



MEMORANDUM

Highway Department

Jason Benson, P.E.
County Engineer

Thomas B. Soucy, P.E.
Deputy County Engineer

Blaine Laaveg
Superintendent

TO: Cass County Board of Commissioners
FROM: Grace Puppe, Cass County Planner
DATE: April 13, 2020
SUBJECT: Consent Agenda Topic for the April 20, 2020
Commission Meeting: Hamre Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Watson Township, Section 8 at a Public Hearing on February 27, 2020. The intended purpose of the subdivision is to correct an error of acres deeded from 10 to approximately 1.15 acres. Mr. Rettig is in the process of selling the property and the error must be corrected.

The Planning Commission is recommending approval of the proposed plat entitlement request and Watson Township has verified that they do not have township zoning requirements. Therefore, the Planning Commission recommendation is forwarded to the Cass County Board of Commissioners for action.

SUGGESTED MOTION:

To accept the findings and recommendations of the Planning Commission and staff and recommend approval of the Final Plat, as the proposal meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance, and all other applicable regulations.

1201 Main Avenue West
West Fargo, North Dakota
58078-1301

701-298-2370
Fax: 701-298-2395

Minor Subdivision

Hamre Subdivision

Watson, Section 8 - Township 137 North - Range 53 West



Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



PLAT OF HAMRE SUBDIVISION

A MINOR SUBDIVISION

PART OF THE SW1/4 OF THE SW1/4 OF SECTION 8 TOWNSHIP 137 NORTH RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN
COUNTY OF CASS, STATE OF NORTH DAKOTA

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT JEFF HAMRE OF LEONARD, NORTH DAKOTA AND THOMAS P RETTIG SR OF LEONARD, NORTH DAKOTA, ARE THE OWNERS OF HAMRE SUBDIVISION DESCRIBED AS FOLLOWS;

PART OF THE SW1/4 OF THE SW1/4 OF SECTION 8, TOWNSHIP 137 NORTH, RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN, COUNTY OF CASS, STATE OF NORTH DAKOTA.

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8 THENCE S89°44'09"W ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 4571.95 FEET TO THE POINT OF BEGINNING; THENCE N00°15'51"W A DISTANCE OF 33.00 FEET; THENCE N01°26'20"E A DISTANCE OF 356.62 FEET; THENCE S80°49'28"W A DISTANCE OF 161.98 FEET; THENCE S07°18'00"E A DISTANCE OF 333.89 FEET; THENCE S00°15'51"E A DISTANCE OF 33.00 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE N89°44'09"E ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 108.56 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS ±1.15 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF SIGHT AND RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS HAMRE A MINOR SUBDIVISION TO COUNTY OF CASS, STATE OF NORTH DAKOTA. HAMRE A MINOR SUBDIVISION CONSISTS OF 2 LOTS, AND 1 BLOCK, AND CONTAINS 1.15 ACRES MORE OR LESS AND HEREBY DEDICATE LOT 1, BLOCK 1 TO PUBLIC RIGHT OF WAY.

BY:

JEFF HAMRE

STATE OF _____)
COUNTY OF _____) SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED JEFF HAMRE KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC

THOMAS P RETTIG SR

STATE OF _____)
COUNTY OF _____) SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED THOMAS P RETTIG SR KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE

I, COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

COLE A. NESET
REGISTERED LAND SURVEYOR No. LS-5713
STATE OF NORTH DAKOTA

DATE _____

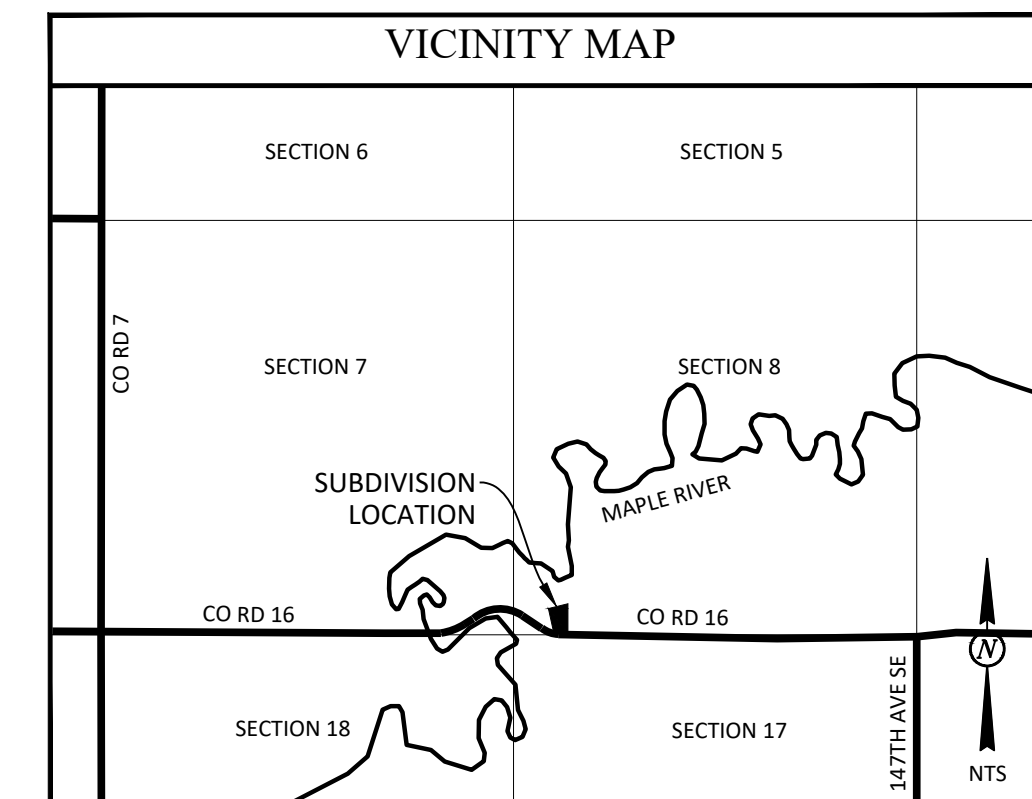
STATE OF _____)
COUNTY OF _____) SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED COLE A. NESET, NORTH DAKOTA REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC



CASS COUNTY ENGINEER

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2020

JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2020.

KEN LOUGHEED, CHAIRMAN

ATTEST:
SECRETARY

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____, 2020.

CHAD PETERSON, CHAIRMAN

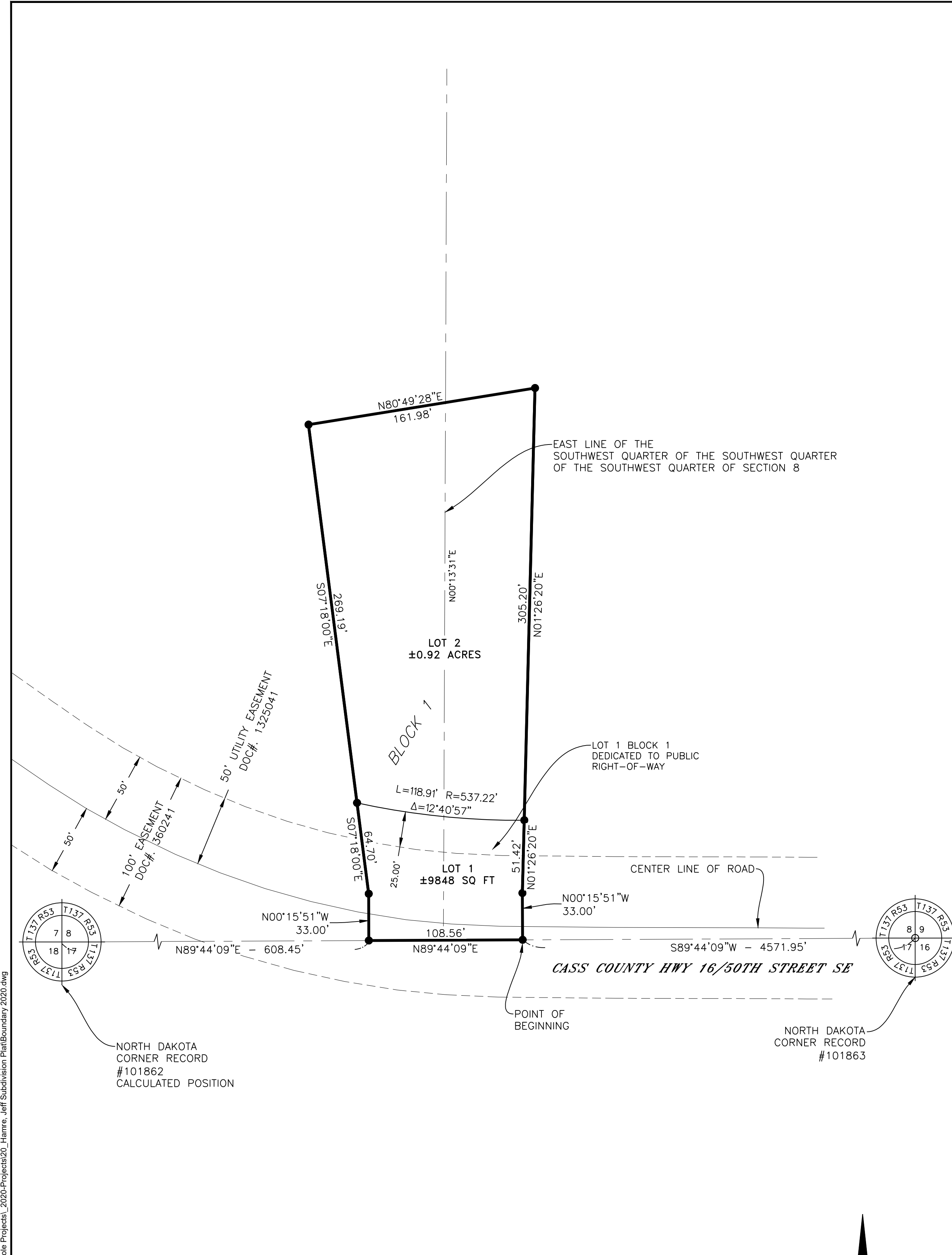
ATTEST:
MICHAEL MONTPLAISIR, CASS COUNTY FINANCE DIRECTOR

WATSON TOWNSHIP

REVIEWED BY LAKE TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2020.

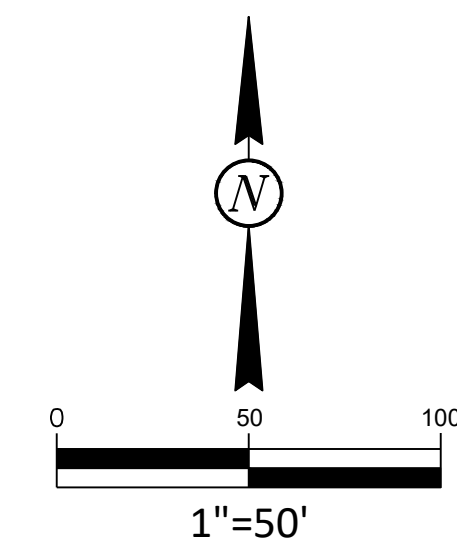
DON GIBSON, CHAIRMAN

ATTEST:
LORI HEGVICK TORGERSO, CLERK



LEGEND	
●	MONUMENT SET
○	MONUMENT FOUND
---	EX. EASEMENT
---	EX. PROPERTY LINE
---	PROPERTY BOUNDARY LINE
---	SECTION LINE

SURVEY INFORMATION
BASIS OF BEARING: SOUTH LINE OF SECTION 8
NOTE: LDZS AND MDZS DO NOT IMPACT SUBJECT PROPERTY



02/26/20 03:37:27PM Z:\Users\Shared\Files\Cass\Projects_2020\Projects20_Hamre_Jeff Subdivision Plat\Boundary 2020.dwg



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SW 1/4 of the SW ¼ of Section 8, Township 137 North, Range 53 West		
Title:	Hamre Subdivision	Date:	2-17-2020
		Update:	2-27-2020
Location:	14607 50 ST SE Leonard, ND 58052 (Watson Township)	Staff Contact:	Grace Puppe
Parcel Number:	68-0000-12938-020	Water District:	Maple River Water District
Owner(s)/Applicant:	Thomas Rettig/Jones and Kelly, Attorneys at Law, P.C.	Engineer/Surveyor:	Neset Land Surveys
Status:	County Commission Hearing: April 20, 2020		

Existing Land Use	Proposed Land Use
Residential	Residential

Proposal

The applicant is seeking approval of a minor subdivision entitled **Hamre Subdivision** to plat a two (2) Lot, (1) Block subdivision of approximately 1.15 acres. According to the applicant, the subdivision is requested to rectify a previous land subdivision error so that the property may comply with the requirements of the Cass County Subdivision Ordinance by platting and transferring a land development right to allow for the subdivision. The proposed lot is located at the address of 14607 50 ST SE Leonard, ND 58052 in Watson Township on the north side of County Road 16.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing county highway road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments

County Engineer	Is this the one on C-16, if so, I would like to see all 75' dedicated as ROW, my thoughts
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No issues. CCEC has a utility easement: Document No. 449881 serving the existing site.
Century Link	No comments were received prior to publishing the staff report.
Sprint	Sprint has no facilities on or near either of these addresses.
AT&T	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Otter Tail Power Company	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	Magellan Pipeline Company does not run in either of these TWP's Thanks.
NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	In both cases the property currently has water service from Cass Rural Water District
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	No comments were received prior to publishing the staff report.
The City of West Fargo	No comments were received prior to publishing the staff report.
Public Comment	No comments were received prior to publishing the staff report.

Staff Analysis

Land Use and Surrounding Uses

The subject property is bound by agricultural production land on the north, west, and east. County Road 16 borders the south of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property has no Special Hazard Flood Area identified. In addition, the Maple River, a blue line perennial watercourse, was identified north of the proposed lot. However, the proposed lot will only be approximately 305 feet long and will not be affected by the Minimal Disturbance Setback Zone (MDZS) and Limited Disturbance Setback Zone (LDZS) requirements of the CCSO.

Land Development Rights

The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 308 of the Cass County Subdivision Ordinance states that every quarter-quarter section is granted one (1) Development Right to create a buildable lot with a minimum of forty (40) acres. Because the lot subdivision proposal is less than forty (40) acres, a transfer of a development right is required along with a deed restriction.

Staff Recommendation

To accept the findings and recommendations of the Planning Commission and staff and recommend approval to the County Commission of the subdivision application as the proposal meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance and all other applicable regulations.

Attachments

1. Location Map
2. Plat Document
3. Deed Restriction Document

PAGE: 1 of 4 EASE 1585461
Cass County Planning Dept 3/18/2020 9:10 AM
Recorded Electronically \$20.00

RECORDER'S OFFICE, CASS COUNTY, ND 3/18/2020 9:10 AM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
DEBORAH A. MOELLER, COUNTY RECORDER

by Teresa A. Kirby, Dep. **1585461**
Recorded Electronically



EASEMENT FOR INGRESS AND EGRESS

Jeffrey Hamre and Neva Hamre, husband and wife, and Thomas Rettig, an unmarried person (hereafter called Grantors), hereby grant, bargain, sell and convey unto Jeffrey Hamre and Neve Hamre, husband and wife, and Thomas Rettig, an unmarried person, (hereafter called Grantees), of with a post office address of 14602 50th St SE, Leonard, ND 58052, its heirs and assigns, the right and easement hereafter set forth herein.

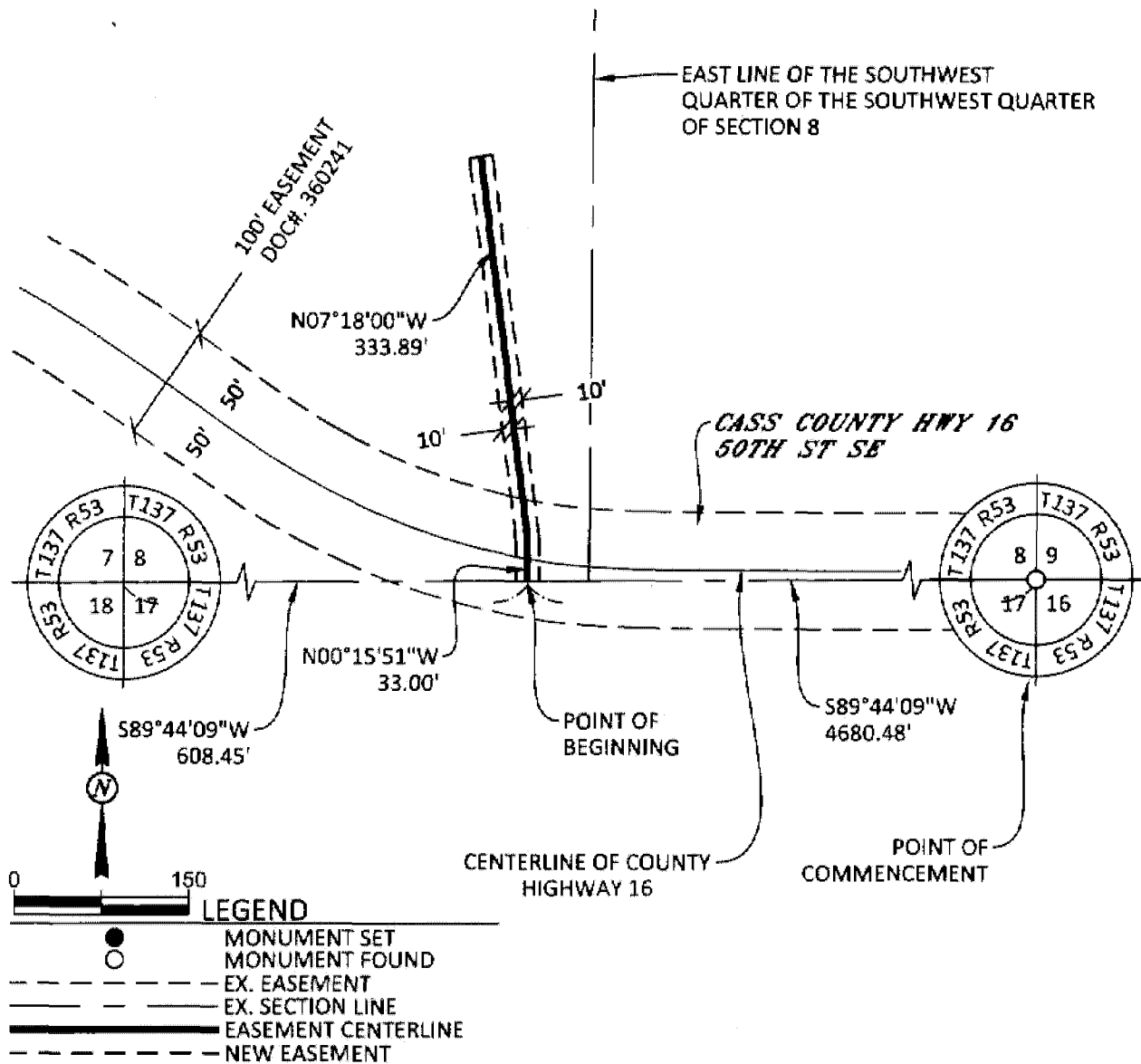
NOW, THEREFORE, the said Grantors hereby grant, bargain, sell and convey unto the Grantees, the perpetual right and easement to ingress and egress over and across:

AN INGRESS/EGRESS EASEMENT IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 137 NORTH, RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA BEING 20 FEET IN WIDTH LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8, THENCE S89°44'09"W ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 4680.48 FEET TO THE POINT OF BEGINNING; THENCE N00°15'51"W A DISTANCE OF 33.00 FEET; THENCE N07°18'00"W A DISTANCE OF 333.89 FEET THERE TERMINATING. SAID EASEMENT CONTAINS ±7338 SQ FT MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF SIGHT AND RECORD.

Easement to Run With the Land: This grant of easement shall run with the land and shall be binding on, and shall inure to the benefit of the parties of this agreement, its respective heirs, successors or assigns.

INGRESS/EGRESS EASEMENT EXHIBIT
 SW 1/4 SW 1/4 SECTION 8 TOWNSHIP 137 RANGE 53 WEST
 CASS COUNTY, NORTH DAKOTA



EASEMENT DESCRIPTION

AN INGRESS/EGRESS EASEMENT IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 137 NORTH, RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA BEING 20 FEET IN WIDTH LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 8, THENCE S89°44'09"W ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 4680.48 FEET TO THE POINT OF BEGINNING; THENCE N00°15'51"W A DISTANCE OF 33.00 FEET; THENCE N07°18'00"W A DISTANCE OF 333.89 FEET THERE TERMINATING. SAID EASEMENT CONTAINS ±7338 SQ FT MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF SIGHT AND RECORD.

SURVEYORS CERTIFICATE

I COLE A. NESET HEREBY CERTIFY THAT THIS SURVEY, PLAN, AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

Cole A. Neaset
 COLE A. NESET
 REGISTERED LAND SURVEYOR
 ND REG. NO. 7513

2-27-20
 DATE:



DRAWN BY: EJB
 CHECKED BY: CAN
 DATE: 02/28/20

