

JUL 27 2020

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: July 23, 2020

SUBJECT: Consent Agenda Topic for the August 3, 2020
Commission Meeting: Rohde First Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Davenport Township, Section 10 at a Public Hearing on July 23, 2020. The intended purpose of the subdivision is requested to split the existing farmstead off from the ag land for Estate settlement/distribution purposes.

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.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NE ¼ of Section 10, Township 137 North, Range 51 West		
Title:	Rohde First Subdivision	Date:	6-11-2020
		Update:	7-23-2020
Location:	NE ¼ of Section 10, Township 137 North, Range 51 West (Davenport Township)	Staff Contact:	Grace Puppe
Parcel Number:	32-0000-03042-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Ilene Rohde	Engineer/Surveyor:	Houston Engineering
Status:	County Commission Hearing: August 3, 2020		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Rohde First Subdivision** to plat a one (1) Lot subdivision of approximately 7.5 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the ag land in the quarter section for Estate settlement/distribution purposes.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 161st Ave SE road access, ditches for storm sewer conveyance, private water, and on-site septic systems for wastewater treatment. The property currently has a connection to water and electricity.

Agency Comments	
County Engineer	For this plat I am OK with use of the existing access approach to access Township road. I have communicated with the applicant and the site plan is good and appears to ensure the structures will be out of the flood plain.
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No comments were received prior to publishing the staff report.
Century Link	No comments were received prior to publishing the staff report.
Sprint	No comments were received prior to publishing the staff report.
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	No comments were received prior to publishing the staff report.
NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	Application shows water from a private well. The closest CRWD line is nearly 1 mile from this site.
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	Davenport Township has reviewed the minor subdivision application for Rohde First Subdivision. It complies with Davenport Township Zoning ordinances.
The City of Fargo	The proposed Rhode First Subdivision is in Davenport Township and so outside of the Fargo city limits and Fargo's extraterritorial jurisdiction. The City has no comment.
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 south. Township road 161st Ave SE borders the south of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently unmapped and not Special Hazard Flood Area has been identified. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

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 40 acres. Because the lot subdivision proposal is less than 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

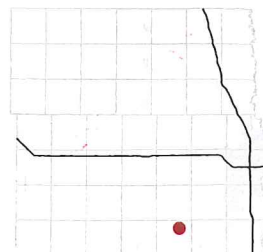
Minor Subdivision

Rohde First Subdivision

Davenport Twp, Section 10 - Township 137 North - Range 51 West



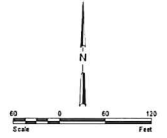
Cass County Planning Commission
July 23, 2020



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.



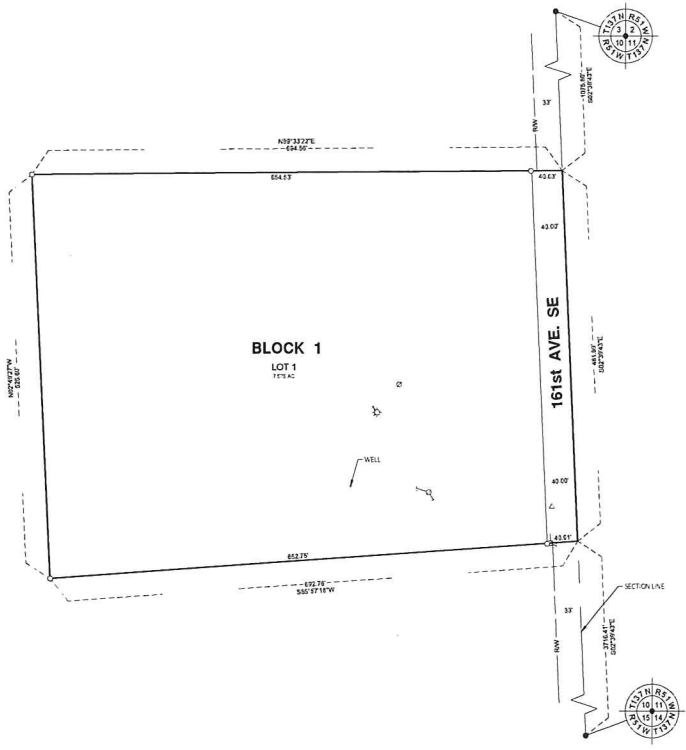
ROHDE FIRST SUBDIVISION
 BEING A PLAT OF PART OF THE NE 1/4
 SECTION 10, T. 137 N., R. 51 W., 5th P.M.
 CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. F.P.E. SET	○
UTILITY POLE	○
WIRELESS WIRE	○—○
LIGHT POLE	⊗
CABLE FEDERAL	△
PLAT BOUNDARY	———
LOT LINE	———
EXISTING RIGHT OF WAY LINE	———

BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE.
 MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE CONVERSION FACTOR OF 1.00112617 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.



H:\WORK\7060\7060.DWG, 07/16/16, 10:48 AM, PLOT DATE: 07/16/16, PLOT TIME: 10:48 AM

ROHDE FIRST SUBDIVISION
 BEING A PLAT OF PART OF THE NE 1/4
 SECTION 10, T. 137 N., R. 51 W., 5th P.M.
 CASS COUNTY, NORTH DAKOTA

Owner's Certificate and Dedication:

Know All Persons By These Presents: That the Estate of Donald Rohde is the Owner and Proprietor of that part of the Northeast Quarter of Section 10, Township 137 North, Range 51 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

COMMENCING at the Northeast Corner of the Northeast Quarter of said Section 10, thence South 02°19'43" East (assumed bearing), along the easterly line of the Northeast Quarter of said Section 10, for a distance of 1075.80 feet to the TRUE POINT OF BEGINNING, thence continue South 02°39'43" East, along the easterly line of the Northeast Quarter of said Section 10, for a distance of 481.59 feet, thence South 85°57'15" West for a distance of 692.78 feet, thence North 02°45'27" West for a distance of 526.60 feet, thence North 63°33'22" East for a distance of 694.56 feet to the TRUE POINT OF BEGINNING.

Said tract contains 7.575 acres, more or less.

And that said party has caused the same to be surveyed and platted as ROHDE SUBDIVISION and does hereby dedicate to the public for public use the Public Avenue and the Utility Easement as shown on the plat.

In witness whereof we have set our hands and seals:

Owners:

Irene Rohde, Personal Representative
 Estate of Donald Rohde

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 Irene Rohde, Personal Representative for the Estate of Donald Rohde, known to be the person described in and who executed the foregoing instrument and acknowledged that she executed same on behalf of said Estate.

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 herein is a true and correct representation of the survey thereon, 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 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. 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 Loughness, Chair

Attest: _____
 Secretary

Deverport Township:

Reviewed by Deverport Township, Cass County, North Dakota, this ____ day of _____, 20____.

Vernon Liebelt, Chair

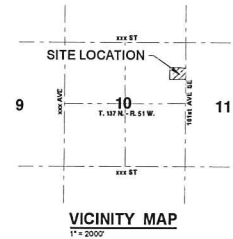
Attest: _____
 Jon Erickson, Clerk

Cass County Board of Commissioners' Approval:

Approved by Cass County, North Dakota, this ____ day of _____, 20____.

Chad Peterson, Chair

Attest: _____
 Michael Monplaisir, Cass County Auditor



DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 14th day of July, 2020, by Owner(s): Ilene Rohde, as Personal Representative of the Estate of Donald Rohde.

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 309.2 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 (NE1/4NE1/4) of Section Ten (10), Township One Hundred Thirty-seven (137) North, Range Fifty-one (51) West, Cass County, North Dakota, **LESS** the following described tract of land: Lot One (1), Block One (1), Rohde First Subdivision, Part of the Northeast Quarter (NE1/4), Section Ten (10), Township One Hundred Thirty-seven (137) North, Range Fifty-one (51) West, Cass County, North Dakota.

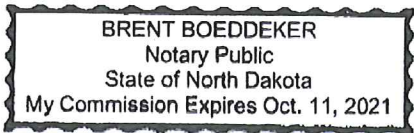
IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

Ilene Rohde
Owner(s) Signature

7-14-2020
Date

State of North Dakota)
) ss
County of Cass)

On this 14th day of July, 2020, before me, a notary public within and for said county and state, personally appeared Ilene Rohde, as Personal Representative of the Estate of Donald Rohde, known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that she executed same, as Personal Representative of the Estate of Donald Rohde.



[Signature]
Notary Public

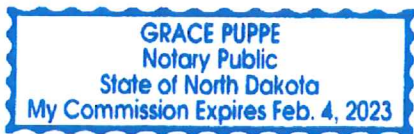
The foregoing instrument was acknowledged before me, this 15th day of July, 2020, by Jason Benson, County Engineer.

[Signature]
County Engineer Signature

7/15/20
Date

State of North Dakota)
) ss
County of Cass)

On this 15th day of July, 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.



[Signature]
Notary Public

JUL 27 2020

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: July 20, 2020

SUBJECT: Consent Agenda Topic for the August 3, 2020
Commission Meeting: Punton Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Empire Township, Section 21 at a Public Hearing on January 23, 2020. The intended purpose of the subdivision is requested to allow for the construction of a barn structure to allow for a commercial wedding business venue.

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.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (3 Lots) of a part of the South 1/2 of the SE 1/4 of the SW 1/4 of Section 21, Township 141 North, Range 53 West		
Title:	Punton First Subdivision	Date:	1-11-2020
		Update:	7-20-2020
Location:	14641 28 Street SE Ayr, ND (Empire Township)	Staff Contact:	Grace Puppe
Parcel Number:	36-0000-04288-020	Water District:	Maple River Water District
Owner(s)/Applicant:	Helen Punton/Melissa Oberland and Teresa Gulleeson	Engineer/Surveyor:	Houston Engineering, Inc.
Status:	County Commission Hearing: August 3, 2020		

Existing Land Use	Proposed Land Use
Agricultural	Commercial
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Punton First Subdivision** to plat a three (3) Lot, (1) Block subdivision of approximately 18.96 acres. According to the applicant, the subdivision is requested to allow for the construction of a barn structure to allow for a commercial wedding business venue. The proposed lot is located at 14641 28 Street SE Ayr, ND in Empire Township on the north side of Township Road 28th Street SE.

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

Agency Comments

County Engineer	No comments were received prior to publishing the staff report.
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No issues. The overhead utility line owned by CCED is documented on the plat.
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. Township road 28th Street SE 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 Swan Creek Tributary, a blue-line perennial watercourse, was identified on the western side of the proposed subdivision.

Land Development Rights

The subject quarter-quarter section currently is developed with a farmstead. However, the addition of new commercial building requires a platted lot. 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 40 acres. Because the lot subdivision proposal provides 3 lots that are less than 40 acres in size, a transfer of (3) three development rights are required along with a deed restriction.

Staff Recommendation

To accept the findings and recommendations of staff and the Planning Commission 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.

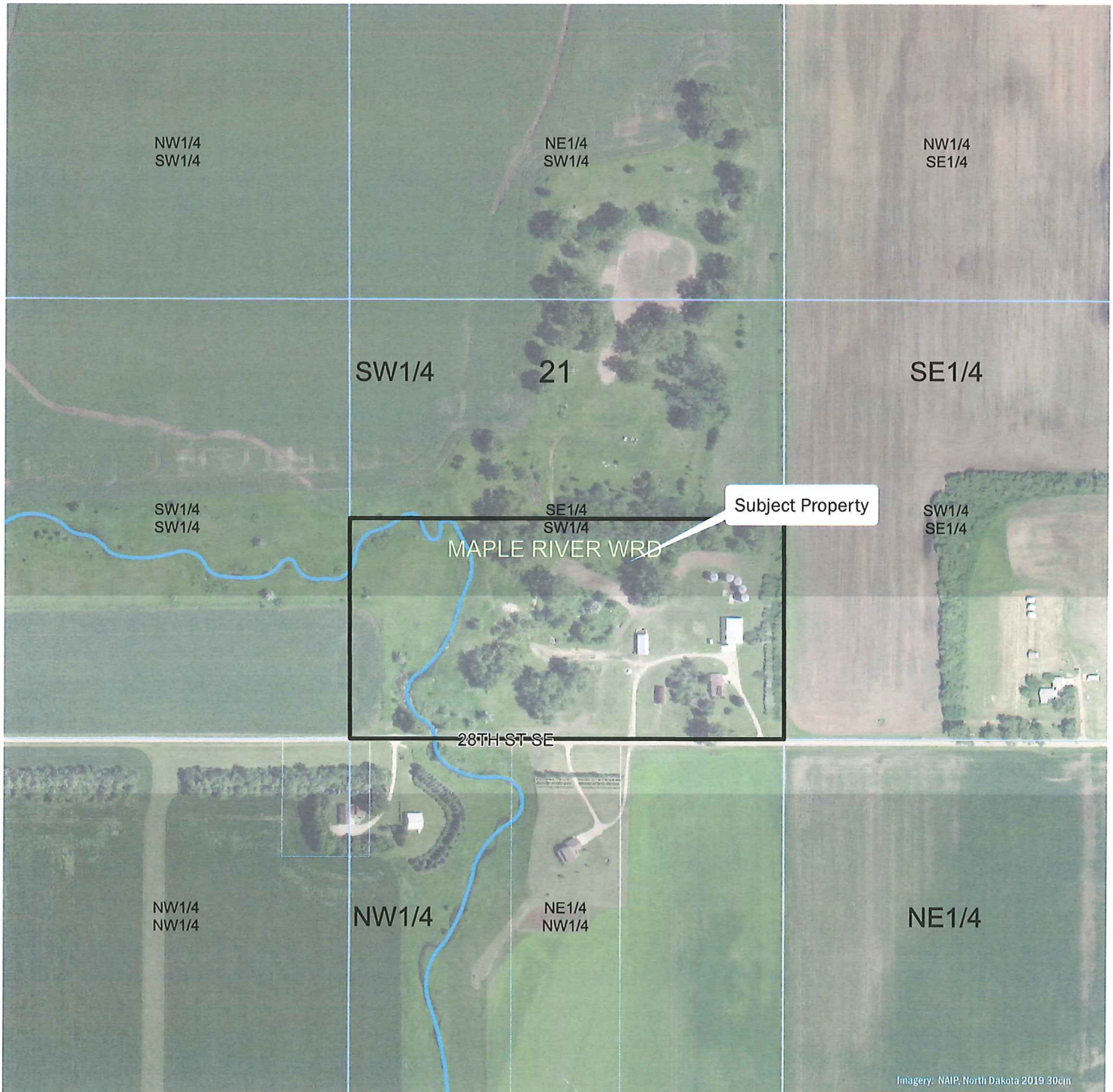
Attachments

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

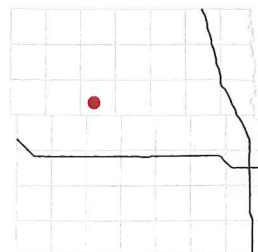
Minor Subdivision

Punton Subdivision

Empire Twp, Section 21 - Township 141 North - Range 53 West



Cass County Planning Commission
January 23, 2020



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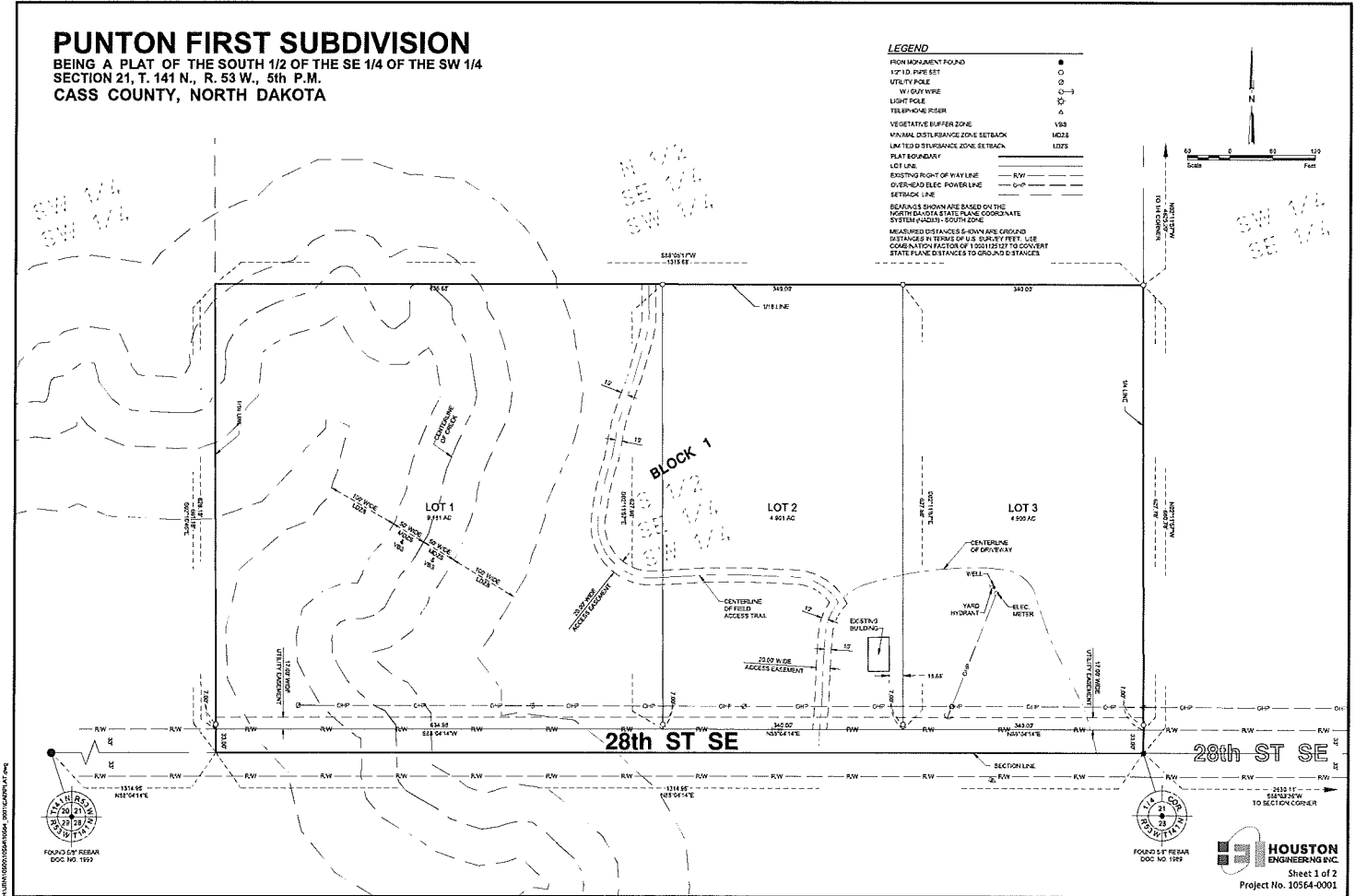
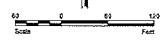


PUNTON FIRST SUBDIVISION
 BEING A PLAT OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SW 1/4
 SECTION 21, T. 141 N., R. 53 W., 5th P.M.
 CASS COUNTY, NORTH DAKOTA

LEGEND

IRON MONUMENT FOUND	●
12" I.D. PIPE EST	○
UTILITY POLE	○
NW 000 WIRE	○—○
LIGHT POLE	□
TELEPHONE PISER	△
VEGETATIVE BUFFER ZONE	VSB
MAINT. DISTURBANCE ZONE SETBACK	MOZS
LIMITED DISTURBANCE ZONE SETBACK	LOZS
PLAT BOUNDARY	—
LOT LINE	—
EXISTING RIGHT OF WAY LINE	— RW —
OVERHEAD ELEC. POWER LINE	— GHP —
SETBACK LINE	—

BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE.
 MEASURED DISTANCES & CORNER POINTS DISTANCES IN TERMS OF U.S. SURVEY FEET. USE CORNER POINT FACTOR OF 1.00113517 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.



PUNTON FIRST SUBDIVISION
BEING A PLAT OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SW 1/4
SECTION 21, T. 141 N., R. 53 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owners' Certificate:

Know All Persons By These Presents: That Helen Purton, a single person and Robert Purton, and Jennifer Purton, husband and wife, are the Owners and Proprietors of the South Half of the Southeast Quarter of the Southwest Quarter (S 1/2 SE 1/4 SW 1/4) of Section 21, Township 141 North, Range 53 West of the 5th Principal Meridian, Cass County, North Dakota

Said land contains 19.988 acres, more or less.

And that said parties have caused the same to be surveyed and platted as PUNTON SUBDIVISION and do hereby dedicate to the public for public use the Public Street and the Access Easement as shown on the plat, and do hereby dedicate to the present and future owners of Lot 9 and of the North Half of the Southeast Quarter of the Southwest Quarter of said Section 21, the Access Easement shown on the plat.

In witness whereof we have set our hands and seals:

Owners:

Helen Purton
 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 Helen Purton, 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: _____

Robert Purton }
 State of North Dakota } ss
 County of Cass }

Jennifer Purton

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Robert Purton and Jennifer Purton, 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: _____

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 a 3000' 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 }

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____.

Kim Loughhead, Chair

Attest:
 Secretary

Empire Township:

Reviewed by Empire Township, Cass County, North Dakota, this _____ day of _____, 20____.

Steve Faight, Chair

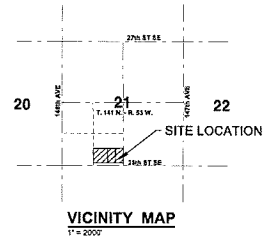
Attest:
 Janna McPherson, Clerk

Cass County Board of Commissioners' Approval:

Approved by Cass County, North Dakota, this _____ day of _____, 20____.

Chad Peterson, Chair

Attest:
 Michael Morglasser, Cass County Auditor



DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 14 day of July, 2020, by Owner(s): HELEN PUNTON, a single person, whose post office address is 4255 30th Ave. S., #108, Fargo, North Dakota 58104, and ROBERT PUNTON AND JENIFER PUNTON, husband and wife, whose post office address is 14628 28th St. SE, Ayr, North Dakota 58007.

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.

State of North Dakota }
County of Cass } ss

On this 14th day of July, 2020, before me, a notary public within and for said county and state, personally appeared Helen Punton, a single person, known to be the person described in and who executed the foregoing instrument and acknowledged that she executed same.

LYNAE T. SIMS
Notary Public
State of North Dakota
My Commission Expires Aug. 13, 2020

Lynae T. Sims
Notary Public

State of North Dakota }
County of Cass } ss

On this 14th day of July, 2020, before me, a notary public within and for said county and state, personally appeared Robert Punton and Jenifer Punton, husband and wife, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same.

LYNAE T. SIMS
Notary Public
State of North Dakota
My Commission Expires Aug. 13, 2020

Lynae T. Sims
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 }
County of Cass } ss

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