



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: December 13, 2021

SUBJECT: Consent Agenda Topic for the December 20, 2021
Commission Meeting: St. Peter Parsonage
Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Walburg Township, Section 35 at a Public Hearing on December 9, 2021. The intended purpose of the subdivision is to create separate the existing house and church from the farmland. The house is the parsonage for the church. The parsonage was built in 1975 and the church was built in 1967.

The Planning Commission is recommending approval of the proposed plat entitlement request and Walburg 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 NE ¼ of Section 35, Township 138 North, Range 53 West		
Title:	St. Peter Parsonage Subdivision	Date:	10-20-2021
		Update:	12-13-2021
Location:	NE ¼ of Section 35, Township 138 North, Range 53 West (Walburg Township)	Staff Contact:	Grace Puppe
Parcel Number:	66-0000-12453-020	Water District:	Maple River Water District
Owner(s)/Applicant:	Deb Roesler	Engineer/Surveyor:	Houston Engineering
Status:	County Commission Hearing: December 20, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **St. Peter Parsonage Subdivision** to plat a two (2) lot subdivision of approximately 6.3 acres. According to the applicant, the subdivision is requested to separate the existing house and church from the farmland. The house is the parsonage for the church. The parsonage was built in 1975 and the church was built in 1967.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use the existing 150th 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 with Parsonage
Water Resource District	No comments.
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	The only thing on this proposal is that they verify that the waste disposal for the church and the parsonage are different, so they don't cut off access.
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 and north. Township road 150th Ave SE borders the east of the property with St. Peter Lutheran Church bordering the south.

Floodzone

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

Staff Recommendation

To accept the findings and recommendations of staff and recommend approval to the County Commission of the subdivision application with the variance request 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. Variance Request

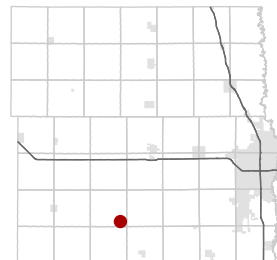
Minor Subdivision

St. Peter Parsonage Subdivision

Walburg Twp, Section 35 - Township 138 North - Range 53 West



Cass County Planning Commission
December 9, 2021

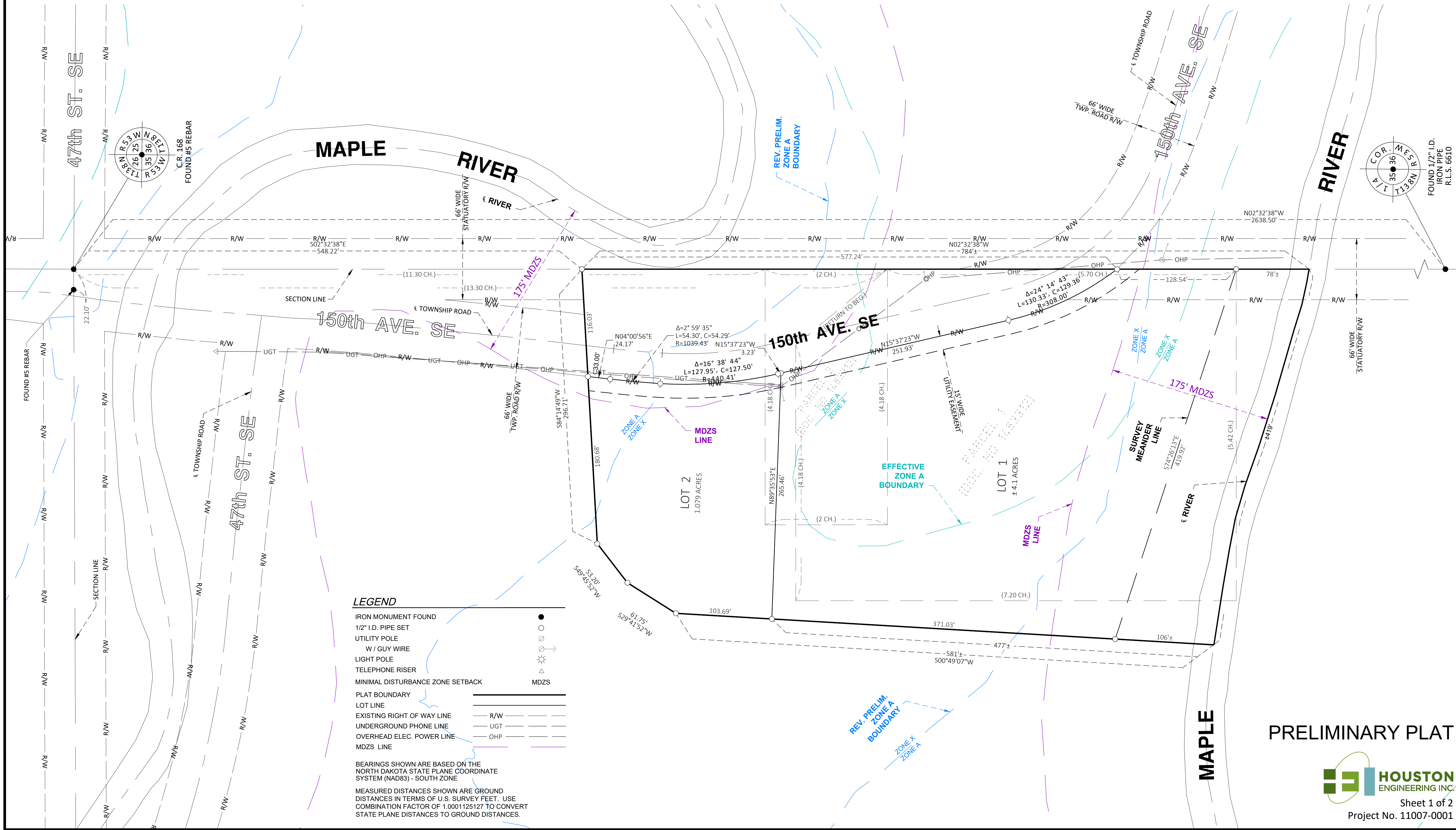
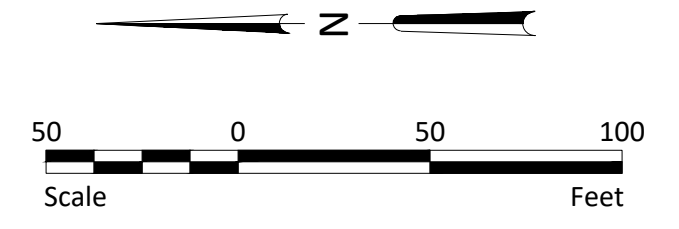


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



ST. PETER LUTHERAN SUBDIVISION

BEING A PLAT OF PART OF THE NE 1/4 OF
SECTION 35, T. 138 N., R. 53 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
UTILITY POLE	⊙
W / GUY WIRE	⊙
LIGHT POLE	⊙
TELEPHONE RISER	⊙
MINIMAL DISTURBANCE ZONE SETBACK	MDZS
PLAT BOUNDARY	—
LOT LINE	—
EXISTING RIGHT OF WAY LINE	R/W
UNDERGROUND PHONE LINE	UGT
OVERHEAD ELEC. POWER LINE	OHP
MDZS LINE	—

BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE
MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE COMBINATION FACTOR OF 1.0001125127 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.

PRELIMINARY PLAT



Sheet 1 of 2
Project No. 11007-0001

H:\B\11000\11007\11007\CAD\StPeter_Lutheran_Subdivision.dwg

Variance Request – St. Peter’s Parsonage Subdivision

St. Peter Church is requesting a Variance from the deed restriction requirement. The church was built in 1967 and the parsonage was built in 1975. St. Peter Church is looking to plat the parsonage and the church onto two separate lots at this time in case of unlikely sale of either the church or parsonage. The current descriptions of the lots overlap and cross over the river to the south that should have followed the boundary. This is why both the Church is looking to plat both parcels and correct these errors.

Ken Hagen had donated the land for the parsonage and is willing to transfer ownership to the church. However, Ken is not in favor of restricting any additional acreage for this plat. The Church does not have the financial capacity to purchase any surrounding property to deed restrict.



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: December 13, 2021

SUBJECT: Consent Agenda Topic for the December 20, 2021
Commission Meeting: Baarstad Second Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Watson Township, Section 28 at a Public Hearing on December 9, 2021. The intended purpose of the subdivision is to separate the house from surrounding property to sell

The Planning Commission is recommending approval of the proposed plat entitlement request and Watson 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 28, Township 137 North, Range 53 West		
Title:	Baarstad Second Subdivision	Date:	10-20-2021
		Update:	12-13-2021
Location:	SE ¼ of Section 28, Township 137 North, Range 53 West (Watson Township)	Staff Contact:	Grace Puppe
Parcel Number:	68-0000-13024-010	Water District:	Maple River Water District
Owner(s)/Applicant:	Marvin & Jeanette Baarstad	Engineer/Surveyor:	Steve Ackerman
Status:	County Commission Hearing: December 20, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Baarstad Second Subdivision** to plat a one (1) Lot subdivision of approximately 3 acres. According to the applicant, the subdivision is requested to separate the house from surrounding property to sell.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 148th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
Water Resource District	No comment.
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	This property currently has service from CRWD.
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 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 148th Ave SE borders the east of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently unmapped and no Special Hazard Flood Area has been identified. In addition, wetlands 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.

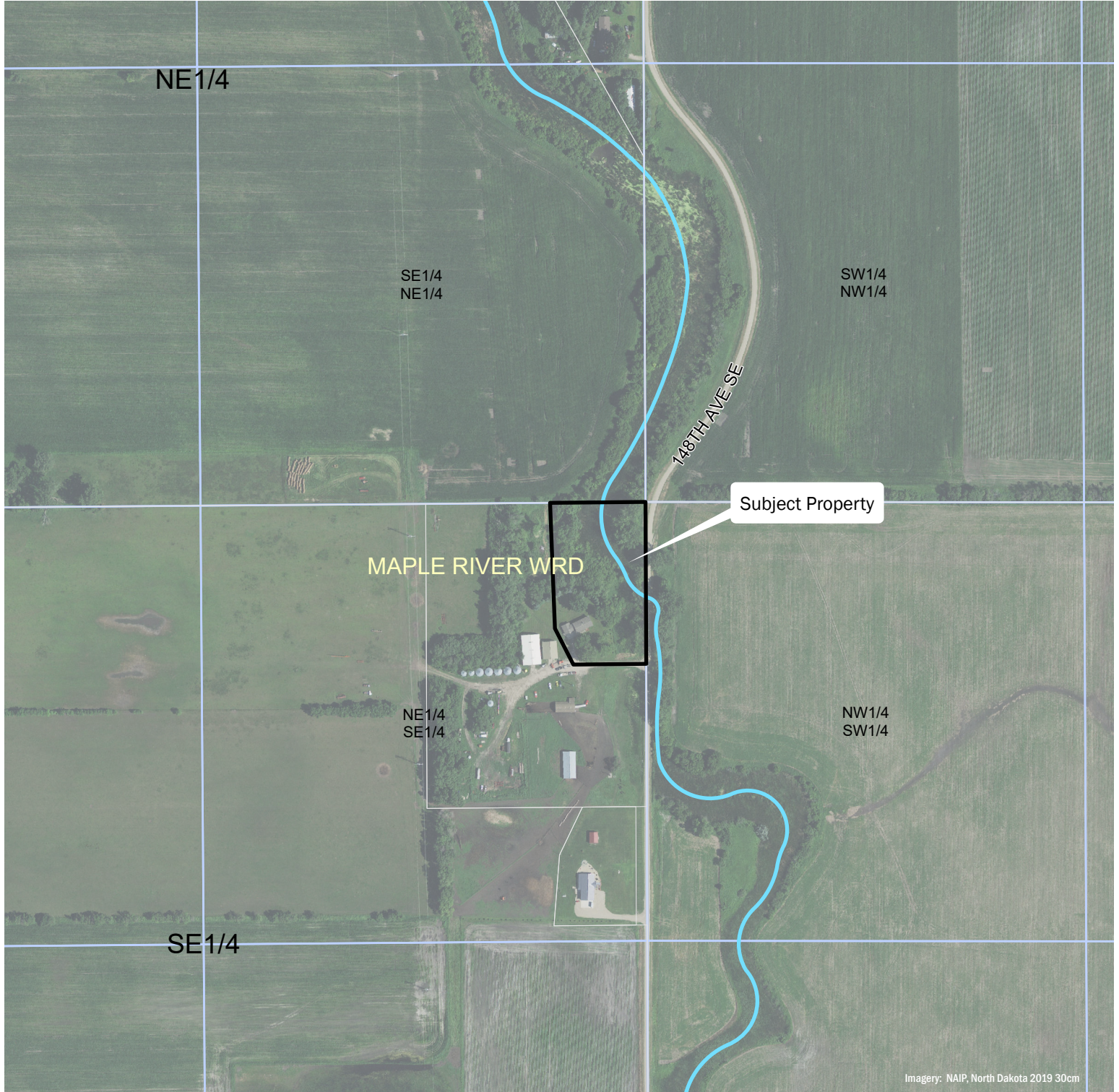
Attachments

1. Location Map
2. Plat Document

Minor Subdivision

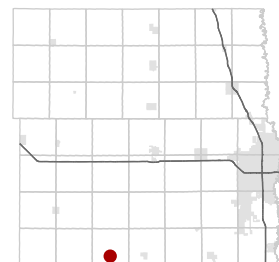
Baarstad Second Subdivision

Watson Twp, Section 28 - Township 137 North - Range 53 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission
December 9, 2021



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PRELIMINARY PLAT OF
BAARSTAD 2ND SUBDIVISION
 A part of the Northeast Quarter of the Southeast Quarter of
 Section 28, Township 137 North, Range 53 West of the Fifth
 Principal Meridian, Watson Township,
 Cass County, North Dakota

To:
 W1/4 Cor. Sec. 28
 T137N, R53W
 RLS 2958
 Rec. No. 3355

E1/4 Cor. Sec. 28
 T137N, R53W
 RLS 2958
 Rec. No. 3356

NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 28 5349.65'

OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Marvin Baarstad and Jeanette Baarstad, husband and wife, whose address is 148th Ave. SE., Leonard, North Dakota, is the owner of a tract of land located in the that part of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section 28, Township 137 North, Range 53 West of the 5th Principal Meridian, Watson Township, Cass County, North Dakota described as follows:

BEGINNING at the iron monument marking the East Quarter Corner of said Section 28 (Cass County Corner Record No. 3356); thence on an assumed bearing of South 0°04'45" West, on and along the east line of the said Southeast Quarter of Section 28, a distance of 480.00 feet; thence South 89°43'39" West, parallel with the north line of the said Southeast Quarter, a distance of 241.28 feet; thence North 13°52'23" West a distance of 151.32 feet; thence North 02°42'49" West a distance of 333.22 feet to a point on the north line of the said Southeast Quarter; thence North 89°43'39" East, on and along the said north line of the Southeast Quarter, a distance of 294.00 feet to the point of beginning, containing 3.06 acres, more or less.

Said party has caused the same to be surveyed and platted as BAARSTAD 2ND SUBDIVISION in Cass County, North Dakota, and does hereby dedicate to the public for public use the road identified as 148th Ave SE, and also hereby dedicate a 5ft wide electric line easement over, along and across the most westerly 5 feet of Lot 1, Block 1, Baarstad 2nd Addition shown hereon, and also hereby grant an access easement for ingress and egress, for the use and benefit of Lot 1, Block 1, Baarstad 2nd Subdivision, as shown hereon.

Marvin Baarstad
 Owner of Lot 1, Block One, Baarstad 2nd Subdivision

Jeanette Baarstad
 Owner of Lot 1, Block One, Baarstad 2nd Subdivision

STATE OF NORTH DAKOTA)
) ss
 COUNTY OF CASS)

On this ____ day of _____, 2021, before me, a notary public, with and for said County, personally appeared Marvin Baarstad and Jeanette Baarstad, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public
 My commission expires _____, 20____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Steven A. Ackerman, 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.

Dated this ____ day of _____, 2021.

Steven A. Ackerman, Registered Land Surveyor

STATE OF NORTH DAKOTA)
) ss
 COUNTY OF RICHLAND)

On this ____ day of _____, 2021, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Notary Public
 My commission expires _____, 20____

COUNTY ENGINEER REVIEW

Approved by Cass County Engineer this ____ day of _____, 20____

Jason Benson, Cass County Engineer

WATSON TOWNSHIP REVIEW

Reviewed by Watson Township, Cass County, North Dakota this ____ day of _____, 20____

Don Gibson, Chairman

Attest: _____
 Lori Torgerson, Clerk

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of County Commissioners and ordered filed this ____ day of _____, 20____

Chad Peterson, Chairman

Attest: _____
 Brandy Madriga, Finance Director

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this ____ day of _____, 20____

Ken Lougheed, Chair

Attest: _____
 Secretary

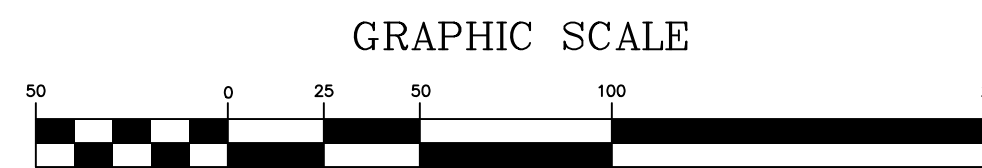
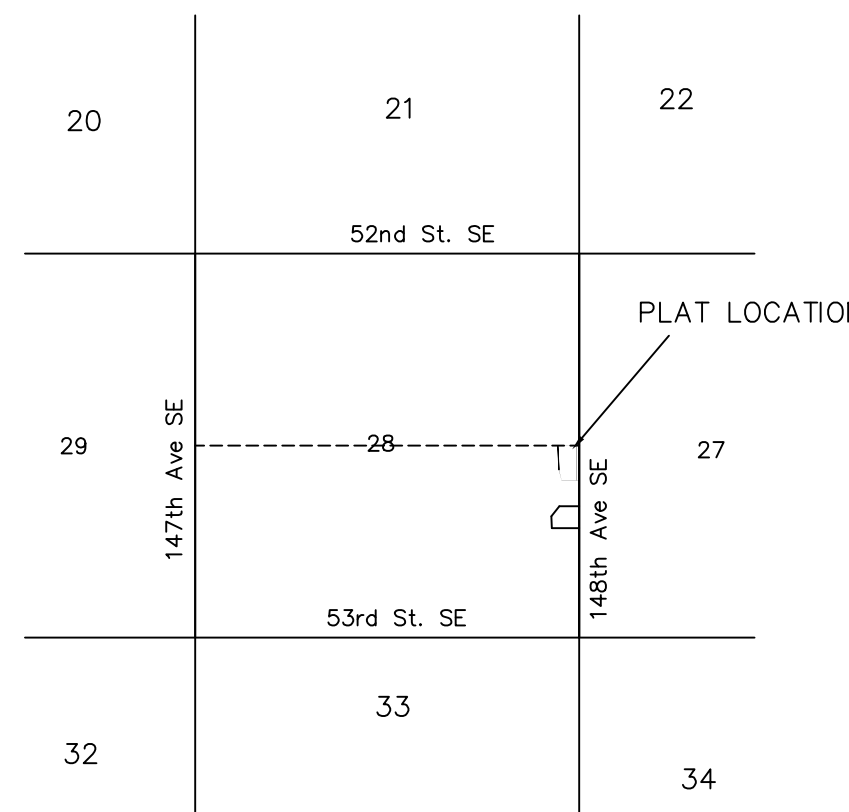
FLOOD PLAIN STATEMENT:
 THERE ARE NO PUBLISHED FEMA FLOOD PLAIN MAPS FOR WATSON TOWNSHIP, CASS COUNTY, NORTH DAKOTA.

Existing easements of record within the area being platted:

- Right of Way Easement to Northwestern Bell Telephone Co. in Book K-6 of Misc., page 443
- Pipeline Easement to Cass Rural Water Users District; Doc. No. 1556469

OWNER/DEVELOPER: Marvin Baarstad, 148th Ave. SE., Leonard, North Dakota

SURVEYOR: Steve Ackerman, Ackerman Survey Ltd, 8044 182nd Ave. SE., Wahpeton, ND 58075

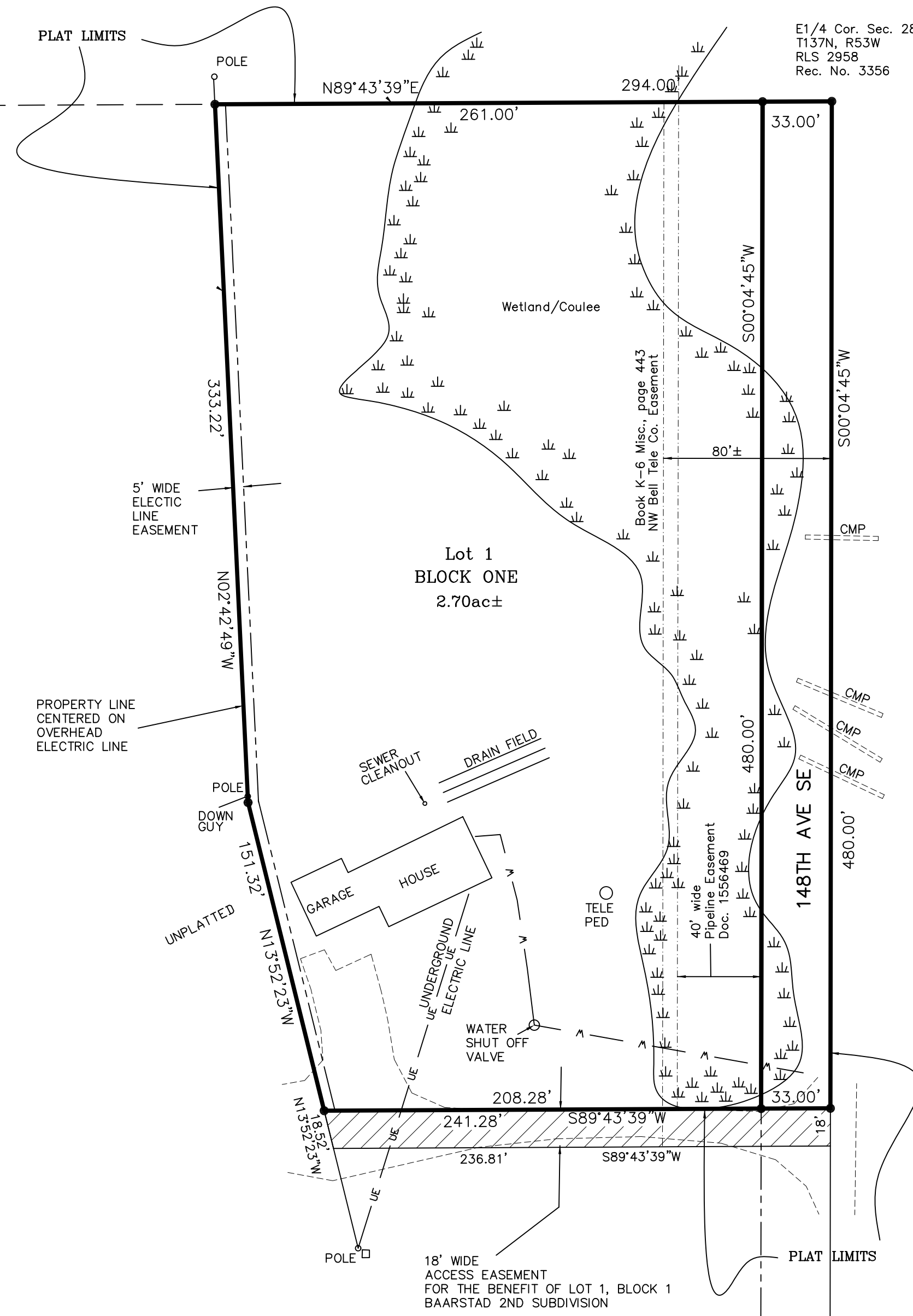


- LEGEND**
- = CORNER MARKED WITH A 5/8" X 22" IRON REBAR WITH RED PLASTIC CAP MARKED "ND2958 SD5226"
 - = EXISTING OR FOUND CORNER MONUMENT
 - (with cross) = FOUND EXISTING IRON DEEP IN GROUND AND SET
 - (with dot) = NEW IRON 5/8"x22" REBAR WITH RED CAP MARKED "ND2958 SD5226" ABOVE FOUND IRON, LEFT FOUND IRON UNDISTURBED
 - △ = STEEL FENCE POST
 - REC. = RECORD OR ORIGINAL DISTANCE
 - MEA. = MEASURED DISTANCE THIS SURVEY
 - DOC. = MONUMENT RECORD ON FILE AT COUNTY REGISTER OF DEEDS
 - NOTE: = THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN



8044 182 Ave SE
 Wahpeton, ND 58075
 701-899-4273
 steve@ackermansurvey.com

To:
 SE Cor. Sec. 28
 T137N, R53W
 RLS 2958
 Rec. No. 3358





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: December 13, 2021

SUBJECT: Consent Agenda Topic for the December 20, 2021
Commission Meeting: Bryan Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Mapleton Township, Section 19 at a Public Hearing on December 9, 2021. The intended purpose of the subdivision is to separate the house from surrounding property to sell

The Planning Commission is recommending approval of the proposed plat entitlement request and Mapleton 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 SW ¼ of Section 19, Township 139 North, Range 50 West		
Title:	Bryan Subdivision	Date:	12-01-2021
		Update:	12-13-2021
Location:	Sw ¼ of Section 19, Township 139 North, Range 50 West (Mapleton Township)	Staff Contact:	Grace Puppe
Parcel Number:	53-0000-09102-010	Water District:	Maple River Water District
Owner(s)/Applicant:	William & Barbara Bryan	Engineer/Surveyor:	Cole Neset
Status:	County Commission Hearing: December 20, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Bryan Subdivision** to plat a one (1) Lot subdivision of approximately 5.11 acres. According to the applicant, the subdivision is requested to combine to lots into one. Current parcel with house is just over 4.14 and is unplatted. Property to include additional land for shelterbelts.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 163rd Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
Water Resource District	No comment.
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	This property currently has service from CRWD.
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 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 148th Ave SE borders the east of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently located Special Hazard Flood Area unshaded Zone X outside of the 0.2% annual chance floodplain. 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
3. Deed Restriction

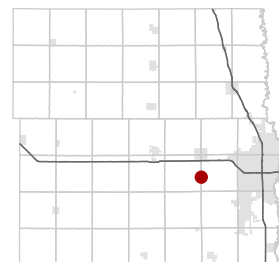
Minor Subdivision

Byran Subdivision

Mapleton Twp, Section 19 - Township 139 North - Range 50 West



Cass County Planning Commission
December 9, 2021

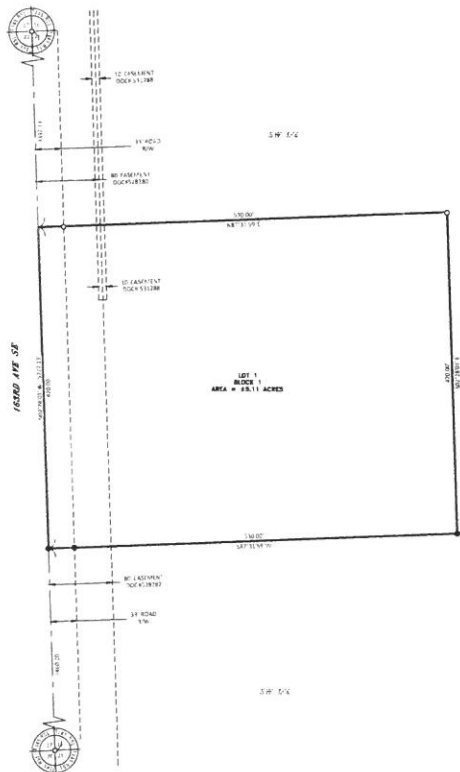


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BRYAN SUBDIVISION

PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION



CASS COUNTY ENGINEER

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

JASON BENSON, CASS COUNTY ENGINEER

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I, JASON BENSON, ENGINEER, OF THE COUNTY OF CASS, STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, IS A MINOR SUBDIVISION AS FOLLOWS:

COMMENCING FROM THE SOUTHWEST CORNER OF SAID SECTION 19, THENCE NORTH 72° 00' 00" WEST ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 1362.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID WEST LINE, 222 FEET, IN A DISTANCE OF 258.00 FEET, THENCE NORTH 71° 55' 00" WEST, A DISTANCE OF 1362.00 FEET, THENCE EAST 88° 00' 00" WEST, IN A DISTANCE OF 432.00 FEET, THENCE SOUTH 71° 55' 00" WEST, A DISTANCE OF 1362.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.811 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNERS HAVE CAUSED THIS PLAN TO BE PREPARED AND TO BE SUBMITTED TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA, AND CONFORMS TO THE REQUIREMENTS OF THE

BY WILLIAM BRYAN, GRADUER

BY SARAH BRYAN, DRAFTER

STATE OF _____

COUNTY OF _____

CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL

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

ENZO PETERSON, CHAIRMAN

ATTEST: ROBERT WILSON, CASS COUNTY FINANCIAL DIRECTOR

CASS COUNTY PLANNING COMMISSION

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

RENELOUGH, CHAIRMAN

ATTEST: SECRETARY

MAPLETON TOWNSHIP

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

JOHN RUTTEN, CHAIRMAN

ATTEST: BRUCE FROSTINGER, C. TREASURER

SURVEYORS CERTIFICATE

I, COLLEEN M. WELT, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED SUBDIVISION OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, IS A MINOR SUBDIVISION AND ALL DISTANCES, BEARINGS, AND ALIQUOT CORNERS, HAVE BEEN MEASURED AND FOUND TO CONFORM TO THE SURVEYING ACT AND THE REQUIREMENTS OF THE SURVEYING ACT AND THE REQUIREMENTS OF THE SURVEYING ACT.

DATE OF SURVEY: _____

PROFESSIONAL LAND SURVEYOR NO. 15758

STATE OF _____

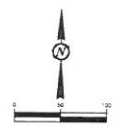
COUNTY OF _____

BE IT KNOWN ON THIS _____ DAY OF _____ 2021, BEFORE ME, A PERSONALLY APPEARING WITNESS, JOHN RUTTEN, CHAIRMAN OF THE PLANNING COMMISSION, HAS BEEN DULY SWORN IN AND WHO HAS DECLARED UNDER OATH THAT HE IS THE PERSONAL SURVEYOR OF THE ABOVE DESCRIBED SUBDIVISION OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.

BY COMMISSION

EXPRES

NOTARY PUBLIC



- LEGEND**
- MONUMENT MARK
 - NON-MONUMENT POINT
 - SECTION LINE
 - TOWNSHIP BOUNDARY LINE
 - - - - - TOWNSHIP BOUNDARY LINE

SURVEY INFORMATION

DATE OF SURVEY: 05-25-2021
 BASIS OF BEARING: THE WEST LINE OF SECTION 19
 HAS AN ASSUMED BEARING OF N02°28'01" W



SHEET 1 OF 1

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 15th day of October, 2021, by Owner(s): William & Barbara Bryan

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.

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

[Signature]
William Bryan

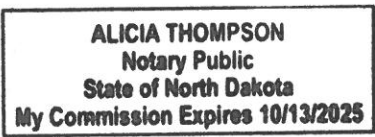
10-15-2021
Date

[Signature]
Barbara Bryan

10/15/21
Date

State of North Dakota)
) ss
County of Cass)

On this 15th day of October, 2021, before me, a notary public within and for said county and state, personally appeared William & Barbara Bryan, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.



[Signature]
Notary Public

The foregoing instrument was acknowledged before me, this _____ day of _____, 2021, by Jason Benson, County Engineer.

County Engineer Signature

Date

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 2021, before me, a notary public within and for said county and state, personally appeared Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public



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: December 13, 2021

SUBJECT: Consent Agenda Topic for the December 20, 2021
Commission Meeting: Hauff Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Bell Township, Section 20 at a Public Hearing on December 9, 2021. The intended purpose of the subdivision is to split one lot into two. The current parcel with the house in uplatted. The house will be platted on a 9.94 acre parcel with the remaining 9 acre parcel to be able to be built upon.

The Planning Commission is recommending approval of the proposed plat entitlement request and Bell 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 20, Township 143 North, Range 51 West		
Title:	Hauff Subdivision	Date:	12-01-2021
		Update:	12-13-2021
Location:	NW ¼ of Section 20, Township 143 North, Range 51 West (Bell Township)	Staff Contact:	Grace Puppe
Parcel Number:	26-0000-01281-030	Water District:	North Cass Water District
Owner(s)/Applicant:	Jason & Kerry Hauff	Engineer/Surveyor:	Cole Neset
Status:	County Commission Hearing: December 20, 2021		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Hauff Subdivision** to plat a two (2) Lot subdivision of approximately 18.94 acres. According to the applicant, the subdivision is requested to split one lot into two. Current parcel with house is 20 acres in size and is unplatted. The house will be platted on a 9.94 acre parcel with the remaining 9 acre parcel to be able to be built upon.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 157Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
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	This property currently has service from CRWD.
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 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 148th Ave SE borders the east of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently unmapped and 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 staff and recommend approval to the County Commission of the subdivision application as the proposal meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance and all other applicable regulations, with the following conditions:

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

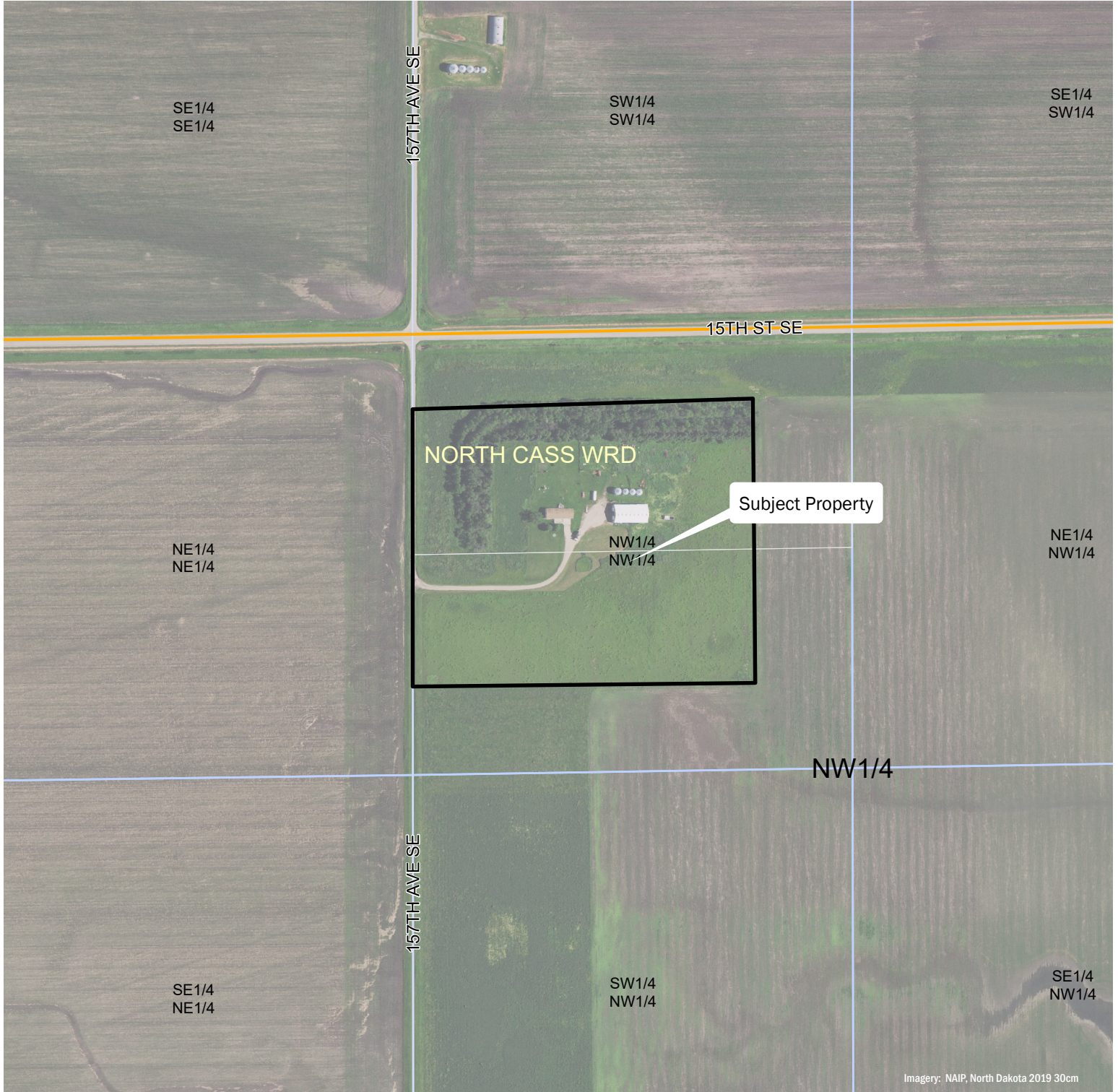
Attachments

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

Minor Subdivision

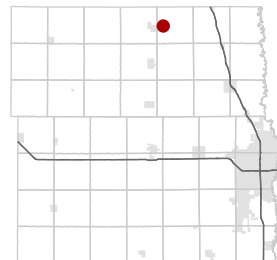
Hauff Subdivision

Bell Twp, Section 20 - Township 143 North - Range 51 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission
December 9, 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.



HAUFF SUBDIVISION

PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 143 NORTH,
RANGE 51 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
CASS COUNTY, NORTH DAKOTA
A MINOR SUBDIVISION

CASS COUNTY ENGINEER

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

JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

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

CHAD PETERSON, CHAIRMAN

ATTEST: _____
ROBERT WILSON, CASS COUNTY FINANCIAL DIRECTOR

CASS COUNTY PLANNING COMMISSION

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

KEN LOUGHEED, CHAIRMAN

ATTEST: _____
SECRETARY

BELL TOWNSHIP

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

WES ECKER, CHAIRMAN

ATTEST: _____
MYRNA ECKER, CLERK/TREASURER

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT JASON HAUFF IS THE OWNER OF LOT 1 & 2, BLOCK 1, OF HAUFF SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 143 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE S02°01'14"E A DISTANCE OF 732.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°01'14"E A DISTANCE OF 323.92 FEET; THENCE N87°58'46"E A DISTANCE OF 1025.00 FEET; THENCE N02°01'14"W A DISTANCE OF 874.75 FEET; THENCE S86°58'44"W A DISTANCE OF 907.85 FEET; THENCE S02°01'14"E A DISTANCE OF 534.64 FEET; THENCE S87°48'51"W TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±18.94 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS HAUFF SUBDIVISION, A MINOR SUBDIVISION TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA, AND CONSISTS OF 2 LOTS AND 1 BLOCK AND CONTAINS 18.94 ACRES MORE OR LESS.

BY: _____
JASON HAUFF, OWNER

STATE OF _____)
COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED JASON HAUFF, KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE

I, COLE A. NESET, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA DO HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AND SAID SUBDIVISION AND ALL DISTANCES SHOWN ON SAID PLAT ARE CORRECT; THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN.

COLE A. NESET DATE _____

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

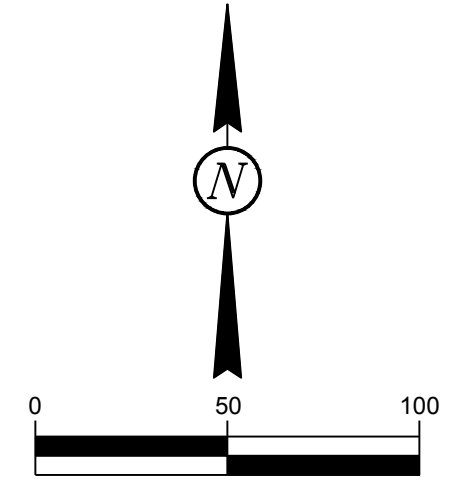
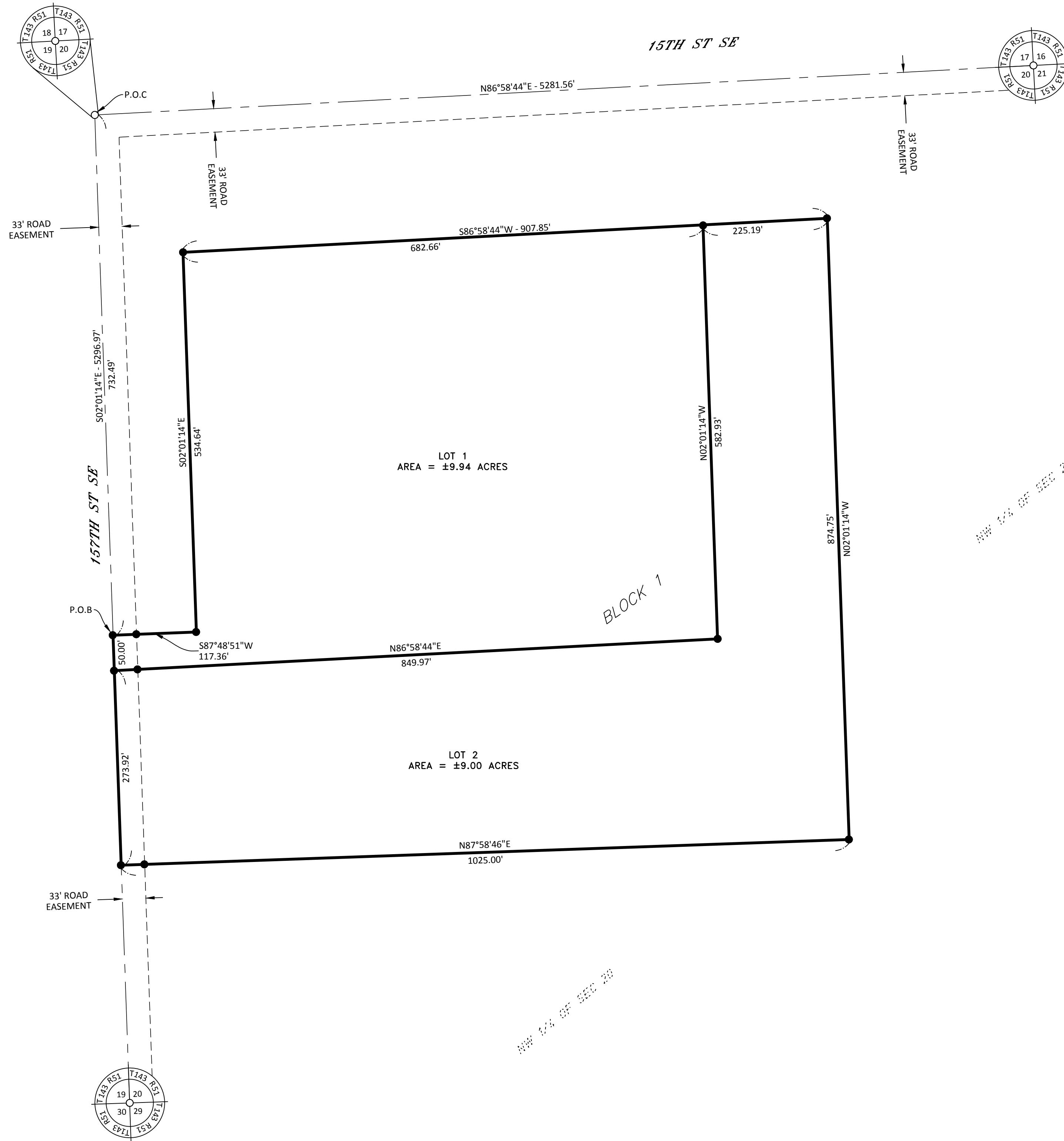
STATE OF _____)
COUNTY OF _____)SS

BE IT KNOWN ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED COLE A. NESET, NORTH DAKOTA REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

NOTARY PUBLIC



LEGEND	
●	MONUMENT SET
○	MONUMENT FOUND
---	EX. SECTION LINE
—	PROPERTY BOUNDARY LINE
- - -	EX. EASEMENT

SURVEY INFORMATION

DATE OF SURVEY: 10-08-21
BASIS OF BEARING: THE NORTH LINE OF SECTION 20
HAS AN ASSUMED BEARING OF N86°58'44"E



10/19/21 04:38:42PM I:\201\SRV\Share\Files\Neset\Shared\Files\Neset\Projects\2021_Projects\2001_NORTH DAKOTA PROPERTY SURVEYS\25 Jason Hauff Farmstead - Hunter ND Jason Hauff.dwg

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 13th day of October, 2021, by Owner(s): Jason & Kerry Hauff

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

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 143 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA LESS THE FOLLOWING:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE S02°01'14"E A DISTANCE OF 732.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S02°01'14"E A DISTANCE OF 323.92 FEET; THENCE N87°58'46"E A DISTANCE OF 1025.00 FEET; THENCE N02°01'14"W A DISTANCE OF 874.75 FEET; THENCE S86°58'44"W A DISTANCE OF 907.85 FEET; THENCE S02°01'14"E A DISTANCE OF 534.64 FEET; THENCE S87°48'51"W TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±18.94 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

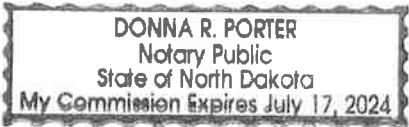
IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

Jason Hauff
Owner Name
Kerry Hauff
Owner Name

10-13-2021
Date
10-13-2021
Date

State of North Dakota)
County of Cass) ss
)

On this 13 day of October, 2021, before me, a notary public within and for said county and state, personally appeared Jason & Kerry Hauff, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.



Donna R. Porter
Notary Public

The foregoing instrument was acknowledged before me, this _____ day of _____, 2021, by Jason Benson, County Engineer.

County Engineer Signature

Date

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 Jason Benson, County Engineer, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public