

WEST FARGO SIXTH ADDITION
QUIT CLAIM DEED AND AFFIDAVIT OF POSSESSION

SUGGESTED MOTION:

Move to authorize the chairman to sign a Quit Claim Deed and Affidavit of Possession for Lot 1 Block 1 in West Fargo Sixth Addition to reserve county road right-of-way.



RECEIVED
CASS COUNTY COMMISSION

Offices in West Fargo, Hillsboro, Casselton and
Page, North Dakota, and Barnesville, Minnesota

JAN 16 2018

Manfred R. Ohnstad 1914 - 1987
Bradley J. Burgum 1952 - 2010
Daniel R. Twichell 1927 - 2013
Brian D. Neugebauer 1951 - 2014

January 10, 2018

Lukas D. Andrud*
Katie J. Bertsch*
Brent T. Boeddeker
Calley B. Campbell
Andrew D. Cook*
Lukas W. Croaker*
Susan L. Ellison*
Sean M. Fredricks*
Jacob L. Geiermann*
Alexander B. Gruchala
Stephen R. Hanson II*
Robert G. Hoy*
John A. Juelson
Keven J. Kercher*
Tyler J. Leverington*
Delvin J. Losing*
Marshall W. McCullough*
Christopher M. McShane*
Elle M. Molbert
Robert E. Rosenvold*
John T. Shockley*
Michael P. Sly*
Sara K. Sorenson*
Michel W. Stefanowicz
Jeffrey R. Strom
David L. Wanner
Sarah M. Wear*

Heather Worden
Administrative Assistant
Cass County Commission
P. O. Box 2806
Fargo, ND 58108-2806

Re: Plat of West Fargo Sixth Addition
Our File No. 16-08-76

Dear Heather:

You may recall that during the platting process for the Plat of West Fargo Sixth Addition there were numerous title issues identified. Most were resolved at the time of execution of the Plat. However, our title examination identified two possible lingering ownership interests caused by gaps and overlaps in the legal descriptions used over the years, potentially leaving small interests held by Norman Diede and the Max and Anne Goldberg Foundation. It did not appear the tracts affected were entirely within the boundaries of one of the three entities owning property within the platted area (Cass County, Southeast Cass Water Resource District and the City of West Fargo). Therefore, for the sake of simplicity, Quit Claim Deeds from Norman Diede and the Max and Anne Goldberg Foundation, describing all of West Fargo Sixth Addition were obtained; and following the recording of the Plat, these Quit Claim Deeds were recorded.

In order to finish up the title curative process, we respectfully request that the County execute the enclosed Quit Claim Deed in favor of the City of West Fargo covering all of West Fargo Sixth Addition, less Lot 1, Block 1 (which Cass County signed the Plat as owner of, and reserving to Cass County its Highway 10 right-of-way) as well as the enclosed Affidavit of Possession.

Once those documents are signed and returned to me, the City of West Fargo will execute two Quit Claim Deeds, the first to the County for Lot 1, Block 1, West Fargo Sixth Addition, and the second to Southeast Cass Water Resource District for Lots 3, 5, 6, 7 and 8 of Block 1, West Fargo Sixth Addition. Southeast Cass Water Resource District and the City of West Fargo will also each sign and record Affidavits of Possession with respect to their lots as well, which should conclude the title curative process for this subdivision.


*Also licensed in Minnesota
*Licensed in Minnesota only

Heather Worden
January 10, 2018
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A return envelope is included for your convenience in returning the signed documents to me. Please do not hesitate to contact me if you have any questions or need anything further.

Sincerely,

OHNSTAD TWICHELL, P.C.



Lukas D. Andrud

LDA:kmm
Encs.

QUIT CLAIM DEED

THIS INDENTURE, Made this ____ day of _____, 2018, Cass County, a North Dakota political subdivision, GRANTOR, and the City of West Fargo, a municipal corporation, GRANTEE, whose post office address is 800 Fourth Avenue East, West Fargo, North Dakota 58078.

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, GRANTOR does hereby QUIT CLAIM to the GRANTEE all of the following real property lying and being in the County of Cass, and State of North Dakota, and described as follows:

All of West Fargo Sixth Addition to the City of West Fargo, Cass County, North Dakota, less Lot 1, Block 1.

RESERVING ITS EASEMENTS AND RIGHT-OF-WAY IN AND TO CASS HIGHWAY NO. 10.

WITNESS, The hand of the GRANTOR:

CASS COUNTY, a North Dakota political subdivision

By: Rick Steen
Its: Chairman

By: Michael Montplaisir
Its: Auditor

AFFIDAVIT OF POSSESSION

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

Rick Steen, being first duly sworn on oath, deposes and says that Affiant is, at the date this Affidavit is made, the Chairman of the Board of Commissioners of Cass County, a North Dakota political subdivision, the record title holder of the following-described property in the County of Cass and State of North Dakota:

Lot 1, Block 1, West Fargo Sixth Addition to the City of West Fargo, Cass County, North Dakota.

And that Cass County, a North Dakota political subdivision, and its immediate and remote grantors have an unbroken record chain of title in fee simple to said premises above-described, for twenty (20) years or more, and Cass County, a North Dakota political subdivision, is on the date hereof, in possession of said property.

This Affidavit is made for the purpose of recording evidence of possession pursuant to the North Dakota Marketable Record Title Act, North Dakota Century Code § 47-19.1.

Dated this ____ day of _____, 2018.

CASS COUNTY, a North Dakota political
subdivision

By: Rick Steen
Its: Chairman

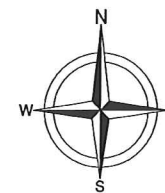
Subscribed and sworn to before me this ____ day of _____, 2018.

Notary Public, Cass County, ND
My Commission Expires:

(SEAL)

PLAT OF
WEST FARGO SIXTH ADDITION
 TO THE CITY OF WEST FARGO, A PART OF THE SOUTH HALF OF
 SECTION 31, TOWNSHIP 140 NORTH, RANGE 49 WEST,
 CASS COUNTY, NORTH DAKOTA, INCLUDING PART OF AUDITOR'S
 LOT 2 OF THE SOUTHEAST QUARTER OF SAID SECTION 31.

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5501
 - (278,677) LOT AREA IN SQUARE FEET
 - "L" ARC LENGTH
 - "R" RADIUS LENGTH
 - Δ CENTRAL ANGLE
- ALL 10' UTILITY EASEMENTS SHOWN THUS UNLESS OTHERWISE NOTED:



0 150
 Scale in Feet

BASIS OF BEARINGS: THE SOUTH LINE OF SECTION 31, TOWNSHIP 140 NORTH, RANGE 49 WEST HAS AN ASSIGNED BEARING OF S89°16'05"W.



AUDITOR'S OFFICE
 COUNTY OF CASS, NORTH DAKOTA
 10/19/2017
 Taxes and Special Assessments paid and transfer entered.
Mark M. ... AUDITOR
 DJT DEPUTY

1523436
 Page: 1 of 2
 10/19/2017 3:08 PM
 PLAT \$20.00

RECORDER'S OFFICE, CASS COUNTY, ND 10/19/2017 3:08 PM
 I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
 JEWEL A. SPIES, COUNTY RECORDER
 by *Jessica A. Kirby* Dep. 1523436
 Recorded Electronically

