

JUL 13 2020

**MEMORANDUM**

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: July 10, 2020

SUBJECT: Consent Agenda Topic for the July 20, 2020  
Commission Meeting: Meadowlark Stable  
Subdivision

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The Cass County Planning Commission reviewed the application of the proposed subdivision located in Raymond Township, Section 13 at a Public Hearing on July 10, 2020. The intended purpose of the subdivision is to build a new single-family home, horse stable, riding arena, and pasture for horses.

The Planning Commission is recommending approval of the proposed plat entitlement request. Therefore, the Planning Commission recommendation is forwarded to the Cass County Board of Commissioners for action.

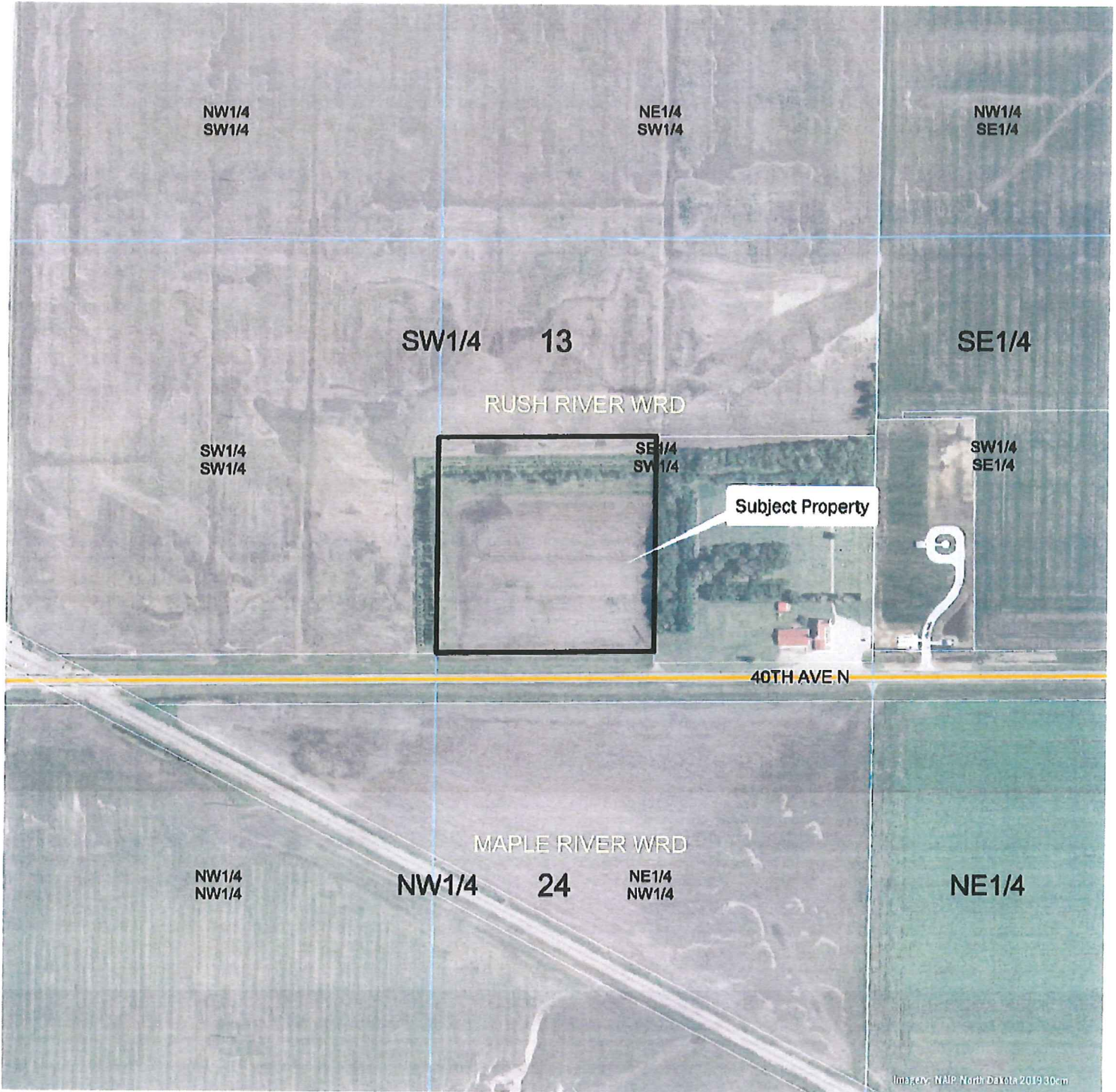
**SUGGESTED MOTION:**

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.

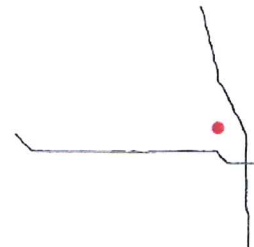
# Minor Subdivision

## Meadowlark Stable Subdivision

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



Cass County Planning Commission  
June 25, 2020

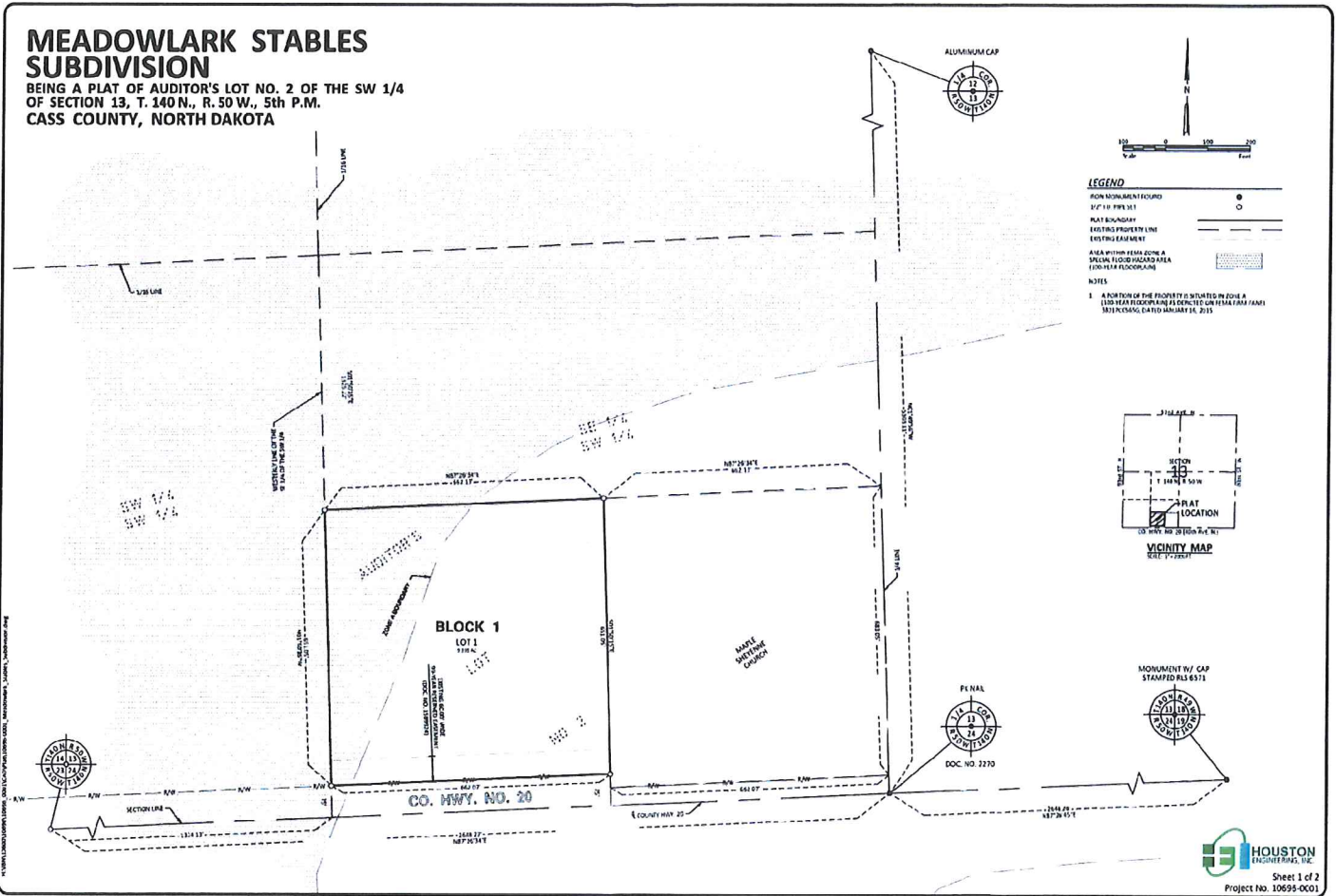


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# MEADOWLARK STABLES SUBDIVISION

BEING A PLAT OF AUDITOR'S LOT NO. 2 OF THE SW 1/4  
OF SECTION 13, T. 140 N., R. 50 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA



# MEADOWLARK STABLES SUBDIVISION

BEING A PLAT OF AUDITOR'S LOT NO. 2 OF THE SW 1/4  
OF SECTION 13, T. 140 N., R. 50 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

Owner's Certificate and Dedication

Know All Persons by These Presents That Daniel Fealey and Lana Fealey, husband and wife, are the Owners and Proprietors of Auditor's Lot No. 2 of the Southwest Quarter of Section 13, Township 140 North, Range 50 West of the 7th Principal Meridian, Cass County, North Dakota.

Said tract contains 8.655 acres, more or less

And that said parties have caused the same to be surveyed and platted as MEADOWLARK STABLES SUBDIVISION.

in witness whereof we have set our hands and seals

Owners

Daniel Fealey \_\_\_\_\_ Lana Fealey \_\_\_\_\_

State of North Dakota )  
                                  ) ss  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared Daniel Fealey and Lana Fealey, husband and wife, known to be the persons described in and who executed the foregoing instrument as their free act and deed.

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

Surveyor's Certificate

I, Curtis A. Skagphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ that the plat herein 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. Skagphol  
North Dakota P.L.S. No. 4723

State of North Dakota )  
                                  ) ss  
County of Cass         )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared Curtis A. Skagphol, 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 Banson, Cass County Engineer

Cass County Planning Commission

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

Ken Leupheid, Chair

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

Raymond Township

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

David Oust, Chair

Attest \_\_\_\_\_  
Barry Bowman, Clerk

Cass County Board of Commissioners Approval

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

Chad Peterson, Chair

Attest \_\_\_\_\_  
Michael Mortensen, Cass County Auditor

H:\Projects\106296\106296-001\106296-001.dwg, 10/21/2010 10:00:00 AM, 10/21/2010 10:00:00 AM

## **DEED RESTRICTION**

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this Eighth day of May 2020 by

Owner: Kenneth A Pawluk

### **1. PURPOSE**

The owner recognizes the following agreement is set forth to encourage orderly and economically-feasible growth, prevent new developments from creating economic strains on county residents, protect the county's valuable farmland and agricultural traditions and promote development that will more easily convert to an urban environment and implement the goals and objectives established by the most current Cass County Comprehensive Plan. The following agreement will promote small, truly rural developments that will mesh more easily with existing agricultural land and activities and will encourage larger urban style subdivisions to develop in the urban fringe and other areas with supportive infrastructure. Developments built beyond the density restriction will be constructed with full supportive urban infrastructure, ensuring developments that will more easily transition into an urban development upon annexation without extensive and costly infrastructure upgrades.

### **2. AGREEMENT**

WHEREAS, for the granting of the division described herein pursuant to Section 309 of the Cass County Subdivision Ordinance, acknowledged herein as good and valuable consideration, the Owner(s) consent and agree to the filing of this **DEED RESTRICTION**, and understand that its effect will be to limit any further residences, divisions, or nonagricultural development on the restricted parcel described herein, except as may be permitted by Section 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

- A. This **DEED RESTRICTION** shall terminate at such time the deed restricted parcel is completely within the extraterritorial (ET) boundaries of an incorporated city of Cass County;
- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI of the Cass County Subdivision Ordinance, including, but not limited: paved roads with curb and gutter, a paved access road, municipal sewer system, public water supply system with functioning fire hydrants, storm water facilities, street lights, street trees, street signs, sidewalks, bike paths, and park dedications.

WHEREAS, this **DEED RESTRICTION** shall run with the land in perpetuity and be binding on all owners, successors, heirs, assigns, lessees, users, or parties having or acquiring any right, title, or interest in the restricted parcel herein described or any part thereof.

WHEREAS, the restricted parcel described herein meets the criteria established in Section 308 of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 309.02 of the Cass County Subdivision Ordinance, and any amendment thereto, apply to the restricted parcel described herein. Upon the written request of any interested party, the Cass County Engineer is authorized to record an instrument with the Cass County Recorder, which declares such an exception applies to the restricted parcel described herein and the **DEED RESTRICTION** is expired.

**3. VIOLATION OF DEED RESTRICTION**

In the event of a violation of this **DEED RESTRICTION**, the penalties and remedies provided under Section 906 (Penalties and Violations) of the Cass County Subdivision Ordinance and North Dakota law shall apply.

**4. LEGAL DESCRIPTION OF THE RESTRICTED PARCEL**

That part of the East Half of the Southwest Quarter of Section 13, Township 140 North, Range 50 west of the Fifth Principal Meridian, Cass County, North Dakota, more particularly described as follows:

. **DESCRIPTION – AREA FOR DEED RESTRICTION:**

The north 990.20 feet of the south 1716.20 feet of the East Half of the Southwest Quarter of Section 13, Township 140 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota.

Said Tract contains 30.105 acres, more or less.

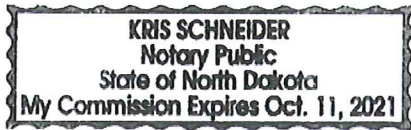
IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

Kenneth A Pauluk  
Owner's Signature

5/19/2020  
Date

State of North Dakota )  
  ) ss  
County of Cass            )

On this 19th day of May, 2020, before me, a notary public within and for said county and state, personally appeared Kenneth Pauluk, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.



KS  
Notary Public

The foregoing instrument was acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Jason Benson, County Engineer.

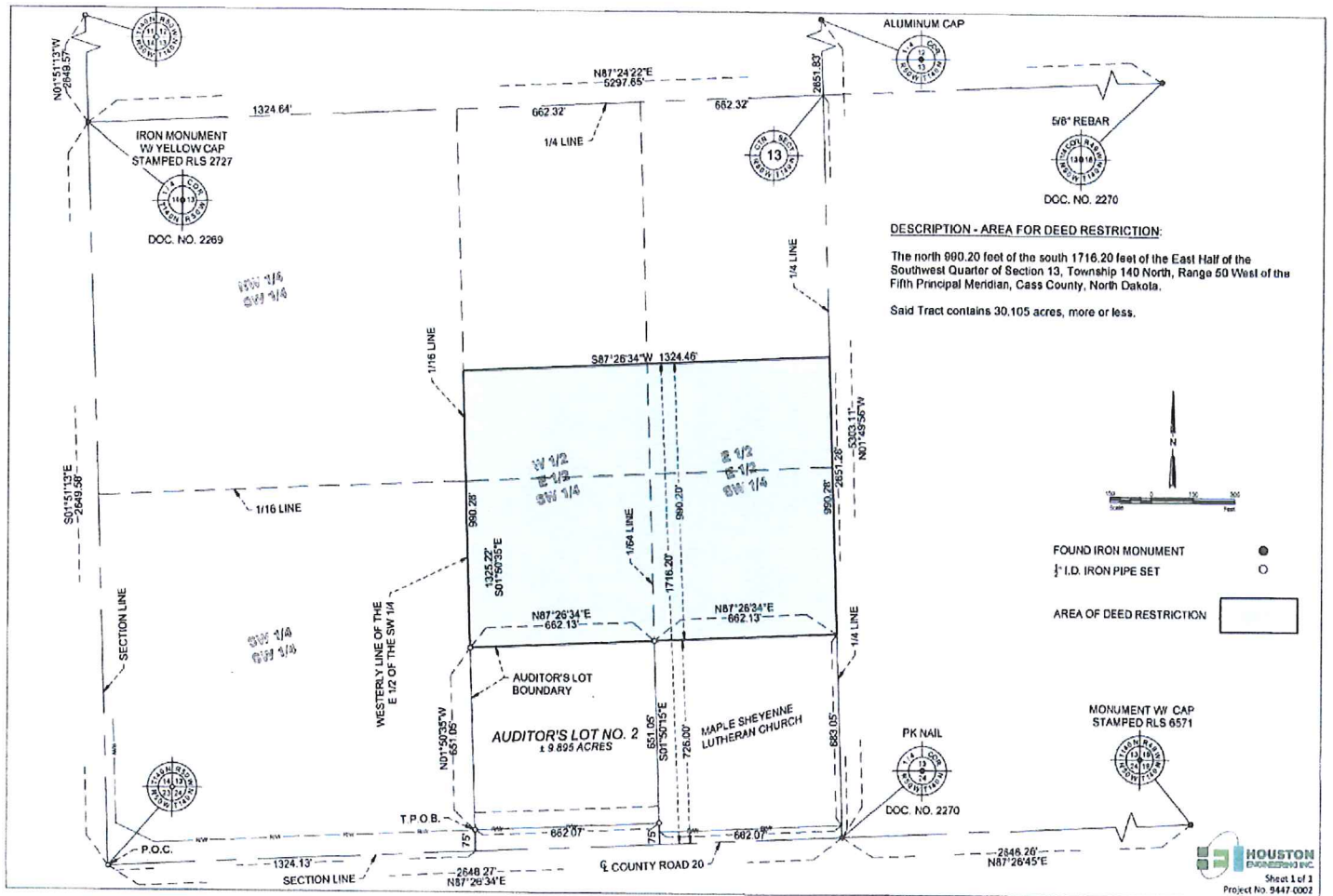
\_\_\_\_\_  
County Engineer Signature

\_\_\_\_\_  
Date

State of North Dakota )  
  ) ss  
County of Cass            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, a notary public within and for said county and state, personally appeared Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

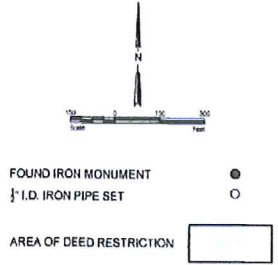
\_\_\_\_\_  
Notary Public



IRON MONUMENT  
W/ YELLOW CAP  
STAMPED RLS 2727  
DOC. NO. 2269

ALUMINUM CAP  
5/8" REBAR  
DOC. NO. 2270

**DESCRIPTION - AREA FOR DEED RESTRICTION:**  
The north 900.20 feet of the south 1716.20 feet of the East Half of the Southwest Quarter of Section 13, Township 140 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota.  
Said Tract contains 30.105 acres, more or less.



AUDITOR'S LOT NO. 2  
1.9895 ACRES

MAPLE SHEYENNE  
LUTHERAN CHURCH



**JUL 13 2020**

**MEMORANDUM**

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: July 10, 2020

SUBJECT: Consent Agenda Topic for the July 20, 2020  
Commission Meeting: Olson's Acres Subdivision

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The Cass County Planning Commission reviewed the application of the proposed subdivision located in Rush River Township, Section 2 at a Public Hearing on July 10, 2020. The intended purpose of the subdivision is to separate a residence from surrounding farmland to aid in future sale or inheritance.

The Planning Commission is recommending approval of the proposed plat entitlement request. 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.

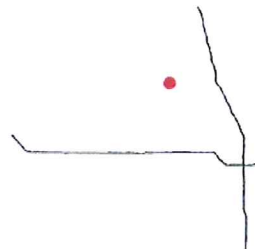
# Minor Subdivision

## Olson's Acres Subdivision

Rush River Twp, Section 2 - Township 141 North - Range 51 West



Cass County Planning Commission  
June 25, 2020



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## DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 13 day of May, 2020, by  
Owner(s): John C Olson

### 1. **PURPOSE**

The owner recognizes the following agreement is set forth to encourage orderly and economically-feasible growth, prevent new developments from creating economic strains on county residents, protect the county's valuable farmland and agricultural traditions and promote development that will more easily convert to an urban environment and implement the goals and objectives established by the most current Cass County Comprehensive Plan. The following agreement will promote small, truly rural developments that will mesh more easily with existing agricultural land and activities and will encourage larger urban style subdivisions to develop in the urban fringe and other areas with supportive infrastructure. Developments built beyond the density restriction will be constructed with full supportive urban infrastructure, ensuring developments that will more easily transition into an urban development upon annexation without extensive and costly infrastructure upgrades.

### 2. **AGREEMENT**

WHEREAS, for the granting of the division described herein pursuant to Section 309 of the Cass County Subdivision Ordinance, acknowledged herein as good and valuable consideration, the Owner(s) consent and agree to the filing of this **DEED RESTRICTION**, and understand that its effect will be to limit any further residences, divisions, or nonagricultural development on the restricted parcel described herein, except as may be permitted by Section 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

- A. This **DEED RESTRICTION** shall terminate at such time the deed restricted parcel is completely within the extraterritorial (ET) boundaries of an incorporated city of Cass County;
- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI of the Cass County Subdivision Ordinance, including, but not limited: paved roads with curb and gutter, a paved access road, municipal sewer system, public water supply system with functioning fire hydrants, storm water facilities, street lights, street trees, street signs, sidewalks, bike paths, and park dedications.

WHEREAS, this **DEED RESTRICTION** shall run with the land in perpetuity and be binding on all owners, successors, heirs, assigns, lessees, users, or parties having or acquiring any right, title, or interest in the restricted parcel herein described or any part thereof.

WHEREAS, the restricted parcel described herein meets the criteria established in Section 308 of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 309.02 of the Cass County Subdivision Ordinance, and any amendment thereto, apply to the restricted parcel described herein. Upon the written request of any interested party, the Cass County Engineer is authorized to record an instrument with the Cass County Recorder, which declares such an exception applies to the restricted parcel described herein and the **DEED RESTRICTION** is expired.

**3. VIOLATION OF DEED RESTRICTION**

In the event of a violation of this **DEED RESTRICTION**, the penalties and remedies provided under Section 906 (Penalties and Violations) of the Cass County Subdivision Ordinance and North Dakota law shall apply.

**4. LEGAL DESCRIPTION OF THE RESTRICTED PARCEL**

The Northwest Quarter of the Southwest Quarter of Section Two, in Township One Hundred Forty-one North, Range Fifty-one West of the Fifth Principal Meridian, Cass County, North Dakota.

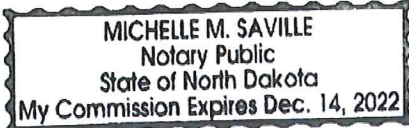
IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

John Colson  
Owner(s) Signature

13 May 20  
Date

State of North Dakota )  
  ) SS  
County of Cass            )

On this 13 day of May, 2020, before me, a notary public within and for said county and state, personally appeared John Colson, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.



Michelle Saville  
Notary Public

The foregoing instrument was acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Jason Benson, County Engineer.

\_\_\_\_\_  
County Engineer Signature

\_\_\_\_\_  
Date

State of North Dakota )  
  ) SS  
County of Cass            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, a notary public within and for said county and state, personally appeared Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

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

JUL 13 2020

**MEMORANDUM**

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: July 10, 2020

SUBJECT: Consent Agenda Topic for the July 20, 2020  
Commission Meeting: Etal Subdivision

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The Cass County Planning Commission reviewed the application of the proposed subdivision located in Empire Township, Section 28 at a Public Hearing on July 10, 2020. The intended purpose of the subdivision is to sell off 2.93 acres to allow for a new home to be built on the new lot.

The Planning Commission is recommending approval of the proposed plat entitlement request. Therefore, the Planning Commission recommendation is forwarded to the Cass County Board of Commissioners for action.

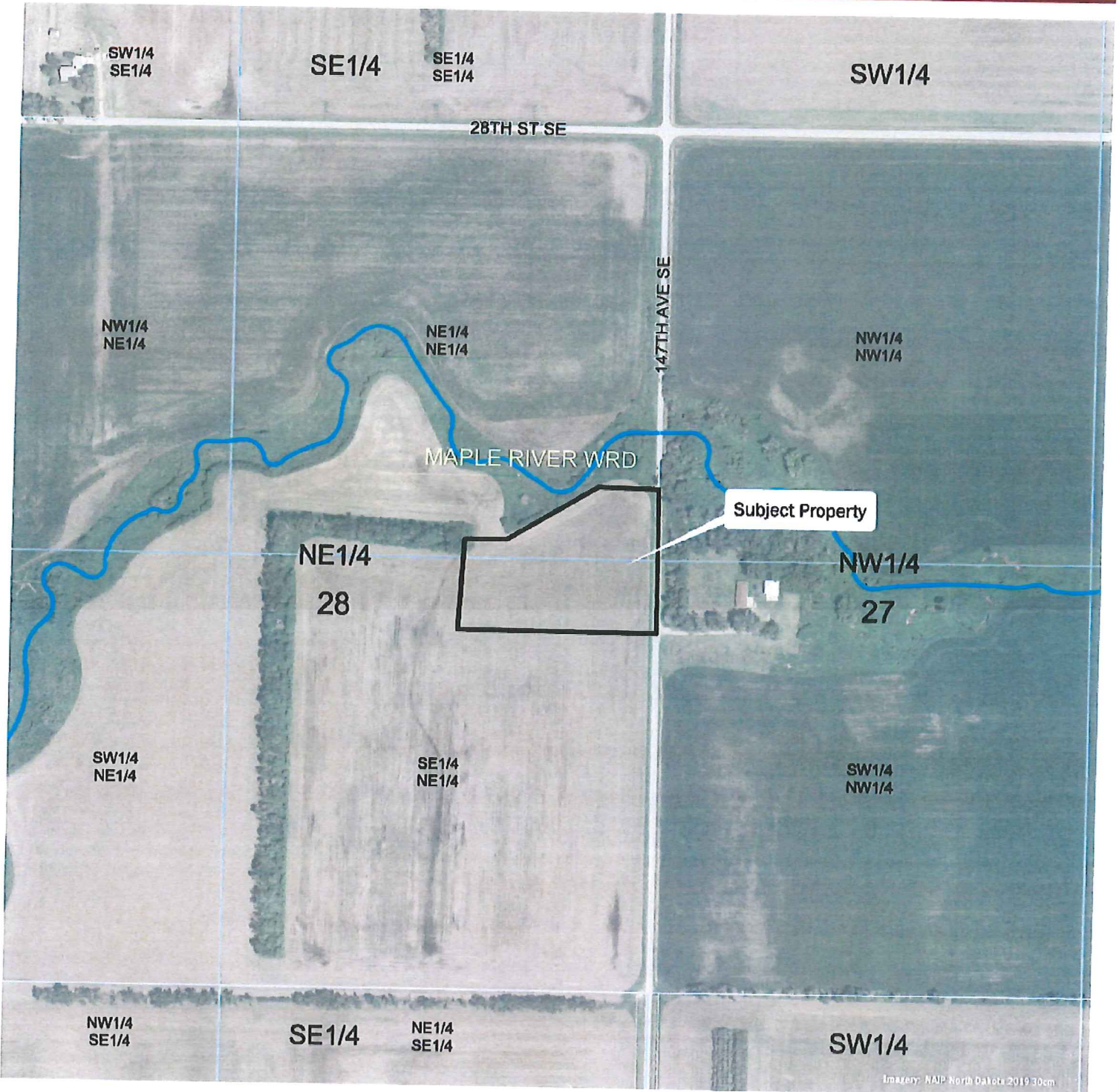
**SUGGESTED MOTION:**

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.

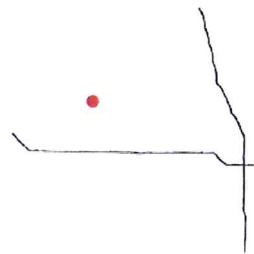
# Minor Subdivision

Etal Subdivision

Empire Twp, Section 28 - Township 141 North - Range 53 West



Cass County Planning Commission  
June 25, 2020

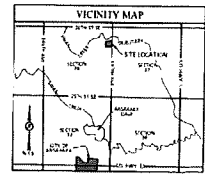


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**ETAL SUBDIVISION**  
 A MINOR SUBDIVISION LOCATED IN SECTION 28, TOWNSHIP 141N, RANGE 53W  
 EMPIRE TOWNSHIP, CASS COUNTY, STATE OF NORTH DAKOTA



**OWNERS CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS THAT JANICE BOUCE ETAL OF EMPIRE TOWNSHIP, NORTH DAKOTA IS THE OWNER OF ETAL SUBDIVISION DESCRIBED AS FOLLOWS:

PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 141 NORTH, RANGE 53 WEST OF THE 5TH PRINCIPAL MERIDIAN, EMPIRE TOWNSHIP, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 28; THENCE 80°16'43" W ALONG THE EAST LINE OF SECTION 28, A DISTANCE OF 1200.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHWEST ALONG SAID LINE, A DISTANCE OF 120.00 FEET; THENCE 88°49'17" W A DISTANCE OF 410.00 FEET; THENCE NORTH 61° 14' 00" WEST OF 211.00 FEET; THENCE 88°49'17" W A DISTANCE OF 134.00 FEET; THENCE WEST 72°02' E A DISTANCE OF 186.23 FEET; THENCE 88°49'17" W A DISTANCE OF 141.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 29.93 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE REFERRED TRACT OF LAND SHOWN ON THIS PLAN TO BE SURVEYED AND PLATTED AS ETAL SUBDIVISION, A MINOR SUBDIVISION TO COUNTY OF CASS, STATE OF NORTH DAKOTA. ETAL SUBDIVISION CONSISTS OF 1 LOT, 1 BLOCK, AND CONTAINS 29.93 ACRES MORE OR LESS.

BY: \_\_\_\_\_  
 JEREMY KING, POWER OF ATTORNEY ON BEHALF OF JANICE BOUCE  
 CONTRACT FOR DEED VENUE

STATE OF \_\_\_\_\_ ISS  
 COUNTY OF \_\_\_\_\_  
 BE IT KNOWN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020,  
 BEFORE ME PERSONALLY APPEARED JEREMY KING, 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

CRAG AND CHARLIE KING, HUSBAND AND WIFE  
 CONTRACT FOR DEED VENUE

CRAG KING \_\_\_\_\_ CHARLIE KING \_\_\_\_\_  
 STATE OF \_\_\_\_\_ ISS  
 COUNTY OF \_\_\_\_\_

BE IT KNOWN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020,  
 BEFORE ME PERSONALLY APPEARED CRAG AND CHARLIE KING, HUSBAND AND WIFE; 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. HINSET, HEREBY CERTIFY THAT THIS SURVEY, PLAN AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DUTY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA.

COLE A. HINSET \_\_\_\_\_ DATE \_\_\_\_\_  
 REGISTERED LAND SURVEYOR No. 15-7513  
 STATE OF NORTH DAKOTA

STATE OF \_\_\_\_\_ ISS  
 COUNTY OF \_\_\_\_\_  
 BE IT KNOWN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020, BEFORE ME PERSONALLY APPEARED COLE A. HINSET, A REGISTERED LAND SURVEYOR, TO BE 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.

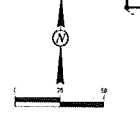
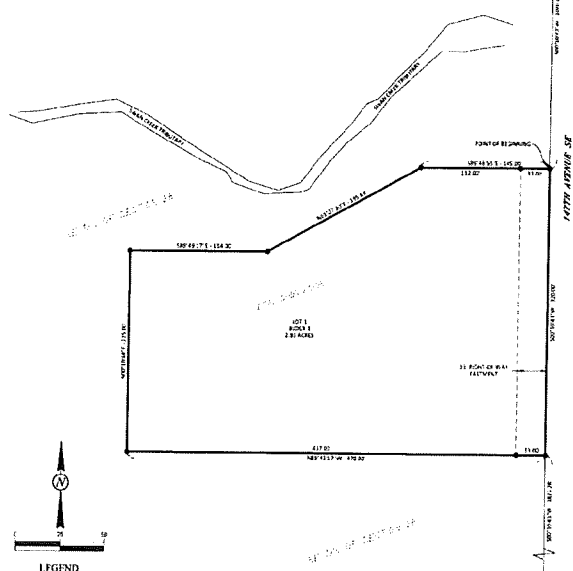
\_\_\_\_\_  
 JENNIFER HIGHTOWER, CHAIRMAN  
 \_\_\_\_\_  
 SECRETARY

**CASS COUNTY BOARD OF COMMISSIONERS APPROVAL**

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

\_\_\_\_\_  
 CHAD PETERSON, CHAIRMAN  
 \_\_\_\_\_  
 ATTEND: MICHAEL WENTLANDER, CASS COUNTY FINANCIAL DIRECTOR  
 \_\_\_\_\_  
 EMPIRE TOWNSHIP  
 REVIEWED BY HIGHLAND TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

\_\_\_\_\_  
 STEVE FAUGHN, CHAIRMAN  
 \_\_\_\_\_  
 ATTEND: JENNA MCPHERSON, CLERK



- LEGEND**
- MONUMENT SET
  - (D) MONUMENT FOUND
  - - - - - 1/4 SECTION
  - - - - - 1/2 SECTION
  - - - - - 3/4 SECTION
  - - - - - SECTION LINE
  - - - - - PROPERTY BOUNDARY LINE
  - - - - - NEW PROPERTY LINE

**SURVEY INFORMATION**

DATE OF SURVEY MAP NO. 1056  
 BASE OF BEARING: THE EAST LINE OF SECTION 28



## DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 9th day of June, 2019, by Owner(s): Jeremy King

### 1. **PURPOSE**

The owner recognizes the following agreement is set forth to encourage orderly and economically-feasible growth, prevent new developments from creating economic strains on county residents, protect the county's valuable farmland and agricultural traditions and promote development that will more easily convert to an urban environment and implement the goals and objectives established by the most current Cass County Comprehensive Plan. The following agreement will promote small, truly rural developments that will mesh more easily with existing agricultural land and activities, and will encourage larger urban style subdivisions to develop in the urban fringe and other areas with supportive infrastructure. Developments built beyond the density restriction will be constructed with full supportive urban infrastructure, ensuring developments that will more easily transition into an urban development upon annexation without extensive and costly infrastructure upgrades.

### 2. **AGREEMENT**

WHEREAS, for the granting of the division described herein pursuant to Section 309 of the Cass County Subdivision Ordinance, acknowledged herein as good and valuable consideration, the Owner(s) consent and agree to the filing of this **DEED RESTRICTION**, and understand that its effect will be to limit any further residences, divisions, or nonagricultural development on the restricted parcel described herein, except as may be permitted by Section 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

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- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI of the Cass County Subdivision Ordinance, including, but not limited: paved roads with curb and gutter, a paved access road, municipal sewer system, public water supply system with functioning fire hydrants, storm water facilities, street lights, street trees, street signs, sidewalks, bike paths, and park dedications.

WHEREAS, this **DEED RESTRICTION** shall run with the land in perpetuity and be binding on all owners, successors, heirs, assigns, lessees, users, or parties having or acquiring any right, title, or interest in the restricted parcel herein described or any part thereof.

WHEREAS, the restricted parcel described herein meets the criteria established in Section 308 of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 309.02 of the Cass County Subdivision Ordinance, and any amendment thereto, apply to the restricted parcel described herein. Upon the written request of any interested party, the Cass County Engineer is authorized to record an instrument with the Cass County Recorder, which declares such an exception applies to the restricted parcel described herein and the **DEED RESTRICTION** is expired.

3. **VIOLATION OF DEED RESTRICTION**

In the event of a violation of this **DEED RESTRICTION**, the penalties and remedies provided under Section 906 (Penalties and Violations) of the Cass County Subdivision Ordinance and North Dakota law shall apply.

4. **LEGAL DESCRIPTION OF THE RESTRICTED PARCEL**

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 141 NORTH, RANGE 53 WEST OF THE 5TH PRINCIPAL MERIDIAN, EMPIRE TOWNSHIP, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS

LESS THE FOLLOWING DESCRIPTION:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 28; THENCE S00°10'43"W ALONG THE EAST LINE OF SECTION 28, A DISTANCE OF 1070.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID LINE, A DISTANCE OF 320.00 FEET; THENCE N89°49'17"W A DISTANCE OF 470.00 FEET; THENCE N00°10'44"E A DISTANCE OF 225.00 FEET; THENCE S89°49'17"E A DISTANCE OF 154.00 FEET; THENCE N61°07'20"E A DISTANCE OF 195.63 FEET; THENCE S89°48'55"E A DISTANCE OF 145.00 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINS ±2.93 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

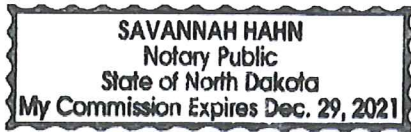
IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

[Signature]  
Owner(s) Signature

6/9/2020  
Date

State of North Dakota )  
  ) ss  
County of Cass )

On this 9 day of June, 2019, before me, a notary public within and for said county and state, personally appeared Jeremy King, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.



[Signature]  
Notary Public

The foregoing instrument was acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Jason Benson, County Engineer.

\_\_\_\_\_  
County Engineer Signature

\_\_\_\_\_  
Date

State of North Dakota )  
  ) ss  
County of Cass )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me, a notary public within and for said county and state, personally appeared Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

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