



## Planning Department

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### MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: June 24, 2024

SUBJECT: Regular Agenda Topic for the July 1, 2024 Commission Meeting: Fargo Township Informational

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Approximately one month ago it was brought to the attention of the Cass County Highway Department that a resident who resides on 48 Ave N, a public road that lies outside of the incorporated boundaries of the City of Fargo, is attempting to find out which entity has jurisdiction over the road due to its deteriorating condition. The lack of maintenance has resulted in garbage service to the property being suspended. Both the City of Fargo and Reed Township have correctly informed the resident that the road is not theirs. This road lies in what remains of Fargo Township, Township 140, Range 48. The purpose of this item is to inform the commission of this situation and the path forward.

The first option, and the one most preferred by county staff is for the remnants of Fargo Township consolidated into Reed Township. This will result in Reed Township taking over responsibility for the maintenance of the road as well as receiving the money left over in Fargo Township's accounts. This is the preferred option due to its ease and creating a very clear delineation of jurisdictions. However, this option does require Fargo Township to have a Board of Supervisors. State law would allow the commission to appoint someone as the Fargo Township Board Chairman. This option also requires the full cooperation of Reed Township.

The second option is to dissolve Fargo Township. This is a process that can be handled entirely at the county level with no need for the involvement of any

township officials, provided the county can confirm there are less than 5 people living within the boundary of the township. This option is potentially the quickest but leaves the county with maintenance responsibilities for the road in question, creating some difficulties in getting equipment to the area as Cass 31 is the closest County Highway. In addition, all money remaining in Fargo Township's accounts would be transferred to the county general fund with the exception of any property taxes that may be contained within the account which would be distributed to the property owners of the township.

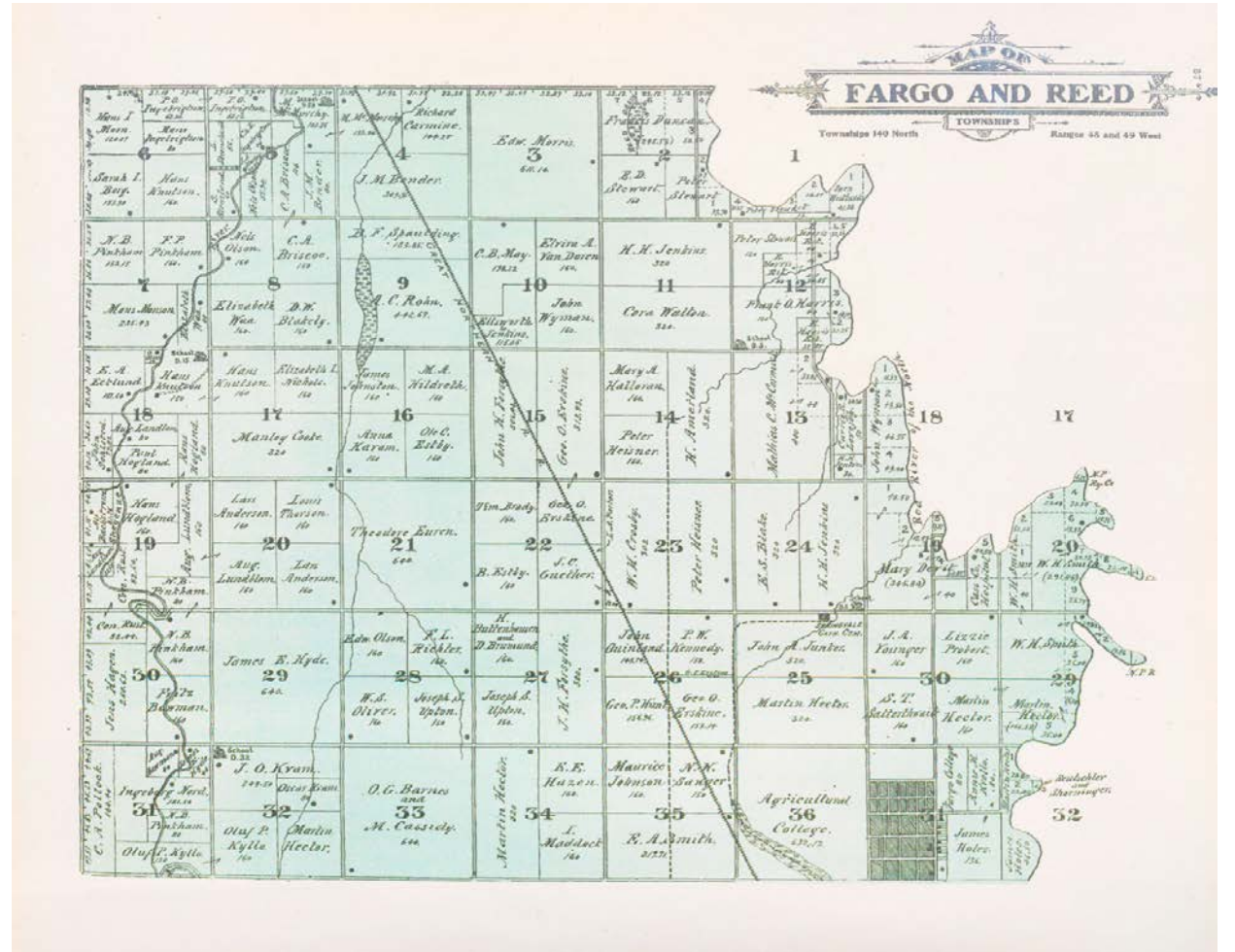
We are currently moving forward in getting discussions started with relevant county departments as well as Reed Township to have a solution to this issue as soon as possible.

**SUGGESTED MOTION:**

This is an informational item.

# Fargo Township - History

- Township 140, Range 48
- Had a Chairman until he passed in 2014
- Currently exists, just without a board
- Map at right is from 1906 Atlas



# Fargo Township - Situation

- 48<sup>th</sup> Ave N is a platted public street
  - Fargo Township has responsibility of the road
- Road has fallen into disrepair, garbage service to house has been suspended
- With no entity to maintain road, maintenance cannot take place



# Fargo Township – Path Forward

- 2 options to move forward:
  - Consolidation
    - Combine a township or portion of a township with another township
  - Dissolution
    - County Commission dissolves the township

# Fargo Township - Consolidation

- Covered in NDCC, 58-02-14
- Would require Reed Township cooperation as only candidate that Fargo Township can be consolidated with
- Funds Fargo Township has on hand can be directly transferred to Reed Township
- County Staff preferred option

# Fargo Township - Dissolution

- Covered in NDCC, 58-02-25
- Can be done by the County Commission
- Any funds on hand, minus any property taxes, are placed in the county general fund
- County becomes responsible authority for road maintenance
- Backup option, not county staff first choice