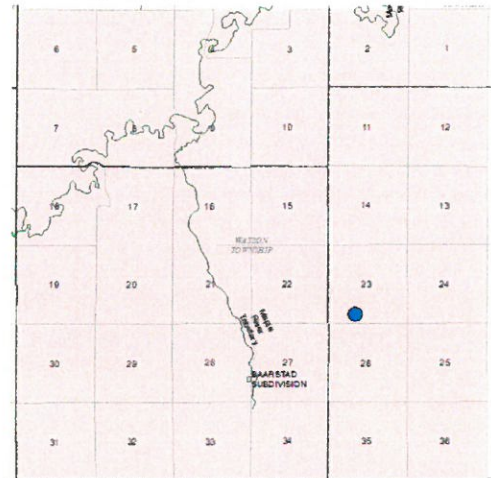
**Title:** Beverly's First Subdivision  
**Owner(s):** Beverly A Kellerman  
**Applicant:** Beverly A Kellerman  
**Type of Request:** Minor Subdivision (2 lots)  
**Status:** Final Hearing at the August 25, 2016 Planning Commission Meeting

**Proposal:**

An application for a Minor Subdivision (plat) has been received by the Cass County Planning Office for approval of a tract of land located in a part of the Southwest Quarter of Section 26 in Watson Township to plat 2 lots. One lot is currently developed and the second lot will be for new residential development. The said tracts contain 7.397 acres of land, more or less. The subdivision will use private gravel roads, rural water, on-site septic sewer systems, and ditches for storm sewer. Ownership and maintenance of the subdivision will be the owner's responsibility.

**Existing and Proposed Land Use:** The existing land is and will remain Agricultural.

**Vicinity Map:**



**Staff Analysis:**

The proposed subdivision is located north of 53rd Street SE and east of County Road 5. The subject property is bound by agricultural land and the proposed use is consistent with Township Ordinances. A deed restriction will need to be recorded for land up to eighty acres.

The proposed plat is currently within an unmapped area therefore no flood determination has been made. According to the preliminary western cass flood study this area is also within Zone X. A wetland area is present to the east of the subject tract and is noted on the plat. The wetland area will not impede with development.

**Agency Comments**

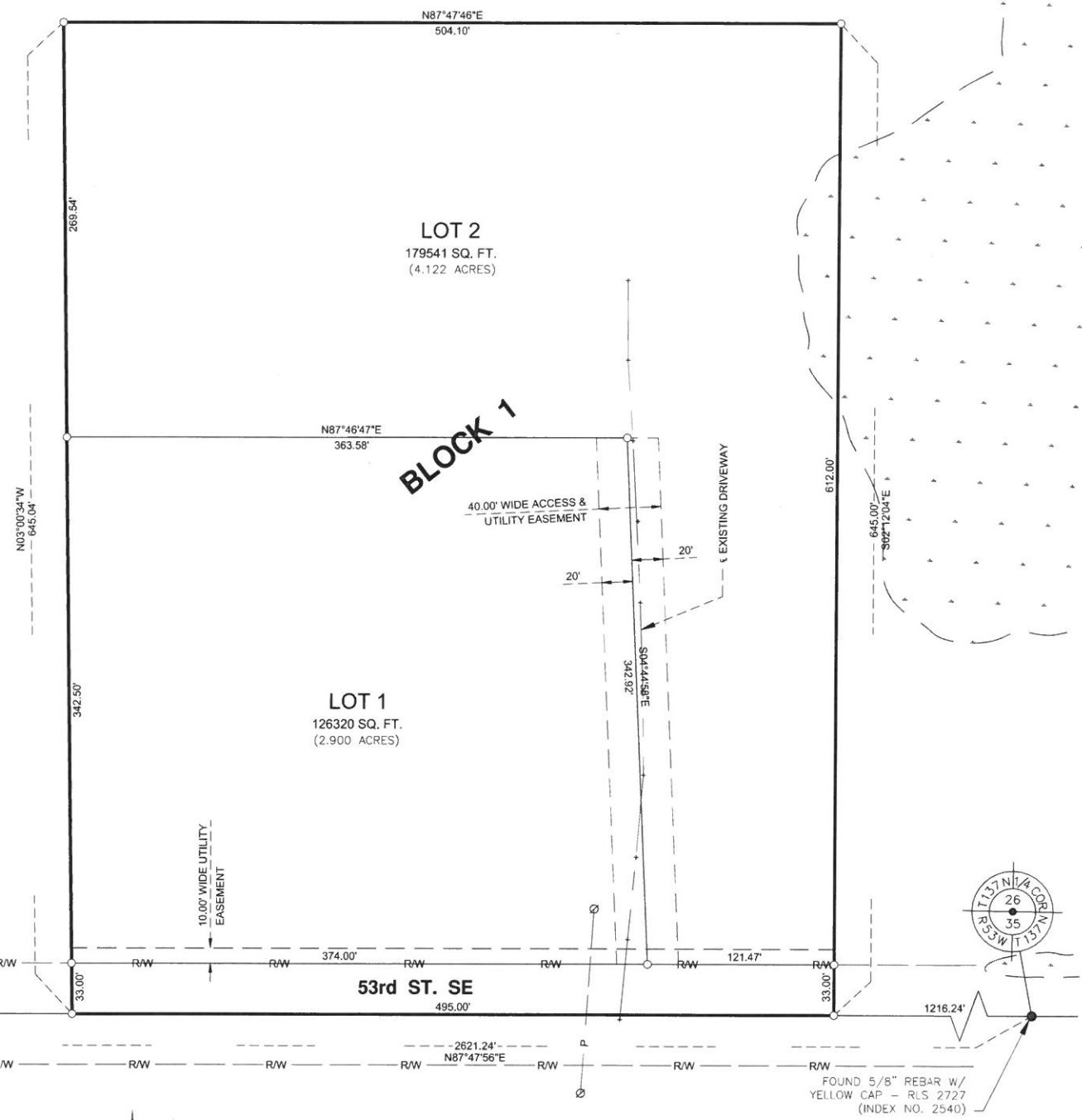
Cass County Engineer	There are no concerns.
Water Resource District	No comment.
Cass County Electric Cooperative	No comment.
Century Link	No comment.
Xcel Energy (Gas Company)	No comment.
Cass Rural Water	There is an existing water line running along the north side of 53rd Street SE at the location which serves the property adjacent to this site. As a result, there are no additional easements that would be needed.
County Sanitarian	A septic permit has been issued for Lot 1. Due to the variability of soils and the depth of the water table, a soil test would be required for Lot 2.
Township Chairman	There are no concerns.
Public Comment	No comments have been submitted.

**Recommendation:**

To recommend approval of the Final Plat to the Cass County Board of Commissioners as presented as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, and the Cass County Subdivision Ordinance, and all other applicable regulations.

# BEVERLY'S FIRST SUBDIVISION

BEING A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 26, T. 137 N., R. 53 W., 5th P.M. CASS COUNTY, NORTH DAKOTA



**LEGEND**

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
POWER POLE	⊗
POWER LINE	— P —
WETLAND	[Hatched Box]

- NOTES**
- Wetland information shown is based on National Wetlands Inventory mapping which has been adjusted to fit the existing topography using a Digital Elevation Model obtained from the International Water Institute LIDAR elevation data collected in the spring of 2008.
  - Measured bearings shown are based on the North Dakota State Plane South Zone Coordinate System.
  - Measured distance shown ground distances in U.S. Survey Feet, and are based on the NDDOT Cass County Coordinate System. Scale Factor = 1.0001125127

**Owner's Certificate:**

Know All Persons By These Presents: Beverly A. Kellerman, a single person, is the Owner and Proprietor of that part of the Southwest Quarter of Section 26, Township 137 North, Range 53 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

COMMENCING at the Southwest Corner of said Section 26; thence North 87°47'56" East (assumed bearing), along the southerly line of the Southwest Quarter of said Section 26, for a distance of 910.00 feet to the TRUE POINT OF BEGINNING; thence continue North 87°47'56" East, along the southerly line of the Southwest Quarter of said Section 26, for a distance of 495.00 feet; thence North 02°12'04" West for a distance of 645.00 feet; thence South 87°47'46" West for a distance of 504.10 feet; thence South 03°00'34" East for a distance of 645.04 feet to the TRUE POINT OF BEGINNING.

Said tract contains 7.397 acres, more or less.

And that said party has caused the same to be surveyed and platted as BEVERLY'S FIRST SUBDIVISION, and does hereby dedicate to the public for public use the Public Street and the 10.00-foot wide Utility Easements as shown on the plat, and does hereby dedicate to the present and future owners of Lots 1 and 2 the 40.00-foot wide Access and Utility Easement shown on the plat.

In witness whereof I have set my hand and seal

**Owner:**

Beverly A. Kellerman

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared Beverly A. Kellerman, a single person, known to be the person described in and who executed the foregoing instrument and acknowledged that she executed same as her free act and deed.

Notary Public: \_\_\_\_\_

**Surveyor's Certificate:**

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that the plat hereon is a true and correct representation of the survey thereof, that all distances are correctly shown on said plat in feet and decimals of a foot, and that the monuments for the guidance of future surveys have been placed in the ground as shown.

Curtis A. Skarphol  
North Dakota PLS No. 4723

State of North Dakota )  
County of Cass ) ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared Curtis A. Skarphol, known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

Notary Public: \_\_\_\_\_

**Cass County Engineer:**

Reviewed by the Cass County Engineer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Jason Benson, Cass County Engineer

**Cass County Planning Commission:**

Reviewed by the Cass County Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Ken Lougheed, Chairman

Attest: \_\_\_\_\_  
Secretary

**Watson Township:**

Reviewed by Watson Township, Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Clayton Brown, Chairman

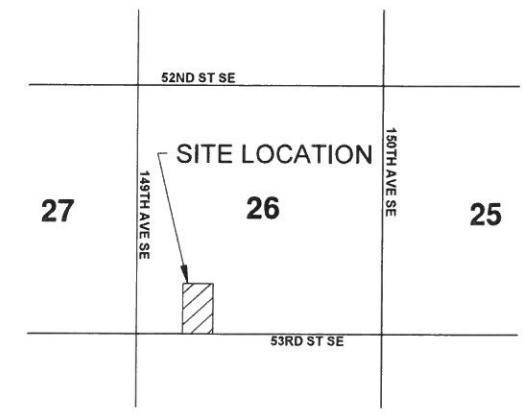
Attest: \_\_\_\_\_  
Lon Hegvick Torgerson, Clerk

**Cass County Board Of Commissioners' Approval:**

Approved by Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chad M. Peterson, Chairman

Attest: \_\_\_\_\_  
Michael Montplaisir, Cass County Auditor



**VICINITY MAP**  
1" = 2000'

Project No. 7060-011





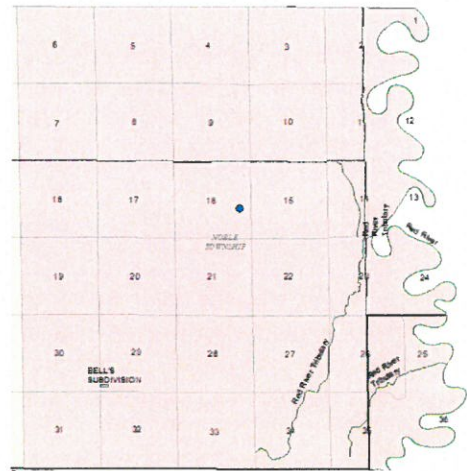
## Final Plat Report

**Title:** Lockhart Subdivision  
**Owner(s):** Douglas & Nancy Resvold  
**Applicant:** Nicholas Pribula, LS  
**Type of Request:** Minor Subdivision (2 lots)  
**Status:** Final Hearing at the August 25, 2016 Planning Commission Meeting

**Proposal:**

An application for a Minor Subdivision (plat) has been received by the Cass County Planning Office for approval of a tract of land located in a part of the Southeast Quarter of Section 16 in Noble Township to plat 2 lots. One lot is currently developed and the second lot will be created due to financing requirements. The said tracts contain 13.57 acres of land, more or less. The subdivision will use private gravel roads, rural water, on-site septic sewer systems, and ditches for storm sewer. Ownership and maintenance of the subdivision will be the owner's responsibility.

**Vicinity Map:**



**Existing and Proposed Land Use:**

The existing land is and will remain Agricultural.

**Staff Analysis:**

The proposed subdivision is located north of 15th Street SE and east of 171st Ave SE. The subject property is bound by agricultural land and the proposed use is consistent with Township Ordinances. A deed restriction will need to be recorded for land up to eighty acres.

The proposed plat is currently within an unmapped area therefore no flood determination has been made. According to the preliminary western cass flood study this area will be in the AE flood zone. If any development were to occur, it is recommended to adhere to the Flood Damage Prevention Ordinance even though a final determination has not been made. This will alleviate future problems and requirements as may be determined.

**Agency Comments**

Cass County Engineer	There are no concerns.
Water Resource District	No comment.
Cass County Electric Cooperative	No comment.
Century Link	No comment.
Xcel Energy (Gas Company)	No comment.
Cass Rural Water	Cass Rural Water District has a vacant service that can be reactivated if development occurs. There is no need for additional easements.
County Sanitarian	There is no record of a soil test being done for the Lockhart Subdivision.
Township Chairman	There are no concerns.
Public Comment	No comments have been submitted.

**Recommendation:**

To recommend approval of the Final Plat to the Cass County Board of Commissioners as presented as it meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, and the Cass County Subdivision Ordinance, and all other applicable regulations.

# LOCKHART SUBDIVISION

(A MINOR SUBDIVISION)

BEING A PLAT OF PART OF THE SOUTHEAST QUARTER, SECTION 16,  
TWP. 143 N., R. 49 W. CASS COUNTY, NORTH DAKOTA

PRELIMINARY  
(7-14-16)

**Owners' Certificate:**

Know All Persons By These Presents: Douglas Rensvold and Nancy Rensvold, husband and wife, are the Owners and Proprietors of that part of the Southeast Quarter of Section 16, Township 143 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence North 00 degrees 00 minutes 00 second East, assumed bearing, along the east line of said Southeast Quarter, a distance of 1240.00 feet to the point of beginning of that tract of land to be described herein; thence continuing North 00 degrees 00 minutes 00 seconds East along the east line of said Southeast Quarter, a distance of 580.00 feet; thence North 87 degrees 38 minutes 16 seconds West, a distance of 590.00 feet; thence North 01 degree 53 minutes 37 seconds West, a distance of 110.00 feet; thence North 88 degrees 52 minutes 15 seconds West, a distance of 440.00 feet; thence South 00 degrees 28 minutes 36 seconds West, a distance of 445.00 feet; thence South 87 degrees 51 minutes 23 seconds East, a distance of 270.00 feet; thence South 00 degrees 39 minutes 51 seconds West, a distance of 255.00 feet; thence South 89 degrees 02 minutes 34 seconds East, a distance of 770.00 feet to the point of beginning.

Said tract of land contains 13.57 acres, more or less.

And that said parties have caused the same to be surveyed and platted as LOCKHART SUBDIVISION, and do hereby dedicate to the public for public use the 33.00 foot wide Public Street as shown on this plat.

In witness whereof we have set our hand and seals

**Owners Of Land Platted Herein:**

Douglas Rensvold (Husband)

Nancy Rensvold (Wife)

STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, a notary public within and for said county and state, personally appeared Douglas Rensvold and Nancy Rensvold, Husband and Wife, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public, Cass County, ND  
My Commission Expires: \_\_\_\_\_

**Surveyor's Certificate:**

I, Nicholas P. Pribula, Registered Land Surveyor in the State of North Dakota, do hereby certify this map is a true and complete survey made by me or under my direct supervision and all dimensions, angles, and bearings are correct as shown.

Nicholas P. Pribula, Registered Land Surveyor  
North Dakota Registration, Number 8587

STATE OF MINNESOTA )  
COUNTY OF POLK ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, a notary public within and for said county and state, personally appeared Nicholas P. Pribula, known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public, Polk County, MN  
My Commission Expires: \_\_\_\_\_

**Noble Township:**

Reviewed by Noble Township, Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 2016:

Ron Ellenson, Chairman

Attest: \_\_\_\_\_  
Nancy Rensvold, Clerk

**Cass County Engineer:**

Reviewed by the Cass County Engineer, this \_\_\_\_ day of \_\_\_\_\_, 2016:

Jason Benson, Cass County Engineer

**Cass County Planning Commission:**

Reviewed by the Cass County Planning Commission, this \_\_\_\_ day of \_\_\_\_\_, 2016:

Ken Lougheed, Chairman

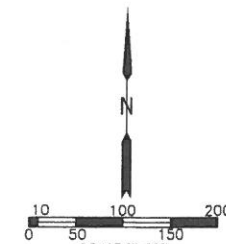
Attest: \_\_\_\_\_  
Secretary

**Cass County Board Of Commissioners:**

Reviewed by the Cass County Board of Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2016:

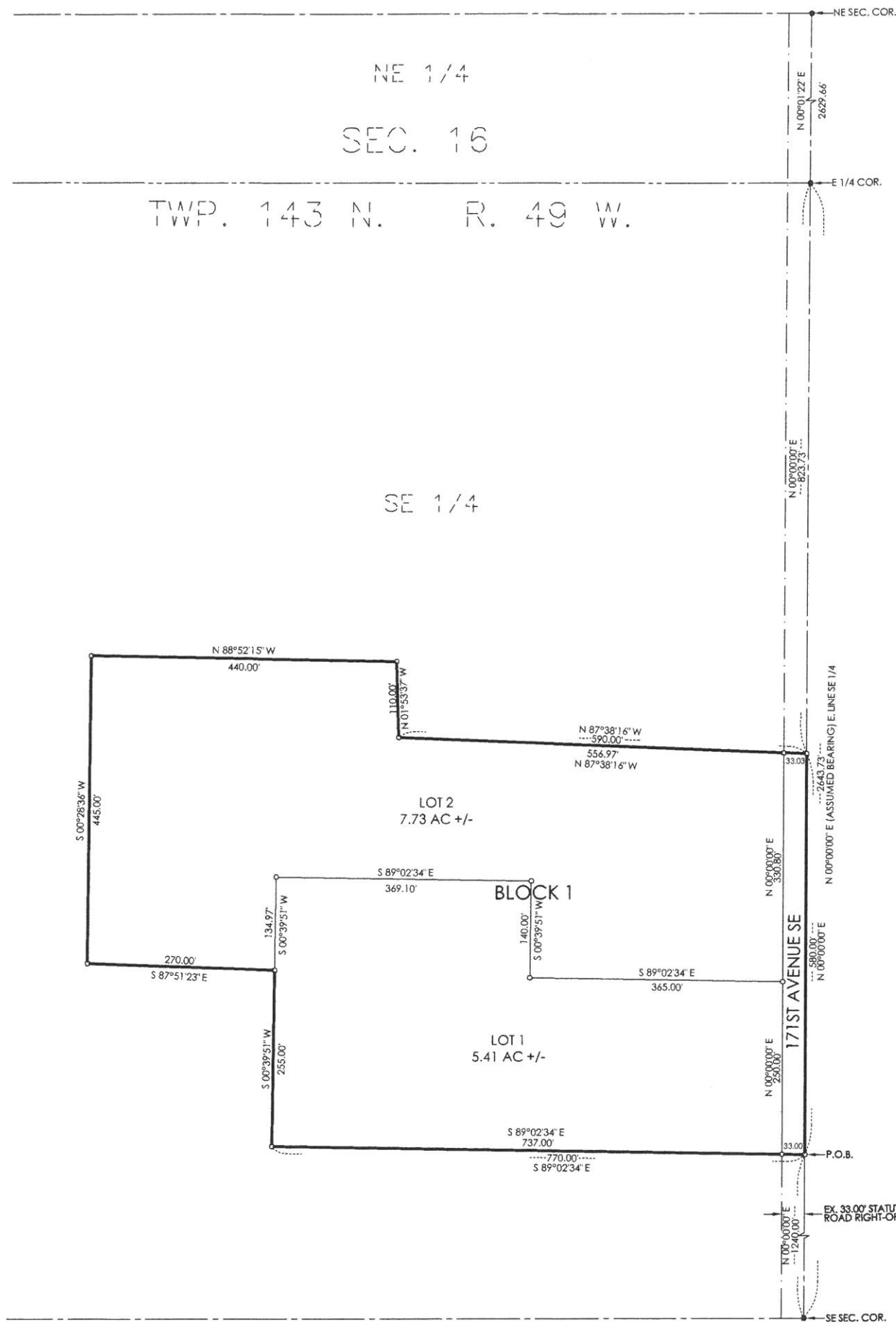
Mary Scherling, Chairwoman

Attest: \_\_\_\_\_  
Michael Montplaisir, Cass County Auditor



MONUMENT FOUND  
SET MONUMENT  
PLAT BOUNDARY LINE  
INTERIOR LOT LINE  
SECTION LINE  
QUARTER LINE  
RIGHT-OF-WAY LINE

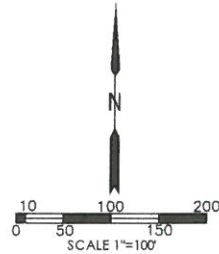
**VICINITY MAP**  
SCALE: 1" = 5,000'







**PRELIMINARY**  
(7-14-16)



- LEGEND**
- MONUMENT FOUND
  - SET MONUMENT
  - PLAT BOUNDARY LINE
  - - - INTERIOR LOT LINE
  - SECTION LINE
  - QUARTER LINE
  - RIGHT-OF-WAY LINE

**VICINITY MAP**  
SCALE: 1" = 5,000'



**LOCKHART SUBDIVISION**

(A MINOR SUBDIVISION)  
BEING A PLAT OF PART OF THE SOUTHEAST QUARTER, SECTION 16,  
TWP. 143 N., R. 49 W. CASS COUNTY, NORTH DAKOTA

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Said tract of land contains 13.57 acres, more or less.

And that said parties have caused the same to be surveyed and platted as LOCKHART SUBDIVISION, and do hereby dedicate to the public for public use the 33.00 foot wide Public Street as shown on this plat.

In witness whereof we have set our hand and seals

**Owners Of Land Platted Herein:**

\_\_\_\_\_  
Douglas Rensvold (Husband)

\_\_\_\_\_  
Nancy Rensvold (Wife)

STATE OF NORTH DAKOTA )  
COUNTY OF CASS ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, a notary public within and for said county and state, personally appeared Douglas Rensvold and Nancy Rensvold, Husband and Wife, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

\_\_\_\_\_  
Notary Public, Cass County, ND  
My Commission Expires: \_\_\_\_\_

**Surveyor's Certificate:**

I, Nicholas P. Pribula, Registered Land Surveyor in the State of North Dakota, do hereby certify this map is a true and complete survey made by me or under my direct supervision and all dimensions, angles, and bearings are correct as shown.

\_\_\_\_\_  
Nicholas P. Pribula, Registered Land Surveyor  
North Dakota Registration, Number 8587

STATE OF MINNESOTA )  
COUNTY OF POLK ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, a notary public within and for said county and state, personally appeared Nicholas P. Pribula, known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

\_\_\_\_\_  
Notary Public, Polk County, MN  
My Commission Expires: \_\_\_\_\_

**Noble Township:**

Reviewed by Noble Township, Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 2016:

\_\_\_\_\_  
Ron Ellenson, Chairman

Attest: \_\_\_\_\_  
Nancy Rensvold, Clerk

**Cass County Engineer:**

Reviewed by the Cass County Engineer, this \_\_\_\_ day of \_\_\_\_\_, 2016:

\_\_\_\_\_  
Jason Benson, Cass County Engineer

**Cass County Planning Commission:**

Reviewed by the Cass County Planning Commission, this \_\_\_\_ day of \_\_\_\_\_, 2016:

\_\_\_\_\_  
Ken Loughheed, Chairman

Attest: \_\_\_\_\_  
Secretary

**Cass County Board Of Commissioners:**

Reviewed by the Cass County Board of Commissioner's, this \_\_\_\_ day of \_\_\_\_\_, 2016:

\_\_\_\_\_  
Mary Scherling, Chairwoman

Attest: \_\_\_\_\_  
Michael Montplaisir, Cass County Auditor