



Planning Department

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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: June 24, 2024

SUBJECT: Consent Agenda Topic for the July 1, 2024 Commission Meeting: Johnson Land Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Tower Township, Section 22 at a Public Hearing on June 27, 2024. The intended purpose of the subdivision is to plat three lots for sale.

The Planning Commission is recommending approval of the proposed plat entitlement request and Tower Township has verified meets all applicable zoning and flood plain regulations. 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 on the condition that access to the existing property is modified to comply with the Cass County Highway Access Ordinance, 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 (3 Lots) of a part of the SW ¼ of Section 22, Township 140 North, Range 55 West		
Title:	Johnson Land Subdivision	Date:	06/27/24
Location:	SW ¼ of Section 22, Township 140 North, Range 55 West (Tower Township)	Staff Contact:	Cole Hansen
Parcel Number:	65-0000-12087-010, 65-0000-12087-020	Water District:	Maple River Water District
Owner(s)/Applicant:	Steven D. Johnson	Engineer/Surveyor:	KLJ Engineering
Status:	Planning Commission Hearing: June 27, 2024 County Commission Hearing: July 1, 2024		

Existing Land Use	Proposed Land Use
Residential/Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Johnson Land Subdivision** to plat a three (3) Lot subdivision of approximately 49.5 acres. According to the applicant, the subdivision is requested to plat lots for sale.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 10 for road access, ditches for storm sewer conveyance, rural water. The property currently does have an on-site septic system for wastewater treatment.

Agency Comments	
County Engineer	No comments were received prior to publishing the staff report.
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/T-Mobile/Congent	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 issue with 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 north, west, south, and east sides of the lot. County Road 10 borders the south of the property.

Floodzone

According to the FEMA Flood Map Service Center, this property is currently unmapped and no 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.

Attachments

1. Location Map
2. Plat Document

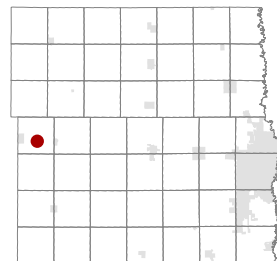
Minor Subdivision

Johnson Subdivision

Section 22, Tower Township
Township 140 North - Range 55 West



Cass County Planning Commission
June 27, 2024



Imagery: spring 2021
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.

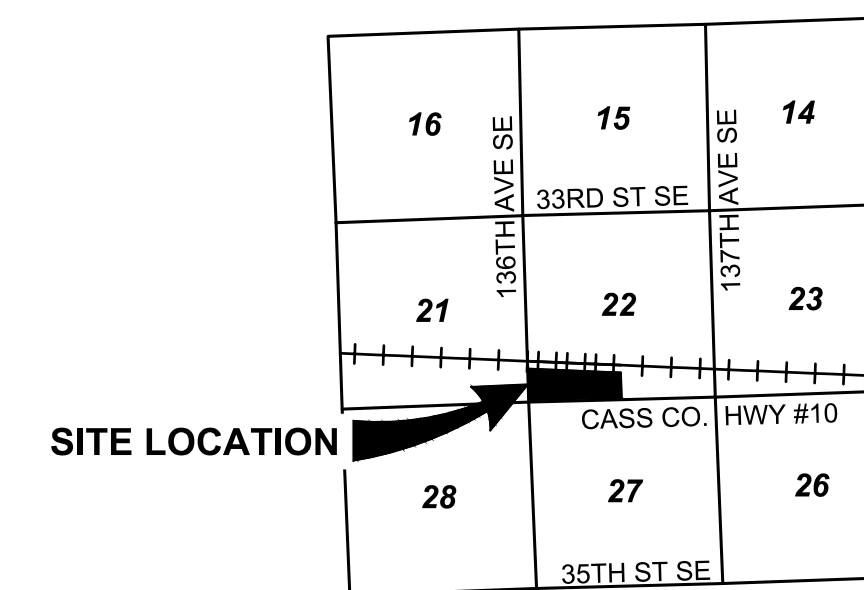


JOHNSON LAND SUBDIVISION

(A MINOR SUBDIVISION)

IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 22, TOWNSHIP 140 NORTH, RANGE 55 WEST,
FIFTH PRINCIPAL MERIDIAN, TOWER TOWNSHIP, CASS COUNTY, NORTH DAKOTA

LOCATION MAP T140N R55W



Not to Scale

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

ENGINEER:
KLJ
1010 4TH AVE SW
VALLEY CITY, ND 58072

CLIENT:
STEVE JOHNSON
3137 32ND AVE. S., STE. 211
FARGO, ND 58103

NOTE:
SURVEY IS BASED ON NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAVD 83 (2011), SOUTH ZONE, INTERNATIONAL FEET, 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.

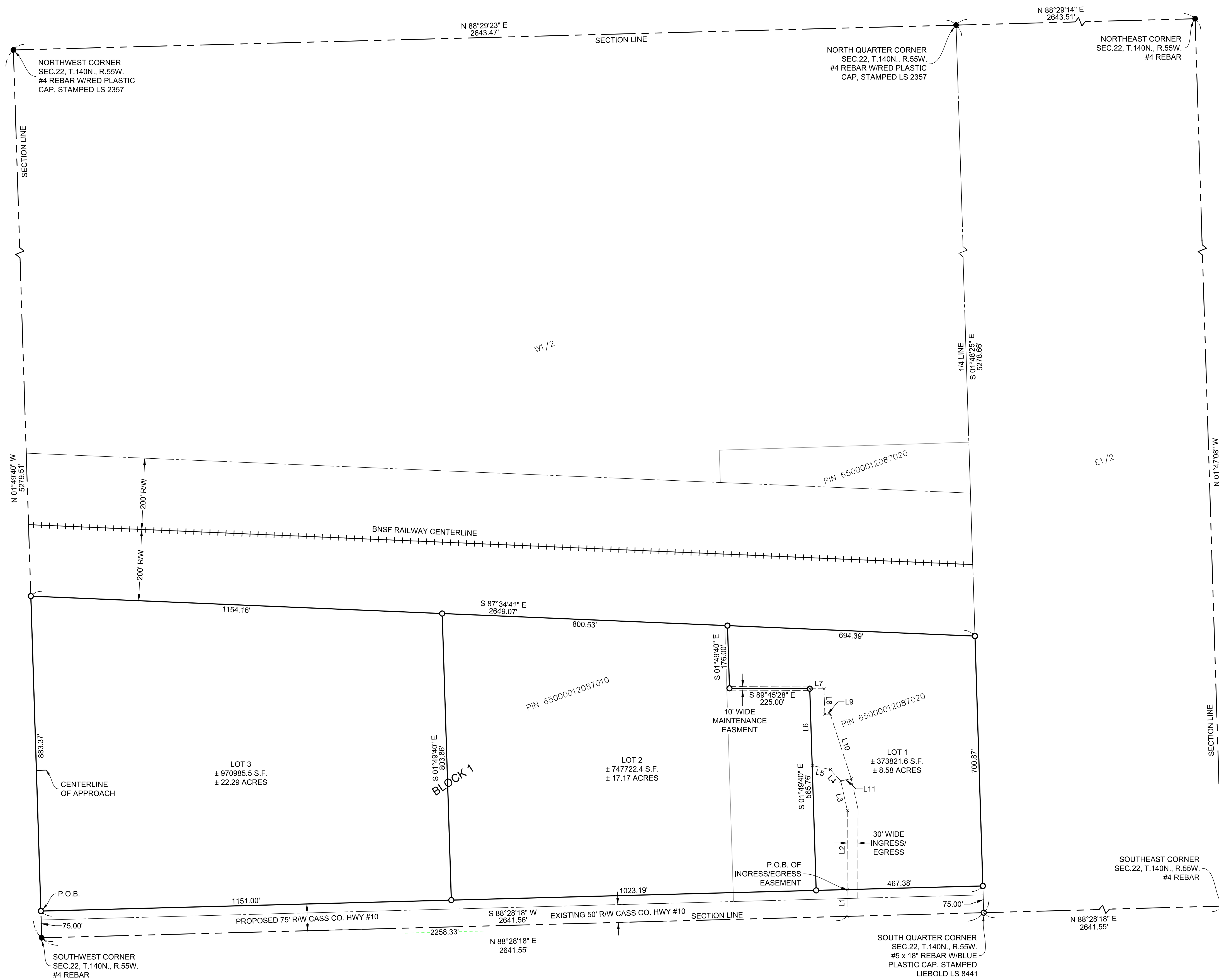
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.

LEGEND

- SET 5/8" REBAR W/BCP LS 8841
- FOUND MONUMENT AS DESCRIBED

EASEMENT LINE DATA

SEGMENT	BEARING	LENGTH
L1	N 0°08'01" E	75.03
L2	N 0°08'01" E	222.21
L3	N 12°32'11" W	84.22
L4	N 42°21'56" W	43.38
L5	N 77°27'59" W	52.09
L6	N 1°49'40" W	215.50
L7	S 89°45'28" E	40.03
L8	S 1°49'40" E	71.05
L9	S 89°45'28" E	15.20
L10	S 17°58'57" E	190.28
L11	S 77°27'49" W	30.00



SCALE: 1" = 40' FEET

PLAT BOOK: (A MINOR SUBDIVISION)
STEVE JOHNSON
3137 32ND AVE. S., STE. 211, FARGO, ND 58103

DATE: 04/24/2024

PROJECT: SOUTHWEST QUARTER OF SEC 22, T.140N., R.55W., 5TH P.M., CASS COUNTY, NORTH DAKOTA

DATE: 04/24/2024

SCALE: 1" = 40' FEET

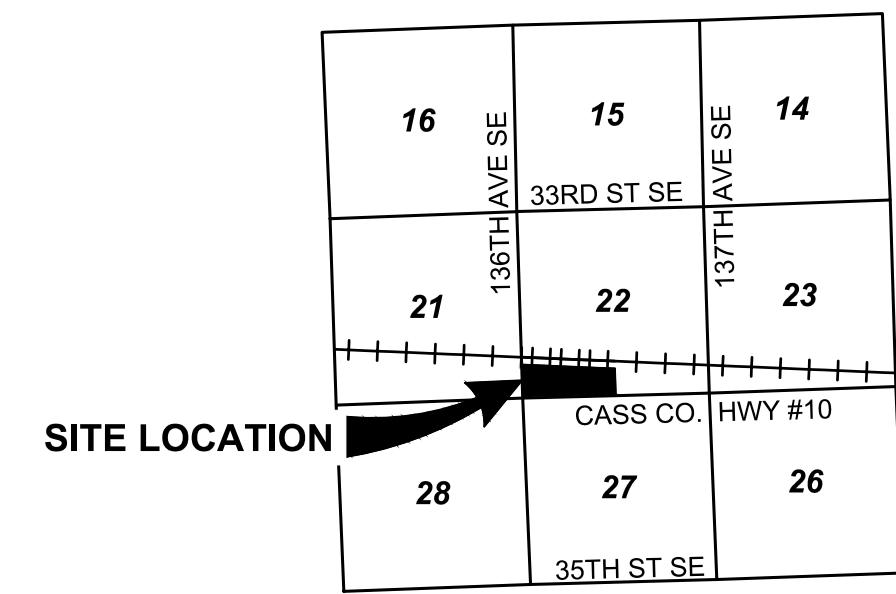
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JOHNSON LAND SUBDIVISION

(A MINOR SUBDIVISION)

IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 22, TOWNSHIP 140 NORTH, RANGE 55 WEST,
FIFTH PRINCIPAL MERIDIAN, TOWER TOWNSHIP, CASS COUNTY, NORTH DAKOTA

LOCATION MAP T140N R55W



Not to Scale

CERTIFICATE

I, FELIX LIEBOLD, BEING DULY SWORN DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "JOHNSON LAND SUBDIVISION" TO THE COUNTY OF CASS, A PLAT PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 140 NORTH, RANGE 55 WEST, OF THE 5TH PRINCIPAL MERIDIAN, TOWER TOWNSHIP, 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 GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS, TO WIT:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER (SW1/4), SECTION 22, TOWNSHIP 140 NORTH, RANGE 55 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TOWER TOWNSHIP, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE N01°49'40"W ALONG THE WEST BOUNDARY OF SAID SOUTHWEST QUARTER A DISTANCE OF 75.00 FEET TO THE PROPOSED NORTHERLY RIGHT OF WAY OF CASS COUNTY HIGHWAY 10, THE POINT OF BEGINNING; THENCE CONTINUING N01°49'40"W ALONG SAID WEST BOUNDARY A DISTANCE OF 883.37 FEET TO THE SOUTHERLY RIGHT OF WAY OF BNSF RAILWAY; THENCE S87°34'41"E ALONG SAID SOUTHERLY RIGHT OF WAY A DISTANCE OF 2649.07 FEET TO THE EAST BOUNDARY OF SAID SOUTHWEST QUARTER; THENCE S01°48'25"E ALONG SAID EAST BOUNDARY A DISTANCE OF 700.87 FEET TO SAID PROPOSED NORTHERLY RIGHT OF WAY OF CASS COUNTY HIGHWAY 10; THENCE S88°28'18"W ALONG SAID PROPOSED RIGHT OF WAY A DISTANCE OF 2641.57 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 48.04 ACRES (2092529.5 S.F.) AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

INGRESS/EGRESS EASEMENT:

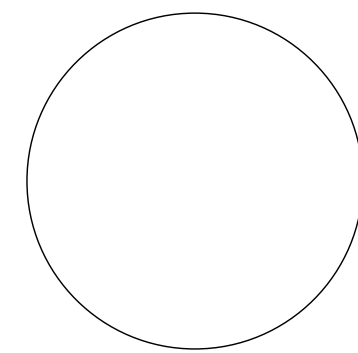
A 30.00-FOOT-WIDE INGRESS/EGRESS EASEMENT OVER, UNDER AND ACROSS THE SOUTHWEST QUARTER, SECTION 22, TOWNSHIP 140 NORTH, RANGE 55 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TOWER TOWNSHIP, CASS COUNTY, NORTH DAKOTA, FOR A TRACT OF LAND CONTAINING 17.17 ACRES, MORE OR LESS. THE WESTERLY AND EASTERLY LINE OF SAID EASEMENT ARE PARALLEL, THE WESTERLY LINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE N88°28'18"E ALONG THE SOUTH BOUNDARY OF SAID SOUTHWEST QUARTER A DISTANCE OF 2258.33 FEET; THENCE N00°08'01"E A DISTANCE OF 75.03 FEET TO THE PROPOSED NORTHERLY RIGHT OF WAY OF CASS COUNTY HIGHWAY 10, THE BEGINNING OF SAID WESTERLY LINE OF 30-FOOT-WIDE INGRESS/EGRESS EASEMENT; THENCE CONTINUING N00°08'01"E A DISTANCE OF 222.21 FEET; THENCE N12°32'11"W A DISTANCE OF 84.22 FEET, AND SAID WESTERLY LINE OF 30-FOOT-WIDE INGRESS/EGRESS EASEMENT THERE TERMINATING.

TOGETHER WITH AN INGRESS/EGRESS EASEMENT OVER, UNDER AND ACROSS SAID SOUTHWEST QUARTER, SECTION 22, TOWNSHIP 140 NORTH, RANGE 55 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TOWER TOWNSHIP, CASS COUNTY, NORTH DAKOTA, FOR A TRACT OF LAND CONTAINING 17.17 ACRES, MORE OR LESS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FROM THE TERMINUS OF ABOVE DESCRIBED WESTERLY LINE OF SAID 30-FOOT-WIDE INGRESS/EGRESS EASEMENT; THENCE N42°21'56"W A DISTANCE OF 43.38 FEET; THENCE N77°27'59"W A DISTANCE OF 62.09 FEET; THENCE N01°49'40"W A DISTANCE OF 215.50 FEET; THENCE S89°45'28"E A DISTANCE OF 40.03 FEET; THENCE S01°49'40"E A DISTANCE OF 71.05 FEET; THENCE S89°45'28"E A DISTANCE OF 15.20 FEET; THENCE S17°58'57"E A DISTANCE OF 190.28 FEET, TO THE TERMINUS OF THE EASTERLY LINE OF SAID 30-FOOT-WIDE INGRESS/EGRESS EASEMENT; THENCE S77°27'49"W A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

FELIX LIEBOLD
REGISTERED LAND SURVEYOR
REG. NO. 8441



STATE OF NORTH DAKOTA)
)SS
COUNTY OF BARNES)

ON THIS ____ DAY OF _____, 2024, BEFORE M, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC

DEDICATION

WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "JOHNSON LAND SUBDIVISION" TO THE COUNTY OF CASS, A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 140 NORTH, RANGE 55 WEST, OF THE 5TH PRINCIPAL MERIDIAN, TOWER TOWNSHIP, 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.

STEVE JOHNSON
OWNER

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC

CASS COUNTY ENGINEER:

REVIEWED BY THE CASS COUNTY ENGINEER, ON THIS ____ DAY OF _____, 2024.

TOM SOUCY, CASS COUNTY ENGINEER

TOWER TOWNSHIP:

REVIEWED BY TOWER TOWNSHIP, CASS COUNTY, NORTH DAKOTA, ON THIS ____ DAY OF _____, 2024.

, CHAIRMAN

ATTEST; _____
CLERK

CASS COUNTY PLANNING COMMISSION:

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION, ON THIS ____ DAY OF _____, 2024.

KEN LOUGHEED, CHAIRMAN

ATTEST; _____
SECRETARY

CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, ON THIS ____ DAY OF _____, 2024.

CHAD PETERSON, CHAIRMAN

ATTEST; _____
BRANDY MADRIGGA, CASS COUNTY FINANCE DIRECTOR

FLOOD PLAIN STATEMENT:

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

ENGINEER:

KLJ
1010 4TH AVE SW
VALLEY CITY, ND 58072

CLIENT:

STEVE JOHNSON
3137 32ND AVE. S., STE. 211
FARGO, ND 58103

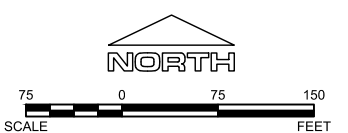
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(A MINOR SUBDIVISION) STEVE JOHNSON 3137 32ND AVE. S., STE. 211, FARGO, ND 58103		SHEET NO. 2-2
SOUTHWEST QUARTER OF SEC 22, T140N, R55W, 5TH P.M. CASS COUNTY NORTH DAKOTA		
DATE 04/24/2024	TIME 10:00 AM	DRAWN BY KLJ