

DEC 10 2020

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: December 11, 2020

SUBJECT: Consent Agenda Topic for the December 21,
2020 Commission Meeting: Krogh Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Berlin Township, Section 35 at a Public Hearing on December 10, 2020. The intended purpose of the subdivision is to plat a one (1) Lot subdivision of approximately 10.68 acres. It is requested to combine Auditor's Lots 1 and 2 adjusting the shape to better match the layout of the property to sell and retain the farmland.

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

SUGGESTED MOTION:

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



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
		Update:	12/10/2020
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:	County Commission Hearing: December 21, 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 in 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 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

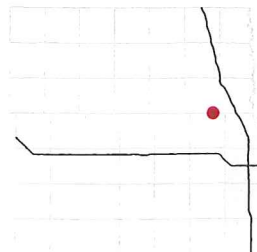
Minor Subdivision

Krogh Subdivision

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



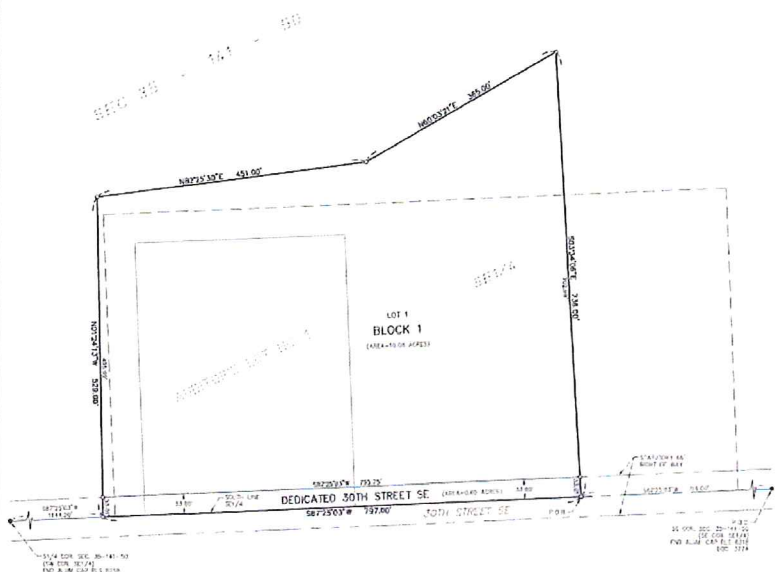
Cass County Planning Commission
December 10, 2020



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.



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



CERTIFICATE
I, Stacy M. Hill, being duly sworn, depose and say 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 FIRST PRINCIPAL MERIDIAN, EIGHT TENTH 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 SPACES AS INDICATED FOR THE DURATION OF FORTY-NINE YEARS 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 FIRST PRINCIPAL MERIDIAN, NORTH DAKOTA COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT WITH AN IRON MONUMENT WHICH CORNER OF SAID SOUTHEAST QUARTER, THENCE SOUTH BY DEGREES 25 MINUTES 54 SECONDS WEST AN ASSUMED BEARING ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER FOR A DISTANCE OF 28.08 FEET TO AN IRON MONUMENT, THE POINT OF BEGINNING, THENCE CONTINUING SOUTH BY DEGREES 25 MINUTES 52 SECONDS WEST BEARING SAID SOUTH LINE FOR A DISTANCE OF 197.23 FEET TO AN IRON MONUMENT, THENCE SOUTH BY DEGREES 25 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 161.1 FEET TO AN IRON MONUMENT, THENCE NORTH BY DEGREES 25 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 451.00 FEET TO AN IRON MONUMENT, THENCE SOUTH BY DEGREES 25 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 451.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 108.4 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

Stacy M. Hill
REGISTERED LAND SURVEYOR
REG. NO. 15-1571
STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS 14th DAY OF November, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Stacy M. Hill, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE CREATED THE SAID PLAT AND FILED SAID PLAT.

Brandon Jo Kooki
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA



DECLARATION
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 FIRST PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, THAT WE HAVE CAUSED IT TO BE PLATTED AND RECORDED AS SHOWN BY SAID PLAT AND CERTIFICATE OF RECORD, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF NORTH DAKOTA, AND WE HEREBY DEDICATE 30TH STREET SOUTHWEST AS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: LOT 1
Stacy M. Hill
STATE OF NORTH DAKOTA
COUNTY OF CASS

STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS 14th DAY OF November, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Stacy M. Hill AND Brandon Jo Kooki, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.



REGISTERED LAND SURVEYOR
REGISTERED LAND SURVEYOR
Stacy M. Hill
STATE OF NORTH DAKOTA
COUNTY OF CASS

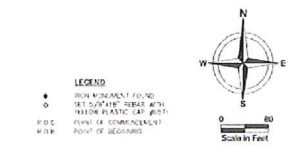
STATE OF NORTH DAKOTA
COUNTY OF CASS

ON THIS 14th DAY OF November, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Stacy M. Hill AND Brandon Jo Kooki, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

BEFORE TOWNSHIP REVIEW
REVIEWED BY BEING TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 20____.

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

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



EASEMENTS OF RECORD
1. NORTHWEST CORNER, BEARING COMPANY, ET. C. S. OF SEC. 35, PAGE 57.
2. NORTHWEST CORNER, BEARING COMPANY, ET. C. S. OF SEC. 35, PAGE 58.

RANGE OF BEARINGS FOR THE SOUTH LINE OF THE SE 1/4 OF SECTION 35 HAS BEEN ASSUMED BEARING OF N27°25'07.4"

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.

DEC 10 2020

MEMORANDUM

TO: Cass County Board of Commissioners
FROM: Grace Puppe, Cass County Planner
DATE: December 11, 2020

SUBJECT: Consent Agenda Topic for the December 21,
2020 Commission Meeting: Hoffmann First
Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Gill Township, Section 19 at a Public Hearing on December 10, 2020. The intended purpose of the subdivision is to plat a two (2) Lot subdivision of approximately 60.37 acres. It is requested to 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 Planning Commission is recommending approval of the proposed plat entitlement request and Gill Township has verified that they do not have township zoning requirements. Therefore, the Planning Commission recommendation is forwarded to the Cass County Board of Commissioners for action.

SUGGESTED MOTION:

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



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
		Update:	12/10/2020
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:	County Commission Hearing: December 21, 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 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

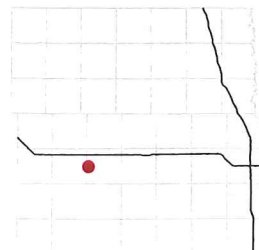
Minor Subdivision

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 W. THOMPSON, 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 LOCATIONS 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 POLAR IRON MONUMENT WHICH DESIGNATES THE NORTHWEST CORNER OF SAID SECTION 19, THENCE NORTH BY 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 2007.82 FEET TO A POLAR IRON MONUMENT AT THE NORTH QUARTER CORNER OF SAID SECTION 19, THENCE NORTH BY DEGREES 11 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19 FOR A DISTANCE OF 482.13 FEET; THENCE SOUTH BY DEGREES 00 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 1232.39 FEET; THENCE SOUTH 87 DEGREES 14 MINUTES 49 SECONDS WEST FOR A DISTANCE OF 800.18 FEET; THENCE NORTH 01 DEGREES 20 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 485.48 FEET; THENCE SOUTH 87 DEGREES 04 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 1089.88 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER, THENCE NORTH 02 DEGREES 05 MINUTES 33 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 1065.52 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 W. THOMPSON
PROFESSIONAL LAND SURVEYOR
NO. 1515
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 W. THOMPSON, 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 W. THOMPSON, PROFESSIONAL LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED PROFESSIONAL LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL EASEMENTS, AVENUES, AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

DATED: 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

GRANTEES TERRY C. HOFFMANN AND SUSAN R. HOFFMANN REVOCABLE LIVING TRUST

TERRY C. HOFFMANN, TRUSTEE
SUSAN R. HOFFMANN, TRUSTEE

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 _____, 2020, 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 _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

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NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

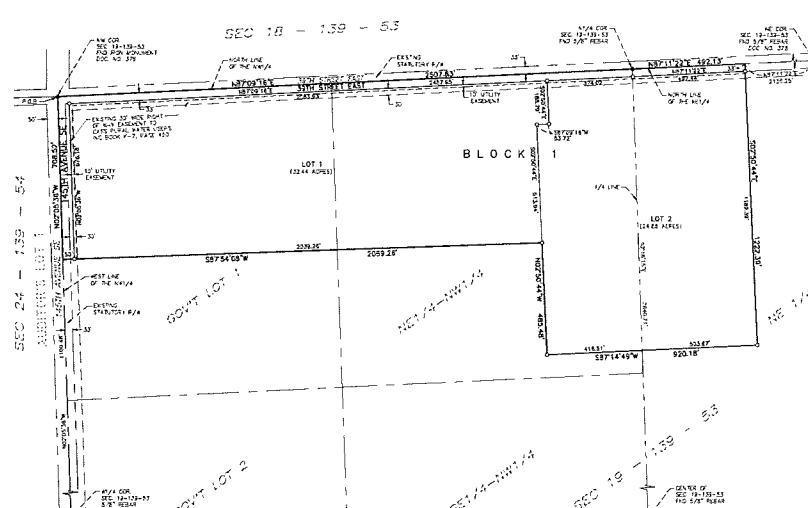
NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____

NOTARY PUBLIC, COUNTY OF _____, STATE OF _____



ALL TOWNSHIP REVIEW
REVIEWED BY ALL TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2020

OWNER: TEOD KEBER, CHAIRPERSON

ATTEST: TANYA SCHATZLE, 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: REN LOCHHEAD, CHAIRPERSON

ATTEST: TONY BOUQUET, SECRETARY

CASS COUNTY BOARD OF COMMISSIONERS APPROVAL
APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2020

SIGNED: CHAD PETERSON, CHAIRMAN

ATTEST: MICHAEL KOVACHUK, CASS COUNTY CLERK



ASSUMPTION OF RECORD
1. CASS COUNTY RECORDS
CASS COUNTY RECORDS
CASS COUNTY RECORDS

AREA OF DESIGNATED ROADS: 3.16 ACRES
TOTAL PLAT AREA: 63.37 ACRES

LEGEND
● IRON MONUMENT FOUND
○ SET 5/8" IRON NAIL WITH TILLY PLASTIC CAP FOUND
P.O.B. POINT OF BEGINNING

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.

DEC 10 2020

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: December 11, 2020

SUBJECT: Consent Agenda Topic for the December 21,
2020 Commission Meeting: Neil Lindemann
Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Highland Township, Section 27 at a Public Hearing on December 10, 2020. The intended purpose of the subdivision is to plat a one (1) Lot subdivision of approximately 20 acres. It is requested to split the 40-acre lot into two (2) to separate the house, buildings, and pastureland from the remaining agricultural land.

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

SUGGESTED MOTION:

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



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
		Update:	12/11/2020
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 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

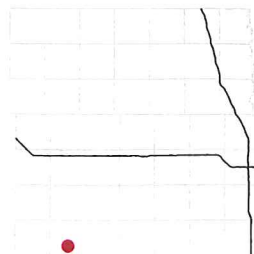
Minor Subdivision

Neil Lindemann Subdivision

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



Cass County Planning Commission
December 10, 2020

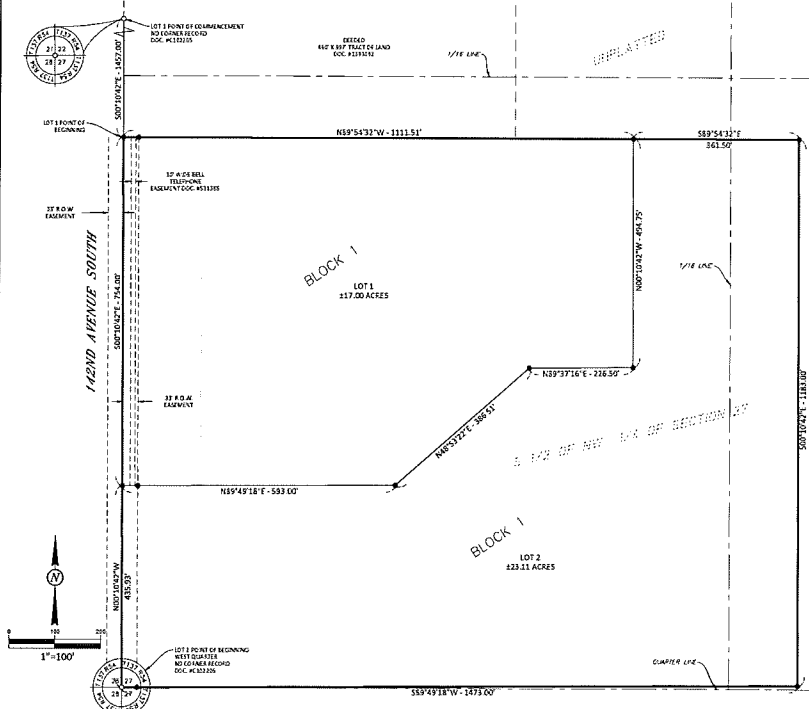


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



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 ENDRULIN, 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 3TH PRINCIPAL MERIDIAN, HIGHLAND TOWNSHIP, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27 THENCE 80°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°12'0"E ALONG SAID WEST LINE A DISTANCE OF 754.00 FEET; THENCE N59°49'18"E A DISTANCE OF 533.00 FEET; THENCE N45°53'22"E A DISTANCE OF 336.51 FEET; THENCE N83°37'16"E A DISTANCE OF 236.50 FEET; THENCE N00°10'42"W A DISTANCE OF 484.75 FEET; THENCE N83°54'32"W A DISTANCE OF 1111.51 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 217.00 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 PLAN 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 446.11 ACRES MORE OR LESS.

BY: _____
JOHN M. NORD

STATE OF _____ 355
COUNTY OF _____

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 TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION
EXPIRES: _____

NOTARY PUBLIC
SURVEYOR'S CERTIFICATE

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

COLE A. NISSET _____ DATE _____
REGISTERED LAND SURVEYOR No. LS-7513
STATE OF NORTH DAKOTA

STATE OF _____ 355
COUNTY OF _____

BE IT KNOWN ON THIS _____ DAY OF _____, 2020,
BEFORE ME PERSONALLY APPEARED COLE A. NISSET, NORTH DAKOTA REGISTERED LAND SURVEYOR, TO WHOM 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 MARGE LINDEMANN OF ENDRULIN, 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 3TH PRINCIPAL MERIDIAN, HIGHLAND TOWNSHIP, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE N07°10'42"W ALONG THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 435.93 FEET; THENCE N83°49'18"E A DISTANCE OF 393.50 FEET; THENCE N45°53'22"E A DISTANCE OF 336.51 FEET; THENCE N83°37'16"E A DISTANCE OF 236.50 FEET; THENCE N00°10'42"W A DISTANCE OF 484.75 FEET; THENCE S13°54'32"E A DISTANCE OF 181.50 FEET; THENCE S07°12'0"E A DISTANCE OF 1183.00 FEET; THENCE S83°49'18"W A DISTANCE OF 1479.00 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 27, ENDING THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 229.11 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 PLAN 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 446.11 ACRES MORE OR LESS.

BY: _____
NEIL LINDEMANN MARGE LINDEMANN

STATE OF _____ 355
COUNTY OF _____

BE IT KNOWN ON THIS _____ DAY OF _____, 2020,
BEFORE ME PERSONALLY APPEARED NEIL AND MARGE 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 SPALINK, CHAIRMAN
ATTEST: CHRISTINA SPALINK, CLERK

CASS COUNTY ENGINEER
REVIEWED BY THE CASS COUNTY ENGINEER THIS DAY OF _____, 2020.
JASON EENSON, 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 COMMISSIONERS APPROVAL
REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS DAY OF _____, 2020.
DAVID PETERSON, CHAIRMAN
ATTEST: MICHAEL MONTFLEUR, 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

SHEET 1 OF 1
DRAWN BY: ELS
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.)

