

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, May 25, 2023 at 7:00 a.m.

West Fargo Public Works, 810 12th Ave NW, West Fargo, ND 58078

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of April 27, 2023

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **Lilleberg Subdivision** located in Section 13, Township 141 North, Range 49 West of the 5th Principal Meridian, Harwood Township, Cass County, North Dakota. Previously tabled.
2. Hearing on an application requesting a Minor Subdivision Plat of **Grand Farm Subdivision** (Located in Everest Township, A Part of the NE 1/4 Section 8, Township 139 North, Range 52 West of the 5th Principal Meridian, Cass County North Dakota).

F. New Business

G. Old Business

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
May 25, 2023**

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on May 25, 2023 at 7:02 am in the West Fargo Public Works conference room.

B. ROLL CALL

Planning Commissioners attending in person were Rocky Bertsch, Ken Lougheed, Dr. Tim Mahoney, Brad Olson, Keith Gohdes David Gust. Keith Monson, Hugh Veit and Commissioner Breitling were absent.

Attending in person was Tom Soucy, Assistant Cass County Engineer. Katherine Naumann attended via Teams.

Members of the public attending in person were Chad Lilleberg and Lloyd Nelson.

C. DETERMINATION OF A QUORUM

It was determined that there was a quorum based on the roll call.

D. MINUTES, APPROVED

MOTION, *passed*

Mr. Gust moved and Mr. Olson seconded to approve the minutes of the April 27, 2023 meeting as presented.

Motion carried.

E. PUBLIC HEARING

- 1. Hearing on an application requesting a Minor Subdivision Plat of Lilleberg Subdivision located in Section 13, Township 141 North, Range 49 West of the 5th Principal Meridian, Harwood Township, Cass County, North Dakota. Previously tabled.**

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Lilleberg Subdivision to plat a one (1) Lot subdivision of approximately 21 acres. According to the applicant, the subdivision is requested to plat the farmstead for a newly constructed house.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 26th St SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Mr. Soucy reviewed the general information of the geotechnical evaluation with the group. He stated that it does meet the safety standards and the county is no longer concerned with any soil issues. Mr. Gohdes commended Mr. Lilleberg for doing everything the county requested.

Upon hearing no additional public comments, the public hearing was closed.

MOTION, *passed*

Mr. Gust moved, Mr. Gohdes seconded to accept the findings and recommendations of staff and recommend approval to the County Commission of the

subdivision application as the proposal meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance and all other applicable regulations, with the following conditions:

1. A deed restriction be recorded that meets the requirements of Section 5.04(g) of the Cass County Subdivision Ordinance.

On a roll call vote with all in favor, motion carried.

2. Hearing on an application requesting a Minor Subdivision Plat of Grand Farm Subdivision (Located in Everest Township, A Part of the NE 1/4 Section 8, Township 139 North, Range 52 West of the 5th Principal Meridian, Cass County North Dakota).

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Grand Farm Subdivision to plat a two (2) Lot subdivisions of approximately 52.7 and 85.91 acres. According to the applicant, the subdivision is requested to build north of the Wheatland Channel and building south of the Wheatland Channel to add an additional two buildings.

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

Mr. Nelson spoke about the buildings that will be constructed now which includes a presentation building, space for meetings and conferences, and space for operations.

Upon hearing no additional public comments, the public hearing was closed.

MOTION, *passed*

Dr. Mahoney moved, and Mr. Olson seconded to accept the findings and recommendations of staff and recommend approval to the County Commission of the subdivision application as the proposal meets the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance and all other applicable regulations.

On a roll call vote with all in favor, motion carried.

F. NEW BUSINESS

Mr. Soucy let the group know that Cass County has offered a position for County Planner to Cole Hansen. He would not be able to begin working until mid-August 2023.

G. OLD BUSINESS

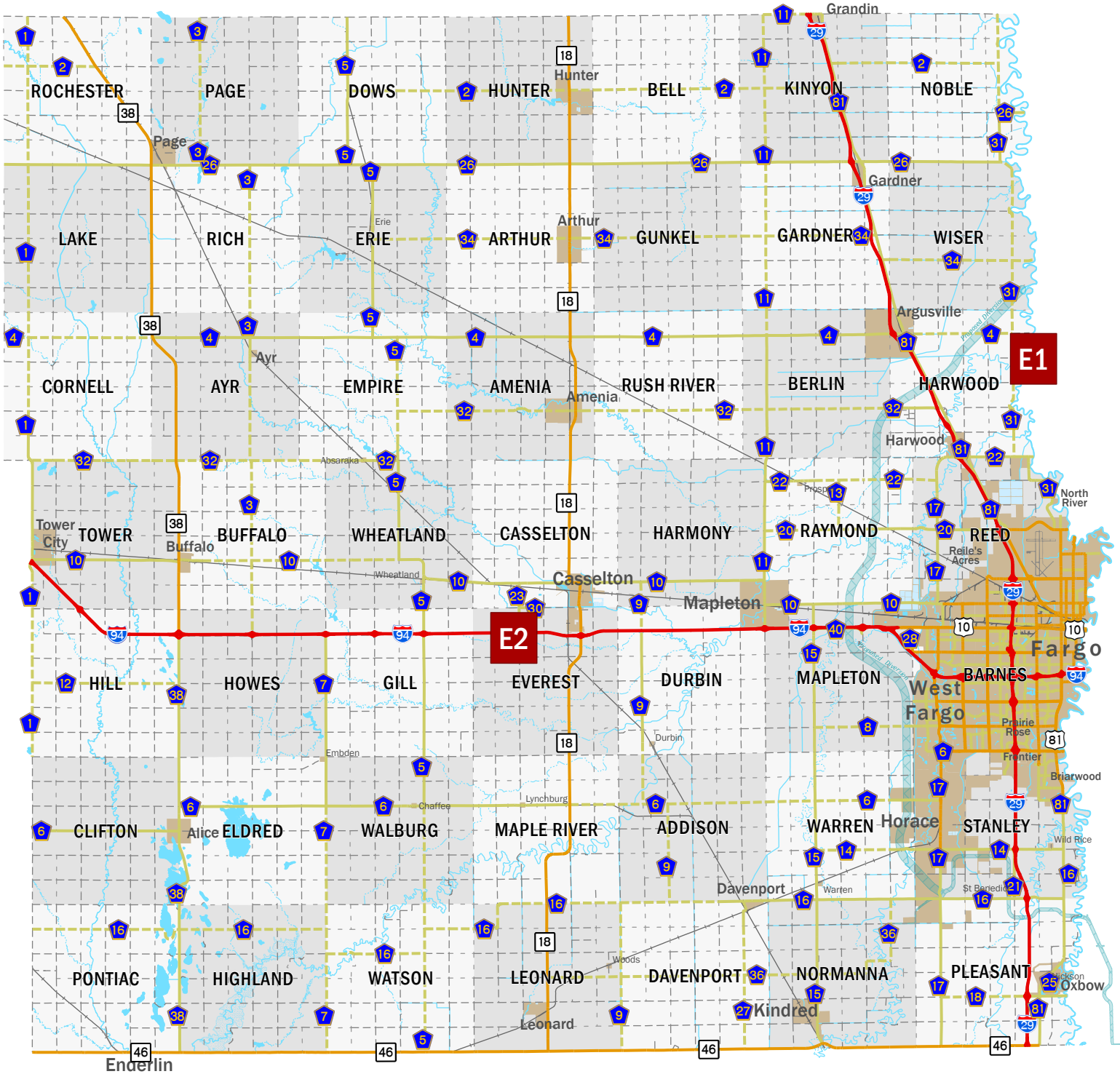
H. ADJOURNMENT

On motion by Mr. Gust seconded by Mr. Bertsch and all voting in favor, the meeting was adjourned at 7:27 am.

Agenda Items

Cass County Planning Commission

May 25, 2023



Agenda Items:

E1 - Lilleberg Subdivision

E2 - Grand Farms Subdivision

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 (1 Lot) of a part of the NE ¼ of Section 13, Township 141 North, Range 49 West		
Title:	Lilleberg Subdivision	Date:	10-20-2022 05-25-2023
Location:	NE ¼ of Section 13, Township 141 North, Range 49 West (Harwood Township)	Staff Contact:	Jason Benson
Parcel Number:	44-0000-00420-010	Water District:	Rush River Water District
Owner(s)/Applicant:	Chad & Sharon Lilleberg	Engineer/Surveyor:	Neset Land Surveys
Status:	Planning Commission Hearing: October 27, 2022 Planning Commission Hearing: May 25, 2023		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Lilleberg Subdivision** to plat a one (1) Lot subdivision of approximately 21 acres. According to the applicant, the subdivision is requested to plat the farmstead for a newly constructed house.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 26th St SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I don't have any issues with the lot grading plan. My original concern is that this property sits within the LDZ and very close to the MDZ; with the geotechnical study completed and it has been confirmed that the building site meets design standards.
Water Resource District	The Rush River Water Resource District is concerned about the building location on the outside bank of the river. The property owner should expect further progression of the river channel at that location.
Cass County Electric Cooperative	No comments were received prior to publishing the staff report.
Century Link	CenturyLink/Lumen has a cable on the East side of the road otherwise we are in the clear

Sprint	Cogent (Legacy Sprint) does not have long distance fiber optic cable in the immediate vicinity of your proposed project.
AT&T	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Otter Tail Power Company	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	No comments were received prior to publishing the staff report.
NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	The applicant has a water service on this site.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	Health has no problem with this proposal.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	The City has no comment.
The City of West Fargo	No comments were received prior to publishing the staff report.
Public Comment	No comments were received prior to publishing the staff report.

Staff Analysis

Land Use and Surrounding Uses

The subject property is bound by agricultural production land on the west and south. Township road 147th Ave SE borders the east of the property with Swan Creek Tributary bordering the north.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently located in Special Hazard Flood Area zone AE and floodway. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

This property is located in a Limited or Minimal Disturbance Zone. As an alternative to using the established Minimal Disturbance Zone Setback along the blue line perennial watercourses, an applicant may request to use a site-specific Minimal Disturbance Zone Setback, determined as a result of a detailed geotechnical investigation. The investigation must be performed by a registered professional engineer and testing firm acceptable to the County Engineer. (Section 610.4 previous ordinance, Section 5.04 (h) updated ordinance 9/19/22)

Land Development Rights

The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 308 of the Cass County Subdivision Ordinance states that every quarter-quarter section is granted one (1) Development Right to create a buildable lot with a minimum of 40 acres. Because the lot subdivision proposal is less than 40 acres, a transfer of a development right is required along with a deed restriction.

Staff Recommendation

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

1. A deed restriction be recorded that meets the requirements of Section 5.04(g) of the Cass County Subdivision Ordinance.

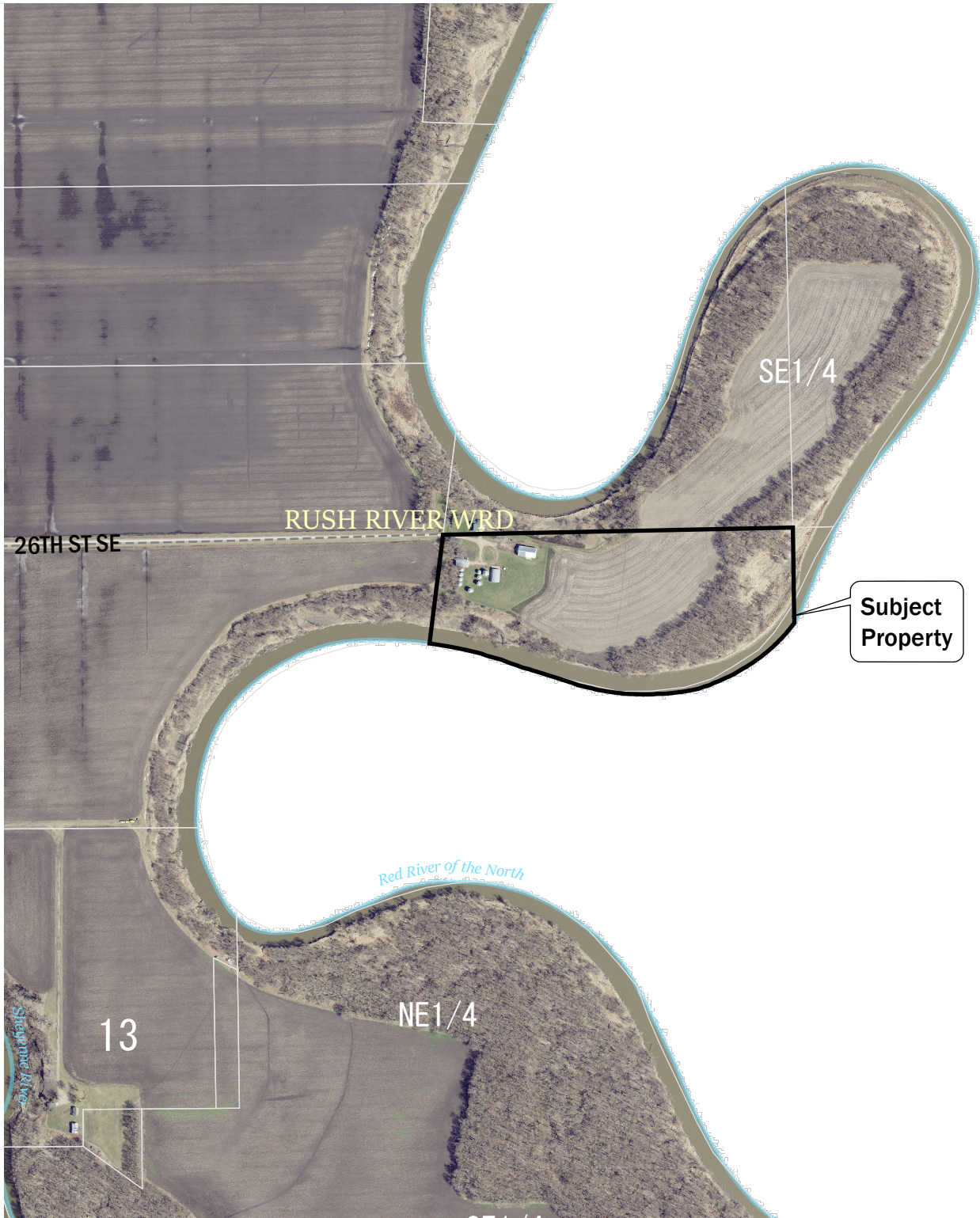
Attachments

1. Location Map
2. Plat Document
3. Geotech study

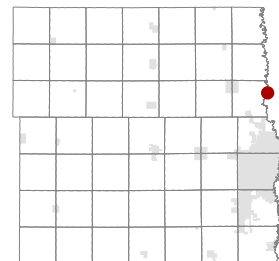
Minor Subdivision

Lilleberg Subdivision

Section 13, Harwood Township
Township 141 North - Range 49 West



Cass County Planning Commission
May 25, 2023

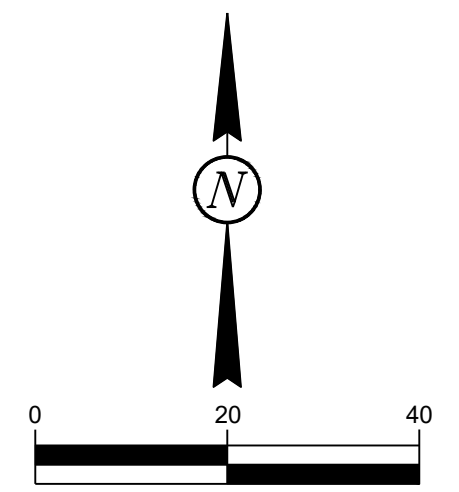


Imagery: spring 2021
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LILLEBERG SUBDIVISION

A MINOR SUBDIVISION
 ALL OF GOVERNMENT LOT 1, SECTION 13, TOWNSHIP 141 NORTH, RANGE 49 WEST AND PART OF
 GOVERNMENT LOT 2, SECTION 13, TOWNSHIP 141 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL
 MERIDIAN, CASS COUNTY, NORTH DAKOTA



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- - - EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- - - NEW EASEMENT LINE

SURVEY INFORMATION

DATE OF SURVEY: 10/17/2022
 BASIS OF BEARING: ASSUMED
 BENCHMARK USED: OPUS SOLUTION

SHEET 1 OF 2

PROJECT #	22000.19
REVISION DATE:	10-21-2022
DRAWN BY:	GCB
CHECKED BY:	CAN



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

10/21/22 09:57:01 AM Z:\Neset Shared Files\Cad Projects\2022 Projects\22000_NORTH DAKOTA PROPERTY SURVEY\19_Chad Lilleberg 17373 20th St SE, Argusville\Chad Lilleberg Plat.dwg

DEED RESTRICTION

Pursuant to Section 5.04 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 14 day of APRIL, 2023 by

Owner(s):

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 5.04 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 5.04 (g) of the Cass County Subdivision Ordinance and any amendment thereto:

1. 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;
2. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
3. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Section 6.05 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, streetlights, 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 5.04 (e) of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 5.04 (g) 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 North Dakota law shall apply. (NDCC 11-33.2-15)

4. LEGAL DESCRIPTION OF THE RESTRICTED PARCEL

Parcel Number: 44000000410010

Lot: 7 Block: 12 12-141-49 DESC TRACT ACS 3 2.22 GOV'T LOT 8 & THAT PT OF GOV'T LOT 7 LYING E OF THE FOLLOWING DESC: COMM AT SW COR OF SEC THN N 89DG16'31"" E ALG S SEC LN FOR 3636.34' TO PT OF BEG THN N 07DG35'12"" E TO PT ON W BANK OF RED RVR THERE TERM.

Parcel Number: 44000000010000

Lot: 1 Block: 7S 7-141-48 LOT 1 A 16.88

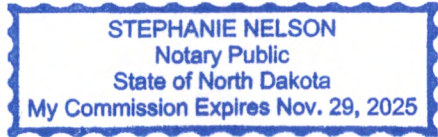
IN WITNESS of the restrictions, the Owner(s) have caused this DEED RESTRICTION to be executed effective as of:

[Signature]
Owner(s) Signature

4-14-23
Date

State of North Dakota)
) ss
County of Cass)

On this 14th day of April, 2023 before me, a notary public within and for said county and state, personally appeared Chad + Sharon Lilleberg known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.



[Signature]
Notary Public

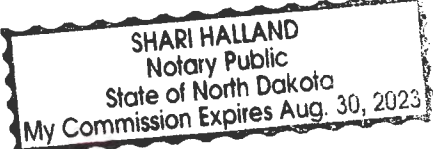
The foregoing instrument was acknowledged before me, this 17th day of April, 2023, by Jason Benson, County Engineer.

[Signature]
County Engineer Signature

4/17/23
Date

State of North Dakota)
) ss
County of Cass)

On this 17th day of April, 2023 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.



[Signature]
Notary Public



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (2 Lot) of a part of the NE ¼ of Section 8, Township 139 North, Range 52 West		
Title:	Grand Farms Subdivision	Date:	05/25/23
Location:	NE ¼ of Section 8, Township 139 North, Range 52 West (Everest Township)	Staff Contact:	Jason Benson
Parcel Number:	38-0000-04836-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Lloyd Nelson, Grand Farms Research & Education Initiative	Engineer/Surveyor:	Mead & Hunt
Status:	Planning Commission Hearing: May 25, 2023		

Existing Land Use	Proposed Land Use
Agricultural	Commercial
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Grand Farm Subdivision** to plat a two (2) Lot subdivisions of approximately 52.7 and 85.91 acres. According to the applicant, the subdivision is requested to build north of the Wheatland Channel and building south of the Wheatland Channel to add an additional two buildings.

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

Agency Comments

County Engineer	No comments were received prior to publishing the staff report.
Water Resource District	The Maple River Water Resource District will be working with Grand Farm to finalize an easement that will supersede the existing easement. This easement will be noted on the final plat.
Cass County Electric Cooperative	Asking to include a 10' utility easement to the plat
Century Link	No comments were received prior to publishing the staff report.
Sprint	Cogent (Legacy Sprint) does not have long distance fiber optic cable in the immediate vicinity of your proposed project.

AT&T	No comments were received prior to publishing the staff report.
Xcel Energy	No comments were received prior to publishing the staff report.
Otter Tail Power Company	No comments were received prior to publishing the staff report.
Magellan Pipeline Company	No comments were received prior to publishing the staff report.
NuStar Energy	No comments were received prior to publishing the staff report.
Cass Rural Water	The applicant has applied to Cass Rural Water District for water service at this site. We are working through the details with them.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	Health has no problem with this proposal.
Township Chairman	No comments were received prior to publishing the staff report.
The City of Fargo	No comments were received prior to publishing the staff report.
The City of West Fargo	No comments were received prior to publishing the staff report.
Public Comment	No comments were received prior to publishing the staff report.

Staff Analysis

Land Use and Surrounding Uses

The subject property is bound by agricultural production land on the west and south. Northern part of the parcel is bound by I94 right of way and Township road 153rd Ave SE borders the east of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently unmapped and not a 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 staff and recommend **approval** to the County Commission of the subdivision application as the proposal **meets** the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance and all other applicable regulations, with the following conditions:

1. A deed restriction be recorded that meets the requirements of Section 5.04(g) of the Cass County Subdivision Ordinance.

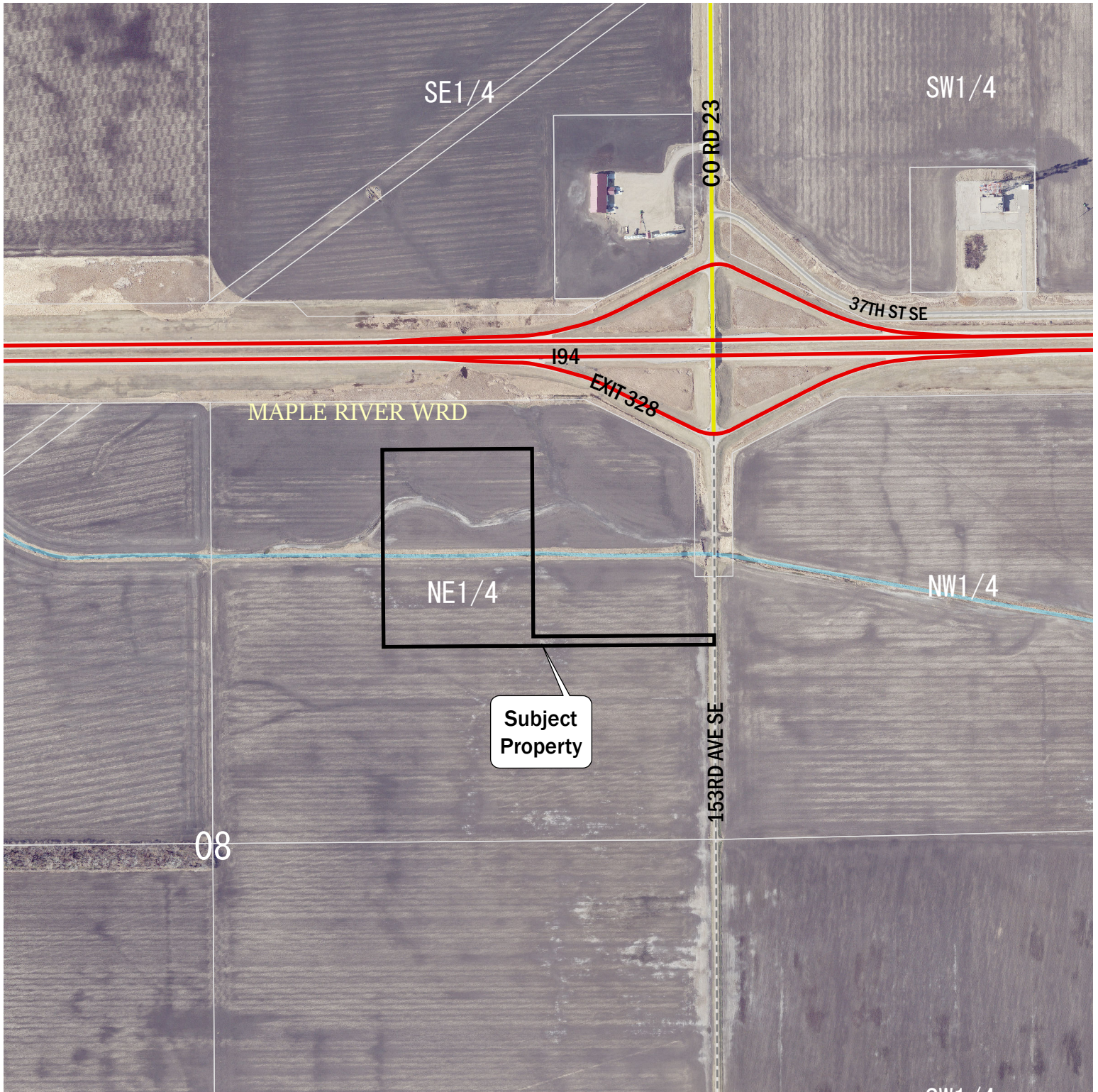
Attachments

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

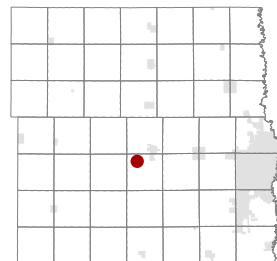
Minor Subdivision

Grand Farms Subdivision

Section 8, Everest Township
Township 139 North - Range 52 West



Cass County Planning Commission
May 25, 2023

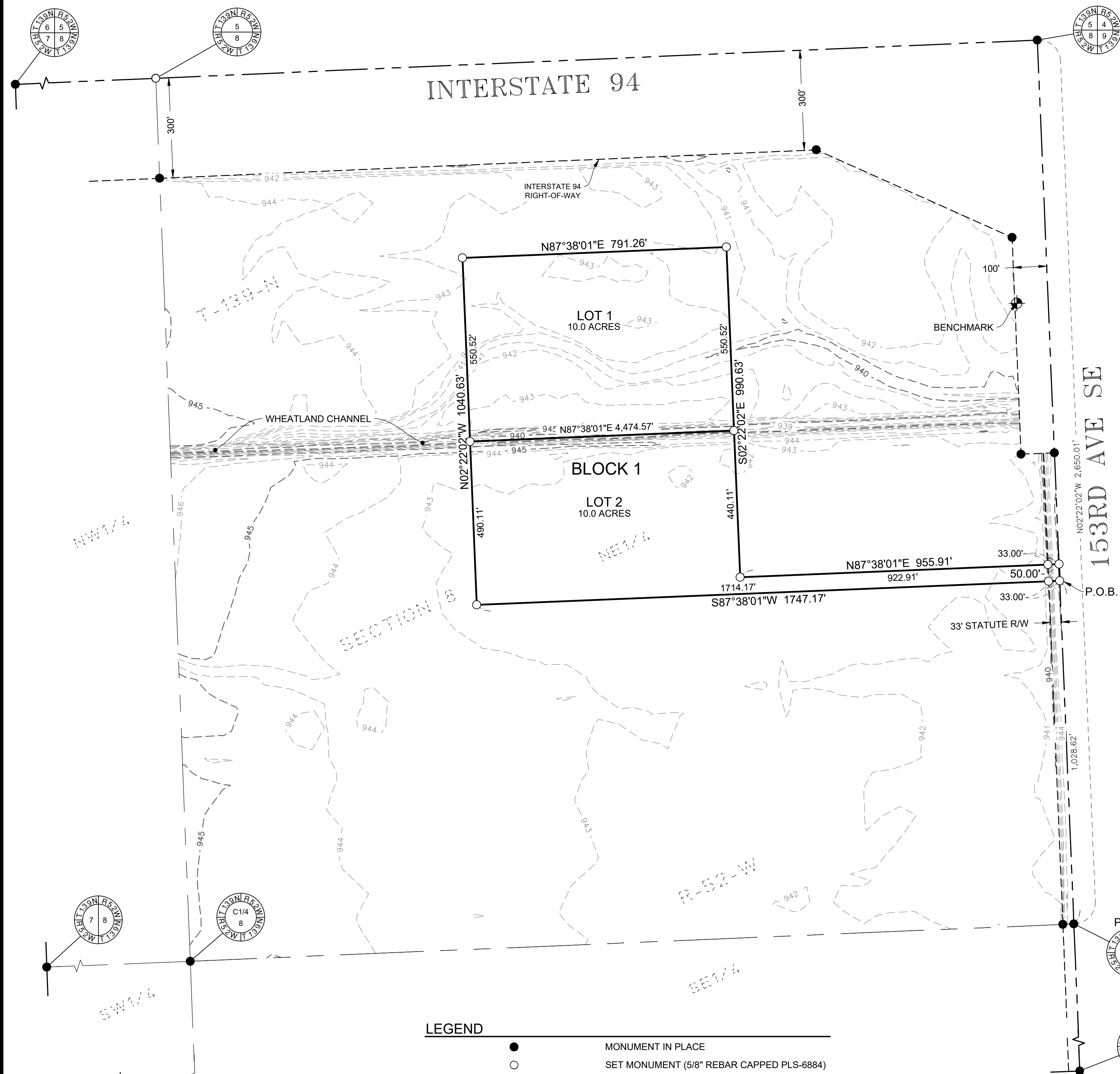


Imagery: spring 2021
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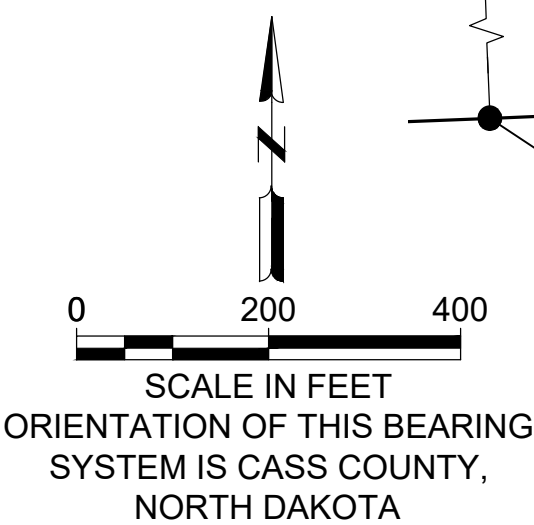


GRAND FARMS SUBDIVISION

BEING A PLAT OF PART OF NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 139 NORTH,
RANGE 52 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA
(A MINOR SUBDIVISION)



LEGEND	
●	MONUMENT IN PLACE
○	SET MONUMENT (5/8" REBAR CAPPED PLS-6884)
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
---	SECTION LINE
---	QUATER LINE
---	RIGHT OF WAY LINE
---	NEW LOT LINE
---	PLAT BOUNDARY
---	MAJOR CONTOUR
---	MINOR CONTOUR



OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, That Grand Farm Research and Education Initiative, Inc. is the owner of a parcel of land located in that part of Northeast Quarter of Section 8, Township 139 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, being more particularly described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence North 02 degrees 22 minutes 02 seconds West, an assumed bearing on the east line of said Northeast Quarter, 1,028.62 feet to the point of beginning; thence South 87 degrees 38 minutes 01 second West, 1,747.17 feet; thence North 02 degrees 22 minutes 02 seconds West, parallel with said east line, 1,040.63 feet; thence North 87 degrees 38 minutes 01 second East, 791.26 feet; thence South 02 degrees 22 minutes 02 seconds East, parallel with said east line, 990.63 feet; thence North 87 degrees 38 minutes 01 second East, 955.91 feet to said east line; thence South 02 degrees 22 minutes 02 seconds East, on said east line, 50.00 feet to the point of beginning.

Containing 20.0 acres, more or less.

Said owners of the above described property, have caused the same to be surveyed and platted as "GRAND FARMS SUBDIVISION" to the County of Cass, State of North Dakota.

OWNER:

Grand Farm Research and Education Initiative, Inc.

Brian Carroll, Director

State of North Dakota)
County of Cass)SS

On this ____ day of _____, 20____, appeared before me, Brian Carroll, Director, Grand Farm Research and Education Initiative, Inc., known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public

CLAIM OF INTEREST:

Wheatland Channel Easement (document number 361829)

Maple River Water Resource District

Roger Olson, Chairman

State of North Dakota)
County of Cass)SS

On this ____ day of _____, 20____, appeared before me, Roger Olson, Chairman, Maple River Water Resource District, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that they executed the same as their own free act and deed.

Notary Public

CASS COUNTY ENGINEER

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

Jason Benson, Cass County Engineer

NOTES

- M 498 RESET, NGS BENCHMARK DISK LOCATED IN CONCRETE POST AT THE SOUTHWEST CORNER OF HIGHWAY R/W, 95' WEST OF CENTERLINE OF 153RD AVE SE AND 742' SOUTH OF THE CENTERLINE MEDIAN OF INTERSTATE 94. ELEVATION = 942.30 (NAVD 88)
- GROUND DISTANCES ARE SHOWN AND ARE IN TERMS OF INTERNATIONAL FOOT.
- CONTOURS SHOWN ARE FROM SURVEY CONDUCTED BY MEAD & HUNT 06/09/2022. CONTOUR INTERVALS SHOWN ARE 1'.

EVEREST TOWNSHIP

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

Caryn Weber, Supervisor/Chairman

Attest:
Brian Otteson, Clerk

CASS COUNTY PLANNING COMMISSION

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

Ken Lougheed, Chair

Attest:
Secretary

CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL

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

Chad Peterson, Chair

Attest:
Brandy Madriga
Cass County Finance Director

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT

I, Jason Ness, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify that this plat is a true and correct representation of the survey of said subdivision; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 20____.

Jason Ness, PLS
Professional Land Surveyor
Registration No. LS-6884

State of North Dakota)
County of Cass)SS

On this ____ day of _____, 20____, appeared before me, Jason Ness, known to me to be the person whose name is subscribed to the above certificate and did acknowledge to me that he executed the same as his own free act and deed.

Notary Public

Mead & Hunt
Phone: 701-566-6450
meadhunt.com

PRELIMINARY

PROJECT NO.
4666547-230375.01
SHEET 1 OF 1

DEED RESTRICTION

Pursuant to Section 5.04 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this 26th day of April, 2023, by

GRAND FARM RESEARCH AND EDUCATION INITIATIVE, INC. (“Owner”).

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 5.04 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 5.04 (g) of the Cass County Subdivision Ordinance and any amendment thereto:

1. 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;

2. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
3. Any further subdivision of the restricted parcel **will** conform to full urban design standards and the strictest requirements outlined within Section 6.05 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, streetlights, 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 5.04 (e) of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 5.04 (g) 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 North Dakota law shall apply. (NDCC 11-33.2-15)

4. **LEGAL DESCRIPTION OF THE RESTRICTED PARCEL**

The Northeast Quarter of Section 8, Township 139 North of Range 52 West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota, EXCEPTING THEREFROM, the previously conveyed parcel for Interstate Highway purposes as described in document number 338263, now known as:

Grand Farms Subdivision to the County of Cass, State of North Dakota

