



MEMORANDUM

Highway Department

Jason, Benson, P.E.
County Engineer

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

Blaine Laaveg
Superintendent

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: November 1, 2021

SUBJECT: Consent Agenda Topic for the November 15, 2021
Commission Meeting: Sarah's Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Berlin Township, Section 10 at a Public Hearing on October 28, 2021. The intended purpose of the subdivision is to create a lot for daughter and son-in-law to build a single-family home on.

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 NW ¼ of Section 10, Township 141 North, Range 50 West		
Title:	Sarah Subdivision	Date:	10-18-2021
		Update:	11-01-2021
Location:	NW ¼ of Section 10, Township 141 North, Range 50 West (Berlin Township)	Staff Contact:	Grace Puppe
Parcel Number:	27-0000-01357-070	Water District:	Rush River Water District
Owner(s)/Applicant:	Charles & Susan Sorvaag	Engineer/Surveyor:	Bolton & Menk
Status:	County Commission Hearing: November 15, 2021		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Sarah Subdivision** to plat a one (1) Lot subdivision of approximately 14.94 acres. According to the applicant, the subdivision is requested to create a lot for daughter and son-in-law to build a single-family home.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 165th Avenue SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No comments were received prior to publishing the staff report.
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No comments were received prior to publishing the staff report.
Century Link	No comments were received prior to publishing the staff report.
Sprint	Clear from 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	Pending hydraulic analysis, the site could potentially be served by a line that feeds the current home owned by the applicant. To date we do not have an application for service.
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 east and south. Township road 165th Ave SE borders the west of the property with County Road 4 bordering the north.

Floodzone
 According to the FEMA Flood Map Service Center, no 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.

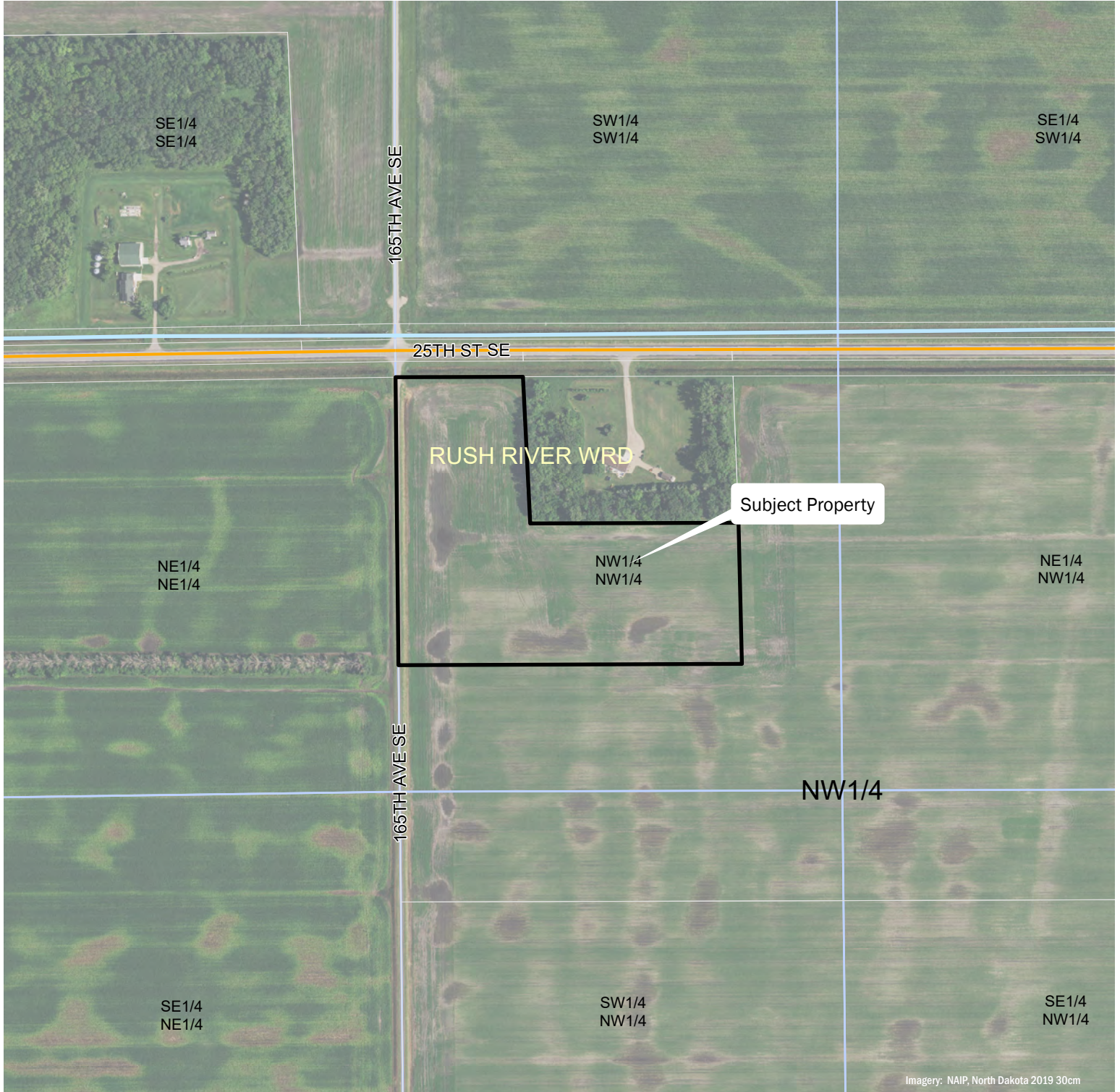
Attachments

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

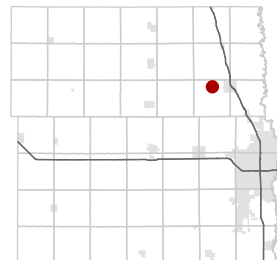
Minor Subdivision

Sarah Subdivision

Berlin Twp, Section 10 - Township 141 North - Range 50 West



Cass County Planning Commission
October 28, 2021

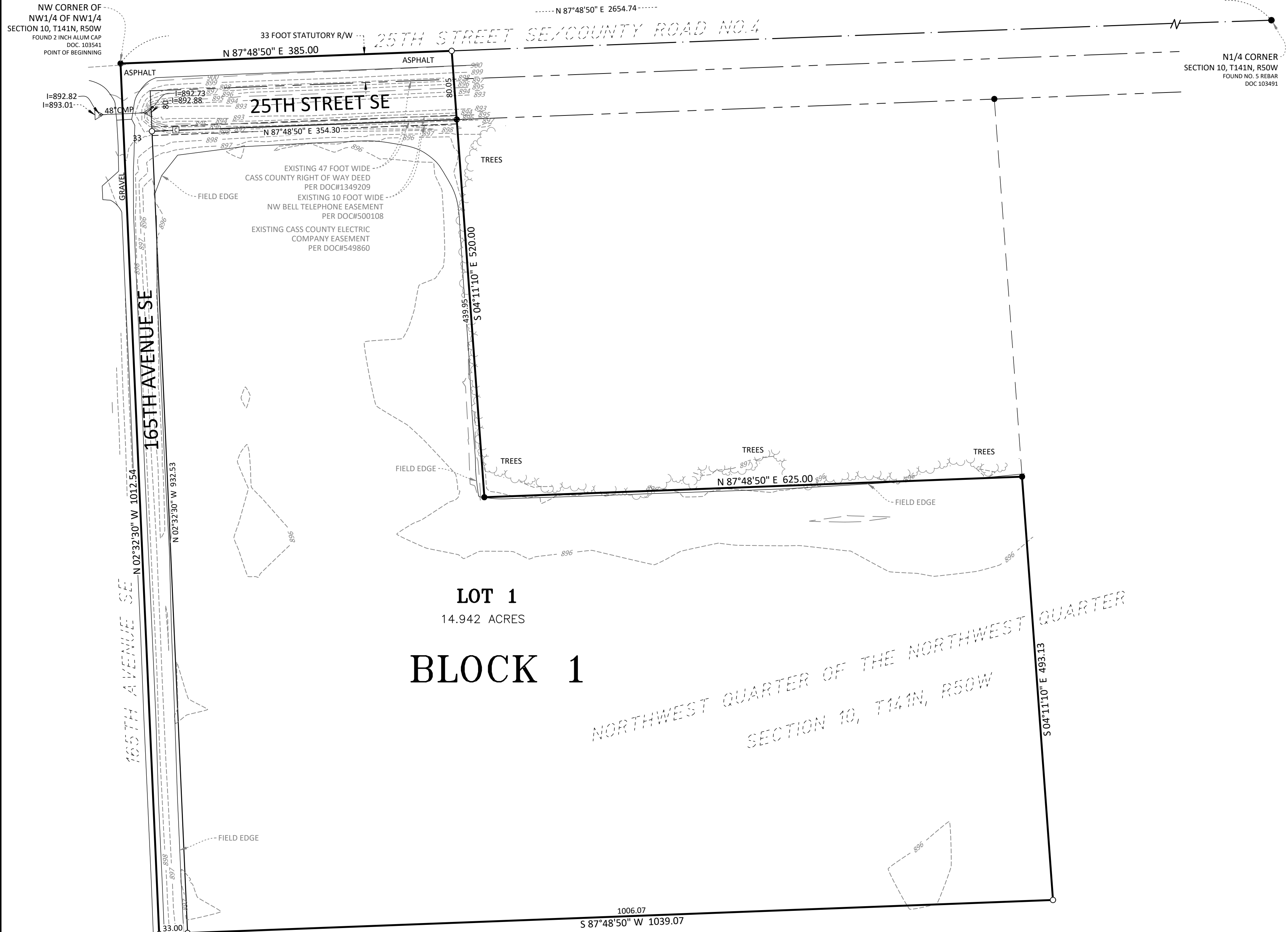


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



SARAH'S ACRES SUBDIVISION

PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 10,
TOWNSHIP 141 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
BERLIN TOWNSHIP, CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION



OWNERS DESCRIPTION AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That Charles H. Sorvaag and Susan L. Sorvaag, husband and wife, as owners of a parcel of land located in the Northwest Quarter of the Northwest Quarter of Section 10, Township 141 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota and more particularly described as follows:

That part of the Northwest Quarter of the Northwest Quarter of Section 10, Township 141 North, Range 50 West, Cass County, North Dakota described as follows:

Beginning at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence North 87 degrees 48 minutes 50 seconds East, assumed bearing, along the north line of said Northwest Quarter of the Northwest Quarter, 385.00 feet to the northwest corner of a parcel of land described in Document 1322861 on file and of record in the Office of the County Recorder, Cass County, North Dakota; thence South 04 degrees 11 minutes 10 seconds East, along the west line of said document, 520.00 feet to the southwest corner of said document; thence North 87 degrees 48 minutes 50 seconds East, along the south line of said document, 625.00 feet to the southeast corner of said document; thence South 04 degrees 11 minutes 10 seconds East 493.13 feet; thence South 87 degrees 48 minutes 50 seconds West 1039.07 feet to the west line of said Northwest Quarter of the Northwest Quarter; thence North 02 degrees 32 minutes 30 seconds West, along said west line, 1012.54 feet to the point of beginning.

Containing 16.358 acres, of land, more or less and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Said owners have caused the above described parcel of land to be surveyed and platted as SARAH'S ACRES SUBDIVISION to Cass County, North Dakota and do hereby dedicate to the public for public use forever 25th Street SE and 165th Avenue SE as shown on this plat.

OWNERS:

By: Charles H. Sorvaag, husband

By: Susan L. Sorvag, wife

State of North Dakota }
County of Cass } SS

On this ____ day of _____, 2021, before me, a notary public within and for said County and State, personally appeared Charles H. Sorvaag, husband and Susan L. Sorvag, wife, known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same.

Notary Public

BERLIN TOWNSHIP

Reviewed by Berlin Township, Cass County, North Dakota this ____ day of _____, 2021.

Karl Langseth, Chairman

Attest: ??????, Clerk

CASS COUNTY ENGINEER

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

Jason Benson, Cass County Engineer

CASS COUNTY PLANNING COMMISSION

Reviewed by the Cass County Planning Commission this ____ day of _____, 2021.

Ken Lougheed, Chairman

Attest: Secretary

CASS COUNTY BOARD OF COMMISSIONERS APPROVAL

Approved by Cass County, North Dakota this ____ day of _____, 2021.

By: Chad Peterson, Chairman

Attest: Robert Wilson, Finance Director

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Gregg Stroeing, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a correct representation of the survey, that all distances shown are correct and that the monuments for the guidance of future surveys have been located or placed in the ground as shown and that the outside boundary lines are correctly designated on the plat.

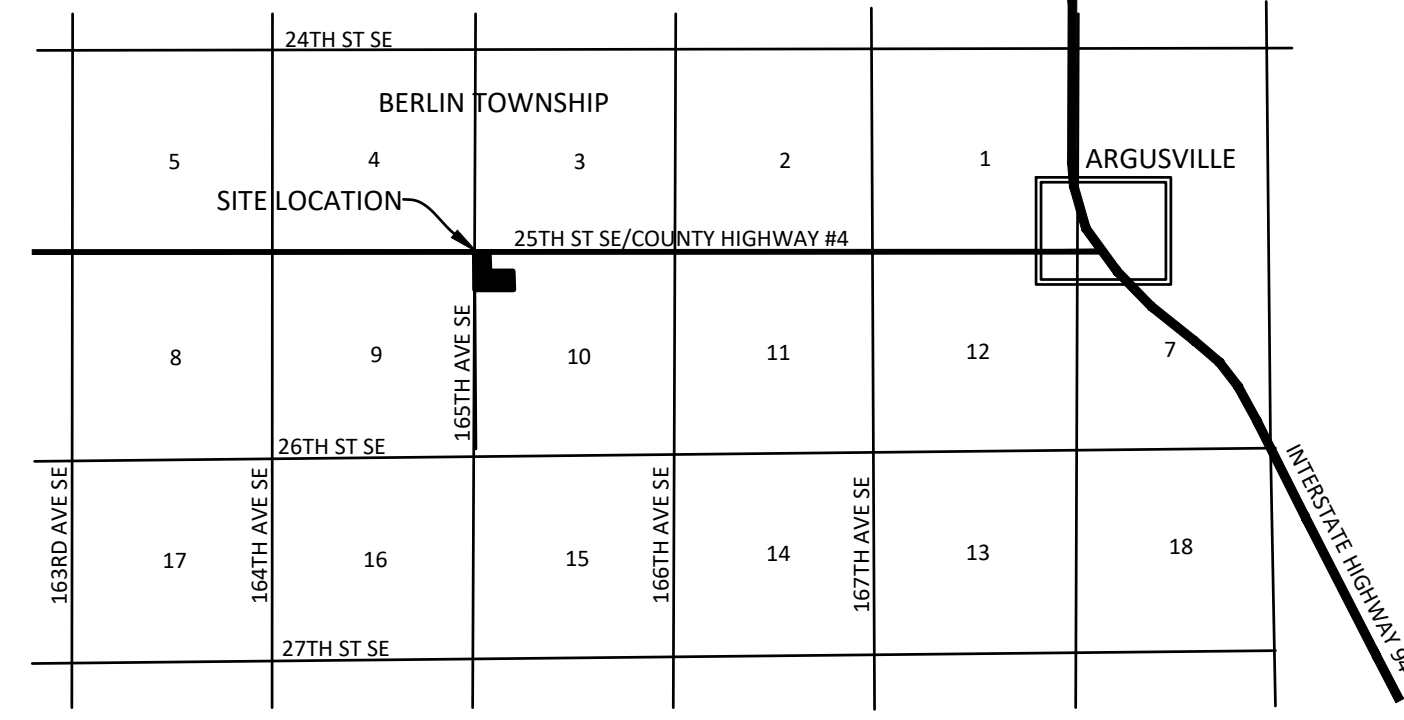
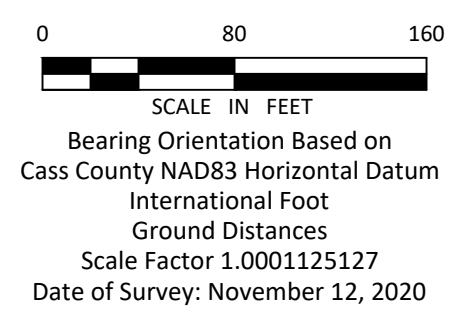
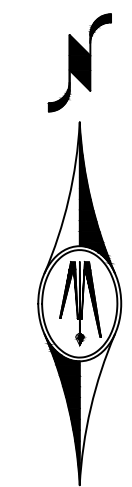
Gregg Stroeing, Professional Land Surveyor Date
North Dakota License Number LS-6703

State of North Dakota }
County of Cass } SS

On this ____ day of _____, 2021, before me, a notary public within and for said County and State, personally appeared Gregg Stroeing, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Notary Public

- LEGEND**
- 5/8"x18" REBAR MONUMENT SET MARKED BY CAP NO. LS-6703
 - MONUMENT FOUND
 - SUBJECT PROPERTY LINE
 - - - SECTION LINE
 - - - EXISTING PROPERTY LINE
 - - - EXISTING RIGHT OF WAY LINE
 - - - EASEMENT LINE
 - - - CONTOUR LINE
 - COMMUNICATION PEDESTAL



NW CORNER OF NW1/4 OF NW1/4 SECTION 10, T141N, R50W FOUND 2 INCH ALUM CAP DOC. 103541 POINT OF BEGINNING

N1/4 CORNER SECTION 10, T141N, R50W FOUND NO. 5 REBAR DOC. 103491

W1/4 CORNER SECTION 10, T141N, R50W NO. 5 REBAR LS 6703 DOC. 103489



PRELIMINARY

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 13 day of October, 2021, by

Owner(s): Charles H. & Susan L. Sorvaag

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 North Half (N1/2) of the Northwest Quarter (NW1/4) of Section Ten (10) Township One Hundred Forty-one (141) North, of Ranger Fifty (50), West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the Northwest corner of the Northwest quarter of said section 10; thence on an assumed bearing of North 87°48'50" East, along the North line of said section 10, a distance of 1,010.00 feet to the point of beginning; thence and continuing along the North line of NW1/4 of said section 10 a distance of 1,644.74 feet to the Northeast corner of the NW1/4 of said section 10; thence on an assumed bearing of South 02°32'30" East, along the East line of the NW1/4 of said section 10 a distance of 747.02 feet; thence South 87°48'50" West a distance of 1,623.29 feet; thence North 04°11'20" West a distance 747.46 feet, to the point of beginning: Less the North 80.00 feet thereof. Said tract contains 25.00 acres, more or less, and is subject to rights-of-way and easements of record.

PIN: 27-0000-01537-070



MEMORANDUM

Highway Department

Jason, Benson, P.E.
County Engineer

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

Blaine Laaveg
Superintendent

TO: Cass County Board of Commissioners

FROM: Grace Puppe, Cass County Planner

DATE: November 1, 2021

SUBJECT: Consent Agenda Topic for the November 15, 2021
Commission Meeting: Hickson 2nd Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Pleasant Township, Section 24 at a Public Hearing on October 28, 2021. The intended purpose of the subdivision is to replat lots 11 and 12 to allow for the sale of buildings and respective lots.

The Planning Commission is recommending approval of the proposed plat entitlement request and Pleasant 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 NW ¼ of Section 24, Township 137 North, Range 49 West		
Title:	Hickson 2nd Subdivision	Date:	10-20-2021
		Update:	10-28-2021
Location:	NW ¼ of Section 24, Township 137 North, Range 49 West (Pleasant Township)	Staff Contact:	Grace Puppe
Parcel Number:	57-0100-10459-000	Water District:	Southeast Water District
Owner(s)/Applicant:	Paul Nelson	Engineer/Surveyor:	Moore Engineering
Status:	County Commission Hearing: November 15, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Hickson 2nd Subdivision** to replat a two (2) Lot subdivision of approximately 0.32 acres. According to the applicant, the subdivision is requested to replat lots 11 and 12 to allow for sale of buildings and respective lots.

The proposed ownership and maintenance responsibility of the subdivision will be public. The subdivision will use 1st Avenue for road access, ditches for storm sewer conveyance and rural water.

Agency Comments	
County Engineer	No concern with replat of existing two lots into two new lots. Concerned with the survey tie ins to make sure the locations are accurate as the adjacent home to the west is very close to the property line.
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	Clear.
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 subject property is currently served by Cass Rural Water District.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	Due to the small size of this lot, they will have to ensure that they leave enough room for the required waste system on site. No variance will be given for anything smaller than the 1 acre requirement.
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 residential land on all sides.

Floodzone
According to the FEMA Flood Map Service Center, this property is in Special Hazard Flood Area zone AE. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

Land Development Rights
The subject lots have already been platted as developable lots. Since no additional lots are being created during this replat no additional development rights are needed. A deed restriction is not required at this time.

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

Minor Subdivision

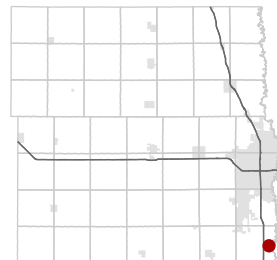
Hickson 2nd Subdivision

Pleasant Twp, Section 24 - Township 137 North - Range 49 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission
October 28, 2021



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