

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, April 22, 2021 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 February 25, 2021

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **Fyre Subdivision** (NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Township 142 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota).
2. Hearing on an application requesting a Minor Subdivision Plat of **FMD-Wiser Subdivision** (Sections 35 & 36, Township 142 North, Range 49 West of the 5th Principal Meridian, Cass County North Dakota).
3. Hearing on an application requesting a Minor Subdivision Plat of **BAF Subdivision** (NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, Township 141 North, Range 50 West of the 5th Principal Meridian, Cass County North Dakota).

F. New Business

G. Old Business

Open Planning Commissioner Position

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
FEBRUARY 25, 2021**

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on February 25, 2021, at 7:00am in the Vector Control Conference Room.

B. ROLL CALL

Present in person were Rocky Bertsch, David Gust, Jim Kapitan, Dr. Tim Mahoney, Keith Monson and Brad Olson. Absent were Ken Lougheed and Kris Schipper.

Also present in person were Cass County Planner, Grace Puppe, Cass County Engineer, Jason Benson, Assistant Cass County Engineer; Tom Soucy. Tracy Peters, Chief Deputy, States Attorney office and Elissa Novotny, member of the public were present by Microsoft Teams.

C. DETERMINATION OF A QUORUM

It was determined that there was a quorum based on the roll call.

D. MINUTES, APPROVED

MOTION, *passed*

Mr. Kapitan moved and Mr. Gust seconded to approve the minutes of the January 28, 2021 meeting as presented.

Motion carried.

E. PUBLIC HEARING ITEMS

- 1. Hearing on an application requesting a Minor Subdivision Plat of Longlet Subdivision in Arthur Township (NE ¼ of the SW ¼ of Section 35, Township 142 North, Range 52 West of the 5th Principal Meridian, Cass County North Dakota).**

Mr. Gust opened the public hearing.

Ms. Puppe provided an overview of an application for the minor subdivision. The applicant is seeking approval to plat a one (1) Lot subdivision of approximately 7.36 acres. The subdivision is requested to allow for a new home to be on the new lot. The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 155th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Mr. Bertsch questioned why the farmstead was built near railroad tracks; this plat is in the location of a previous farmstead using an existing access across the railroad tracks.

Upon hearing no public comments, the public hearing was closed.

MOTION, *passed*

Mr. Bertsch moved, and Mr. Monson seconded to accept the findings and recommend approval to the County Commission with the conditions outlined by the County Planner.

Motion carried.

2. Hearing on an application requesting a Minor Subdivision Plat of Ostrowski Subdivision in Empire Township (NE ¼ of the NE ¼ of Section 7, Township 141 North, Range 53 West of the 5th Principal Meridian, Cass County North Dakota).

Mr. Gust opened the public hearing.

Ms. Puppe provided an overview of an application for the minor subdivision to plat a one (1) Lot subdivision of approximately 10 acres. According to the applicant, the subdivision is requested to allow for a new home and shed to be built on the new lot.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 28th Street SE for road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Upon hearing no public comments, the public hearing was closed.

MOTION, *passed*

Mr. Monson moved, and Mr. Bertsch seconded to accept the findings and recommend approval to the County Commission with the conditions outlined by the County Planner. Motion carried.

3. Hearing on an application requesting a Minor Subdivision Plat of Schmuser Subdivision in Hunter Township (NW ¼ of the NW ¼ of Section 28, Township 143 North, Range 52 West of the 5th Principal Meridian, Cass County North Dakota).

Mr. Gust opened the public hearing.

Ms. Puppe provided an overview of an application for the minor subdivision to plat a one (1) Lot subdivision of approximately 10 acres. According to the applicant, the subdivision is requested to split the lot, so each house is on its own lot with respective septic system.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 151st Ave SE road access, ditches for storm sewer conveyance, public water, and on-site septic systems for wastewater treatment.

Dr. Mahoney asked what is happening with the property; Ms. Puppe answered that they owner is selling the home and for the buyer to obtain a mortgage loan, the property had to be split in two.

Upon hearing no public comments, the public hearing was closed.

MOTION, *passed*

Mr. Olson moved, and Mr. Bertsch seconded to accept the findings and recommend approval to the County Commission with the conditions outlined by the County Planner. Motion carried.

F. NEW BUSINESS

Ms. Puppe announced there is an opening for a rural resident Planning Commissioner. Elissa Novotny is no longer a rural resident and is now ineligible to remain in that capacity.

Mr. Benson introduced Ms. Tracy Peters as a person from the States Attorney's office that will assist the Planning Department in any civil matters; Ms. Peters went on to introduce herself and her background.

G. OLD BUSINESS

There was no old business to discuss.

H. ADJOURNMENT

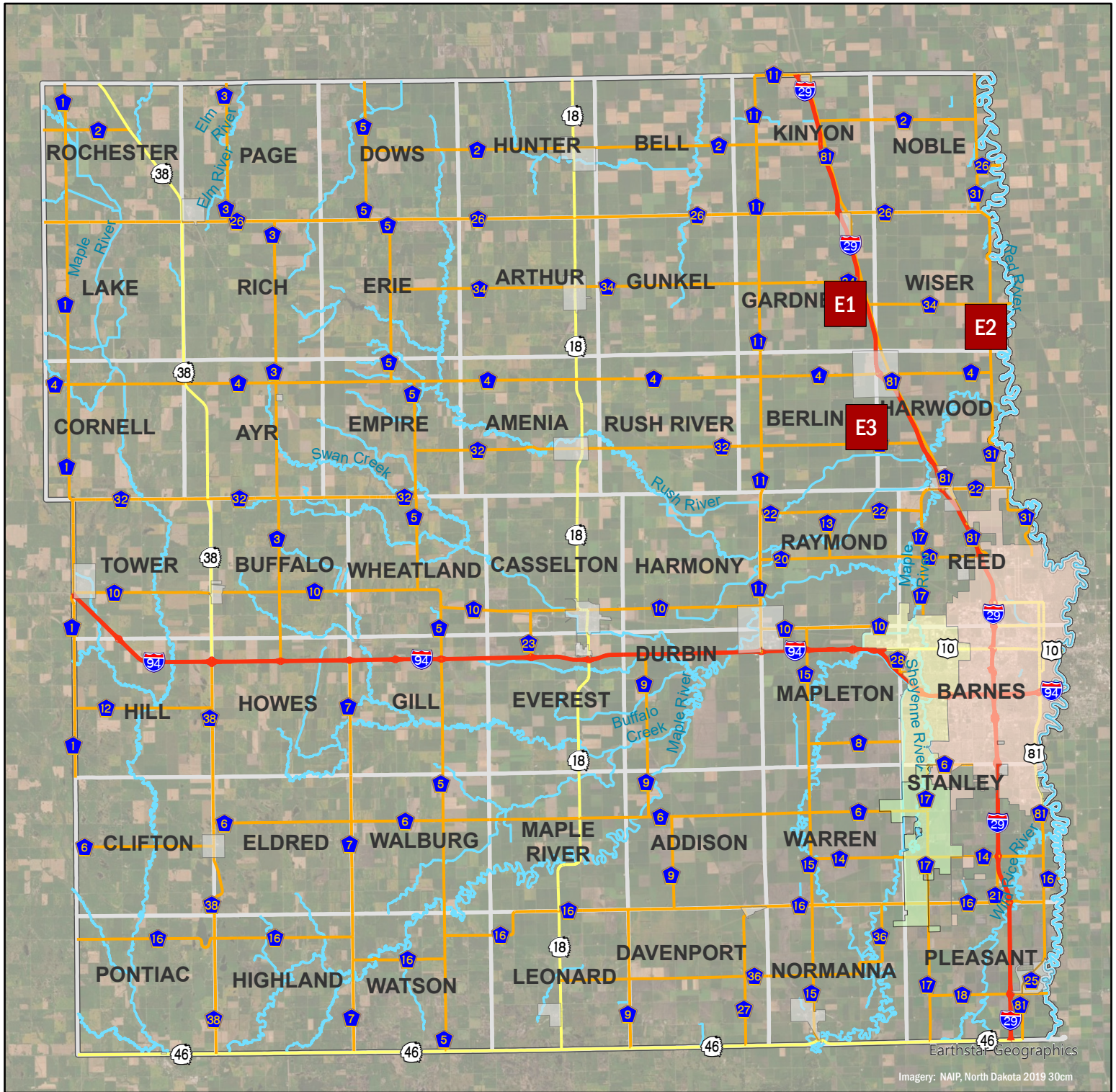
On motion by Mr. Olson seconded by Mr. Bertsch and all voting in favor, the meeting was adjourned at 7:12 AM.

Minutes prepared by Lisa Shasky, Principal Secretary, Highway Department

Agenda Items Map

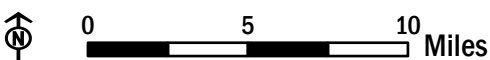
Cass County Planning Commission

April 22, 2021



Agenda Items No.

- E1. - Fyre Subdivision
- E2. - FMD-Wiser Subdivision
- E3. - BAF 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 (1 Lot) of a part of the SE ¼ of Section 23, Township 142 North, Range 50 West		
Title:	Fyre Subdivision	Date:	4-12-2021
Location:	SE ¼ of Section 23, Township 142 North, Range 50 West (Gardner Township)	Staff Contact:	Grace Puppe
Parcel Number:	40-0000-05499-000	Water District:	North Cass Water District
Owner(s)/Applicant:	Michael Ondracek	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: April 22, 2021		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Fyre Subdivision** to plat a one (1) Lot subdivision of approximately 4.3 acres. According to the applicant, the subdivision is requested to reestablish, clean up land, and build a new home on a farmstead that has been vacant for over 30 years.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 167th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No issues.
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No comments were received prior to publishing the staff report.
Century Link	No comments were received prior to publishing the staff report.
Sprint	No comments were received prior to publishing the staff report.
AT&T	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Otter Tail Power Company	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	No comments were received prior to publishing the staff report.

NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	The water service to this site was abandoned in 2003. The applicant can re-establish the water service by making a new application for service and paying the necessary costs. To date the applicant has not contacted the water district.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No objections.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	It is outside of the Fargo City Limits and outside of Fargo's ETJ. We have 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 167th Ave SE borders the east 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.

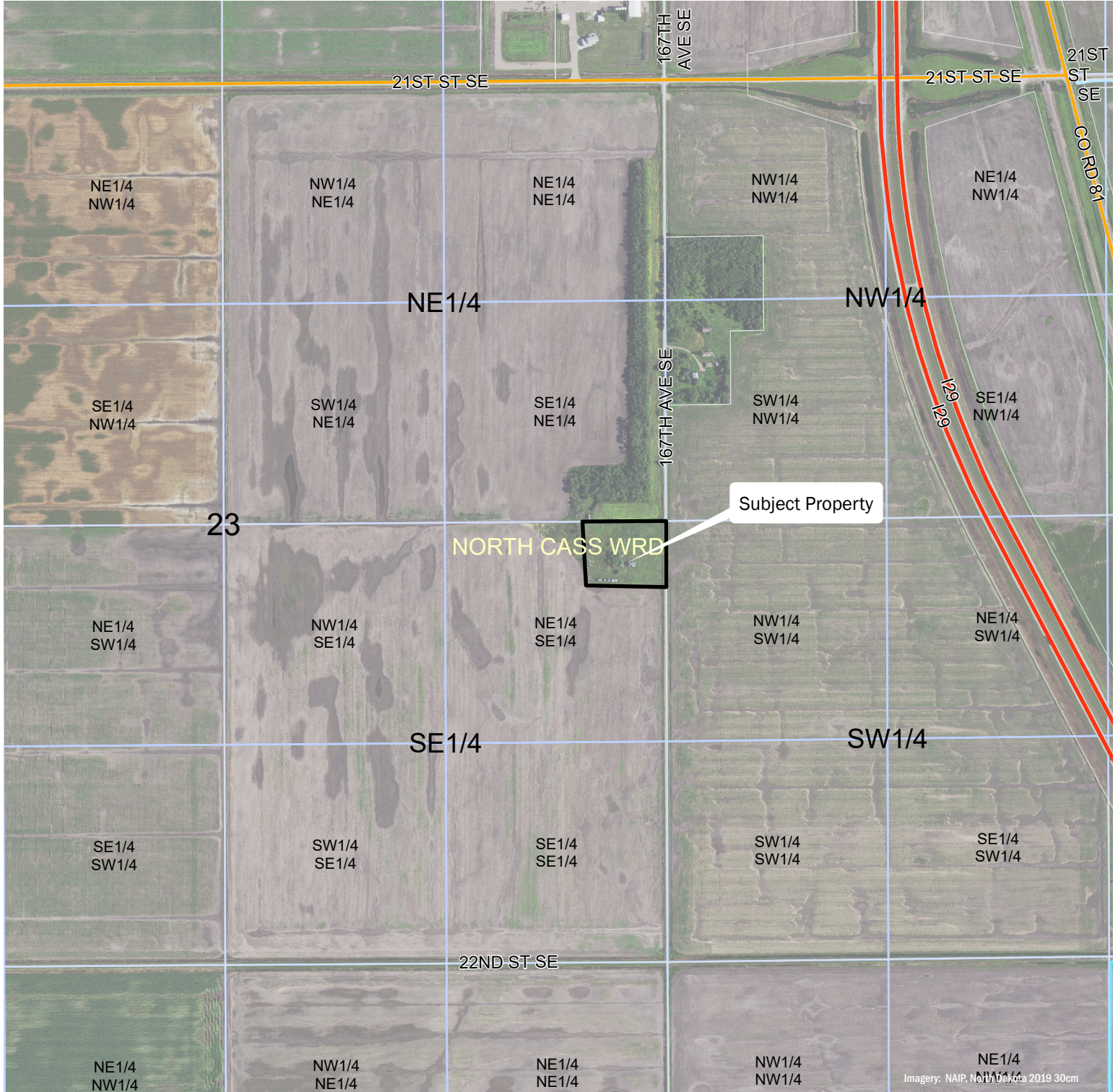
Attachments

1. Location Map
2. Plat Document

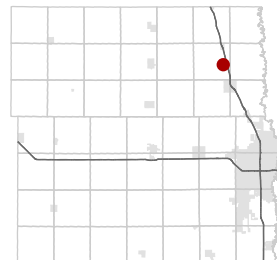
Minor Subdivision

Fyre Subdivision

Gardner Twp, Section 23 - Township 142 North - Range 50 West



Cass County Planning Commission
April 22, 2021



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PLAT OF FYRE SUBDIVISION

A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 142 NORTH, RANGE 50 WEST, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

SHAWN M. THOMASSON, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "FYRE SUBDIVISION", A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 142 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; 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, TO WIT:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 142 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 EAST QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 02 DEGREES 12 MINUTES 51 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 02 DEGREES 12 MINUTES 51 SECONDS EAST ALONG SAID EAST LINE FOR A DISTANCE OF 353.00 FEET; THENCE SOUTH 87 DEGREES 33 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 567.00 FEET; THENCE NORTH 02 DEGREES 12 MINUTES 51 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER FOR A DISTANCE OF 353.00 FEET; THENCE NORTH 87 DEGREES 33 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 567.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.59 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

SHAWN M. THOMASSON
REGISTERED LAND SURVEYOR
REG. NO. LS-5900



STATE OF NORTH DAKOTA
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SHAWN M. THOMASSON, 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.

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 "FYRE SUBDIVISION", A PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 142 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 SHAWN M. THOMASSON, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS AND UTILITY EASEMENTS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER:

AMANDA FYRE
STATE OF NORTH DAKOTA
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED AMANDA FYRE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER:

TROY FYRE
STATE OF NORTH DAKOTA
COUNTY OF CASS)

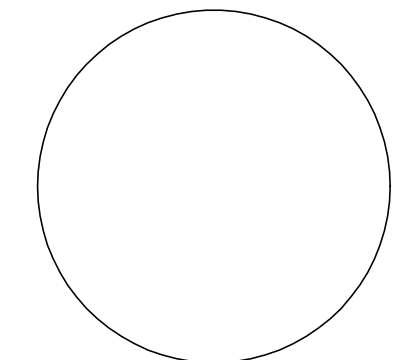
ON THIS _____ DAY OF _____, 2021, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TROY FYRE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2021.

SIGNED: _____
JASON BENSON, CASS COUNTY ENGINEER



CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2021.

SIGNED: _____
KEN LOUGHEED, CHAIRPERSON

ATTEST: _____
JODI MILLER, SECRETARY

CASS COUNTY BOARD OF COMMISSION'S APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2021.

SIGNED: _____
CHAD PETERSON, CHAIRMAN

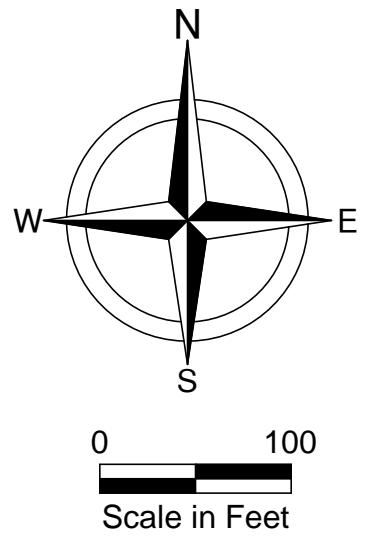
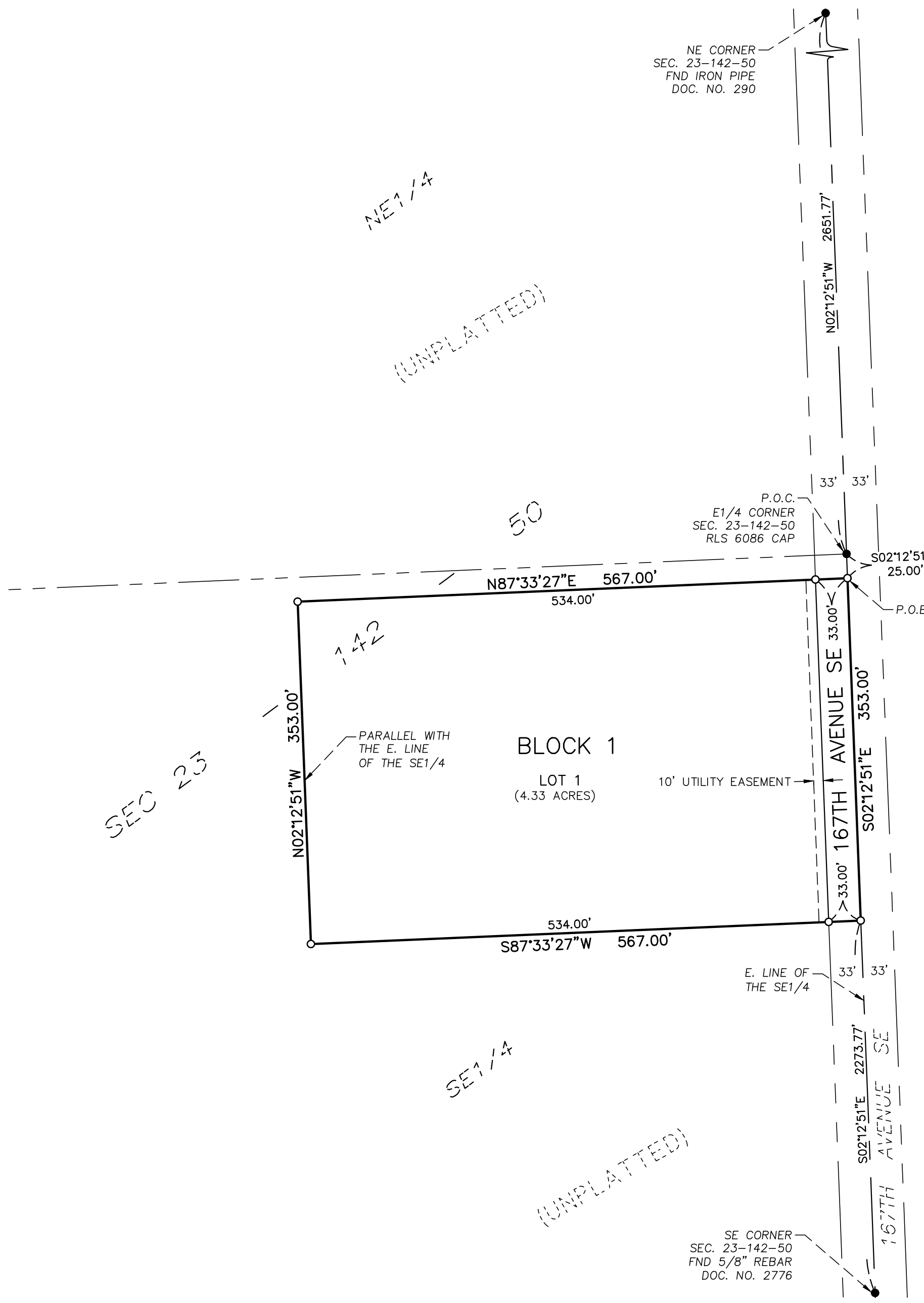
ATTEST: _____
MICHAEL MONTPLASIR, CASS COUNTY AUDITOR

GARDNER TOWNSHIP REVIEW

REVIEWED BY GARDNER TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2021.

OWNER: _____
BRENT SITZER, CHAIRPERSON

ATTEST: _____
VICTORIA COLWELL, TREASURER



UTILITY EASEMENTS ARE 10' WIDE ALONG AND ADJACENT TO STREET RIGHTS OF WAY AS SHOWN UNLESS OTHERWISE NOTED.

AREA OF DEDICATED ROAD: 0.26 ACRES.
TOTAL PLAT AREA: 4.59 ACRES.

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #5900
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 142 NORTH, RANGE 50 WEST HAS AN ASSUMED BEARING OF S02°12'51"E.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision of Sections 35 and 36, Township 142 North, Range 49 West		
Title:	FMD-Wiser Subdivision	Date:	04-13-2021
Location:	Sections 35 and 36, Township 142 North, Range 49 West (Wiser Township)	Staff Contact:	Grace Puppe
Parcel Number:	70-0000-13645-000; 70-0000-13641-020; 70-0000-13646-030; 70-0000-13646-005; 70-0000-13646-020; 70-0000-13646-040; 70-0000-13647-020; 70-0000-13644-060; 70-0000-13644-020; 70-0000-13644-030; 70-0000-13643-020	Water District:	North Cass Water District
Owner(s)/Applicant:	Cass County Joint Water Resource District	Engineer/Surveyor:	AE2S
Status:	Planning Commission Hearing: April 22, 2021		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **FMD-Wiser Subdivision** to plat a one (1) Block and seven (7) Lot subdivision of approximately 351.05 acres. According to the applicant, the subdivision is requested to plat the parcels impacted by Fargo-Moorhead Flood Diversion right-of-way.

The proposed ownership and maintenance responsibility of the subdivision will be private.

Agency Comments	
County Engineer	No issues with this subdivision.
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No comments were received prior to publishing the staff report.
Century Link	No comments were received prior to publishing the staff report.

Sprint	No comments were received prior to publishing the staff report.
AT&T	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Otter Tail Power Company	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	No comments were received prior to publishing the staff report.
NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	Since no water service is contemplated, we have no comment.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No objections.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	It is outside of the Fargo City Limits and outside of Fargo's ETJ. We have 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 and west. The Red River borders the east of the property with CO Drain 29 bordering the north.

Floodzone

According to the FEMA Flood Map Service Center, this property is located in Special Flood Hazard Area Zone A.

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.

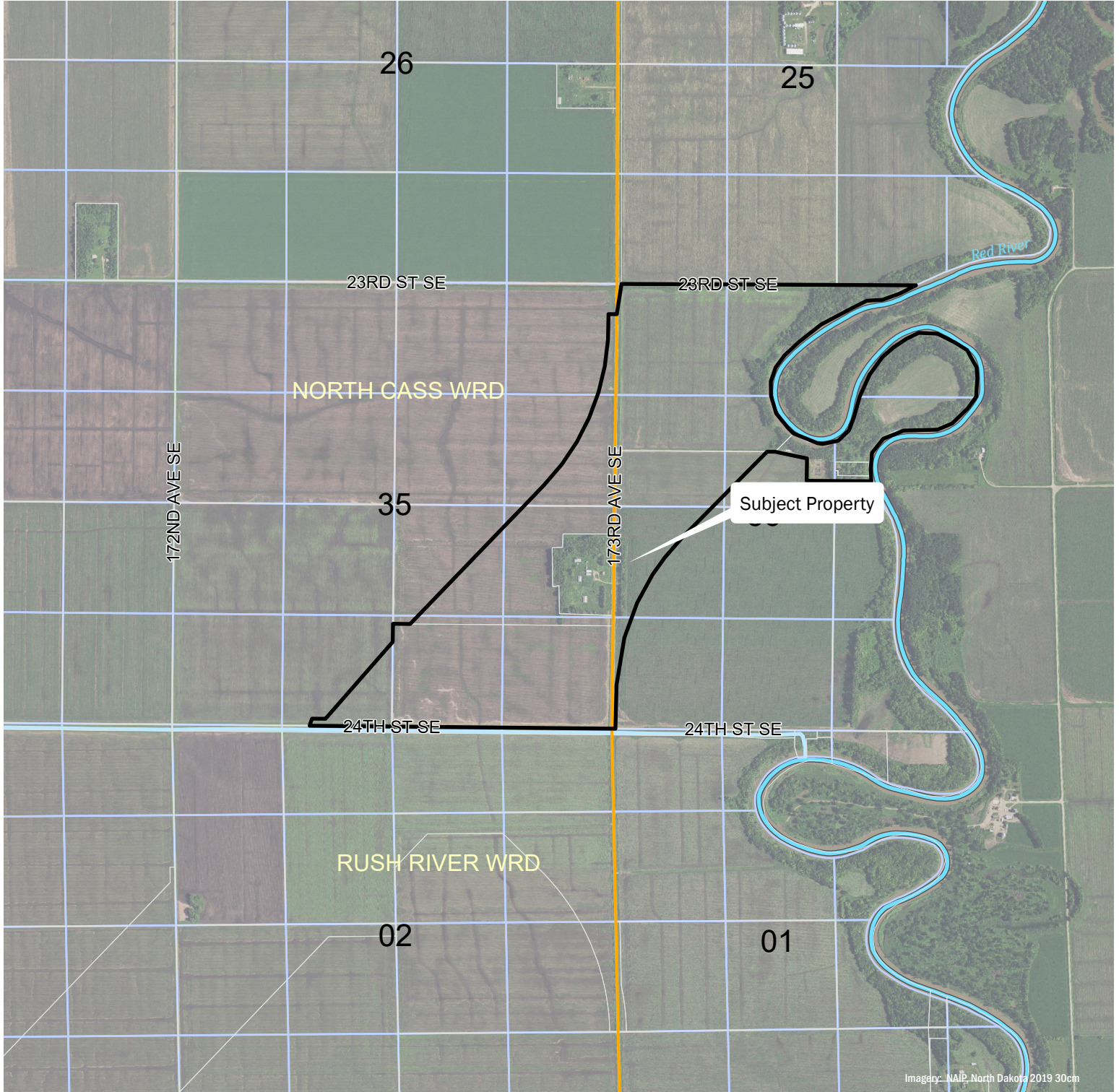
Attachments

1. Location Map
2. Plat Document

Minor Subdivision

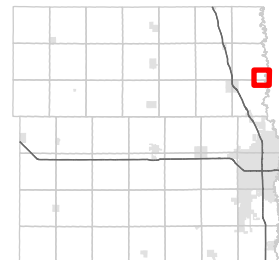
FMD-Wiser Subdivision

Wiser Twp, Section 35 & 36 - Township 142 North - Range 49 West



Imagery: NADP, North Dakota 2019 30cm

Cass County Planning Commission
April 22, 2021



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DESCRIPTION OF PLAT BOUNDARY

That part of Sections 35 & 36, Township 142 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Southeast Corner of Section 35; thence S88°32'44"W on the south line of the Southeast Quarter (SE1/4) of said Section 35 a distance of 2,641.85 feet to the Southwest Corner of said SE1/4 of Section 35; thence S88°32'33"W on the south line of the Southwest Quarter (SW1/4) of said Section 35 a distance of 960.65 feet; thence N01°27'27"W perpendicular to said south line a distance of 85.00 feet; thence N88°32'33"E parallel with, and 85.00 feet north of, said south line a distance of 161.76 feet; thence N39°14'10"E a distance of 1,227.88 feet to the east line of said SW1/4 of Section 35; thence N01°21'41"W on said east line a distance of 219.12 feet; thence N88°32'38"E a distance of 206.80 feet; thence N41°56'12"E a distance of 1,976.19 feet to the north line of said SE1/4 of Section 35; thence N41°56'12"E a distance of 346.91 feet; thence 2,074.34 feet on the arc of a tangential curve, concave to the west, having a radius of 2,750.00 feet, a central angle of 43°13'06", and a long chord length of 2,025.51 feet bearing N20°19'39"E; thence N01°16'54"W parallel with, and 100.00 feet west of, the east line of the Northeast Quarter (NE1/4) of said Section 35 a distance of 176.59 feet; thence N88°43'06"E perpendicular to said east line a distance of 100.00 feet to said east line; thence N01°16'54"W on said east line a distance of 365.00 feet to the Northeast Corner of said Section 35; thence N88°21'19"E on the north line of the Northwest Quarter (NW1/4) of Section 36 a distance of 2,650.00 feet to the Northeast Corner of said NW1/4 of Section 36; thence N88°21'19"E on the north line of the NE1/4 of said Section 36 a distance of 907.41 feet to a meander line of the Red River of the North; thence on said meander line through the following 14 courses:

thence S60°00'00"W a distance of 232.84 feet;
 thence S77°00'00"W a distance of 340.00 feet;
 thence S62°00'00"W a distance of 650.00 feet;
 thence S49°00'00"W a distance of 560.00 feet;
 thence 883.14 feet on the arc of a tangential curve, concave to the east, having a radius of 550.00 feet, a central angle of 92°00'00", and a long chord length of 791.27 feet bearing S3°00'00"W;
 thence S43°00'00"E a distance of 230.00 feet;
 thence 981.75 feet on the arc of a tangential curve, concave to the north, having a radius of 450.00 feet, a central angle of 125°00'00", and a long chord length of 798.31 feet bearing N74°30'00"E;
 thence N12°00'00"E a distance of 320.00 feet;
 thence N25°00'00"E a distance of 360.00 feet;
 thence N43°48'49"E a distance of 340.00 feet;
 thence 2,258.02 feet on the arc of a tangential curve, concave to the west, having a radius of 575.00 feet, a central angle of 224°59'59", and a long chord length of 1,062.46 feet bearing S23°41'11"E;
 thence S88°48'49"W a distance of 270.00 feet;
 thence 893.89 feet on the arc of a tangential curve, concave to the east, having a radius of 450.00 feet, a central angle of 113°48'49", and a long chord length of 754.00 feet bearing S31°54'24"E;
 thence S25°00'00"E a distance of 18.82 feet to the north line of Auditor's Lot 1 of the North Half (N1/2) of said Section 36 as described in Doc. No. 646116, records of Cass County;
 thence S88°19'38"W on said north line of Auditor's Lot 1 a distance of 774.29 feet; thence N1°17'23"W on said north line a distance of 266.71 feet; thence N80°17'52"W on said north line a distance of 393.12 feet; thence S88°21'22"W on said north line a distance of 92.64 feet; thence S42°40'18"W a distance of 933.56 feet to the north line of the SW1/4 of said Section 36; thence S42°40'18"W a distance of 517.45 feet; thence 2,109.61 feet on the arc of a tangential curve, concave to the east, having a radius of 2,750.00 feet, a central angle of 43°57'12", and a long chord length of 2,058.26 feet bearing S20°41'42"W; thence S01°16'54"E parallel with, and 50.00 feet east of, the west line of said SW1/4 of Section 36 a distance of 398.91 feet to the south line of said SW1/4 of Section 36; thence S88°31'20"W on said south line a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 351.05 acres.

CERTIFICATE OF OWNER

We, Cass County Joint Water Resource District and Cass County, political subdivisions of the State of North Dakota, hereby certify that we are the owners of the lands described above and that 1) we have caused the same to be platted into lots and blocks as shown hereon; 2) said subdivision shall be known as FMD-Wiser Subdivision; 3) we hereby dedicate to the public the public highway and easements shown hereon and 4) we hereby vacate, close, and abandon the road and section line easements created by NDCC 24-07-03 as shown hereon.

Cass County Joint Water Resource District

Dated this _____ day of _____, 2021.

Dan Jacobson, Chairman
 Carol Harbeke Lewis, Secretary-Treasurer

STATE OF _____)
 COUNTY OF _____) SS

On this _____ day of _____, 2021, before me personally appeared Dan Jacobson, CCJWRD Chairman, and Carol Harbeke Lewis, CCJWRD Secretary-Treasurer, known to me to be the persons described in the within instrument, and who acknowledged to me that he executed the same.

Notary Public for the State of _____
 Residing at _____
 My commission expires _____

Cass County

Dated this _____ day of _____, 2021.

Chad Peterson, Chairman
 Michael Montplaisir
 Cass County Board of Commissioners
 Cass County Auditor

STATE OF _____)
 COUNTY OF _____) SS

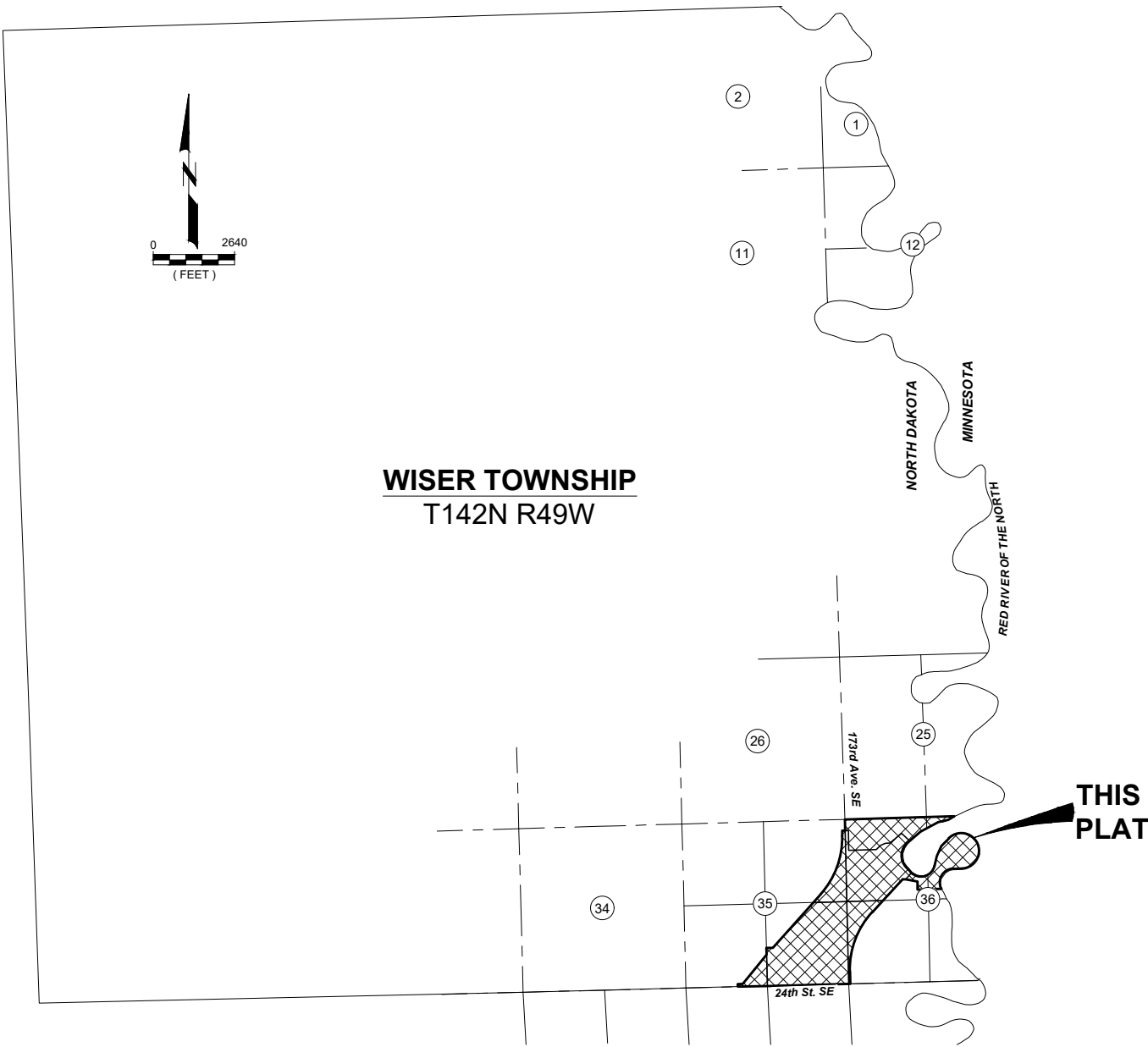
On this _____ day of _____, 2021, before me personally appeared Chad Peterson, Chairman of the Board of County Commissioners, and Michael Montplaisir, County Auditor, known to me to be the persons described in the within instrument, and who acknowledged to me that they executed the same.

Notary Public for the State of _____
 Residing at _____
 My commission expires _____

PLAT of

FMD-WISER SUBDIVISION

IN SECTIONS 35 & 36, TOWNSHIP 142 NORTH, RANGE 49 WEST of the 5th PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA



**WISER TOWNSHIP
 T142N R49W**

OWNERS

CASS COUNTY JOINT WATER RESOURCE DISTRICT
 1201 MAIN AVE WEST
 WEST FARGO, ND 58078

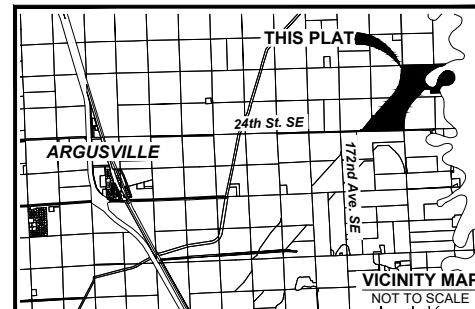
CASS COUNTY
 211 9th STREET SOUTH
 FARGO, ND 58103

PURPOSES

The purposes of this subdivision are to:
 - Consolidate existing parcels of record into larger parcels and assign parcel names for ease of management.
 - Vacate, close, and abandon existing road and section line easements per NDCC 24-07-03 as shown.
 - Vacate certain other easements as shown.

EXISTING EASEMENTS

Other than easements shown hereon as being vacated, easements and encumbrances of record remain in effect, whether shown or not.



CERTIFICATE OF SURVEYOR

I, Nicholas R. Stattelmann, a Professional Land Surveyor in the State of North Dakota, hereby certify that this survey of FMD-Wiser Subdivision as shown hereon was conducted by me or under my direct supervision; that the exterior boundary of said subdivision is delineated on the ground by monuments shown hereon; and that, to the best of my knowledge and belief, this plat is a true and correct representation of said survey.

Dated this _____ day of _____, 2021.

Nicholas R. Stattelmann, PLS
 ND Reg. No. LS-8218

STATE OF _____)
 COUNTY OF _____) SS

On this _____ day of _____, 2021, before me personally appeared Nicholas R. Stattelmann, known to me to be the person described in the within instrument, and who acknowledged to me that he executed the same.

Notary Public for the State of _____
 Residing at _____
 My commission expires _____

CERTIFICATE OF CASS COUNTY ENGINEER

Reviewed by the Cass County Engineer this _____ day of _____, 2021.

Jason Benson
 Cass County Engineer

CERTIFICATE OF WISER TOWNSHIP

Reviewed by Wiser Township this _____ day of _____, 2021.

Adam Grothman
 Supervisor

Attest: Ken Lougheed
 Clerk/Treasurer

CERTIFICATE OF CASS COUNTY PLANNING COMMISSION

The Cass County Planning Commission has reviewed this plat and hereby approves it.

Dated this _____ day of _____, 2021.

Ken Lougheed
 Chairman

Attest: Tom Soucy
 Secretary

CERTIFICATE OF CASS COUNTY COMMISSIONERS

The Cass County Board of County Commissioners reviewed this plat at its meeting on the _____ day of _____, 2021, and, having found it to be in the interest of the public health, safety, and welfare, hereby approves it.

Chad Peterson, Chairman
 Cass County Board of Commissioners

Attest: Michael Montplaisir
 Cass County Auditor

**PRELIMINARY
 2/16/21**



Advanced Engineering and Environmental Services, Inc.

4170 28th Ave South, Fargo, ND 58104

Ph: 701-364-9111 Web: www.AES.com

W:\O\CH2M\CH2M\Hill - FM Diversions Land Acquisition

Management\Survey Support\Survey Data\Drawings\T142N

R49W\ND\Plat-Township\PLAT-Wiser-Plot.dwg

PLAT of FMD-WISER SUBDIVISION IN SECTIONS 35 & 36, T142N, R49W, 5th P.M., CASS COUNTY, NORTH DAKOTA

EXISTING EASEMENTS

In addition to easements shown hereon, this subdivision is subject to the following easements:

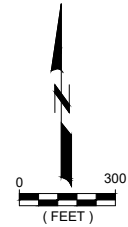
Beneficiary	Doc. No.	Location
Northwestern Bell Tel.	499111	E1/2E1/2 Sec. 35
	40543	E1/2 Sec. 35
Minnkota Power Coop.	525163	E1/2E1/2 Sec. 35
Cass Co. Elec. Coop.	564323	NE1/4NE1/4SE1/4 Sec. 35
Cass Co. Elec. Coop.	596204	NE1/4NE1/4NE1/4NE1/4 Sec. 35
Cass Rural Water Users	688465	SE1/4 Sec. 36
Northwestern Bell Tel.	499112	S1/2S1/2 Sec. 36
Cass Co. Elec. Coop.	585667	S1/2NW1/4 Sec. 36
CCJWRD	1583144	N1/2 Sec. 36
CCJWRD	1591277	OIN 1224

FLOODWAY & FLOODPLAIN

Land within this plat is subject to a floodway and floodplain as shown on FEMA Flood Insurance Rate Map Community Panel No. 3802670005B.

ADJACENT LANDOWNERS

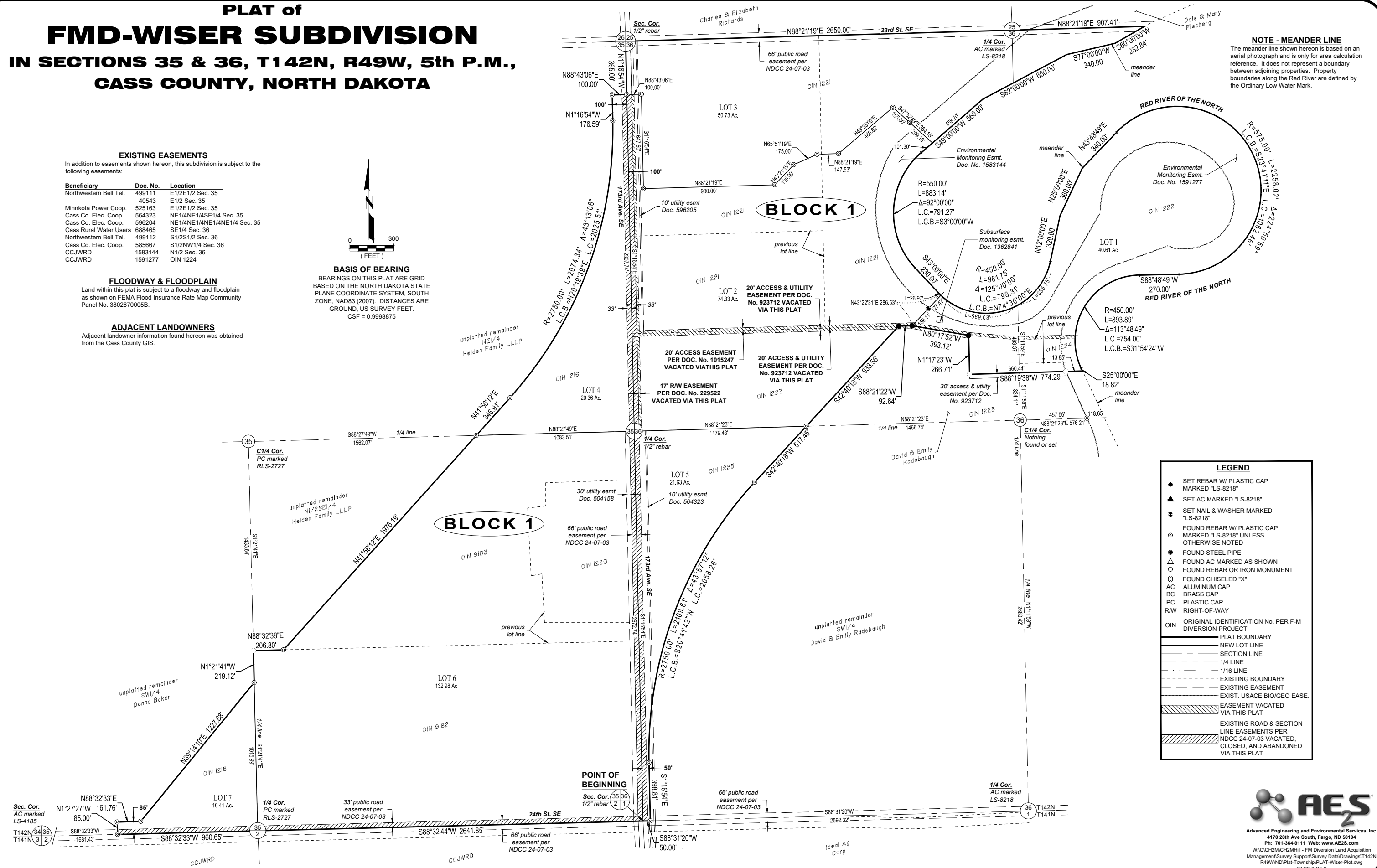
Adjacent landowner information found hereon was obtained from the Cass County GIS.



BASIS OF BEARING

BEARINGS ON THIS PLAT ARE GRID BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (2007). DISTANCES ARE GROUND, US SURVEY FEET. CSF = 0.9998875

NOTE - MEANDER LINE
The meander line shown hereon is based on an aerial photograph and is only for area calculation reference. It does not represent a boundary between adjoining properties. Property boundaries along the Red River are defined by the Ordinary Low Water Mark.



LEGEND	
●	SET REBAR W/ PLASTIC CAP MARKED "LS-8218"
▲	SET AC MARKED "LS-8218"
■	SET NAIL & WASHER MARKED "LS-8218"
⊙	FOUND REBAR W/ PLASTIC CAP MARKED "LS-8218" UNLESS OTHERWISE NOTED
⊚	FOUND STEEL PIPE
△	FOUND AC MARKED AS SHOWN
○	FOUND REBAR OR IRON MONUMENT
⊗	FOUND CHISELED "X"
AC	ALUMINUM CAP
BC	BRASS CAP
PC	PLASTIC CAP
R/W	RIGHT-OF-WAY
OIN	ORIGINAL IDENTIFICATION No. PER F-M DIVERSION PROJECT
—	PLAT BOUNDARY
- - -	NEW LOT LINE
- · - · -	SECTION LINE
- · - · -	1/4 LINE
- · - · -	1/16 LINE
- · - · -	EXISTING BOUNDARY
- · - · -	EXISTING EASEMENT
- · - · -	EXIST. USACE BIO/GEO EASE.
- · - · -	EASEMENT VACATED VIA THIS PLAT
- · - · -	EXISTING ROAD & SECTION LINE EASEMENTS PER NDCC 24-07-03 VACATED, CLOSED, AND ABANDONED VIA THIS PLAT



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SW ¼ of Section 28, Township 141 North, Range 50 West		
Title:	BAF Subdivision	Date:	04-13-2021
Location:	SW ¼ of Section 28, Township 141 North, Range 50 West (Berlin Township)	Staff Contact:	Grace Puppe
Parcel Number:	27-0000-01615-010	Water District:	Rush River Water Resource District
Owner(s)/Applicant:	Brandon Rust	Engineer/Surveyor:	KLJ
Status:	Planning Commission Hearing: April 22, 2021		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **BAF Subdivision** to plat a one (1) Lot subdivision of approximately 12.85 acres. According to the applicant, the subdivision is requested to establish a farmstead and to construct a residential structure.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 164th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I've talked to Brandon Rust about this subdivision. He doesn't live along a county road, but I did discuss with to work with the Township and proposed he consider having his access approach setback a 1/8 to a ¼ mil from the intersection.
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No comments were received prior to publishing the staff report.
Century Link	No comments were received prior to publishing the staff report.
Sprint	No comments were received prior to publishing the staff report.
AT&T	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.

Otter Tail Power Company	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	No comments were received prior to publishing the staff report.
NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	Water service to the site is available from a waterline the runs east to west along 29th Street SE. To date the applicant has not requested service for the site.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	This location is in Berlin Township, so is outside of the Fargo city limits and outside of Fargo's ETJ. We have 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 west and south. Township road 147th Ave SE borders the east of the property with Swan Creek Tributary bordering the north.

Floodzone

According to the FEMA Flood Map Service Center, FEMA Firmette 3806200001B, there is no digital data available for this area effective April 1, 1986. No wetlands or manmade features are present on the land.

Land Development Rights

The subject quarter-quarter section currently has no development. 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.

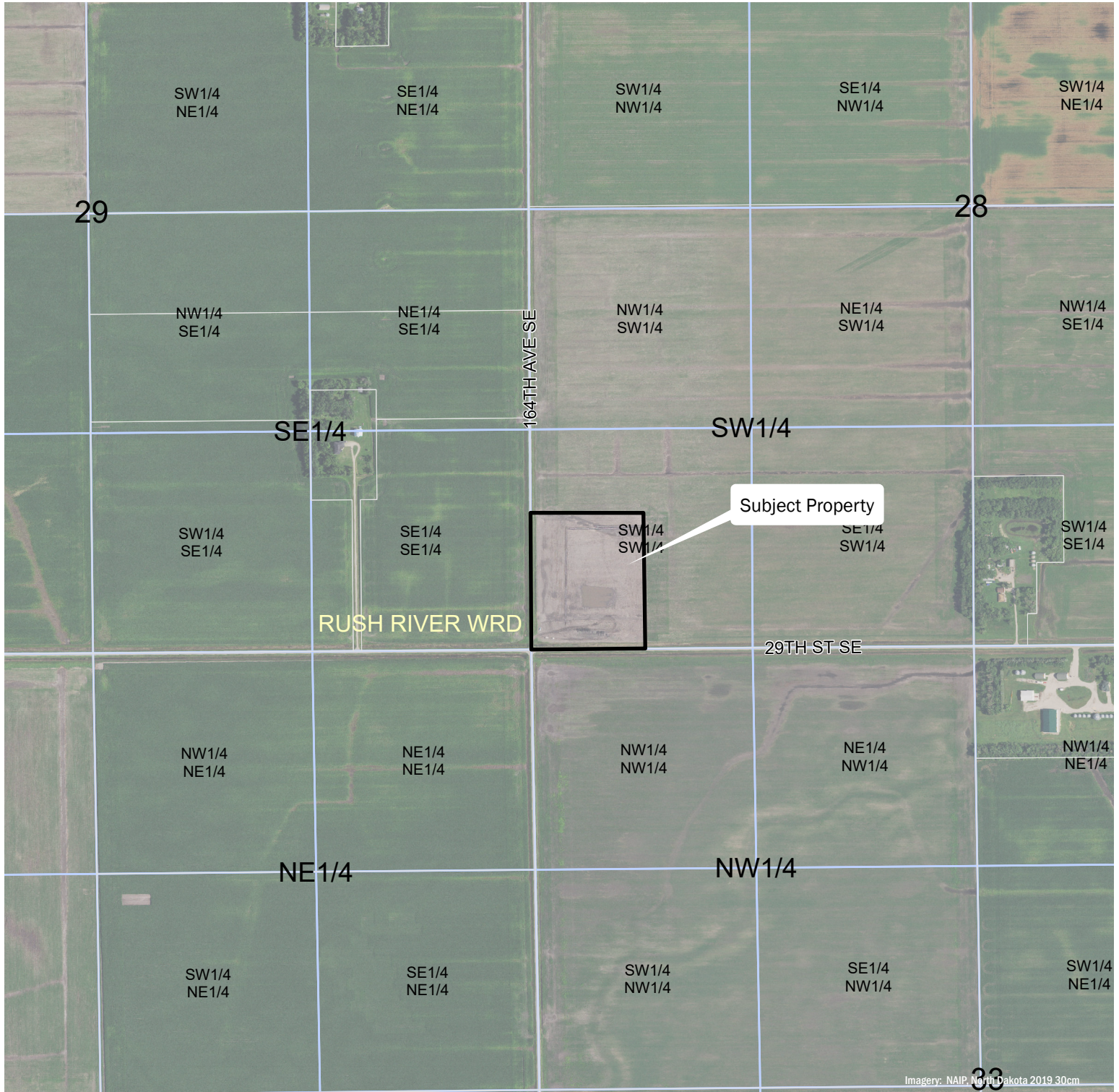
Attachments

1. Location Map
2. Plat Document

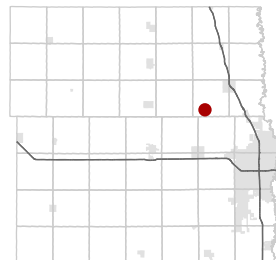
Minor Subdivision

BAF Subdivision

Berlin Twp, Section 28 - Township 141 North - Range 50 West



Cass County Planning Commission
April 22, 2021



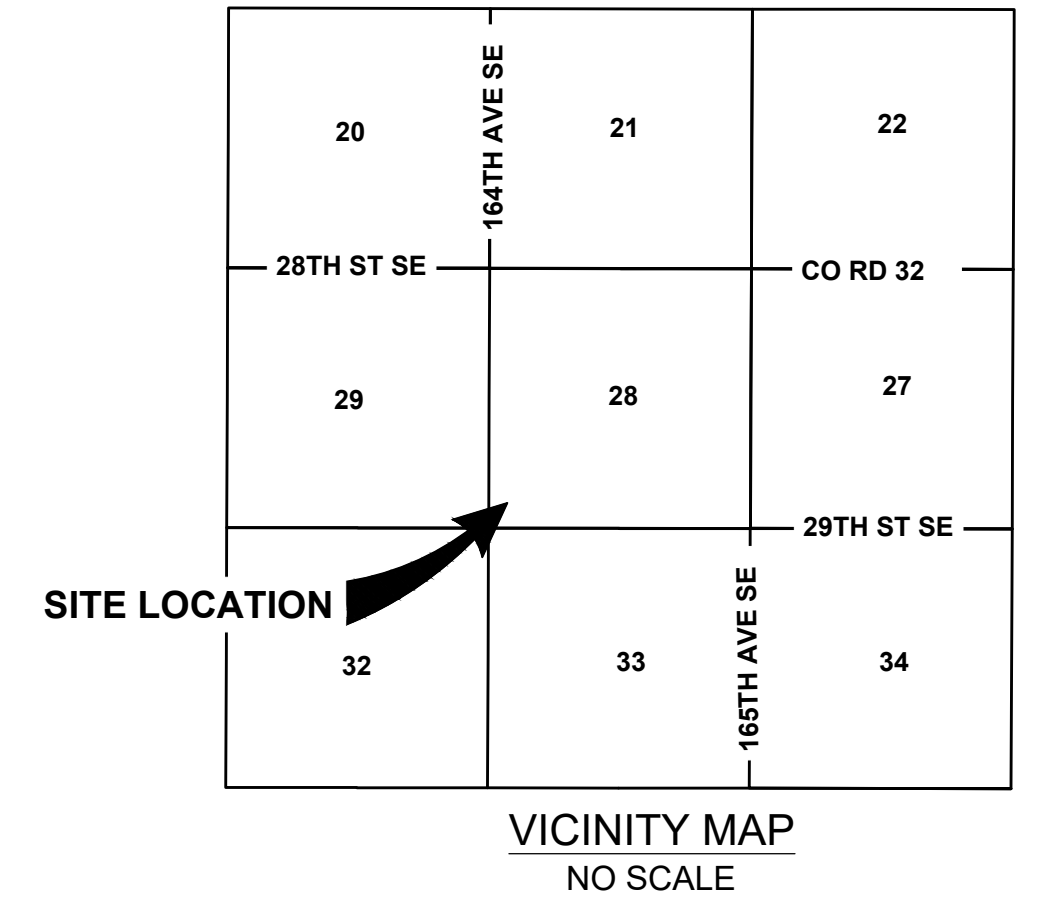
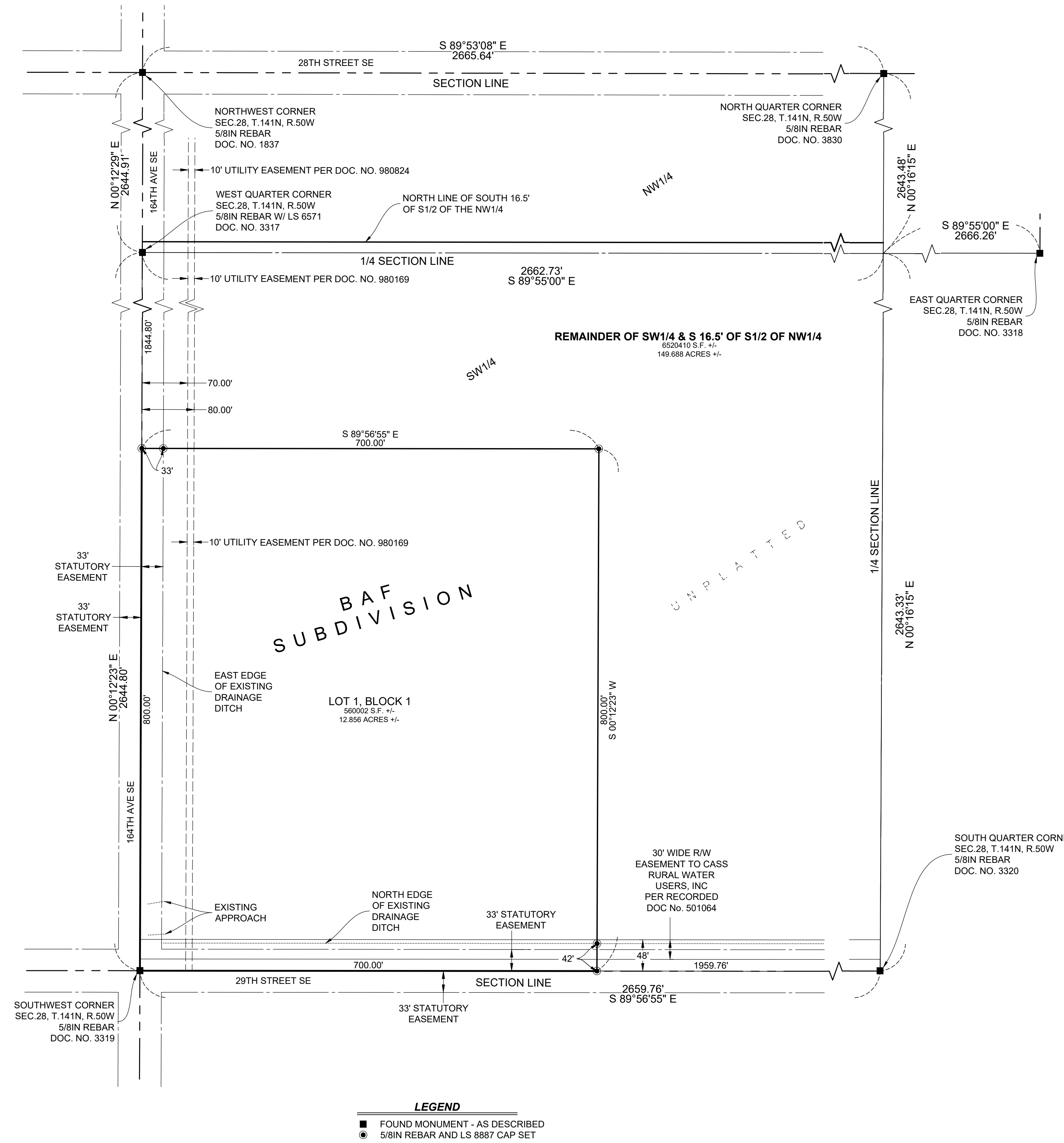
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



BAF SUBDIVISION

(A MINOR SUBDIVISION)

A PART OF THE WEST HALF OF SECTION 28, TOWNSHIP 141 NORTH, RANGE 50 WEST, FIFTH PRINCIPAL MERIDIAN,
BERLIN TOWNSHIP, CASS COUNTY, NORTH DAKOTA



FLOOD PLAIN STATEMENT:
THERE ARE NO PUBLISHED FEMA FLOOD PLAIN MAPS FOR BERLIN TOWNSHIP, CASS COUNTY, NORTH DAKOTA.

ENGINEER:
KLJ
300 23RD AVE E, SUITE 100
WEST FARGO, ND 58078

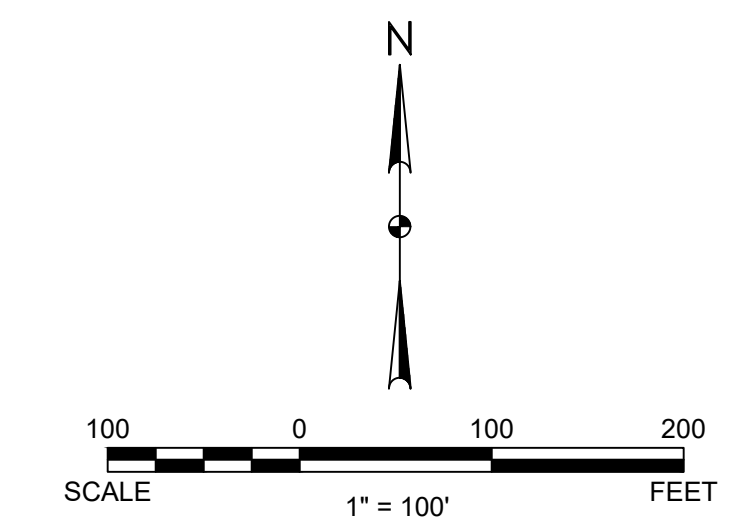
NOTE:
SURVEY IS BASED ON A LOCAL SITE, US SURVEY FEET.
DISTANCES SHOWN ARE GROUND DISTANCES.

SAID TRACT OF LAND IS SUBJECT TO ANY EASEMENT
RESTRICTIONS OR RESERVATIONS, EITHER EXISTING OR
RECORD.

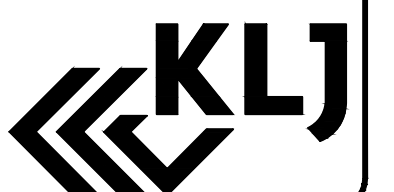
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS
PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.

LEGEND

- FOUND MONUMENT - AS DESCRIBED
- 5/8IN REBAR AND LS 8887 CAP SET



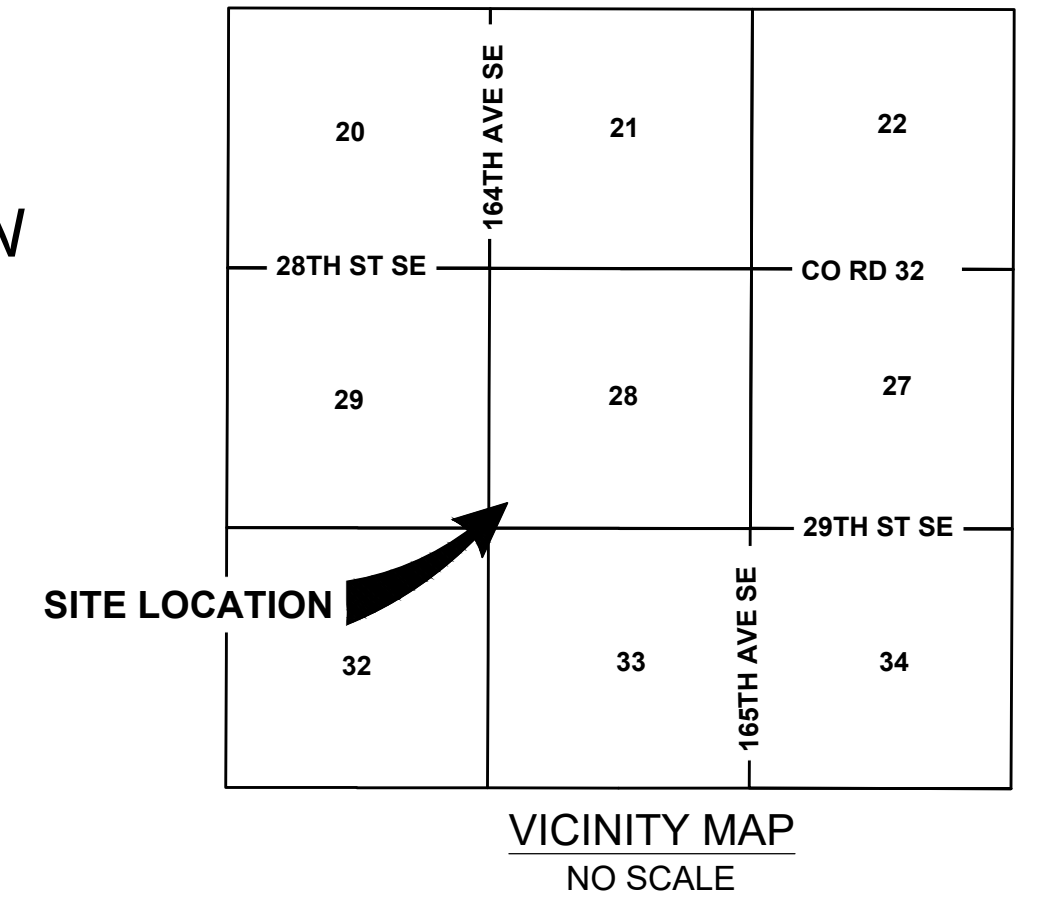
DRAWING COMPLETED: JANUARY 11, 2019
REVISED DATE: APRIL 7, 2021



BAF SUBDIVISION

(A MINOR SUBDIVISION)

A PART OF THE WEST HALF OF SECTION 28, TOWNSHIP 141 NORTH, RANGE 50 WEST, FIFTH PRINCIPAL MERIDIAN, BERLIN TOWNSHIP, CASS COUNTY, NORTH DAKOTA



PARENT TRACT

A TRACT OF LAND LOCATED IN PART OF THE SW 1/4 AND S1/2 OF THE NW1/4 OF SECTION 28, TOWNSHIP 141 NORTH, RANGE 50 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER AND THE SOUTH 16.50 FEET OF THE NORTHWEST QUARTER OF SAID SECTION 28.

SAID TRACT CONTAINS 7080412 SQUARE FEET, OR 162.544 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.

LOT 1, BLOCK 1, BAF SUBDIVISION

A TRACT OF LAND LOCATED IN PART OF THE SW 1/4 OF SECTION 28, TOWNSHIP 141 NORTH, RANGE 50 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE NORTH 00 DEGREES 12 MINUTES 23 SECONDS EAST (ASSUMED BEARING), ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 800.00 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 55 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 700.00 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 23 SECONDS WEST, PARALLEL WITH SAID WEST LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 800.00 FEET TO SAID SOUTH LINE OF THE SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 56 MINUTES 55 SECONDS WEST, ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 700.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 560002 SQUARE FEET, OR 12.856 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, PEGGY SEIDEL, WHOSE ADDRESS IS 3323 PARKVIEW LN S, FARGO, ND 58104, IS THE OWNER OF A TRACT OF LAND LOCATED IN PART OF THE W1/2 OF SECTION 28, TOWNSHIP 141 NORTH, RANGE 50 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS "PARENT TRACT" LISTED ABOVE:

PEGGY SEIDEL
LANDOWNER

STATE OF)
)SS
COUNTY OF)

ON THIS _____ DAY OF _____, 2021, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, _____, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING PROPRIETOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
CASS COUNTY, NORTH DAKOTA

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, RANDALL RUST, WHOSE ADDRESS IS 5454 37TH AVE S, FARGO, ND 58104, IS THE OWNER OF A TRACT OF LAND LOCATED IN PART OF THE W1/2 OF SECTION 28, TOWNSHIP 141 NORTH, RANGE 50 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS "PARENT TRACT" LISTED ABOVE:

PEGGY SEIDEL
LANDOWNER

STATE OF)
)SS
COUNTY OF)

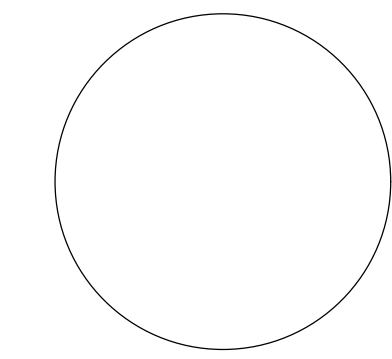
ON THIS _____ DAY OF _____, 2021, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, _____, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING PROPRIETOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
CASS COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, CHRIS INGERSOLL, REGISTERED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY OF SAID SUBDIVISION; THAT THE DISTANCES SHOWN ON SAID PLAT ARE CORRECT; THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN LOCATED OR PLACED IN THE GROUND AS SHOWN.

DATE THIS _____ DAY OF _____, 2021.



CHRIS INGERSOLL
REGISTERED LAND SURVEYOR
NORTH DAKOTA NO. 8887

STATE OF)
)SS
COUNTY OF)

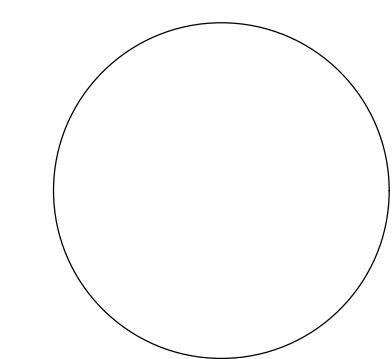
ON THIS _____ DAY OF _____, 2021, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

NOTARY PUBLIC

CASS COUNTY ENGINEER:

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2021.

JASON BENSON, CASS COUNTY ENGINEER



ATTEST: _____
SECRETARY

CASS COUNTY PLANNING COMMISSION:

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2021.

KEN LOUGHEED, CHAIRMAN

ATTEST: _____
SECRETARY

BERLIN TOWNSHIP:

REVIEWED BY BERLIN TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2021.

SCOTT SAEWERT, CHAIRMAN

ATTEST: _____
CLERK

CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2021.

MARY SCHERLING, CHAIRWOMAN

ATTEST: _____
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

FLOOD PLAIN STATEMENT:
THERE ARE NO PUBLISHED FEMA FLOOD PLAIN MAPS FOR BERLIN TOWNSHIP, CASS COUNTY, NORTH DAKOTA.

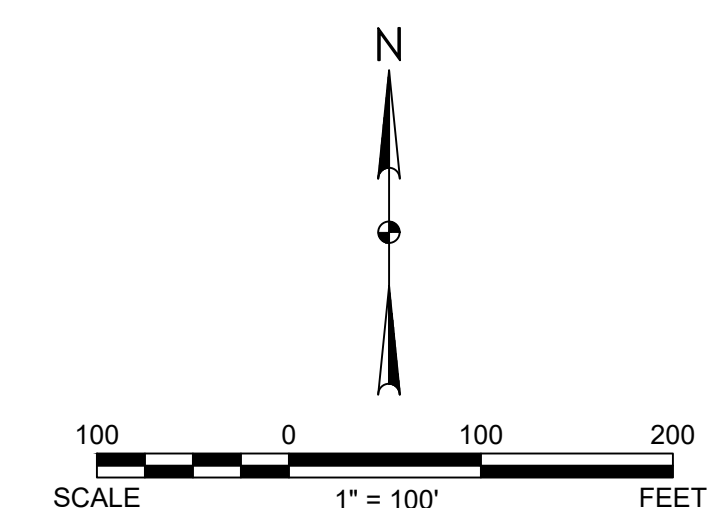
ENGINEER: KLJ
3203 32ND AVE S, SUITE 201
FARGO, ND 58103

CLIENT: BRANDON RUST
3577 8TH ST E
WEST FARGO, ND 58078

NOTE:
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DRAWING COMPLETED: JANUARY 11, 2021
REVISED DATE: APRIL 7, 2021

