



Planning Department

Telephone: 701-298-2375

Fax: 701-298-2395

planning@casscountynd.gov

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: July 29, 2024

SUBJECT: Consent Agenda Topic for the August 5, 2024 Commission Meeting:
Chantelle Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Kinyon Township, Section 21 at a Public Hearing on May 23, 2024. The intended purpose of the subdivision is to separate an existing farmstead from farmland.

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 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 (1 Lot) of a part of the SW ¼ of Section 21, Township 143 North, Range 50 West		
Title:	Chantelle Subdivision	Date:	05/23/24
Location:	SW ¼ of Section 21, Township 143 North, Range 50 West (Kinyon Township)	Staff Contact:	Cole Hansen
Parcel Number:	49-0000-07893-000	Water District:	Northern Cass Water District
Owner(s)/Applicant:	Allen R. Woitzel	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: May 23, 2024 County Commission Hearing: August 5, 2024		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Chantelle Subdivision** to plat a one (1) Lot subdivision of approximately 5.75 acres. According to the applicant, the subdivision is requested to break out the farmstead from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 16th St SE 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. 16th St SE 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

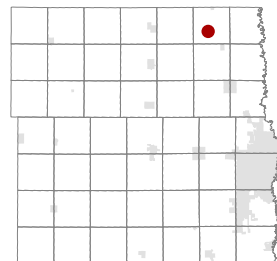
Minor Subdivision

Chantelle Subdivision

Section 21, Kinyon Township
Township 143 North - Range 50 West



Cass County Planning Commission
May 23, 2024

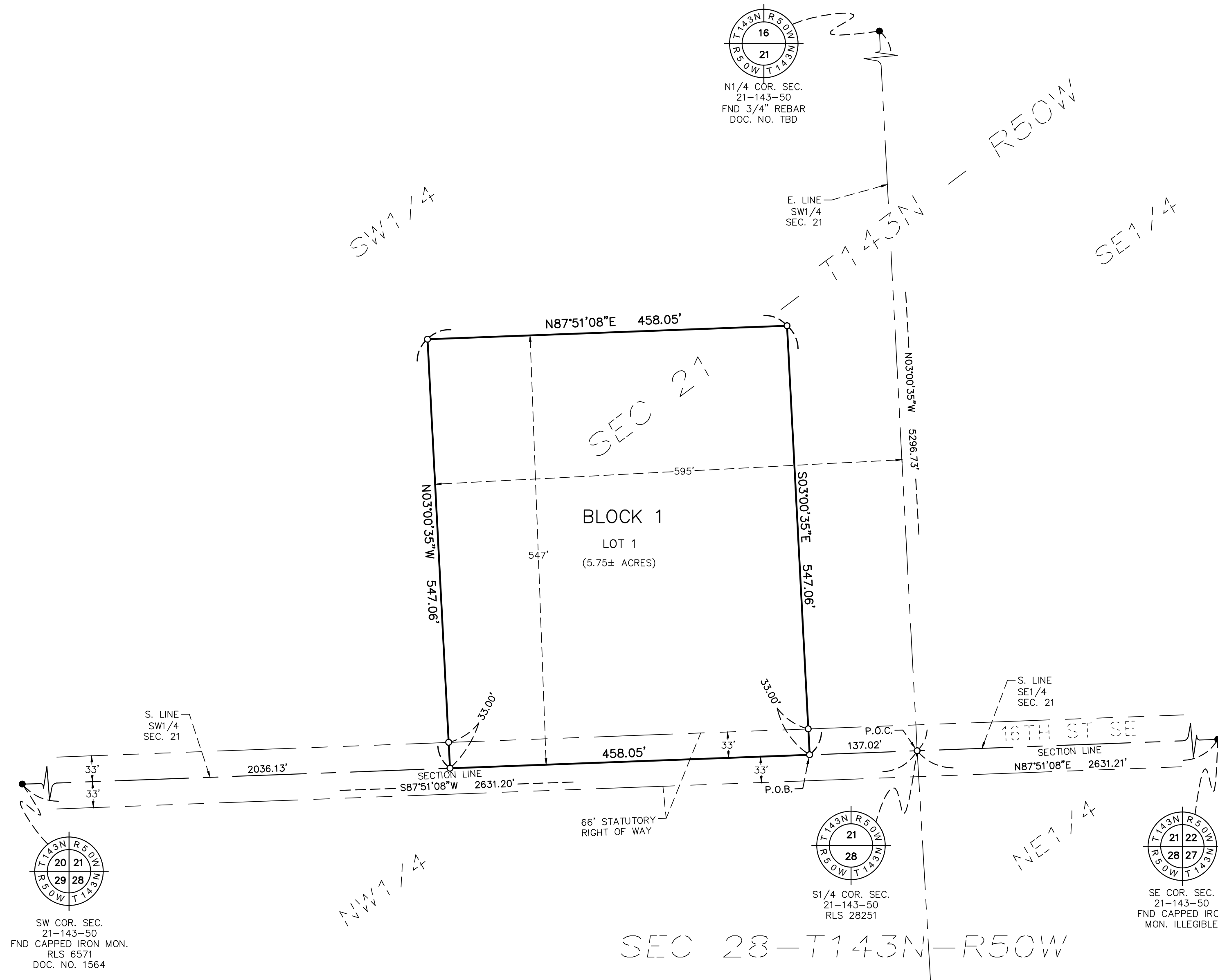


Imagery: spring 2021
Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



A MINOR SUBDIVISION PLAT OF CHANTELLE SUBDIVISION

A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 143 NORTH,
RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

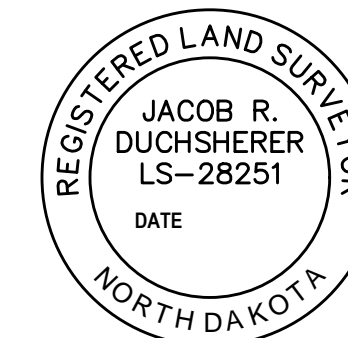
JACOB R. DUCHSHERER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "CHANTELLE SUBDIVISION" A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 143 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH 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 SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 87 DEGREES 51 MINUTES 08 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 137.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 87 DEGREES 51 MINUTES 08 SECONDS WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 458.05 FEET; THENCE NORTH 03 DEGREES 00 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 547.06 FEET; THENCE NORTH 87 DEGREES 51 MINUTES 08 SECONDS EAST PARALLEL WITH SAID SOUTH LINE FOR A DISTANCE OF 458.05 FEET; THENCE SOUTH 03 DEGREES 00 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 547.06 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 5.75 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

PRELIMINARY

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



STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, 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 "CHANTELLE SUBDIVISION", A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 21, 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: CHANTELLE J. WOITZEL

CHANTELLE J. WOITZEL

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHANTELLE J. WOITZEL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

OWNER: ALLEN R. WOITZEL, LIFE ESTATE

ALLEN R. WOITZEL

STATE OF NORTH DAKOTA)
COUNTY OF CASS)

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NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

KINYON TOWNSHIP REVIEW

REVIEWED BY KINYON TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2024.

SIGNED: _____

ATTEST: _____

COUNTY ENGINEER REVIEW

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

SIGNED: TOM SOUCY, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

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

SIGNED: KEN LOUGHEED, CHAIR

ATTEST: SECRETARY

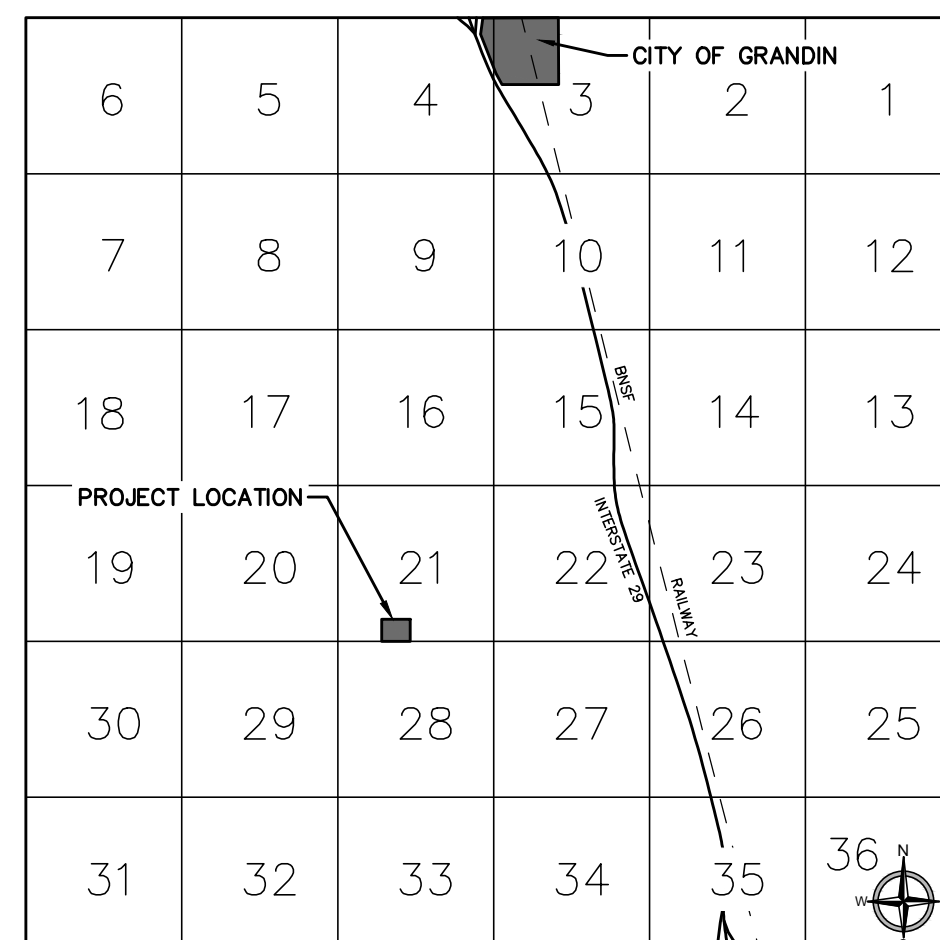
CASS COUNTY COMMISSION APPROVAL

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

SIGNED: CHAD PETERSON, CHAIR

ATTEST: BRANDY MADDRIGA, FINANCE DIRECTOR

VICINITY MAP
KINYON TOWNSHIP
NOT TO SCALE

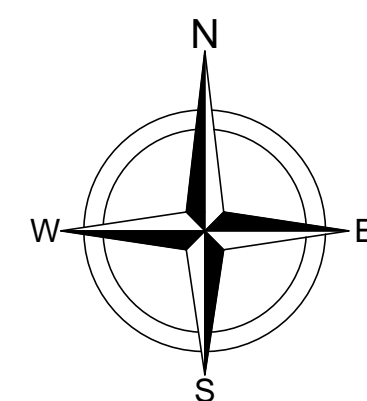


LEGEND

- 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

NOTES

1. TOTAL PLATTED AREA: 5.75± ACRES



0 100
Scale in Feet

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 21 HAS AN ASSUMED BEARING OF S87°51'08"W

A MINOR SUBDIVISION PLAT OF CHANTELLE SUBDIVISION

A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 143 NORTH,
RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

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PRELIMINARY

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REGISTERED LAND SURVEYOR
REG. NO. LS-28251

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NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

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SIGNED: _____

ATTEST: _____

COUNTY ENGINEER REVIEW

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

SIGNED: TOM SOUCY, CASS COUNTY ENGINEER

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SIGNED: KEN LOUGHEED, CHAIR

ATTEST: SECRETARY

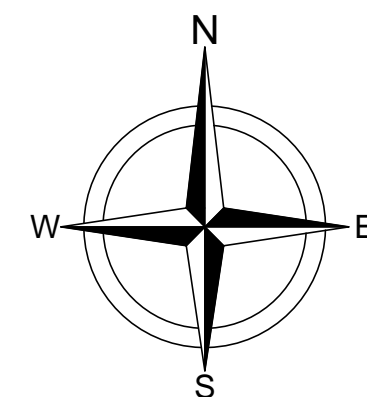
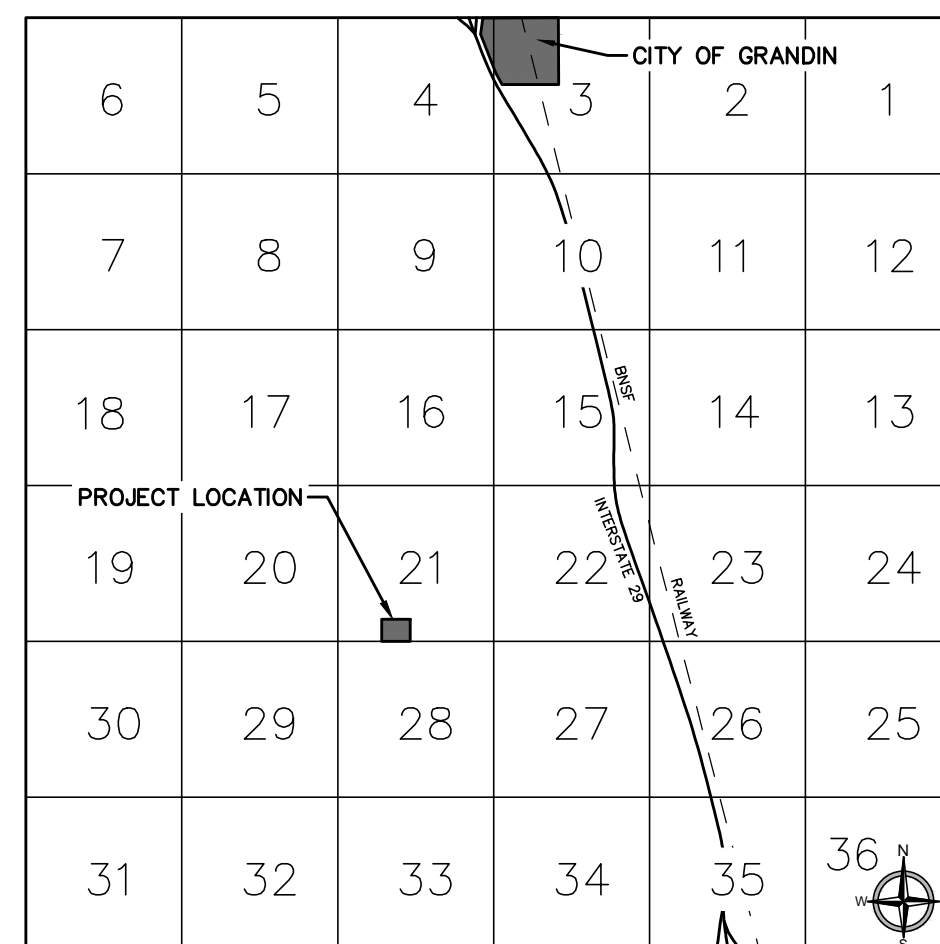
CASS COUNTY COMMISSION APPROVAL

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

SIGNED: CHAD PETERSON, CHAIR

ATTEST: BRANDY MADDRIGA, FINANCE DIRECTOR

VICINITY MAP
KINYON TOWNSHIP
NOT TO SCALE



0 100
Scale in Feet

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 21 HAS AN ASSUMED BEARING OF S87°51'08\"/>

LEGEND

- IRON MONUMENT FOUND
- SET 5/8\"/>

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

NOTES

1. TOTAL PLATTED AREA: 5.75± ACRES



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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: July 29, 2024

SUBJECT: Consent Agenda Topic for the August 5, 2024 Commission Meeting:
Steinbergerville 2.0 Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Gardner Township, Section 14 at a Public Hearing on June 27, 2024. The intended purpose of the subdivision is to plat a lot for a future grain bin site.

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 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 (1 Lot) of a part of the SE ¼ of Section 14, Township 142 North, Range 50 West		
Title:	Steinbergerville 2.0 Subdivision	Date:	06/27/24
Location:	SE ¼ of Section 14, Township 142 North, Range 50 West (Gardner Township)	Staff Contact:	Cole Hansen
Parcel Number:	40-0000-05460-050	Water District:	Northern Cass Water District
Owner(s)/Applicant:	Andrew and Lisa Steinberger	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: June 27, 2024 County Commission Hearing: August 5, 2024		

Existing Land Use	Proposed Land Use
Agricultural	Agricultural
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Steinbergerville 2.0 Subdivision** to plat a one (1) Lot subdivision of approximately 7 acres. According to the applicant, the subdivision is requested to plat a lot for a future grain storage site.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 34 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 comments were received prior to publishing the staff report.
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.
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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 south sides of the lot with residential/agricultural land bordering the east side of the lot. County Road 34 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

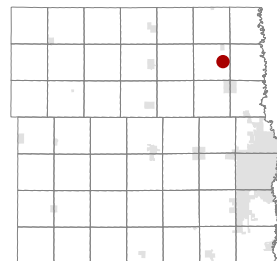
Minor Subdivision

Steinbergerville 2.0 Subdivision

Section 14, Gardner Township
Township 142 North - Range 50 West



Cass County Planning Commission
June 27, 2024

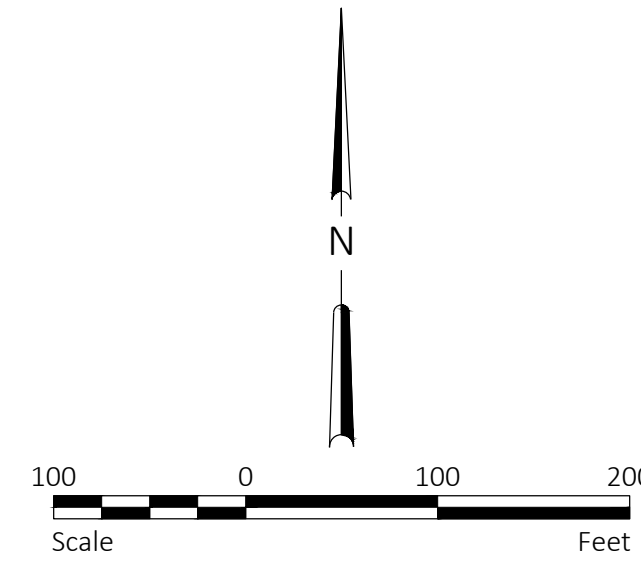
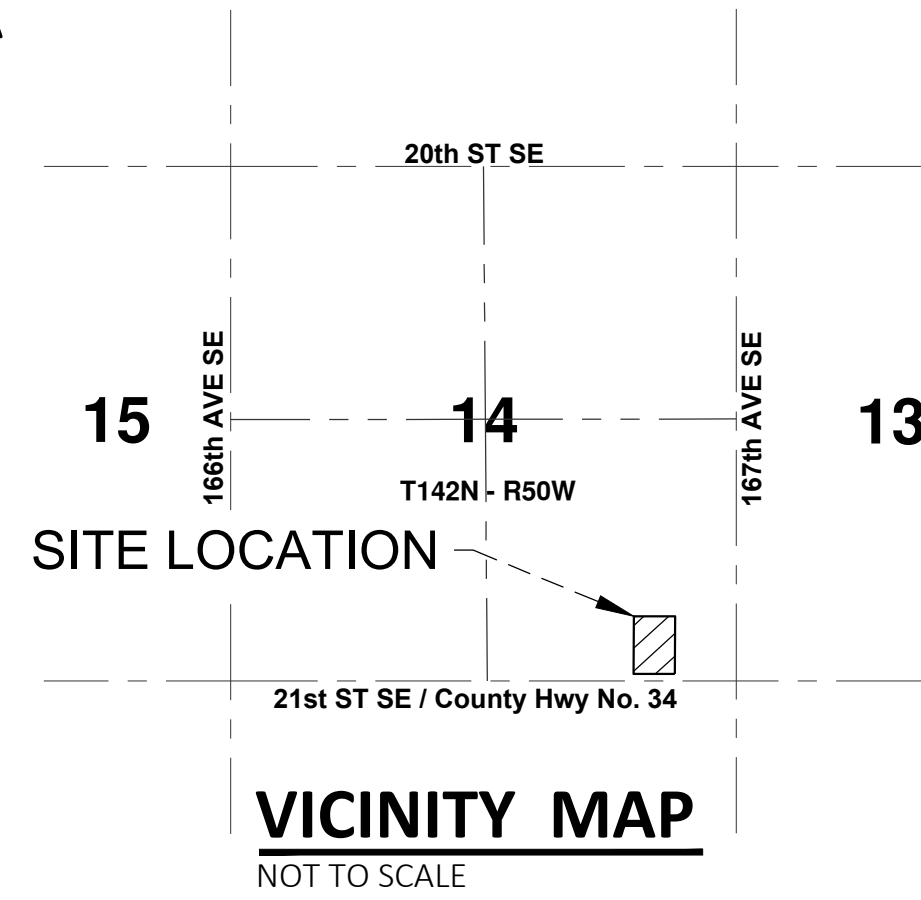


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STEINBERGERVILLE 2.0 SUBDIVISION

BEING A PLAT OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 14, T142N, R50W, 5th P.M. CASS COUNTY, NORTH DAKOTA



LEGEND

- IRON MONUMENT FOUND
 - 1/2" I.D. IRON PIPE SET
 - MEASURED BEARING N00°00'00"E
 - MEASURED DISTANCE 100.00'
 - PLAT BOUNDARY
 - SECTION LINE
 - EXISTING RIGHT-OF-WAY LINE R/W
- BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE
- MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE COMBINATION FACTOR OF 1.0001125127 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.

Owners' Certificate and Dedication:

Know all persons by these presents: That Andy Steinberger and Lisa Steinberger are the owners and proprietors of that part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 142 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Section 14; thence South 87°30'14" West, along the southerly line of the Southeast Quarter of said Section 14, for a distance of 655.00 feet to the southwest corner of Steinbergerville Subdivision, said plat being on file at the Cass County Recorder's Office; thence North 02°07'02" West, along the westerly line of said Steinbergerville Subdivision, for a distance of 65.00 feet to a point of intersection with the northerly line of the South 65.00 feet of said Southeast Quarter, and the true point of beginning; thence continue North 02°07'02" West, along the westerly line of said Steinbergerville Subdivision, for a distance of 625.83 feet; thence South 87°30'14" West, parallel with the southerly line of said Southeast Quarter, for a distance of 443.00 feet; thence South 02°07'02" East, parallel with the westerly line of said Steinbergerville Subdivision, for a distance of 625.83 feet to a point of intersection with the northerly line of the South 65.00 feet of said Southeast Quarter; thence North 87°30'14" East, along the northerly line of the South 65.00 feet of said Southeast Quarter, for a distance of 443.00 feet to the true point of beginning.

Said tract contains 6.364 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **STEINBERGERVILLE 2.0 SUBDIVISION**, and do hereby dedicate to the public, for public use, the public road right-of-way as shown on this plat.

In witness whereof we have set our hands and seals.

Owner:
Andy Steinberger

Owner:
Lisa Steinberger

Cass County Planning Commission:

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

Ken Lougheed, Chairman

Attest: _____
Secretary

Gardner Township:

Reviewed by Gardner 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

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Andy Steinberger and Lisa Steinberger, husband and wife, known to be the people described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

Notary Public: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, James A. Schlieman, 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.

James A. Schlieman, Professional Land Surveyor No. 6086

State of North Dakota)
) ss
County of Cass)

On this _____ day of _____, 20____ before me personally appeared James A. Schlieman, Professional Land Surveyor, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed.

Notary Public: _____

Cass County Engineer:

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

Tom Soucy, Interim Cass County Engineer

SE 1/4
OF THE
SE 1/4

