

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: Jason Benson, Cass County Engineer *JAB*

DATE: May 3, 2023

SUBJECT: Consent Agenda Topic for the May 15, 2023
Commission Meeting: TEPI 5th 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 April 27, 2023. The intended purpose of the subdivision that Otter Tail Power Company was leasing land within TEPI 4th addition. Otter Tail Power Company will now be purchasing the previously leased land plus additional land adjacent to leased land.

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.

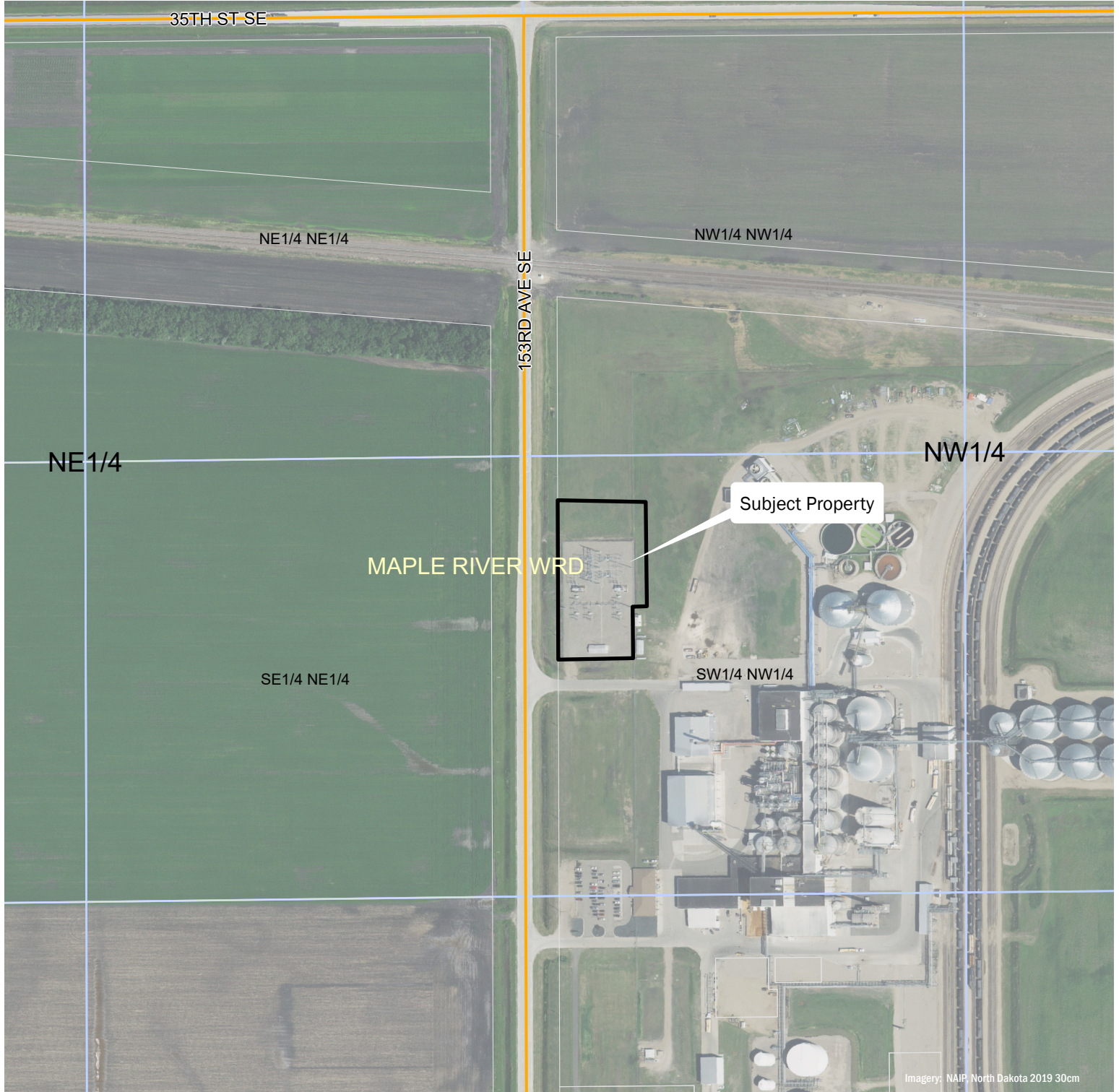
1201 Main Ave West
West Fargo, North Dakota
58078-1301

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

Minor Subdivision

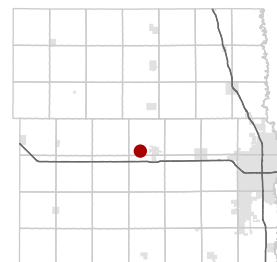
TEPI Fifth Subdivision

Casselton Twp, Section 33- Township 140 North - Range 52 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission
April 27, 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.





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (2 Lot) of a part of the Section 33, Township 140 North, Range 52 West		
Title:	TEPI 5th Subdivision	Date:	04/27/2023
		Update:	05/15/2023
Location:	Section 33, Township 140 North, Range 52 West (Casselton Township)	Staff Contact:	Jason Benson
Parcel Number:	29032000010000	Water District:	Maple River Water District
Owner(s)/Applicant:	Tharaldson Ethanol Plant I LLC	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: April 27, 2023 County Commission Hearing: May 15, 2023		

Existing Land Use	Proposed Land Use
Commercial	Commercial
Proposal	

The applicant is seeking approval of a minor subdivision entitled **TEPI 5th Subdivision** to plat a one (2) Lot subdivision of approximately 284 acres. According to the applicant, the subdivision is requested to purchase previously leased land plus additional land adjacent to the leased land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 153rd Ave SE (County Road 23) road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I have no issues as the subdivision has been existing with the substation.
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	AT&T has a fiber cable on the South side of the RR TOW. AT&T is not affected by the subdivision and has no objection.
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.
Cass Rural Water	No Comments.
North Dakota Department of Transportation	No comments.
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	No issues.
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 County Road 23 to the west, BNSF to the north, agriculture to the east, and Legal Drain 62 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, no wetlands or other notable features are present on the proposed subdivision.

Land Development Rights
 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.

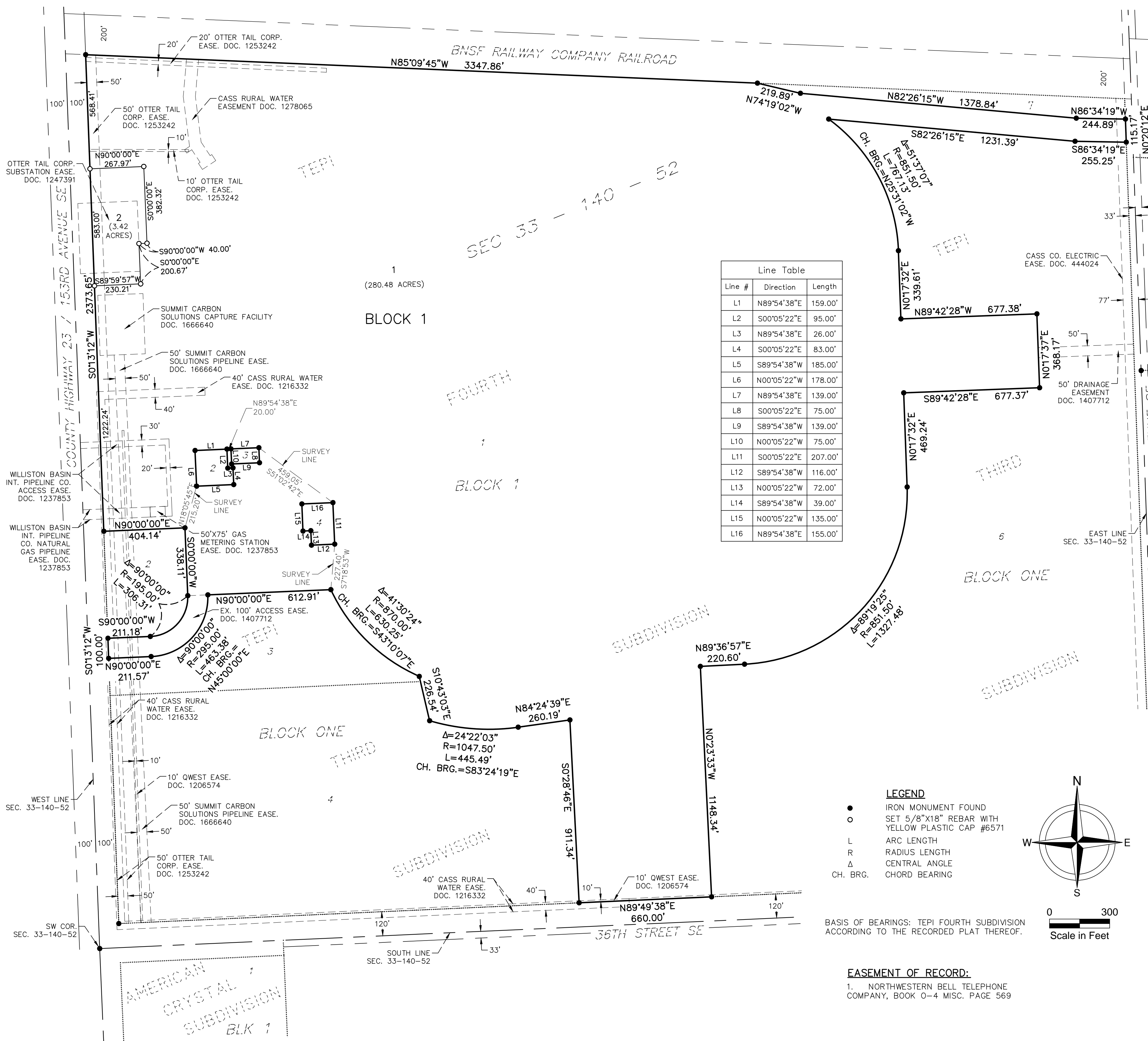
Staff Recommendation

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

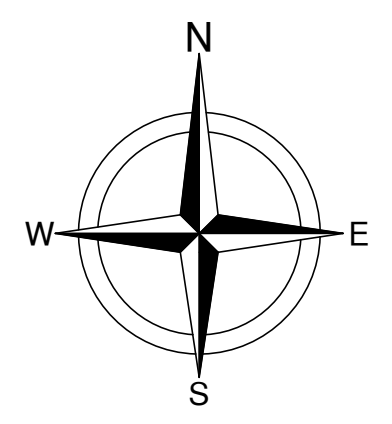
1. Location Map
2. Plat Document
3. Deed Restriction

**PLAT OF
TEPI FIFTH SUBDIVISION**
A REPLAT OF LOT 1, BLOCK 1, TEPI FOURTH SUBDIVISION IN SECTION 33,
TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA



Line #	Direction	Length
L1	N89°54'38"E	159.00'
L2	S00°05'22"E	95.00'
L3	N89°54'38"E	26.00'
L4	S00°05'22"E	83.00'
L5	S89°54'38"W	185.00'
L6	N00°05'22"W	178.00'
L7	N89°54'38"E	139.00'
L8	S00°05'22"E	75.00'
L9	S89°54'38"W	139.00'
L10	N00°05'22"W	75.00'
L11	S00°05'22"E	207.00'
L12	S89°54'38"W	116.00'
L13	N00°05'22"W	72.00'
L14	S89°54'38"W	39.00'
L15	N00°05'22"W	135.00'
L16	N89°54'38"E	155.00'

LEGEND
 ● IRON MONUMENT FOUND
 ○ SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
 L ARC LENGTH
 R RADIUS LENGTH
 Δ CENTRAL ANGLE
 CH. BRG. CHORD BEARING



0 300
Scale in Feet

EASEMENT OF RECORD:
 1. NORTHWESTERN BELL TELEPHONE COMPANY, BOOK 0-4 MISC. PAGE 569

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "TEPI FIFTH SUBDIVISION", A REPLAT OF LOT 1, BLOCK 1, TEPI FOURTH SUBDIVISION IN SECTION 33, TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOT 1, BLOCK 1, TEPI FOURTH SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 283.90 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

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



STATE OF NORTH DAKOTA)
COUNTY OF CASS)
ON THIS _____ DAY OF _____, 2023, 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 INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "TEPI FIFTH SUBDIVISION", A REPLAT OF LOT 1, BLOCK 1, TEPI FOURTH SUBDIVISION IN SECTION 33, TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS 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.

OWNER: THARALDSON ETHANOL PLANT I, LLC

NAME: _____
TITLE: _____

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF THARALDSON ETHANOL PLANT I, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CASSELTON TOWNSHIP REVIEW

REVIEWED BY CASSELTON TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

SIGNED: _____
RYAN RADERMACHER, CHAIRPERSON

ATTEST: _____
ROBERT RUNCK JR., CLERK

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2023.

SIGNED: _____
JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

SIGNED: _____
KEN LOUGHEED, CHAIRPERSON

ATTEST: _____
LISA SHASKY, SECRETARY

CASS COUNTY COMMISSION APPROVAL

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

SIGNED: _____
CHAD M. PETERSON, CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS

ATTEST: _____
BRANDY MADRIGGA, CASS COUNTY FINANCIAL DIRECTOR



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: Jason Benson, Cass County Engineer *JMB*

DATE: May 3, 2023

SUBJECT: Consent Agenda Topic for the May 15, 2023
Commission Meeting: Woitzel Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Kinyon Township, Section 22 at a Public Hearing on April 27, 2023. The intended purpose of the subdivision is to breakout the farmstead from the remaining ag land.

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

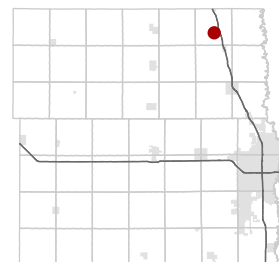
Minor Subdivision

Woitzel Subdivision

Kinyon Twp, Section 22- Township 143 North - Range 50 West



Cass County Planning Commission
April 27, 2023



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Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SE ¼ of Section 22, Township 143 North, Range 50 West		
Title:	Woitzel Subdivision	Date:	05/08/2023
		Update:	
Location:	SE ¼ of Section 22, Township 143 North, Range 50 West (Kinyon Township)	Staff Contact:	Jason Benson
Parcel Number:	49-0000-07897-000	Water District:	North Cass Water District
Owner(s)/Applicant:	Charlotte Woitzel	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: April 27, 2023 County Commission Hearing: May 15, 2023		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Woitzel Subdivision** to plat a one (1) Lot subdivision of approximately 3.1 acres. According to the applicant, the subdivision is requested to break out the farmstead from remaining ag land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 16th St 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
Cass County Electric Cooperative	Has power on site and does not have any issues with this new subdivision.
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.
Cass Rural Water	No comments were received prior to publishing the staff report.
North Dakota Department of Transportation	No comments
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 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 east. Township road 16th St SE borders the south 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 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 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

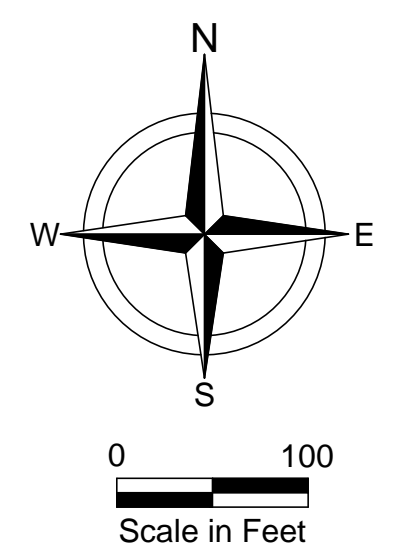
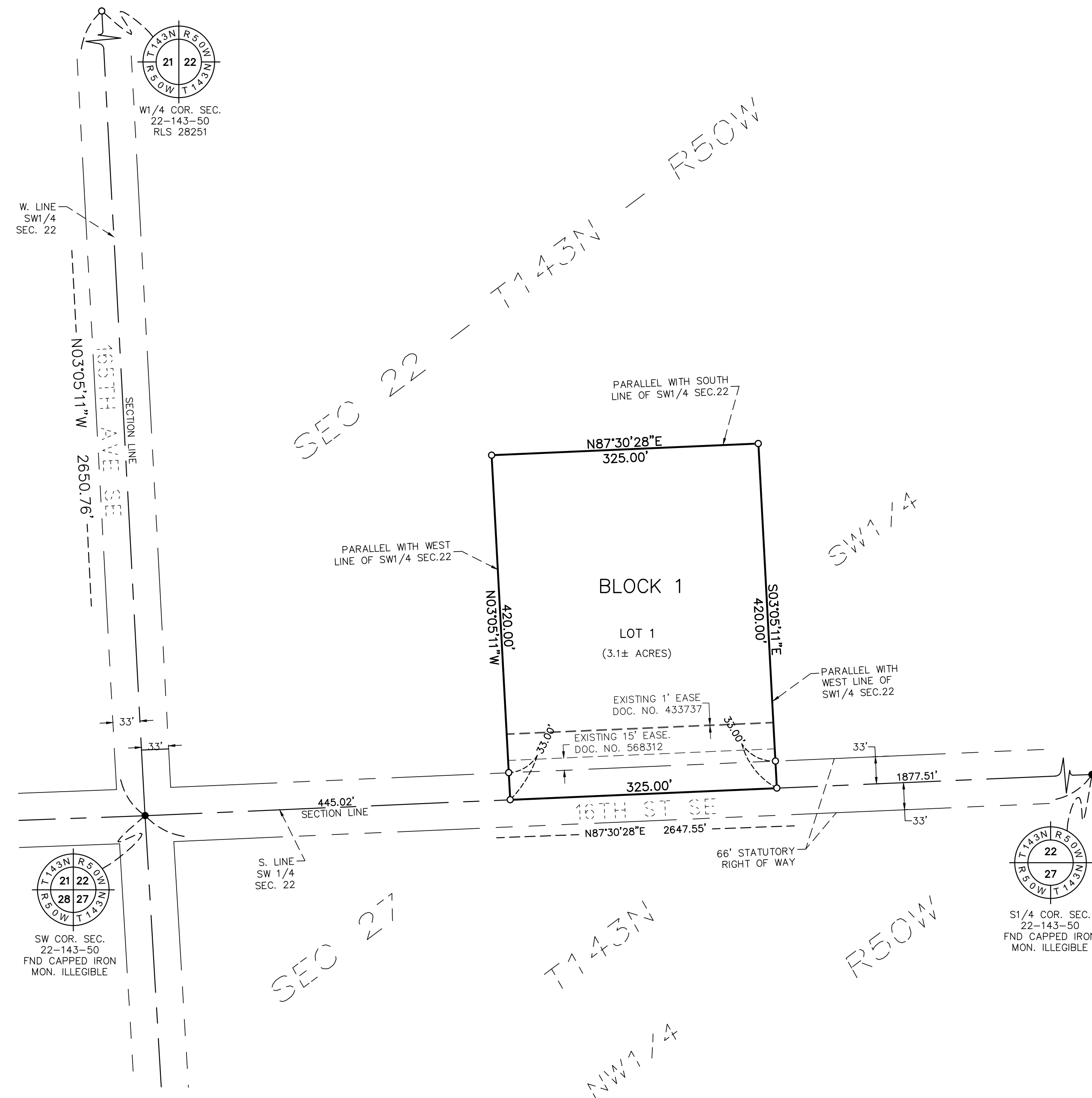
To accept the findings and recommendations of the Planning Commission and staff and recommend **approval** to the County Commission of the subdivision application as the proposal **meets** the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage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

Attachments

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

A MINOR SUBDIVISION PLAT OF WOITZEL SUBDIVISION

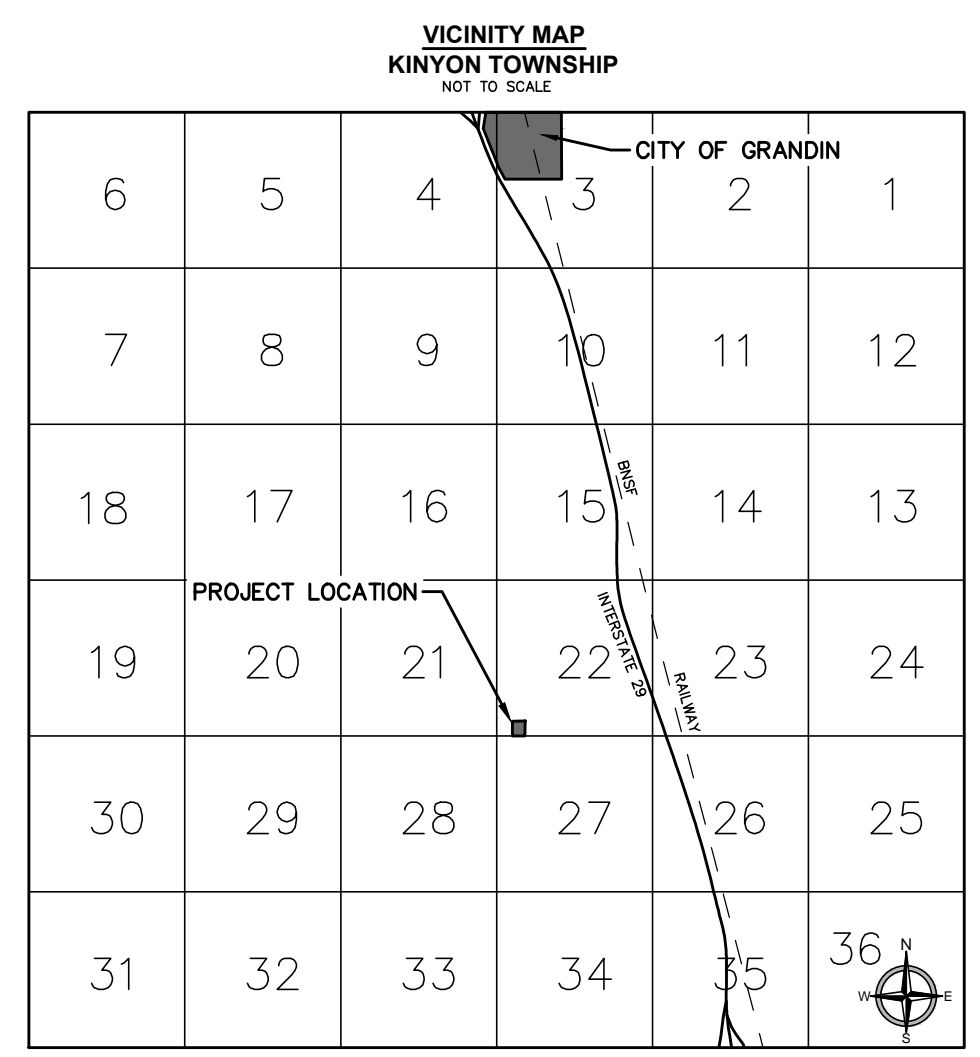
A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 143 NORTH,
RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.



NOTES
1. TOTAL PLATTED AREA: 3.1± ACRES

- EASEMENTS OF RECORD:**
- RIGHT OF WAY EASEMENT TO CASS COUNTY ELECTRIC COOPERATIVE, INC., RECORDED JULY 19, 1971 AS DOCUMENT NO. 449877.
 - RIGHT OF WAY EASEMENT TO NORTHWESTERN BELL TELEPHONE CO., RECORDED APRIL 26, 1965 AS DOCUMENT NO. 398470
 - LICENSE TO INSTALL UNDERGROUND WATER DISTRIBUTION FACILITIES TO THE CITY OF GRANDIN RECORDED DECEMBER 18, 1991 AS DOCUMENT NO. 748650

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"X18" REBAR WITH PINK PLASTIC CAP #28251
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING



CERTIFICATE

JACOB R. DUCHSHERER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "WOITZEL SUBDIVISION" A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 143 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE NORTH 87 DEGREES 30 MINUTES 28 SECONDS EAST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 445.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 03 DEGREES 05 MINUTES 11 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 420.00 FEET; THENCE NORTH 87 DEGREES 30 MINUTES 28 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 325.00 FEET; THENCE SOUTH 03 DEGREES 05 MINUTES 11 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 420.00 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER. THENCE SOUTH 87 DEGREES 30 MINUTES 28 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 325.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.1 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

JACOB R. DUCHSHERER
REGISTERED LAND SURVEYOR
REG. NO. LS-28251

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR, 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.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "WOITZEL SUBDIVISION", A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 143 NORTH, RANGE 50 WEST OF THE FIFTH 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 JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNER:

CHARLOTTE F. WOITZEL

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHARLOTTE F. WOITZEL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

KINYON TOWNSHIP REVIEW

REVIEWED BY KINYON TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

SIGNED: _____

ATTEST: _____

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2023.

SIGNED: JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

SIGNED: KEN LOUGHEED, CHAIR

ATTEST: SECRETARY

CASS COUNTY COMMISSION APPROVAL

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

SIGNED: RICK STEEN, CHAIR

ATTEST: BRANDY MADDRIGA, FINANCE DIRECTOR

PACHOLKE SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER
SECTION 29, T. 142 N., R. 50 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owner's Certificate and Dedication:

Know all persons by these presents: that Timothy Pacholke, a single person, is the owner and proprietor of that part of the Northwest Quarter of Section 29, Township 142 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence North 87°31'27" East (assumed bearing), along the north line of said Northwest Quarter, for a distance of 2321.62 feet to the northeast corner of a tract of land described in Document No. 1057300, said document on file at the Cass County Recorder's Office, said northeast corner being the True Point of Beginning; thence continue North 87°31'27" East, along the north line of said Northwest Quarter, for a distance of 317.56 feet to the northeast corner of said Northwest Quarter; thence South 03°04'07" East, along the east line of said Northwest Quarter, for a distance of 617.89 feet; thence South 87°31'27" West for a distance of 318.86 feet; thence North 02°56'53" West, along the east line as extended south and the east line of a tract of land described in said Document No. 1057300, for a distance of 617.88 feet to the True Point of Beginning.

Said tract contains 4.514 acres, more or less.

And that said party has caused the same to be surveyed and platted as **PACHOLKE SUBDIVISION**.

In witness whereof we have set our hands and seals.

Owner:

Timothy Pacholke

State of _____)
County of _____) ss

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Timothy Pacholke, a single person, known to me 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: _____

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)
County of Cass) ss

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, Chairman

Attest: _____
Secretary

Gardner Township:

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

Tim Tschida, Chair

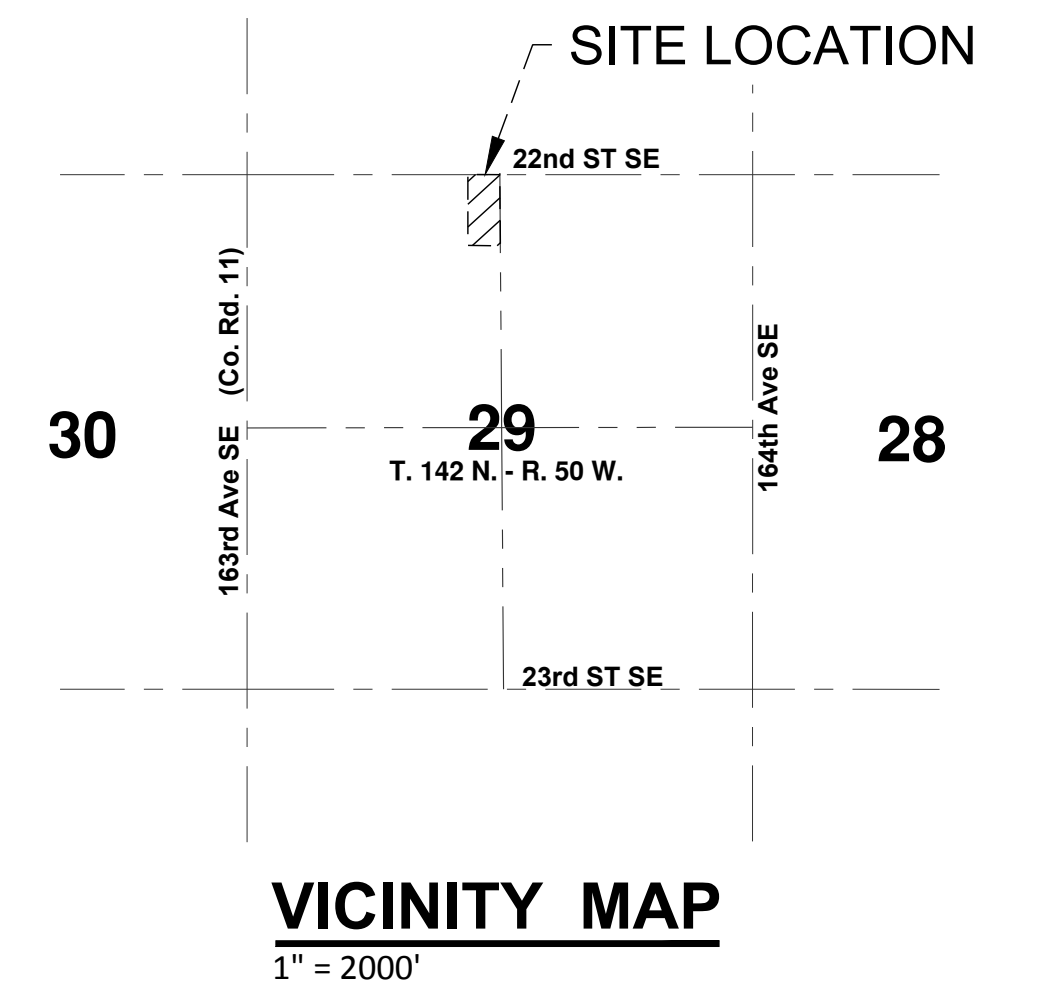
Attest: _____
Victoria Colwell, Clerk

Cass County Board of Commissioners' Approval:

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

Chad M. Peterson, Chair

Attest: _____
Brandy Madrigga, Cass County Finance Director



H:\JBM\11500\11553\11553_0001\CAD\11553-0001_PacholkeSubdivision_Prelim_Plat.dwg



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NW ¼ of Section 29, Township 142 North, Range 50 West		
Title:	Pacholke Subdivision	Date:	04/27/23
		Update:	05/15/23
Location:	NW ¼ of Section 29, Township 142 North, Range 50 West (Gardner Township)	Staff Contact:	Jason Benson
Parcel Number:	40-0000-05522-060	Water District:	Northern Cass Water District
Owner(s)/Applicant:	Timothy Pacholke	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: April 27, 2023 County Commission Hearing: May 15, 2023		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Pacholke Subdivision** to plat a one (1) Lot subdivision of approximately 4.514 acres. According to the applicant, the subdivision is requested to break out farmstead from remaining ag land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 22nd St 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
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.
Cass Rural Water	This property currently has water service.
North Dakota Department of Transportation	No comments
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	No issues.
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 south and east. Township road 22nd St SE borders the north of the property with residential to the west.

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 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 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

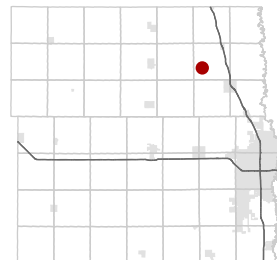
Pacholke Subdivision

Gardner Twp, Section 29 - Township 142 North - Range 50 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission
April 27, 2023

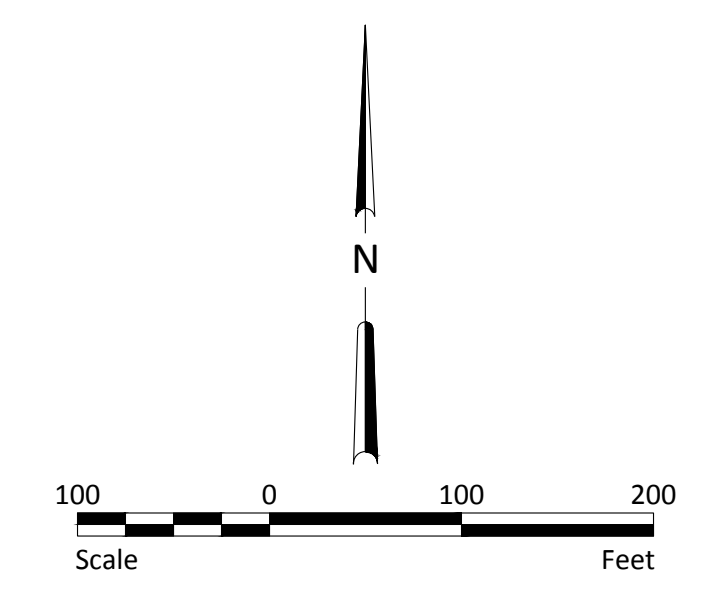


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



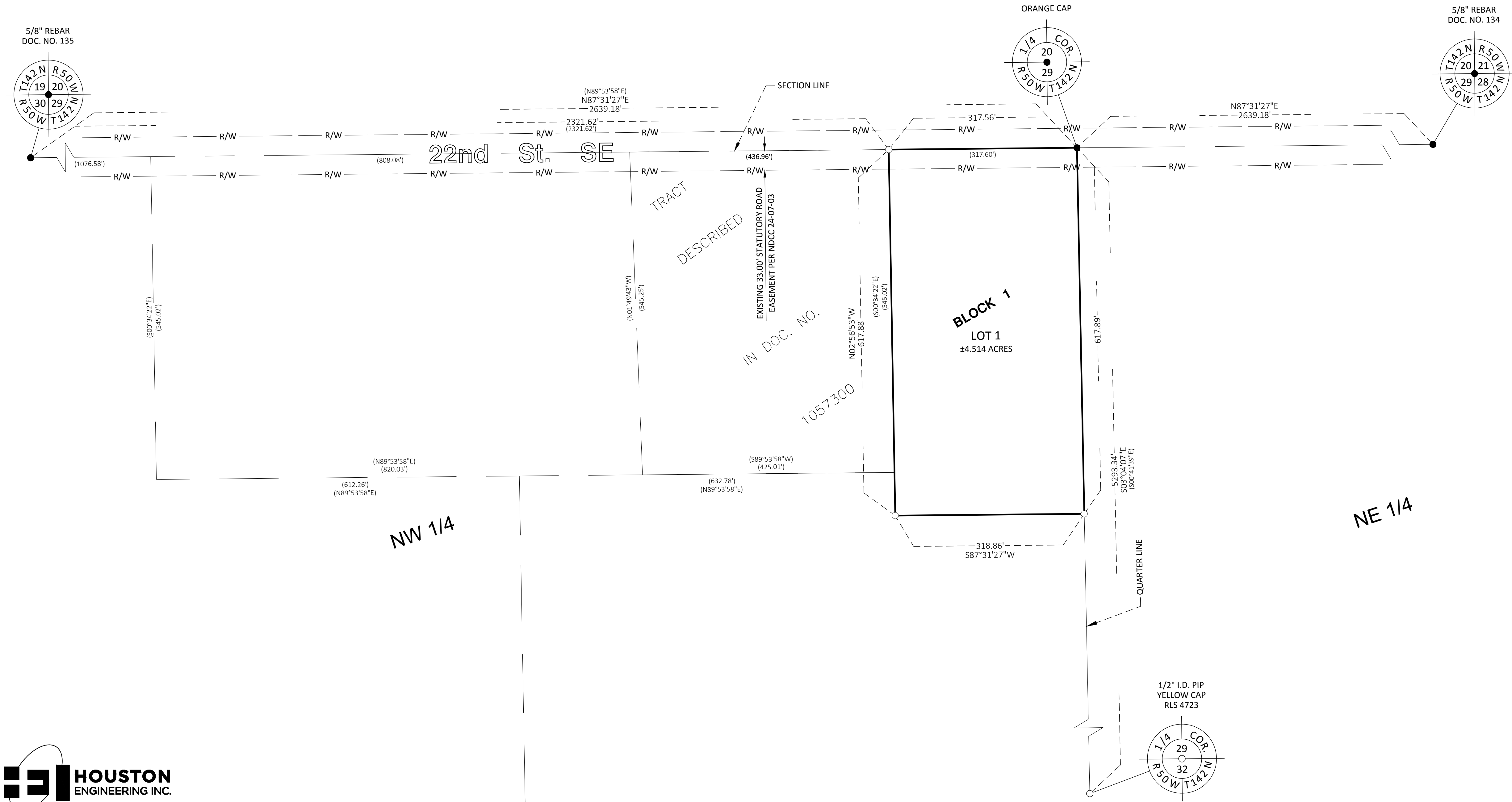
PACHOLKE SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER
SECTION 29, T. 142 N., R. 50 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
RECORD BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
RECORD DISTANCE	(100.00')
PLAT BOUNDARY	—————
EXISTING PROPERTY LINE	—————
EXISTING RIGHT-OF-WAY LINE	— R/W ———



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PACHOLKE SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER
SECTION 29, T. 142 N., R. 50 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owner's Certificate and Dedication:

Know all persons by these presents: that Timothy Pacholke, a single person, is the owner and proprietor of that part of the Northwest Quarter of Section 29, Township 142 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence North 87°31'27" East (assumed bearing), along the north line of said Northwest Quarter, for a distance of 2321.62 feet to the northeast corner of a tract of land described in Document No. 1057300, said document on file at the Cass County Recorder's Office, said northeast corner being the True Point of Beginning; thence continue North 87°31'27" East, along the north line of said Northwest Quarter, for a distance of 317.56 feet to the northeast corner of said Northwest Quarter; thence South 03°04'07" East, along the east line of said Northwest Quarter, for a distance of 617.89 feet; thence South 87°31'27" West for a distance of 318.86 feet; thence North 02°56'53" West, along the east line as extended south and the east line of a tract of land described in said Document No. 1057300, for a distance of 617.88 feet to the True Point of Beginning.

Said tract contains 4.514 acres, more or less.

And that said party has caused the same to be surveyed and platted as **PACHOLKE SUBDIVISION**.

In witness whereof we have set our hands and seals.

Owner:

Timothy Pacholke

State of _____)
County of _____) ss

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Timothy Pacholke, a single person, known to me 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: _____

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)
County of Cass) ss

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, Chairman

Attest: _____
Secretary

Gardner Township:

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

Tim Tschida, Chair

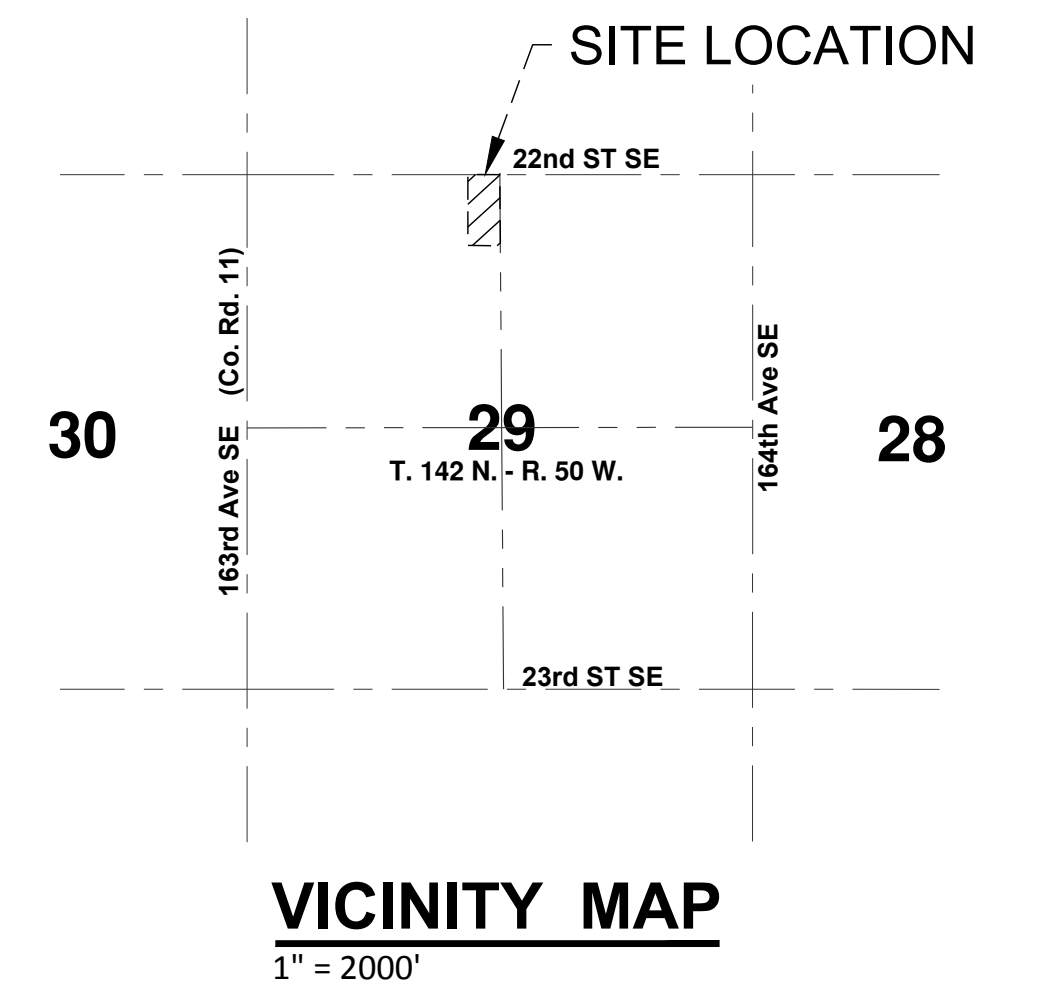
Attest: _____
Victoria Colwell, Clerk

Cass County Board of Commissioners' Approval:

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

Chad M. Peterson, Chair

Attest: _____
Brandy Madrigga, Cass County Finance Director



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