



MEMORANDUM

**Highway
Department**

Jason Benson, P.E.
County Engineer

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

Blaine Laaveg
Superintendent

TO: Cass County Commission

FROM: Jason Benson, County Engineer *JBS*

DATE: February 19, 2021

SUBJECT: Agenda topic for March 1, 2021 Commission Meeting: Property Sale and Quit Claim Deed for Deer Creek Property along Cass Highway 17

The Cass County Highway Department purchased additional right of way on the east side of Cass Highway 17 back in 2010 for a future frontage road. After discussions with the City of Horace, this frontage road is no longer viable. The adjacent landowner, Matthew Hauff of HS Investments LLC, is submitting a plat to develop the property and would like to acquire this remnant parcel.

In 2010 Cass County paid \$3.00 per square foot for 5,241 square feet for a total cost of \$15,723. Mr. Hauff has made an offer to pay the \$3.00 per square foot price for this property. While this may appear to be a low price after 10 years, Mr. Hauff made purchases of the adjacent property for \$2.50 per square foot back in 2017. He also purchased another nearby parcel for \$2.00 per square foot in 2017. Based on other right of way acquisitions made in the area, I feel the \$3.00 per square foot price is fair and makes us whole for what we paid. It also returns this unneeded parcel back to the tax roles for development within the City of Horace.

SUGGESTED MOTION:

Authorize the Commission Chair to Quit Claim Deed to HS Investments LLC for the sale of 5,241 square feet at a price of \$15,723.

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

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

HS Investments

5302 51st Ave S Fargo, ND 58104

February 17th, 2021

Cass County Government
Attn: Brian Busta
Right of Way and Permitting
1201 Main Ave. West
West Fargo, ND 58078

Dear Brian Busta and Cass County Highway Department:

I am interested in purchasing a parcel of land currently owned by Cass County for the purpose of building a subdivision. Please accept this as a formal offer for the 5,241 square foot ROW parcel located at the corner of Cass County 17 and Deer Creek Parkway in the City of Horace and County of Cass. While the adjacent land has sold for less as of recent, I am willing to offer you your previous purchase price of \$3.00 per square foot, or \$15,723.00. This offer is clean and non-contingent upon any other conditions. Closing of this property is possible as early as you would like.

Should you have any questions, please feel free to reach out to me. I look forward to hearing from you.

Regards,



Matthew Hauff
President
HS Investments, LLC
matthew@brookstoneproperty.com
701-371-3028

QUIT CLAIM DEED

THIS INDENTURE, Made this _____ day of March 2021, between Cass County, North Dakota, a political subdivision of the State of North Dakota, whose post office address is 211 9th Street South, Fargo, North Dakota 58103, Grantor, and HS Investments LLC, a North Dakota limited liability company Grantee, whose post office address is 5302 51st Ave. South, Fargo, North Dakota, 58104.

WITNESSETH, for and in consideration of the sum of One and no/100 Dollars, Grantor does hereby QUIT CLAIM to the Grantee, all of the following real property lying and being in the County of Cass, and the State of North Dakota, and described as follows, to-wit:

That Part of Section Five (5), Township One Hundred Thirty-eight (138) North, Range Forty-nine (49) West, Cass County, North Dakota described as follows:

Commencing at the Southwest corner of said section 5; thence N 01°45'16" W (Assumed Bearing) along the West line of said section 5 a distance of Seven Hundred Eighty-six and Sixteen Hundredths (786.16) feet; thence N 88°13'49" E a distance of One Hundred (100.00) feet to a point on a line lying One Hundred (100.00) feet East of and parallel with the West line of said section 5, THE POINT OF BEGINNING; thence N 01°45'16" W parallel with the West line of said section 5 a distance of One Hundred Fifty and Fifty-five Hundredths (150.55) feet; thence Southerly along a curve to the Left (R = 85.00', $\Delta = 41^\circ 12' 22''$, Chord Bearing = S 22°21'27" E) for an Arc distance of Sixty-one and Thirteen Hundredths (61.13) feet; thence S 42°57'38" E a distance of Twenty-five (25.00) feet; thence Southerly along a curve to the Right (R = 115.00', $\Delta = 41^\circ 11' 27''$) for an Arc distance of Eighty-two and Sixty-eight Hundredths (82.68) feet; thence S 88°13'49" W a distance of Sixty-six (66.0) feet to THE POINT OF BEGINNING.

Said tract contains 5,241 Square feet (0.12 acres), more or less, and is subject to all easements and rights of way of record

IN TESTIMONY WHEREOF, the Grantor has caused these presents to be executed in its corporate name by its Chairman of the Board of County Commissioners and its County Auditor and its corporate seal to be hereunto affixed.

CASS COUNTY, NORTH DAKOTA

Chad Peterson, Chair
Cass County Commission

ATTEST:

Michael Montplaisir, Finance Director
Cass County, North Dakota

STATE OF NORTH DAKOTA)
) SS.
COUNTY OF CASS COUNTY)

On this _____ day of March, 2021, personally appeared before me, a notary public within the aforesaid County and State, Chad Peterson and Michael Montplaisir, to me personally known to be the Chair of the Board of County Commissioners and the County Finance Director, respectfully, of Cass County, and acknowledged to me that they executed the foregoing quit claim deed for and on behalf of Cass County.

Notary Public

(SEAL)

The legal description in this document was prepared in part by the Cass County Highway Department and a previously recorded instrument.

I certify that the requirement for a report or statement of full consideration paid is exempted by NDCC 11-18-02.2(6)(h)

Signed: _____
Grantee or Agent

Deer Creek Property Location

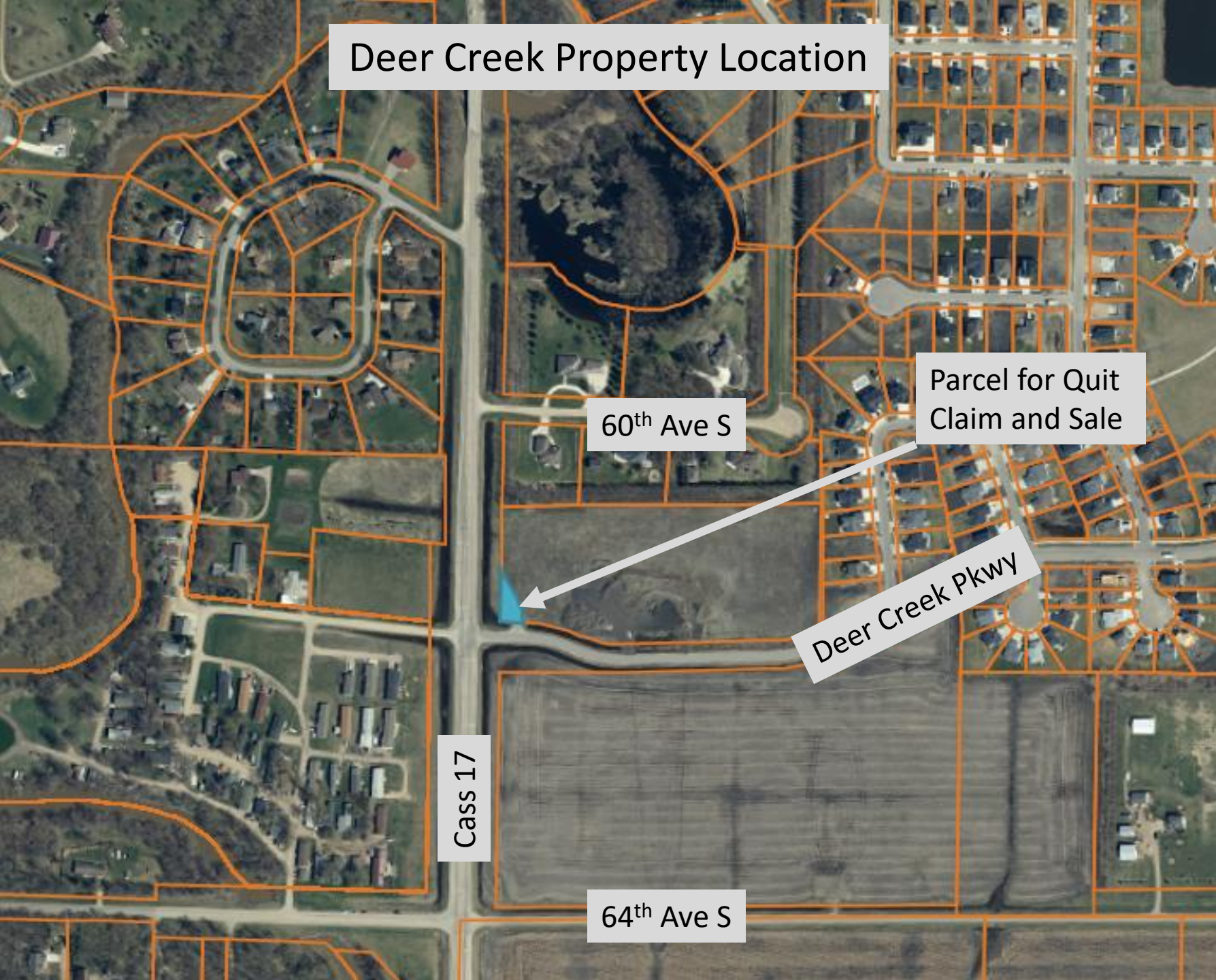
60th Ave S

Parcel for Quit
Claim and Sale

Deer Creek Pkwy

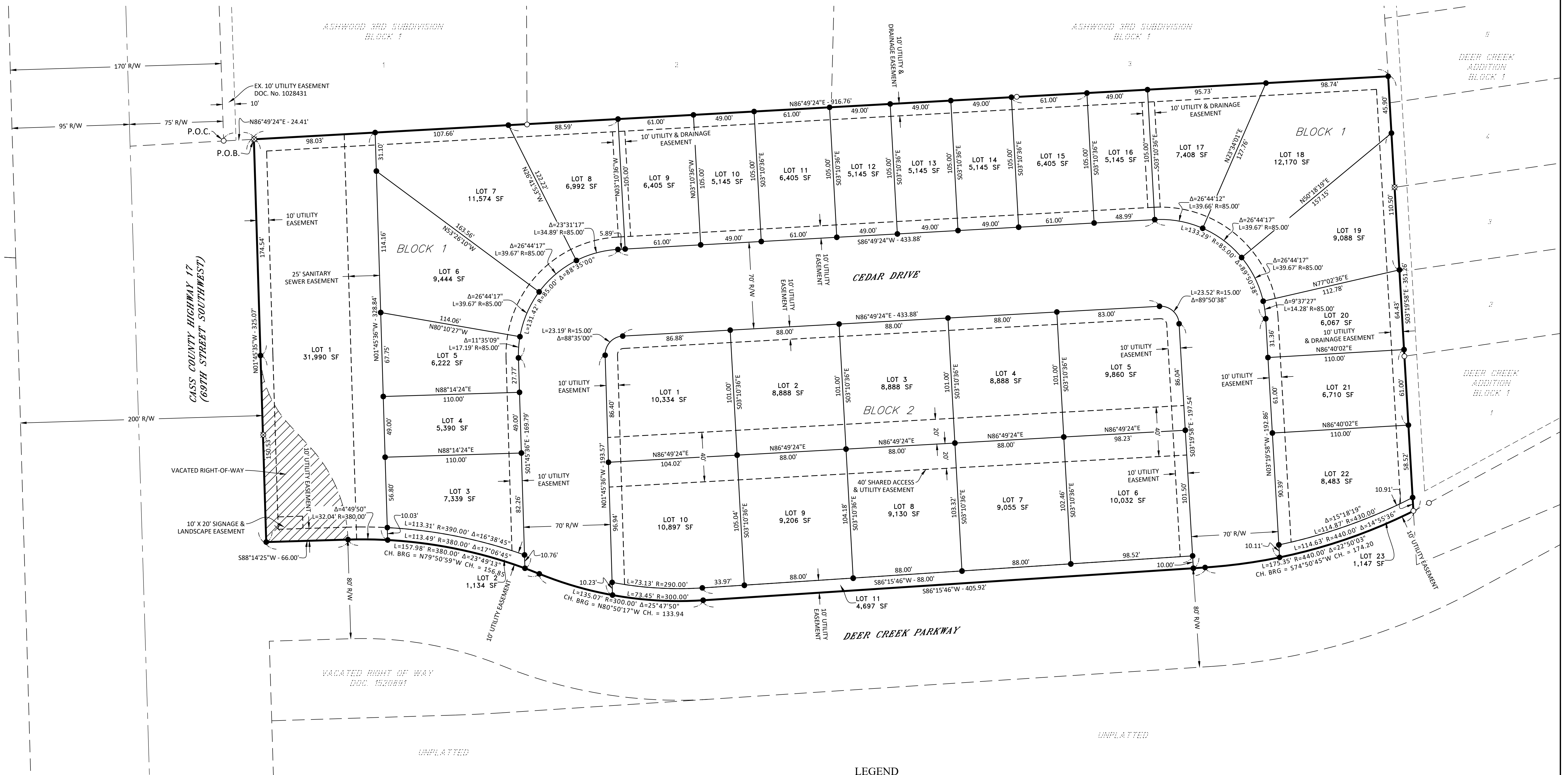
Cass 17

64th Ave S



DEER CREEK ESTATES ADDITION

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF HORACE, CASS COUNTY, NORTH DAKOTA

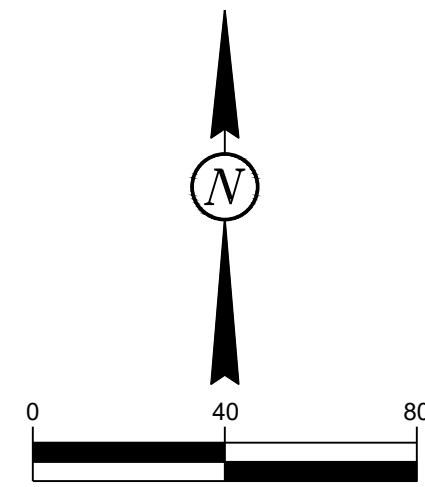


NOTES

1. ALL DISTANCES ARE GROUND DISTANCES.
2. BASIS OF BEARING: COORDINATE SYSTEM NAD83 - NORTH DAKOTA STATE PLANE SOUTH ZONE - CASS COUNTY GOVERNMENT INTERNATIONAL FOOT PER NDDOT CHAPTER 19
3. VERTICAL DATUM: NAVD88

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- - - - - EX. EASEMENT
- - - - - EX. PROPERTY LINE
- - - - - EX. SECTION LINE
- — — — — PROPERTY BOUNDARY LINE
- — — — — NEW ROW/PROPERTY LINE
- - - - - NEW EASEMENT LINE
- R/W RIGHT-OF-WAY
- ▨ VACATED R/W



SHEET 1 OF 2

LOWRY
ENGINEERING
1111 WESTRAC DRIVE - SUITE 108
FARGO, NORTH DAKOTA 58103

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DEER CREEK ESTATES ADDITION

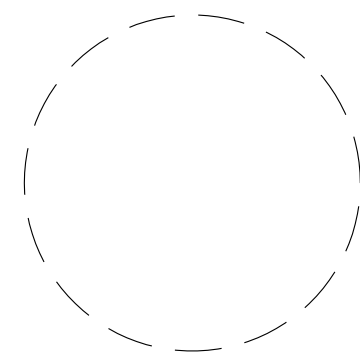
PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF HORACE, CASS COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY ON THIS _____ DAY OF _____, 2020, THAT THE ATTACHED PLAT OF DEER CREEK ESTATES ADDITION, BEING A PLAT OF THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 138 NORTH, RANGE 49 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF HORACE, CASS COUNTY, NORTH DAKOTA, IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF, THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT IN FEET AND DECIMALS OF A FOOT, AND THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN PLACED IN THE GROUND AS SHOWN, AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, ASHWOOD 3RD SUBDIVISION; THENCE N86°49'24"E ALONG THE SOUTH LINE OF SAID BLOCK 1 A DISTANCE OF 24.41 FEET TO THE EAST LINE OF CASS COUNTY HIGHWAY 17 RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF ASHWOOD 3RD SUBDIVISION CONTINUING N86°49'24"E A DISTANCE OF 916.76 FEET TO THE WEST LINE OF BLOCK 1 OF DEER CREEK ADDITION; THENCE S03°19'58"E ALONG SAID WEST LINE A DISTANCE OF 351.26 FEET TO THE NORTH LINE OF THE DEER CREEK PARKWAY RIGHT OF WAY; THENCE WESTERLY ALONG SAID NORTH LINE ON AN ARC CONCAVE TO THE NORTH WITH A RADIUS OF 440.00 FEET FOR AN ARC DISTANCE OF 175.35 FEET; THENCE CONTINUING ALONG SAID NORTH LINE S86°15'46"W A DISTANCE OF 405.92 FEET; THENCE CONTINUING ALONG SAID NORTH LINE ON A WESTERLY CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 300.00 FEET FOR AN ARC DISTANCE OF 135.07 FEET; THENCE CONTINUING ALONG SAID NORTH LINE WESTERLY ON A REVERSE CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 380.00 FEET FOR AN ARC DISTANCE OF 157.98 FEET; THENCE CONTINUING ON SAID NORTH LINE S88°14'25"W A DISTANCE OF 66.00 FEET TO THE EAST LINE OF THE CASS COUNTY HIGHWAY 17 RIGHT OF WAY; THENCE N01°45'35"W ALONG SAID EAST LINE A DISTANCE OF 325.07 FEET TO THE POINT OF BEGINNING.

SAID DEER CREEK ESTATES ADDITION, CONSISTS OF 34 LOTS AND 2 BLOCKS, AND CONTAINS 7.89 ACRES, MORE OR LESS, TOGETHER WITH UTILITY, DRAINAGE, SANITARY SEWER, SIGNAGE AND LANDSCAPING, AND ACCESS EASEMENTS AND STREET RIGHT OF WAYS OF RECORD.



 COLE A. NESET,
 REGISTERED LAND SURVEYOR
 ND REG. NO. 7513

STATE OF NORTH DAKOTA }
 COUNTY OF CASS } SS

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

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: NORTH DAKOTA _____

OWNERS' CERTIFICATE

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "DEER CREEK ESTATES ADDITION" TO THE CITY OF HORACE, CASS COUNTY, NORTH DAKOTA, AND WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF COLE A. NESET, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE AND CONVEY TO THE PUBLIC, FOR PUBLIC USE, LOT 1 BLOCK 1, ALL STREET RIGHT OF WAYS, UTILITY, SANITARY SEWER, SIGNAGE AND LANDSCAPE, ACCESS, AND DRAINAGE EASEMENTS SHOWN ON SAID PLAT.

HS INVESTMENTS, LLC
 OWNER OF LOTS 2-22 BLOCK 1 AND ALL OF BLOCK 2

 HS INVESTMENTS, LLC
 BY: MATTHEW HAUFF
 ITS: AGENT

STATE OF NORTH DAKOTA }
 COUNTY OF CASS } SS

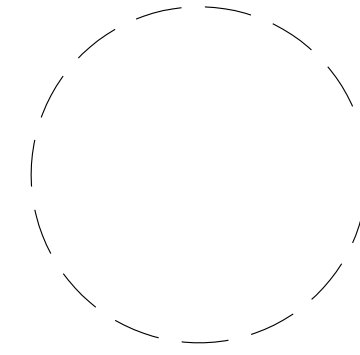
ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MATTHEW HAUFF, TO ME KNOWN TO BE AN AGENT OF HS INVESTMENTS, LLC, THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME ON BEHALF OF HS INVESTMENTS, LLC.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: NORTH DAKOTA _____

CASS COUNTY APPROVAL

THIS PLAT IN THE CASS COUNTY, NORTH DAKOTA, IS HEREBY APPROVED THIS _____ DAY OF _____ 2020.

 JASON BENSON
 CASS COUNTY ENGINEER



STATE OF NORTH DAKOTA }
 COUNTY OF CASS } SS

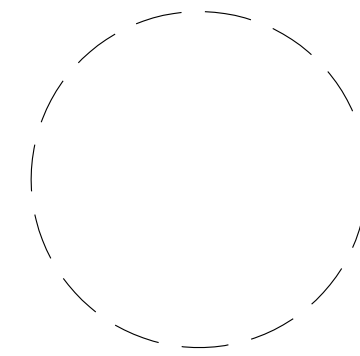
ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JASON BENSON, TO ME KNOWN TO BE THE CASS COUNTY ENGINEER, THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME ON BEHALF OF CASS COUNTY, NORTH DAKOTA.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: NORTH DAKOTA _____

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE CITY OF HORACE, NORTH DAKOTA, IS HEREBY APPROVED THIS _____ DAY OF _____ 2020.

 JAMES DAHLMAN
 CITY ENGINEER



STATE OF NORTH DAKOTA }
 COUNTY OF CASS } SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAMES DAHLMAN, TO ME KNOWN TO BE THE CITY ENGINEER DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS CITY ENGINEER.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: NORTH DAKOTA _____

CITY COUNCIL APPROVAL

THIS PLAT IN THE CITY OF HORACE, NORTH DAKOTA, IS HEREBY APPROVED THIS _____ DAY OF _____ 2020.

 KORY PETERSON
 MAYOR

 BRENTON HOLPER
 CITY AUDITOR

STATE OF NORTH DAKOTA }
 COUNTY OF CASS } SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KORY PETERSON, TO ME KNOWN TO BE THE MAYOR OF THE CITY OF HORACE, THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME ON BEHALF OF THE CITY OF HORACE.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: NORTH DAKOTA _____

STATE OF NORTH DAKOTA }
 COUNTY OF CASS } SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRENTON HOLPER, TO ME KNOWN TO BE THE CITY AUDITOR OF THE CITY OF HORACE, THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME ON BEHALF OF THE CITY OF HORACE.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: NORTH DAKOTA _____

HORACE PLANNING AND ZONING COMMISSION APPROVAL

THIS PLAT IN THE CITY OF HORACE, NORTH DAKOTA, IS HEREBY APPROVED THIS _____ DAY OF _____ 2020.

 RUSSELL SAHR
 CHAIRMAN

STATE OF NORTH DAKOTA }
 COUNTY OF CASS } SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RUSSELL SAHR, TO ME KNOWN TO BE THE CHAIRMAN OF THE HORACE PLANNING AND ZONING COMMISSION THAT IS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME ON BEHALF OF THE HORACE PLANNING AND ZONING COMMISSION.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: NORTH DAKOTA _____

CITY ATTORNEY'S APPROVAL

I HEREBY CERTIFY THAT PROPER EVIDENCE OF TITLE HAS BEEN EXAMINED BY ME AND I APPROVE THE PLAT AS TO FORM AND EXECUTION THIS _____ DAY OF _____ 2020.

 LUKAS W. CROAKER
 CITY ATTORNEY

STATE OF NORTH DAKOTA }
 COUNTY OF CASS } SS

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LUKAS W. CROAKER, CITY ATTORNEY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE CITY ATTORNEY.

NOTARY PUBLIC, COUNTY: _____ CASS _____ STATE: NORTH DAKOTA _____

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