

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, January 26, 2023 at 7:00 a.m.

Vector Conference Room, 1201 Main Avenue West, West Fargo, 58078

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of December 8, 2022

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **Richard Family Farm Subdivision** located in Section 36, Township 139 North, Range 52 West of the 5th Principal Meridian, Everest Township, Cass County North Dakota.
2. Hearing on an application requesting a Minor Subdivision Plat of **Giermann Subdivision** located in Section 9, Township 140 North, Range 52 West of the 5th Principal Meridian, Casselton Township, Cass County, North Dakota.
3. Hearing on an application requesting a Minor Subdivision Plat of **Killoran Partnership Subdivision** located in Section 18, Township 140 North, Range 54 West of the 5th Principal Meridian, Buffalo Township, Cass County, North Dakota.
4. Hearing on an application requesting a Minor Subdivision Plat of **Brandon Hovland Subdivision** located in Section 4, Township 140 North, Range 54 West of the 5th Principal Meridian, Buffalo Township, Cass County North Dakota.

F. New Business

G. Old Business

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
December 8, 2022**

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on December 8, 2022 at 7:00 am in the Vector Conference room at the Highway Department.

B. ROLL CALL

Planning Commissioners attending in person were Rocky Bertsch, David Gust, Ken Lougheed, Keith Monson, Brad Olson and Keith Gohdes. Dr. Mahoney attended via Teams. Kris Schipper and Commissioner Breitling were absent.

Attending in person were Grace Puppe, Cass County Planner, Tom Soucy, Assistant Cass County Engineer and Katherine Naumann, Cass County Senior Attorney.

Members of the public in attendance were Chad and Sharon Lilleberg, Claude and Rita Richard, LeRoy Lagler and Eric Myren.

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 October 27, 2022 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, Stanley Township, Cass County North Dakota.**

This was a previously tabled agenda item.

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.

Chad and Sharon Lilleberg were present. Mr. Lilleberg started with a history of the lot and how he was given a buyout option previously. He stated he received a building permit through Harwood Township but did not contact Cass County to see what was needed after receiving that permit. There was a house moved onto the lot in August 2022. He feels that the property is safe as it is a farmstead for 100 years; he is asking for approval for the subdivision application. Ms. Puppe stated that there has not been a house on the property for about 50 years. Mr. Lilleberg said that

a shed and grain bins have been moved. He said he did not think he needed a subdivision application because the lot has an address. The house has been built to 891' at the lowest point and the flood plain is to be built to 888.2' and the basement is flood proof. Mr. Lougheed asked if Harwood Township issued a flood plain permit. Ms. Puppe said that the township has submitted a document to FEMA. Mr. Gust said that 50 years ago the ground being stable was not an issue, but what about 50 years in the future? Mr. Lilleberg said there could be verbiage in the deed stating that the current resident is ineligible for future buyouts. Ms. Puppe is looking into the potential of this option. Mr. Lilleberg does admit that he has made mistakes in the process but wants to make it right. Mr. Gust said Harwood Township has a history of not going through the correct process, and that since Mr. Lilleberg is a supervisor for Harwood Township, that now he knows there is more to this process. Ms. Puppe said the county is looking at different options for the geotechnical study as the cost is upwards of \$30,000. She said Mr. Jason Benson is looking into getting a breakdown of the cost to see where costs may be reduced, yet still meeting requirements of the subdivision ordinance.

The county will continue to work with Mr. Lilleberg on the various options to get the geotechnical study completed with the potential of an agreement between the county and Lilleberg.

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

MOTION, *tabled*

Mr. Gust moved and Mr. Gohdes seconded to table the item until March 2023 or until the geotechnical study has been completed.

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

2. Hearing on an application requesting a Minor Subdivision Plat of Wheatland Colony Subdivision located in Section 31, Township 140 North, Range 55 West of the 5th Principal Meridian, Tower Township, Cass County North Dakota.

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Wheatland Colony Subdivision to plat a four (4) Lot subdivision of approximately 160 acres. According to the applicant, the subdivision is requested split the property into four developable parcels to separate each use.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 36th St SE road access, ditches for storm sewer conveyance, rural water, and on-site lagoons for wastewater treatment.

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

MOTION, *passed*

Mr. Gust moved, and Mr. Gohdes seconded to accept the findings and recommend approval to the County Commission with any conditions outlined by the County Planner.

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

3. Hearing on an application requesting a Minor Subdivision Plat of Richard Family Farm Subdivision located in Section 36, Township 139 North, Range 52 West of the 5th Principal Meridian, Everest Township, Cass County North Dakota.

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Richard Family Farm Subdivision to plat a one (1) Lot subdivision of approximately 21 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the parent tract of farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 156th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Claude and Rita Richard were present. Mr. Benson and Ms. Puppe are waiting on a site plan for drainage. Mrs. Richard said that will be coming on December 16, 2022. This item has a possibility of being tabled in order to receive and review the site plan.

LeRoy Lagler and Eric Myren were present with concerns on the use of the property and concerns with the potential of heavy truck traffic and grain dryers. Mrs. Richard said they are out of the cattle business and all cattle have been sold, with remaining calves to be sold in the spring of 2023. Mr. Richard said that the farmyard will be improved. Mr. Lagler said that he would be ok with the approval of the subdivision application as long as there is minimal noise. Mr. Loughheed suggested to point the grain dryers away from homes to help prevent noise.

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

MOTION, *tabled*

Dr. Gust moved, and Mr. Bertsch seconded to table the item until the site plan has been submitted and reviewed.

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

F. NEW BUSINESS

Mr. Loughheed has been re-elected as Chairman and Mr. Gust has been re-elected for Vice Chair for 2023.

Ms. Schipper's term is up for the Planning Commission. A replacement is needed for a city of Fargo resident.

Katherine (Kate) Naumann is replacing Tracy Peters as Senior Attorney

G. OLD BUSINESS

H. ADJOURNMENT

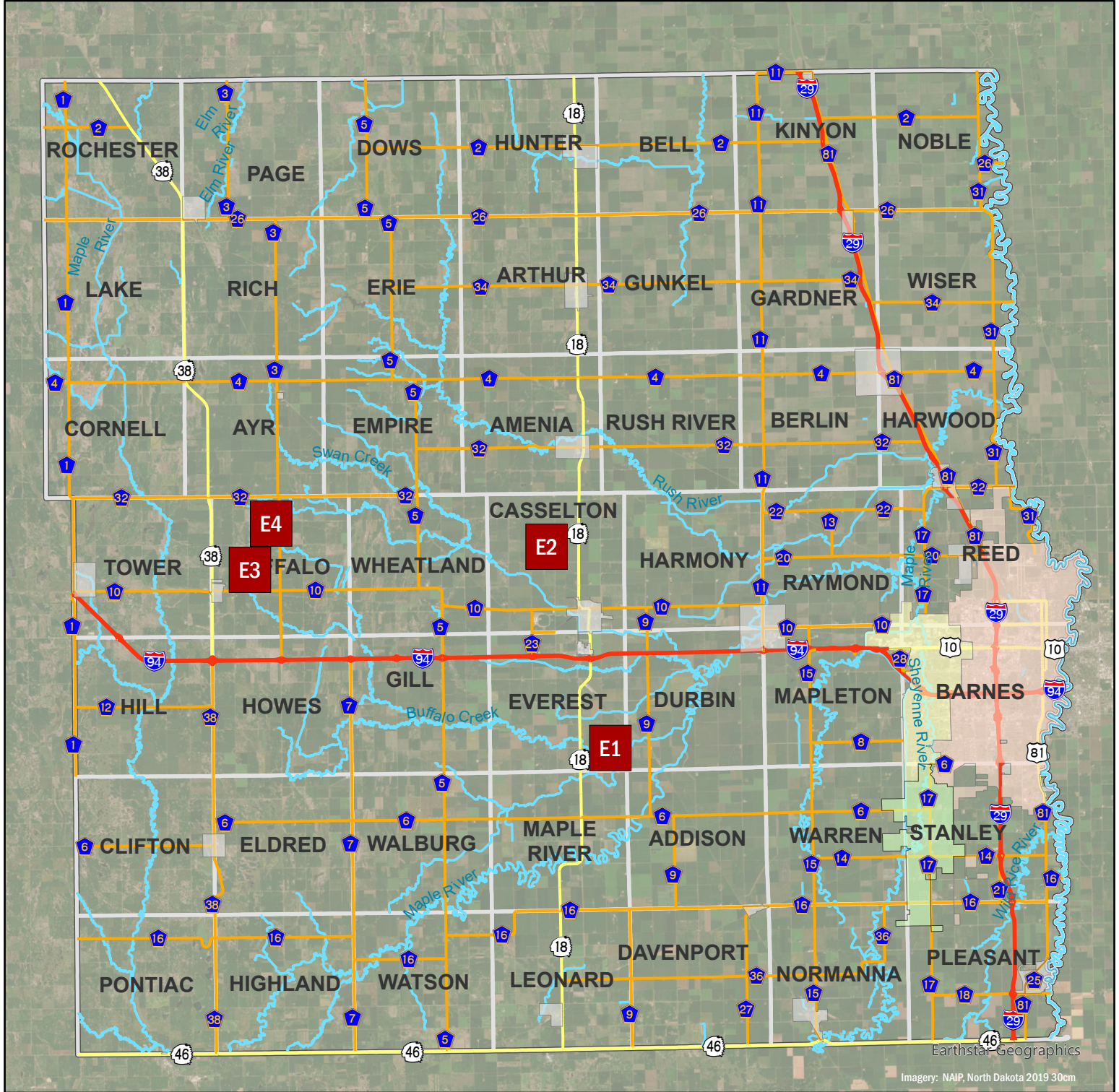
On motion by Mr. Bertsch seconded by Mr. Monson and all voting in favor, the meeting was adjourned at 8:00 am.

Minutes prepared by Lisa Shasky, Principal Secretary, Cass County Highway Department.

Agenda Items Map

Cass County Planning Commission

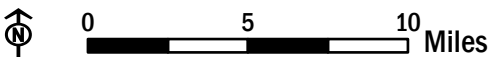
January 26, 2023



Earthstar Geographics
Imagery: NAIP, North Dakota 2019 30cm

Agenda Items No.

- E1. - Richard Family Farm Subdivision
- E2. - Giemann Subdivision
- E3. - Killoran Partnership Subdivision
- E4. - Brandon Hovland Subdivision



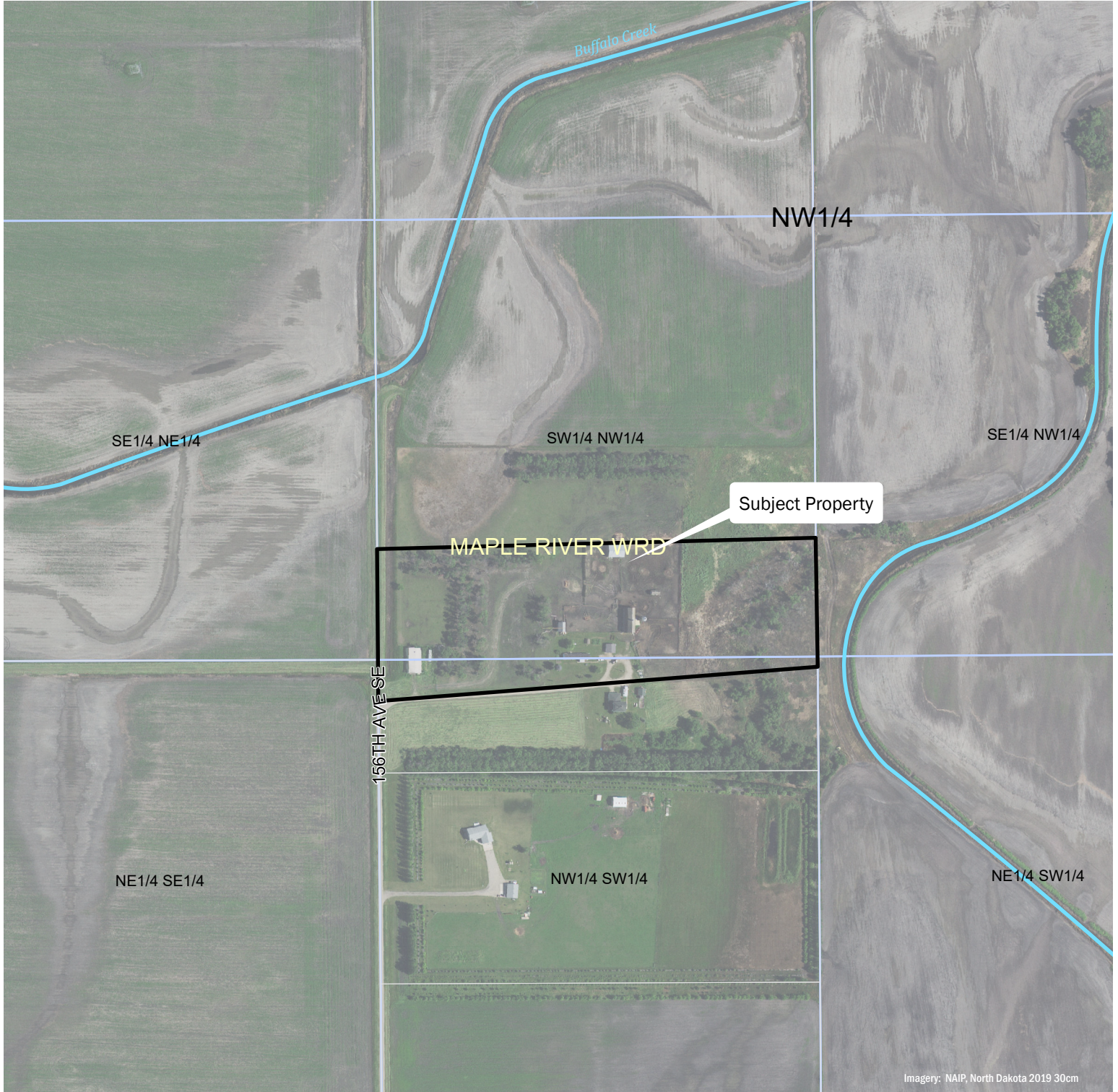
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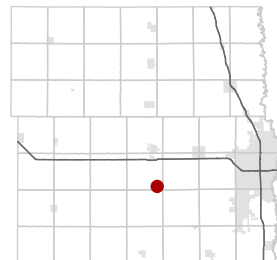
Minor Subdivision

Richard Family Farm Subdivision

Everest Twp, Section 36 - Township 139 North - Range 52 West



Cass County Planning Commission
January 26, 2023



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Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the West Half of the West Half of Section 36, Township 139 North, Range 52 West		
Title:	Richard Family Farm Subdivision	Date:	11/17/22
Location:	West Half of the West Half of Section 36, Township 139 North, Range 52 West (Tower Township)	Staff Contact:	Grace Puppe
Parcel Number:	38-0000-04964-020	Water District:	Maple River Water District
Owner(s)/Applicant:	Claude & Rita Richard	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: January 26, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Richard Family Farm Subdivision** to plat a one (1) Lot subdivision of approximately 21 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the parent tract of farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 156th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I have communicated with the Richards and Curt Skarphol regarding the need for a lot grading plan. They acknowledged that they would provide one, but to date I haven't received a plan. My main concern is in regards to the existing flooding to the west, north, and east on this lot and the proposed Western Cass FIS map. I want to ensure that site plans won't result in flood issues or a new structure being brought into the floodplain when the Western Cass FIS is approved.
Water Resource District	No comments were received prior to publishing the staff report.
Cass County Electric Cooperative	No issues. Power is already on site.
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 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 issues with this subdivision
Township Chairman	Will need a comprehensive site plan before any permits will be considered or to determine zoning use by district or compliance.
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 and east. Township road 156th Ave SE borders the west of the property. Residential property borders 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, wetlands present on the proposed subdivision Lot. The proposed Western Cas FIS map shows that this property will have Special Hazard Flood Area Zone A identified.

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

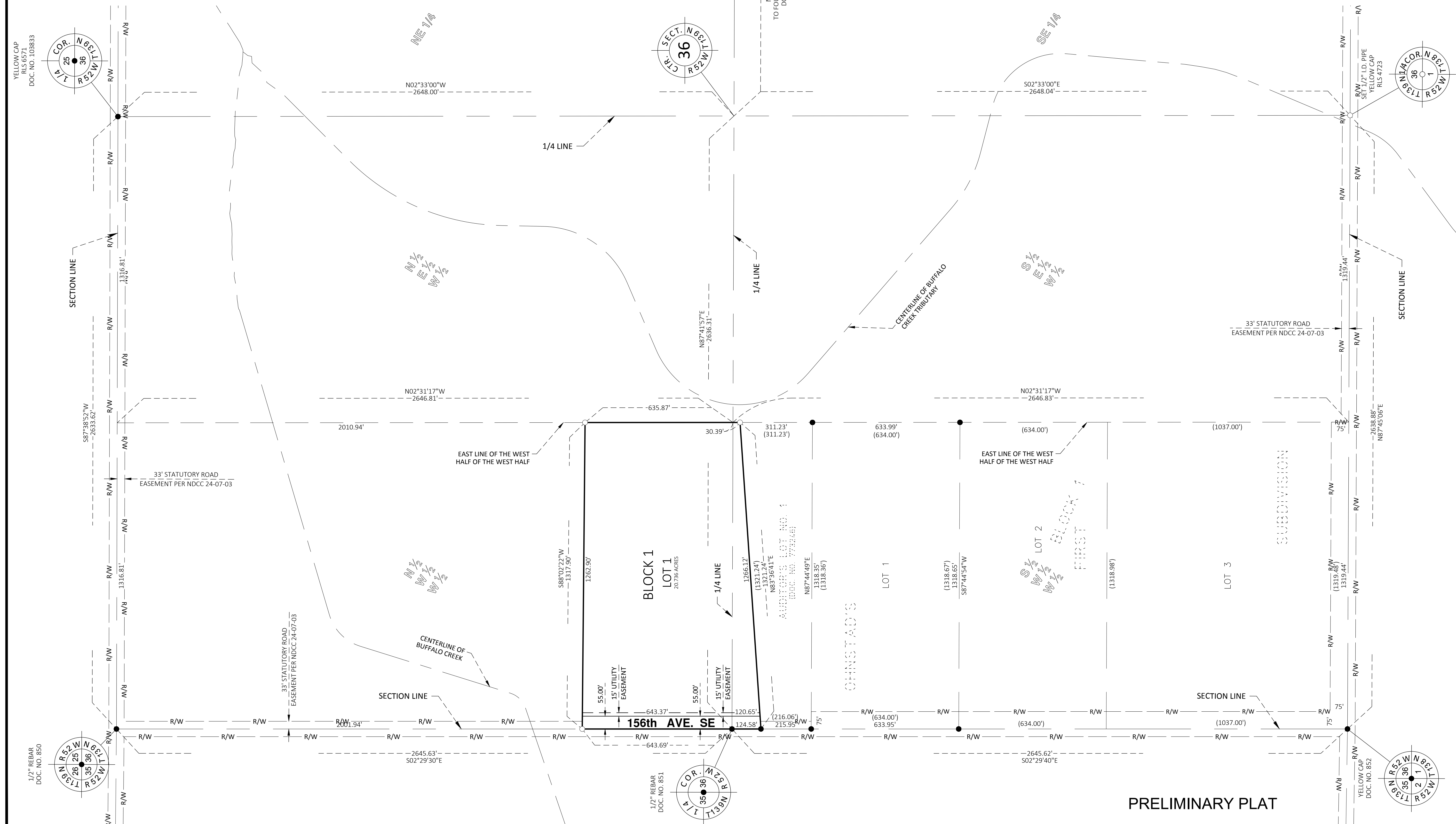
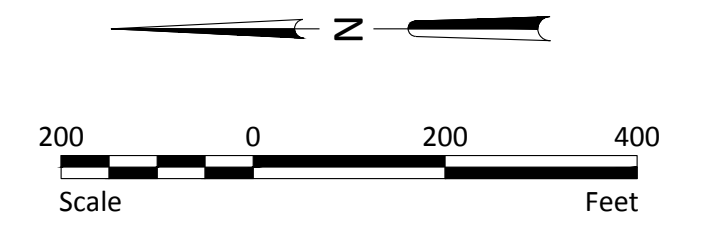
1. Location Map
2. Plat Document

RICHARD FAMILY FARM SUBDIVISION

BEING A PLAT OF PART OF THE
WEST HALF OF THE WEST HALF OF
SECTION 36, T. 139 N., R. 52 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
PLAT OR RECORD BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
PLAT OR RECORD DISTANCE	(100.00')
PLAT BOUNDARY	—————
EXISTING LOT LINE	—————
EXISTING RIGHT-OF-WAY LINE	— R/W —
NEW LOT LINE	—————
UTILITY EASEMENT	- - - - -



PRELIMINARY PLAT

RICHARD FAMILY FARM SUBDIVISION

BEING A PLAT OF PART OF THE
WEST HALF OF THE WEST HALF OF
SECTION 36, T. 139 N., R. 52 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: that Richard Farm Enterprises, LP, a North Dakota limited partnership, is the owner and proprietor of that part of the West Half of the West Half of Section 36, Township 139 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Section 36; thence South 02°29'30" East, along the westerly line of said Section 36, for a distance of 2001.94 feet to the True Point of Beginning; thence continue South 02°29'30" East, along the westerly line of said Section 36, for a distance of 643.69 feet to the west quarter corner of said Section 36; thence South 02°29'40" East, along the westerly line of said Section 36, for a distance of 124.58 feet to the northwest corner of Auditor's Lot No. 1 in the Southwest Quarter of said Section 36, said Auditor's Lot plat being on file at the Cass County Recorder's Office; thence North 83°36'41" East, along the northerly line of said Auditor's Lot No. 1, for a distance of 1321.24 feet to the northeast corner of said Auditor's Lot No. 1, said point being located on the easterly line of the West Half of the West Half of said Section 36; thence North 02°31'17" West, along the easterly line of the West Half of the West Half of said Section 36, for a distance of 635.87 feet; thence South 88°02'22" West for a distance of 1317.90 feet to the True Point of Beginning.

Said tract contains 21.703 acres, more or less.

And that said party has caused the same to be surveyed and platted as **RICHARD FAMILY FARM SUBDIVISION**, and does hereby dedicate to the public for public use the Public Avenue and the Utility Easement as shown on the plat.

In witness whereof we have set our hands and seals.

Owner:
Richard Farm Enterprises, LP

Claude Richard, General Partner Rita Richard, General Partner

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 Claude Richard and Rita Richard, General Partners of Richard Farm Enterprises, LP, a North Dakota limited partnership, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same on behalf of said Limited Partnership.

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)
) ss
County of Cass)

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, Chair

Attest: _____
Secretary

Everest Township:

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

Caryn Weber, Chair

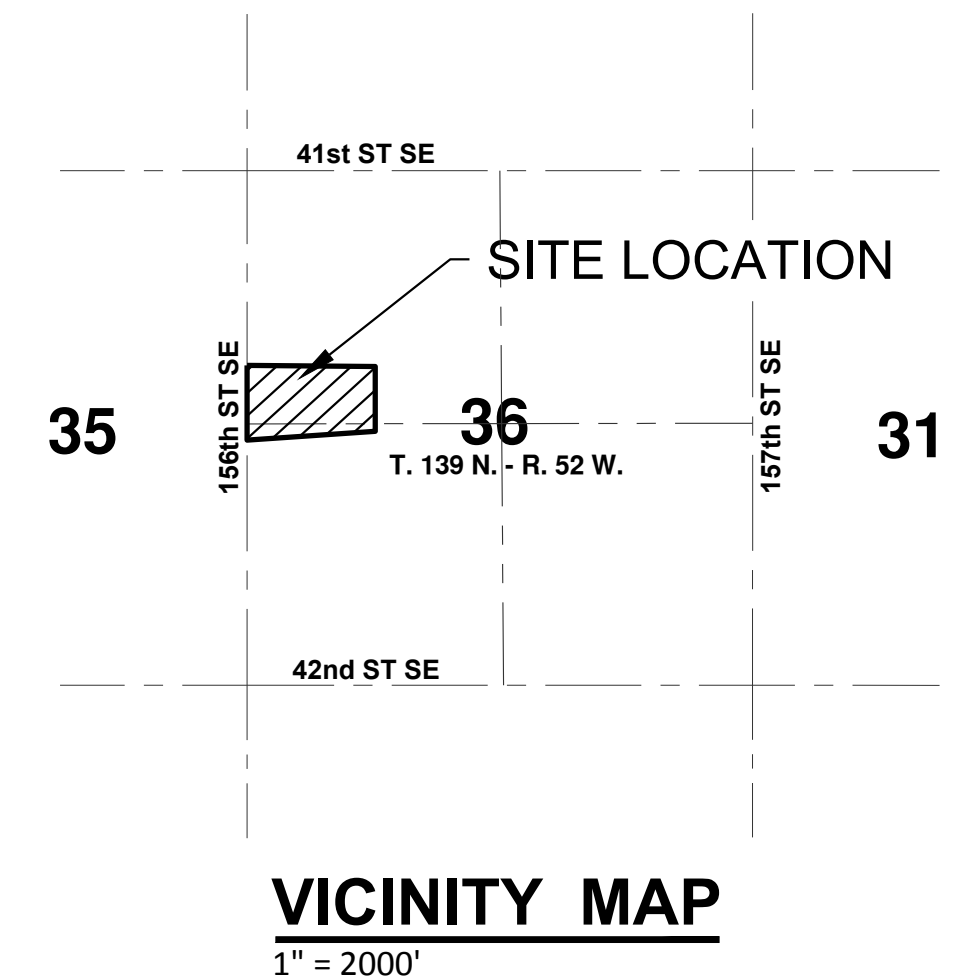
Attest: _____
Brian Otteson, Clerk

Cass County Board of Commissioners' Approval:

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

Rick Steen, Chair

Attest: _____
Brandy Madrigga, Cass County Finance Director



DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this _____ day of _____, 2022, by
Owner(s): Richard Farm Enterprises, LP, a North Dakota limited partnership

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 309 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 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

- A. 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;
- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI 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, street lights, 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 308 of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 309.02 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 Section 906 (Penalties and Violations) of the Cass County Subdivision Ordinance and North Dakota law shall apply.

4. LEGAL DESCRIPTION OF THE RESTRICTED PARCEL

That part of the West Half of the West Half of Section 36, Township 139 North, Range 52 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

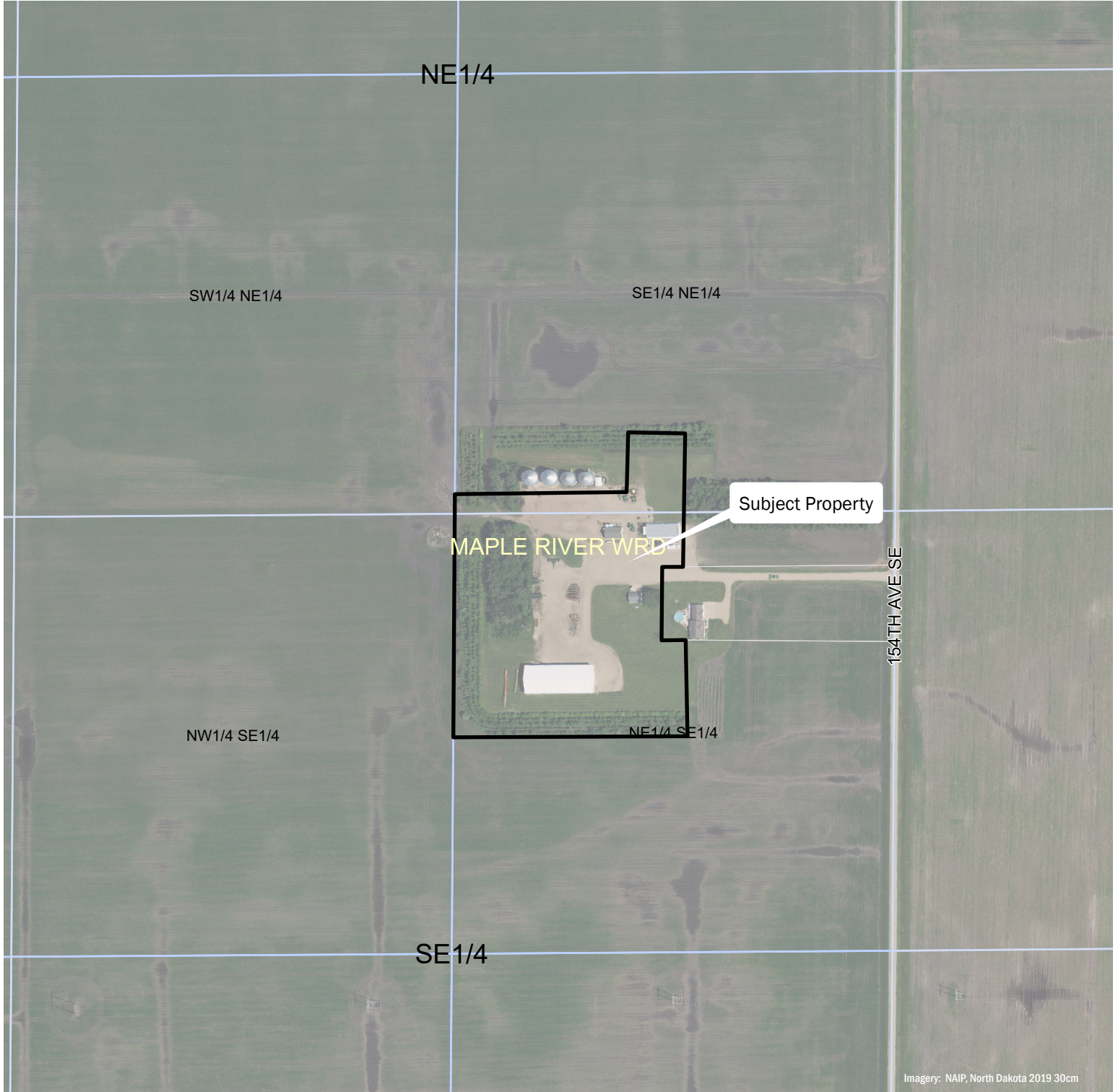
Commencing at the northwest corner of said Section 36; thence South 02°29'30" East, along the westerly line of said Section 36, for a distance of 660.00 feet to the True Point of Beginning; thence continue South 02°29'30" East, along the westerly line of said Section 36, for a distance of 1234.45 feet; thence North 68°41'08" East for a distance of 130.02 feet to a point of tangential curvature to the left, radius 200.00 feet; thence northeasterly along said curve, for a distance of 187.79 feet, central angle 53°47'55"; thence North 14°53'13" East for a distance of 676.40 feet to a point of tangential curvature to the right, radius 100.00 feet; thence northeasterly, along said curve, for a distance of 98.06 feet, central angle 56°11'06"; thence North 71°04'20" East for a distance of 832.65 feet to a point of intersection with the easterly line of the West Half of the West Half of said Section 36; thence North 02°31'17" West, along the easterly line of the West Half of the West Half of said Section 36, for a distance of 332.35 feet; thence South 78°10'11" West for a distance of 1334.72 feet to the True Point of Beginning.

Said tract contains 18.325 acres, more or less.

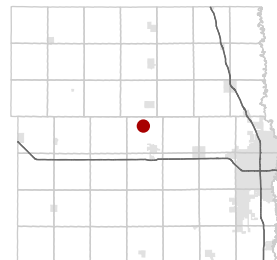
Minor Subdivision

Giermann Subdivision

Casselton Twp, Section 9 - Township 140 North - Range 52 West



Cass County Planning Commission
January 26, 2023



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Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the East Half of Section 9, Township 140 North, Range 52 West		
Title:	Giermann Subdivision	Date:	12/13/2022
Location:	East Half of Section 9, Township 140 North, Range 52 West (Casselton Township)	Staff Contact:	Grace Puppe
Parcel Number:	29-0000-02137-010; 29-0000-02134-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Donald Giermann	Engineer/Surveyor:	Neset
Status:	Planning Commission Hearing: January 26, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Giermann Subdivision** to plat a one (1) Lot subdivision of approximately 11.67 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 154th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I reviewed this and do not have any comment from the County Engineer perspective.
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	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	Public Health has no issue with this subdivision.
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 south. Township road 154th Ave SE borders the east 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 are present on the proposed subdivision Lot. The proposed Western Cas FIS map shows that this property will have Zone X identified.

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:

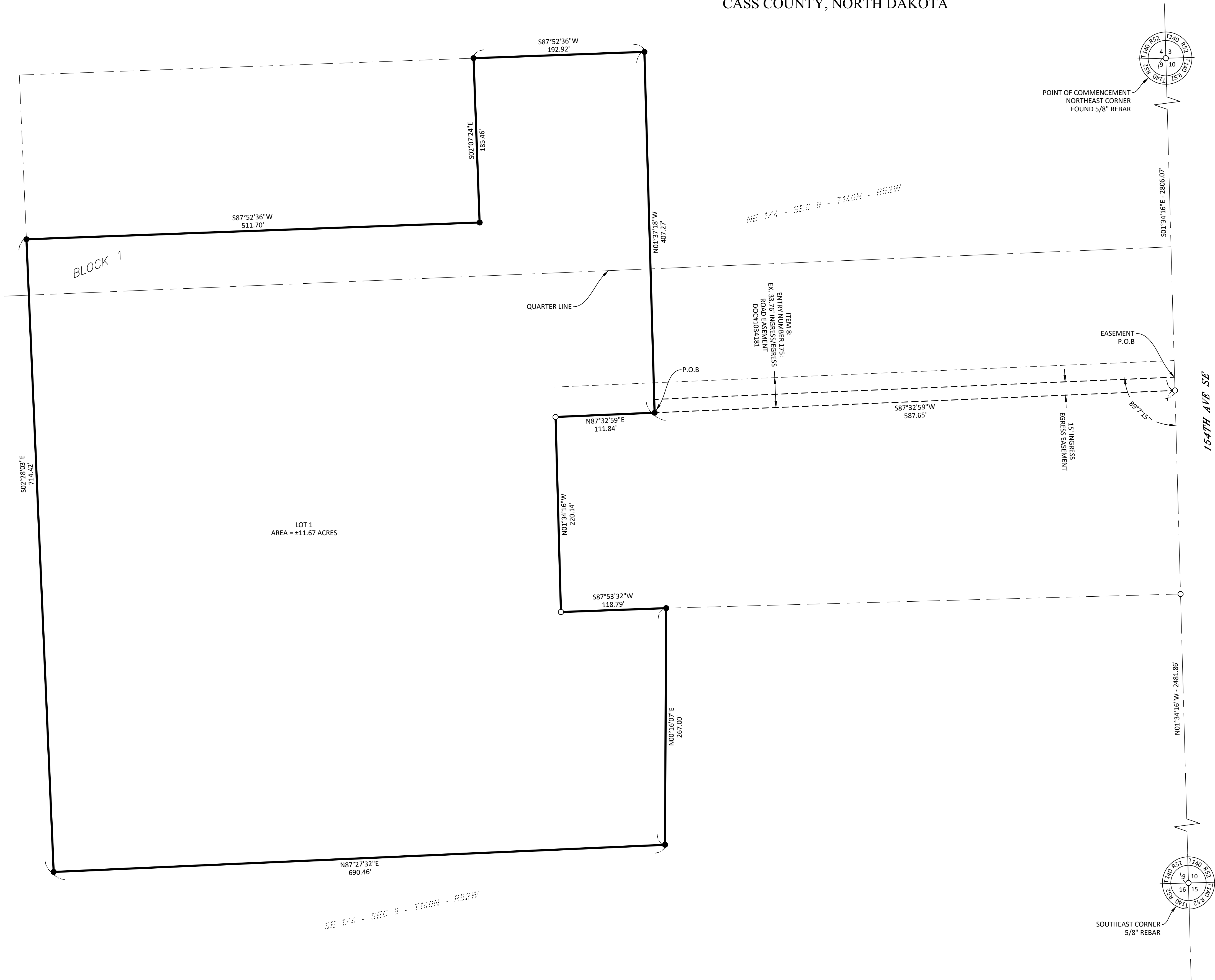
1. A deed restriction be recorded that meets the requirements of Section 5.04(g) of the Cass County Subdivision Ordinance.

Attachments

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

GIERMANN SUBDIVISION

A MINOR SUBDIVISION
PART OF THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 52 WEST
CASS COUNTY, NORTH DAKOTA



LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- - - EX. SECTION LINE
- PROPERTY BOUNDARY LINE

SURVEY INFORMATION

DATE OF SURVEY: 03/04/2022
BASIS OF BEARING: ASSUMED

SHEET 1 OF 2

PROJECT #	22000.07
REVISION DATE:	11-18-2022
DRAWN BY:	GCB
CHECKED BY:	CAN

Neset
LAND SURVEYS

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

1/18/22 10:40:42AM Z:\Neset Shared Files\Case Projects\2022 Projects\22000_NORTH DAKOTA PROPERTY SURVEY\07_David Giermann-Fermislar Spill07_David Giermann.dwg

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this _____ day of _____, 2022, by
Owner(s): Donald & Karen Giermann

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 309 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 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

- A. 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;
- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI 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, street lights, 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 308 of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 309.02 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 Section 906 (Penalties and Violations) of the Cass County Subdivision Ordinance and North Dakota law shall apply.

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

PART OF THE EAST HALF OF SECTION 9, TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

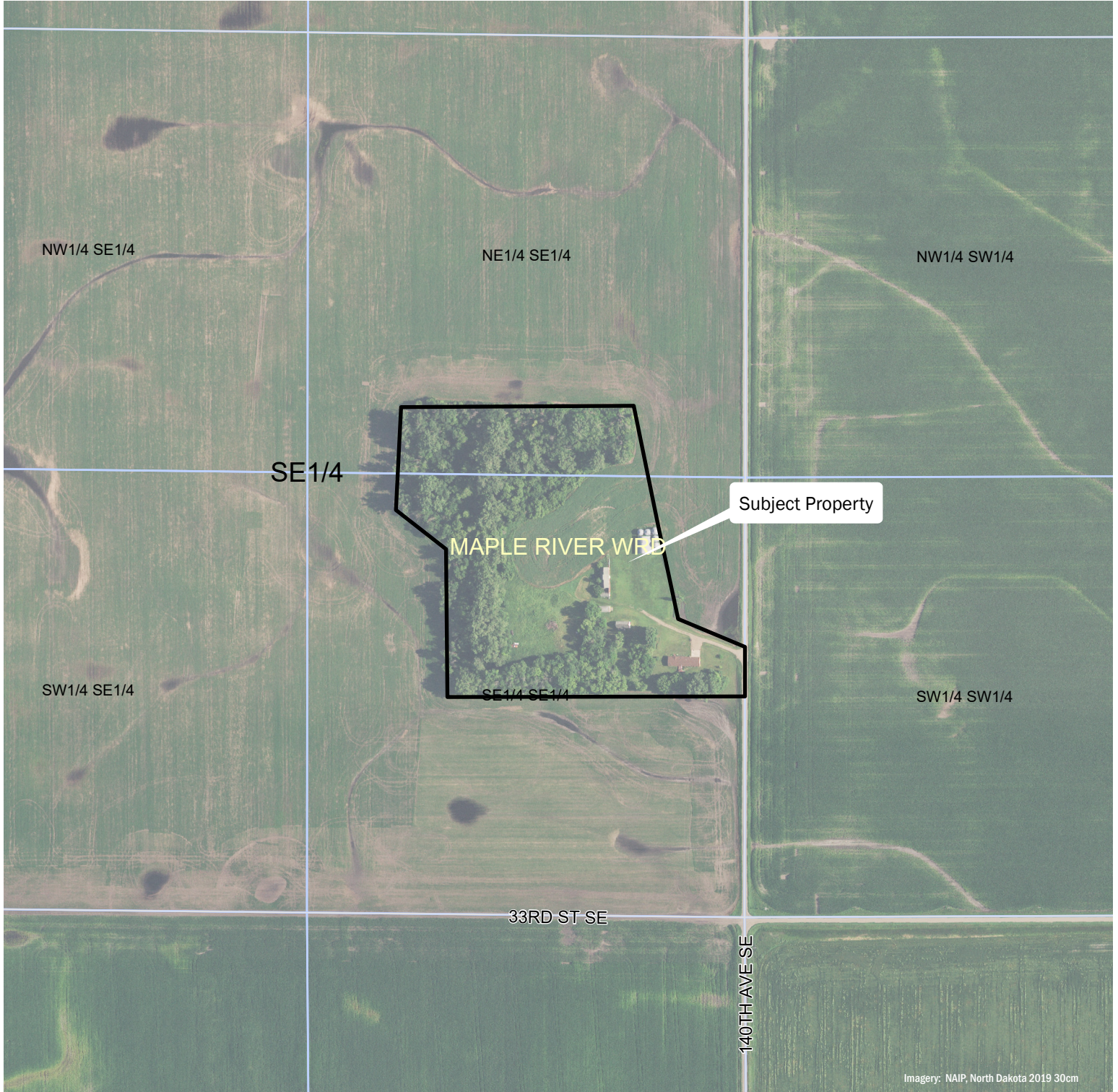
COMMENCING AT THE NORTHEAST CORNER OF SECTION 9; THENCE S01°34'16"E ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 706.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S01°34'16"E A DISTANCE OF 2099.98 FEET; THENCE S87°32'59"W A DISTANCE OF 587.65 FEET; THENCE N01°37'18"W A DISTANCE OF 2093.90 FEET; THENCE N86°57'41"E A DISTANCE OF 589.62 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±28.33 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

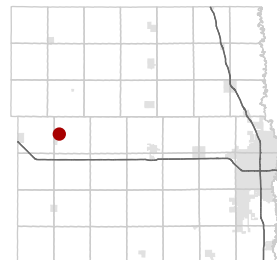
Minor Subdivision

Killoran Partnership Subdivision

Buffalo Twp, Section 18 - Township 140 North - Range 54 West



Cass County Planning Commission
January 26, 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 (1 Lot) of a part of the SE 1/4 of Section 18, Township 140 North, Range 54 West		
Title:	Killoran Partnership Subdivision	Date:	12/16/2022
Location:	SE 1/4 of Section 18, Township 140 North, Range 54 West (Buffalo Township)	Staff Contact:	Grace Puppe
Parcel Number:	28-0000-01878-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Mary Kliniske	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: January 26, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Killoran Partnership Subdivision** to plat a one (1) Lot subdivision of approximately 14.127 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 140th 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	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	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	Public Health has no issue with this subdivision.
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 south. Township road 140th Ave SE borders the east 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 are present on the proposed subdivision Lot. The proposed Western Cas FIS map does not show any Special Hazard Flood Area identified.

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

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this _____ day of _____, 2022, by

Owner(s): Mary Kliniske

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 309 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 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

- A. 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;
- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI 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, street lights, 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 308 of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 309.02 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 Section 906 (Penalties and Violations) of the Cass County Subdivision Ordinance and North Dakota law shall apply.

4. LEGAL DESCRIPTION OF THE RESTRICTED PARCEL

The Northwest Quarter of the Southeast Quarter of Section 18, Township 140 North, Range 54 West, Cass County, North Dakota.

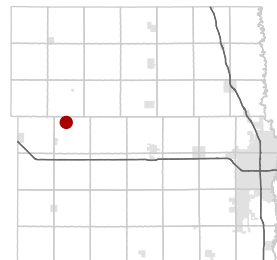
Minor Subdivision

Brandon Hovland Subdivision

Buffalo Twp, Section 4 - Township 140 North - Range 54 West



Cass County Planning Commission
January 26, 2023



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Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SW 1/4 of Section 4, Township 140 North, Range 54 West		
Title:	Brandon Hovland Subdivision	Date:	12/16/2022
Location:	SW 1/4 of Section 4, Township 140 North, Range 54 West (Buffalo Township)	Staff Contact:	Grace Puppe
Parcel Number:	28-0000-01815-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Brandon Hovland	Engineer/Surveyor:	Neset
Status:	Planning Commission Hearing: January 26, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Brandon Hovland Subdivision** to plat a one (1) Lot subdivision of approximately 12.55 acres. According to the applicant, the subdivision is requested to split the existing farmstead from the rest of the quarter section.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 31st St SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	I reviewed this and do not have any comment from the County Engineer perspective.
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	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	Public Health has no issue with this subdivision.
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 and east. Township roads 141st Ave SE borders the west of the property with 31st St SE 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, wetlands are present on the proposed subdivision Lot. The proposed Western Cas FIS map does not show any Special Hazard Flood Area identified.

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:

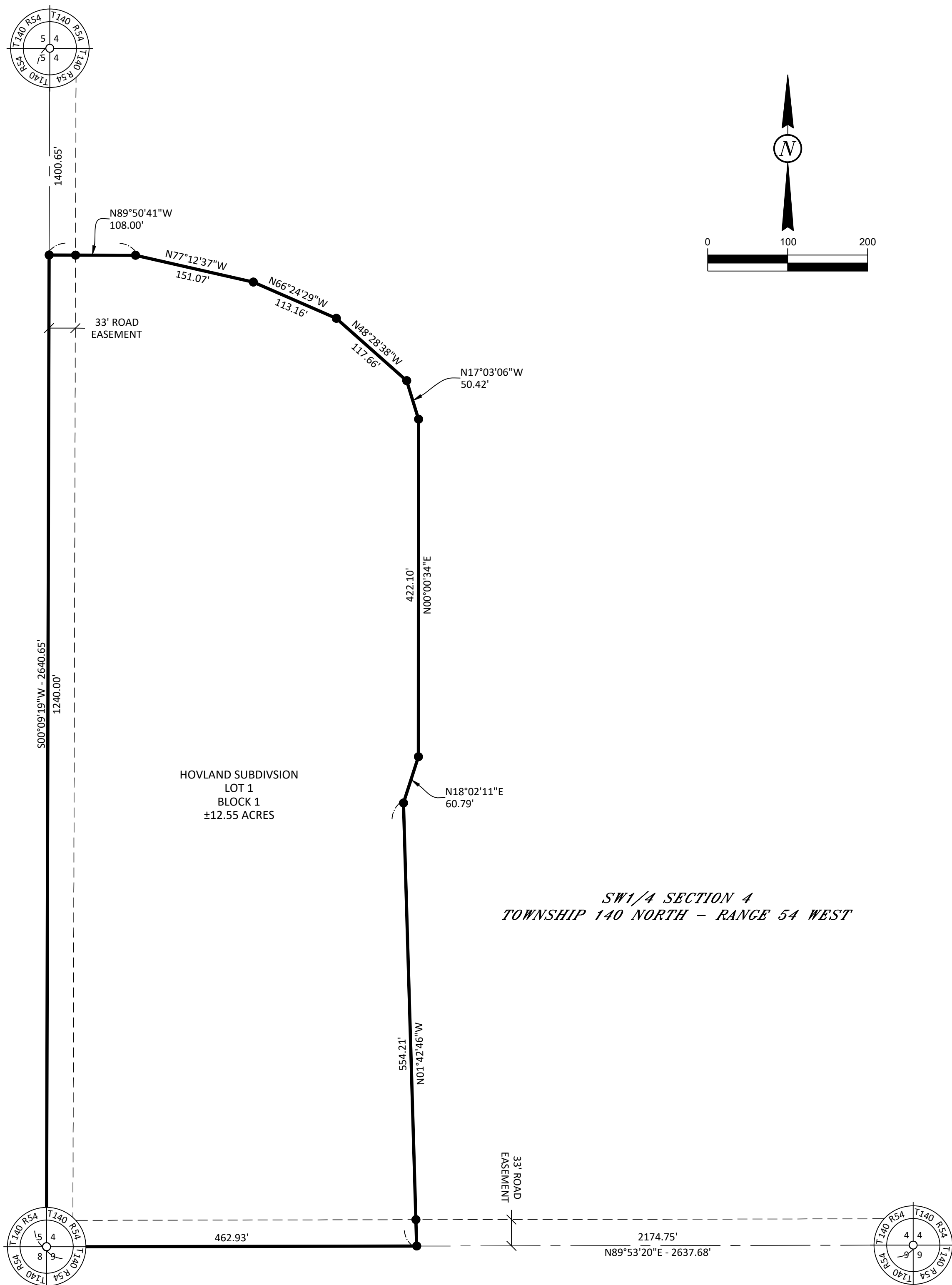
1. A deed restriction be recorded that meets the requirements of Section 5.04(g) of the Cass County Subdivision Ordinance.

Attachments

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

BRANDON HOVLAND SUBDIVISION

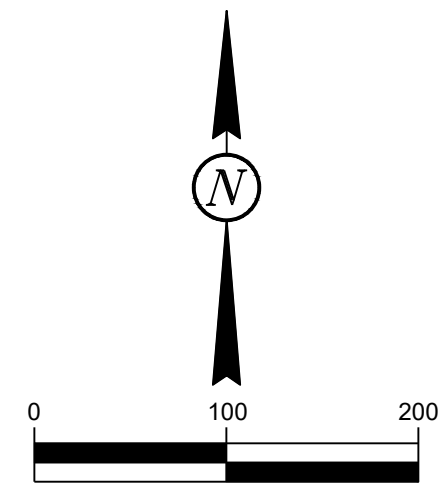
PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 140 NORTH, RANGE 54 WEST
CASS COUNTY, NORTH DAKOTA



LEGEND

●	MONUMENT SET
○	MONUMENT FOUND
---	EX. EASEMENT
---	EX. SECTION LINE
---	PROPERTY BOUNDARY LINE
P.O.B	POINT OF BEGINNING

SURVEY INFORMATION
 DATE OF SURVEY: 9-22-2022
 BASIS OF BEARING: THE SOUTH LINE OF SECTION 4 HAS AN ASSUMED BEARING OF N89°53'20"E



CASS COUNTY ENGINEER

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2022.

 JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY BOARD OF COMMISSIONER'S APPROVAL

REVIEWED BY CASS COUNTY, NORTH DAKOTA THIS _____ DAY OF _____, 2022.

 RICK STEEN, CHAIRMAN

ATTEST: _____
 BRANDY MADRIGGA, CASS COUNTY FINANCIAL DIRECTOR

CASS COUNTY PLANNING COMMISSION

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2022.

 KEN LOUGHEED, CHAIRMAN

ATTEST: _____
 SECRETARY

BUFFALO TOWNSHIP

REVIEWED BY ERIE TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2022.

 DAVID LARSON, CHAIRMAN

ATTEST: _____
 JEANETTE STOCK, CLERK/TREASURER

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT ***** HOVLAND IS THE OWNER OF LOT 1, BLOCK 1, OF BRANDON HOVLAND SUBDIVISION IN PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 140 NORTH, RANGE 54 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE N89°53'20"E ON AN ASSUMED BEARING ON AND ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 462.93 FEET; THENCE N01°42'46"W A DISTANCE OF 554.21 FEET; THENCE N18°02'11"E A DISTANCE OF 60.79 FEET; THENCE N00°00'34"E A DISTANCE OF 422.10 FEET; THENCE N17°03'06"W A DISTANCE OF 50.42 FEET; THENCE N48°28'38"W A DISTANCE OF 117.66 FEET; THENCE N66°24'29"W A DISTANCE OF 113.16 FEET; THENCE N77°12'37"W A DISTANCE OF 151.07 FEET; THENCE N89°50'41"W A DISTANCE OF 108.00 FEET TO THE WEST LINE OF SECTION 4; THENCE S00°09'19"W A DISTANCE OF 1240.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±12.55 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SAID OWNER HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND SHOWN ON THIS PLAT TO BE SURVEYED AND PLATTED AS BRANDON HOVLAND SUBDIVISION, A MINOR SUBDIVISION TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA, AND CONSISTS OF 1 LOT AND 1 BLOCK AND CONTAINS 12.55 ACRES MORE OR LESS.

BY: _____
 *****HOVLAND, OWNER

STATE OF _____)
)SS
 COUNTY OF _____)

BE IT KNOWN ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED ***** KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

 NOTARY PUBLIC

SURVEYORS CERTIFICATE

I, COLE A. NESET, PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA DO HEREBY CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AND SAID SUBDIVISION AND ALL DISTANCES SHOWN ON SAID PLAT ARE CORRECT; THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN.

 COLE A. NESET
 DATE _____

REGISTERED LAND SURVEYOR No. LS-7513
 STATE OF NORTH DAKOTA

STATE OF _____)
)SS
 COUNTY OF _____)

BE IT KNOWN ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED COLE A. NESET, NORTH DAKOTA REGISTERED LAND SURVEYOR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE EXECUTION OF THE SAME AS A FREE ACT AND DEED.

MY COMMISSION

EXPIRES: _____

 NOTARY PUBLIC

SHEET 1 OF 1

PROJECT #	22000.67
REVISION DATE:	09-22-2022
DRAWN BY:	ZLR
CHECKED BY:	CAN



Neset
 LAND SURVEYS

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

DEED RESTRICTION

Pursuant to Section 309 of the Cass County Subdivision Ordinance, this **DEED RESTRICTION** is entered into this _____ day of _____, 20____, by

Owner(s): Steven J. Hovland & Ann M. Hovland

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 309 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 309.02 of the Cass County Subdivision Ordinance and any amendment thereto:

- A. 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;
- B. This **DEED RESTRICTION** shall terminate at such time the restricted parcel is completely annexed by an incorporated city of Cass County; or
- C. Any further subdivision of the restricted parcel will conform to full urban design standards and the strictest requirements outlined within Article VI 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, street lights, 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 308 of the Cass County Subdivision Ordinance.

WHEREAS, this **DEED RESTRICTION** shall expire at such time any of the exceptions under Section 309.02 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 Section 906 (Penalties and Violations) of the Cass County Subdivision Ordinance and North Dakota law shall apply.

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

THE SW1/4 OF THE SW1/4 OF SECTION 4, TOWNSHIP 140 NORTH, RANGE 54 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY NORTH DAKOTA, LESS A ±12.55 ACRE PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE N89°53'20"E ON AN ASSUMED BEARING ON AND ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 462.93 FEET; THENCE N01°42'46"W A DISTANCE OF 554.21 FEET; THENCE N18°02'11"E A DISTANCE OF 60.79 FEET; THENCE N00°00'34"E A DISTANCE OF 422.10 FEET; THENCE N17°03'06"W A DISTANCE OF 50.42 FEET; THENCE N48°28'38"W A DISTANCE OF 117.66 FEET; THENCE N66°24'29"W A DISTANCE OF 113.16 FEET; THENCE N77°12'37"W A DISTANCE OF 151.07 FEET; THENCE N89°50'41"W A DISTANCE OF 108.00 FEET TO THE WEST LINE OF SECTION 4; THENCE S00°09'19"W A DISTANCE OF 1240.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±12.55 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

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

Steven J. Hovland
Steven J. Hovland

12/21/22
Date

Ann M. Hovland
Ann M. Hovland

12-21-2022
Date

State of North Dakota)
County of Cass) ss

On this 21st day of December, 2022, before me, a notary public within and for said county and state, personally appeared Steven J. Hovland & Ann M. Hovland, known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed same.

ALICIA THOMPSON
Notary Public
State of North Dakota
My Commission Expires 10/13/2025

Alicia Thompson
Notary Public

The foregoing instrument was acknowledged before me, this _____ day of _____, 20____, by Jason Benson, County Engineer.

County Engineer Signature

Date

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 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.

Notary Public