

Horace Planning & Zoning Commission Meeting Agenda

Tuesday, July 26, 2022 – 6:00 pm Fire Hall Event Center – 413 Main Street, Horace, North Dakota

- 1. Declare Quorum
- 2. Regular Agenda
- 3. Approve the July 12, 2022, Planning & Zoning Commission Meeting Minutes
- 4. Dairy Queen Sign | Jace Hellman, Community Development Director
 - a. Variance
 - i. Public Hearing
 - ii. Discussion & Action
- 5. Wangler Addition | Jace Hellman, Community Development Director
 - a. Plat
 - i. Public Hearing
 - ii. Discussion & Action
- 6. Adjournment



HORACE PLANNING and ZONING COMMISSION MEETING MINUTES

July 12, 2022 | 6 p.m. Horace Fire Hall Event Center | 413 Main Street, Horace ND 58047

Present: Russell Sahr, Amy Beaton, Julie Hochhalter, Doug Wendel, Jace Hellman

Chair Sahr called the meeting to order at 6:00 p.m.

Agenda Item 1: Declare Quorum

Agenda Item 2: Regular Agenda

Commissioner Hochhalter motioned to approve. Seconded by Commissioner Beaton. All in favor, none opposed. Motion carried.

Agenda Item 3: Approve the June 28, 2022, Planning and Zoning Commission Meeting Minutes
Commissioner Wendel motioned to approve the minutes from June 28, 2022. Seconded by Commissioner
Hochhalter. All in favor, none opposed. Motion carried.

Agenda Item 4: Shoppes at Horace – Design Review Modification | Jace Hellman, Community Development Director

Mr. Hellman presented the applicants proposal to modify the original design review proposal approved by the Commission in December of 2021. Mr. Hellman explained that the modification request is for a shared parking agreement between a clinic and restaurant/bar that will occupy spaces at the Shoppes at Horace.

Commissioner Wendel asked which spaces were being removed on the proposal. The applicant, Chris Mack, explained that restaurant user was occupying more square footage than anticipated. The proposed drive-through was removed, and more parking spaces than originally approved will be provided.

Horace Rural Fire District Chief, Stephen Hayton stated he has no concerns with the proposal.

Commissioner Beaton motioned to approve the Design Review modification for the Shoppes at Horace. Seconded by Commissioner Hochhalter. All in favor, none opposed. Motion carried.

Agenda Item 5: Adjournment at 6:27 p.m.

The next Planning and Zoning Commission meeting is scheduled for July 26, 2022 at 6 p.m.



CITY OF HORACE: PLANNING COMMISSION STAFF REPORT

City of Horace Commission Staff Report							
Entitlements Requested:	Subdivision	Zone Change	Design Review	Conditional Use	<mark>Variance</mark>	Lot Spilt	Other
Title:	7875 Jacks Way		D	ate:	07/	26/202	2
Parcel Number:	15038100030000		Staff Contact:		Jace Hellman		
Owner(s)/Applicant:	Dairy Queen/Midwest Restaurant Holdings		Applicant Contact		Tonyadq@gmail.com		

Purpose

The applicant requests a variance from the City's maximum total sign area as dictated by Horace City Code, 17.16.16 (Permitted Signs by District).

Statement of Fact	
Future Land Use Map Classification	The property is currently designated as Community Focus
Existing Land Use	Commercial (Restaurant W/ Drive Thru)
Current Zoning	Town Center Commercial (C-2)
Area Size	0.77 acres
Adjacent Zoning Districts	North: C-2 (Town Center Commercial); East: C-2 (Town Center
	Commercial); South: C-2 (Town Center Commercial); West: S-R
	(Suburban Residential)
Land Dedication Requirements	None

Consistency with Comprehensive Plan and Future Land Use Map

The proposed application is consistent with the Comprehensive Plan. There are no requests to rezone 7875 Jacks Way. The current zone of the property is C-2, which is compliant with the Future Land Use Map designation of Community Focus.

Discussion and Observation

The applicant submitted a Sign permit application to the City of Horace Building Department; however, upon review by Staff it was determined that request far exceed what is permitted in Horace City Code. Currently, code allows a maximum sign area of a single sign to be no more than 60 square feet. The total area of all signs must not be more than 2 square feet per front foot of building abutting a public right-of-way 50 feet or more in width. The applicant's proposal falls within the maximum allotment for single sign, however, exceeds the allotment for all signs on the property. The current proposal is for 8 signs (five wall signs and three signs located on a pylon) totaling 248.28 square feet. The building (currently under construction) has approximately 24.5 feet of frontage abutting a public right-of-way. Strict interpretation of the code would only allow a total of 49 square feet for all signage on the property, which would cover a maximum of two smaller wall signs.

Horace City Code 17.16.22 allows the City to grant a variance for signs in accordance with the procedural and substantive requirements of the City's Land Use Code.

Recommendation

To accept the findings and recommendations of the staff report and recommend approval of the 7875 Jacks Ways Variance to the City Council.

Attachments

- 1. Variance Application
- 2. Sign Proposal
- 3. Dilworth, MN DQ Signage
- 4. Fargo, ND DQ Signage



COMMUNITY DEVELOPMENT DEPARTMENT

215 PARK DRIVE EAST

HORACE, NORTH DAKOTA 58047

PHONE: 701.492-2972

E-MAIL: bvoigt@cityofhorace.com

www.cityofhorace.com

APPLICATION DATE

(mo/day/year) 07/06/22

VARIANCE APPLICATION

PROPERTY OWNER INFORMATION

NAME (PRINTED): DAIRY QUEEN / MIDWEST RESTAURANT HOLDINGS

ADDRESS: 5131 PROPERITY WAY, FARGO ND, 58104

PRIMARY PHONE: 701-532-2055

ALTERNATIVE PHONE: 701-793-1571

EMAIL: tonyadq@gmail.com

REPRESENTATIVE INFORMATION (DEVELOPER, SURVEYOR, ENGINEER)

NAME (PRINTED): SCENIC SIGN CORP

ADDRESS: PO BOX 881 ST CLOUD MN 56302

PRIMARY PHONE: 320-252-9400

ALTERNATIVE PHONE: 701-306-2505

EMAIL: jessica@scenicsign.com / gary@scenicsign.com

PROPERTY DETAILS

LEGAL DESCRIPTION: LOT 3 BLK 1 LAKEVIEW HEIGHTS 4TH ADDITION

ADDRESS: 7875 JACKS WAY HORACE, ND 58047

CURRENT ZONING: C-2

PROPOSED LAND USE: RESTAURANT W/ DRIVETHRU

4 PLEASE EXPLAIN THE FOLLOWING: How special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.

DAIRY QUEEN CORPORATE HAS SIGN STANDARDS FOR NEW FRANCHISE LOCATIONS

PLEASE EXPLAIN THE FOLLOWING: How the literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

CURRENT SIGN CODE DOES NOT ALLOW FOR THE MINIMUM SIGNAGE PER DAIRY QUEEN CORPORATE STANDARDS

PLEASE EXPLAIN THE FOLLOWING: How the special conditions and circumstances have not resulted from actions of the applicant.

THE LOCAL FRANCHISEE DOES NOT HAVE CONTROL OF DAIRY QUEEN CORPORATE STANDARDS

PLEASE EXPLAIN THE FOLLOWING: How the granting the variance requested will not confer upon the applicant any special privileges that are denied by this ordinance to other premises.

IT IS MY EXPERIENCE, THAT THIS PROJECT WILL NOT BE ABLE TO MOVE FORWARD WITHOUT ADHERING TO DAIRY QUEEN SIGN STANDARDS. FUTURE FRANCHISE OPPORTUNITY WILL BE LIMITED IN HORACE. MOST NATIONAL CHAINS (MCDONALDS, AND BURGER KING FOR EXAMPLE) ALSO HAVE SIGN STANDARDS.

PLEASE EXPLAIN THE FOLLOWING: How the variance is the minimum which would make possible a reasonable use of the premises.

DAIRY QUEEN SIGN STANDARDS NEED TO BE MET

PLEASE EXPLAIN THE FOLLOWING: How the granting of a variance will be in harmony with the general purpose of this ordinance and will not be injurious to the surrounding premises, neighborhood or the city and will not be contrary to the most current

ALL THE SIGNS ARE ON THE NEW BUILDING OR WELL WITHIN THE PROPERTY LINES AND WOULD NOT AFFECT SURROUNDING PREMISES, THE NEW COMMERCIAL NEIGHBORS OR THE CITY.

10 PLEASE EXPLAIN THE FOLLOWING: How there is practical difficulty or unnecessary hardship in use of the premises if the strict application of the regulations are to be carried out.

DAIRY QUEEN WILL NOT GRANT THE FRANCHISE WITHOUT APPROVED SIGNAGE

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Sharebook C.	9			U	M

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WNER SIGNATURE	,	DATE

JAN MY THING STATE

DATE

7-8-22

July 8, 2022

DATE

VARIANCE FEE SCHEDULE

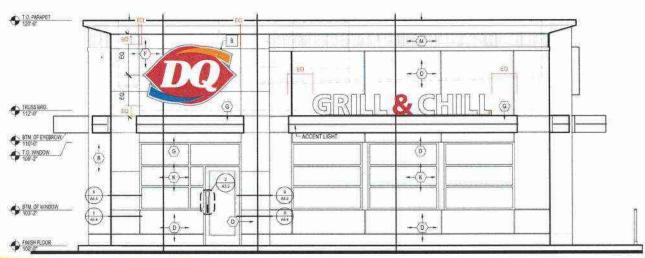
VARIANCE FEE -\$325.00

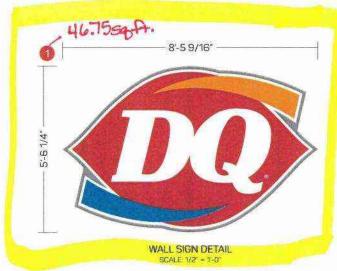
NOTE: A NONREFUNDA-BLE FILING FEE MUST BE ACCOMPANIED WITH THE APPLICATION AT TIME OF SUBMITTAL MADE PAYABLE TO THE CITY OF HORACE.

DATE FEE PAID: 7/12/202

ACKNOWLEDGEMENT: WE HEREBY ACKNOWLEDGE THAT 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 AND APPROPRIATE COPIES ARE READY FOR RECORDING.

FRONT ELEVATION SCALE: 3/16" = 1'-0"





- 29.05 sq.ft. 15'-10 1/2"

> CHANNEL LETTER DETAIL SCALE: 1/2" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Prepared By: Customer 12/20/21 CTM

DAIRY QUEEN File Name Location. HORACE, ND

317792 - R5 - HORACE, ND

Note: Color output resignatible exect when viewing or comongeties drawing. All colors used are PMS or the costed CMYK aguvaient, it these rolois are incorrect, please provide the correct PMS metah and a revision to this drawing will be made.

SIGNS | LIGHTING | IMAGE

DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 · www.personasigns.com



ENTRANCE ELEVATION SCALE: 1/8" = 1'-0"





APPROVAL BOX - PLEASE INITIAL

PG Box 210 Watertown, SD 57201-0210 1 800 843 9888 - www.persogasigns.com

DISTRIBUTED BY SIGN UP COMPANY 700-21st Street Southwest

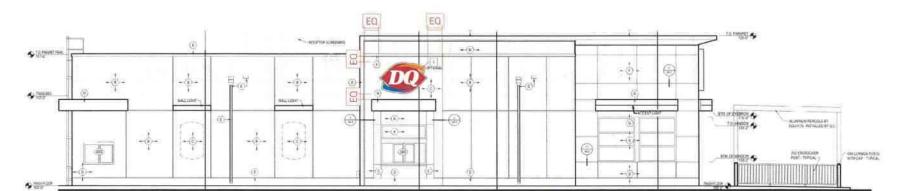
CUSTOMER APPROVAL

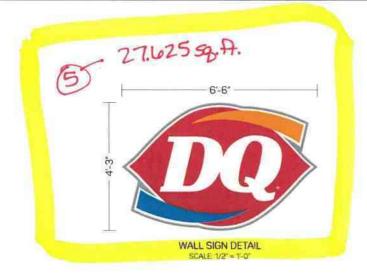
NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation

Customer DAIRY QUEEN	12/20/21	Prepared By CTM	Eng.	1. □ Cabinate Any or beside whet want or prompt to downs, Alcade and an PM or the count OHN countries. If the other are countries by the product record CPM and a mean or the downs with more.	persona
HORACE, ND	117792 - R5 - HORACE, NO	j			SIGNS LIGHTING IMAGE



DRIVE-THRU ELEVATION SCALE: 1/8" = 1'-0"





APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

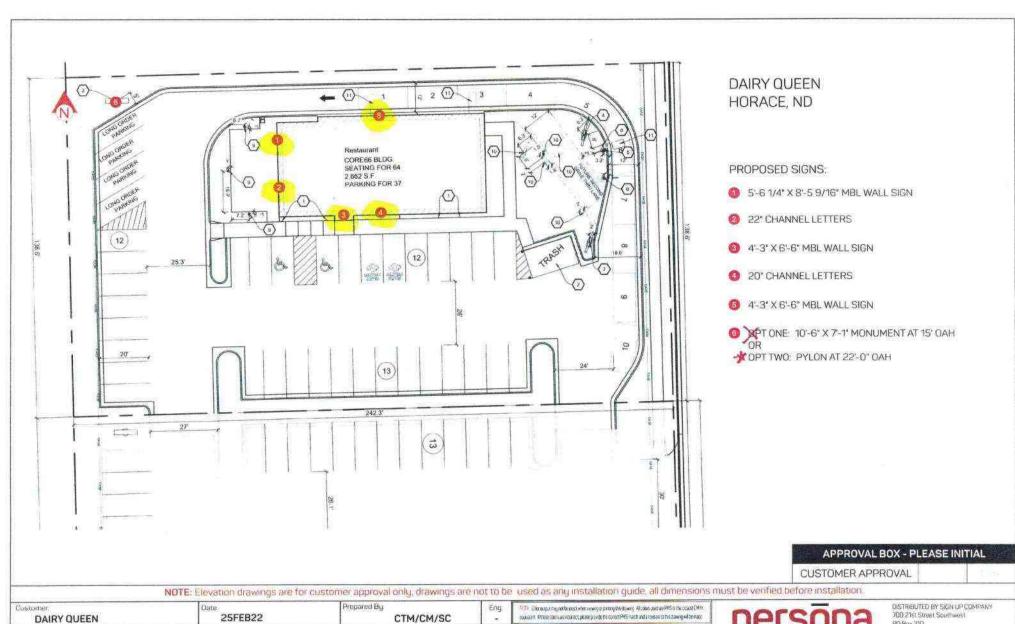
Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer Date Prepared By CTM Eng. | File Consumer prompt find one set PFC to consumer prompt find one



DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 - www.personaeigns.com



File Name

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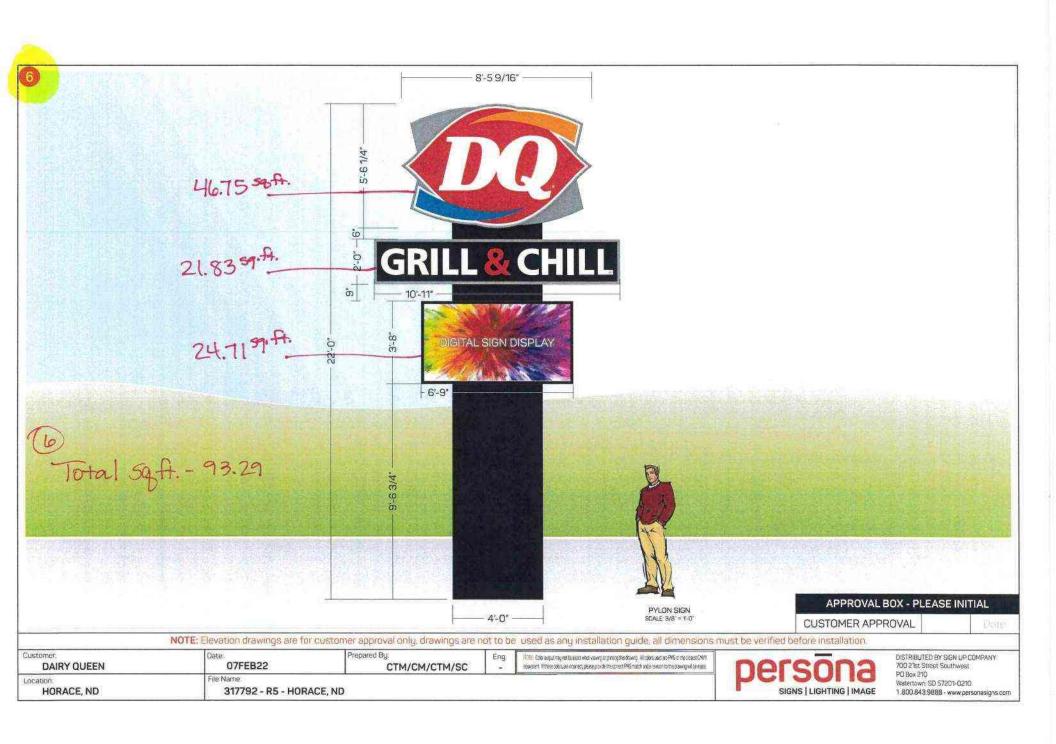
HORACE, ND

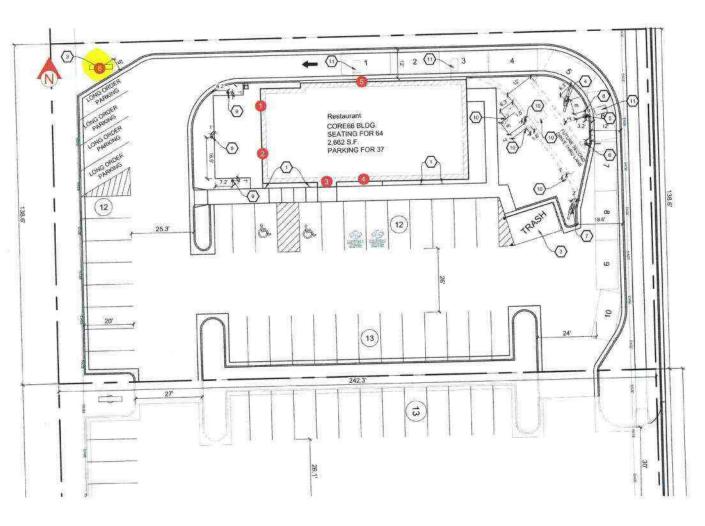
PO Box 210

SIGNS | LIGHTING | IMAGE

Watertown, SD 57201-0210

1.800.843.9888 - www.personasigns.com





DAIRY QUEEN HORACE, ND

PROPOSED SIGNS:

- 60 5'-6 1/4" X 8'-5 9/16" MBL WALL SIGN
- 22" CHANNEL LETTERS
- 4'-3" X 6'-6" MBL WALL SIGN
- 20" CHANNEL LETTERS
- 6 4'-3" X 6'-6" MBL WALL SIGN
- 6 OPT ONE: 10'-6" X 7'-1" MONUMENT AT 15' OAH
- **★**OPT TWO: PYLON AT 22′-0″ OAH

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer:
DAIRY QUEEN
25FEB22
CTM/CM/SC
Location:
HORACE, ND
Date:
25FEB22
CTM/CM/SC
Repaired By CTM



DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest P0 Box 210 Watertown, SD 57201-0210 1.800.843.9888 - www.personasigns.com



























CITY OF HORACE: PLANNING COMMISSION STAFF REPORT

City of Horace Commission Staff Report								
Entitlements Requested:	Subdivision	Zone Change	Design Review	Conditional Use	Variance	Lot Spilt	Other	
Title:	Wangler	Wangler Addition Application Number: CD-2				-2022-16		
Date:	07/26/2022		Staff Contact:		Jace Hellman			
Owner(s)/Applicant:	Ray & Joyo	ce Wangler	Applicant Contact:		rayjoycewangler@bis.midco.net			

Purpose

Ray and Joyce Wangler request to subdivide their approximately HS Investments LLC requests to plat their approximately 11.96-acre property into one (1) lot in order to create a legal parcel that was initial created via the auditor lot process.

Statement of Fact	
Parcel Number(s):	670000012711150
Future Land Use Map Classification:	The property is currently designated as Suburban
Existing Land Use:	Undeveloped Auditor Lot
Current Zoning:	A (Agriculture)
Proposed Zoning:	A (Agriculture)
Development Area:	11.96 acres
Adjacent Zoning Districts:	North: A (Agriculture); East: A (Agriculture); South: A (Agriculture);
	West: A (Agriculture)
Adjacent Street(s):	North: 100 th Ave S/46 th St SE; East: 81 st St S; South: None; West: None
Internal Street(s):	None Proposed
Adjacent Bike/Pedestrian Facilities:	None
Adjacent Parks:	None
Land Dedication Requirements:	On April 25 th , the Park Board voted to waive the park dedication
	request for Wangler Addition (See Park Board Correspondence)

Consistency with Comprehensive Plan and Future Land Use Map

The Future Land Use map designates the general area as Suburban. While the property's current zoning of A (Agriculture) is not consistent with the with the Comprehensive Plan's Future Land Use Map, the property's current zoning district allows for the division of a parcel or tract of land when the smallest parcel created is greater than ten (10) acres and the land is to be used solely for agriculture and living unit purposes.

Discussion and Observation

The 11.95-acre site was created through the tax lot process, which is often referred to as an auditor lot. Auditor lots are often considered non-buildable. In order to correct this parcel's auditor lot status, the applicant is proposing to plat their 11.95-acre property into a one (1) lot subdivision.

Horace City Code allows for non-farm residential uses within the agriculture zoning district so long as the lot area is not less than ten (10) acres and there are no more than a maximum of four (4) dwellings per quarter section of land. Following review, City Staff has determined that this proposal in compliance with Horace City Code.

The applicant has filed for a Building Permit with the City of Horace. The applicant has indicated that this site will serve as their primary residence. Any further subdivision or development shall be subject to City review and may require the property to be rezoned.

Recommendation

To accept the findings and recommendations of the staff report and recommend approval of the Plat for Wangler Addition to the City Council.

Attachments

- 1. Plat Application
- 2. Wangler Addition Plat
- 3. Wangler Addition Park District Recommendation
- 4. Verification of Taxes
- 5. Title Opinion



COMMUNITY DEVELOPMENT DEPARTMENT 215 PARK DRIVE EAST HORACE, NORTH DAKOTA 58047 PHONE: 701.492-2972

APPLICATION DATE

(mo/day/year) 3/24/2022

SUBDIVISION APPLICATION

PROPERTY OWNER INFORMATION

NAME (PRINTED): Ray & Joyce Wrangler Wangler

10373 81st street South Horace NM 58047 **ADDRESS:**

PRIMARY PHONE: 701-527-2902

ALTERNATIVE PHONE: 701-319-8643

rayjoycewangler@bis.midco.net> EMAIL:

REPRESENTATIVE INFORMATION (DEVELOPER, SURVEYOR, ENGINEER)

NAME (PRINTED): Matt Lower or Jim Dahlman

574 Main St, Ste. A, Horace ND 58047 **ADDRESS:**

PRIMARY PHONE: 701-403-6569

ALTERNATIVE PHONE:

EMAIL: matt.lower@interstateeng.com

PROPOSED SUBDIVISION DETAILS

Wangler Addition SUBDIVISION:

SECTION, TOWNSHIP, RANGE: See Plat

TOTAL ACRES:

NUMBER OF LOTS: 1

PROPOSED LAND USE AND ZONING: Land Use: Residential, Zoning: Ag

PAGE 1 OF 3

4	BRIEF NARRA	TIVE DES
1000		

CASS COUNTY ENGINEER TECHNICIAN

BRIEF NARRATIVE DESCRIPTION OF REASON(S) FOR APPLICATION

City of Horace needs auditors lot converted into a plat in order to issue a building permit. No longer necessary for building permit, but Ray + Joyce would still like to Proceed with the platting procus.

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 SEPT	IC				
STORM SEWER:	DITCHES	STORM SEWE	R SYSTEM				
OWNERSHIP AND MAINTENA	NCE RESPONSIBILIT	Y OF THE SUBDIVISIO	N: PUBLIC	PRIVATE			
6 HIGHWAY ACCESS PERMITTING							
DOES PROPOSED SUBD IF YES, PLEASE SECURI SUBMIT SUBDIVISION A TY ENGINEER OFFICE AT	E HIGHWAY ACC	CESS PERMIT WIT	H CASS COUNTY ENG ATION, PLEASE CONTAC	NO INEER BEFORE YOU CT THE CASS COUN-			

DATE

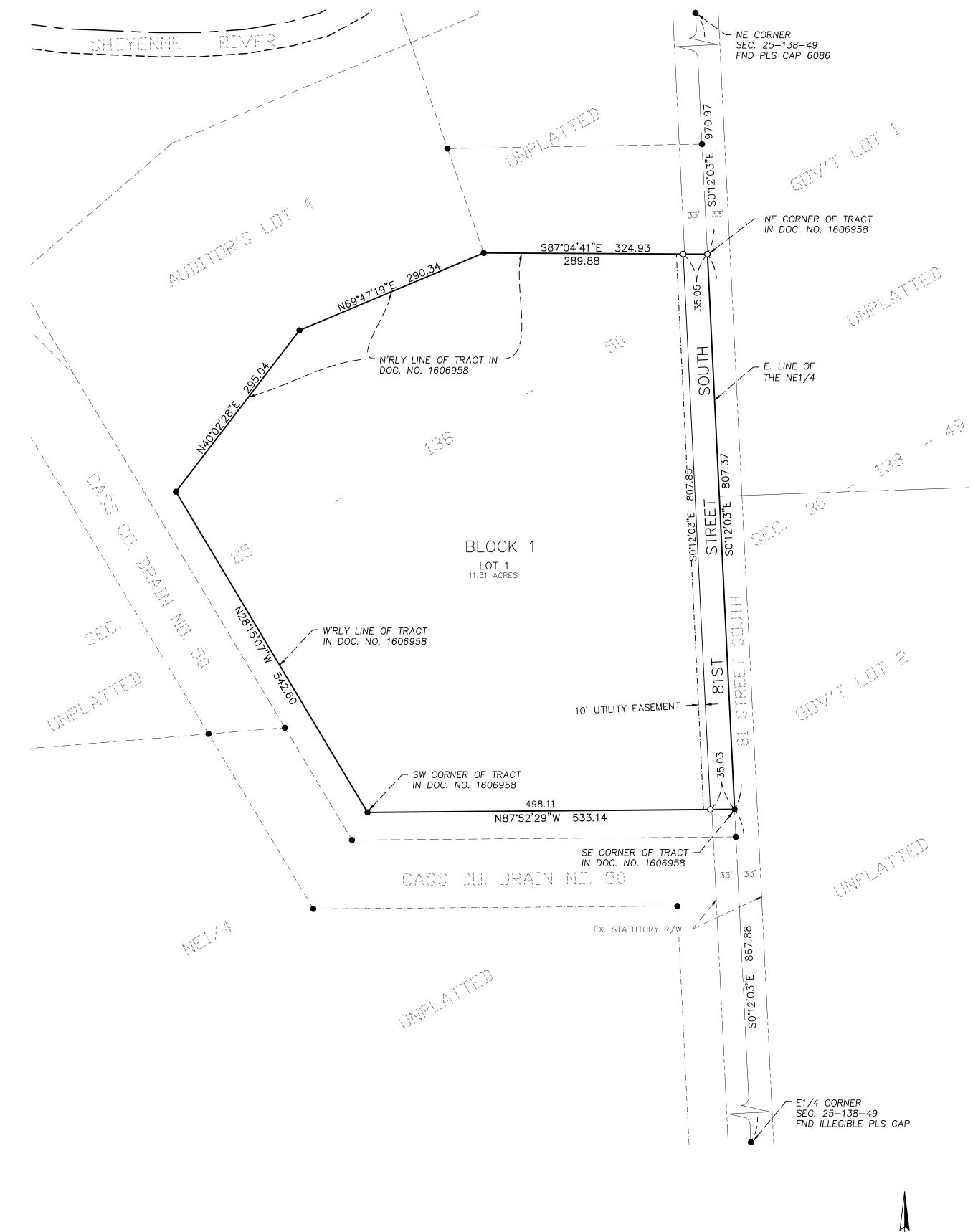
PAGE 2 OF 3

SUPPLEMENTAL DOCUMENTS TO BE SUBMI	TTED
 □ TITLE OPINION DOCUMENT □ VERIFICATION OF TAXES PAID (https://proptax.casscountynd.gov) □ PARK BOARD RECOMMENDATION LETTER (PLEASE CONTACT WAY 2849 OR WFRANK@CITYOFHORACE.COM) □ MASTER PLAN DOCUMENT THAT COVERS ENTIRE CONTIGOUS AFT THE SUBDIVIDER UP TO 80 ACRES ☑ DRAFT PLAT DOCUMENT □ DRAINAGE PLAN □ TABLE SHOWING BREAKDOWN OF LAND USE ACREAGE AND LAN MEET CITY ORDINANCE LAND DEDICATION REQUIREMENTS OF THE FORMAT PREFERRED) 	DE FRANK AT EITHER 218-790- REA OWNED OR CONTROLLED BY D DEDICATION PROPOSED TO
8 SIGNATURE	
OWNER SIGNATURE DATE	-2022
REPRESENTATIVE SIGNATURE DATE	
SUBDIVISION FEE SCHEDULE	NOTE: A NONREFUNDA-
SUBDIVISION (1-4 LOTS): \$350.00 BASE FEE + \$20 PER LOT SUBDIVISION (5 OR MORE): \$600.00 BASE FEE + \$20 PER LOT \$370.00 DATE FEE PAID: May 25th, 2022	BLE FILING FEE MUST BE ACCOMPANIED WITH THE APPLICATION AT TIME OF SUBMITTAL MADE PAYABLE TO THE CITY OF HORACE.
ACKNOWLEDGEMENT: WE HEREBY ACKNOWLEDGE THAT THAT THE A AND COMPLETE TO THE BEST OF OUR KNOWLEDGE AND THAT THE ABOVE WILL BE CONTACTED IF ANY QUESTIONS ARISE AND WHEN THE	PRIMARY CONTACT NAMED

PLAT OF

WANGLER ADDITION

BEING A PLAT OF PART OF THE NORTHEAST QUARTER IN SECTION 25, TOWNSHIP 138 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.



Kory Peterson, Mayor Brenton Holper, City Auditor State of North Dakota County of Cass On this _____ day of _____, 2022, before me, a notary public in and for said County and State, personally appeared Kory Peterson and Brenton Holper, Mayor and City Auditor, respectively, of the City of Horace, to me known to be the persons described in and who executed the same on behalf of the City of Horace. executed the same as a free act and deed. Notary Public CITY ENGINEER'S APPROVAL Approved by the Horace City Engineer this _____ day of _____, 2022. James Dahlman, Horace City Engineer State of North Dakota County of Cass On this _____ day of _____, 2022, before me, a notary public in and for said County and State, personally appeared James Dahlman, City Engineer of the City of Horace, to me known to be the person described in and who executed the same as City Engineer. Notary Public CITY PLANNING AND ZONING COMMISSION APPROVAL Approved by the City Planning and Zoning Commission this _ Russell Sahr, Chairman State of North Dakota County of Cass __, 2022, before me, a notary public in and for said County and State, personally appeared Russell Sahr, Chairman of the Planning and Zoning Commission of the city of horace, to me known to be the person described in and who executed the same on behalf of the Planning and Zoning Commission. Notary Public CITY ATTORNEY'S APPROVAL Approved by the Horace City Attorney this _____ day of ______, 2022

On this _____ day of _____, 2022, before me, a notary public in and for said County and State, personally appeared Lukas W. Croaker, City Attorney of the City of Horace, to me known to be

Approved by the Horace City Council this _____ day of _____, 2022.

CITY COUNCIL APPROVAL

SURVEYOR'S CERTIFICATE

l, Michael L. Fletchall, Professional Land Surveyor under the laws of the state of North Dakota, prepared and made the attached plat of "WANGLER ADDITION" to the City of Horace, Cass County, North Dakota and do hereby certify that this plat is a true and correct representation of the survey of said Addition; that all distances are correctly shown in feet and decimals of a foot; that the monuments for the guidance of future surveys have been located or placed in the ground as shown; and that the exterior boundary lines are correctly described.

Michael L. Fletchall Professional Land Surveyor ND Reg No. LS-4293

State of North Dakota

County of Cass

On this _____ day of _____, 2022, before me, a notary public in and for said County and State, personally appeared Shawn M. Thomasson, to me known to be the person described in and who

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Ray Andrew Wangler and Jocelyn Jean Wangler, are the owners of the following described tract of land:

That part of the Northeast Quarter of Section 25, Township 138 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows;

Commencing at a found iron monument which designates the northeast corner of said Northeast Quarter; thence South 00 degrees 12 minutes 03 seconds East on a record bearing along the east line of said Northeast Quarter for a distance of 970.97 feet to the northeast corner of a tract of land described in Document No. 1606958, on file and of record in the office of the Recorder, said Cass County, the point of beginning; thence continuing South 00 degrees 12 minutes 03 seconds East along the east line of said Northeast Quarter and along the east line of said tract for a distance of 807.37 feet to the southeast corner of said tract; thence North 87 degrees 52 minutes 29 seconds West along the south line of said tract for a distance of 533.14 feet to the southwest corner of said tract; thence North 28 degrees 15 minutes 07 seconds West along the westerly line of said tract for a distance of 542.60 feet; thence North 40 degrees 02 minutes 28 seconds East along the northerly line of said tract for a distance of 295.04 feet; thence North 69 degrees 47 minutes 19 seconds East continuing along said northerly line for a distance of 290.34 feet; thence South 87 degrees 04 minutes 41 seconds East continuing along said northerly line for a distance of 324.93 feet to the point of beginning.

Said tract contains 11.96 acres, more or less, and is subject to all easements, reservations, restrictions and rights of way of record, if any.

Said owners have caused the above described tract of land to be surveyed and platted as "WANGLER ADDITION," to the City of Horace, Cass County, North Dakota, and do hereby dedicate all streets and utility easements to the public for public use as shown on this plat

Ray Andrew Wangler

State of North Dakota

County of Cass

On this _____ day of _____, 2022, before me, a notary public in and for said County and State, personally appeared Ray Andrew Wangler, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and

Notary Public

Jocelyn Jean Wangler

State of North Dakota

On this _____ day of _____, 2022, before me, a notary public in and for said County and State, personally appeared Jocelyn Jean Wangler, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act

Notary Public

THIS PLAT LIES WITHIN ZONE A AS SHOWN ON FLOOD INSURACE RATE MAP NO. 380022 0960 G, DATED JANUARY 16, 2015.

ZONE A: NO BASE FLOOD ELEVATIONS DETERMINED.

AREA OF DEDICATED ROAD: 0.65 ACRES TOTAL PLAT AREA: 11.96 ACRES

HORIZONTAL SCALE IN FEET BASIS OF BEARING: THE E. LINE OF THE NE1/4 OF SECTION 5 HAS A RECORD BEARING OF S00°12'03"E.

= IRON MONUMENT FOUND = SET 5/8" REBAR WITH YELOW PLASTIC CAP ND LS 4293 = POINT OF COMMENCEMENT P.O.B. = POINT OF BEGINNING — — — — — = EXISTING LOT LINE ----- = PROPOSED LOT LINE ---- = EXISTING EASEMENT LINE ----- = PROPOSED EASEMENT LINE ----- = EXISTING R/W LINE

= PLAT BOUNDARY LINE

LEGEND

Lukas W. Croaker, Horace City Attorney

the person described in and who executed the same as City Attorney.

State of North Dakota

County of Cass

Notary Public

ER2210025

OF

SHEET NO.

© 2022, INTERSTATE ENGINEERING, INC.

Professionals you need, people you trust.

INTERSTATE ENGINEERING

X:\2022\ER\10\ER22-10-001 to ER22-10-050\ER22-10-025 Ray Wangler\20_CADD_ER2210025\070_PLSS\ER22-10-025 Wangler Addition P-Plat.dwg 7/19/2022

Interstate Engineering, Inc.

574 Main St.

Horace, ND 58047

Ph (701) 532-0438

www.interstateeng.com

Offices in Minnesota, Montana, North Dakota, South Dakota and Wyoming

From: Wade Frank <wade@horaceparks.org>
Sent: Thursday, June 23, 2022 1:58 PM
To: James Dahlman; Justin Germundson

Cc: Barry Johnson; Shawn Thomasson; Jace Hellman

Subject: Re: Wangler Addition Park District Recommendation

My apologies Jim.

At the April 25th Park Board meeting, the Board passed a motion to waive the park dedication request for Wangler Addition.

Thanks,

Wade

Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android

From: Jim Dahlman < <u>Jim.Dahlman@interstateeng.com</u>>

Sent: Wednesday, June 22, 2022 8:13:30 AM

To: Wade Frank <wade@horaceparks.org>; Justin Germundson <justin@wfparks.org>

Cc: Barry Johnson < <u>Barry.Johnson@interstateeng.com</u>>; Shawn Thomasson

<Shawn.Thomasson@interstateeng.com>; jhellman@cityofhorace.com <jhellman@cityofhorace.com>

Subject: Wangler Addition Park District Recommendation

Wade,

I don't recall every seeing a recommendation from the Park District regarding the Wangler Addition. I know it was discussed; I just can't find the follow up from the Park District.

Can you please provide that for submittal to the City of Horace.

Thank You

James A. Dahlman, PE

Interstate Engineering
574 Main Street N, Suite A
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(701) 532-0438 (office)
(701) 640-8491 (cell)
Jim.dahlman@interstateeng.com
www.interstateeng.com

Professional you need, people you trust.

Parcel #: 67-0000-12711-150

Owner: RAY ANDREW & JOCELYN J WANGLER

Address: 10373 81 ST S

WARREN TOWNSHIP ND 99999

Jurisdiction: Warren Township

Mortgage Company:

Map View - Legal Description - Property details

Mail To: RAY ANDREW & JOCELYN JEAN WANGLER

10373 81 ST S

HORACE ND 58047-9778

2021

Statement #210169529

Mill Levy Rate:	248.47
Consolidated:	\$200.02
Specials:	\$0.00
Drains:	\$0.00
Other:	\$0.00
Discounts:	\$10.00
Pen/Int:	\$0.00
1st Due:	\$0.00
2nd Due:	\$0.00
Amount Due:	\$0.00
Grand Total Due:	\$0.00

Statements

Year Statement # Type Tax Penalty Interest Discount * Paid Balance Add to Cart 2021 210169529 Real Estate \$200.02 \$0.00 \$0.00 \$10.00 \$190.02 \$0.00 Paid

Assessments

Agricultural Year	Residential	Commercial	Total	Taxable Value	Credits	Net Taxable Value
Land	Land Building	Land Building	10001	Before Credits		1,00 100100010 ,01100
2021 \$16,100.00	\$0.00 \$0.00	\$0.00 \$0.00	\$16,100.00	\$805.00	\$0.00	\$805.00

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 "2022 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.



CONMY FESTE LTD.

406 Main Avenue, Suite 200 P.O. Box 2686 Fargo, ND 58108-2686

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Paul M. Hubbard, Retired
E.T. Conmy, Jr. (1912-2006)
Charles A. Feste (1928-2013)

- *Also Licensed in Minnesota
- † Certified Civil Trial Specialist -National Board of Trial Advocacy

June 13, 2022

Re:

Jocelyn Wangler 10373 81st St. S Horace, ND 58048

> All that part of the NE¼ of Section 25, Township 138 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota described as follows: Commencing at the iron monument marking the Northeast Corner of said Section 25 (Land Survey Monument Record No. 1247); thence on an assumed bearing of South 0012'03" East, on and along the East line of the said NE¼, a distance of 970.97 feet to the Point of Beginning; thence continuing South 0012'03" East, on and along the said East line of the NE1/4, a distance of 807.37 feet; thence North 8752'29" West, parallel with and 40.00 feet distant, measured at a right angle, from the North line of that certain tract described and recorded in Document No. 787131, said document on file at the Office of the County Recorder in and for said County and State, a distance of 533.14 feet; thence North 2815'07" West, continuing parallel with and 40.00 feet distant from said tract described in Document No. 787131, a distance of 542.60 feet; thence North 4002'28" East a distance of 295.04 feet; thence North 6947'19" East a distance of 290.34 feet; thence South 8704'41" East a distance of 324.93 feet to the Point of Beginning.

TITLE OPINION

We have examined an abstract of title to the above-described property, consisting of 63 Entries and last certified to on June 2, 2022 at 7:59 a.m. by TRN Abstract & Title.

We find record title to be in Ray Andrew Wangler and Jocelyn Jean Wangler, as joint tenants, subject to the following:

- 1. A right of way easement to Northwestern Bell Telephone Company for buried or underground telephone and communications facilities, dated February 11, 1972, recorded February 18, 1972 in Book S-5 of Misc., page 210. (Entry 33)
- 2. A right of way easement to Northwestern Bell Telephone Company for buried or underground telephone and communications facilities, dated June 5, 1972, recorded July 17, 1972 in Book V-5 of Misc.,page 15. (Entry 38)

- 3. A certificate of survey, dated and recorded July 7, 2020 as Document No. 2596684. (Entry 62)
- 4. Statutory public right of way for road within 33 feet of the section line.

STANDARD CONDITIONS

- * No determination has been made as to (1) location of buildings to determine that they are within the lot lines or (2) rights of access to the property.
- * Any restrictive covenants and applicable zoning ordinances should be consulted to determine if the intended use of the property will comply therewith.
- * This property is subject to (1) the rights of persons in possession if other than the record title owner and (2) easements, encroachments and similar matters which, although not of record, could be determined by inspection and survey.
- * If any repairs or construction work have been done on this property within 90 days, a construction lien might be filed therefor.
- * This property may be subject to unpaid installments for improvements which have not been certified for collection.
- * The regularity of court proceedings referred to in the abstract has been assumed without personal inspection of the files.
- * Unless otherwise noted, the examiner has made no objections or requirements respecting irregularities or defects, unless they actually impair the title or can reasonably be expected to expose the addressee to the hazard of adverse claims or litigation.

The abstract has been returned to TRN Abstract & Title.

Sincerely,

Jeremy D. Holmes

JDH/src

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