



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: April 8, 2024

SUBJECT: Regular Agenda Topic for the April 15, 2024 Commission Meeting: FMD-Berlin Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Berlin Township, Sections 24, 25, and 36 at a Public Hearing on March 28, 2024. The intended purpose of the subdivision is to plat the diversion channel and related road rights of way.

The Planning Commission is recommending approval of the proposed plat entitlement request and Berlin 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 Lot) of a part of Township 141 North, Range 50 West		
Title:	FMD-Berlin Subdivision	Date:	02/22/24
Location:	Township 141 North, Range 50 West (Berlin Township)	Staff Contact:	Cole Hansen
Parcel Number:		Water District:	Rush River Water District
Owner(s)/Applicant:	Cass County Water Resource District	Engineer/Surveyor:	AE2S
Status:	Planning Commission Hearing: March 28, 2024 County Commission Hearing: April 15, 2024		

Existing Land Use	Proposed Land Use
Agricultural	Agricultural
Proposal	

The applicant is seeking approval of a minor subdivision entitled **FMD-Berlin Subdivision** to plat a three (3) Lot subdivision of approximately 594 acres. According to the applicant, the subdivision is requested to plat the diversion channel.

The proposed ownership and maintenance responsibility of the subdivision will be public

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.
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 comment.
County Sanitarian	No issues.
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.

Floodzone

Plat is for diversion channel and as such is a facility that is designed to flood and direct flood waters during a flood event.

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.

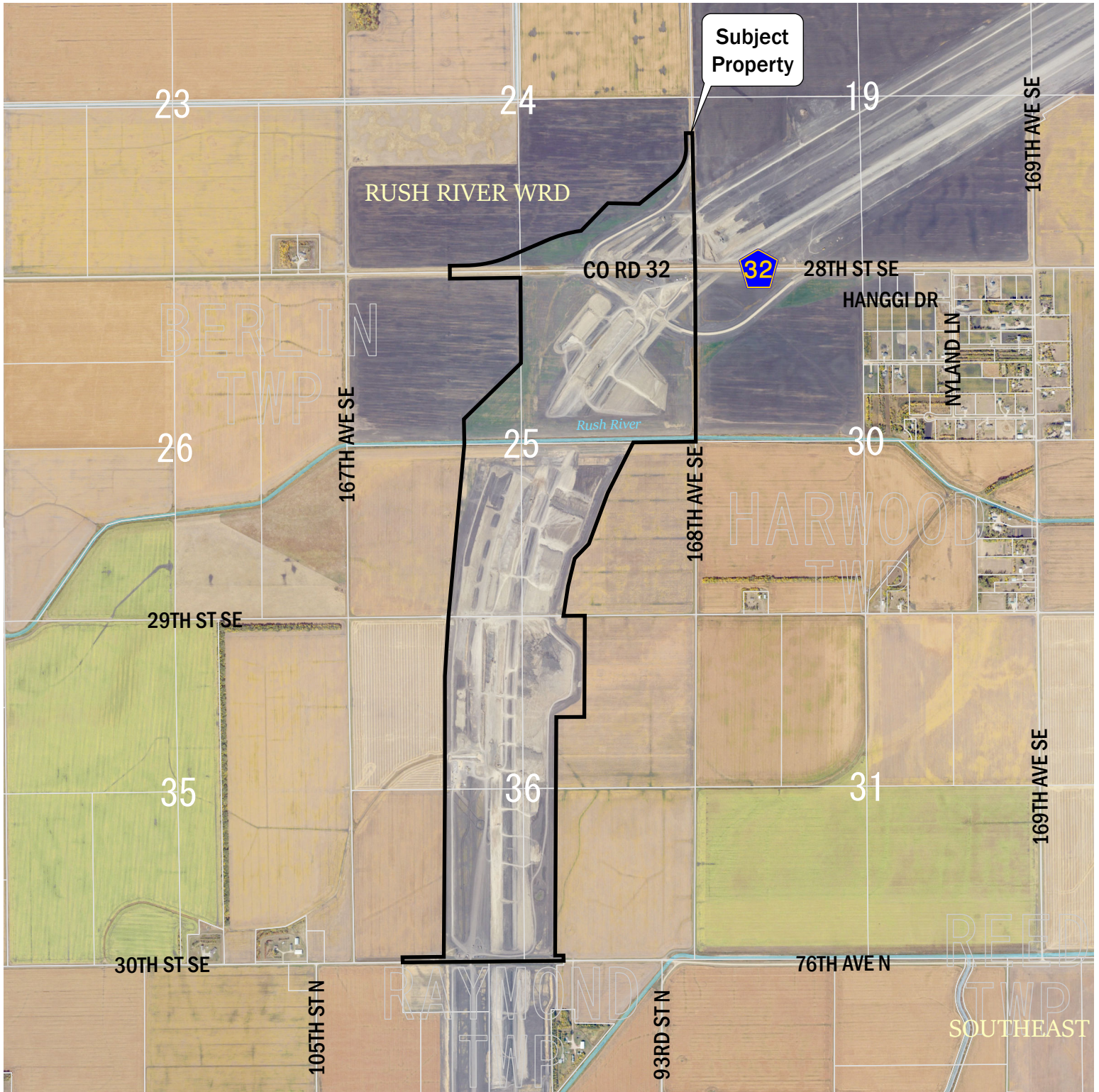
Attachments

1. Location Map
2. Plat Document
3. Variance Application

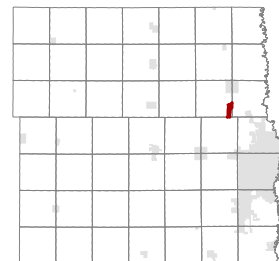
Minor Subdivision

FMD-Berlin Subdivision

Section 24, 25, 36, Berlin Township
Township 141 North - Range 50 West



Cass County Planning Commission
March 28, 2024



Imagery: NAIP, summer/fall 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.



PLAT of FMD-BERLIN SUBDIVISION IN SECTIONS 24, 25, and 36, T141N, R50W, 5th P.M., CASS COUNTY, NORTH DAKOTA

DESCRIPTION OF PLAT BOUNDARY

That part of Sections 24, 25, and 36, T141N, R50W, 5th PM, Cass County, North Dakota, further described as follows:

Beginning at the northeast corner of said Section 25, T141N, R50W; thence S02°09'49"E on the east line of the NE1/4 of said Section 25 a distance of 2655.01 feet to the southeast corner of the NE1/4 of said Section 25; thence S87°19'44"W on the south line of the NE1/4 of said Section 25 a distance of 957.80 feet; thence S24°46'14"W a distance of 674.09 feet; thence S18°23'27"W a distance of 828.66 feet; thence S41°48'16"W a distance of 311.96 feet; thence S11°51'18"W a distance of 435.61 feet; thence S06°46'10"W a distance of 461.84 feet to the south line of said Section 25; thence N87°28'55"E on the south line of said Section 25 a distance of 330.00 feet; thence S01°42'50"E parallel with the east line of the NE1/4 of said Section 36 a distance of 1554.65 feet; thence S87°26'49"W parallel with the south line of the NE1/4 of said Section 36 a distance of 431.70 feet; thence S01°42'50"E parallel with the east line of said Section 36 a distance of 3661.33 feet; thence N87°25'03"E parallel with the south line of said Section 36 a distance of 130.00 feet; thence S02°34'57"E a distance of 80.00 feet to the south line of said Section 36; thence S87°25'03"W on the south line of said Section 36 a distance of 2470.80 feet; thence N02°34'57"W to the south line of said Section 36 a distance of 80.00 feet; thence N87°25'03"E parallel with the south line of said Section 36 a distance of 631.39 feet; thence N01°35'39"W a distance of 2569.26 feet to the north line of the SW1/4 of said Section 36; thence N01°58'50"W a distance of 1735.47 feet; thence N01°19'00"E a distance of 915.38 feet to the north line of the NW1/4 of said Section 36; thence N03°14'50"E a distance of 2658.36 feet to the north line of the SW1/4 of said Section 25; thence N02°40'16"W a distance of 388.69 feet; thence N43°31'50"E a distance of 1226.36 feet to the east line of the NW1/4 of said Section 25; thence N02°15'41"W on the east line of the NW1/4 of said Section 25 a distance of 1310.02 feet; thence S87°10'14"W parallel with the north line of the NW1/4 of said Section 25 a distance of 1085.04 feet; thence N02°49'46"W a distance of 100.00 feet to the north line of the NW1/4 of said Section 25; thence continuing N02°49'46"W a distance of 100.00 feet; thence N87°10'14"E parallel with the south line of the SW1/4 of said Section 24 a distance of 254.37 feet; thence 696.21 feet on the arc of a tangential curve, concave to the north, having a radius of 1775.00 feet, a central angle of 22°28'24", and long chord length of 691.76 feet bearing N75°56'02"E; thence N64°41'50"E a distance of 613.14 feet; thence 544.78 feet on the arc of a non-tangential curve, concave to the south, having a radius of 2017.05 feet, a central angle of 15°28'30", and a long chord length of 543.13 feet bearing N72°28'58"E; thence N42°03'02"E a distance of 590.18 feet; thence N89°15'10"E a distance of 483.58 feet; thence N48°57'48"E a distance of 654.34 feet; thence 514.61 feet on the arc of a tangential curve, concave to the northwest, having a radius of 565.00 feet, a central angle of 52°11'07", and a long chord length of 497.00 feet bearing N22°52'14"E; thence N03°13'20"W parallel with the east line of the SE1/4 of said Section 24 a distance of 221.06 feet; thence N86°46'40"E a distance of 100.00 feet to the east line of the SE1/4 of said Section 24; thence S03°13'20"E on the east line of the SE1/4 of said Section 24 a distance 2081.82 feet to the Point of Beginning.

Said Plat contains 593.98 acres and is subject to any existing easements.

CERTIFICATE OF OWNERS

We, Cass County Joint Water Resource District, Rush River Water Resource District, and Cass County, all political subdivisions of the State of North Dakota, hereby certify that we are the owners of the above described lands. We further certify that 1) we have caused the same to be platted into lots and blocks as shown hereon; 2) said subdivision shall be known as FMD-Berlin Subdivision; 3) we hereby dedicate to the public the public highway and easements shown hereon and 4) we hereby vacate, close, and abandon the road and section line easements created by NDCC 24-07-03 as shown hereon.

Furthermore, in accordance with NDCC 40-50.1-05, we, Rush River Water Resource District and Cass County, hereby grant unto Cass County Joint Water Resource District all of our right, title, and interest in all lands, easements, and rights-of-way within this plat, and we, Cass County Joint Water Resource District hereby accept all such grants.

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Rodger Olson, Chairman
Melissa Hinkemeyer, Secretary/Treasurer

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

On this _____ day of _____, 2024, before me personally appeared Rodger Olson, Chairman and Melissa Hinkemeyer, Secretary/Treasurer of Cass County Joint Water Resource District, known to me to be the person described in the within instrument, and who acknowledged to me that they executed the same.

Notary Public:
State of North Dakota
My commission expires _____

CASS COUNTY

Chad Peterson, Chairman
Cass County Board of Commissioners
Michael Montplaisir
Cass County Auditor

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

On this _____ day of _____, 2024, before me personally appeared Chad Peterson, Chairman of the Board of County Commissioners, and Michael Montplaisir, County Auditor, known to me to be the persons described in the within instrument, and who acknowledged to me that they executed the same.

Notary Public:
State of North Dakota
My commission expires _____

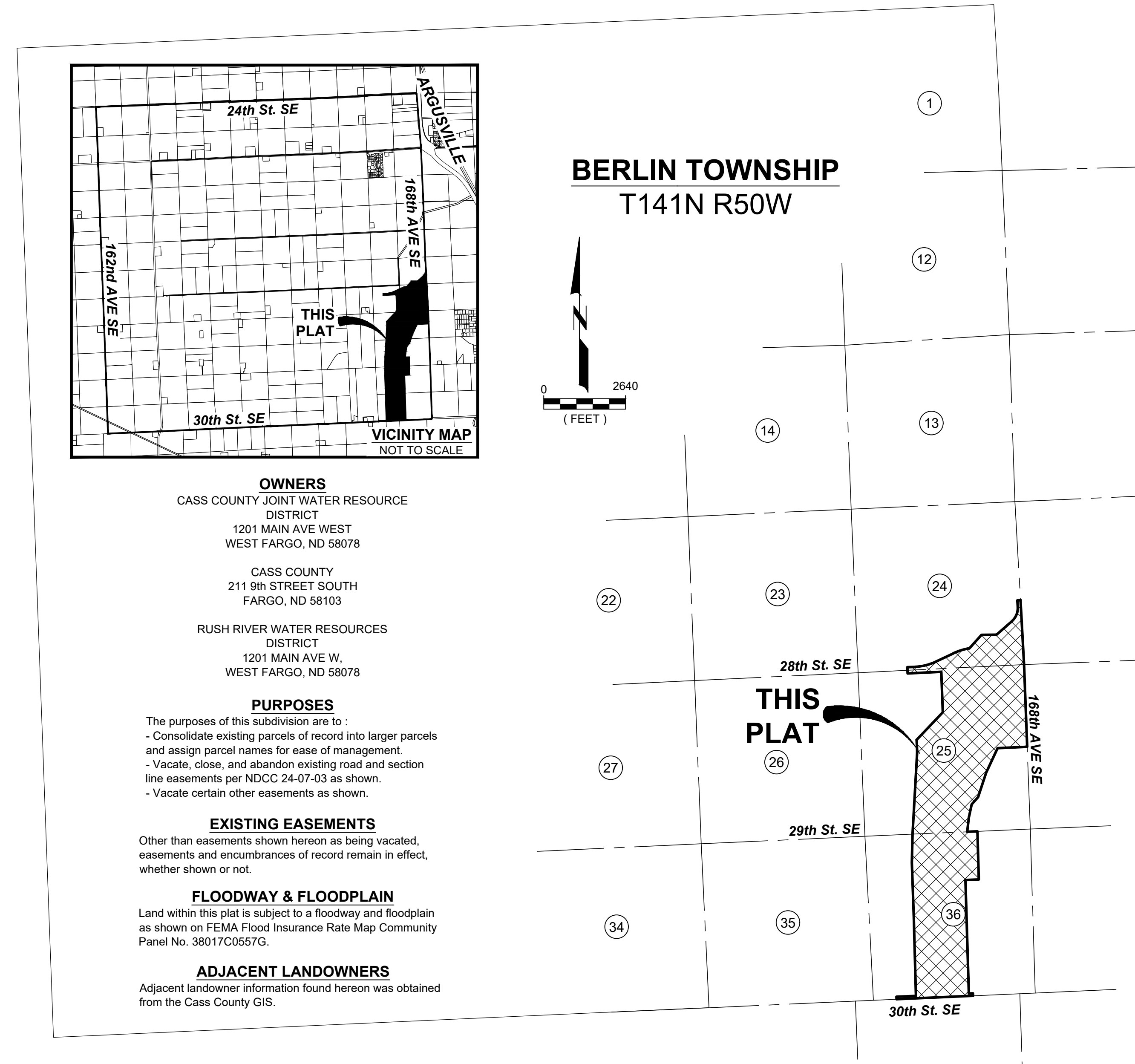
RUSH RIVER WATER RESOURCE DISTRICT

William A. Hejl, Chairman
Melissa Hinkemeyer, Secretary/Treasurer

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

On this _____ day of _____, 2024, before me personally appeared William A. Hejl, Chairman and Melissa Hinkemeyer, Secretary/Treasurer of the Rush River Water Resource District, known to me to be the person described in the within instrument, and who acknowledged to me that they executed the same.

Notary Public:
State of North Dakota
My commission expires _____



CERTIFICATE OF SURVEYOR

I, Steven E. Swanson, a Professional Land Surveyor in the State of North Dakota, hereby certify that this survey of FMD-Berlin Subdivision as shown hereon was conducted by me or under my direct supervision; that the exterior boundary of said subdivision is delineated on the ground by monuments shown hereon; and that, to the best of my knowledge and belief, this plat is a true and correct representation of said survey.

Dated this _____ day of _____, 2024.

Steven E. Swanson, PLS
ND Reg. No. LS-4185

STATE OF NORTH DAKOTA)
)SS
COUNTY OF GRAND FORKS)

On this _____ day of _____, 2024, before me personally appeared Steven E. Swanson, known to me to be the person described in the within instrument, and who acknowledged to me that he executed the same.

Notary Public:
State of North Dakota
My commission expires _____

CERTIFICATE OF CASS COUNTY ENGINEER

Reviewed by the Cass County Engineer this _____ day of _____, 2024.

Thomas Soucy
Interim County Engineer

CERTIFICATE OF BERLIN TOWNSHIP

Reviewed by Berlin Township this _____ day of _____, 2024.

Karl Langseth, Chairman
Attest: Scott Verwest, Clerk/Treasurer

CERTIFICATE OF CASS COUNTY PLANNING COMMISSION

The Cass County Planning Commission has reviewed this plat and hereby approves it.

Dated this _____ day of _____, 2024.

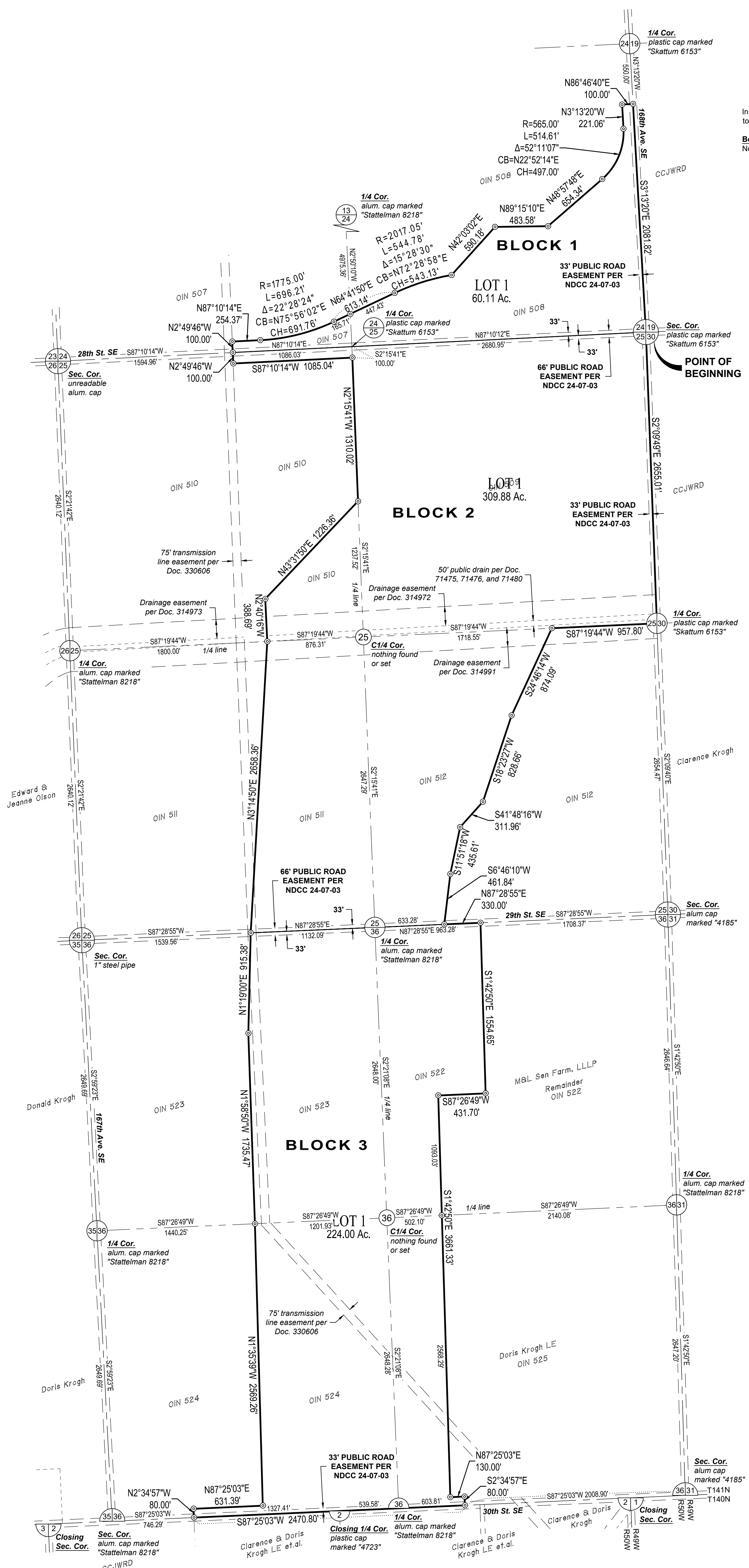
Ken Lougheed, Chairman
Attest: Secretary

CERTIFICATE OF CASS COUNTY COMMISSIONERS

The Cass County Board of County Commissioners reviewed this plat at its meeting on the _____ day of _____, 2024, and, having found it to be in the interest of the public health, safety, and welfare, hereby approves it.

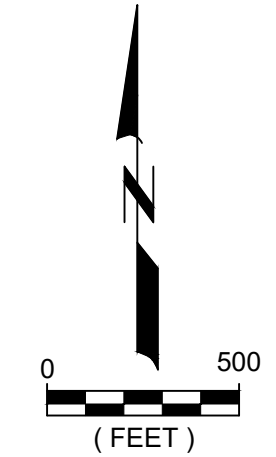
Rick Steen, Chairman
Attest: Michael Montplaisir, County Auditor

PLAT of FMD-BERLIN SUBDIVISION IN SECTIONS 24, 25, and 36, T141N, R50W, 5th P.M., CASS COUNTY, NORTH DAKOTA



EXISTING EASEMENTS
In addition to easements shown hereon, this subdivision is subject to the following easements:

Beneficiary	Doc. No.	Location
Northwestern Bell Tel.	455459	S1/2SW1/4 Sec. 36



BASIS OF BEARING
BEARINGS FOR THIS EXHIBIT ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD83 (2007), SOUTH ZONE. DISTANCES ARE GROUND, US SURVEY FEET. CSF = 0.9998875

LEGEND	
●	SET REBAR W/ PLASTIC CAP MARKED "LS-4185"
▲	SET AC MARKED "LS-4185"
●	SET NAIL & WASHER MARKED "LS-4185"
⊙	FOUND REBAR W/ PLASTIC CAP MARKED "LS-8218" UNLESS OTHERWISE NOTED
●	FOUND STEEL PIPE
△	FOUND AC MARKED AS SHOWN
○	FOUND REBAR OR IRON MONUMENT
⊗	FOUND CHISELED "X"
⊙	ALUMINUM CAP
⊙	BRASS CAP
R/W	RIGHT-OF-WAY
OIN	ORIGINAL IDENTIFICATION No.
—	PLAT BOUNDARY
—	NEW LOT LINE
—	SECTION LINE
—	1/4 LINE
—	1/16 LINE
---	EXISTING BOUNDARY
---	EXISTING EASEMENT
---	EASEMENT VACATED VIA THIS PLAT
---	EXISTING ROAD & SECTION LINE EASEMENTS PER NDCC 24-07-03 VACATED, CLOSED, AND ABANDONED VIA THIS PLAT

