A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of January 23, 2020

E. Public Hearing Items
   1. Hearing on an application requesting a Minor Subdivision Plat of **Hamre Subdivision** (located in Watson Township, in the SW ¼ of SW ¼ of SW ¼ of Section 8, Township 137 North, Range 53 West of the 5th Principal Meridian, Cass County, North Dakota).

F. New Business
   Grace Puppe, new Cass County Planner, March 2nd start date

G. Old Business

H. Adjournment

Meeting attendees with disabilities that need special accommodations should contact the Cass County Highway Department at 701-298-2370 prior to the meeting to make arrangements.
CASS COUNTY PLANNING COMMISSION
JANUARY 23, 2020

1. MEETING TO ORDER
   A meeting of the Cass County Planning Commission was called to order on January 23, 2020, at 7:00 AM in the Vector Control Conference Room with members present as follows: Ken Lougheed, Rocky Bertsch, David Gust, Brad Olson, Elissa Novotny and Kris Schipper. Mr. Breitling, Mr. Monson and Dr. Mahoney were absent. Also present were County Planner, Barrett Voigt; States Attorney, Birch Burdick and County Engineer, Jason Benson.

2. MINUTES, APPROVED
   MOTION, passed
   Mr. Gust moved and Mr. Olson seconded to approve the minutes of the December 12 meeting as presented. Motion carried.

3. PUBLIC HEARING ITEMS
   a. Minor Subdivision Plat of Hamre Subdivision, located in Watson Township
      Mr. Lougheed opened the public hearing.

      Mr. Voigt stated that the board may want to continue this item as the plat is not yet completed.

      The public hearing was closed.
      MOTION, passed
      Mr. Gust moved and Mr. Olson seconded to continue this item until the plat is complete.
      Motion carried.

   b. Minor Subdivision Plat of Punton Subdivision, located in Empire Township.
      Mr. Voigt provided an overview of the for a minor subdivision entitled Punton Subdivision. The proposal requests approval for a three (3) lot One (1) block subdivision of approximately 18.96 Acres. According to the applicant, the subdivision is requested to allow for the construction of a barn structure to allow for a commercial wedding business venue. The proposed lot is located at 14641 28th Street SE, Ayr, ND in Empire Township on the north side of Township Road 28th Street SE.

      The proposed ownership and maintenance responsibilities will be private. The subdivision will use a township road access, ditches for storm sewer conveyance, rural water, and on-site septic system for wastewater treatment. The property is not within the 100 year flood plain. The township has no concerns regarding road capacity.

      MOTION, passed
      Mr. Gust moved and Ms. Novotny seconded to accept the findings and recommendations of staff and recommend
approval to the County Commission with a deed restriction being recorded on the remaining 120 acres. Motion carried.

4. NEW BUSINESS
   a. Contract
      They are working on the contract for updating the subdivision ordinance. KLJ is working on contract negotiations and then it will go to the Cass County Commission the 1st meeting in February.

   b. County Planner
      Mr. Voigt will continue on a part-time basis for approximately another month. Interviews are being held at this time for a new County Planner.

5. ADJOURNMENT
   On motion by Mr. Gust, seconded by Mr. Bertsch, and all voting in favor, the meeting was adjourned at 7:30 AM.

Minutes prepared by DeAnn Buckhouse, Election Coordinator
Agenda Items No.

E.1 Hamre Subdivision
1. PROPERTY OWNER INFORMATION

NAME (PRINTED): Thomas Retting
ADDRESS: 14007 50th St SE, Leonard, ND 58652
PRIMARY PHONE: (701) 269-8149
EMAIL: jklegal1@drtel.net

2. REPRESENTATIVE INFORMATION (DEVELOPER, SURVEYOR, ENGINEER)

NAME (PRINTED): Jones & Kelly, Attorneys at Law, P.C.
ADDRESS: P.O. Box 391, Lisbon, ND 58054
PRIMARY PHONE: (701) 683-4123
EMAIL: jklegal1@drtel.net

3. PROPOSED SUBDIVISION DETAILS

SUBDIVISION: SW1/4 of SW1/4 of SW 1/4
SECTION, TOWNSHIP, RANGE: 8-137-53
TOTAL ACRES: 1.15
NUMBER OF LOTS: 1
PROPOSED LAND USE (CHECK ONE): ☑ RESIDENTIAL ☐ AGRICULTURE ☐ COMMERCIAL
When Tom Rettig purchased the property, it was only supposed to be 1.15 acres that was deeded to him from Jeff and Neva Hamre. Instead 10 acres was deeded. We are trying to correct the error, as Tom is now in the process of selling the property and the legal description needs to be correct to the 1.15 acres.

5  EXISTING OR PROPOSED INFRASTRUCTURE TYPE

ROADS:  [ ] PUBLIC  [ ] PRIVATE  [ ] PAVED  [✓] GRAVEL
WATER SUPPLY:  [ ] PUBLIC  [ ] PRIVATE  [✓] RURAL WATER  [ ] SHARED WELLS
WASTE WATER TREATMENT:  [ ] PUBLIC  [✓] ON-SITE SEPTIC
STORM SEWER:  [✓] DITCHES  [ ] STORM SEWER SYSTEM

OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF THE SUBDIVISION:  [ ] PUBLIC  [✓] PRIVATE

6  HIGHWAY ACCESS PERMITTING

DOES PROPOSED SUBDIVISION FRONT COUNTY HIGHWAY?  [ ] YES  [✓] NO

IF YES, PLEASE SECURE HIGHWAY ACCESS PERMIT WITH CASS COUNTY ENGINEER BEFORE YOU SUBMIT SUBDIVISION APPLICATION. FOR MORE INFORMATION, PLEASE CONTACT THE CASS COUNTY ENGINEER OFFICE AT 701-298-2378 OR bustab@casscountynd.gov.

10/31/19

CASS COUNTY ENGINEER TECHNICIAN

DATE
SUPPLEMENTAL DOCUMENTS TO BE SUBMITTED

- TITLE OPINION DOCUMENT
- VERIFICATION OF TAXES PAID (https://proptax.casscountynd.gov/#Search)
- PROOF OF CORRESPONDENCE WITH WEED DEPARTMENT (PLEASE CONTACT STANLEY WOLF AT EITHER 701-298-2388 OR wolfs@casscountynd.gov)
- DOES THIS PROPOSAL FRONT A STATE HIGHWAY? IF YES, PLEASE SUBMIT LETTER OF APPROVAL FROM NDDOT (PLEASE CONTACT TROY GILBERTONS AT 701-239-8904 OR tgilbert@nd.gov)
- DOES PROPOSAL PROVIDE ONSITE SEPTIC SYSTEM? IF YES, PLEASE SUBMIT PROOF OF CORRESPONDENCE WITH FARGO CASS PUBLIC HEALTH (PLEASE CONTACT AARON JOHNSON AT ajohnson@FargoND.gov)
- PROOF OF CORRESPONDENCE WITH CASS COUNTY ENGINEER TO VERIFY IF LOT GRADING PLAN NEEDED (PLEASE CONTACT JASON BENSON AT bensonj@casscountynd.gov)

SIGNATURE

OWNER SIGNATURE

DATE

REPRESENTATIVE SIGNATURE

DATE

SUBDIVISION FEE SCHEDULE

☐ MINOR SUBDIVISION (1-4 LOTS): $100.00 BASE FEE + $35 PER LOT
☐ MAJOR SUBDIVISION (5-12 LOTS): $500.00
☐ MAJOR SUBDIVISION (13 LOTS OR GREATER) $660.00

DATE FEE PAID:

NOTE: A NONREFUNDABLE FILING FEE MUST BE ACCOMPANIED WITH THE APPLICATION AT TIME OF SUBMITTAL MADE PAYABLE TO THE CASS COUNTY HIGHWAY DEPARTMENT.

ACKNOWLEDGEMENT: WE HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION IS TRUE AND COMPLETE TO THE BEST OF OUR KNOWLEDGE AND THAT THE PRIMARY CONTACT NAMED ABOVE WILL BE CONTACTED IF ANY QUESTIONS ARISE AND WHEN THE PLAT HAS BEEN APPROVED.
# Cass County Planning Commission Staff Report

## Entitlements Requested:

| Minors Subdivision (1 Lot) of a part of the SW 1/4 of the SW ¼ of Section 8, Township 137 North, Range 53 West |

## Title:

| Hamre Subdivision |

## Date:

| 1-15-2020 |

## Location:

| 14607 50 ST SE Leonard, ND 58052 (Watson Township) |

## Staff Contact:

| Barrett Voigt |

## Parcel Number:

| 68-0000-12938-020 |

## Water District:

| Maple River Water District |

## Owner(s)/Applicant:

| Thomas Rettig/Jones and Kelly, Attorneys at Law, P.C. |

## Engineer/Surveyor:

| Neset Land Surveys |

## Status:

| Planning Commission Hearing: January 23, 2020 |

## Existing Land Use

| Residential |

## Proposed Land Use

| Residential |

## Proposal

The applicant is seeking approval of a minor subdivision entitled **Hamre Subdivision** to plat a one (1) Lot, (1) Block subdivision of approximately 1.15 acres. According to the applicant, the subdivision is requested to rectify a previous land subdivision error so that the property may comply with the requirements of the Cass County Subdivision Ordinance by platting and transferring a land development right to allow for the subdivision. The proposed lot is located at 14607 50 ST SE Leonard, ND 58052 in Watson Township on the north side of County Road 16.

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

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<td>County Engineer</td>
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<td>Water Resource District</td>
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<td>Cass County Electric Cooperative</td>
<td>No issues. CCEC has a utility easement: Document No. 449881 serving the existing site.</td>
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<td>Century Link</td>
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<td>Sprint has no facilities on or near either of these address.</td>
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<td>Xcel Energy</td>
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<td>Otter Tail Power Company</td>
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<tr>
<td>Magellan Pipeline Company</td>
<td>Magellan Pipeline Company does not run in either of these TWPs Thanks.</td>
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<td>NuStar Energy</td>
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<td>Cass Rural Water</td>
<td>In both cases the property currently has water service from Cass Rural Water District</td>
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<tr>
<td>Township Chairman</td>
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<td>The City of West Fargo</td>
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<tr>
<td>Public Comment</td>
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Staff Analysis

Land Use and Surrounding Uses
The subject property is bound by agricultural production land on the north, west, and east. County Road 16 borders the south of the property.

Floodzone
According to the FEMA Flood Map Service Center, this property has no Special Hazard Flood Area identified. In addition, the Maple River, a blueline perennial watercourse, was identified north of the proposed lot.

Land Development Rights
The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 308 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 308 of the Cass County Subdivision Ordinance.

Attachments

1. Location Map
2. Plat Document
Parcel #: 68-0000-12938-020
Owner: THOMAS P RETTIG SR
Address: 14607 50 ST SE
WATSON TOWNSHIP ND 99999

Jurisdiction: Watson Township

Mortgage Company:

Map View - Legal Description - Property details
Agricultural Land Value Calculation

Mail To: THOMAS P RETTIG SR
14607 50TH ST SE
LEONARD ND 58052-9733

2018
Statement #180166625

Mill Levy Rate: 162.26
Consolidated: $755.81
Specials: $0.00
Drains: $36.99
Other: $0.00
Discounts: $37.79
Pen/Int: $0.00
1st Due: $0.00
2nd Due: $0.00
Amount Due: $0.00
Grand Total Due: $0.00

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Assessments

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**SPECIAL ASSESSMENTS**

If any special assessment districts are listed below they are for debt service type districts where improvements are financed and a yearly installment of principal and interest is attached to your tax billing. The “Principal Remaining” is the principal balance of the assessment that has not been billed on the tax statement. The “2019 Installment” is the proposed billing of principal and interest for the next tax year. The “Paid Specials” is a listing of the principal and interest payments made each year.
September 25, 2019

Thomas P. Rettig, Sr.
PO Box 213
Big Lake, MN  55309

RE: CASS COUNTY ABSTRACT NO. 18878  
PRELIMINARY OPINION

Pursuant to your request, I have examined Abstract of Title No. 18878 which has been certified to August 7, 2019 at 6:59 a.m., covering the following described real estate:

The Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section Eight, in Township One Hundred Thirty-seven North, Range Fifty-three West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota.

From my examination, I am of the opinion that record title to said property is in the name of Thomas P Rettig, Sr, a single person, and subject to the following liens, defects, and exceptions:

1. I have not examined any court actions involved in this title and to the extent the same exist, their regularity is presumed.

2. This opinion does not cover oil, gas, and other minerals which have been severed from the surface by conveyances to third parties or reserved by prior grantors in the chain of title.

3. Order Finding the Tri County Irrigation District Duly Approved and Established by the Electors Thereof at an Election Held April 15, 1958 recorded April 24, 1958 at 8:00 a.m. as document # 344638.

4. County Road Easement recorded March 24, 1960 at 9:01 a.m. as document #360241.

5. Right of Way Easement granted to Cass County Electric Cooperative, Inc. recorded July 19, 1971 at 8:23 a.m. as document #449881.
6. Right of Way Easement granted to Northwestern Bell Telephone Company, a corporation, recorded January 26, 1978 at 8:06 a.m. as document #531348.

7. Utility Line Easement granted to Moore & Liberty Telephone Company recorded June 13, 2011 at 8:00 a.m. as document #1325041.

8. Mortgage executed by Thomas P Rettig Sr., a single man, in favor of Mortgage Electronic Registration Systems, Inc. as nominee for Caliber Home Loans, Inc. in the amount of $128,250.00, dated June 23, 2016 and recorded June 24, 2016 at 9:22 a.m. as document #1481134.

9. Taxes for the year 2018 are shown as paid.

No search has been made for financing statements filed pursuant to the Uniform Commercial Code.

This opinion is based upon an examination of the abstract only and the court files of any proceedings that may appear, such as foreclosure, quiet title actions, probate proceedings or tax sales have not been examined. As stated, according to the abstract there appear to be none.

You must satisfy yourself by survey or other proper investigation that all buildings or other improvements located upon the above captioned property lie within the boundaries of the real estate described in this abstract.

You are charged with notice of the rights of persons in possession of the premises as well as easements, encroachments and the like which, though not appearing of record, are capable of ascertainment through inspection or survey.

No opinion is rendered as to the presence or absence of asbestos, radon gas or any other environmentally dangerous product or substance. Additionally, no opinion is rendered as to the adequacy or inadequacy of any sewer or septic system which may service the property as to its compliance with any applicable ordinances or regulations.

Information relative to zoning restrictions is beyond the scope of this opinion, but may be obtained from the building inspector of the municipality in which the property is located.

Title Opinion
Mechanic's liens must be filed for record within ninety days in North Dakota or one hundred twenty days in Minnesota after improvements or construction on the premises have been accomplished. Therefore, if there have been any recent improvements, the possibility exists that liens for such work may yet be filed although they do not appear in the abstract at this time. In North Dakota, failure to file a mechanic's lien within the ninety day period does not defeat the lien except as against purchasers or encumbrances in good faith and for value whose rights accrue after the ninety days and before any claim for the lien is filed. In Minnesota, the lien must be filed for record within the one hundred twenty day period. In either state, however, you should satisfy yourself that there has been no labor performed or material furnished which would subject the property to mechanic's liens or, if so, that the same have been fully paid.

Special assessments are not usually shown in abstracts until they have been extended in the tax lists by the County Auditor. Consequently, it is possible for property to be subject to special assessments which do not appear in the abstract. If local improvements have recently been made, inquiry should be made as to special assessments of the county or city (municipal) auditor involved.

This opinion is based upon the assumption that any and all requirements of municipal, state and federal laws and regulations have been duly complied with and no independent review of such compliance has been made or undertaken by this examiner.

Sincerely,

[Signature]

Dane McCartney
Attorney