

FARGO CITY COMMISSION AGENDA  
Monday, February 5, 2024 - 4:30 p.m.

Executive Session at 4:30 p.m.

Roll Call.

**PLEASE NOTE:** The City Commission will convene at 4:30 p.m. and retire into Executive Session in the Red River Room for the purpose of attorney consultation regarding threatened litigation pertaining to 501 Main Avenue, and to discuss negotiating strategy or provide negotiation instructions to its attorney or other negotiator regarding the threatened litigation, and to receive its attorney's advice and guidance on the legal risks, strengths and weaknesses of an action of a public entity. To discuss these matters in public in an open meeting would have an adverse fiscal effect on the City. Thus, an Executive Session for these matters is authorized pursuant to North Dakota Century Code 44-04-19.1 subsections 2, 5 and 9.

Regular Meeting at 5:00 PM

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.FargoND.gov/Streaming](http://www.FargoND.gov/Streaming). They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at [www.FargoND.gov/CityCommission](http://www.FargoND.gov/CityCommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, January 22, 2024; Special Meeting, January 23, 2024).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Receive and file an Ordinance Amending Section 31-0102 of Article 31-01 of Chapter 31 of the Fargo Municipal Code Relating to the International Property Maintenance Code.
- 2. 2nd reading and final adoption of an Ordinance rezoning certain parcels of land lying in The Pines at the District Fourth Addition to the City of Fargo, Cass County, North Dakota; 1st reading, 1/22/24.
- 3. Gaming Site Authorization for West Fargo Baseball, Inc. at Puerto Vallarta Bar and Grill.
- 4. Applications for Games of Chance:
  - a. Fargo-Moorhead #246 of the National Association of Women in Construction for a raffle on 3/7/24.
  - b. Vietnam Veterans of American Chapter #941 for a calendar raffle from 3/1-3/30/24.
  - c. Red River Range for a raffle on 4/19/24.
  - d. St. Mary's Cathedral for a raffle on 5/5/24.
  - e. Ronald McDonald House Charities of the Red River Valley for a raffle board on 2/10/24.
  - f. USA Wrestling of North Dakota for a raffle on 7/18/24.
- 5. Contract and bond for Project No. SL-23-B1.

6. Bid advertisement for Project No. SR-24-A.
7. Memorandum of Offer to Landowner for an Easement (Temporary Construction Easement) with Aaron Properties, LLC (Improvement District No. BR-23-G2).
8. Purchase of Service Agreement with ND Department of Health and Human Services, Behavioral Health Division for withdrawal management program.
9. Purchase of Service Agreement with FM Metropolitan Council of Governments.
10. Notice of Grant Award from ND Department of Health and Human Services for PHEP-EPR All Hazards (CFDA #93.069).
11. Notice of Grant Award from the ND Department of Emergency Services for FY 2023 State and Local Cybersecurity Grant Program and related budget adjustments (CFDA #97.137).
12. Agreements to provide in-kind contributions to Comstock Services LLC, JGC Leasing LLC and Kjos Investments LLC for the Corvent Medical Project.
13. Tree and Stump Removal Services – 2024 Agreement with Cougar Tree Care, Inc. (RFP21023) and Landscape Maintenance Services – 2024 Agreement with All-Terrain Grounds Maintenance (RFP22004).
14. Bills.

**REGULAR AGENDA:**

15. **RESIDENT COMMENTS** (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at [FargoND.gov/VirtualCommission](https://FargoND.gov/VirtualCommission)).

**\*Public Input Opportunity\* - PUBLIC HEARINGS - 5:15 pm:**

16. **PUBLIC HEARING** – Annexation of 14.20 acres, more or less located in a part of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota
  - a. 1st reading of annexation Ordinance.
17. **PUBLIC HEARING** – 46th Avenue Industrial Park Addition (3336 52nd Avenue North); approval recommended by the Planning Commission on 7/6/23:
  - a. Zoning Change from AG, Agricultural to LI, Limited Industrial.
  - b. 1st reading of rezoning Ordinance.
  - c. Plat of 46th Avenue Industrial Park Addition.
18. Receive and file General Fund 2023 Year End Projections.
19. 2023 Downtown Fargo Business Improvement District Overview.
20. Applications for Property Tax Exemptions for Improvements Made to Buildings:
  - a. Conner Riley, 120 University Drive South (5 years).
  - b. James and Sandra Roers, 4420 Carrie Rose Lane South (5 years).
  - c. Gregory and Suzanne Morrison, 4422 Carrie Rose Lane South (5 years).
  - d. Timothy and Patricia Mayo, 4404 Carrie Rose Lane South (5 years).

- e. Brian and Marea Berg, 135 North Woodcrest Drive North (5 years).
- f. Robert and Kathleen Bennett, 3221 36 Avenue South (5 years).
- g. Ann Zimny, 1010 26 Street North (5 years).
- h. Spaceage Properties, LLC, 1402 39th Street North (5 years).
- i. Kevin and Jeanne Moug, 4406 Carrie Rose Lane South (5 years).
- j. Mary Ann Armbrust, 4428 Carrie Rose Lane South (5 years).
- k. Earlyne Hector, 4440 Carrie Rose Lane South (5 years).
- l. John Hicks, 4424 Carrie Rose Lane South (5 years).
- m. Thomas and Anna Marie Heistand, 4408 Carrie Rose Lane South (5 years).

21. Liaison Commissioner Assignment Updates.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at [www.FargoND.gov/CityCommission](http://www.FargoND.gov/CityCommission).

MEMORANDUM

16

**TO: Board of City Commissioners**

**From: Donald Kress, Current Planning Coordinator**

**Date: February 1<sup>st</sup>, 2024**

**RE: Annexation by Petition for portion of the Southwest 1/4 of the Northwest 1/4 of Section 14, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota**

February 5<sup>th</sup>, 2024, is the date advertised for the presentation to the City Commission of a petition of annexation of a portion of the Southwest 1/4 of the Northwest 1/4 of Section 14, Township 140 North, Range 49 West.

The petition for annexation was brought forward by the land owner, who owns the entire property proposed to be annexed. Advertisements were placed in The Forum and notices were sent to Reed Township and Cass County. Staff has not received any form of protest or concerns from the public.

The property is proposed to be developed as an industrial development. The boundaries of the annexation and corresponding legal description are attached. The proposed development is titled 46<sup>th</sup> Avenue Industrial Park Addition.

**RECOMMENDED MOTION:**

To accept the findings and recommendations of staff and the Planning Commission and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the annexation Ordinance on the first reading, and move to approve the proposed annexation of a portion of the Southwest 1/4 of the Northwest 1/4 of Section 14, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota, as depicted in the attached map and legal description.

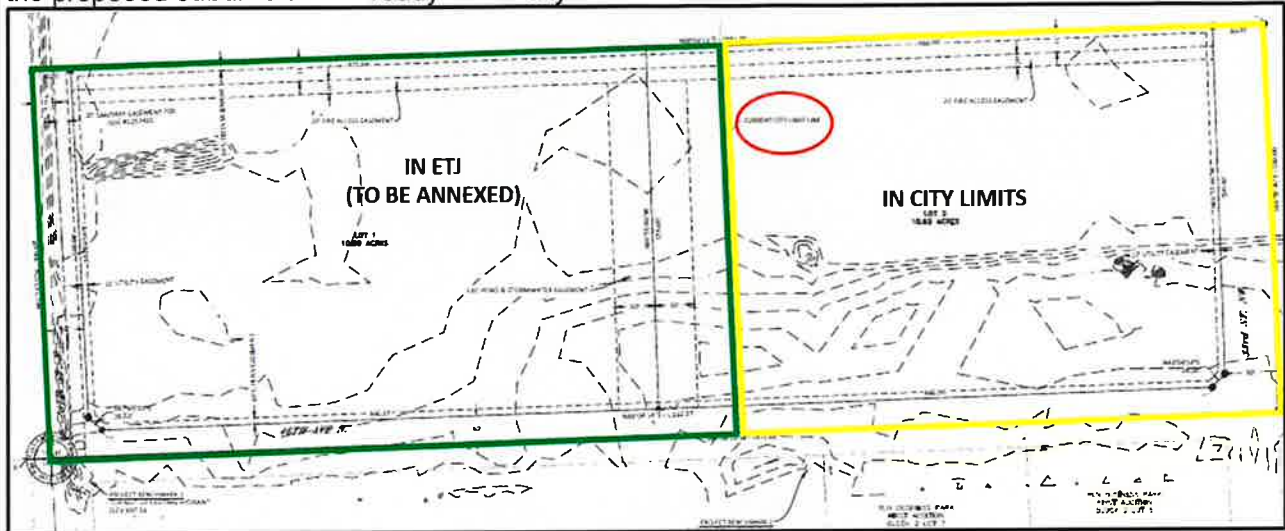
<b>City of Fargo Staff Report</b>			
<b>Title:</b>	Annexation of a portion of the Southwest 1/4 of the Northwest 1/4 of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota	<b>Date: Update:</b>	6/28/2023 2/1/2024
<b>Location:</b>	3336 52 <sup>nd</sup> Avenue North	<b>Staff Contact:</b>	Donald Kress, Planning Coordinator
<b>Legal Description:</b>	Portion of the Southwest 1/4 of the Northwest 1/4 of Section 14, Township 140 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota		
<b>Owner(s)/Applicant:</b>	County 20 Storage & Transfer, Inc.	<b>Engineer:</b>	Lowry Engineering/ Naset Land Surveys
<b>Entitlements Requested:</b>	Approval of a property-owner initiated annexation.		
<b>Status:</b>	City Commission Public Hearing: February 5 <sup>th</sup> , 2024		
<b>Proposal:</b>			
<p>The applicant requests one entitlement:</p> <ol style="list-style-type: none"> <li>Annexation of an approximately 14.20 acre portion of the Southwest 1/4 of the Northwest 1/4 of Section 14, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota</li> </ol> <p>This project was reviewed by the City’s Planning and Development, Engineering, Public Works, and Fire Departments (“staff”), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>North: AG, Agricultural; in Fargo’s four-mile extra-territorial jurisdiction</li> <li>East: AG, undeveloped; within Fargo city limits</li> <li>South: GI, General Industrial; industrial uses</li> <li>West: LI, industrial—mainly warehouse</li> </ul> <p><b>Area Plans:</b></p> <p>The subject property is located within the Tier 1 area of the 2007 Future Land Use Plan, meaning this area is expected to be developed by 2027 (that is, within 20 years of 2007). The 2007 Growth Plan plan designates the subject proeprty as “Industrial.”</p>			

**Staff Analysis:**OWNERSHIP

The entire property involved in the annexation is owned by the applicant, County 20 Storage & Transfer, Inc. The property is undeveloped. There are no existing residences or businesses in the annexation area.

LOCATION

As depicted on the graphic below, this 14.20 acre property proposed to be annexed is part of a larger proposed subdivision, described in "CURRENT SUBDIVISION AND ZONE CHANGE" below. A portion of the proposed subdivision is already within city limits.

PLAN CONSISTENCY

This property is outside of the Fargo city limits. The applicant has requested annexation through a petition. The proposed annexation area is depicted on the 2007 Tier 1 North East Growth Plan map of the 2007 Growth Plan. The 2007 Growth Plan describes the "Tier 1" designation as the "Intended Growth Sector" for the city of Fargo.

Though the 2007 Growth Plan does not provide actual findings for annexation, it does state that "Tier 1 is planned to handle growth for the next 20 to 25 years [from 2007]" and that "Carefully planned extensions of the city as a result of demand for housing help to counter disruptive leapfrog development." (page 55, 2007 Growth Plan). The location of the annexation area corresponds with two of the strategies stated in the 2007 plan to work against leapfrog development (page 56, 2007 growth plan):

- *Limit roadway and utility extensions to areas within the 20 year service area [Tier 1] directly adjacent to areas currently receiving services:* The subject property is within the 20 year service area [Tier 1]. The area adjacent to the south and west is currently receiving City services.
- *Avoid utility and roadway extensions that traverse areas where property owners are not interested in developing their property.* The subject property is contiguous with developed property to the south and west. Property adjacent to the east, under the same ownership as the proposed annexation area, is already within Fargo city limits.

PROCESS

The Planning Commission evaluated this proposed annexation for consistency with the 2007 Growth Plan at their July 6<sup>th</sup>, 2023 Planning Commission agenda and found the proposed annexation to be consistent with the 2007 Growth Plan.

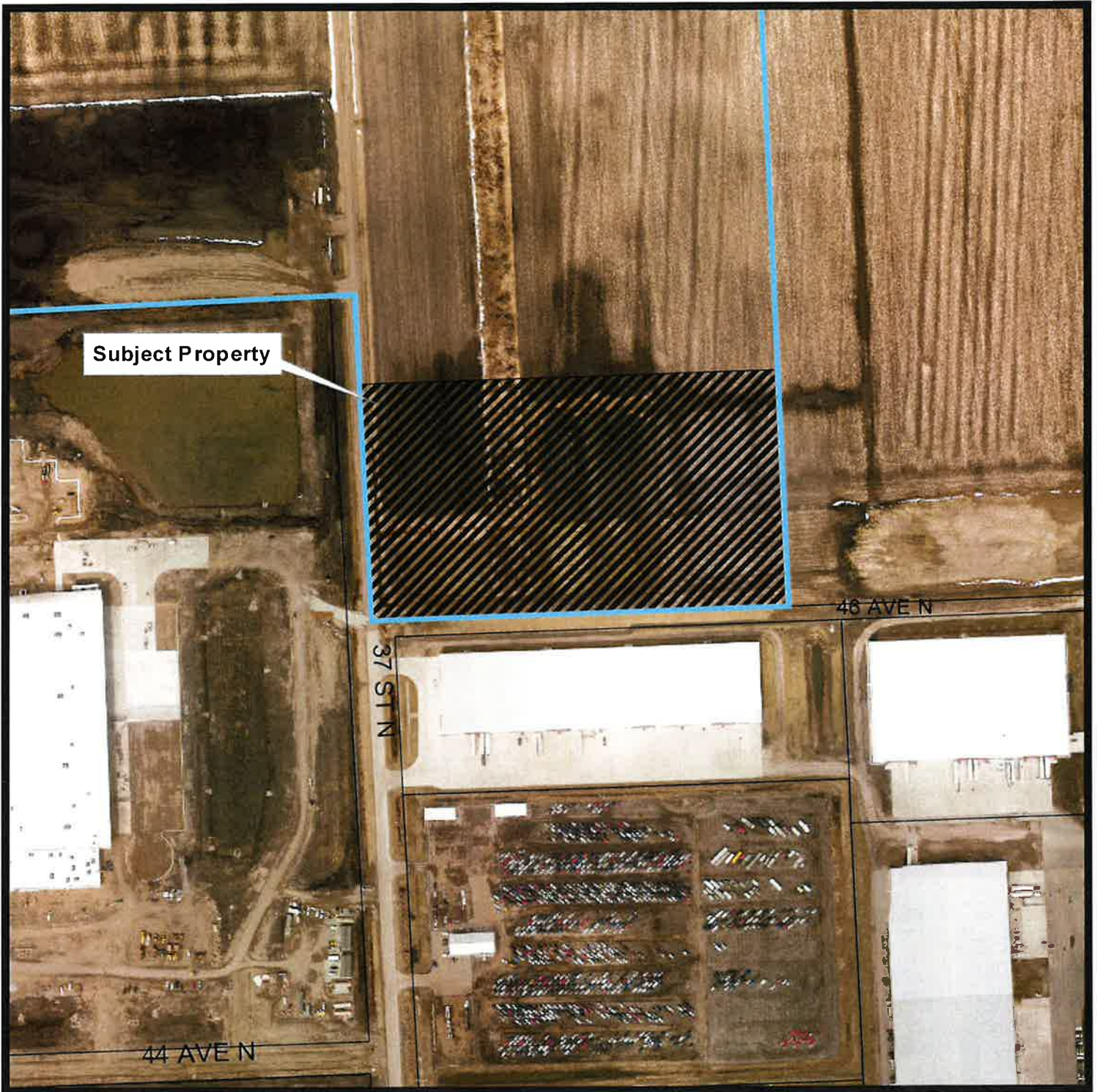
CONCURRENT SUBDIVISION AND ZONE CHANGE

The entire annexation area will be incorporated into the proposed 46<sup>th</sup> Avenue Industrial Park Addition, which includes a subdivision and zone change. The subdivision will create two lots for industrial development. The property is currently zoned AG, Agricultural. The proposed zoning for the entire

subdivision is LI, Limited Industrial. The 46 <sup>th</sup> Avenue Industrial Park Addition is the next item on the February 5 <sup>th</sup> , 2024 City Commission agenda.
<b>Staff Recommendation:</b>
To accept the findings and recommendations of staff and the Planning Commission and hereby waive the requirement to receive the Ordinance one week prior to the first reading and place the annexation Ordinance on the first reading, and move to approve the proposed annexation of a portion of the Southwest 1/4 of the Northwest 1/4 of Section 14, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota, as depicted in the attached map and legal description.
<b>Planning Commission Recommendation: July 6<sup>th</sup>, 2023</b>
At the July 6 <sup>th</sup> , 2023 Planning Commission meeting, by a vote of 9-0 with two Commission seats vacant, that Commission found that the proposed annexation of a portion of the Southwest 1/4 of the Northwest 1/4 of Section 14, T140N, R49W of the 5th Principal Meridian, Cass County, North Dakota to be consistent with the 2007 Growth Plan.
<b>Attachments:</b>
<ol style="list-style-type: none"><li>1. Location map</li><li>2. Annexation map</li><li>3. Annexation petition</li><li>4. Legal description of annexation area</li></ol>

# Annexation

Portion of the SW 1/4 of the NW 1/4 of Sec. 14 T140N R49W





ANNEXATION PLAT  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that the above described plat was prepared and made the attached annexation plat to the City of Fargo, that the property represented on the plat is a part of the northwest quarter of section 14, township 24 north, range 49 west of the fifth principal meridian, Cass County, North Dakota, and that the annexation is in accordance with the provisions of the laws of North Dakota and the charter of the City of Fargo, and that the same shall be subject to the same laws and regulations as other property in the City of Fargo, and that the same shall be subject to the same laws and regulations as other property in the City of Fargo, and that the same shall be subject to the same laws and regulations as other property in the City of Fargo.

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 24 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 14, THENCE NORTH 24° 58' 10" W. ALONG THE WEST LINE OF SAID QUARTER A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 75° 00' 00" W. ALONG THE WEST LINE OF SAID QUARTER A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 75° 00' 00" W. ALONG THE WEST LINE OF SAID QUARTER A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 75° 00' 00" W. ALONG THE WEST LINE OF SAID QUARTER A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 75° 00' 00" W. ALONG THE WEST LINE OF SAID QUARTER A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2.16 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, INTERFERENCES AND RIGHTS OF WAY OF RECORD, IF ANY.

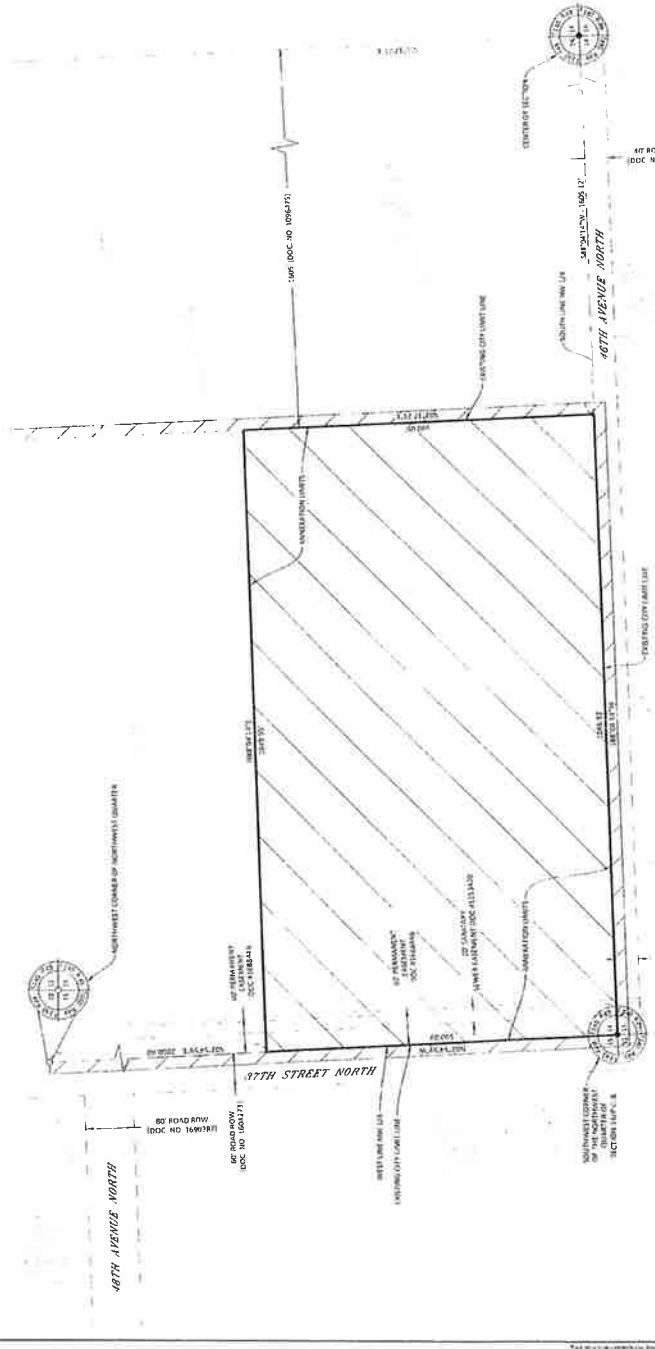
DECKA WEST, SURVEYOR  
13-2311  
STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS 12th DAY OF OCTOBER, 2020, I, the undersigned, a Notary Public within and for said County and State, personally appeared DECKA WEST, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

NOTARY PUBLIC, COUNTY OF CASS, STATE OF NORTH DAKOTA



LEGEND  
MONUMENT FOUND  
MONUMENT SET  
POINT OF BEGINNING  
ANNEXATION BOUNDARY LIMITS  
EXISTING PROPERTY LINE  
AREA TO BE ANNEXED  
EXISTING COMPLAINT LIMITS



FARGO CITY COMMISSIONER APPROVAL  
APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

IMODITY I. MAKONEN, MAYOR  
ATTEST

STEVEN SPRAGUE, CITY AUDITOR  
STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BEFORE ME, a Notary Public within and for said County and State, personally appeared IMODITY I. MAKONEN & STEVEN SPRAGUE, the persons named in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

NOTARY PUBLIC, COUNTY OF CASS, STATE OF NORTH DAKOTA

CITY ENGINEER'S APPROVAL  
FILED IN THE CITY OF FARGO IS HEREBY APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

TOM CHICKINGS P.E., CITY ENGINEER  
STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BEFORE ME, a Notary Public within and for said County and State, personally appeared TOM CHICKINGS P.E., the person named in and who executed the foregoing instrument and acknowledged that they executed same as their free act and deed.

NOTARY PUBLIC, COUNTY OF CASS, STATE OF NORTH DAKOTA

FOR RECORDING PURPOSES ONLY

DATE OF SURVEY: 08/27/2023  
BASIS OF SURVEY: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1997

SURVEY INFORMATION

DATE OF SURVEY: 08/27/2023  
BASIS OF SURVEY: CITY OF FARGO GROUND COORDINATE SYSTEM, DECEMBER 1997



Planning & Development  
225 4th Street North  
Fargo, ND 58102  
Office: 701.241.1474 | Fax: 701.241.1526  
Email: Planning@FargoND.gov  
www.FargoND.gov

**PETITION FOR ANNEXATION**

To: City of Fargo

The undersigned, being the owner of not less than three-fourths in assessed value of the following described property, hereby petitions the City of Fargo to annex said property pursuant to Section 40-51.2-03 NDCC. The following is a description of the property to be annexed:

Part of the Southwest Quarter of the Northwest Quarter of Section 14,  
Township 140 N, Range 49 W of the 5th principal Meridian

The undersigned further certifies that County 20 Storage & Transfer Inc is the owner of at least three-fourths in assessed value of the property hereinabove described.

Dated this 12 day of April, in the year 2023

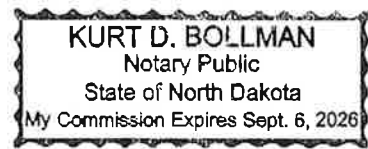
Signature [Handwritten Signature]

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STATE OF NORTH DAKOTA )  
  ) ss.  
COUNTY OF CASS )

On this 12 day of April, in the year 2023, before me, a notary public in and for said County and State, personally appeared Robert L. Nelson, who executed to foregoing instrument, and acknowledged to me that he/she executed the same.

[Handwritten Signature: Kurt D. Bollman]  
Notary Public  
Cass County, North Dakota  
My Commission Expires:



COLE A. NESET, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED ANNEXATION PLAT TO THE CITY OF FARGO; THAT THE PROPERTY REPRESENTED IN THE PLAT IS A PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT THE ATTACHED PLAT IS A CORRECT REPRESENTATION OF THE PROPERTY ANNEXED TO THE CITY OF FARGO; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT AND THE EXTERIOR BOUNDARY LINES OF SAID LAND ANNEXED TO THE CITY OF FARGO ARE AS FOLLOWS, TO WIT:

PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 14; THENCE N02°54'59"W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, THE EXISTING CITY OF FARGO ANNEXATION LIMITS, A DISTANCE OF 590.09 FEET; THENCE N88°04'14"E PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1049.95 FEET TO THE EXISTING CITY OF FARGO ANNEXATION LIMITS; THENCE S02°37'21"E ALONG SAID EXISTING CITY OF FARGO ANNEXATION LIMITS A DISTANCE OF 590.05 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER, THE EXISTING CITY OF FARGO ANNEXATION LIMITS; THENCE S88°04'14"W ALONG SAID SOUTH LINE, AND SAID EXISTING CITY OF FARGO ANNEXATION LIMITS, A DISTANCE OF 1046.92 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS ±14.20 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

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OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ANNEXING A CERTAIN PARCEL OF LAND  
LYING IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH,  
RANGE 49 WEST, IN CASS COUNTY, NORTH DAKOTA

WHEREAS, A Petition for Annexation has been submitted by the owners of not less than three-fourths in assessed value of the property described in said Petition for Annexation to the City of Fargo, Cass County, North Dakota, in accordance with Section 40-51.2-03 N.D.C.C.; and,

WHEREAS, Public notice of the submission of such Petition has been given by publication in The Forum as required by Section 40-51.2-05 N.D.C.C.; and,

WHEREAS, Said Section 40-51.2-03 N.D.C.C. requires that such annexation be accomplished by ordinance,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property located in the Northwest Quarter of Section 14; Township 140 North, Range 49 West of the Fifth Principal Meridian, Cass County North Dakota, is hereby annexed to the City of Fargo, Cass County, North Dakota:

Beginning at the southwest corner of the Northwest Quarter of Section 14; thence N02°54'59"W along the west line of said Northwest Quarter, the existing city of Fargo annexation limits, a distance of 590.09 feet; thence N88°04'14"E parallel with the south line of said Northwest Quarter a distance of 1049.95 feet to the existing city of Fargo annexation limits; thence S02°37'21"E along said existing city of Fargo annexation limits a distance of 590.05 feet to the south line of said Northwest Quarter, the existing city of Fargo annexation limits; thence S88°04'14"W along said south line, and said existing city of Fargo annexation limits, a distance of 1046.92 feet to the point of beginning.

Said tract of land contains 14.20 acres, more, or less.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 2. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval.

CITY OF FARGO

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

ATTEST

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:

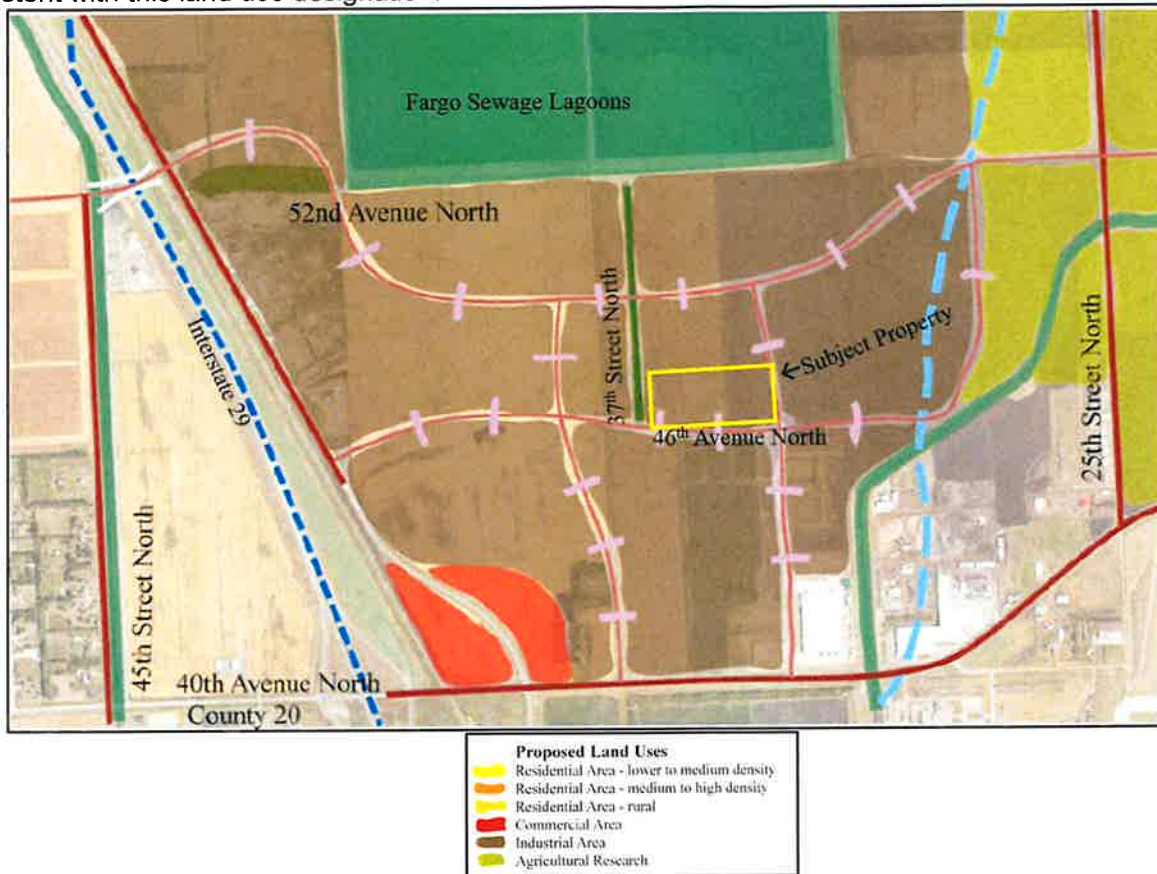
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<b>City of Fargo Staff Report</b>			
<b>Title:</b>	46 <sup>th</sup> Avenue Industrial Park	<b>Date:</b> <b>Update:</b>	6/28/2023 2/1/2024
<b>Location:</b>	3336 52nd Avenue North	<b>Staff Contact:</b>	Donald Kress, current planning coordinator
<b>Legal Description:</b>	Portion of the South half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota.		
<b>Owner(s)/Applicant:</b>	County 20 Storage & Transfer, Inc / Lowry Engineering	<b>Engineer:</b>	Lowry Engineering / Neseet Land Surveys
<b>Entitlements Requested:</b>	<b>Major Subdivision</b> (Plat of <b>46<sup>th</sup> Avenue Industrial Park Addition</b> , a plat of a Portion of the South half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota and a <b>Zoning Change</b> (from AG, Agricultural to LI, Limited Industrial)		
<b>Status:</b>	City Commission Public Hearing: February 5 <sup>th</sup> , 2024		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Undeveloped		<b>Land Use:</b> Industrial--warehouse	
<b>Zoning:</b> AG, Agricultural		<b>Zoning:</b> LI, Limited Industrial	
<b>Uses Allowed:</b> AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production		<b>Uses Allowed:</b> LI allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation, basic utilities, certain telecommunications facilities	
<b>Maximum Density Allowed (Residential):</b> AG allows 1 dwelling unit per 10 acres.		<b>Maximum Lot Coverage Allowed:</b> 85%	
<b>Proposal:</b>			
<p>The applicant requests two entitlements:</p> <ol style="list-style-type: none"> <li>1. A major subdivision, entitled <b>46<sup>th</sup> Avenue Industrial Park Addition</b>, a plat of a Portion of the South half of the Northwest Quarter of Section 14, Township 140 North, Range 49 West of the Fifth Principal Meridian, to the City of Fargo, Cass County, North Dakota</li> <li>2. A zoning change from AG, Agricultural to LI, Limited Industrial.</li> </ol> <p>This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.</p> <p><b>Surrounding Land Uses and Zoning Districts:</b></p> <ul style="list-style-type: none"> <li>• North: AG, Agricultural; City of Fargo sewage lagoons</li> <li>• East: AG, undeveloped; in Fargo's four-mile extra-territorial jurisdiction</li> <li>• South: GI, General Industrial; industrial uses</li> <li>• West: LI, Industrial—mainly warehouse</li> </ul>			

**Area Plans:**

The subject property is located within the Tier 1 North East area of the 2007 Future Land Use Plan,. This plan designates the subject proeprty as "Industrial." The proposed zoning of LI, Limited Industrial is consistent with this land use designation.



**Context:**

**Schools:** The subject property is located within the Fargo School District and is served by Washington Elementary, Benjamin Franklin Middle and Fargo North High schools.

**Neighborhood:** The subject property is not located within a designated neighborhood.

**Parks:** The Fargo Park District's North Softball Complex is approximately 1 mile northwest of the subject property.

**Pedestrian / Bicycle:** There are no on-road or off-road bike facilities adjacent to this property.

**MATBUS Route:** The subject property is not on a MATBUS route at this time.

**Staff Analysis:**

MAJOR SUBDIVISION AND ZONING CHANGE

The subdivision plat creates two lots in one block, intended for industrial development. Both lots are proposed to be zoned LI, Limited Industrial, which will accommodate the proposed development.

**ACCESS:**

The plat includes dedications of right of way for three streets, as shown below:

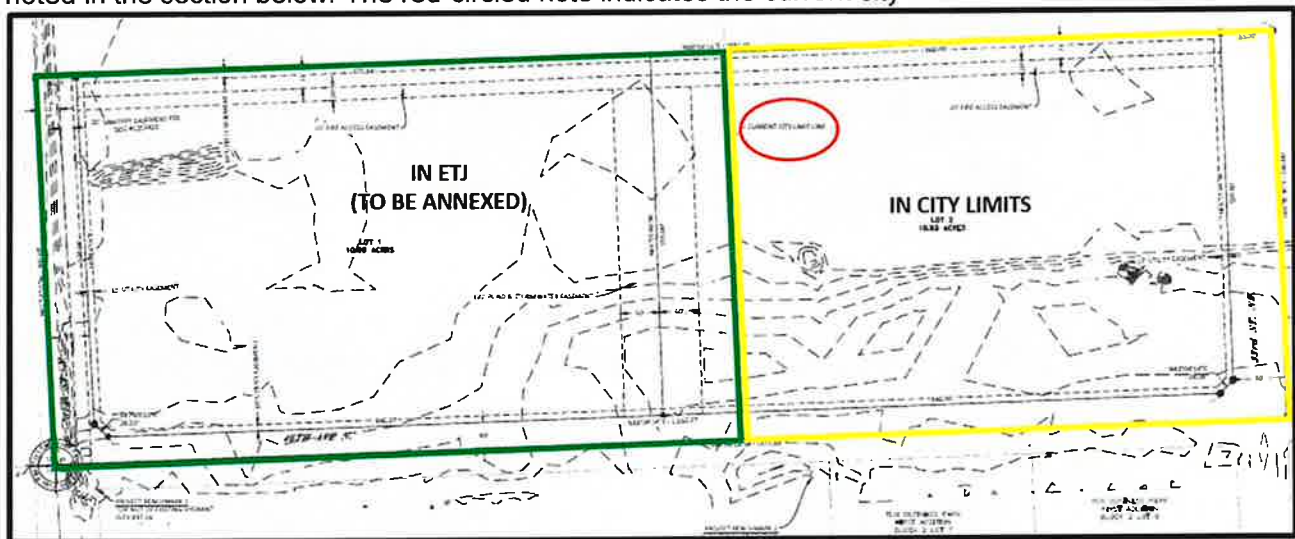
STREET	RIGHT OF WAY WIDTH	COMMENT
46 <sup>th</sup> Avenue North	40 feet	North half of 46 <sup>th</sup> Street
37 <sup>th</sup> Street North	60 feet	East half of 37 <sup>th</sup> Street
33 <sup>rd</sup> Street North	80 feet	Full width ROW

Additionally, the plat depicts a 20-foot wide fire access easement along the northerly portion of the subdivision, connecting 37<sup>th</sup> and 33<sup>rd</sup> Streets.

**PUBLIC WATER and SEWER:** Public water and sewer will be provided in the dedicated public streets.

**PROXIMITY AGREEMENT:** A proximity agreement for the subdivision will be signed by the applicant. This is a standard agreement between the City of Fargo and owners of property in close proximity to Hector International Airport and the overflow sewage lagoons. With this agreement, the property owner acknowledges the existence of these facilities and the potential for aircraft noise and sewage odor. This agreement is included in the approval motion below. The agreement signed by the applicant is attached.

**SUBJECT PROPERTY IS PARTLY IN CITY LIMITS AND PARTLY IN ETJ:** As depicted on the graphic below, a portion of the subject property is within the city limits and a portion is in Fargo's four-mile extra-territorial jurisdiction (ETJ). The portion in the ETJ is the subject of an owner-initiated annexation, as noted in the section below. The red-circled note indicates the current city limit line.



**CONCURRENT ANNEXATION:** As noted above, a portion of subject property is currently in Fargo's four-mile extra-territorial jurisdiction, and is included in a pending owner-initiated annexation. This annexation was the previous item on the February 5<sup>th</sup>, 2024 City Commission agenda.

### Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

- 1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**  
Staff is unaware of any error in the zoning map as it relates to this property. The property is currently zoned AG, Agricultural. A portion of the subject property is within the city limits and a portion is in Fargo's four-mile extra-territorial jurisdiction (ETJ). In order to be developed, the property has to be annexed, platted, and zoned. Now that development is proposed, the applicant requests a zoning change to LI, Limited Industrial, which is consistent with the 2007 Growth Plan land use designation of "Industrial" for this property, and also with the existing zoning on the west side of 37<sup>th</sup> Street North, north of 40<sup>th</sup> Avenue North. **(Criteria Satisfied)**
- 2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**



City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing public right-of-way. Additional dedications will widen the right of way and extend it the full length of the proposed lots. **(Criteria satisfied)**

**3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

**4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The Growth Plan that applies to this property is the 2007 Growth Plan, which designates the land use for this property as "industrial." The proposed zoning of LI, Limited Industrial is consistent with this land use designation. **(Criteria satisfied)**

**Major Subdivision**

The LDC stipulates that the following criteria is met before a major subdivision plat can be approved

**1. Section 20-0907.C.1 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**

The requested zoning for the residential development on this property is LI, Limited Industrial, which is consistent with the "industrial" land use designation of the 2007 Growth Plan and also with the zoning of adjacent properties along the west side of 37<sup>th</sup> Street North. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. **(Criteria Satisfied)**

**2. Section 20-0907.C.4.c of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

The property is proposed to be zoned LI, Limited Industrial. As noted in the zone change findings above, this zone is consistent with the 2007 Growth Plan designation of "Industrial" for this property. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. **(Criteria Satisfied)**

**3. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

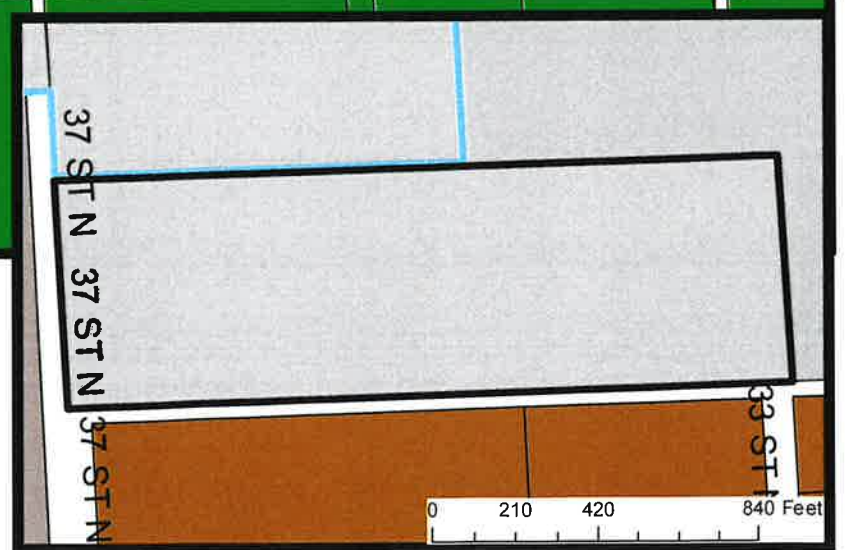
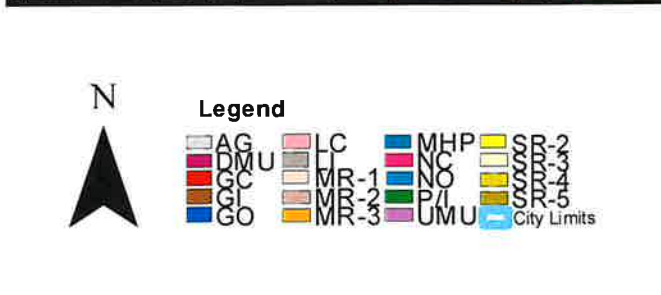
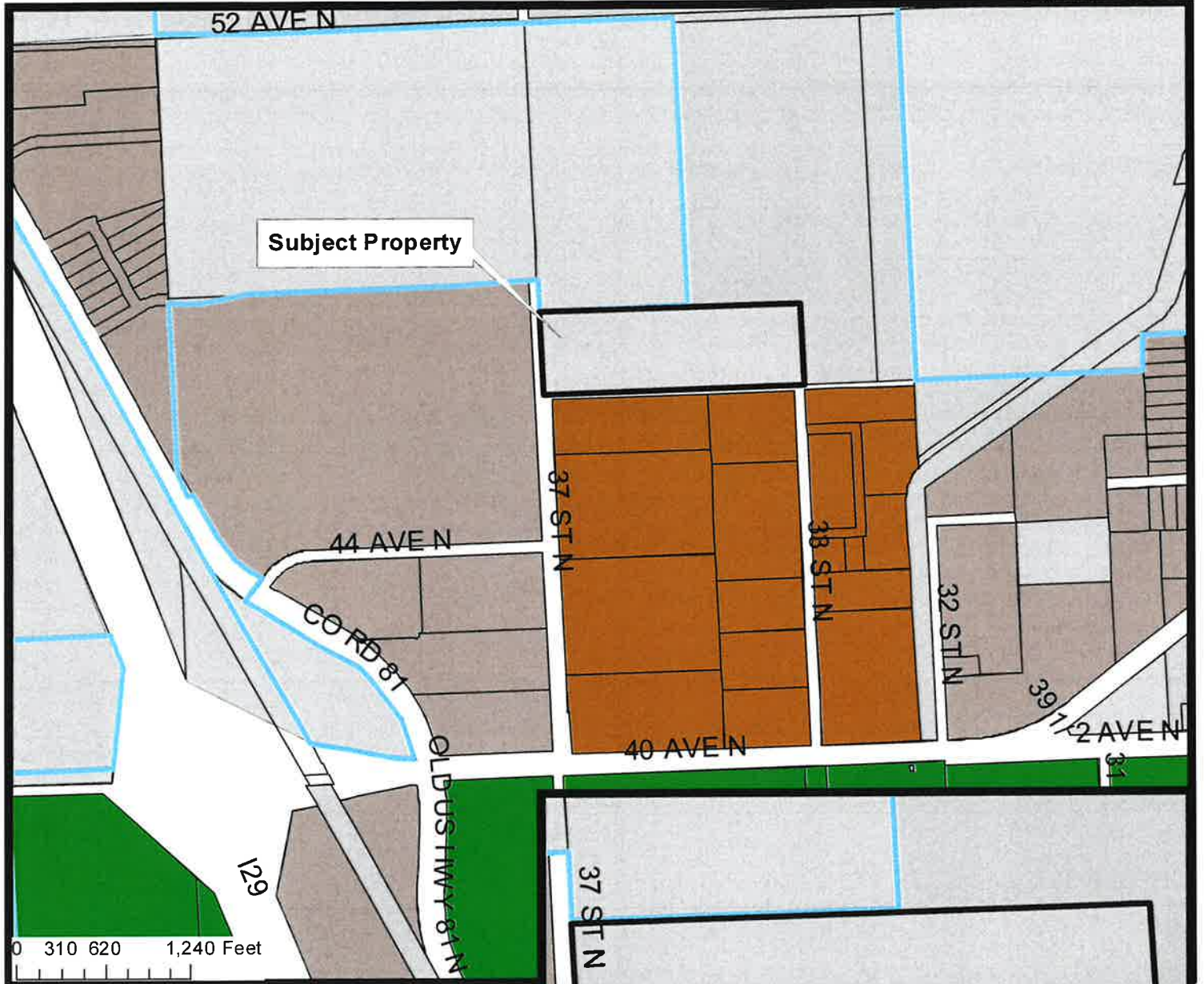
The applicant has provided a draft amenities plan that specifies the terms or securing installation of public improvements to serve the subdivision. This amenities plan has been reviewed by the Public Works Project Evaluation Committee (PWPEC) and signed by the applicant. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles. **(Criteria Satisfied)**

<b>Staff Recommendation:</b>
Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and approve the proposed 1) Zoning Change from AG, Agricultural to LI, Limited Industrial, 2) a plat of the <b>46<sup>th</sup> Avenue Industrial Park Addition</b> ; and 3) Proximity Agreement, as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the LDC and all other applicable requirements of the LDC."
<b>Planning Commission Recommendation: February 5<sup>th</sup>, 2024</b>
At the July 6 <sup>th</sup> , 2023 Planning Commission hearing, that Commission, by a vote of 9-0 with two Commission seats vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed 1) Zoning Change from AG, Agricultural to LI, Limited Industrial, and 2) a plat of the <b>46<sup>th</sup> Avenue Industrial Park Addition</b> , as outlined in the staff report, as the proposal complies with the 2007 Growth Plan, Standards of Article 20-06, and Sections 20-0906.F (1-4) and 20-0907.C of the LDC and all other applicable requirements of the LDC. <i>(NOTE: the proximity agreement is not included in the Planning Commission motion as that Commission takes no action on that agreement)</i>
<b>Attachments:</b>
<ol style="list-style-type: none"><li>1. Zoning map</li><li>2. Location map</li><li>3. Preliminary plat</li><li>4. Airport proximity agreement</li></ol>

# Major Subdivision & Zone Change from AG, Agricultural to LI, Limited Industrial

## 46th Avenue Industrial Park Addition

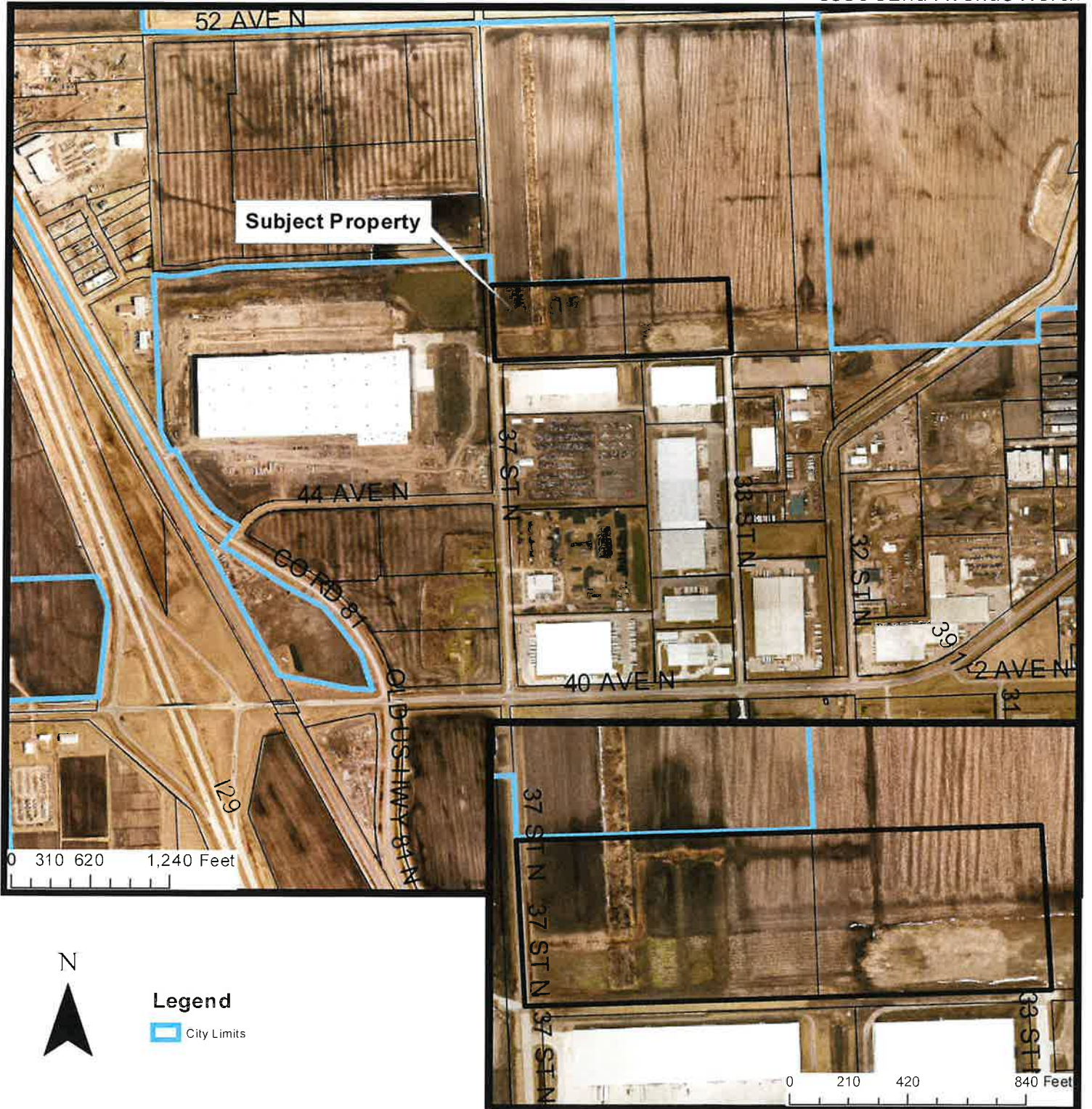
3336 52nd Avenue North



# Major Subdivision & Zone Change from AG, Agricultural to LI, Limited Industrial

## 46th Avenue Industrial Park Addition

3336 52nd Avenue North



46TH AVENUE INDUSTRIAL PARK ADDITION  
PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST  
OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
(A MAJOR SUBDIVISION)

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT COUNTY OF CASS, STATE OF NORTH DAKOTA, TRANSFERRED TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST OF THE 5TH PRINCIPAL MERIDIAN, TO THE CITY OF FARGO, COUNTY OF CASS, STATE OF NORTH DAKOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DOM KAMMURS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

STATE OF North Dakota  
COUNTY OF Cass

ON THIS 14th DAY OF December, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DOM KAMMURS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

STATE OF North Dakota  
COUNTY OF Cass

ON THIS 14th DAY OF December, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DOM KAMMURS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.



STATE OF NORTH DAKOTA  
COUNTY OF CASS

ON THIS 14th DAY OF December, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLLEEN WELLS, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.



STATE OF NORTH DAKOTA  
COUNTY OF CASS

LOWRY  
ENGINEERING  
5308 51ST AVENUE SOUTH, SUITE A  
FARGO, NORTH DAKOTA, 58104

CITY ENGINEER'S APPROVAL

THIS PLAN IN THE CITY OF FARGO IS HEREBY APPROVED THIS 14th DAY OF December, 2023.  
DOM KAMMURS, P.E.  
CITY ENGINEER

ON THIS 14th DAY OF December, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DOM KAMMURS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

STATE OF North Dakota  
COUNTY OF Cass

CITY COMMISSION APPROVAL

THIS PLAN IN THE CITY OF FARGO IS HEREBY APPROVED THIS 14th DAY OF December, 2023.  
STEVEN SPANGLER  
CITY AUDITOR

ON THIS 14th DAY OF December, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DOM KAMMURS, P.E., TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

STATE OF North Dakota  
COUNTY OF Cass

CITY PLANNING COMMISSION APPROVAL

THIS PLAN IN THE CITY OF FARGO IS HEREBY APPROVED THIS 14th DAY OF July, 2023.  
BOB COOPER, CHAIR  
FARGO PLANNING COMMISSION

ON THIS 14th DAY OF July, 2023, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BOB COOPER, CHAIR, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED SAME AS THEIR FREE ACT AND DEED.

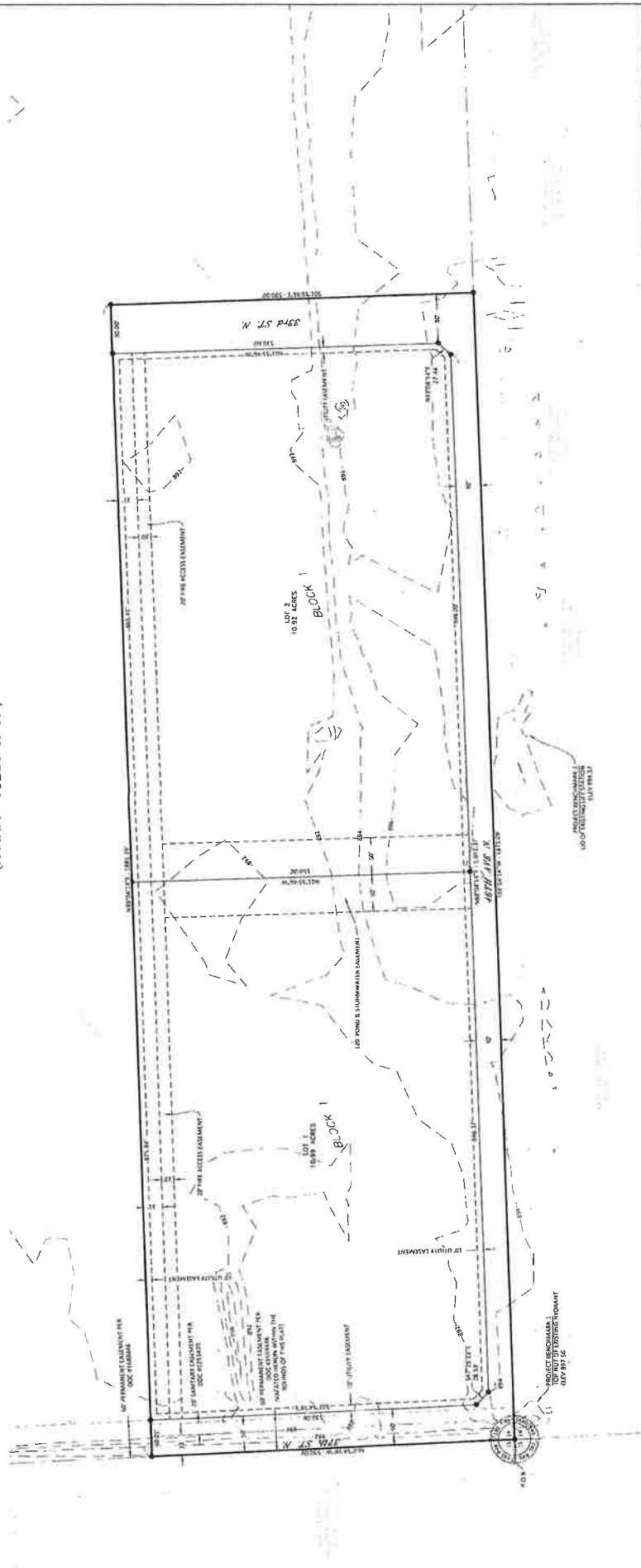
STATE OF North Dakota  
COUNTY OF Cass

STATE OF North Dakota  
COUNTY OF Cass



FOR RECORDING PURPOSES ONLY

**46TH AVENUE INDUSTRIAL PARK ADDITION**  
 PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST  
 OF THE 5TH PRINCIPAL MERIDIAN  
 CITY OF FARGO, CASS COUNTY, NORTH DAKOTA  
 (A MAJOR SUBDIVISION)



FOR RECORDING PURPOSES ONLY



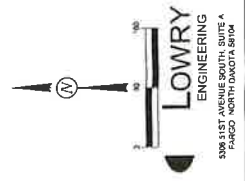
- NOTES**
1. ALL DISTANCES ARE GROUND DISTANCES, US SURVEY FOOT.
  2. ZONE 48, SPICAL HORIZONTAL ADJUSTMENT TO THE 2011 NAD 83 DATUM.
  3. EFFECTIVE JANUARY 15, 2015.
  4. SHEET 1000 ELECTRONIC 2015 (NAVD 83).

**SURVEY INFORMATION**

DATE OF SURVEY: 08-20-2022  
 CITY OF FARGO GROUND COORDINATE SYSTEM,  
 DATUM: NAD 83  
 VERTICAL DATUM: NAVD 83

BENCHMARK 1: CORNER OF MONUMENT IN THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST, ELEV 897.56  
 BENCHMARK 2: CORNER OF MONUMENT IN THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 140 NORTH, RANGE 49 WEST, ELEV 894.57

- LEGEND**
- MONUMENT SET
  - POINT OF BEGINNING
  - SECTION LINE
  - PROPERTY BOUNDARY LINE
  - NEW EASEMENT LINE
  - SPECIAL FLOOD HAZARD AREA



AGREEMENT

(Proximity of Airport, Noise Attenuation and Sewage Lagoons)

THIS AGREEMENT, Made and entered into this 9 day of January, 2024, by and between County 20 Storage and Transfer, Inc., hereinafter referred to as "Owner," and CITY OF FARGO, A NORTH DAKOTA MUNICIPAL CORPORATION, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Owners are the record owners of tracts of land located in Cass County, North Dakota, said tracts being more particularly described hereinafter; and,

WHEREAS, said tracts are located within the City of Fargo; and

WHEREAS, Owners have made a development request of the City for a change in zoning from Agricultural (AG) to Limited Industrial (LI); and,

WHEREAS, the Board of City Commissioners of the City have approved and enacted a zoning ordinance to effect such change upon the condition that the Owners and Owners' successors

in interest be bound to a covenant acknowledging the proximity of Hector International Airport and the City's sewage lagoons to Owners' property; and,

WHEREAS, Owners are willing to execute and to have recorded an agreement wherein Owners recognize the proximity of said facilities in regard to all of the property owned or to be owned by Owners hereinafter described and including all other terms mentioned above; and,

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, IT IS HEREBY AGREED as follows:

1. The subject of this Agreement, and the covenant herein, is the Owners' property, situate in the County of Cass and State of North Dakota, more fully described as:

Lots 1 through 2, Block 1, 46<sup>th</sup> Avenue Industrial Park Addition to the city of Fargo.

[hereinafter referred to as the "Subject Property"]

2. As a condition of City's approval of said platting and zoning, Owners do hereby covenant and agree with the City that said Owners will never institute any suit or action at law or otherwise against the City, nor institute, prosecute or in any way aid in the institution or prosecution of any claim, demand, action or cause of action for damages, costs, loss of service, expenses or compensation against the City for or on account of any damage, loss or injury either to person or property, or both, resulting or which may result by reason of the use of the Subject Property in relation to the location and use of Hector International Airport and specifically for damages caused or allegedly caused by the noise of the take-off or landing of jet-propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; also from any vibration generated by said aircraft or from any pollutants or contaminants created from such aircraft usage, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities. All parties agree that this provision and all of the terms and conditions of this Agreement shall be deemed to be covenants running with the land and shall be binding upon, inure to the benefit of, and be enforceable against all parties, and their respective successors, assigns, tenants, lessees, invitees, agents, heirs, executors, administrators, and personal representatives. The parties agree that this provision and Agreement shall be binding upon all future owners, lessees, tenants, and users of the Subject Property.



3. Owner agrees that they will at all times indemnify City, and hold and save the City harmless from and against any and all actions or causes of actions, claims, demands, liability, loss, damage, or expense of whatsoever kind and nature, including counsel or attorney's fees, which the City shall or may at any time sustain or incur by reason or in consequence of the use of the Subject Property for any lawful purposes and specifically for any damages caused or allegedly caused to the Subject Property by the noise of the take-off or landing of jet-propelled or other aircraft from the present runway or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport, or which the City may sustain or incur in connection with any litigation, investigation or other expenditures incident to such use of the Subject Property, including any suit instituted to enforce the obligations of this agreement of indemnity, and Owners agree to pay to City all sums of money, with interest, which the City shall or may pay or cause to be paid, or become liable to pay, on account of or in connection with such use of the Subject Property, unless such actions or causes of actions, claims, demands, liabilities, losses, damages, or expenses are caused directly by commercially unreasonable or unlawful actions. This provision shall include the Municipal Airport Authority of the City of Fargo, as well as any subsequently formed regional airport authority that may be formed to operate the airport facilities.

4. Paragraphs two (2) and three (3) above shall also apply in all regards to the sewage lagoons owned by the City of Fargo and specifically concerning any odors emanating from said lagoons.

5. Owners agree that this agreement shall be recorded on the above-described property and specifically agrees that the following covenants shall apply to the above-described property:

#### FAIR DISCLOSURE STATEMENT

**Sewage Lagoons** – The tract of land hereby conveyed and legally described lies within the vicinity of certain sewage lagoons owned and maintained by the City of Fargo and may be impacted by odors emanating from said lagoons. The level of usage of said lagoons may vary, from time to time, so that at times the lagoons are “dry” and at other times the lagoons may contain sewage for treatment purposes and that, as a result, there may be no appreciable odor emanating from the lagoons and at other times there may be an appreciable odor emanating from the lagoons.

**Airport** -- The tract of land hereby conveyed and legally described lies within the vicinity of Hector International Airport and may be impacted by noise associated with the operations of said airport including noise from the take-off or landing of jet propelled or other aircraft from the present runways or any future runways of the present Hector International Airport or for any other noise incidental to the operation of said airport; or from any vibration generated or

from any pollutants or contaminants created from such aircraft usage. The airport normally operates seven days per week throughout the entire year and is open for flight operation at all hours. The present level of operations will continue and expand for the foreseeable future.

The noise rating of this tract, due to airport operations at the above-named airport according to the Noise Evaluation and Land Use Compatibility Study (1990-91) is above 65 in the DNL rating system.

The United States Department of Housing and Urban Development (HUD), Circular 1390.2 of 4 August 1971, Subject: Noise Abatement and Control: Departmental Policy, Implementation Responsibilities, and Standards, as well as any subsequent or replacement provisions established the following external noise exposure standards for the new construction of residential and other noise sensitive utilization:

Airport Environs

Land Zone	Site Suitability Classification
Above 75	Clearly unacceptable
65-75	Discretionary: Normally unacceptable
Below 65	Clearly acceptable

These site suitability classifications are further defined by HUD as:

1. Clearly unacceptable: The noise exposure at the site is so severe that construction costs to make the indoor environment acceptable for the performance of activities would be prohibitive. (Residential areas: the outdoor environment would be intolerable for normal residential use.)

2. Normally unacceptable: The noise exposure is significantly more severe so that unusual and costly building constructions are necessary to ensure adequate performance of activities. (Residential areas: barriers must be erected between the

site and prominent noise sources to make the outdoor environment tolerable.)

3. Clearly acceptable: The noise exposure is such that the activities associated with the land use may be carried out with essentially no interference from aircraft noise. (Residential areas: both indoor and outdoor noise environments are pleasant.)

Certification

The undersigned purchaser of said tract of land, certifies that (s)he (they) has (have) read the above statement and acknowledge(s) the preexistence of the airport named above and the right of said airport to continue to operate and also recognizes the City of Fargo sewage lagoon existence.

*Hunter Bolman* P.A. *Robert Nelson*  
for  
Owner *Hunter Bolman* P.A. *Robert Nelson*

In the event Owners do not include the foregoing statement in the purchase agreement or deed, it shall, nonetheless, constitute a covenant and restriction running with the land and shall bind any future owner to recognition of the herein referenced facts.

6. This Agreement shall be binding upon the heirs, executors, administrators and assigns of the parties hereto and shall constitute a covenant running with the property described hereinbefore.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.

*(Signature pages to follow.)*

OWNER:  
County 20 Storage and Transfer, Inc.

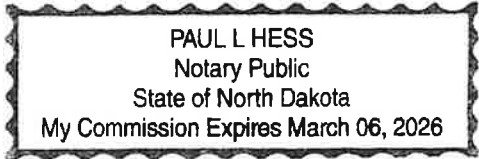
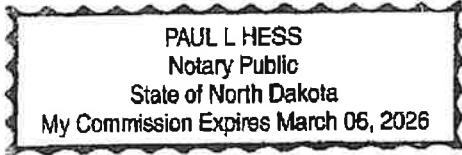
*Robert L Nelson by POA*  
Robert L. Nelson, President, by Kurt D. Bollman, his attorney in fact,  
*Kurt D Bollman*  
*Robert L Nelson by POA*  
*Kurt D Bollman*

STATE OF NORTH DAKOTA    )  
  ) ss.  
COUNTY OF CASS            )

On this 9th day of January, 2024, before me, a notary public within and for said county and state, personally appeared **KURT D. BOLLMAN, attorney in fact for Robert L. Nelson**, to me known to be the person described in and that executed the foregoing instrument, and acknowledged to me that he executed the same.

(SEAL)

*Paul L Hess*  
\_\_\_\_\_  
Notary Public  
*Paul L Hess*



THE CITY OF FARGO, NORTH DAKOTA,  
a municipal corporation

By: \_\_\_\_\_  
TIMOTHY J. MAHONEY, Mayor

ATTEST:

\_\_\_\_\_  
STEVEN SPRAGUE, City Auditor

STATE OF NORTH DAKOTA     )  
  ) ss.  
COUNTY OF CASS             )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a notary public within and for said county and state, personally appeared **TIMOTHY J. MAHONEY** and **STEVEN SPRAGUE**, to me known to be the Mayor and City Auditor, respectively, of **THE CITY OF FARGO, NORTH DAKOTA**, the municipal corporation described in and that executed the foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

\_\_\_\_\_  
Notary Public

(S E A L)

17b

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING A CERTAIN PARCEL  
OF LAND LYING IN 46<sup>TH</sup> AVENUE INDUSTRIAL PARK ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in the proposed 46<sup>th</sup> Avenue Industrial Park Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on July 6, 2023; and,

WHEREAS, the rezoning changes were approved by the City Commission on February 5, 2024,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

All of 46<sup>th</sup> Avenue Industrial Park Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "AG", Agricultural, District to "LI", Limited Industrial, District.

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

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\_\_\_\_\_  
Dr. Timothy J. Mahoney, M.D., Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:

City of Fargo, North Dakota  
**General Fund - 2023 Year End Projections**  
 As of December 31, 2023 **NOT FINAL**  
 Amounts shown in thousands

	YTD Budget	YTD PERIOD 13 (Dec + Jan Adj)	REMAINING Estimates	YE 2023 Projections
<b>REVENUES:</b>				
<b>1</b> Taxes	\$ 42,624	\$ 41,832	\$ -	\$ 41,832
<b>2</b> Licenses & Permits	7,065	6,800	-	6,800
<b>3</b> Intergovernmental Revenue	25,070	24,796	1,200	25,996
<b>4</b> Charges for Services	16,098	16,208	100	16,308
<b>5</b> Fines & Traffic Tickets	1,649	1,574	-	1,574
<b>6</b> Interest	4,820	7,334	-	7,334
<b>7</b> Miscellaneous Revenue	900	900	-	900
<b>8</b> Transfers In	16,915	16,966	-	16,966
<b>9</b> YE Est - Various Sources			300	300
<b>Total Revenues</b>	<b>\$ 115,141</b>	<b>\$ 116,410</b>	<b>\$ 1,600</b>	<b>\$ 118,010</b>
<b>EXPENDITURES:</b>				
<b>10</b> General Government	\$ 24,942	\$ 25,461		\$ 25,461
<b>11</b> Public Safety	47,097	47,652		47,652
<b>12</b> Public Works	14,571	15,237		15,237
<b>13</b> Health & Welfare	15,284	14,650		14,650
<b>14</b> Culture & Recreation	5,482	5,429		5,429
<b>15</b> Economic Development	573	552		552
<b>16</b> General Support	1,347	1,252		1,252
<b>17</b> Capital Outlay	597	197		197
<b>18</b> Operating Transfers	6,195	6,253		6,253
<b>19</b> Contingency (Salary Savings)	-	51		51
<b>20</b> YE Est - Various Depts Late Invoices			250	250
<b>Total Expenditures</b>	<b>\$ 116,088</b>	<b>\$ 116,734</b>	<b>\$ 250</b>	<b>\$ 116,984</b>
<b>Revenue Over (Under) Expenditures</b>	<b>\$ 590</b>	<b>\$ (324)</b>	<b>\$ 1,350</b>	<b>\$ 1,026</b>

- 3** State Aid Estimate - Receive Nov & Dec 2023 in Jan-Mar 2024; still waiting on December.
- 4** Estimate: Admin fees on projects, etc.
- 9** Estimates of other late revenue receipts and grant reimbursements
- 20** Net of YE reclass adjustments, prepaid amortization, and estimate of ongoing 2023 invoices into 2024.

**Year End Finance Timeline:**

YE close and audit prep; YE accruals, late invoices, GASB reclassifications, fixed assets & depreciation  
 April/May 2024 - Onsite Audit Fieldwork  
 June 1 draft Annual Comprehensive Financial Report (ACFR)





20a

January 12, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 120 University Dr S as submitted by Conner Riley. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$754 with the City of Fargo's share being \$128.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed LOT 0 BLOCK 13 ORIGINAL  
TOWNSITE W46 2/3' OF S1/2 BLOCK 13

2. Address of Property 120 UNIVERSITY DR S

3. Parcel Number 01-2240-01850-000

4. Name of Property Owner CONNOR RILEY Phone No. (320) 349-0354

5. Mailing Address of Property Owner PO Box 2088, Fargo, ND 58107

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). FULL LOT REMODEL OF EXISTING 4-PLEX. REWIRE, REPLUMB, FRAMING, NEW FINISHES, NEW WINDOWS, + OTHER RELATED.

7. Building permit No. 2110-0727-REN 8. Year built (residential property) 1890

9. Date of commencement of making the improvements AUGUST 1ST, 2021

10. Estimated market value of property before the improvements \$ 1175,000

11. Cost of making the improvement (all labor, material and overhead) \$ 1260,000

12. Estimated market value of property after the improvements \$ 1350,000

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant CONNOR RILEY Date 01/10/24

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization *W. J. Johnston* Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



206

January 12, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4420 Carrie Rose Ln S as submitted by James and Sandra Roers. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$408 with the City of Fargo's share being \$69.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 8 Block 1 Summit Chase

2. Address of Property 4420 Carrie Rose Ln S

3. Parcel Number 01-2940-00080-000

4. Name of Property Owner James & Sandra Roers Phone No. 701 571-1999

5. Mailing Address of Property Owner 4420 Carrie Rose Ln S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1990

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ \_\_\_\_\_

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant: [Signature] Date: 1/8/23

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization: [Signature] Date: 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20 \_\_, 20 \_\_, 20 \_\_, 20 \_\_, 20 \_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



20c

January 12, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4422 Carrie Rose Ln S as submitted by Gregory and Suzanne Morrison. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$308 with the City of Fargo's share being \$52.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 7 Block 1 Summit Chase

2. Address of Property 4422 Carrie Rose Ln S

3. Parcel Number 01-2940-00070-000

4. Name of Property Owner Gregory & Suzanne Morrison Phone No. 701-793-4173

5. Mailing Address of Property Owner 4422 Carrie Rose Ln S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1990

9. Date of commencement of making the improvements 06/22/2023

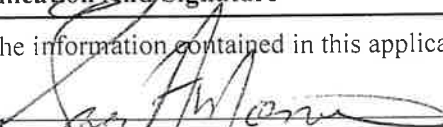
10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ \_\_\_\_\_

12. Estimated market value of property after the improvements \$ \_\_\_\_\_


### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant  Date 1/3/24

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization  Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_, 20\_\_\_, 20\_\_\_, 20\_\_\_, 20\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



20d

January 12, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4404 Carrie Rose Ln S as submitted by Timothy and Patricia Mayo. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$311 with the City of Fargo's share being \$53.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski". The signature is written in a cursive style.

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 12 Block 1 Summit Chase

2. Address of Property 4404 Carrie Rose Ln S

3. Parcel Number 01-2940-00120-000

4. Name of Property Owner Timothy & Patricia Mayo Phone No. 701-235-6547

5. Mailing Address of Property Owner 4404 Carrie Rose Ln S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060478 8. Year built (residential property) 1991

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ \_\_\_\_\_

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Patricia Mayo Date 12-27-23

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization [Signature] Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_





20e

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 135 North Woodcrest Dr N as submitted by Brian and Marea Berg. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$136 with the City of Fargo's share being \$23.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski". The signature is written in a cursive style.

Mike Splonskowski  
City Assessor

nlb  
attachment

### Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

#### Property Identification

1. Legal description of the property for which exemption is claimed Lot: 8, Block: 21, Addition Name:  
Woodcrest Park

2. Address of Property 135 North Woodcrest Dr N, Fargo, ND 58102

3. Parcel Number 01-4080-00410-000

4. Name of Property Owner Berg, Brian C & Marea L RLT Phone No. (701) 729-7399

5. Mailing Address of Property Owner 135 North Woodcrest Dr N, Fargo, ND 58102

#### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Interior remodeling: move closet area on upper floor, move closet area on main floor

7. Building permit No. 2302-0322-REN 8. Year built (residential property) 1977

9. Date of commencement of making the improvements February 17th, 2023

10. Estimated market value of property before the improvements \$ 417,200

11. Cost of making the improvement (all labor, material and overhead) \$ \$ 75,000

12. Estimated market value of property after the improvements \$ 450,000

#### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Marea L Berg Date DIC 21-2023

#### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization Mike Flanderli Date 1-18-2024

#### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20 \_\_, 20 \_\_, 20 \_\_, 20 \_\_, 20 \_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



20f

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 3221 36 Ave S as submitted by Robert and Kathleen Bennett. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$207 with the City of Fargo's share being \$35.

Sincerely,

A handwritten signature in black ink that reads "Mike Spionskowski". The signature is written in a cursive style.

Mike Spionskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 17 Block 5 Stonebridge Farms 4th

2. Address of Property 3221 36 Ave S

3. Parcel Number 01-2924-00830-000

4. Name of Property Owner Robert & Kathleen Bennett Phone No. (701) 492-3920

5. Mailing Address of Property Owner 3221 36 Ave S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). New siding

7. Building permit No. 23110769 8. Year built (residential property) 1996

9. Date of commencement of making the improvements 11/21/2023

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ 62,589.35

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Robert Bennett Date Dec 26, 2023

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization Chick Gloukowski Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



209

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1010 26 St N as submitted by Ann Zimny. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$107 with the City of Fargo's share being \$18.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 10 Block 15 College 2nd

2. Address of Property 1010 26 St N

3. Parcel Number 01-0480-01380-000

4. Name of Property Owner Ann Zimny Phone No. 701 541 0355

5. Mailing Address of Property Owner 1010 26 St N

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). New metal siding

7. Building permit No. 23100004 8. Year built (residential property) 1957

9. Date of commencement of making the improvements \_\_\_\_\_

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ 8,902.20

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Ann Zimny Date 12-29-23

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization Thibault Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



20h

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 1402 39 St N as submitted by Spaceage Properties, LLC. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$23 with the City of Fargo's share being \$4.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot: 6 Block: 2 Addition: Goldberg 1st  
Additional: GOLDBERG 1st LOTS 6 & 7 BLK 2

2. Address of Property 1402 39th St N, Fargo ND 58102

3. Parcel Number 01-0991-00200-000

4. Name of Property Owner SpaceAge Properties, LLC Phone No. 701-277-5631

5. Mailing Address of Property Owner 1402 39th St N, Fargo, ND 58102

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Remodel office space on East end of building. This includes flooring, HVAC, windows, plumbing, restrooms/locker rooms, paint and finishes

7. Building permit No. 2302-0436-REN 8. Year built (residential property) \_\_\_\_\_

9. Date of commencement of making the improvements 03/03/2023


10. Estimated market value of property before the improvements \$ 3,245,800.00

11. Cost of making the improvement (all labor, material and overhead) \$ 688,660.00

12. Estimated market value of property after the improvements \$ 4,100,000.00


### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant , Treasurer SpaceAge Properties, LLC Date 12/22/2023

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization  Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_, 20\_\_\_, 20\_\_\_, 20\_\_\_, 20\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_





201

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4406 Carrie Rose Ln S as submitted by Kevin and Jeanne Moug T/O/D. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$336 with the City of Fargo's share being \$57.

Sincerely,

A handwritten signature in black ink that reads "Mike Spionkowski". The signature is written in a cursive style.

Mike Spionkowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 11 Block 1 Summit Chase

2. Address of Property 4406 Carrie Rose Ln S

3. Parcel Number 01-2940-00110-000

4. Name of Property Owner Kevin & Jeanne Moug T/O/D Phone No. 701-451-3562

5. Mailing Address of Property Owner 4406 Carrie Rose Ln S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1991

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ \_\_\_\_\_

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Kevin Moug Date 12/14/23

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization Thibe J. ... Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



20j

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4428 Carrie Rose Ln S as submitted by Mary Ann Armbrust Rev Living Trust. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$304 with the City of Fargo's share being \$52.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski".

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 4 Block 1 Summit Chase

2. Address of Property 4428 Carrie Rose Ln S

3. Parcel Number 01-2940-00040-000

4. Name of Property Owner Mary Ann Armbrust RLT Phone No. 701-293-5566

5. Mailing Address of Property Owner 4428 Carrie Rose Ln S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1990

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ \_\_\_\_\_

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Mary Ann Armbrust Date 12-13-23

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization [Signature] Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



20K

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4440 Carrie Rose Ln S as submitted by Earlyne Hector. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$306 with the City of Fargo's share being \$52.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Splonskowski".

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 3 Block 1 Summit Chase

2. Address of Property 4440 Carrie Rose Ln S

3. Parcel Number 01-2940-00030-000

4. Name of Property Owner Earlyne Hector Phone No. 701-232-68464

5. Mailing Address of Property Owner 4440 Carrie Rose Ln S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1990

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ \_\_\_\_\_

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Earlyne Hector Date 12/14/2023

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization [Signature] Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_



202

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4424 Carrie Rose Ln S as submitted by John Hicks T/O/D. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$304 with the City of Fargo's share being \$52.

Sincerely,

A handwritten signature in black ink that reads "Mike Splonskowski". The signature is written in a cursive style.

Mike Splonskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 6 Block 1 Summit Chase

2. Address of Property 4424 Carrie Rose Ln S

3. Parcel Number 01-2940-00060-000

4. Name of Property Owner John Hicks T/O/D Phone No. 701-793-4173

5. Mailing Address of Property Owner 4424 Carrie Rose Ln S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1990

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ \_\_\_\_\_

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

**Applicant** John L. Hicks **Date** 12/14/2023

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization Walter Gaudin Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_, 20\_\_\_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_





20m

January 4, 2024

Board of City Commissioners  
City Hall  
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 4408 Carrie Rose Lane S as submitted by Thomas and Anna Marie Heistand. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$311 with the City of Fargo's share being \$53.

Sincerely,

A handwritten signature in black ink that reads "Mike Spionskowski".

Mike Spionskowski  
City Assessor

nlb  
attachment

# Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

### Property Identification

1. Legal description of the property for which exemption is claimed Lot 10 Block 1 Summit Chase

2. Address of Property 4408 Carrie Rose Ln S

3. Parcel Number 01-2940-00100-000

4. Name of Property Owner Thomas & Anna Marie Hiestand Phone No. 701-306-3055

5. Mailing Address of Property Owner 4408 Carrie Rose Ln S

### Description Of Improvements For Exemption

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). Install new siding

7. Building permit No. 23060371 8. Year built (residential property) 1991

9. Date of commencement of making the improvements 06/22/2023

10. Estimated market value of property before the improvements \$ \_\_\_\_\_

11. Cost of making the improvement (all labor, material and overhead) \$ 22,900

12. Estimated market value of property after the improvements \$ \_\_\_\_\_

### Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Thomas Hiestand Date 12-15-2023

### Assessor's Determination And Signature

14. The assessor/county director of tax equalization finds that the improvements described in this application do  do not  meet the qualifications for exemption for the following reason(s): \_\_\_\_\_

Assessor/Director of Tax Equalization [Signature] Date 1-18-2024

### Action Of Governing Body

15. Action taken on this application by the governing board of the county or city: Approved  Denied

Approval is subject to the following conditions: \_\_\_\_\_

Exemption is allowed for years 20 \_\_, 20 \_\_, 20 \_\_, 20 \_\_, 20 \_\_.

Chairperson \_\_\_\_\_ Date \_\_\_\_\_