



Department of Planning & Development
 200 3rd Street North
 Fargo, ND 58102
 Office: (701) 241-1474
 Fax: (701) 241-1526

APPLICATION FOR APPROVAL OF SUBDIVISION (PLAT)

PLEASE NOTE:
 Your application is NOT complete until all of the application materials below have been submitted. Hearing dates for incomplete applications may be delayed until such time as these materials have been submitted.

NAME OF PLAT _____ Major _____ Minor _____

LOCATION _____

LEGAL DESCRIPTION: _____

ENGINEERING FIRM _____

CONTACT PERSON _____

ADDRESS OF CONTACT PERSON _____

TELEPHONE NUMBER OF CONTACT PERSON _____

Is this a vacation plat? YES () NO () If yes, a petition signed by all abutting property owners must be submitted along with the Plat.

The following must accompany this application:

- a. Preliminary Plat
- b. Proposed Amenities Plan (on Major Subdivisions--§20-0907.D.4.a)
- c. Clear Title Opinion reflecting ownership by Applicant(s) (see attached letter from City Attorney).
- d. Proof of paid-up taxes in the form of a receipt from the County or reference to such in Title Opinion.
- e. Letter to Special Assessments Coordinator documenting how the applicant wants to handle the spread of special assessments, based on a meeting or discussion with that individual if necessary (see attached letter from Special Assessments Coordinator). This is considered part of the Amenities Plan requirement for major subdivisions.

I hereby submit the above plat to be approved by the City of Fargo. I understand that the contact person named above will be contacted if any questions arise and also when the plat has been approved by the City and appropriate copies are ready for recording at the Register of Deeds Office.

I understand an application for submitting a plat must be accompanied by a fee of (\$350-Minor), (\$600-Major), to cover the costs to the City.

APPLICANT (Please print)

ADDRESS OF APPLICANT

PHONE NO

BY _____
Signature

FOR PLANNING DEPARTMENT USE ONLY

PAID \$ _____

DATE _____

RECEIVED BY _____

_____ Preliminary Plat

_____ Proposed amenities plan (required on Major Sub only)

_____ Title Opinion (including taxes paid for years _____ and prior years) reflecting ownership by applicant

_____ Receipt for paid-up taxes not reflected in Title Opinion

_____ Communication regarding spread of Special Assessments

_____ Application accepted:

_____ Application not accepted because: _____

Date: _____

By: _____
Planning Office Contact Person



Department of Planning & Development
200 3rd Street North
Fargo, ND 58102
Office: (701) 241-1474
Fax: (701) 241-1526

Dear Sir or Madam:

Re: Application for Subdivision Approval – LDC §20-0907

Your receipt of this letter suggests that you are applying to the city of Fargo to obtain approval of a plat--either a minor subdivision or a major subdivision--pursuant to the provisions of Fargo's Land Development Code (LDC) Section 20-0907.

Please be advised that prior to final approval of your proposed plat, you must present to the city an attorney's opinion as to the ownership of the property that is contained in the proposed plat. A title insurance policy will also satisfy this requirement. This is required by North Dakota law (N.D.C.C. §40-50.1-03). Your attorney's title opinion should contain the following:

1. The title opinion should recognize as owner(s) the same person(s), firm(s) or entity(ies) as are reflected on the mylar plat to be filed with the Office of the Recorder. The purpose of the title opinion is to establish that the signatories on the plat (as owners) are, in fact, the owner(s) of the property being platted. This is particularly of concern to the city and public at large to the extent that the plat dedicates easements, roads or other rights of way for public use.
2. We ask that your attorney's title opinion include reference to easements of record and that the opinion include a description of relevant recording information that could be inserted directly on the mylar plat to be filed with the Office of the Recorder. Such information includes:
 - a. The name of the current grantee of the easement.
 - b. The date of original grant of the easement; and,
 - c. The book and page number or document number, as the case may be.

If you, or your attorney, have any questions feel free to contact me.

Sincerely,

James Hinderaker
Senior City Planner/Zoning Administrator

[Form of Letter of Representation—re title opinion]

DATE

Office of Planning & Development
City of Fargo
200 North Third Street
Fargo, ND 58102

Re: Enclosed Title Opinion

Ladies and Gentlemen:

I refer to our title opinion or the title insurance policy dated the ____ day of _____, 20____, a copy of which is attached hereto and incorporated as if fully set forth herein. You may rely on the opinion or policy as if such opinion or policy had been addressed to you.

Very truly yours,

Name of Attorney



SPECIAL ASSESSMENTS

**200 3rd Street North
Fargo, ND 58102
Office: (701) 241-1326
Fax: (701) 297-7793**

Dear Developer:

This letter is to request your input regarding special assessments on the plat or replat of your property. Please keep in mind that the goal of the Special Assessment Commission and the Special Assessment Department is to provide fair and equitable benefit to all properties in the City of Fargo.

You may stop by our office on the 2nd floor of City Hall to discuss any issues concerning special assessments to your property. After we have reviewed your plat/replat with you regarding special assessments and it meets our approval based on fairness, we ask that you submit a letter to our office with a copy to planning which explains the manner in which you would like the special assessments to be spread within your development.

In the event that we do not receive a letter from you, our office will make a determination of benefit for the spread of specials according to Special Assessment policy.

By signing below, you are indicating that you have read and discussed the above letter with the Special Assessment office.

Signed:

Owner/Developer

Danny B. Eberhardt, Special Assessment Coordinator

CHECKLIST/PROCEDURE FOR SUBDIVISION APPROVAL

§20-0907 Subdivision

A. General

1. Applicability

Subdivision of land shall be required before any of the following activities occur:

- a. The division of land (for any purpose) into 2 or more parcels; or
- b. Development that involves the construction of any public improvements that are to be dedicated to the City;

2. Exemptions

The “Applicability” provision of Sec. 20-0907-A notwithstanding, the following shall be exempt from the subdivision procedures of this section.

a. Boundary Line Adjustments

An adjustment in the boundary between adjoining lots if the adjustment does not create a substandard lot, exceed the maximum density allowed by the underlying zoning district or necessitate new roadway construction or right-of-way dedication. In such cases, a Boundary Line Adjustment survey must be submitted to the Zoning Administrator for review and approval, based on whether the reconfigured lots comply with the standards of this Land Development Code. Upon approval, the Boundary Line Adjustment survey shall be recorded with County Register of Deeds. A Boundary Line Adjustment shall not be required when 2 or more lots are combined into a single lot whose boundaries coincide with lot lines shown on the recorded plat of the subdivision.

b. Tax Lots

The division of ownership interests solely for the purpose of assigning tax liability among multiple owners (tax lots), provided that a tax lot survey must be submitted to the City Assessor, who shall inform the applicant of the effect of the tax lot division and record the tax lot survey with the County Register of Deeds.

c. Rail Rights-of-Way, Drainage Easement and Utilities

Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state, or federal regulations, where no new street, right-of-way or easement is involved, or for a cemetery.

d. Agricultural

The division of a parcel or tract of land when the smallest parcel created is greater than 10 acres and the land is to be used solely for agriculture and living unit purposes.

3. Proper Designation

Notwithstanding the references in this section to subdivisions, minor subdivisions, and major subdivisions, the subdivided land shall be considered an “addition” if the land is within the corporate limits of the City and shall be considered a “subdivision” if the land is outside the corporate limits of the City and the same shall be reflected in the proper name for the subdivision. A failure to properly identify the subdivision as either an

“addition” or “subdivision” shall not invalidate a subdivision which was otherwise approved in accordance with the Land Development Code.

B. Minor Subdivisions

The expedited review and approval procedures of this subsection apply only to “Minor Subdivisions.”

1. Application

A complete application for Minor Subdivision Plat approval must be submitted to the City Planner in a form established by the City Planner, along with a nonrefundable fee that has been established by the Board of City Commissioners. No application will be processed until the application is complete and the required fee has been paid.

2. Review and Report – City Planner

The City Planner shall prepare a staff report that reviews the application in light of the Comprehensive Plan, the zoning standards of Article 20-06 and all other applicable requirements of this Land Development Code.

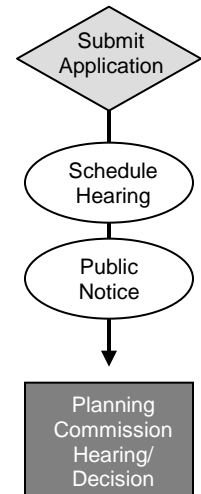
3. Review and Action – Planning Commission

The Planning Commission shall hold a public hearing on the Minor Subdivision application and, after the close of the public hearing, act to approve or deny the application for Minor Subdivision approval. A Minor Subdivision may not be approved unless it complies with the standards of Article 20-06 and all other applicable requirements of this Land Development Code.

4. Notices

Notice of the Planning Commission’s public hearing on Minor Subdivision Plat applications shall be published in accordance with Sec. 20-0901-F.

Minor Subdivisions



C. Appeal of Planning Commission Decision

1. Appeals to Board of City Commissioners; Timing

Appeals from the action of the Planning Commission on an application for Minor Subdivision approval may be taken to the Board of City Commissioners by filing an appeal with the City Planner.

2. Right to Appeal

The following persons and entities shall have standing to appeal the action of the Planning Commission on an application for Minor Subdivision approval:

- a. The applicant;
- b. The Planning Commission or any member of the Planning Commission;
- c. The Board of City Commissioners or any member of the Board of City Commissioners;
- d. Any person who received mailed notice of the public hearing;
- e. Any person that the Board of City Commissioners determines to be actually or potentially aggrieved by the appealed action; and
- f. Any person given the right of appeal by law.

3. Action on Appeal

The Board of City Commissioners shall consider the appealed Minor Subdivision decision as a new matter in a public hearing and, at the close of the public hearing, act to approve or deny the original application for Minor Subdivision approval. The procedure and required notice shall be the same as required of the original action before the Planning Commission.

4. Effect of Approval

After a Minor Subdivision Plat has been approved, it shall be signed by City Planner and recorded in the office of County Register of Deeds by the City Planner.

D. Major Subdivisions

The procedures of this subsection apply to all “Major Subdivisions.”

1. Growth Plan and Zoning Prerequisite

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. If the subject property is not consistent with an approved Growth Plan, a new or revised Growth Plan must be submitted for review and approval before or concurrently with the major plat application. The requirements of an approved Growth Plan shall not take effect until July 1, 2000.

2. Preapplication Meeting

Before submitting a plat for a proposed Major Subdivision, the applicant shall confer with the City Planner to discuss the proposal and applicable regulations. The purpose of the Preapplication Meetings is for the applicant to become familiar with applicable subdivision procedures and standards. The City Planner may waive the preapplication meeting requirement.

3. Preliminary Review

a. Application

A complete application for preliminary review of major subdivision plats must be submitted to the City Planner in a form established by the City Planner, along with a nonrefundable fee that has been established by the Board of City Commissioners. No application will be processed until the application is complete and the required fee had been paid.

b. Review and Report – City Planner

The City Planner shall prepare a staff report that reviews the application in light of the applicable Area Plan, the Comprehensive Plan, the standards of Article 20-06 and all other applicable requirements of this Land Development Code.

c. Review By Planning Commission

The Planning Commission shall review the plat application to determine if it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of this Land Development Code. After making its

determination, the Planning Commission shall schedule a public hearing date for review of the finalized plat documents. After the preliminary review, the applicant may proceed with the preparation of Construction Plans and submit the required plat documents for review and approval.

4. Final Review and Action

a. Prerequisites for Planning Commission Hearing

The Planning Commission shall not hold a public hearing on a proposed Major Subdivision Plat until all of the following documents and information have been submitted to the City Planner in a form established by the City Planner:

- (1) A Complete Amenities Plan;
- (2) A Clear Title Opinion;
- (3) A Departmental Review Checklist; and
- (4) Mylar Plat Document signed by the applicant, property owner, and land surveyor.

Commentary

An Amenities Plan provides a description and inventory of the amenities to be included within the subdivision, including:

- Trees
- Sidewalks and Medians
- Fences and Walls
- Entrance Monuments and Signs
- Street Signs (Addressing)
- Structure in Rights-of-Way
- Common Area Improvements

The Amenities Plan must outline the location, type, quantity, size, materials and other relevant details about the amenities. It must also describe plans for implementation, such as:

- Special Assessments
- Covenants
- Property Owner Association
- Developer Funding

b. Review and Report – City Planner

The City Planner shall prepare a staff report that reviews the application in light of the approved Preliminary Plat, the applicable Area Plan, the Comprehensive Plan, the standards of Article 20-06 and all other applicable requirements of this Land Development Code.

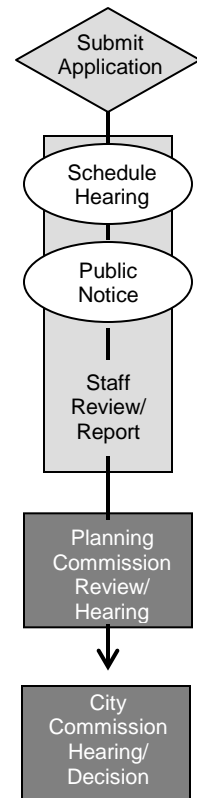
c. Review and Recommendations – Planning Commission

The Planning Commission shall hold a public hearing on the Major Subdivision Plat and, after the close of the public hearing, recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of this Land Development Code.

d. Review and Action – Board of City Commissioners

The Board of City Commissioners shall hold a public hearing on the Major Subdivision Plat and, after the close of the public hearing, act to approve or deny the application. A Major Subdivision Plat shall not be approved unless it is located in a zoning district that allows the proposed development (uses and

Major Subdivisions (Final Review)



density/dimensional standards) and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of this Land Development Code.

e. Notices

Notice of the Planning Commission and Board of City Commissioners' public hearings on Major Subdivision Plat applications shall be published in accordance with
Sec. 20-0901-F.

f. Public Improvements

In taking action on Final Plat applications, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision. In doing so, the Board of Commissioners may:

- (1) Require that the developer install required subdivision improvements in accordance with the approved Final Plat and all other applicable public facility design standards, including the subdivision and improvement and design standards of Article 20-06;
- (2) Require that the developer post a financial guarantee for the improvements, in accordance with applicable law; or
- (3) Agree that the City will install public facilities and improvements and then assess the costs of those improvements against the benefited properties.

5. Recordation

After approval of a Final Plat, the City Planner shall be responsible for recording the Final Plat with the County Register of Deeds.