

CASS COUNTY PLANNING COMMISSION AGENDA FOR OCTOBER 11, 2012

Cass County Highway Department Conference Room
10:45 AM
1201 Main Avenue West, West Fargo, ND 58078

1. Call to Order
Establish Quorum of Members
Approve June 28, 2012 Minutes
Approve September 27, 2012 Minutes
2. Andvik Acres Subdivision – A minor residential subdivision in Section 34 of Davenport Township
[Public Hearing]
[Action]
3. C Runck Subdivision – A minor residential subdivision in Section 7 of Mapleton Township
[Public Hearing]
[Action]
4. Lone Oak Farm Subdivision – A minor residential subdivision in Section 11 and 14 of Normanna Township
[Public Hearing]
[Action]
5. Adjournment

Brown bag luncheon immediately following in the Vector Conference Room from 11:30am-1:00pm regarding Planning Commission discussion of agricultural exemptions to road restriction policies.

Additional copies of the agenda and Planning Commission materials are available at:
<http://www.casscountynd.gov/county/Boards/Planning/Pages/default.aspx>

Persons with Disabilities needing accommodations should call 298-2370 prior to the meeting.

**CASS COUNTY PLANNING COMMISSION
SEPTEMBER 27, 2012**

1. MEETING TO ORDER

The meeting was called to order on September 27, 2012, at 7:00 AM in the Highway Department Conference Room with members present as follows: Ken Lougheed, Chad Peterson and Vern Bennett. Keith Monson, Todd Ellig, Mark Williams, Mark Johnson and Melissa Sobolik were absent. Also present were County Engineer Jason Benson and County Planner Tim Solberg.

Due to lack of a quorum, no official action could be taken at today's meeting.

2. ANDVIK ACRES SUBDIVISION (NW ¼ Section of 34, Davenport Township)-Public hearing

Mr. Solberg reviewed the details of the application. The proposed subdivision is approximately 6.84 acres and would be divided into one lot, for residential development. The proposed access will be off of 53rd St., a gravel township road. The plat is currently unmapped on the Flood Insurance Rate Map. Davenport Township does not request assistance from FEMA for flood damaged roads so it cannot be verified if access has been available during past flood events.

The public hearing was opened. As there was no comment the public hearing was closed.

3. C RUNCK SUBDIVISION (SW ¼ of Section 7, Mapleton Township)-Public hearing

Mr. Solberg reviewed the details of the application. The proposed subdivision is approximately 6.9 acres and would be divided into one lot, for residential development. The plat is currently within Zone A of the Flood Insurance Rate Map so any building will require elevation and a floodplain development permit from Mapleton Township.

The County Engineer has recommended extending the right-of-way dedication to 75' on 163rd Ave. SE to the township road. The County Sanitarian has not yet received soil tests, the developer said the contractor is handling the soil testing and will get the permit from the County Sanitarian.

The developer is to meet the goals with deed restriction which is recommended to be a condition of approval as well as properly providing building elevation and access above Base Flood Elevation.

Mr. Solberg said the surrounding parcel should be identified on the plat; Reference to Standard Oil Easement is not identified (location); Mapleton Township signature line states it was reviewed by Arthur Township; and it should be reviewed by the County Engineer.

The public hearing was opened. As there was no comment the public hearing was closed.

4. LONE OAK FARM SUBDIVISION (SE ¼ of Section 11 and NE ¼ of Section 14 in Normanna Township)

Mr. Solberg reviewed the details of the application. The proposed subdivision is approximately 36.36 acres and would be divided into 4 lots, for residential development (with deed restriction). The proposed access will be off of 50th St. SE which a portion thereof is being vacated as part of this plat (a process staff technically approves of based on inability to cross the river and oxbows on the west side of the plat). The plat is currently within Zone AE of the Flood Insurance Rate Map with a Base Flood Elevation of 925 and 926 so any new buildings would require being elevated along with a floodplain development permit from Normanna Township. In reviewing the township and County flood sites it appears the development would have access during large spring flood events.

The river setback including minimum and limited disturbance zones should be delineated and noted on the final plat. Also, the County Engineer will review the access plan and suggest revisions for Lot 1 access. The township approved the portion of the section line vacation and the plat meets the zoning and floodplain as of August 31st.

The public hearing was opened. As there was not comment the public hearing was closed.

5. SCHEDULING OF ROAD RESTRICTIONS BROWN BAG LUNCHEON

Mr. Solberg said there will be a brown bag luncheon on October 11th at the Cass County Highway Department. The meeting will begin at 10:45 with plat approval for the plats which received a public hearing at this meeting and at 11:30 the road restrictions will be reviewed by the Planning Commission. The Road Advisory Committee as well as representatives from Cass County Farm Bureau and Cass County Farmers Union will be invited to attend.

6. ADJOURNMENT

The meeting was adjourned at 7:55 AM.

CASS COUNTY PLANNING COMMISSION AGENDA FOR SEPTEMBER 27, 2012

Cass County Highway Department Conference Room
7:00 AM
1201 Main Avenue West, West Fargo, ND 58078

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Approve June 28, 2012 Minutes
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[Public Hearing]
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[Action]
4. Lone Oak Farm Subdivision – A minor residential subdivision in Section 11 and 14 of Normanna Township
[Public Hearing]
[Action]
5. Scheduling of Road Restrictions Brown Bag Luncheon
6. Other Business and Citizen Comment
7. Adjournment

Additional copies of the agenda and Planning Commission materials are available at:
<http://www.casscountynd.gov/county/Boards/Planning/Pages/default.aspx>

Persons with Disabilities needing accommodations should call 298-2370 prior to the meeting.

**CASS COUNTY PLANNING COMMISSION
JUNE 28, 2012**

1. MEETING TO ORDER

The meeting was called to order on June 28, 2012, at 7:00 AM in the Highway Department Conference Room with members present as follows: Ken Lougheed, Keith Monson, Todd Ellig, Vern Bennett, Mark Williams, Mark Johnson and Brad Wimmer. Chad Peterson and Lou Bennett were absent. Also present were County Engineer Jason Benson and County Planner Tim Solberg.

2. MINUTES APPROVED

MOTION, passed

Mr. Ellig moved and Mr. Johnson seconded that the minutes from the January 26, 2012, meeting be approved as written. Motion carried.

3. CASS COUNTY COMPREHENSIVE HIGHWAY PLAN-2013-2017

Mr. Benson reviewed the five-year Comprehensive Highway Plan using a power point presentation. He said Cass County has approximately 700 miles of roads and 500 structures. Testing will be completed this summer to ensure the roadways scheduled for work receive the proper work. Included in the presentation were maps outlining pavement and bridge conditions. Mr. Benson said comments from the Planning Commission will be forwarded to the Road Advisory for consideration, however; there were no formal comments from the commission.

MOTION, passed

Mr. Wimmer moved and Mr. Johnson seconded to recommend approval of the 2013-2017 Comprehensive Highway Plan to the Cass County Board of Commissioners for formal adoption. Motion carried.

4. QUESTION ON LEGAL AUTHORITY TO ENFORCE DENSITY RESTRICTIONS

Mr. Solberg said a question was raised at the January 26 Planning Commission meeting regarding the legality of the use of density restrictions regulated in Cass County Subdivision Ordinance #2006-1. Section 307,308 and 309 of Cass County Subdivision Ordinance #2006-1 regulates density restrictions. In legal opinions obtained from Mr. William Delmore of the law firm Kelsch Kelsch Ruff and Kranda as well as Cass County States Attorney Birch Burdick, it appears the two attorneys agree that Cass County does have the legal authority to enforce density restrictions as we do in our current form.

5. CORRESPONDENCE

Mr. Solberg shared correspondence from the North Dakota DOT regarding a proposed change of intersection of Highways 10 & 18 as well as correspondence received from the City of Fargo for two projects plus a Fargo corridor study.

6. Other Business

Discussion occurred on overweight vehicle permitting on Cass County Highways based on a question posed by Chairman Lougheed to Mr. Johnson, whom is the

Planning Commission representative on the Road Advisory Committee. Mr. Bennett encouraged the County Planner to work with the County Engineer in bringing forward the issue to the County Planning Commission at a future date. Chairman Lougheed concurred that it would be a good topic for future discussion.

7. ADJOURNMENT

MOTION, passed

On motion by Mr. Bennett, seconded by Mr. Johnson, and all voting in favor, the meeting was adjourned at 8:06 AM.

Minutes prepared by Cindy Stoick, Principal Secretary

Final Plat Review Report – Andvik Acres Subdivision

An application for subdivision approval of a tract of land located in NW ¼ of Section 34 in Davenport Township was filed in the Cass County Planning Office by Josh Roberts. The purpose of the subdivision is to plat 1 lot. The plat is approximately 6.84 acres.

Applicant: Josh Roberts/Dean Andvik Phone: 719-433-3930 or 701-428-9110

Analysis

The proposed subdivision is approximately 6.84 acres and would be divided into one lot, for residential development. The subdivision will use private roads, private sewer systems, and Cass Rural Water as a water source. The proposed access will be off of 53rd St, a gravel township road. The plat is currently unmapped on the Flood Insurance Rate Map. Davenport Township does not request assistance from FEMA for flood damaged roads so we are unable to verify in that manner if access has been available during past flood events.

Comprehensive Plan Consistency:

Will meet goals with deed restriction which is recommended to be a condition of approval and proof that the subdivision will have access during a 1% (100 year) chance flood event

Design standards not met include:

Change name of plat on final plat; County Engineer should read Jason Benson;

Review Agency Comments

Cass County Engineer – none to date

County Sanitarian – no soil tests to date – he has ordered them done

Township - none to date

Cass Rural Water – sufficient capacity – 9/13/12

Cass County Electric – none to date

Water Resource District – No observed flooding on site – concerns on site access during flood events

Century Link – no comment

Public Comment – notified property owners within 1000' – no comment to date

Recommendation

Recommend motion to forward approval to County Commission based on subdivision meeting the requirements of Cass County Subdivision Ordinance #2006-1 with the following conditions being met prior to signature and recording:

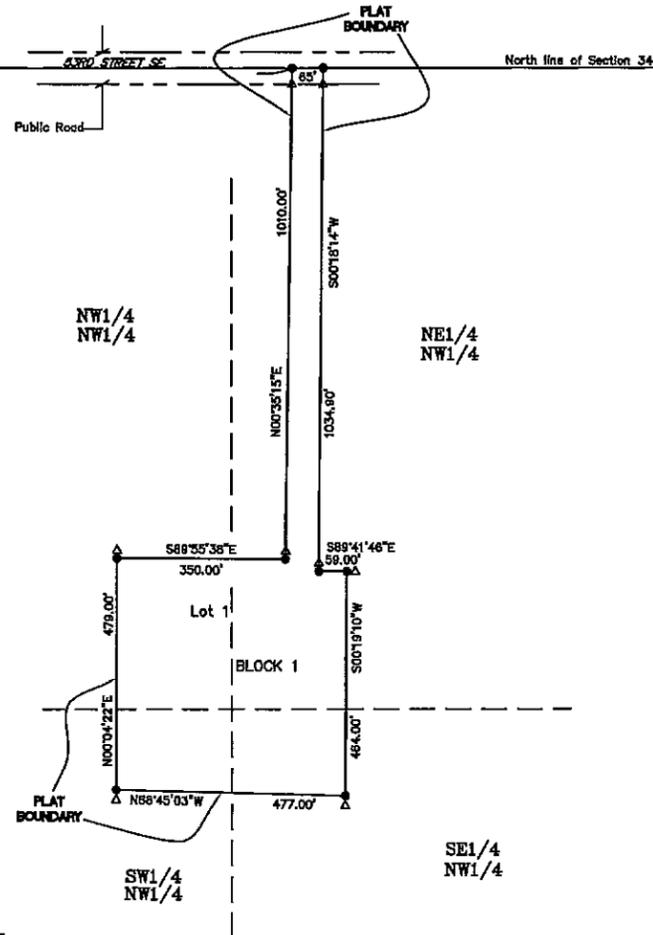
1. Conditions of Planning Commission and review agencies be met including plat revisions
2. Approval of County Sanitarian for on-site septic

ANDVIK ACRES ROBERTS SUBDIVISION

A part of the Northwest Quarter of Section 34, Township 137 North, Range 51 West of the Fifth Principal Meridian, Davenport Township, Cass County, North Dakota

NW Cor. Sec. 34
T137N, R51W
Doc No. 1425

NE Cor. Sec. 34
T137N, R51W
Doc No. 827



EASEMENTS OF RECORD (per Abstract No. 59720, Cass County Abstract Co.)
1) CASS RURAL WATER USERS, BOOK R-7 MISC., PAGE 471 (no specific location of the utility is given in the description)



LEGEND

- = CORNER MARKED WITH A 5/8" X 24" IRON REBAR WITH RED PLASTIC CAP MARKED "ACKERMAN ND2958 S03226"
- = EXISTING OR FOUND CORNER MONUMENT
- △ = STEEL FENCE POST
- REC. = RECORD OR ORIGINAL DISTANCE
- MEAS. = MEASURED DISTANCE THIS SURVEY
- DOC. = MONUMENT RECORD ON FILE AT COUNTY REGISTER OF DEEDS
- NOTE = THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN
- = EASEMENT LINE
- = PROPERTY LINE
- - - = PROPERTY LINE

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Dean J. Andvik and Patricia A. Andvik, whose address is 16015 53 N St. SE Kindred, North Dakota, is the owner and proprietor of a tract of land located in the Northwest Quarter of Section 34, Township 137 North, Range 51 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Commencing at the iron monument marking the northwest corner of said Section 34 (Land Survey Monument Record No. 1425); thence on an assumed bearing of North 89°44'31" East, on and along the north line of said Section 34; a distance of 1447.00 feet to the POINT OF BEGINNING; thence continuing North 89°44'31" East, on and along the said north line of Section 34, a distance of 85.00 feet; thence South 00°18'14" West a distance of 1034.80 feet; thence South 89°41'46" East a distance of 59.00 feet; thence South 00°19'10" West a distance of 484.00 feet; thence North 88°45'03" West a distance of 477.00 feet; thence North 00°04'22" East a distance of 479.00 feet; thence South 88°35'38" East a distance of 350.00 feet; thence North 00°35'15" East a distance of 1010.00 feet to the point of beginning, containing 6.84 acres, more or less.

Said owner has caused the above described tract of land to be surveyed and platted as "ROBERTS SUBDIVISION" in the County of Cass and the State of North Dakota.

Dean J. Andvik & Patricia A. Andvik
Owners of Lot 1 Block 1, Roberts Subdivision

Dean J. Andvik Patricia A. Andvik

STATE OF NORTH DAKOTA }
COUNTY OF CASS }

On this ____ day of _____, 2012, before me, a notary public, with and for said county, personally appeared Dean J. Andvik and Patricia A. Andvik, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public
My commission expires _____, 20____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Steven A. Ackerman, Registered 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 distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 2012.

Steven A. Ackerman, Registered Land Surveyor

STATE OF NORTH DAKOTA }
COUNTY OF RICHLAND }

On this ____ day of _____, 2012, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Notary Public
My commission expires _____, 20____

COUNTY ENGINEER REVIEW

Approved by Cass County Engineer this ____ day of _____, 2012.

Keith Berndt, Cass County Engineer

DAVENPORT TOWNSHIP REVIEW

Reviewed by Davenport Township, Cass County, North Dakota this ____ day of _____, 2012.

Chairman

Attest: _____
Clerk

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of County Commissioners and ordered filed this ____ day of _____, 2012.

Chairman

Attest: _____
Michael Montplaisir, Cass County Auditor

AUDITOR'S TAX RECORD

Delinquent taxes and special assessment or installments of special assessment paid and transfer entered.

Michael Montplaisir, Cass County Auditor

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this ____ day of _____, 2012.

Ken Loughhead, Chair

Attest: _____
DeAnn Buckhouse, Secretary

CASS COUNTY RECORDER

DOCUMENT NO. _____

STATE OF NORTH DAKOTA }
COUNTY OF CASS }

I hereby certify that the above instrument was filed and recorded in this office on the ____ day of _____, 2012 at ____ o'clock ____ M and was duly recorded in Book ____ of _____, page ____

Jewel A. Spies, Cass County Recorder

Final Plat Review Report – C Runck Subdivision

An application for subdivision approval of a tract of land located in SW ¼ of Section 7 in Mapleton Township was filed in the Cass County Planning Office by Craig Runck. The purpose of the subdivision is to plat one lot. The plat is approximately 6.9 acres.

Applicant: Craig Runck

Phone: 701-371-1256

Analysis

The proposed subdivision is approximately 6.9 acres and would be divided into one lot, for residential development. The subdivision will access public roads, private sewer systems, and Cass Rural Water as a water source. The proposed access will be off of 163 Ave SE. The plat is currently within Zone A of the Flood Insurance Rate Map so any building will require elevation and a floodplain development permit from Mapleton Township.

Comprehensive Plan Consistency:

Will meet goals with deed restriction which is recommended to be a condition of approval as well as properly providing building elevation and access above Base Flood Elevation

Design standards not met include:

Surrounding parcel should be identified on the plat; Reference to Standard Oil Easement is not identified (location); Mapleton Township signature line states it was reviewed by Arthur Township; County Engineer should read Jason Benson;

Review Agency Comments

Cass County Engineer – extend right of way dedication to 75' on 163 AVE SE – Township Road

County Sanitarian – has not yet received soil tests – developer stated the contractor is handling it and will permit with County Sanitarian

Township – approved – 9/18/12

Cass Rural Water – sufficient capacity – 9/13/12

Cass County Electric – none to date

Water Resource District – note that it is mapped in Zone A – builder will need to elevate the structure

Century Link – no comment

Public Comment – notified property owners within 1000' – no comment to date

City of Mapleton – meeting with on Tuesday September 25

Recommendation

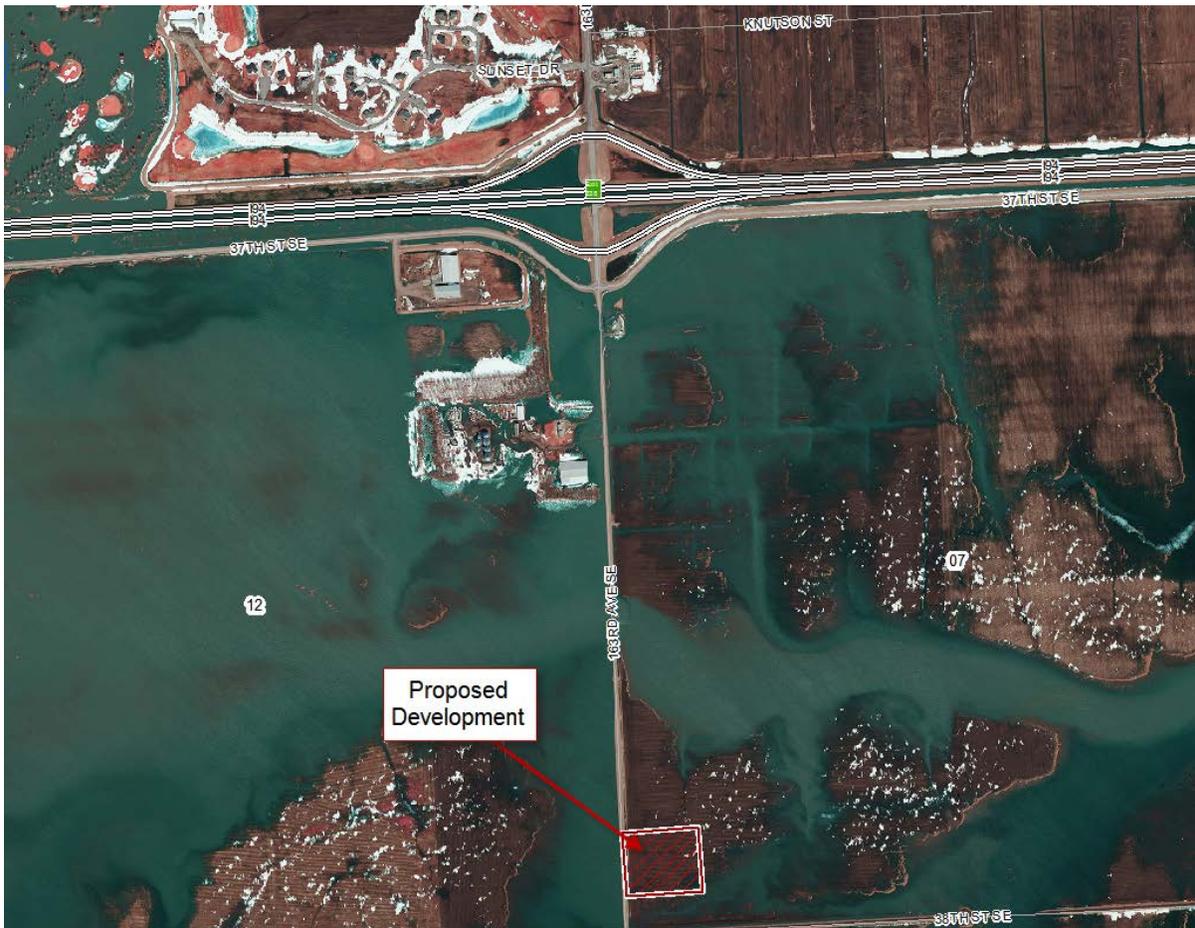
Recommend motion to forward approval to County Commission based on subdivision meeting the requirements of Cass County Subdivision Ordinance #2006-1 with the following conditions being met prior to signature and recording:

1. Deed Restriction to be filed with plat
2. Copy of Title Opinion
3. Conditions of Planning Commission and review agencies be met including plat revisions
4. Approval of County Sanitarian for on-site septic

Vicinity Map



Area Map (2011 Flood)



Plat of RUNCK SUBDIVISION

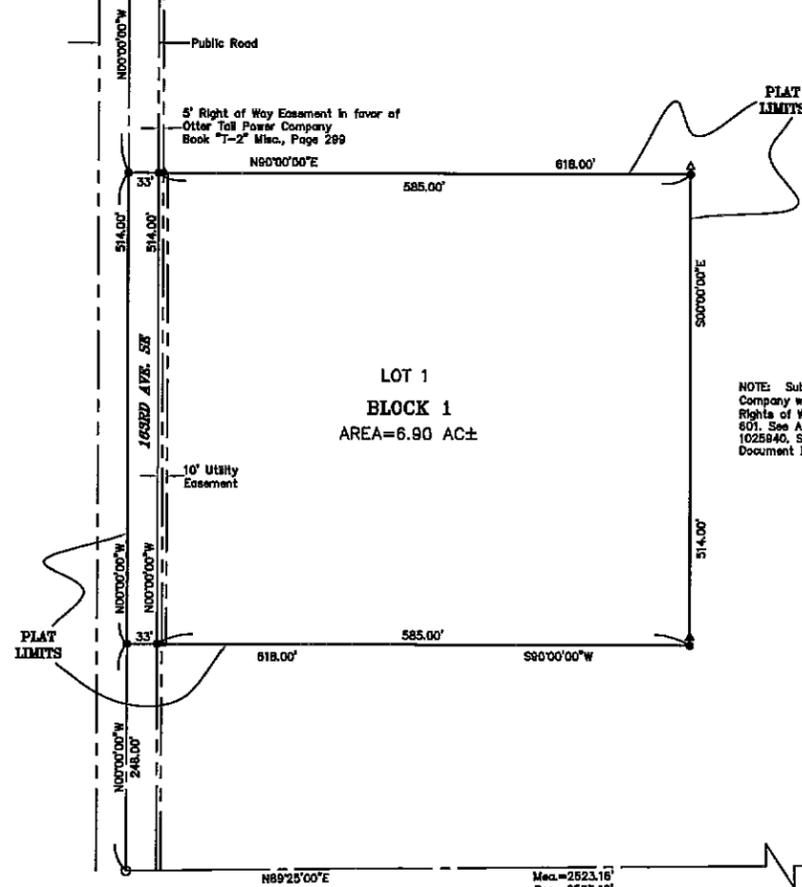
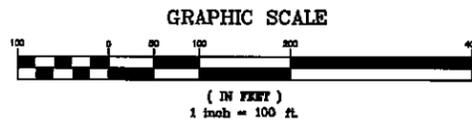
A part of Government Lot 4, Section 7, Township 139 North,
Range 50 West of the Fifth Principal Meridian, Mapleton Township,
Cass County, North Dakota

NW Cor. Sec. 7,
T139N, R50W
T1S 4723"
Doc. No. 1509,1809



LEGEND

- = CORNER MARKED WITH A 5/8" X 24" IRON REBAR WITH RED PLASTIC CAP MARKED "ACKERMAN ND2958 SD5228"
 - = EXISTING OR FOUND CORNER MONUMENT
 - △ = STEEL FENCE POST
 - REC. = RECORD OR ORIGINAL DISTANCE
 - MEA. = MEASURED DISTANCE THIS SURVEY
 - DOC. = MONUMENT RECORD ON FILE AT COUNTY REGISTER OF DEEDS
- NOTE: THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN
- = EASEMENT LINE
 _____ = PROPERTY LINE
 - - - - - = SECTION LINE



NOTE: Subdivision is subject to a Right of Way Contract in favor of Standard Oil Company which is described in Book 1-2" of Misc., Page 382. See Assignment of Rights of Way in favor of The American Oil Company in Book "P-3" of Misc., Page 601. See Assignment in favor of Tesoro West Coast Company in Document No. 1025840. See Assignment in favor of Koneb Pipe Line Operating Partnership, L.P. in Document No. 1051377.

OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Derek B. Runck whose address is 1942 50th St. S., Fargo, ND 58103, Brandon M. Runck whose address is 4033 163th Ave. SE, Mapleton, ND, 58058, Debrae B. Runck whose address is 3730 163rd Ave. SE, Mapleton, ND 58059, and Katalyn L. Runck whose address is 3730 163rd Ave. SE, Mapleton, ND 58059 are the owners and proprietors of a tract of land located in Government Lot 4, Section 7, Township 139 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Commencing at the iron monument marking the Southwest Corner of said Section 7 (Land Survey Monument Record No. xxx0); thence on an assumed bearing of North 00°00'00" West, on and along the west line of said Section 7, a distance of 248.00 feet to the POINT OF BEGINNING; thence continuing North 00°00'00" West, on and along the said west line of Section 7, a distance of 514.00 feet; thence North 90°00'00" East, perpendicular to the said west line of Section 7, a distance of 618.00 feet; thence South 00°00'00" East, parallel with the said west line of Section 7, a distance of 514.00 feet; thence South 90°00'00" West a distance of 618.00 feet to the point of beginning, containing 7.29 acres, more or less.

Said owners have caused the above described tract of land to be surveyed and platted as "RUNCK SUBDIVISION" in the County of Cass and the State of North Dakota, and do hereby dedicate and convey to the public for public use 163rd Ave. SE and utility easements as shown on this plat.

Owners of Lot 1, Block 1, Runck Subdivision

Derek B. Runck _____ Brandon M. Runck _____

Debrae B. Runck _____ Katalyn L. Runck _____

STATE OF NORTH DAKOTA }
 COUNTY OF CASS }

On this ____ day of _____, 2012, before me, a notary public, with and for said County, personally appeared Derek B. Runck, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as a free act and deed.

Notary Public
 My commission expires _____, 20____.

STATE OF NORTH DAKOTA }
 COUNTY OF CASS }

On this ____ day of _____, 2012, before me, a notary public, with and for said County, personally appeared Debrae B. Runck, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as a free act and deed.

Notary Public
 My commission expires _____, 20____.

STATE OF NORTH DAKOTA }
 COUNTY OF CASS }

On this ____ day of _____, 2012, before me, a notary public, with and for said County, personally appeared Debrae B. Runck, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as a free act and deed.

Notary Public
 My commission expires _____, 20____.

STATE OF NORTH DAKOTA }
 COUNTY OF CASS }

On this ____ day of _____, 2012, before me, a notary public, with and for said County, personally appeared Katalyn L. Runck, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as a free act and deed.

Notary Public
 My commission expires _____, 20____.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Steven A. Ackerman, Registered 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 distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 2012.

Steven A. Ackerman, Registered Land Surveyor 2958

STATE OF NORTH DAKOTA }
 COUNTY OF RICHLAND }

On this ____ day of _____, 2012, before me, a notary public, with and for said County, personally appeared Steven A. Ackerman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Notary Public
 My commission expires _____, 20____.

COUNTY ENGINEER REVIEW
 Approved by Cass County Engineer this ____ day of _____, 2012.

Keith Berndt, Cass County Engineer

MAPLETON TOWNSHIP REVIEW
 Reviewed by Arthur Township, Cass County, North Dakota this ____ day of _____, 2012.

Chairman _____

Attest: _____
 Clerk

CASS COUNTY COMMISSION APPROVAL
 Approved by the Board of County Commissioners and ordered filed this ____ day of _____, 2012.

Chairman _____

Attest: _____
 Michael Montplaisir, Cass County Auditor

AUDITOR'S TAX RECORD
 Delinquent taxes and special assessment or installments of special assessment paid and transfer entered.

Michael Montplaisir, Cass County Auditor

CASS COUNTY PLANNING COMMISSION REVIEW
 Reviewed by the Cass County Planning Commission this ____ day of _____, 2012.

Ken Loughheed, Chair

Attest: _____
 DeAnn Buckhouse, Secretary

CASS COUNTY RECORDER

DOCUMENT NO. _____

STATE OF NORTH DAKOTA }
 COUNTY OF CASS }

I hereby certify that the above instrument was filed and recorded in this office on the ____ day of _____, 2012 at ____ o'clock ____ M and was duly recorded in Book ____ of _____, page ____.

Jewel A. Spies, Cass County Recorder

SW Cor. Sec. 7,
 T139N, R50W
 T1S 2346"
 Doc. No. xxx0

Mecl.=2523.16'
 Rec.=2525.18'

SW Cor. Sec. 7,
 T139N, R50W
 T1S 2952"
 Doc. No. xxx0

Preliminary Plat Review Report – Lone Oak Farm Subdivision

An application for subdivision approval of a tract of land located in the SE ¼ of Section 11 and NE ¼ of Section 14 in Normanna Township was filed in the Cass County Planning Office by Mr. Andy Westby. The purpose of the subdivision is to plat 4 lots. The plat is approximately 36.36 acres.

Applicant: Andy Westby

Phone: 701-367-5354

Analysis

The proposed subdivision is approximately 36.36 acres and would be divided into 4 lots, for residential development (with deed restriction). The subdivision will use private gravel roads, private sewer systems, and Cass Rural Water as a water source. The proposed access will be off of 50th St SE which a portion thereof is being vacated as part of this plat (a process staff technically approves of based on inability to cross the river and oxbows on the west side of plat). The plat is currently within Zone AE of the Flood Insurance Rate Map with a Base Flood Elevation of 925 and 926 so any new buildings would require being elevated along with a floodplain development permit from Normanna Township. The current structure on the site is 930.8 at the lowest opening. In reviewing township and County flood sites it appears that this development would have access during large spring flood events.

Comprehensive Plan Consistency:

Will meet goals with properly executed deed restriction and strict adherence to setback conditions which are recommended to be a condition of approval

Design standards not met include:

River Setback including minimum and limited disturbance zones should be delineated and noted on final plat; County Engineer should read Jason Benson;

Review Agency Comments

Cass County Engineer – would like to review access plan and suggests revisions for Lot 1 access

County Sanitarian – has received soil tests and provides specs

Township – Approved portion of section line vacation and plat meets zoning and floodplain – 8/31/12

Cass Rural Water – sufficient capacity – 9/13/12

Cass County Electric – none to date

Water Resource District – none to date

Century Link – add 10' Utility easement to east lot line of lot 4

Public Comment – notified property owners within 1000' – no comment to date

City of Horace – no comment to date

Recommendation

Recommend motion to forward approval to County Commission based on subdivision meeting the requirements of Cass County Subdivision Ordinance #2006-1 with the following conditions being met prior to signature and recording:

1. Deed Restriction to be filed with plat
2. Conditions of Planning Commission and review agencies be met including plat revisions

IMAGES NOT DRAWN TO SCALE-ONLY FOR GENERAL REFERENCE

Vicinity Map

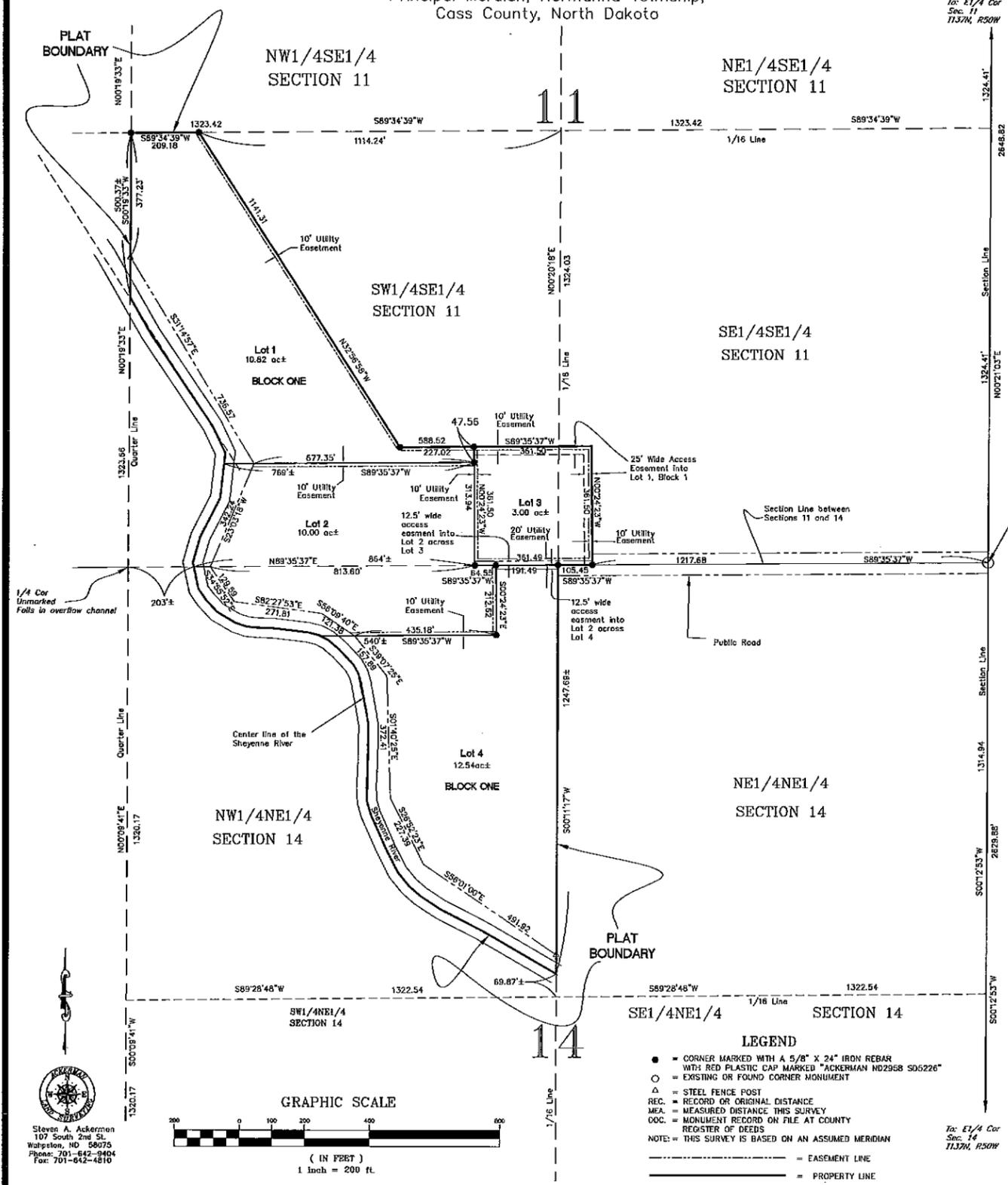


Area Map (2011 Flood)



LONE OAK FARM

A part of the South Half of the Southeast Quarter of Section 11,
and a part of the Northwest Quarter of the Northeast Quarter of
Section 14 North, Township 137 North, Range 50 West of the Fifth
Principal Meridian, Normanna Township,
Cass County, North Dakota



To: E1/4 Cor
Sec. 11
T137N, R50W

SE Cor Sec. 11
NE Cor Sec. 14
T137N, R50W
Rec. No. 1933

To: E1/4 Cor
Sec. 14
T137N, R50W

OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Andrew J. Westby and Erin R. Westby, husband and wife, whose address is 4999 168th Avenue SE, Kindred, North Dakota, and Wells Fargo Bank, N.A. 101 North Phillips Avenue, Sioux Falls, SD 57104 are the owners and mortgagees of a tract of land located in the South Half of the Southeast Quarter (S1/2SE1/4) of Section 11 and the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section 14, Township 137 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, and more particularly described as follows:

Commencing at the iron monument marking the southeast corner of said Section 11, (Land Survey Monument Record No. 1933); thence on an assumed bearing of South 89°35'37" West, on and along the south line of said Section 11, a distance of 1217.65 feet to the POINT OF BEGINNING; thence North 00°24'23" West, perpendicular from the last described line, a distance of 361.50 feet; thence South 89°35'37" West, parallel with the south line of said Section 11, a distance of 588.52 feet; thence North 32°56'58" West a distance of 1141.31 feet to a point on the north line of the Southwest Quarter of the Southeast Quarter of Section 11; thence South 89°34'35" West, on and along the said north line of the Southwest Quarter of the Southeast Quarter of Section 11, a distance of 508.18 feet to the northwest corner of the said Southwest Quarter of the Southeast Quarter of Section 11; thence South 00°19'33" West, on and along the said west line of the Southwest Quarter of the Southeast Quarter of Section 11, a distance of 500.37 feet, more or less, to its intersection with the center line of the Sheyenne River; thence Southeast, on and along the said center line of the Sheyenne River, a distance of 592 feet, more or less, to its intersection with the section line between said Sections 11 and 14; thence containing Southeast, on and along the said center line of the Sheyenne River, a distance of 1377 feet, more or less, to its intersection with the east line of the said Northwest Quarter of the Northeast Quarter of Section 14; thence North 00°11'17" East, on and along the said east line of the Northwest Quarter of the Northeast Quarter of Section 14, a distance of 1247.69 feet, more or less to the northeast corner of the said Northwest Quarter of the Northeast Quarter of Section 14; thence North 89°35'37" East, on and along the said common section line between Sections 11 and 14, a distance of 105.44 feet to the point of beginning.

The above described tract contains 36.36 acres, more or less, and is subject to the public flowage rights of the said Sheyenne River.

Said owners have caused the above described tract of land to be surveyed and platted as "LONE OAK FARM" in the County of Cass and the State of North Dakota, and do hereby dedicate and convey to the public for public use the utility easements as shown on this plat.

ANDREW J. WESTBY & ERIN R. WESTBY
OWNERS OF LOT 1, LOT 2, LOT 3, AND LOT 4, BLOCK ONE, LONE OAK FARM

Andrew J. Westby Erin R. Westby

STATE OF NORTH DAKOTA }
COUNTY OF CASS }

On this ____ day of _____, 2012, before me, a notary public, with and for said county, personally appeared Andrew J. Westby and Erin R. Westby, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public
My commission expires _____, 20__

WELLS FARGO BANK, NA
MORTGAGEE OF LOT 2, BLOCK ONE, LONE OAK FARM

BY: _____
By: _____

STATE OF SOUTH DAKOTA }
COUNTY OF _____ }

On this ____ day of _____, 2012, before me, a notary public, with and for said County, personally appeared _____ and _____ to me known to be the _____ and _____ of Wells Fargo Bank, NA, and the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

Notary Public
My commission expires _____, 20__

Existing easements of record within the area being platted:

1. Right of Way Easement to Northwestern Bell Telephone Co. in Book B-6 of Misc., page 357
2. Right of Way Easement to Cass Rural Water Users, Inc. in Book V-6 of Misc., page 317

OWNER/DEVELOPER: Andrew J. Westby and Erin R. Westby, husband and wife, 4999 168th Ave SE, Kindred, ND 58051

COUNTY ENGINEER REVIEW

Approved by Cass County Engineer this ____ day of _____, 2012.

Keith Berndt, Cass County Engineer

NORMANNA TOWNSHIP REVIEW

Reviewed by Normanna Township, Cass County, North Dakota this ____ day of _____, 2012.

Chairman _____

Attest: _____
Clerk

CASS COUNTY COMMISSION APPROVAL

Approved by the Board of County Commissioners and ordered filed this ____ day of _____, 2012.

Chairman _____

Attest: _____
Michael Montplaisir, Cass County Auditor

AUDITOR'S TAX RECORD

Delinquent taxes and special assessment or installments of special assessment paid and transfer entered.

Michael Montplaisir, Cass County Auditor

CASS COUNTY PLANNING COMMISSION REVIEW

Reviewed by the Cass County Planning Commission this ____ day of _____, 2012.

Ken Loughheed, Chair

Attest: _____
DeAnn Buckhouse, Secretary

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Steven A. Ackerman, Registered 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 distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Dated this ____ day of _____, 2012.

Steven A. Ackerman, Registered Land Surveyor

STATE OF NORTH DAKOTA }
COUNTY OF RICHLAND }

On this ____ day of _____, 2012, before me, a notary public, with and for said county, personally appeared Steven A. Ackerman, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Notary Public
My commission expires _____, 20__

CASS COUNTY RECORDER

DOCUMENT NO. _____

STATE OF NORTH DAKOTA }
COUNTY OF CASS }

I hereby certify that the above instrument was filed and recorded in this office on the ____ day of _____, 2012 at ____ o'clock ____ M. and was duly recorded in Book ____ of _____ page _____

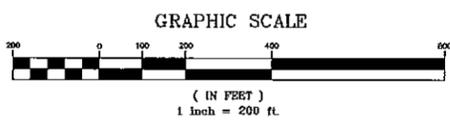
Jewel A. Splies, Cass County Recorder

LEGEND

- = CORNER MARKED WITH A 5/8" X 3/4" IRON REBAR WITH RED PLASTIC CAP MARKED "ACKERMAN ND2968 SD5226"
- = EXISTING OR FOUND CORNER MONUMENT
- △ = STEEL FENCE POST
- REC. = RECORD OR ORIGINAL DISTANCE
- MEA. = MEASURED DISTANCE THIS SURVEY
- OCC. = MONUMENT RECORD ON FILE AT COUNTY REGISTER OF DEEDS

NOTE: THIS SURVEY IS BASED ON AN ASSUMED MERIDIAN

----- = EASEMENT LINE
----- = PROPERTY LINE



Steven A. Ackerman
107 South 2nd St.
Wahpeton, ND 58075
Phone: 701-642-9804
Fax: 701-642-4810