

MEMORANDUM

Highway	TO:	Cass County Board of Commissioners
Department	FROM:	Grace Puppe, Cass County Planner
Jason, Benson, P.E. County Engineer	DATE:	April 10, 2023
Tomas B. Soucy, P.E. Deputy County Engineer Blaine Laaveg	SUBJECT:	Consent Agenda Topic for the April 17, 2023 Commission Meeting: Jones Second Subdivision Application
Superintendent		Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Berlin Township, Section 23 at a Public Hearing on March 23, 2023. The intended purpose of the subdivision is to replat adjusting the property line so that an existing shop is on lot 2 instead of lot 1.

The Planning Commission is recommending approval of the proposed plat entitlement request and Berlin Township has verified that the proposed subdivision meets 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.

1201 Main Ave West West Fargo, North Dakota 58078-1301

> 701-298-2370 Fax: 701-298-2395



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (2 Lots) of a part of the SE 1/4 of Section 23, Township 141 North, Range 50 West		
Title:	Jones Second Subdivision	Date: Update:	02/27/2023 04/10/2023
Location:	SE 1/4 of Section 23, Township 141 North, Range 50 West (Berlin Township)	Staff Contact:	Grace Puppe
Parcel Number:	27-0300-00010-000; 27-0300-00020-000	Water District:	Rush River Water District
Owner(s)/Applicant:	Mary Jean Jones	Engineer/ Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: March 23, 2023 County Commission Hearing: April 17, 2023		

Existing Land Use	Proposed Land Use	
Agriculture	Agriculture	
Proposal		

The applicant is seeking approval of a minor subdivision entitled **Jones Second Subdivision** to plat a two (2) Lot subdivision of approximately 9.13 acres. According to the applicant, the subdivision is requested to adjust the property line so that an existing shop is on Lot 2 instead of Lot 1.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 28th St 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 lot line adjustment. Subdivision is authorized to use existing access to Cass 32 as previously platted.	
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	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.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues.
Township Chairman	The proposed subdivision meets township zoning and floodplain requirements.
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 west. Township road 167th Ave SE borders the east of the property with 28th St SE to the south.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently in Special Hazard Flood Area Zone A. In addition, wetlands are present on the proposed subdivision Lot. The proposed Western Cas FIS map shows the proposed subdivision as Zone X.

Land Development Rights

The subject quarter-quarter section currently is developed as two buildable lots. Since this will be a replat with no new lots being created, no further development rights are required.

Staff Recommendation

To accept the findings and recommendations of the Planning Commission and staff and recommend **approval** to the County Commission of the subdivision application as the proposal **meets** the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance and all other applicable regulations.

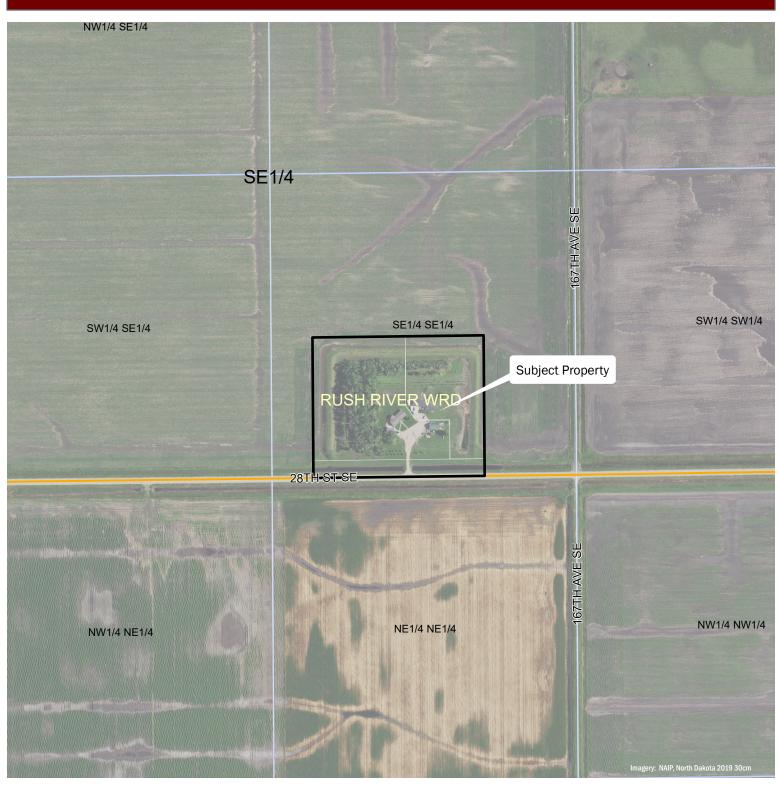
Attachments

- 1. Location Map
- 2. Plat Document

Minor Subdivision

Jones Second Subdivision

Berlin Twp, Section 23 - Township 141 North - Range 50 West



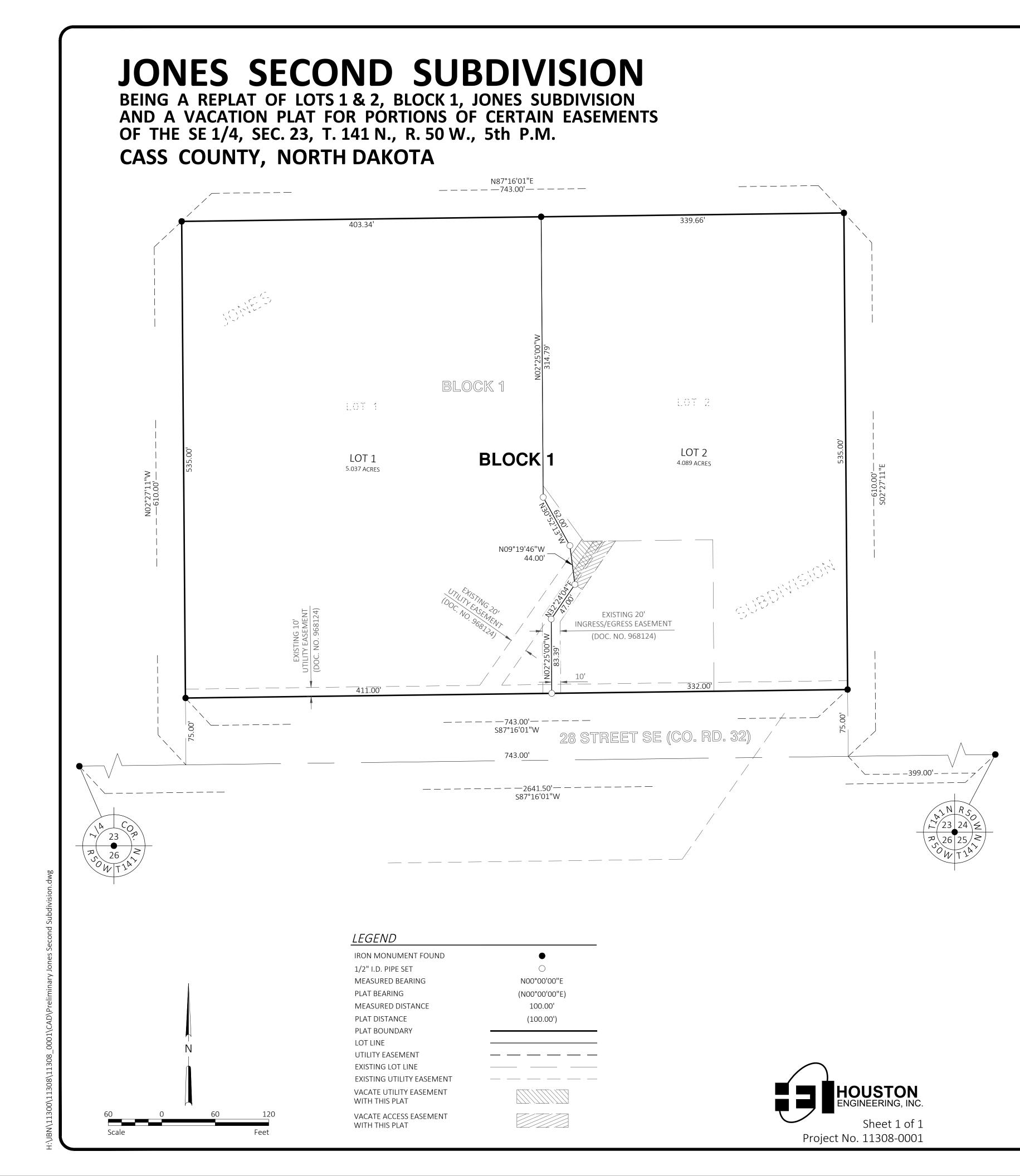
Cass County Planning Commission March 23, 2023





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.





Owners' Certificate and Dedication:

Know All Persons by these Presents: That Mary Jean Jones and 2, Block 1, Jones Subdivision of the Southeast Quarter of

Said tract contains 9.125 acres, more or less.

And that said parties have caused the same to be surveyed a 20.00-foot-wide utility easement depicted for vacation on this vacation on this Plat.

With this Plat, Mary Jean Jones, as grantor, hereby quit clair interest it has in Lot 2, Block 2, Jones Second Subdivision, a easement depicted on this Plat; and with this Plat, Michel Jo grantee, any and all rights, title and interest it has in Lot 1, B 20.00-foot-wide utility easement depicted on this Plat, and re

In witness whereof we have set our hands and seals:

Owners:

Mary Jean Jones

With the execution of this Plat the fee-title owner of Lot 1, Blo Second Subdivision, depicted on this Plat (Prior to this Plat the owner of Lot 1, Block 1, Jones Subdivis

Mary Jean Jones	
State of North Dakota)
County of Cass) SS)

On this _____day of _____, 20 ____, before me within and for said county and state, personally appeared Ma known to be the person described in and who executed the for instrument and acknowledged that she executed same as he deed.

Notary Public:

Michel and Katherine Jones, husband and wife

With the execution of this Plat the fee-title owner of Lot 2, Blo Second Subdivision, depicted on this Plat (Prior to this Plat the owner of Lot 2, Block 1, Jones Subdivisi

State of North Dakota

County of Cass

Michel Jones

Katherine Jones

On this _____day of ______, 20 ____, before me, within and for said county and state, personally appeared Mid Jones, husband and wife, known to be the people described executed the foregoing instrument and acknowledged that he as their free act and deed.

) ss

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, Professional Land Surveyor North Dakota Reg. No. 4723 1401 21st Ave. N. Fargo, ND 58102 701-237-5065 cskarphol@houstoneng.com

State of North Dakota

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.

) ss

Notary Public:

	and Katherine Jones, husband and wife; are the owners and prop North, Range 50 West of the Fifth Principal Meridian, Cass County	
•	COND SUBDIVISION; do hereby vacate the portion of the existing he portion of the existing 20-foot-wide ingress/egress easement d	•
as depicted on this Plat, retain ones and Katherine Jones, as Block 2, Jones Second Subdivi	Michel Jones and Katherine Jones, as grantees, any and all rights ing her rights and interest in the existing 20.00-foot-wide ingress/e grantors, hereby quit claims, releases and conveys to Mary Jean ision, as depicted on this Plat, retaining their rights and interest in st in the existing 20.00-foot-wide ingress/egress easement depicte	egress Jones, as the existing
	Cass County Engineer:	
ock 1, Jones	Reviewed by the Cass County Engineer thisday o , 20	ſ
sion)	Jason Benson, Cass County Engineer	
	<u>Berlin Township:</u>	
e, a notary public ary Jean Jones, foregoing	Reviewed by Durbin Township, Cass County, North Dakota, thisday of, 20	
foregoing er free act and	Karl Langseth, Chair	
	Attest: Scott Verwest, Clerk	
	Cass County Planning Commission:	
lock 1, Jones sion)	Reviewed by the Cass County Planning Commission thisday of, 20	
	Ken Lougheed, Chair	
	Attest: Secretary	
e, a notary public ichel and Katherine I in and who ie executed same	<u>Cass County Board of Commissioners' Approval:</u> Approved by Cass County, North Dakota, thisday of, 20	
	Rick Steen, Chair	
	Attest: Brandy Madrigga, Cass County Finance Director	
laws of the State of, 20,		
he survey thereof		



MEMORANDUM

Highway	TO:	Cass County Board of Commissioners
Department	FROM:	Grace Puppe, Cass County Planner
Jason, Benson, P.E. County Engineer	DATE:	April 10, 2023
Tomas B. Soucy, P.E. Deputy County Engineer	SUBJECT:	Consent Agenda Topic for the April 17, 2023 Commission Meeting: Buhr Erickson Farms
Blaine Laaveg Superintendent		Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Ayr Township, Section 19 at a Public Hearing on March 23, 2023. The intended purpose of the subdivision is to break out a tract of land to separate the house from the rest of the farm.

The Planning Commission is recommending approval of the proposed plat entitlement request and Ayr Township has verified that the proposed subdivision meets 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.

1201 Main Ave West West Fargo, North Dakota 58078-1301

> 701-298-2370 Fax: 701-298-2395



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (2 Lots) of a p 141 North, Range 54 West	part of the SE 1	/4 of Section 19, Township
Title:	Buhr Erickson Farms Subdivision	Date: Update:	02/27/2023 04/10/2023
Location:	SE 1/4 of Section 19, Township 141 North, Range 54 West (Ayr Township)	Staff Contact:	Grace Puppe
Parcel Number:	24-0000-00981-060	Water District:	Maple River Water District
Owner(s)/Applicant:	Reed Erickson	Engineer/ Surveyor:	KLJ – Valley City
Status:	Planning Commission Hearing: March 23, 2023 County Commission Hearing: April 17, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Pro	oposal

The applicant is seeking approval of a minor subdivision entitled **Buhr Erickson Subdivision** to plat a two (2) Lot subdivision of approximately 27.02 acres. According to the applicant, the subdivision is requested to break out a tract of land to separate the house form the rest of the farm.

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

Agency Comments		
County Engineer	No issues.	
Water Resource District	No comments	
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. The site has water service.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No issues.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	No comments were received prior to publishing the staff report.
The City of West Fargo	No comments were received prior to publishing the staff report.
Public Comment	No comments were received prior to publishing the staff report.

Staff Analysis

Land Use and Surrounding Uses

The subject property is bound by agricultural production land on the north and west. ND Highway 38 (139th Ave SE) borders the east of the property with Township road 28th St SE to 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 are present on the proposed subdivision Lot. The proposed Western Cas FIS map does not show any Special Hazard Flood Area 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

Minor Subdivision

Buhr Erickson Farms Subdivision

Ayr Twp, Section 19 - Township 141 North - Range 54 West



Cass County Planning Commission March 23, 2023

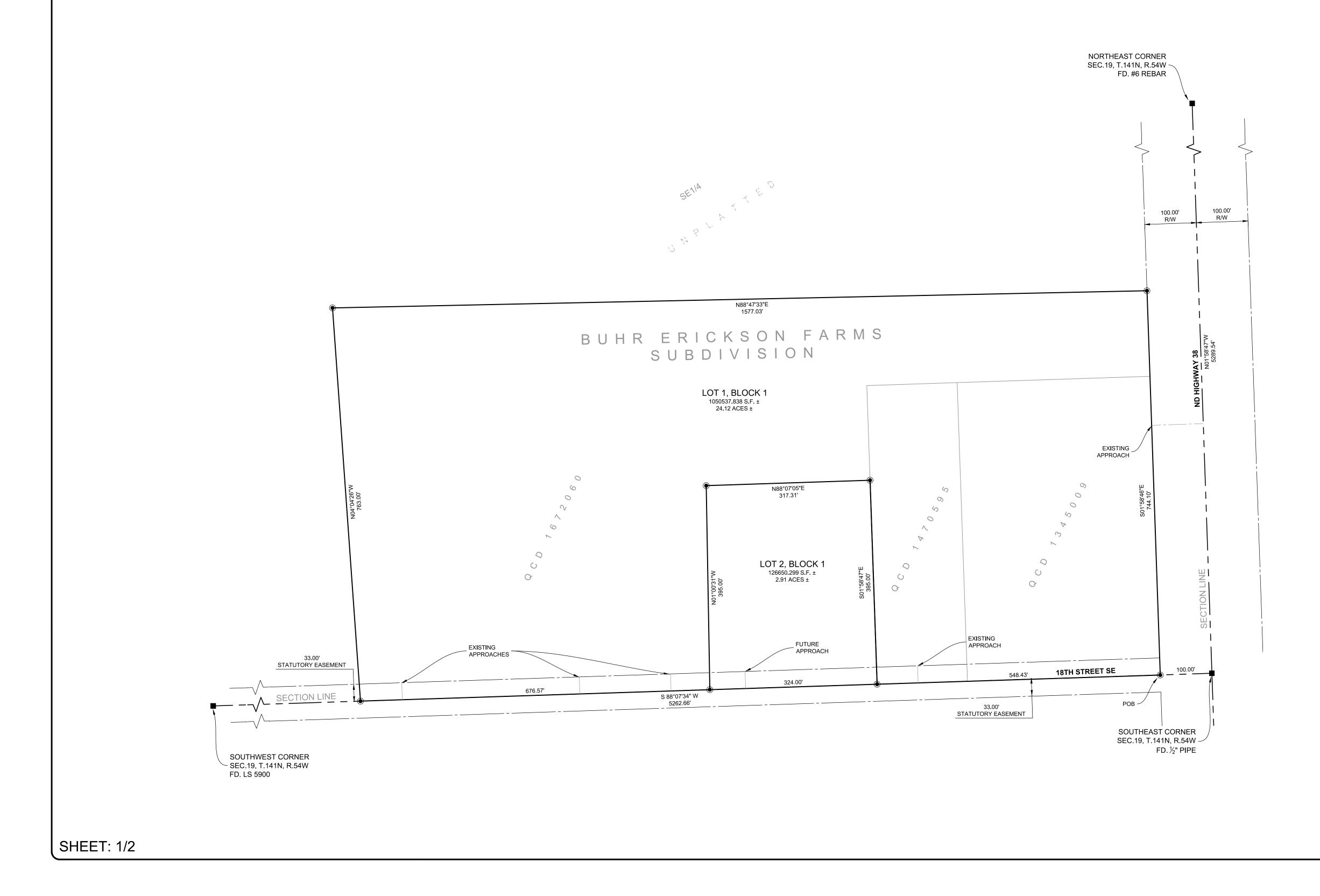




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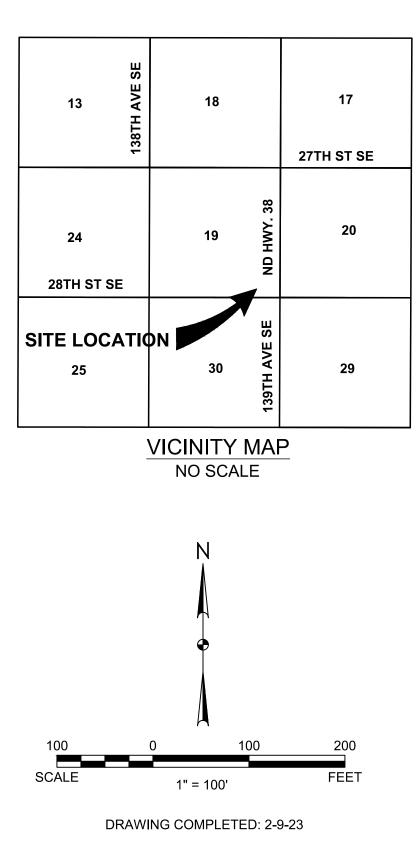


IN THE SOUTHEAST QUARTER (SE¹/₄) OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, FIFTH PRINCIPAL MERIDIAN, AYR TOWNSHIP, CASS COUNTY, NORTH DAKOTA



BUHR ERICKSON FARMS SUBDIVISION

(A MINOR SUBDIVISION)



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

ENGINEER:

KLJ 1010 4TH AVE SW VALLEY CITY, ND 58072

CLIENT: REED ERICKSON 738 4T ST SW VALLEY CITY, ND 58072

NOTE:

SURVEY IS BASED ON NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD83 (2011), SOUTH ZONE, CASS COUNTY GROUND DISTANCES.

USE CONVERSION FACTOR OF 0.9998875 TO CONVERT GROUND DISTANCES TO GRID DISTANCES.

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

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



FOUND MONUMENT - AS DESCRIBED SET #5X18" REBAR W/BPC LS 8441



BUHR I

IN THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF

CERTIFICATE

I, FELIX LIEBOLD, BEING DULY SWORN DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WH PREPARED AND MADE THE ATTACHED PLAT OF "ERICKSON SUBDIVISION" TO THE COUNTY OF CASS, A PLAT PA SE $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNT DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL D ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN GROUND AS INDICATED FOR GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF THE SE $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, OF THE 5TH PRINCIPAL MERI CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE¹/₄); THENCE S88°07'34"W ALON SOUTH BOUNDARY OF SAID SOUTHEAST QUARTER (SE¹/₄) A DISTANCE OF 100.00 FEET TO A POINT OF INTERSE WITH THE WEST RIGHT OF WAY OF NORTH DAKOTA HIGHWAY 38, THE POINT OF BEGINNING; THENCE CONTINU S88°07'34"W ALONG SAID SOUTH BOUNDARY OF SAID SOUTHEAST QUARTER (SE1/4) A DISTANCE OF 1549.00 FEI N04°04'26"W A DISTANCE OF 763.00 FEET; THENCE N88°47'33"E A DISTANCE OF 1577.03 FEET TO THE SAID WEST WAY OF NORTH DAKOTA HIGHWAY 38; THENCE S01°58'47"E ALONG SAID RIGHT OF WAY A DISTANCE OF 744.10 THE POINT OF BEGINNING.

SAID TRACT CONTAINS 27.03 ACRES, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AN OF WAY OF RECORD, IF ANY.

FELIX LIEBOLD REGISTERED LAND SURVEYOR REG. NO. 8441

STATE OF NORTH DAKOTA))SS

COUNTY OF CASS

ON THIS _____ DAY OF _ , 2023, BEFORE M, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STA PERSONALLY APPEARED , KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN FOREGOING SURVEYOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED TO ME THAT HE EXE THE SAME.

NOTARY PUBLIC

DEDICATION

WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "BUHR ERICKSON FARMS SUBDIVISION" TO THE COUNTY OF CASS, A PLAT OF PART OF THE SE $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF FELIX LIEBOLD, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

ZANE ERICKSON OWNER	
CAMI ERICKSON OWNER	
REED ERICKSON OWNER	
STATE OF NORTH DAKOTA))SS	
PERSONALLY APPEARED	, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOI , KNOWN TO ME TO BE THE SAME PERSON NOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC

SHEET: 2/2

	CASS COUNTY ENGINEER:
	REVIEWED BY THE CASS COUNTY ENGINEER, ON THIS DAY OF, 2023.
HO ART OF THE TY, NORTH	
OR THE	JASON BENSON, CASS COUNTY ENGINEER
RIDIAN,	ATTEST; SECRETARY
IG THE ECTION UING	
ET; THENCE T RIGHT OF FEET TO	AYR TOWNSHIP: REVIEWED BY AYR TOWNSHIP, CASS COUNTY, NORTH DAKOTA, ON THIS DAY OF, 2023.
ND RIGHTS	
	, CHAIRMAN
	ATTEST;CLERK
ATE,	
N THE KECUTED	CASS COUNTY PLANNING COMMISSION:
	REVIEWED BY THE CASS COUNTY PLANNING COMMISSION, ON THIS DAY OF, 2023.
	KEN LOUGHEED, CHAIRMAN

ATTEST; SECRETARY CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL

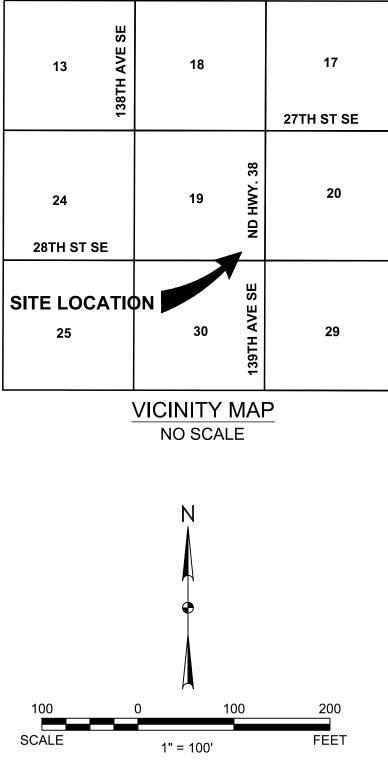
APPROVED BY CASS COUNTY, NORTH DAKOTA, ON THIS _____ ___ DAY OF _____, 2023.

RICK STEEN, CHAIRMAN

ATTEST BRANDY MADRIGGA, CASS COUNTY FINANCE DIRECTOR

____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, , KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE

PAL MERIDIAN,



DRAWING COMPLETED: 2-9-23

FLOOD PLAIN STATEMENT:

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

ENGINEER:

KLJ 1010 4TH AVE SW VALLEY CITY, ND 58072

CLIENT: REED ERICKSON 738 4T ST SW VALLEY CITY, ND 58072

NOTE:

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