

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, December 10, 2020 at 7:00 a.m.

Vector Conference Room, 1201 Main Avenue West, West Fargo, 58078

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of September 24, 2020

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **Hoffmann First Subdivision** (Located in Gill Township, in the NW $\frac{1}{4}$ of Section 19, Township 139 North, Range 53 West of the 5th Principal Meridian, Cass County North Dakota).
2. Hearing on an application requesting variance and a Minor Subdivision Plat of **Krogh Subdivision** (Located in Berlin Township, in the SE $\frac{1}{4}$ of Section 35, Township 141 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota).
3. Hearing on an application requesting a Minor Subdivision Plat of **Neil Lindemann Subdivision** (Located in Highland Township, in the South $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 27, Township 137 North, Range 54 West of the 5th Principal Meridian, Cass County North Dakota).

F. New Business

1. 2021 Cass County Planning Commission Schedule

G. Old Business

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
SEPTEMBER 24, 2020**

1. MEETING TO ORDER

A meeting of the Cass County Planning Commission was called to order on September 24, 2020, at 7:00 AM in the Vector Control Conference Room with members present as follows: Keith Monson, Rocky Bertsch, Dr. Tim Mahoney, Elissa Novotny and Kris Schipper. Ken Lougheed, Duane Breitling and Brad Olson were present by phone. Also present were County Planner, Grace Puppe and County Engineer, Jason Benson.

2. MINUTES, APPROVED

MOTION, passed

**Mr. Olson moved and Mr. Bertsch seconded to approve the minutes of the August 27, 2020 meeting as presented.
Motion carried.**

3. PUBLIC HEARING ITEMS

a. Minor Subdivision Plat of Slot10 Subdivision, located in Reed Township

Mr. Lougheed opened the public hearing.

Ms. Puppe provided an overview of an application for a minor subdivision entitled Slot10 Subdivision filed by Dylan Slotten. The applicant requests approval to combine Auditor's Lots 3-6 and part of 7 into a one (1) Lot, subdivision of approximately 9 acres to build a single-family home.

The proposed ownership and maintenance responsibilities will be private. The access for this new parcel is off public dedicated right of way of 48th Ave N using an existing access extended south along lots 2-4 through a 70-foot easement.

Discussion was held regarding the proposed subdivision.

The public hearing was closed.

MOTION, passed

**Mr. Breitling moved and Mr. Bertsch seconded to approve the minor subdivision with the conditions outlined by the County Planner.
Motion carried.**

4. NEW BUSINESS

No new business.

5. OLD BUSINESS

No old business.

ADJOURNMENT

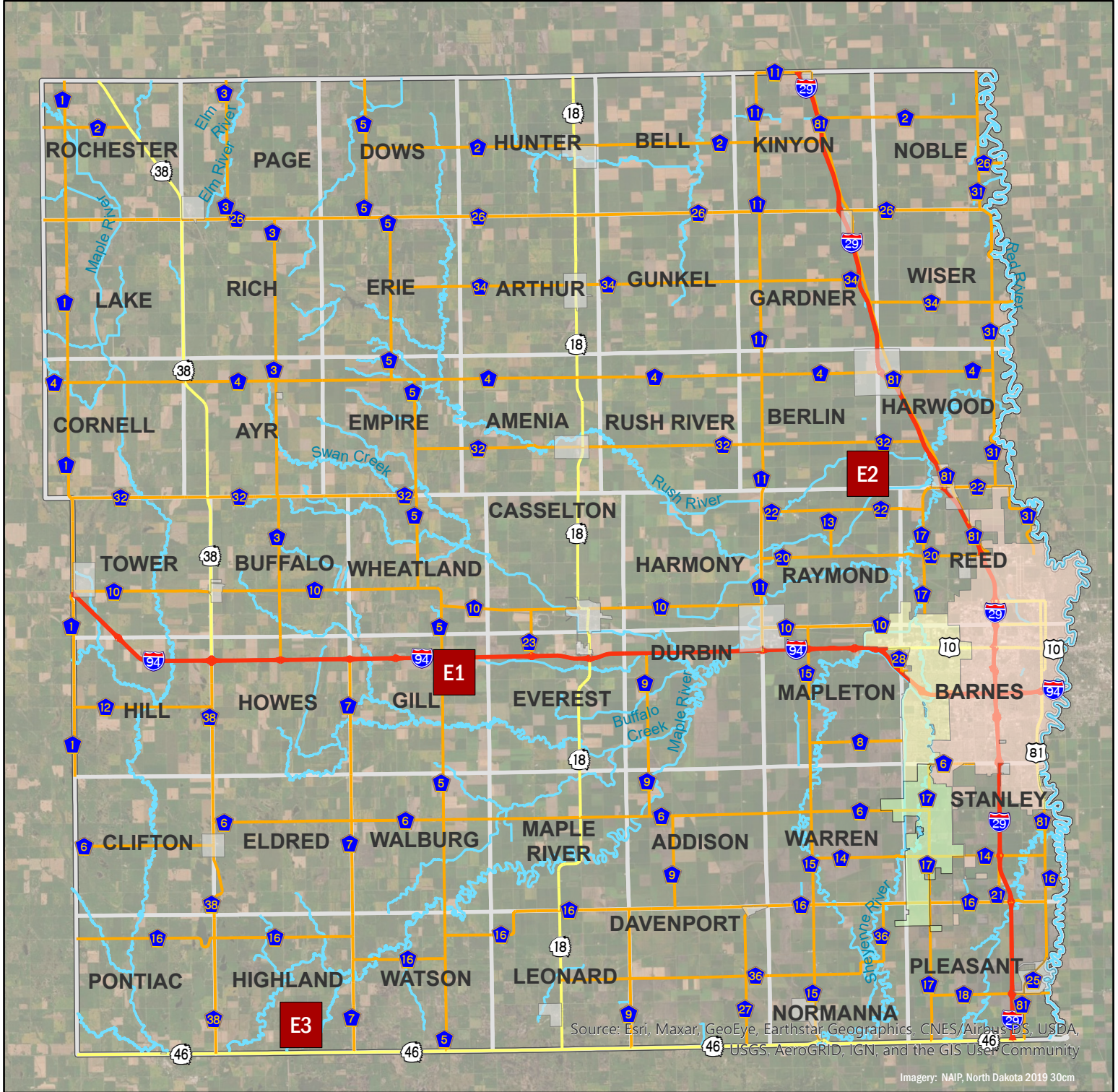
On motion by Mr. Monson, seconded by Mr. Bertsch and all voting in favor, the meeting was adjourned at 7:40 AM.

Minutes prepared by Jodi Miller, Finance Secretary

Agenda Items Map

Cass County Planning Commission

December 10, 2020



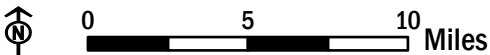
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Imagery: NAIP, North Dakota 2019 30cm

Agenda Items No.

- E1. - Hoffmann Subdivision
- E2. - Krogh Subdivision
- E3. - Neil Lindemann Subdivision

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.





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (2 Lot) of a part of the N ½ of Section 19, Township 139 North, Range 53 West		
Title:	Hoffmann First Subdivision	Date:	10/12/2020
Location:	N ½ of Section 19, Township 139 North, Range 53 West (Gill Township)	Staff Contact:	Grace Puppe
Parcel Number:	41-0000-05781-010; 41-0000-05781-000; 41-0000-05780-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Terry Hoffmann	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: December 10, 2020		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Hoffman First Subdivision** to plat a two (2) Lot subdivision of approximately 60.37 acres. According to the applicant, the subdivision is requested to create a two-lot rural subdivision plat and split up the existing homes and septic systems into their respective lots. No new roads are being created and properties will use existing addresses.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use existing 39th Street road access, ditches for storm sewer conveyance, public water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	This property appears to have been developed long ago with the east farmstead being around since before 1960 and the west house for more than 20 years. These road accesses are existing and see appropriate for this rural township road. No issues.
Water Resource District	No comments.
Cass County Electric Cooperative	CCEC currently serves the farmsteads in question with single phase service.
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 utilities in this area.
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	No comments were received prior to publishing the staff report.
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 east and south. Township road 39th St SE borders the north of the property with County Road 7 on the west.

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 two-lot subdivision proposal is less than 80 acres, a transfer of a development right is required along with a deed restriction.

Staff Recommendation

To accept the findings and recommendations of 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, with the following conditions:

1. A deed restriction be recorded that meets the requirements of Section 308 of the Cass County Subdivision Ordinance.

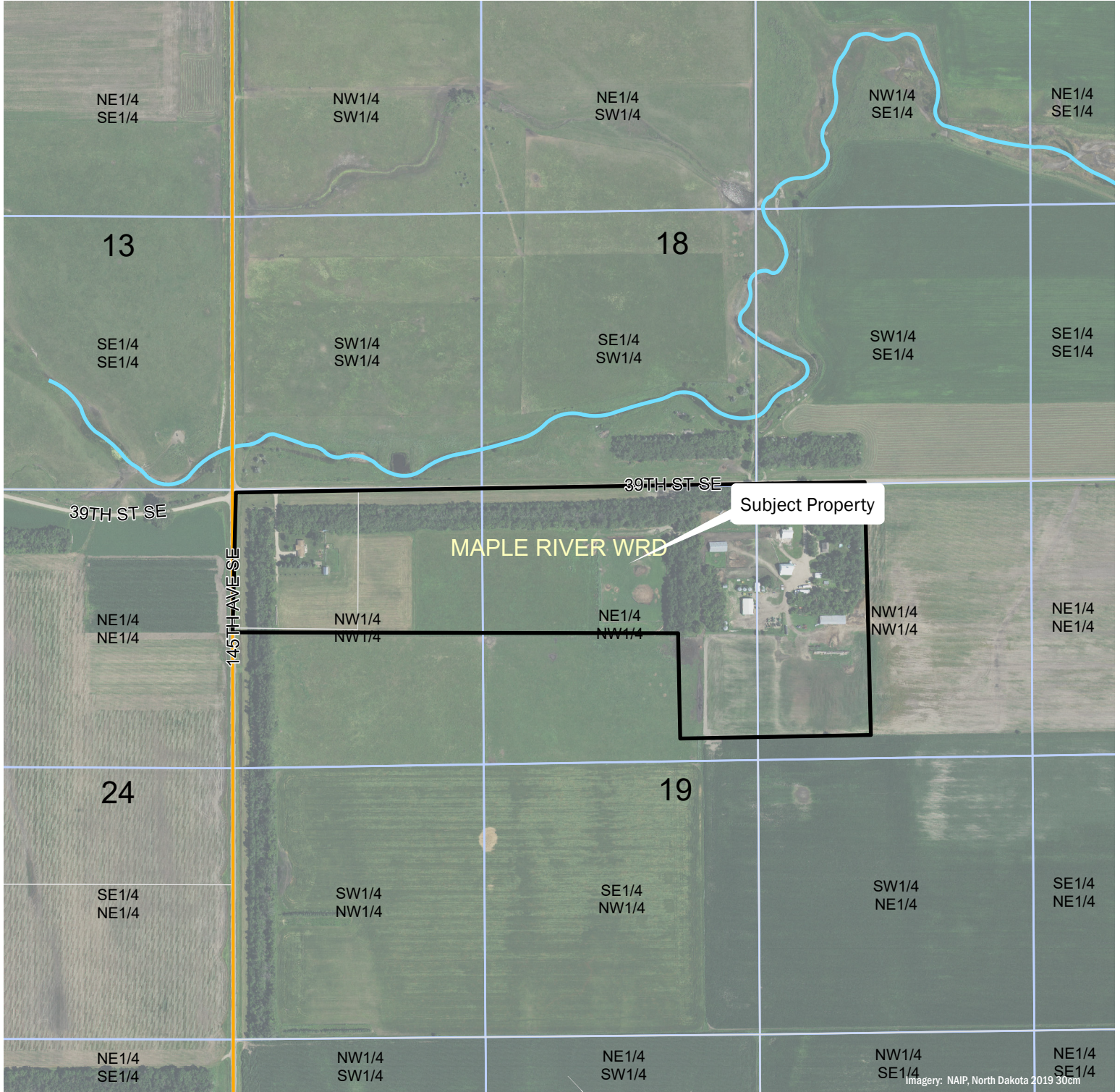
Attachments

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

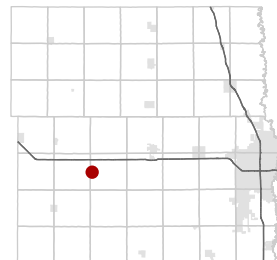
Minor Subdivision

Hoffmann First Subdivision

Gill Twp, Section 18 - Township 139 North - Range 53 West



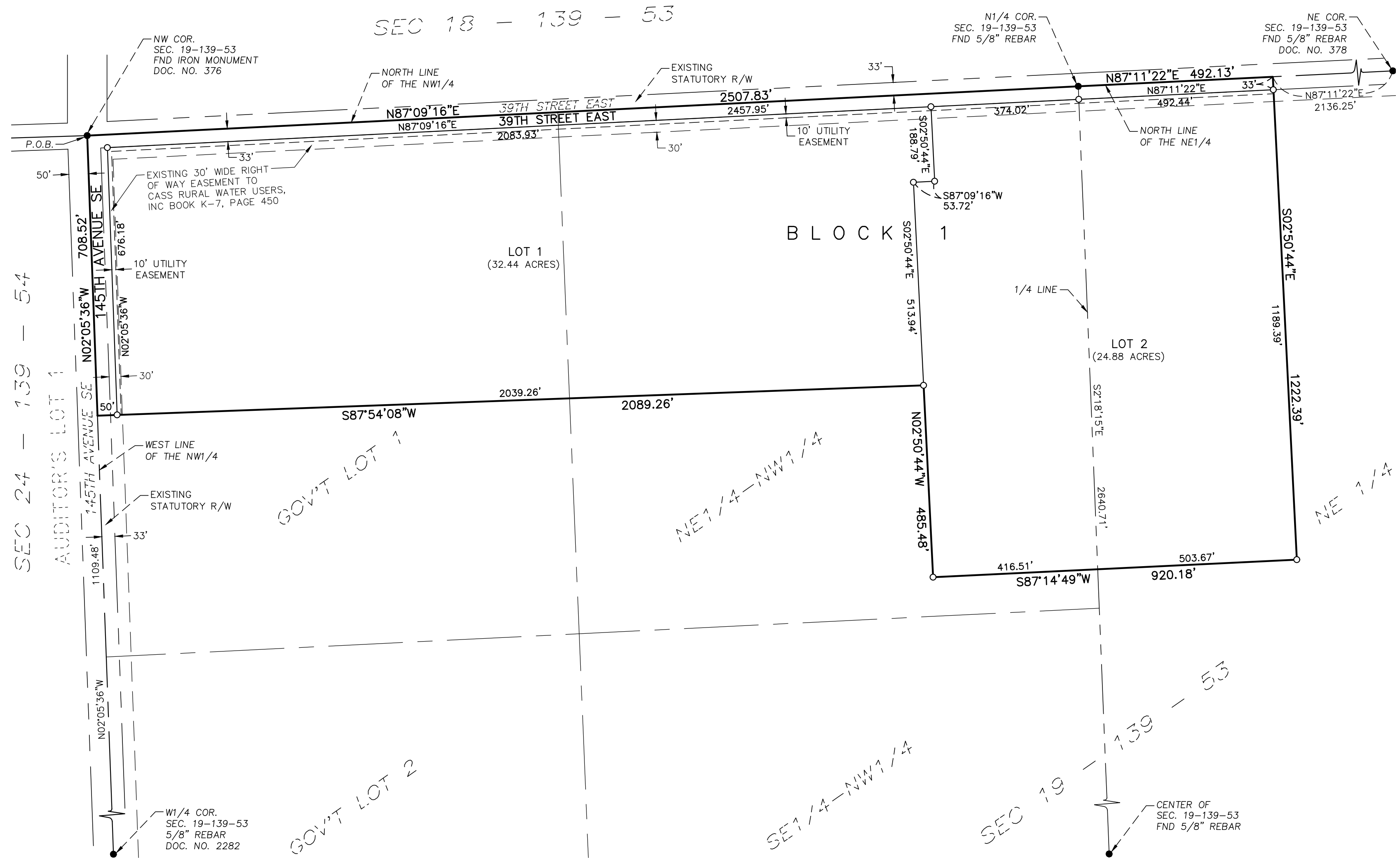
Cass County Planning Commission
December 10, 2020



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**PLAT OF
HOFFMANN FIRST SUBDIVISION**
A PLAT OF PART OF THE NORTH HALF OF SECTION 19 TOWNSHIP 139
NORTH, RANGE 53 WEST OF THE 5TH PRINCIPAL MERIDIAN,
CASS COUNTY, NORTH DAKOTA.



CERTIFICATE
SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE PROFESSIONAL LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "HOFFMANN FIRST SUBDIVISION", A PLAT OF PART OF THE NORTH HALF OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTH HALF OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE NORTHWEST CORNER OF SAID SECTION 19; THENCE NORTH 87 DEGREES 09 MINUTES 16 SECONDS EAST ON AN ASSUMED BEARING ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19 FOR A DISTANCE OF 2507.83 FEET TO A FOUND IRON MONUMENT AT THE NORTH QUARTER CORNER OF SAID SECTION 19; THENCE NORTH 87 DEGREES 11 MINUTES 22 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19 FOR A DISTANCE OF 492.13 FEET; THENCE SOUTH 02 DEGREES 50 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 1222.39 FEET; THENCE SOUTH 87 DEGREES 14 MINUTES 49 SECONDS WEST FOR A DISTANCE OF 920.18 FEET; THENCE NORTH 02 DEGREES 50 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 485.48 FEET; THENCE SOUTH 87 DEGREES 54 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 2089.26 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 02 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 708.52 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 60.37 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

SHAWN M. THOMASSON
PROFESSIONAL LAND SURVEYOR
ND PLS #5900

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, PROFESSIONAL LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "HOFFMANN FIRST SUBDIVISION", A PLAT OF PART OF THE NORTH HALF OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 53 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF SHAWN M. THOMASSON, PROFESSIONAL LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS, AVENUES, AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: TERRY C. HOFFMANN

TERRY C. HOFFMANN

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TERRY C. HOFFMANN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNERS: TERRY C. HOFFMANN AND SUSAN R. HOFFMANN REVOCABLE LIVING TRUST

TERRY C. HOFFMANN, TRUSTEE

SUSAN R. HOFFMANN, TRUSTEE

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TERRY C. HOFFMANN AND SUSAN R. HOFFMANN, TRUSTEES OF THE TERRY C. HOFFMANN AND SUSAN R. HOFFMANN REVOCABLE LIVING TRUST, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

MORTGAGEE: PACIFIC LIFE INSURANCE COMPANY

BY: _____
ITS: _____

STATE OF _____)
COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THE NAME OF PACIFIC LIFE INSURANCE COMPANY.

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

GILL TOWNSHIP REVIEW

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

OWNER: _____
TODD WEBER, CHAIRPERSON

ATTEST: _____
TANYA SCHATZKE, TREASURER

COUNTY ENGINEER REVIEW

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

SIGNED: _____
JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

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

SIGNED: _____
KEN LOUGHEED, CHAIRPERSON

ATTEST: _____
TOM SOUCY, SECRETARY

CASS COUNTY BOARD OF COMMISSION'S APPROVAL

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

SIGNED: _____
CHAD PETERSON, CHAIRMAN

ATTEST: _____
MICHAEL MONTPLASIR, CASS COUNTY AUDITOR

EASEMENT OF RECORD

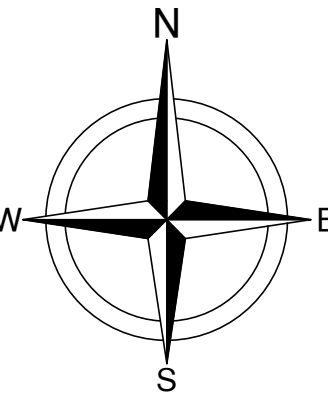
- CASS COUNTY ELECTRIC COOPERATIVE, INC., RIGHT OF WAY EASEMENT, DOCUMENT NO. 563717

AREA OF DEDICATED ROADS: 3.05 ACRES.

TOTAL PLAT AREA: 60.37 ACRES.

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5900
- P.O.B. POINT OF BEGINNING



0 200
Scale in Feet

BASIS OF BEARINGS:
THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 19 HAS AN ASSUMED BEARING OF N87°09'16"E

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 9th day of September 2020, by
Owner(s): Terry Hoffman

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 Southeast Quarter of the Northwest Quarter of Section 19, Township 139 North, Range 53 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

The South 924.80 feet of the East 924.80 feet of said Southeast Quarter of the Northwest Quarter, as measured at a right angle to and parallel with the south and east lines of said Southeast Quarter of the Northwest Quarter.

Said tract contains 19.63 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

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

Owner(s) Signature

Date

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 _____, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.

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 _____, 20____, 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



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SE ¼ of Section 35, Township 141 North, Range 50 West		
Title:	Krogh Subdivision	Date:	11/4/2020
Location:	SE ¼ of Section 35, Township 141 North, Range 50 West (Berlin Township)	Staff Contact:	Grace Puppe
Parcel Number:	27-0000-01642-010 27-0000-01642-020 27-0000-01642-020	Water District:	Rush River Water District
Owner(s)/Applicant:	Donald & Sharlene Krogh	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: June 25, 2020		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Krogh Subdivision** to plat a one (1) Lot subdivision of approximately 10.68 acres. According to the applicant, the subdivision is requested to combine Auditor’s Lots 1 and 2 adjusting the shape better match the layout of the property to sell and retain the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 30th St SE road access, ditches for storm sewer conveyance, private water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I have no concerns. This subdivision appears to consolidate two parcels into one and the new property lines follow the existing drainage swale, tree rows, and field split. While most of the adjacent land open for deed restriction is in the flood plain. A variance should be allowed for this deed restriction as this property has been a farmstead since before 1960.
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	Sprint will be clear of the project.
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	The applicants are not seeking rural water service, so we have no comment.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues.
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 west, north and east. Township road 30th ST SE borders the east.

Floodzone

According to the FEMA Flood Map Service Center, this property is located in Special Flood Hazard Area Zone A. 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. However, Section 308 does not allow for development rights to be transferred from lands located in the floodplain. Because the 1986 FIRM is the most currently adopted map, the proposed development would not be able to transfer development rights because all the surrounding land is located in the 1% floodplain. As a result, if the ordinance requirements were strictly adhered to, the subdivision application would not be able to go forward because no transfer of development rights would be permitted.

Staff Recommendation

To accept the findings and recommendations of 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, with the following conditions:

1. A deed restriction be recorded that meets the requirements of Section 308 of the Cass County Subdivision Ordinance.

Attachments

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

Minor Subdivision

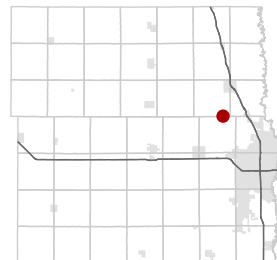
Krogh Subdivision

Berlin Twp, Section 35 - Township 141 North - Range 50 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission
December 10, 2020



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**PLAT OF
KROGH SUBDIVISION**
A PART OF THE SOUTHEAST QUARTER OF SECTION 35,
TOWNSHIP 141 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA



- EASEMENTS OF RECORD**
1. NORTHWESTERN BELL TELEPHONE COMPANY, BK. R-3 OF MISC. PAGE 617
 2. NORTHWESTERN BELL TELEPHONE COMPANY, BK. S-3 OF MISC. PAGE 269

BASIS OF BEARINGS: THE SOUTH LINE OF THE SE1/4 OF SECTION 35-141-50 HAS AN ASSUMED BEARING OF S87°25'03\"/>

LEGEND

- IRON MONUMENT FOUND
- SET 5/8\"/>

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING



CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "KROGH SUBDIVISION", A PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 141 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 141 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND IRON MONUMENT WHICH DESIGNATES THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87 DEGREES 25 MINUTES 03 SECONDS WEST ON AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR A DISTANCE OF 716.00 FEET TO AN IRON MONUMENT, THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 25 MINUTES 03 SECONDS WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 797.00 FEET TO AN IRON MONUMENT; THENCE NORTH 01 DEGREE 24 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 529.00 FEET TO AN IRON MONUMENT; THENCE NORTH 82 DEGREES 25 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 451.00 FEET TO AN IRON MONUMENT; THENCE NORTH 60 DEGREES 03 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 365.00 FEET TO AN IRON MONUMENT; THENCE SOUTH 03 DEGREES 34 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 736.00 FEET TO THE POINT OF BEGINNING.

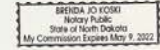
SAID TRACT CONTAINS 10.68 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

Steven W. Holm
STEVEN W. HOLM
REGISTERED LAND SURVEYOR
REG. NO. LS-6571
COUNTY OF CASS



ON THIS 19th DAY OF November, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

Brenda Jo Koski
BRENDA JO KOSKI
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

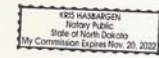


DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "KROGH SUBDIVISION", A PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 141 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR; AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE THE 30TH STREET SOUTHWEST AS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNERS: LOT 1:

Donald Krogh *Sharlene Krogh*
DONALD KROGH SHARLENE KROGH



STATE OF NORTH DAKOTA)
COUNTY OF CASS)
ON THIS 19 DAY OF November, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DONALD KROGH AND SHARLENE KROGH, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

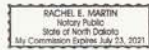
Adam Ruud
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

RECIPIENTS: LOT 1:

Adam Ruud *Joleesa Ruud*
ADAM RUUD JOLEESA RUUD

STATE OF NORTH DAKOTA)
COUNTY OF CASS)
ON THIS 19th DAY OF November, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ADAM RUUD AND JOLEESA RUUD, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

Sachie E. Martin
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



BERLIN TOWNSHIP REVIEW

REVIEWED BY BERLIN TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 20____.

SIGNED: _____
KARL LANGSETH, CHAIR

ATTEST: _____
SCOTT VERWEST, CLERK

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 20____.

SIGNED: _____
JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 20____.

SIGNED: _____
KEN LOUGHEED, CHAIR

ATTEST: _____
SECRETARY

CASS COUNTY COMMISSION APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 20____.

SIGNED: _____
CHAD PETERSON, CHAIR

ATTEST: _____
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 13th day of October, 2020, by
Owner(s): Donald Krogh and Sharlene Krogh

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 Southeast Quarter of the Southeast Quarter of Section 35, Township 141 North, Range 50 West, Cass County, North Dakota. Less Krogh Subdivision a part of the Southeast Quarter of Section 35, Township 141 North, Range 50 West, Cass County, North Dakota.

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

Owner(s) Signature

Date

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 _____, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.

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 _____, 20___, 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



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the S ½ of the NW ¼ of Section 27, Township 137 North, Range 54 West		
Title:	Neil Lindemann Subdivision	Date:	11/20/2020
Location:	S ½ of the NW ¼ of Section 27, Township 137 North, Range 54 West (Highland Township)	Staff Contact:	Grace Puppe
Parcel Number:	45-0000-06712-040	Water District:	Maple River Water District
Owner(s)/Applicant:	Neil & Margie Lindemann	Engineer/Surveyor:	Neset Land Surveys
Status:	Planning Commission Hearing: December 10, 2020		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled Neil Lindemann **Subdivision** to plat a one (1) Lot subdivision of approximately 20 acres. According to the applicant, the subdivision is requested to split the 40-acre lot into two lots to separate off the house, buildings, and pastureland from the remaining agricultural land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 142nd Ave SE road access, ditches for storm sewer conveyance, rural 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. No other issues as long as it is understood that the remainder of the 40 acres will be deed restricted as ag land
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	Sprint will be clear of the project.
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	The existing house has rural water service. No additional comment.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	The proposed Neil Lindemann Subdivision is in Highland 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 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, with the following conditions:

1. A deed restriction be recorded that meets the requirements of Section 308 of the Cass County Subdivision Ordinance.

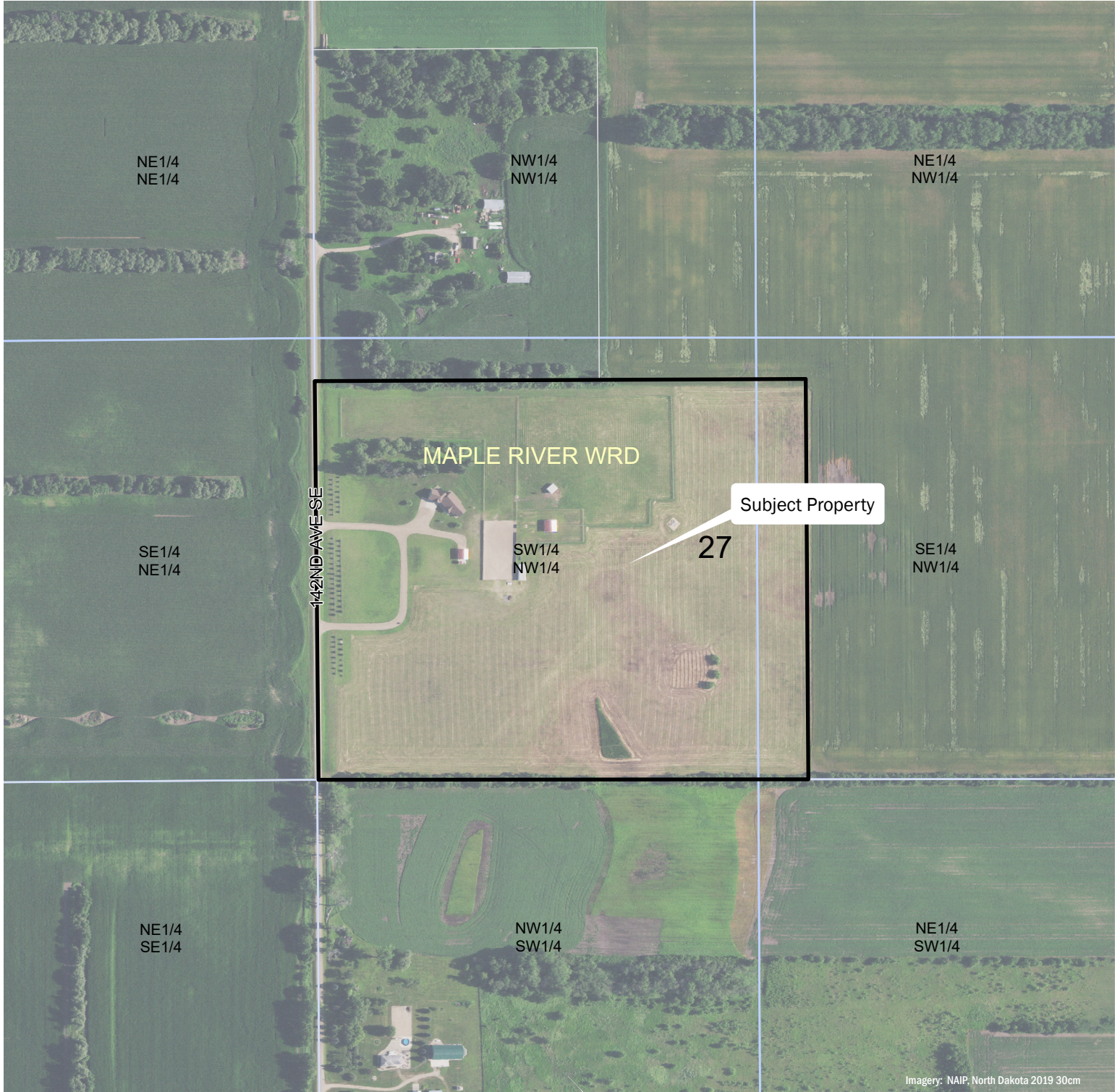
Attachments

1. Location Map
2. Plat Document

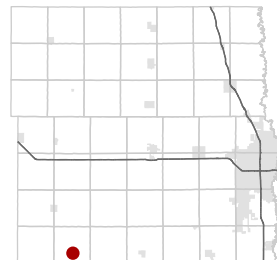
Minor Subdivision

Neil Lindemann Subdivision

Highland Twp, Section 27 - Township 137 North - Range 54 West



Cass County Planning Commission
December 10, 2020



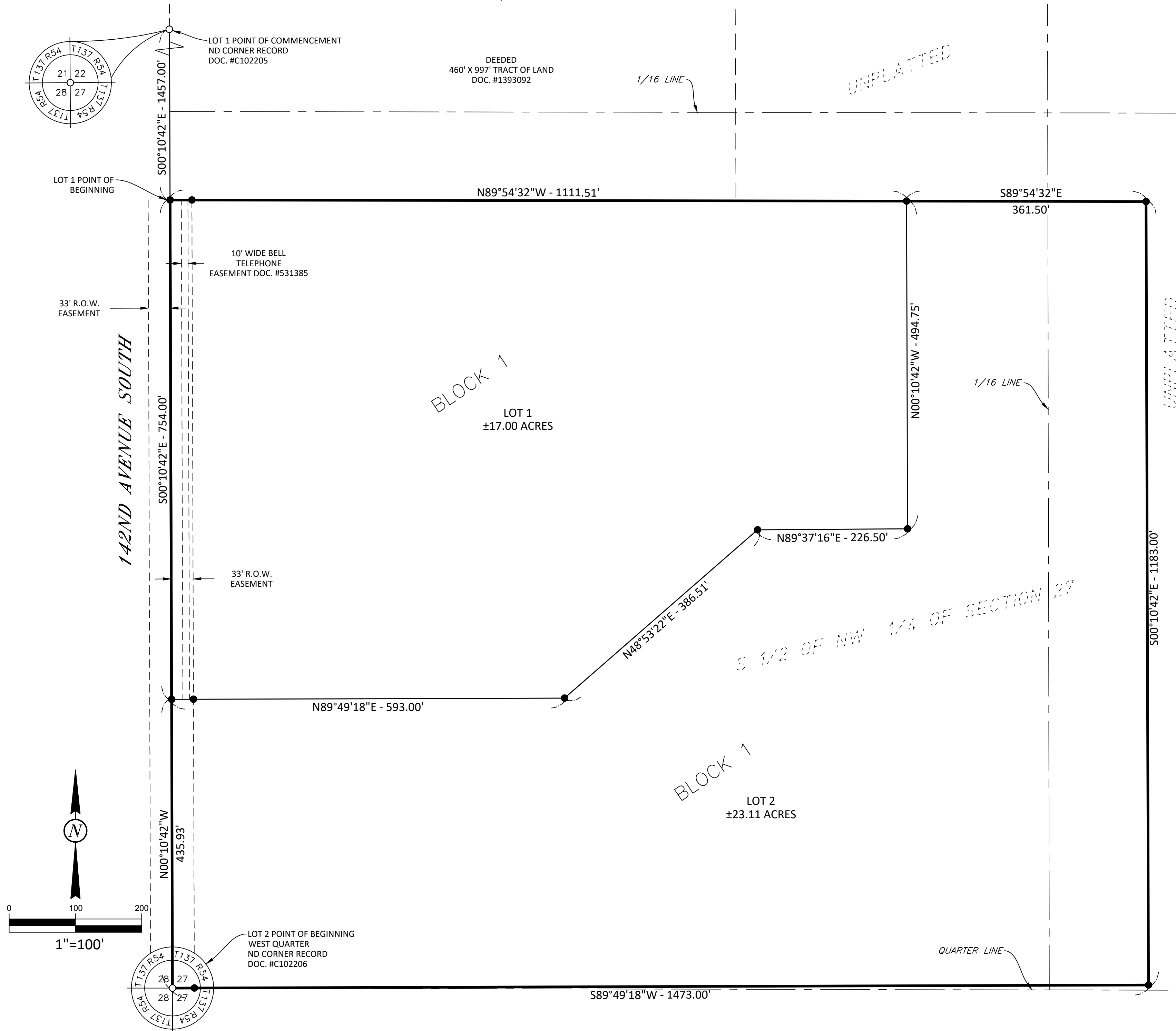
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



NEIL LINDEMANN SUBDIVISION

A MINOR SUBDIVISION

PART OF THE SOUTH HALF OF THE NW QUARTER OF SECTION 27, TOWNSHIP 137 NORTH RANGE 54 WEST CASS COUNTY, STATE OF NORTH DAKOTA



OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT JOHN M. NORD OF ENDERLIN, NORTH DAKOTA IS THE OWNER OF LOT 1, BLOCK 1, NEIL LINDEMANN SUBDIVISION DESCRIBED AS FOLLOWS;

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 137 NORTH, RANGE 54 WEST OF THE 5TH PRINCIPAL MERIDIAN, HIGHLAND TOWNSHIP, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27 THENCE S00°10'42"E ALONG THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 1457.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°10'42"E ALONG SAID WEST LINE A DISTANCE OF 754.00 FEET; THENCE N89°49'18"E A DISTANCE OF 593.00 FEET; THENCE N48°53'22"E A DISTANCE OF 386.51 FEET; THENCE N89°37'16"E A DISTANCE OF 226.50 FEET; THENCE N00°10'42"W A DISTANCE OF 494.75 FEET; THENCE N89°54'32"W A DISTANCE OF 1111.51 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±17.00 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS NEIL LINDEMANN A MINOR SUBDIVISION TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA. NEIL LINDEMANN A MINOR SUBDIVISION CONSISTS OF 2 LOTS AND 1 BLOCK AND CONTAINS 40.11 ACRES MORE OR LESS.

BY: _____
JOHN M. NORD

STATE OF _____)
COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED JOHN M. NORD 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 _____ DATE _____

REGISTERED LAND SURVEYOR No. LS-7513
STATE OF NORTH DAKOTA

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 _____

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT NEIL AND MARGIE LINDEMANN OF ENDERLIN, NORTH DAKOTA ARE THE OWNERS OF LOT 2, BLOCK 1, NEIL LINDEMANN SUBDIVISION DESCRIBED AS FOLLOWS;

PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 137 NORTH, RANGE 54 WEST OF THE 5TH PRINCIPAL MERIDIAN, HIGHLAND TOWNSHIP, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE N00°10'42"W ALONG THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 435.93 FEET; THENCE N89°49'18"E A DISTANCE OF 593.00 FEET; THENCE N48°53'22"E A DISTANCE OF 386.51 FEET; THENCE N89°37'16"E A DISTANCE OF 226.50 FEET; THENCE N00°10'42"W A DISTANCE OF 494.75 FEET; THENCE S89°54'32"E A DISTANCE OF 361.50 FEET; THENCE S00°10'42"E A DISTANCE OF 1183.00 FEET; THENCE S89°49'18"W A DISTANCE OF 1473.00 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 27, BEING THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±23.11 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS NEIL LINDEMANN A MINOR SUBDIVISION TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA. NEIL LINDEMANN A MINOR SUBDIVISION CONSISTS OF 2 LOTS AND 1 BLOCK AND CONTAINS 40.11 ACRES MORE OR LESS.

BY: _____
NEIL LINDEMANN MARGIE LINDEMANN

STATE OF _____)
COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2020, BEFORE ME PERSONALLY APPEARED NEIL AND MARGIE LINDEMANN 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 _____

HIGHLAND TOWNSHIP

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

DEAN SPRUNK, CHAIRMAN

ATTEST: _____
CHRISTINA SPRUNK, CLERK

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 FINANCIAL DIRECTOR

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - - - EX. EASEMENT
- - - - - EX. PROPERTY LINE
- — — — — PROPERTY BOUNDARY LINE
- — — — — LOT LINE
- - - - - SECTION LINE

SURVEY INFORMATION

DATE OF SURVEY: MARCH 24, 2020
BASIS OF BEARING: ASSUMED

DRAWN BY: KRS
CHECKED BY: CAN
DATE: 11/02/2020



DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this ___ day of October 2020, by Owner(s): Neil Lindemann and Margie Lindemann.

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

Lot 2, Block 1 of Neil Lindemann Subdivision, a part of the South Half of the Northwest Quarter (S1/2NW1/4) of Section Twenty-Seven (27), Township One Hundred Thirty-seven (137) North, Range Fifty-four (54) West, Cass County, North Dakota.

(Signatures appear on the following pages.)

