



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: June 10, 2022
SUBJECT: Agenda Topic for the June 20, 2022 Commission Meeting: TEPI Third Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Casselton Township, Section 33 at a Public Hearing on May 26, 2022. According to the applicant, the plat of TEPI Third Subdivision was approved by the City of Casselton, North Dakota and recorded in the Cass County, North Dakota Recorder's Office on December 19, 2013, as Document No. 1407712.

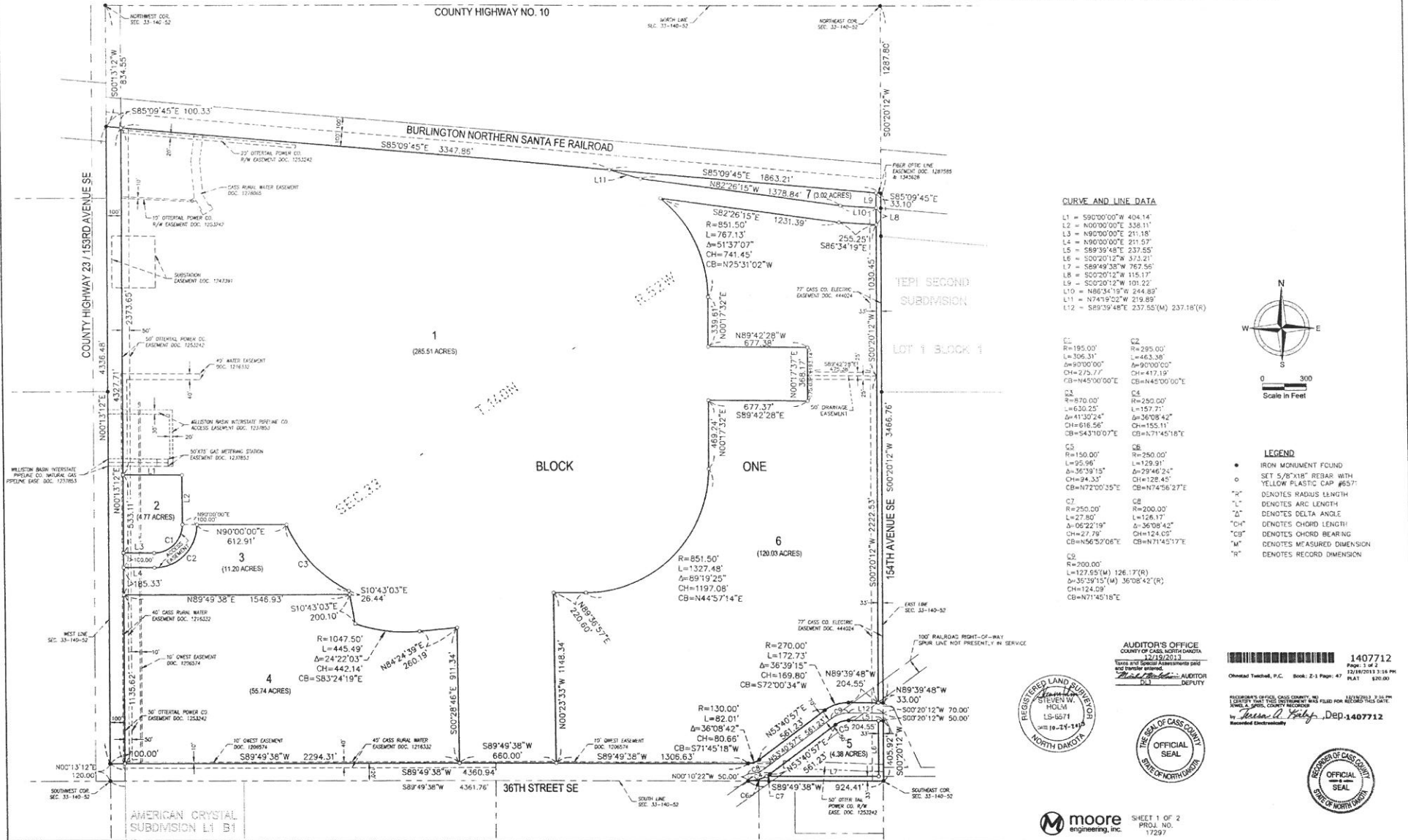
A consent and joinder by Cass County is required because a portion of such plat lies within the City of Casselton's ETJ (shared jurisdiction with Cass County) and the other portion of such plat lies outside of the ETJ. This application is being made to cure the jurisdictional defect of such plat by retroactively obtaining Cass County's consent to and approval thereof.

The Planning Commission is recommending approval of the proposed plat entitlement request and Casselton 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.

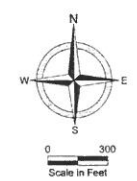
A PLAT OF TEPI THIRD SUBDIVISION IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, A PART OF SECTION 33, TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA.



CURVE AND LINE DATA

L1 =	S90°00'00"W	404.14'
L2 =	N00°00'00"E	336.11'
L3 =	N90°00'00"E	211.18'
L4 =	N90°00'00"E	211.57'
L5 =	S89°39'48"E	237.55'
L6 =	S00°20'12"W	312.91'
L7 =	S89°49'38"W	767.56'
L8 =	S00°20'12"W	115.17'
L9 =	S00°20'12"W	101.22'
L10 =	N86°34'19"W	244.83'
L11 =	N74°19'02"W	219.89'
L12 =	S89°39'48"E	237.55'(M) 237.18'(R)

C1	R=195.00'	C2	R=295.00'
L1	L=306.31'	L2	L=463.38'
A1	A=90°00'00"	A2	A=90°00'00"
CH1	CH=275.77'	CH2	CH=417.19'
CB1	CB=N45°00'00"E	CB2	CB=N45°00'00"E
C3	R=870.00'	C4	R=250.00'
L3	L=630.25'	L4	L=157.71'
A3	A=41°30'24"	A4	A=36°08'42"
CH3	CH=616.56'	CH4	CH=155.11'
CB3	CB=N43°10'07"E	CB4	CB=N74°56'27"E
C5	R=150.00'	C6	R=250.00'
L5	L=95.96'	L6	L=129.91'
A5	A=36°39'15"	A6	A=39°46'24"
CH5	CH=94.33'	CH6	CH=128.45'
CB5	CB=N72°00'35"E	CB6	CB=N74°56'27"E
C7	R=250.00'	C8	R=200.00'
L7	L=27.80'	L8	L=126.17'
A7	A=05°22'19"	A8	A=36°08'42"
CH7	CH=27.79'	CH8	CH=124.05'
CB7	CB=N56°52'08"E	CB8	CB=N71°45'17"E
C9	R=200.00'	C10	R=200.00'
L9	L=127.65'(M) 126.17'(R)	L10	L=129.91'
A9	A=35°39'15"(M) 36°08'42'(R)	A10	A=36°08'42"
CH9	CH=124.59'	CH10	CH=155.11'
CB9	CB=N71°45'16"E	CB10	CB=N74°56'27"E



- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #657
 - "R" DENOTES RADIUS LENGTH
 - "L" DENOTES ARC LENGTH
 - "A" DENOTES DELTA ANGLE
 - "CH" DENOTES CHORD LENGTH
 - "CB" DENOTES BEARING
 - "M" DENOTES MEASURED DIMENSION
 - "R" DENOTES RADIUS DIMENSION



AUDITOR'S OFFICE
COUNTY OF CASS, NORTH DAKOTA
Taxes and Special Assessments paid and transfer entered.
David B. ... AUDITOR
... DEPUTY

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PL#1 830.00

RECORDED IN FULL PAY
CASS COUNTY RECORDS
RECORDED IN FULL PAY
CASS COUNTY RECORDS
by *Jessie A. ...* Dep 1407712
Recorded Electronically



A PLAT OF TEPI THIRD SUBDIVISION

IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, A PART OF SECTION 33,
TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA.

CERTIFICATE

STEVEN W. HOLM, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR, WHO SURVEYED AND MADE THE PLAT OF "TEPI THIRD SUBDIVISION" IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, A PART OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA, THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AND THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT, THAT MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN PLACED IN THE GROUND AS INDICATED, THAT THE EXTERIOR BOUNDARY LINES OF SAID ADDITION ARE CORRECTLY SHOWN ON SAID PLAT AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS:

THAT PART OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTY THREE (33), THENCE N 00°15'12" E (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SECTION THIRTY THREE (33) FOR A DISTANCE OF FOUR THOUSAND FOUR HUNDRED FIFTY SIX AND FORTY EIGHT HUNDREDTHS (4,456.48) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, THE POINT OF BEGINNING; THENCE S 85°09'45" E ALONG THE SAID SOUTH RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF FIVE THOUSAND THREE HUNDRED ELEVEN AND FORTY HUNDREDTHS (5,311.40) FEET TO A POINT ON THE EAST LINE OF SAID SECTION THIRTY THREE (33) LYING THREE THOUSAND NINE HUNDRED NINE TWO AND SIXTY EIGHT HUNDREDTHS (3,922.68) FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION THIRTY THREE (33) AS MEASURED ALONG THE EAST LINE OF SAID SECTION THIRTY THREE (33), THERE TERMINATING.

LESS THE FOLLOWING DESCRIBED TRACTS:

THE SOUTH ONE HUNDRED TWENTY (120.00) FEET OF THE WEST FOUR THOUSAND THREE HUNDRED SIXTY ONE AND SEVENTY SIX HUNDREDTHS (4,361.76) FEET OF THE SOUTH HALF (S 1/2) OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA;

AND:

THAT PART OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA BEING A STRIP OF LAND ONE HUNDRED (120.00) FEET WIDE LYING SEVENTY (70.00) FEET ON THE NORTH SIDE AND FIFTY (50.00) FEET ON THE SOUTH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTY THREE (33), THENCE N 89°49'38" E (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SECTION THIRTY THREE (33) FOR A DISTANCE OF FOUR THOUSAND THREE HUNDRED SIXTY ONE AND SEVENTY SIX HUNDREDTHS (4,361.76) FEET, THENCE N 00°02'22" W PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION THIRTY THREE (33) FOR A DISTANCE OF FIFTY (50.00) FEET TO THE POINT OF BEGINNING, THENCE NORTH-EASTERLY ALONG A CURVE TO THE LEFT (P = 230.00, Δ = 30°08'42", CHORD BEARING = N 71°43'17" E) FOR AN ARC DISTANCE OF ONE HUNDRED TWENTY SIX AND SEVENTEEN HUNDREDTHS (126.17) FEET, THENCE S 53°40'57" E FOR A DISTANCE OF FIVE HUNDRED SIXTY ONE AND TWENTY THREE HUNDREDTHS (561.23) FEET, THENCE NORTH-EASTERLY ALONG A CURVE TO THE RIGHT (R = 200.00, Δ = 30°39'15", FOR AN ARC DISTANCE OF ONE HUNDRED TWENTY SIX AND SEVENTEEN HUNDREDTHS (126.17) FEET, THENCE S 89°39'48" E FOR A DISTANCE OF TWO HUNDRED THIRTY SEVEN AND EIGHTEEN HUNDREDTHS (237.55) FEET TO A POINT ON THE EAST LINE OF SAID SECTION THIRTY THREE (33), SAID POINT LYING N 00°20'12" E A DISTANCE OF FOUR HUNDRED FIFTY FIVE AND NINETY TWO HUNDREDTHS (455.92) FROM THE SOUTHEAST CORNER OF SAID SECTION THIRTY THREE (33), THERE TERMINATING.

CONTAINING 498.15 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

Steven W. Holm
STEVEN W. HOLM
REGISTERED LAND SURVEYOR
ND REG. NO. LS-6571



STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 24th DAY OF October, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

DEBRA J. LEE
Notary Public
State of North Dakota
My Commission Expires June 7, 2019

Debra J. Lee
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: June 7, 2019

CITY OF CASSELTON PLANNING COMMISSION APPROVAL

THIS PLAT IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON WAS APPROVED THE 9th DAY OF September, 2013.

Lorrie Sterner
LORRIE STERNER, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 9th DAY OF December, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LORRIE STERNER, CHAIR OF THE CASSELTON PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE CITY OF CASSELTON PLANNING COMMISSION.

Sheila Klevgaard
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES:

SHEILA KLEVGAARD
Notary Public
State of North Dakota
My Commission Expires Oct. 21, 2017

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "TEPI THIRD SUBDIVISION" IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, A PART OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA, THAT WE HAVE CAUSED IT TO BE SURVEYED AND PLATED INTO LOTS, BLOCKS AND STRIPS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE FOREVER ALL STREETS AND EASEMENTS AS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: THARALDSON ETHANOL PLANT L, LLC
A NORTH DAKOTA LIMITED LIABILITY COMPANY

MORTGAGEE: DOUGHERTY FUNDING, LLC, A
DELAWARE LIMITED LIABILITY COMPANY

BY: *Scott Zibley*
ITS: See 1/2

BY: *Scott Zibley*
ITS: See 1/2

STATE OF NORTH DAKOTA)

ON THIS 26th DAY OF November, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Ruth Thrive, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THARALDSON ETHANOL PLANT L, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY.

JAMIE L. SASSANANIS
Notary Public
State of North Dakota
My Commission Expires Mar. 16, 2014

Michelle Cassman
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: March 16, 2014

STATE OF Minnesota)
COUNTY OF Hennepin

ON THIS 12th DAY OF November, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Scott Zibley, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF DOUGHERTY FUNDING, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

MOO / MOON
Notary Public
State of Minnesota
My Commission Expires 03/20/15

Shirley M. Murphy
NOTARY PUBLIC, MINNESOTA COUNTY, MINNESOTA
MY COMMISSION EXPIRES: 12/12/2015

CASSELTON CITY COUNCIL APPROVAL

THIS PLAT IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON WAS APPROVED THE 9th DAY OF September, 2013.

Edward McConnell
EDWARD MCCONNELL, MAYOR

Sheila Klevgaard
SHEILA KLEVGAARD, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 6th DAY OF December, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED EDWARD MCCONNELL, MAYOR, AND SHEILA KLEVGAARD, CITY AUDITOR OF THE CITY OF CASSELTON, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE CITY OF CASSELTON.

Beth M. Dunbar
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: See 1/2

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, NORTH DAKOTA IS HEREBY APPROVED THIS 19th DAY OF December, 2013.

Brandon Oye
BRANDON OYE, CITY ENGINEER



STATE OF NORTH DAKOTA)

ON THIS 19th DAY OF Dec., 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRANDON OYE, CITY ENGINEER, 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.

Michael Sells
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Oct. 1, 2018

MICHAEL SELLS
Notary Public
State of North Dakota
My Commission Expires Oct. 1, 2018

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PLAT 130.00
Cassman Tract, P.C. Book: 2-1 Page: 47

**CONSENT, JOINDER AND CONFIRMATION OF
PLAT**

The undersigned, certify as follows:

1. That the Plat of TEPI Third Subdivision, in the extra-territorial limits of the City of Casselton, a part of Section 33, Township 140 North, Range 52 West, Cass County, North Dakota was recorded in the Cass County, North Dakota Recorder's Office on December 19, 2013, as Document No. 1407712 (the "Plat").
2. That the Plat was reviewed and approved by the City of Casselton.
3. That Cass County, North Dakota, by action of the undersigned, now hereby affirms, confirms, joins in, consents to and ratifies the Plat, effective as of December 19, 2013.

CASSELTON-EVEREST JOINT TOWNSHIP REVIEW

REVIEWED BY CASSELTON-EVEREST TOWNSHIP, CASS COUNTY, NORTH
DAKOTA, THIS ____ DAY OF _____, 2022.

SIGNED: _____
RYAN RADERMACHER, CHAIR

ATTEST: _____
ROBERT RUNCK JR., CLERK

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS ____ DAY OF _____, 2022.

SIGNED _____
JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS ____ DAY OF _____, 2022.

SIGNED: _____
KEN LOUGHEED, CHAIR

ATTEST: _____
LISA SHASKY, SECRETARY

CASS COUNTY COMMISSION APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS ____ DAY OF _____, 2022.

SIGNED: _____
RICK STEEN, CHAIR

ATTEST: _____
BRANDY MADRIGGA, CASS COUNTY FINANCE DIRECTOR