



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: February 23, 2023
SUBJECT: Consent Agenda Topic for the March 6, 2023
Commission Meeting: Richard Family Farm
Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Everest Township, Section 36 at a Public Hearing on January 26, 2023. The intended purpose of the subdivision is to split the existing farmstead off from the parent tract of farmland.

Upon roll call vote with all in favor, motion carried to approve the subdivision application with a deed restriction by the Planning Commission.

The Planning Commission is recommending approval of the proposed plat entitlement request and Everest 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 West Half of the West Half of Section 36, Township 139 North, Range 52 West		
Title:	Richard Family Farm Subdivision	Date:	11/17/2022
		Update:	02/23/2023
Location:	West Half of the West Half of Section 36, Township 139 North, Range 52 West (Tower Township)	Staff Contact:	Grace Puppe
Parcel Number:	38-0000-04964-020	Water District:	Maple River Water District
Owner(s)/Applicant:	Claude & Rita Richard	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: January 26, 2023 County Commission Hearing: March 6, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Richard Family Farm Subdivision** to plat a one (1) Lot subdivision of approximately 21 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the parent tract of farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 156th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I have reviewed this site plan and I don't have any concerns.
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No issues. Power is already on site.
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	No comments were received prior to publishing the staff report.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues with this subdivision
Township Chairman	Will need a comprehensive site plan before any permits will be considered or to determine zoning use by district or compliance.
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 north and east. Township road 156th Ave SE borders the west of the property. Residential property borders the south.

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, wetlands present on the proposed subdivision Lot. The proposed Western Cas FIS map shows that this property will have Special Hazard Flood Area Zone A identified.

Land Development Rights
 The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 5.04 (e) 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

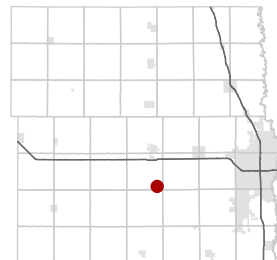
Minor Subdivision

Richard Family Farm Subdivision

Everest Twp, Section 36 - Township 139 North - Range 52 West



Cass County Planning Commission
January 26, 2023



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.

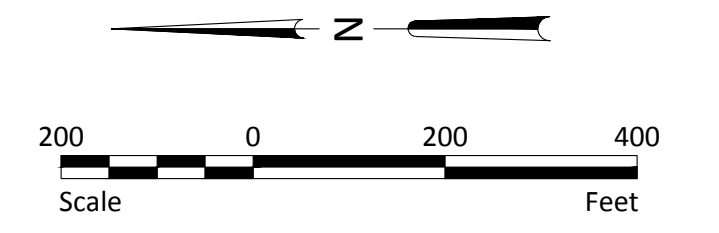


RICHARD FAMILY FARM SUBDIVISION

BEING A PLAT OF PART OF THE
WEST HALF OF THE WEST HALF OF
SECTION 36, T. 139 N., R. 52 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
MEASURED BEARING	N00°00'00"E
PLAT OR RECORD BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT OR RECORD DISTANCE	(100.00')
PLAT BOUNDARY	—————
EXISTING LOT LINE	—————
EXISTING RIGHT-OF-WAY LINE	— R/W —
NEW LOT LINE	—————
UTILITY EASEMENT	- - - - -



PRELIMINARY PLAT

RICHARD FAMILY FARM SUBDIVISION

BEING A PLAT OF PART OF THE
WEST HALF OF THE WEST HALF OF
SECTION 36, T. 139 N., R. 52 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: that Richard Farm Enterprises, LP, a North Dakota limited partnership, is the owner and proprietor of that part of the West Half of the West Half of Section 36, Township 139 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Section 36; thence South 02°29'30" East, along the westerly line of said Section 36, for a distance of 2001.94 feet to the True Point of Beginning; thence continue South 02°29'30" East, along the westerly line of said Section 36, for a distance of 643.69 feet to the west quarter corner of said Section 36; thence South 02°29'40" East, along the westerly line of said Section 36, for a distance of 124.58 feet to the northwest corner of Auditor's Lot No. 1 in the Southwest Quarter of said Section 36, said Auditor's Lot plat being on file at the Cass County Recorder's Office; thence North 83°36'41" East, along the northerly line of said Auditor's Lot No. 1, for a distance of 1321.24 feet to the northeast corner of said Auditor's Lot No. 1, said point being located on the easterly line of the West Half of the West Half of said Section 36; thence North 02°31'17" West, along the easterly line of the West Half of the West Half of said Section 36, for a distance of 635.87 feet; thence South 88°02'22" West for a distance of 1317.90 feet to the True Point of Beginning.

Said tract contains 21.703 acres, more or less.

And that said party has caused the same to be surveyed and platted as **RICHARD FAMILY FARM SUBDIVISION**, and does hereby dedicate to the public for public use the Public Avenue and the Utility Easement as shown on the plat.

In witness whereof we have set our hands and seals.

Owner:
Richard Farm Enterprises, LP

Claude Richard, General Partner Rita Richard, General Partner

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Claude Richard and Rita Richard, General Partners of Richard Farm Enterprises, LP, a North Dakota limited partnership, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same on behalf of said Limited Partnership.

Notary Public: _____

Surveyor's Certificate:

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify on this _____ day of _____, 20____, that the plat hereon is a true and correct representation of the survey thereof, that all distances are correctly shown on said plat in feet and decimals of a foot, and that the monuments for the guidance of future surveys have been placed in the ground as shown.

Curtis A. Skarphol
North Dakota PLS No. 4723

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Curtis A. Skarphol, known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

Notary Public: _____

Cass County Engineer:

Reviewed by the Cass County Engineer this _____ day of _____, 20____.

Jason Benson, Cass County Engineer

Cass County Planning Commission:

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

Ken Lougheed, Chair

Attest: _____
Secretary

Everest Township:

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

Caryn Weber, Chair

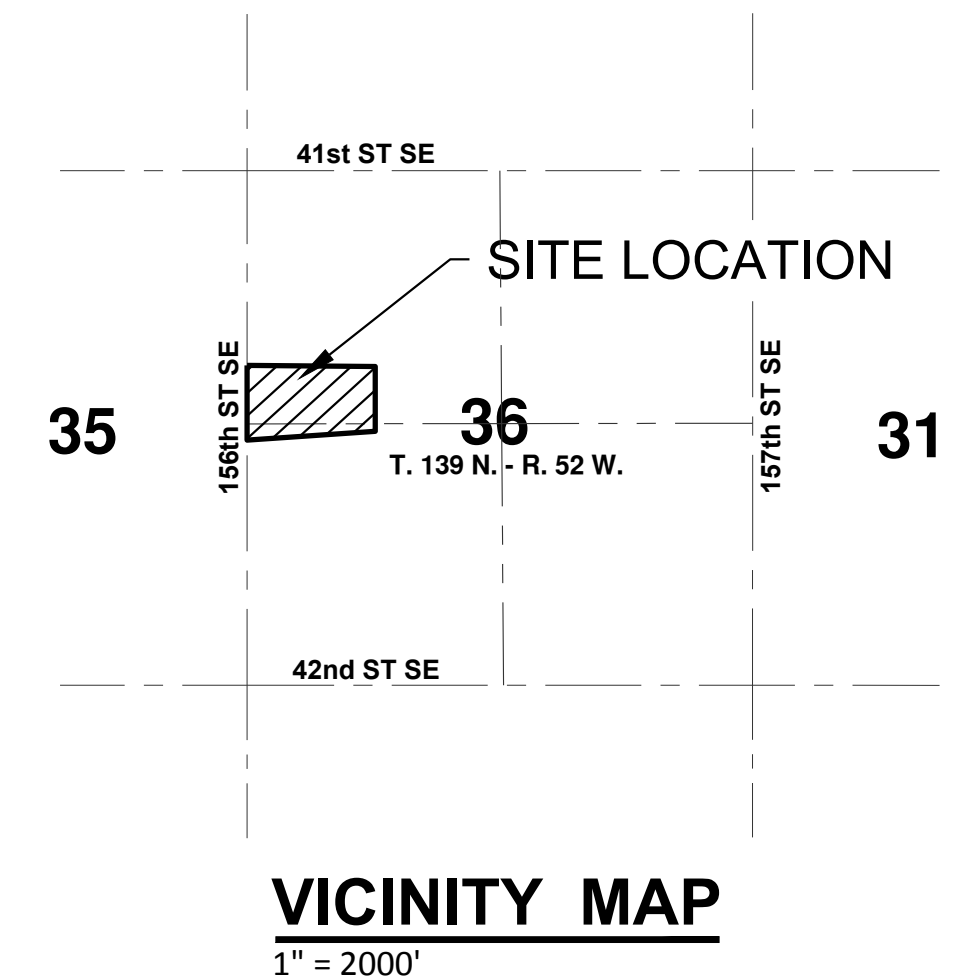
Attest: _____
Brian Otteson, Clerk

Cass County Board of Commissioners' Approval:

Approved by Cass County, North Dakota, this _____ day of _____, 20____.

Rick Steen, Chair

Attest: _____
Brandy Madrigga, Cass County Finance Director



DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this _____ day of _____, 2022, by
Owner(s): Richard Farm Enterprises, LP, a North Dakota limited partnership

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 West Half of the West Half of Section 36, Township 139 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Section 36; thence South 02°29'30" East, along the westerly line of said Section 36, for a distance of 660.00 feet to the True Point of Beginning; thence continue South 02°29'30" East, along the westerly line of said Section 36, for a distance of 1234.45 feet; thence North 68°41'08" East for a distance of 130.02 feet to a point of tangential curvature to the left, radius 200.00 feet; thence northeasterly along said curve, for a distance of 187.79 feet, central angle 53°47'55"; thence North 14°53'13" East for a distance of 676.40 feet to a point of tangential curvature to the right, radius 100.00 feet; thence northeasterly, along said curve, for a distance of 98.06 feet, central angle 56°11'06"; thence North 71°04'20" East for a distance of 832.65 feet to a point of intersection with the easterly line of the West Half of the West Half of said Section 36; thence North 02°31'17" West, along the easterly line of the West Half of the West Half of said Section 36, for a distance of 332.35 feet; thence South 78°10'11" West for a distance of 1334.72 feet to the True Point of Beginning.

Said tract contains 18.325 acres, more or less.

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

Owner(s) Signatures:

Richard Farm Enterprises, LP, a North Dakota limited partnership

 Claude Richard, General Partner

 Date

 Rita Richard, General Partner

 Date

State of _____)
) ss
 County of _____)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Claude Richard, General Partner, and Rita Richard, General Partner, of Richard Farm Enterprises, LP, a North Dakota limited partnership, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.

 Notary Public

The foregoing instrument was acknowledged before me, this _____ day of _____, 2020, by Jason Benson, County Engineer.

 County Engineer Signature

 Date

State of North Dakota)
) ss
 County of Cass)

On this _____ day of _____, 20____, 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: February 28, 2023
SUBJECT: Consent Agenda Topic for the March 6, 2023
Commission Meeting: Giermann Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Casselton Township, Section 9 at a Public Hearing on January 26, 2023. The intended purpose of the subdivision is to split the existing farmstead off from the farmland.

Upon roll call vote with all in favor, motion carried to approve the subdivision application with a deed restriction by the Planning Commission.

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.



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the East Half of Section 9, Township 140 North, Range 52 West		
Title:	Giermann Subdivision	Date:	12/13/2022
Location:	East Half of Section 9, Township 140 North, Range 52 West (Casselton Township)	Staff Contact:	Grace Puppe
Parcel Number:	29-0000-02137-010; 29-0000-02134-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Donald Giermann	Engineer/Surveyor:	Neset
Status:	Planning Commission Hearing: January 26, 2023 County Commission Hearing: March 6, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Giermann Subdivision** to plat a one (1) Lot subdivision of approximately 11.67 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 154th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I reviewed this and do not have any comment from the County Engineer perspective.
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	No comments were received prior to publishing the staff report.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	Public Health has no issue with this subdivision.
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 north, west and south. Township road 154th 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 are present on the proposed subdivision Lot. The proposed Western Cas FIS map shows that this property will have Zone X identified.

Land Development Rights

The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 5.04 (e) 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 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.

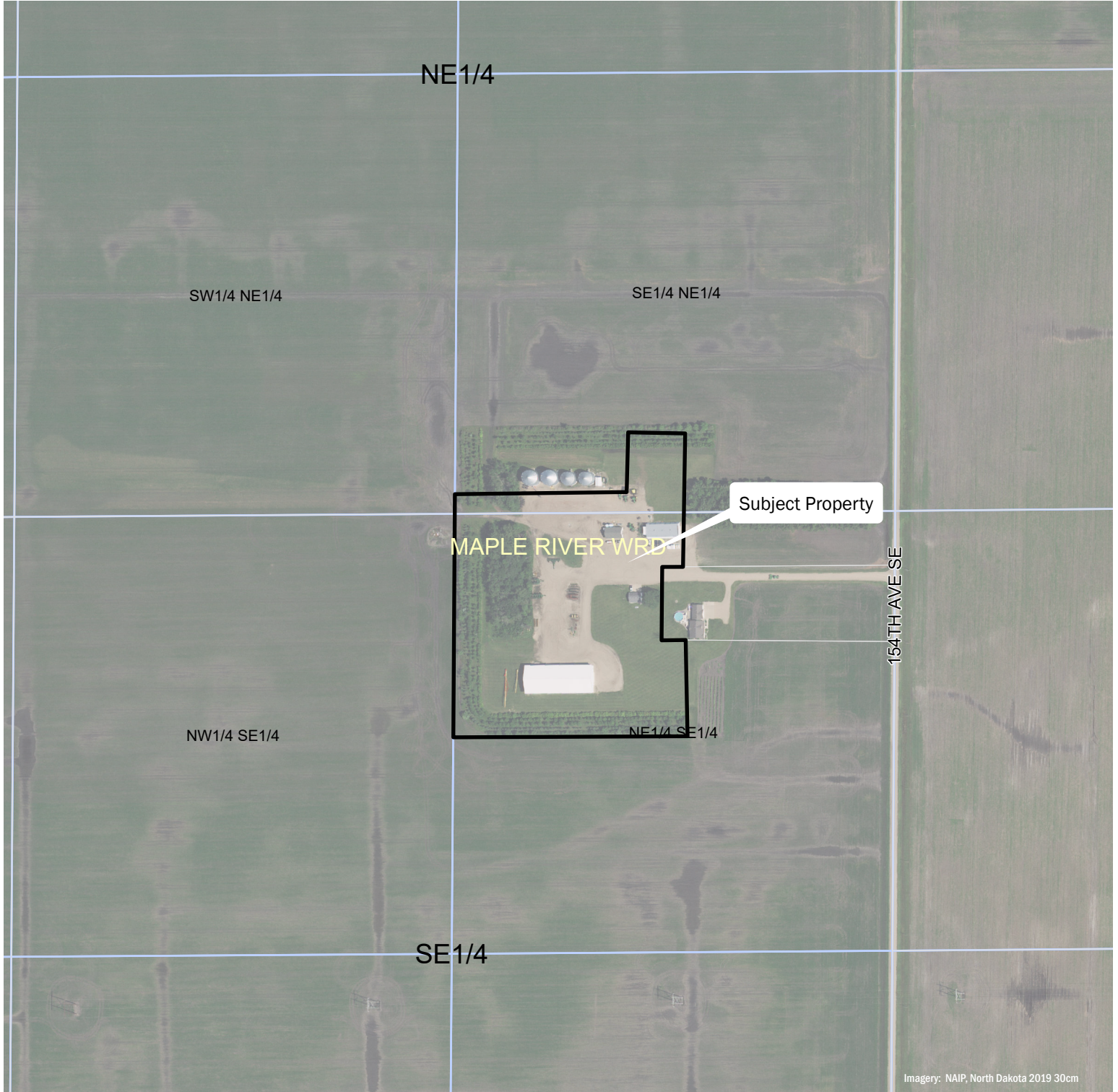
Attachments

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

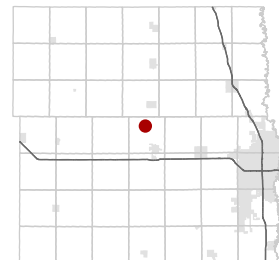
Minor Subdivision

Giermann Subdivision

Casselton Twp, Section 9 - Township 140 North - Range 52 West



Cass County Planning Commission
January 26, 2023

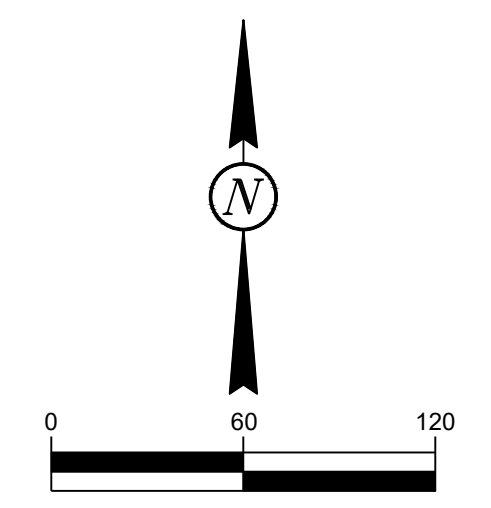
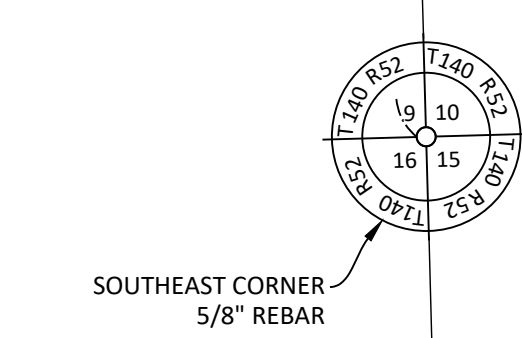
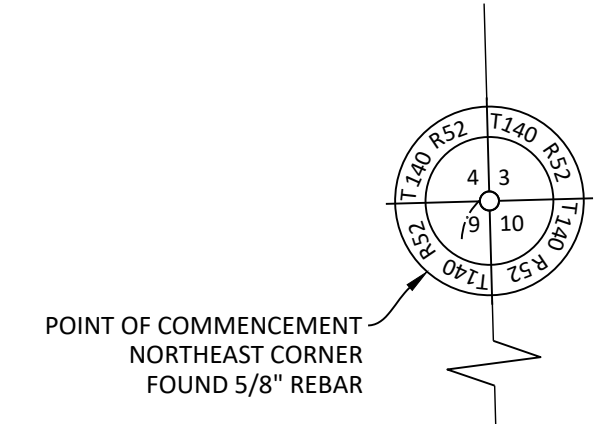
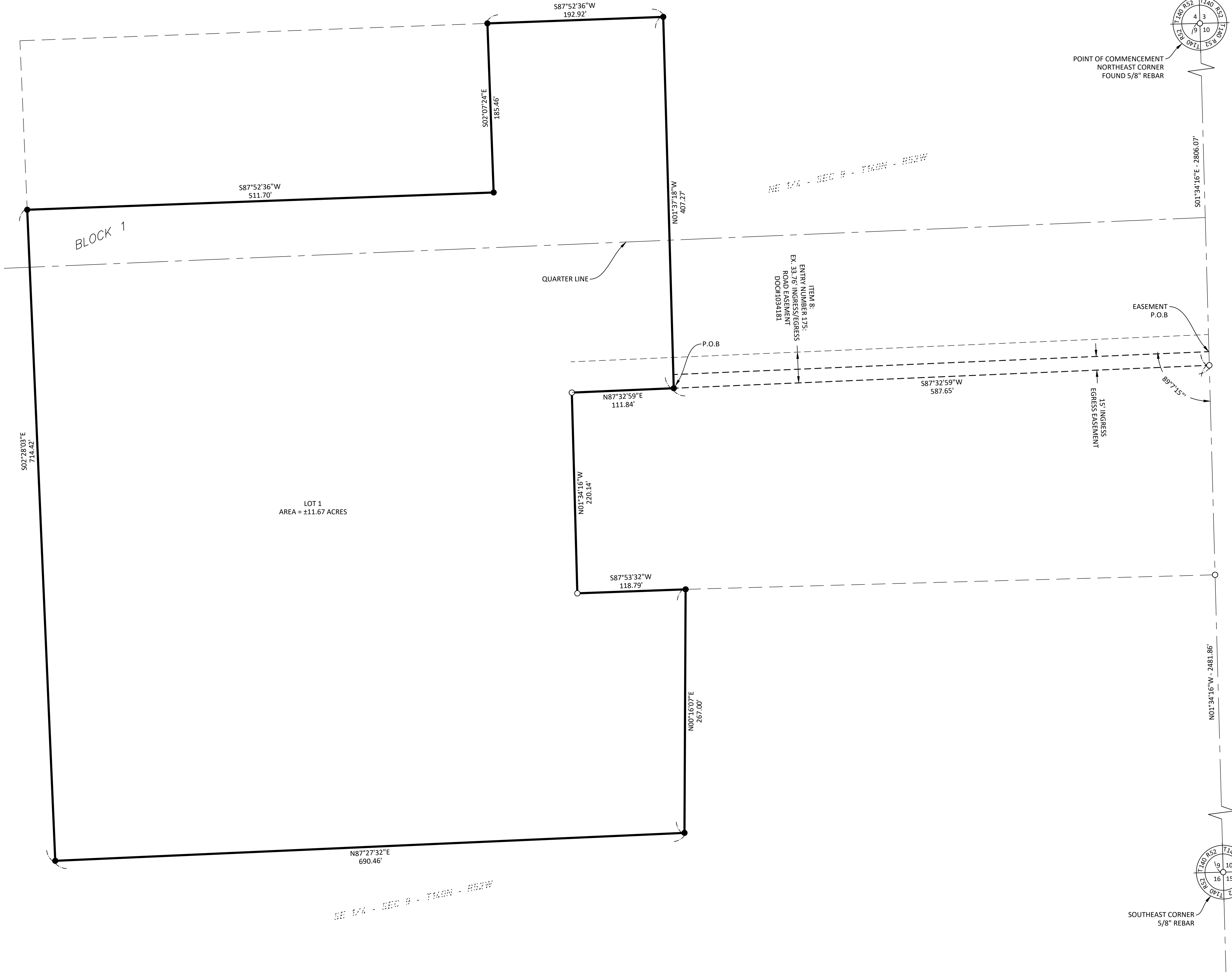


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



GIERMANN SUBDIVISION

A MINOR SUBDIVISION
PART OF THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 52 WEST
CASS COUNTY, NORTH DAKOTA



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- - - EX. SECTION LINE
- PROPERTY BOUNDARY LINE

SURVEY INFORMATION
DATE OF SURVEY: 03/04/2022
BASIS OF BEARING: ASSUMED

SHEET 1 OF 2

PROJECT #	22000.07
REVISION DATE:	11-18-2022
DRAWN BY:	GCB
CHECKED BY:	CAN

Neset
LAND SURVEYS

5306 51ST AVENUE SOUTH, SUITE A
FARGO, ND 58104
PHONE: 701-235-0199 EX. 114
EMAIL: CNESET@NESETSURVEYS.COM

1/18/22 10:40:42AM Z:\Neset Shared Files\Case Projects\2022 Projects\22000_NORTH DAKOTA PROPERTY SURVEY\07_David Giermann-Fermislar Spill07_David Giermann.dwg

GIERMANN SUBDIVISION

A MINOR SUBDIVISION
PART OF THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 52 WEST
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

PART OF THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 52 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE S01°34'16"E ALONG THE EAST LINE OF SAID SECTION 9 A DISTANCE OF 2806.07 FEET; THENCE S87°32'59"W A DISTANCE OF 587.65 FEET TO THE POINT OF BEGINNING; THENCE N01°37'18"W A DISTANCE OF 407.27 FEET; THENCE S87°52'36"W A DISTANCE OF 192.92 FEET; THENCE S02°07'24"E A DISTANCE OF 185.46 FEET; THENCE S87°52'36"W A DISTANCE OF 511.70 FEET; THENCE S02°28'03"E A DISTANCE OF 714.42 FEET; THENCE N87°27'32"E A DISTANCE OF 690.46 FEET; THENCE N00°16'07"E A DISTANCE OF 267.00 FEET; THENCE S87°53'32"W A DISTANCE OF 118.79 FEET; THENCE N01°34'16"W A DISTANCE OF 220.14 FEET; THENCE N87°32'59"E A DISTANCE OF 111.84 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±11.67 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

TOGETHER WITH AN INGRESS/EGRESS EASEMENT BEING 15 FEET IN WIDTH LYING NORTH OF AND PARALLEL WITH THE FOLLOWING DESCRIBED LINE, COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9, THENCE S01°34'16"E A DISTANCE OF 2806.07 FEET TO THE POINT OF BEGINNING; THENCE S87°32'59"W A DISTANCE OF 587.65 FEET THERE TERMINATING.

SAID EASEMENT CONTAINS ±8,814.74 SQUARE FEET MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNERS HAVE CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS GIERMANN A MINOR SUBDIVISION TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA.

BY: _____
DONALD GIERMANN, OWNER

BY: _____
KAREN GIERMANN, OWNER

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

SURVEYORS CERTIFICATE

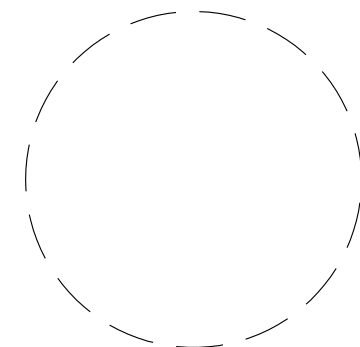
I, COLE A. NESET, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS GIERMANN SUBDIVISION; THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE SHOWN CORRECTLY ON SAID PLAT IN FEET AND HUNDREDTHS OF A FOOT; THAT ALL MONUMENTS ARE OR WILL BE INSTALLED CORRECTLY IN THE GROUND AS SHOWN; AND THAT THE EXTERIOR BOUNDARY LINES ARE CORRECTLY DESIGNATED. DATED THIS _____ DAY OF _____, 2022.

COLE A. NESET,
REGISTERED LAND SURVEYOR
ND REG. LS-7513

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA



CASS COUNTY ENGINEER

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

JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

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

RICK STEEN, CHAIRMAN

ATTEST: _____
BRANDY MADRIGGA, CASS COUNTY FINANCIAL DIRECTOR

CASS COUNTY PLANNING COMMISSION

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

KEN LOUGHEED, CHAIRMAN

ATTEST: _____
SECRETARY

CASSELTON TOWNSHIP

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

RYAN RADERMACHER, CHAIRMAN

ATTEST: _____
ROBERT RUNCK JR., CLERK

SHEET 2 OF 2

PROJECT #	22000.07
REVISION DATE:	11-18-2022
DRAWN BY:	GCB
CHECKED BY:	CAN



Neset
LAND SURVEYS

5306 51ST AVENUE SOUTH, SUITE A
FARGO, ND 58104
PHONE: 701-235-0199 EX. 114
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DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this _____ day of _____, 2022, by
Owner(s): Donald & Karen Giermann

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**

PART OF THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 9; THENCE S01°34'16"E ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 706.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S01°34'16"E A DISTANCE OF 2099.98 FEET; THENCE S87°32'59"W A DISTANCE OF 587.65 FEET; THENCE N01°37'18"W A DISTANCE OF 2093.90 FEET; THENCE N86°57'41"E A DISTANCE OF 589.62 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±28.33 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:

Donald Giermann

Date

Karen Giermann

Date

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 2022, before me, a notary public within and for said county and state, personally appeared Donald & Karen Giermann, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.

Notary Public

The foregoing instrument was acknowledged before me, this _____ day of _____, 2022, by Jason Benson, County Engineer.

County Engineer Signature

Date

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 2022, 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