



Regular Planning Commission Meeting

Tuesday, May 6, 2025, at 5:30 PM

City Council Chambers, City Hall (10 3rd Ave SW)

Any person needing special accommodation for the meeting is requested to notify the City Clerk's office at 857-4752.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INTRODUCTIONS AND DECORUM
 - 3.1. INTRODUCTIONS AND DECORUM HANDOUT
4. PLANNING COMMISSION
 - 4.1. APPROVAL OF THE MARCH 2025 REGULAR MEETING MINUTES
5. PUBLIC HEARING
 - 5.1. CASE #2025-13 - EDEN ADDITION - PRELIMINARY PLAT & ZONING MAP AMENDMENT

Public hearing request by Richard Walker, owner for a request of a preliminary plat and zoning map amendment on a property zoned "AG" Agricultural District with the requested rezoning to "RR" Rural Residential District. The legal description for the property is NE 1/4, NE 1/4, NE1/4 Section 33, Township 156, Range 83, Ward County, North Dakota

The subject property address is 3001 62nd Ave NW.

- 5.2. CASE #2025-14 - 55TH CROSSING 3RD ADDITION - VARIANCE

Public hearing request by Mark Mindt, Mindt Construction, owner for a request of a variance on a property zoned "R2" Two-Family Residential District with the request for lot coverage, and rear yard setback relief. The legal description for the property is Lots 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A and 8B 55th Crossing 3rd Addition to the City of Minot, Ward County, North Dakota

The subject property's addresses are 1509, 1511, 1513, 1515, 1517, 1517, 1519, 1521, 1523, 1525, 1527 47th Loop SE.

- 5.3. CASE #2025-15 - HIGHLANDS AT NORTH HILL 8TH ADDITION - PUD AMENDMENT

Public hearing request by Andrew Gudmunson, 701 Development LLP, owner for a request of a PUD amendment on a property zoned "R2" Two-Family Residential District with a PUD Overlay with the requested amendment pertaining to the lot density and development of the final phase of the Highlands at North Hill Subdivision. The legal description for the property is Lot 13, Block 1 Highlands at North Hill 7th Addition and Lot 6, Block 3 Highlands at North Hill 7th Addition to the City of Minot, Ward County, North Dakota
The subject property's address is unassigned

5.4. CASE #2025-16 - HIGHLANDS AT NORTH HILL 8TH ADDITION -
PRELIMINARY PLAT & EASEMENT VACATION

Public hearing request by Andrew Gudmunson, 701 Development LLP, owner for a request of a preliminary plat and easement vacation on a property zoned "R2" Two-Family Residential District with a PUD Overlay. The preliminary Plat is for Highlands at North Hill 8th Addition. The legal description for the properties requesting the easement vacation are Lot 13, Block 1 Highlands at North Hill 7th Addition to the City of Minot, Ward County, North Dakota and Lots 1, 2 and 3, Block 1 Highlands at North Hill 7th Addition to the City of Minot, Ward County, North Dakota
The subject properties addresses are 2416, 2420 and 2500 Ivory St and the lot to the south of those addresses that remains unassigned

6. MISCELLANEOUS AND DISCUSSION ITEMS

7. ADJOURNMENT

INTRO

The Planning Commission evaluates land use applications for compliance with the standards and procedural requirements outlined within the Zoning Supplement to the City of Minot (Zoning Code) and North Dakota Century Code. Further, the Planning Commission is tasked to ensure development within the City of Minot aligns with the City of Minot 2012 Comprehensive Plan (Comprehensive Plan).¹

Planning Department staff are assigned to support the Planning Commission by reviewing applications for compliance with the Zoning Code and alignment with the Comprehensive Plan. Staff summarizes this information to the Planning Commission in the form of written staff reports, which include a recommendation. Oral presentations summarizing a staff report and any additional information obtained since the date said staff report was written is provided as determined necessary by the Planning Commission.

Planning Commission is not required to follow City staff recommendation. However, a deviation from staff's recommendation may require clarification to the findings of fact along with clearly stated reasoning for any alternative recommendation.

Finally, staff is not able to anticipate all information entered into the record via Planning Commissioner discussion or provided by the public during the open public comment period. Staff is available to answer any questions which may arise through discussion.

The Planning Commission renders a decision for variances, interim use permits, and conditional use permits that may be appealed to City Council. The Planning Commission provides recommendations to City Council for all other land use applications.

DECORUM

Persons attending public hearings are expected to conduct themselves with decorum to assure fairness and equity in the proceedings. Participants must:

- Step to the podium/microphone each time you wish to be recognized by the Planning Commission to offer a comment, or to ask or answer a question, and state your name for the record. To ensure minutes of the meeting accurately reflect the individual for which statements are made a sign-in sheet is provided at the podium for those wishing to speak.
- Address all testimony, comments and questions to the Chair of the Commission and not the other participants, the applicant, or the staff. The Chair of the Commission will determine the appropriateness of all questions and when and where to direct them.
- Allow others in attendance an opportunity to present their testimony. Do not interrupt the proceedings with applause, heckling, outbursts or other disruptive behavior.
- Address the issues and application that are before the Commission. These proceedings are not the forum to discuss the appropriateness of particular land use policies, regulations, or alternatives.
- Please silence your phones or set them to vibrate at this time.

¹ Per N.D.C.C 40-48-09, the basic purpose of the plan:

...The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which, in accordance with present and future needs, best will promote the amenities of life, health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including adequate provision for light and air, distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, the adequate provision of public utilities and other public requirements, the improvement and control of architecture, and the general embellishment of the area under its jurisdiction.

On March 4, 2025, a Regular Planning Commission Meeting of the Minot Planning Commission was held in the City Council Chambers, City Hall (10 3rd Ave SW). Chairman Offerdahl called the meeting to order at 05:30 PM.

1. ROLL CALL

Members Present: Tim Baumann, Erin Iverson, Robert Kibler, Logan Longtin, Annette Mennem, Dustin Offerdahl, Serena Pontenila, Robert Amick, Tanner Dockter, Casey Erickson

Members Absent: Kayla Johnson, Darrik Trudell, Bradley Wolff

City Staff Present: Corbin Dickerson, Brian Billingsley, Hannah Hornberger, Doug Diedrichsen, Dan Falconer

Others Present: Dylan Davis, Sean Weeks

2. PLEDGE OF ALLEGIANCE

3. INTRODUCTIONS AND DECORUM

3.1. INTRODUCTIONS AND DECORUM HANDOUT

Chairman Offerdahl welcomed the newest Planning Commissioner, Casey Erickson

4. PLANNING COMMISSION

4.1. APPROVAL OF THE FEBRUARY 2025 REGULAR MEETING MINUTES

The motion to Approve February 2025 Regular Meeting Minutes was initiated by Planning Commission Representative Baumann seconded by Planning Commission Representative Longtin and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Robert Kibler, Logan Longtin, Annette Mennem, Dustin Offerdahl, Serena Pontenila, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5. PUBLIC HEARING

5.1. CASE #2025 - 3 - ST CROIX ADDITION - ZONE CHANGE

Public hearing request by Dylan Davis, owner for a request of a zoning map amendment on a property zoned "C2" General Commercial District with the requested rezoning to "CBD" Central Business District. The legal description for the property is Lot 2 St. Croix Addition to the City of Minot, Ward County, North Dakota

The subject property address is 508 E Central Ave.

Mr. Falconer presented the staff report.
Commissioners had a discussion.

Staff answered questions.

Chairman Offerdahl opened the public hearing to the public for testimony.

Dylan Davis, applicant, explained their plan.

Commissioners questioned applicant.

Chairman Offerdahl closed the public hearing.

Commissioner Baumann thanked the applicant for the work to improve the property and save the downtown community.

The motion to Approve based on staff's findings of facts was initiated by Planning

Commission Representative Baumann seconded by Planning Commission

Representative Kibler and carried by the following roll call vote: ayes: Tim Baumann,

Erin Iverson, Robert Kibler, Logan Longtin, Annette Mennem, Dustin Offerdahl, Serena

Pontenila, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5.2. CASE #2025 - 5 - DAWN TO DUSK ADDITION, LOT 2 - ZONE CHANGE

Public hearing request by Rusten Roteliuk, Houston Engineering, representing JACE Properties and Amanda Schatz, owner for a request of a zoning map amendment on a property zoned "C2" General Commercial District with the requested rezoning to "M1" Light Industrial District. The legal description for the property is Lot 2 Dawn to Dusk Addition to the City of Minot, Ward County, North Dakota

The subject property's address is unassigned.

Mr. Diedrichsen presented the staff report.

Commissioners had a discussion.

Staff answered Commissioners questions.

Chairman Offerdahl opened the public hearing to the public for testimony.

No one appeared to testify.

Chairman Offerdahl closed the public hearing.

The motion to Approve based on staff's findings of fact was initiated by Planning

Commission Representative Kibler seconded by Planning Commission Representative

Amick and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson,

Robert Kibler, Logan Longtin, Annette Mennem, Dustin Offerdahl, Serena Pontenila,

Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5.3. CASE #2025 - 6 - LOT B OF OTLT 23 SEC 32-155-82 - ZONE CHANGE

Public hearing request by Conley Post, owner for a request of a zoning map amendment on a property zoned "C2" General Commercial District with the requested rezoning to "M1" Light Industrial District. The legal description for the property is Lot B of Outlot 23 Section 32, Township 155 North, Range 82 West, Ward County, North Dakota

The subject property address is 3050 HWY 52 S.

Mr. Diedrichsen presented the staff report.

Commissioners had a discussion,

Staff answered questions.

Chairman Offerdahl opened the public hearing to the public for testimony.

Sean Weekes spoke on behalf of the applicants.

Chairman Offerdahl closed the public hearing.

The motion to Approve based on staff's findings of fact was initiated by Planning Commission Representative Iverson seconded by Erickson and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Robert Kibler, Logan Longtin, Annette Mennem, Dustin Offerdahl, Serena Pontenila, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5.4. CASE #2025 - 7 - SIMPLOT - CUP

Public hearing request by Trent Johnson with Simplot, representing UHB, LLC, owner for a request of a conditional use permit on a property zoned "M1" Light Industrial District to store hazardous materials and compounds. The legal description for the property is Lot 1 of Northeast Business Park 2nd Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 2708 30th Ave NE.

Mr. Diedrichsen presented the staff report.

Commissioners had a discussion.

Staff answered questions.

Chairman Offerdahl opened the public hearing to the public for testimony.

Mr. Falconer read a letter from, Joseph and Pamela Romance, adjacent property, opposing the application.

Chairman Offerdahl closed the public hearing.

Commissioners had a discussion.

Staff answered questions.

The motion to Approve based on staff's findings of fact was initiated by Planning Commission Representative Kibler seconded by Planning Commission Representative Baumann and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Robert Kibler, Logan Longtin, Annette Mennem, Dustin Offerdahl, Serena Pontenila, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

6. MISCELLANEOUS AND DISCUSSION ITEMS

6.1. DISCUSS APRIL PLANNING COMMISSION SCHEDULE

Mr. Diedrichsen discussed options for April meeting.

Commissioners had a discussion.

The motion to Schedule tentative Planning Commission meeting April 16, 2025 at 5:30pm at City Council Chambers was initiated by Planning Commission Representative Baumann seconded by Planning Commission Representative Kibler and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Robert Kibler, Logan Longtin, Annette Mennem, Dustin Offerdahl, Serena Pontenila, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

Commissioner Baumann presented "Does Downtown Minot need a grocery store" survey for the community to participate.

[Exploring the Feasibility of Solutions to the Food Desert in Downtown Minot \(2025\)](#)

7. ADJOURNMENT

With no further business, Chairman Offerdahl adjourned the meeting at 6:19 pm.



Planning Commission Staff Report

Application Date: 03/28/2025

Date of Staff Report: 04/17/2025

Date of Planning Commission Meeting: 05/06/2025

Staff Contact: Doug Diedrichsen, Principal Planner

Staff Recommendation: Approval

Case Number: 2025-13

Project Name: Eden Addition - Zone Change,
Prelim Plat

Current Legal Description: NE 1/4, NE 1/4, NE1/4
Section 33, Township 156, Range 83

Proposed Legal Description: Eden Addition Lot 1

Present Address: 3001 62nd Ave NW

Entitlements Requested: See Project Description

Owners: Richard Walker

Representative: Rob Berard, Ackerman Surveying

Present Zone(s): "AG" Agricultural District

Present Use(s): Single Family Home, Agricultural

Uses Allowed in Present Zone(s): See Chapter 2.2
for allowed and conditionally permitted uses
within each district.

Present Future Land Use Map Designation: Rural
Residential

Proposed Zone(s): "RR" Rural Residential

Proposed Use(s): vacant

Uses Allowed in Proposed Zone(s): See Chapter 2.2 for
allowed and conditionally permitted uses within each
district

Proposed Future Land Use Map Designation: No
Change

PROJECT DESCRIPTION:

Public hearing request by Richard Walker, owner for a request of a preliminary plat and zoning map amendment on a property zoned "AG" Agricultural District with the requested rezoning to "RR" Rural Residential District. The legal description for the property is NE 1/4, NE 1/4, NE1/4 Section 33, Township 156, Range 83, Ward County, North Dakota.

The subject property address is 3001 62nd Ave NW

An aerial, including the notification boundary, is provided in **Exhibit 1**.

BACKGROUND INFORMATION:

This is a request to subdivide an agricultural property in the extraterritorial zoning jurisdiction for future rural residential use. Since the lots will fall below the minimum acreage requirements for the “AG” Agricultural Zone (10 acres) a zoning map amendment to “RR” Rural Residential has been requested as to make the property size comply with their assigned zoning district.

The preliminary plat is provided in **Exhibit 2**.

The zoning and future land use map of the subject property and immediate vicinity is provided in **Exhibit 3**.

Site photos are provided in **Exhibit 4**.

STAFF ANALYSIS:

Zoning Map Amendment Analysis:

Section 9.1-7 of the Minot Land Development Code provides the procedures for amending the official zoning map of the City of Minot. Section 9.2 provides the noticing requirements for public hearings held by the Planning Commission. Section 9.1-7 D. recognizes that the future land use map may need to be amended to support any rezoning request. The applicant has submitted the necessary application documents required per Section 9.1-7 C. and noticing has been conducted as required per Section 9.2.

The subject property maintains the future land use designation of Rural Residential on the 2040 Future Land Use Map (2040 FLU Map). No Future Land Use map amendment is required for a zoning map amendment to “RR” Rural Residential district.

Section 9.1-7 E. 2. requires the Planning Commission to provide findings of fact to ensure the criteria included in Section 9.1-7 H. has been satisfied in order to support any recommendation regarding any proposed changes to the zoning map or Future Land Use Map. Staff provides the following guidance:

Section 9.1-7 H. relates to whether or not the proposed zoning map amendment is justified due to a change in conditions, error in the zoning map, or in order to fulfill the future land use map of the Comprehensive Plan. The request would align the current zoning with the FLU map designation. Section 9.1-7 H. 1 is satisfied.

The City and other agencies will be able to provide necessary public services and facilities to serve the proposed development. No city services are provided and any future services would only be provided at the expense of the property owner. Section 9.1-7 H. 2 is satisfied.

Section 9.1-7 H. 3 requires that the proposed zoning map amendment will not substantially diminish the condition or value of property in the vicinity. Staff finds no evidence that the amendment would diminish the value or condition of the adjacent properties. Section 9.1-7. H. 3. is satisfied.

Section 9.1-7. H. 4. requires the zoning change to be consistent with the purpose of the Land Development Ordinance of the City of Minot, the Comprehensive Plan, and other adopted plans and policies of the City. The proposed development must comply with all development standards within the Land Development Ordinance of the City of Minot. The zoning map amendment will align with the future land use map designation of Rural Residential within the 2040 Comprehensive Plan, therefore, Section 9.1-7. 4. is satisfied.

Subdivision Design Standards:

Section 10.2-7 C. of the Land Development Ordinance of the City of Minot (LDO) covers the process of application and submittal for a major subdivision preliminary plat. The applicant has submitted the necessary application documents required per Section 10.2-7 C. 2. and noticing has been conducted as required per 9.2-1 (B) and (C).

Section 10.2-7. D. requires that staff's report consider the nature of the proposed development as prescribed within Section 10.2-5 relating to whether or not it meets the technical requirements of Article 10, and if not, whether any such requirements should be waived. To that end, staff provides the following guidance based on the various requirements of Chapter 10.3 – Design Standards:

Section 10.3-1, requiring the proposed subdivision to be designed in accordance with the standards of Chapter 10.3, the Land Development Ordinance as a whole, and a list of various other plans and codes, is satisfied with any conditions as further elaborated within this section of the written report.

Section 10.3-2 prohibits the approval of the subdivision of land that is unsuitable for development due to a variety of reasons. Staff finds the proposed preliminary layout will not create lots that are unsuitable for development. Therefore, Section 10.3-2 is satisfied.

Section 10.3-3. requires that a subdivision name not already be utilized elsewhere and spelled correctly. The name Eden Addition has not yet been taken and is spelled correctly. Section 10.3-3 is satisfied.

Section 10.3-4. A-F. relating to Street Names and Numbering is applicable and satisfied, as there are no additional streets proposed via this subdivision. Addressing will be assigned to each lot following completion of the final plat process, if approved.

The requirements of Section 10.3-11. relating to the design of the individual lots has been satisfied as the proposed properties to be created will meet the minimum lot sizes of the respective district for which they will be zoned, if approved. In short, the lots meet the dimensional standards per Section 10.3-11.

Section 10.3-12 relating to block design is not applicable.

The requirements of Section 10.3-13 relating to the dedication of right-of-way, easements, and street widths is satisfied with the dedication of right of way along 62nd Ave. NW and 30th St. NW.

Sections 10.3-14 related to sidewalks is not applicable.

Section 10.3-15 related to public utilities is not applicable

Section 10.3-21 relates to financial security provided to the City when infrastructure is being installed is not applicable.

Section 10.3-22 is satisfied, as the applicant is required to follow all City permitting processes for construction. This includes a storm water master plan (SWMP), payment of sewer connection fees, and meeting all floodplain development requirements.

Comments:

- a) There were no public comments at the time of writing this staff report.
- b) The application was distributed to city departments and external public agencies and no comment was received at the time of the writing of this staff report.

FINDINGS OF FACT:

The Minot Planning Commission should accept the following findings of facts:

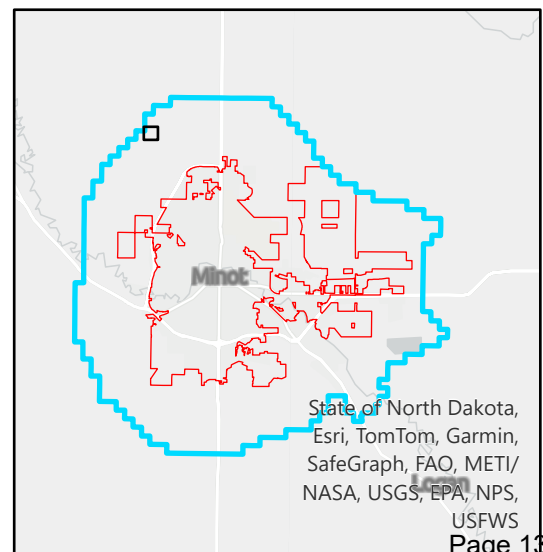
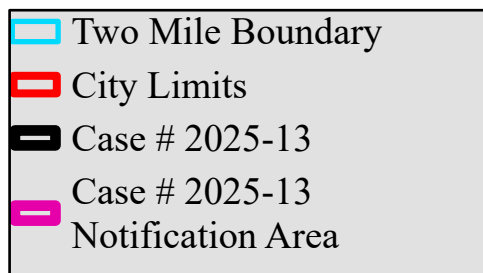
- 1) The applicants have submitted a complete application.
- 2) The present zoning is “AG” Agricultural District and the 2040 Comprehensive Plan Future Land Use Map designates this area as Rural Residential.
- 3) The proposed zoning amendment satisfies the evaluative criteria of Section 9.1-7. H. 1. thru 4. of the Land Development Ordinance as explained in the Staff’s Analysis section of the written report.
- 4) The proposed preliminary plat meets the subdivision design requirements of Chapter 10.3, as applicable, subject to conditions as explained in the Staff Analysis section of the written report.

- 5) The Minot Planning Commission has the authority to hear this case and provide a recommendation to City Council whether the zoning map amendments, and preliminary plat be approved, with or without conditions, or denied. The public notice requirements were met, the hearing was legally noticed and posted, and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt staff's findings of fact and recommend approval to City Council for:

- 1) A zoning map amendment from "AG" Agricultural District to "RR" Rural Residential District without conditions for Eden Addition Lot 1 and the remaining unplatted acreage.
- 2) A preliminary plat for Eden Addition without conditions.



PRELIMINARY PLAT OF EDEN ADDITION

TO THE CITY OF MINOT, NORTH DAKOTA
(BEING AN UNPLATTED PORTION OF THE NE1/4NE1/4NE1/4, SECTION 33, TOWNSHIP 156 NORTH,
RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA)

62ND AVENUE NW

33' STATUTORY
RIGHT OF WAY

NW1/4
NE1/4NE1/4

LOT 1
(5.19 ACRES)

RIGHT OF WAY EASEMENT
DOC. # 627502

NE1/4
NE1/4NE1/4

33' STATUTORY
RIGHT OF WAY

SE1/4
NE1/4NE1/4

30TH STREET NW

NOTES:

FOR PLANNING PURPOSES ONLY. AREAS AND
DISTANCES SUBJECT TO FINAL FIELD SURVEY.
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

A 10' UTILITY EASEMENT IS ON THE STREETSIDE
OF EVERY LOT UNLESS OTHERWISE NOTED.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS.

Scale 1" = 150'
0 75' 150'



- 40' DEDICATED RIGHT OF WAY

OUTLOT 7

OUTLOT BREAKDOWN
LOT 1 = 5.19 ACRES
ROAD R/W = 0.94 ACRES
TOTAL = 6.13 ACRES

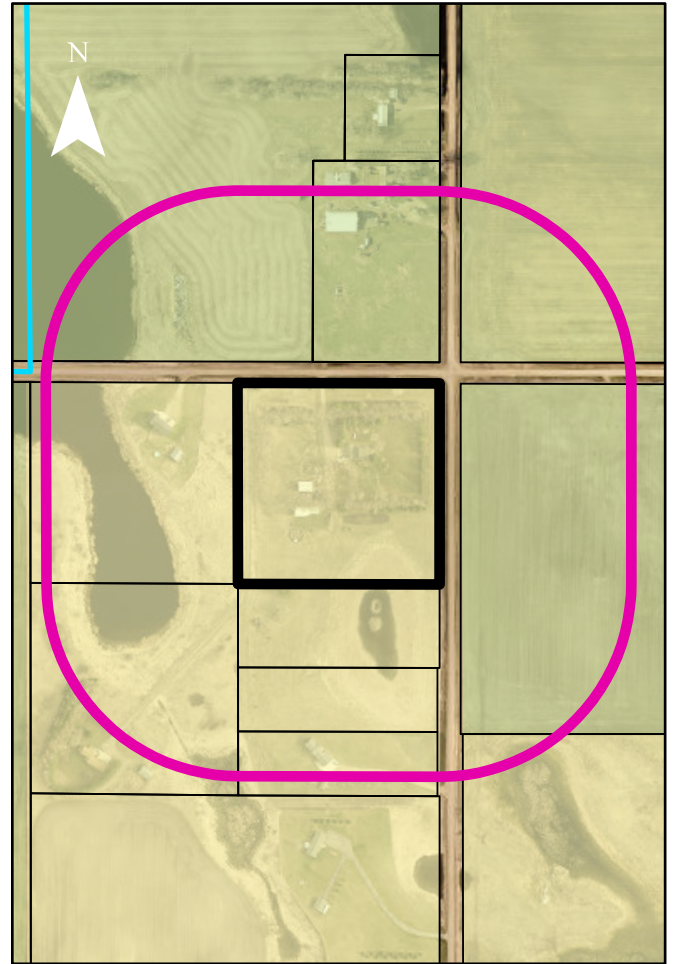
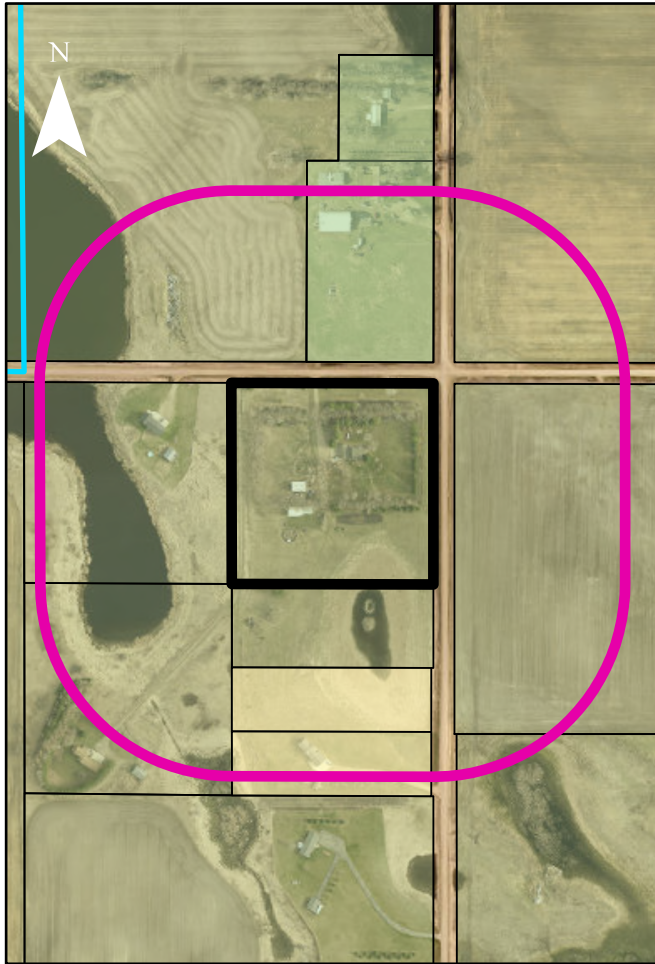


ACKERMAN SURVEYING
& ASSOCIATES

(701) 838-0786
1907 17TH ST SE, MINOT, N.D. 58701

ZONING

FUTURE LAND USE



0 280 560 1,120 Feet

Zoning

- AG
- RR

Both Maps

- Case # 2025-13
- Case # 2025-13 Notification Area

Land Use Type

- Agricultural and Open Space
- Rural Residential

Exhibit 4 – Site Photos



Facing South



Facing North



Facing West



Facing East



Planning Commission Staff Report

Application Date: 03/28/2025
Date of Staff Report: 04/21/2025
Date of Planning Commission Meeting: 05/06/2025

Staff Contact: Daniel Falconer, Associate Planner
Staff Recommendation: Approval

Case Number: 2025-14

Project Name: 55th Crossing 3rd Addition -
Variance

Current Legal Description: See project
description below.

The subject property's addresses: 1509, 1511,
1513, 1515, 1517, 1519, 1521, 1523, 1525, 1527
47th Loop SE.

Owners: Mindt Construction

Representative: N/A

Entitlements Requested: Variance to the rear setback
from twenty feet (20') to sixteen feet (16'). Also, an
increase in maximum lot coverage from 40% to 44%.

Present Zone(s): "R2" Two-Family Residential
District

Present Use(s): Vacant

Uses Allowed in Present Zone(s): See Table 2.2
for allowed and conditionally permitted uses
within each district.

Present Future Land Use Map Designation:
Suburban Residential

Proposed Zone(s): No Change

Proposed Use(s): Residential

Uses Allowed in Proposed Zone(s): See Table 2.2 for
allowed and conditionally permitted uses within each
district.

Proposed Future Land Use Map Designation: No
Change

PROJECT DESCRIPTION:

Public hearing request by Mark Mindt, Mindt Construction, owner, for a request for a variance on a property zoned "R2" Two-Family Residential District with the request for lot coverage, and rear yard setback relief. The legal description for the properties is Block 1, Lots 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A and 8B 55th Crossing 3rd Addition to the City of Minot, Ward County, North Dakota.

The subject property's addresses are 1509, 1511, 1513, 1515, 1517, 1519, 1521, 1523, 1525, 1527 47th Loop SE.

An aerial view of the property and 300-foot notification area is provided in **Exhibit 1**.

A letter of intent is included in **Exhibit 2**.

BACKGROUND INFORMATION:

Through conversations with the property owner, the City of Minot determined that approvals to reinvigorate the development of 55th Crossing cannot surmount a change in regulations surrounding twin and town homes that took place in 2013 during the platting of this subdivision. The lots in question fail to meet our current minimum lot area for interior twinhome lots of 7,500 sqft. The lots in question are roughly 7,007 sqft, which at the time of platting in 2013 was 7 sqft above the minimum requirement. This discrepancy amounts to the units not being able to meet setbacks and lot coverage requirements. Switching to a more compact housing type such as townhomes is not possible due to the current R2 zoning prohibiting that housing style, where it was previously allowed at the time of platting when there was no distinction between twin and town homes in the 2013 Zoning Ordinance. The housing units being proposed for these lots have been built on 16 other lots in this subdivision, so for continuity, keeping this house model would also preserve the neighborhood character.

Exhibit 3 provides a site map illustrating the applicable and desired setbacks as applied to this lot with construction of the proposed style twin home.

The zoning and future land use map designation of the subject property and surrounding area is provided in **Exhibits 4**.

Site photos are provided in **Exhibit 5**.

STAFF ANALYSIS:

Variance Request Analysis:

Section 9.1-3 of the Land Development Ordinance of the City of Minot (LDO) provides the application procedures for variances, the types of variances allowed, and criteria necessary for approval by the Planning Commission. The applicant has submitted the necessary application documents required per Section 9.1-3 C. and noticing has been conducted per Section 9.2-1.

Section 9.1-3 A. Grants the Planning Commission the authority to grant variances for only a subset of standards, the proposal would qualify for 1. Zoning district dimensional standards. Therefore Section 9.1-3 A. is satisfied. Section 9.1-3 G. 1. requires the Planning Commission find that a unique hardship exists using one of three qualifying criteria. To that end, staff provides the following guidance:

Staff finds that the variance criteria provided in Sections 9.1-3. G. 1. a. relating to the exceptional shallowness or shape of the property is not applicable.

Staff finds that the variance criteria provided in Section 9.1-3. G. 1. b. relating to exceptional topographical conditions of the property is not applicable.

Staff finds that the variance criteria provided in Section 9.1-3. G. 1. c. relating to there being exceptional practical difficulties that would prevent the reasonable use of the property is applicable. The subject properties were platted under an older set of regulations in 2013, and the evolution of the R2 district since then is preventing the reasonable use of these outdated lots. At the current square footage of the affected lots, they cannot fit a modest 1048 sqft house. Denser housing styles such as townhomes are not permitted in the current R2 district, whereas townhomes were allowed in the 2013 R2 district Zoning Ordinance. It should be noted that in the 2013 Zoning Ordinance there was no distinction between twinhomes and townhomes, whereas under our modern Ordinance twin home is defined as two attached units and town home is 3+ attached units. This issue was created by subsequent Ordinance revisions which more strictly defines twinhomes and townhomes.

The totality of the facts provided in the preceding analysis establishes a unique hardship for the subject properties and a variance is necessary to accommodate the proposed reasonable use of the property. Staff finds Section 9.1-3. G. 1. is satisfied.

Further, Section 9.1-3. G. 2. requires that a variance may not be approved unless Planning Commission finds both of the following criteria is met:

- a. The granting of the variance will not adversely affect the rights of property owners in the surrounding neighborhood, or the character of the surrounding neighborhood.
- b. The granting of the variance will not be contrary to the Comprehensive Plan.

Staff finds that both of the above are satisfied, as the desire is to ensure that the character of the area, including the size and type of home to be constructed, aligns with others in the neighborhood. In addition, the variance will not be contrary to the comprehensive plan. Section 9.1-3. G. 2. is satisfied.

Staff finds that both Section 9.1-3. G. 1. & 2. are satisfied and therefore the request for a variance should be approved.

Comments:

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and no comments were received.

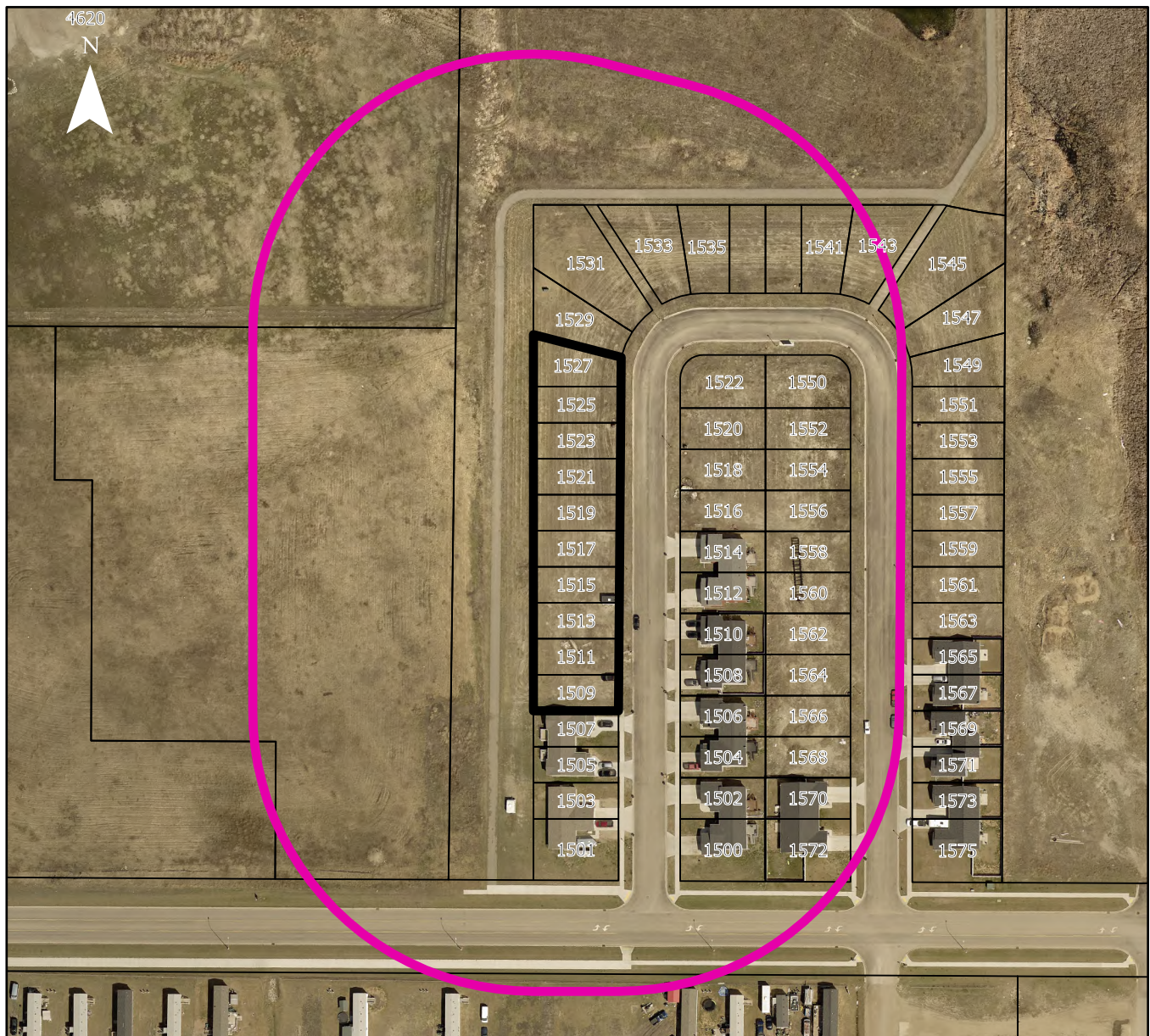
FINDINGS OF FACT:

The Minot Planning Commission should accept the following findings of facts:

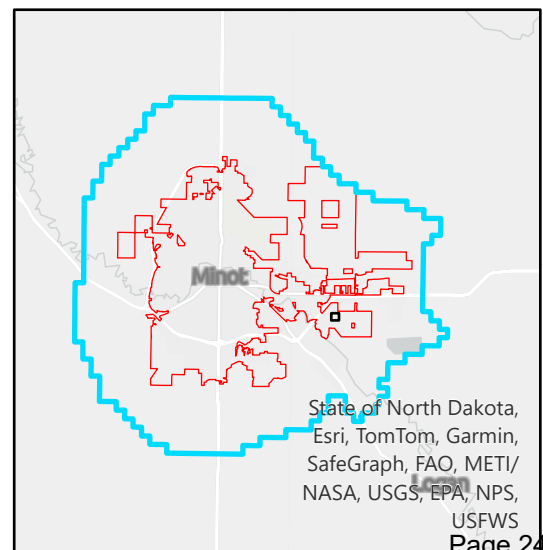
- 1) The applicants have submitted a complete application.
- 2) The property is zoned “R2” Two-Family Residential on the Official Zoning Map and is designated as Suburban Residential on the 2040 Comprehensive Plan Future Land Use Map.
- 3) The requested relief is for setbacks to accommodate construction of 5 twin homes in one of the City’s “Arrested Developments.”
- 4) The subsequent Ordinance revisions which more strictly defined twinhomes and townhomes created a unique hardship as outlined in the Staff Analysis section of the written report. Section 9.1-3. G. 1. is satisfied.
- 5) Granting a variance will not affect the rights of neighboring property owners, as the result of a granting of the variance will allow the subject properties to develop in character with the surrounding development. Further, a granting of the variance will not be in conflict with the Comprehensive Plan. Therefore, Section 9.1-3. G. 2. is satisfied.
- 6) The Minot Planning Commission has the authority to approve, approve with conditions, or deny the variance. The public notice requirements were met, the hearing was legally noticed and posted, and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt staff findings of fact and approve a variance to the rear setback of the reduction from twenty feet (20’) to sixteen feet (16’) and the increase of maximum lot coverage from 40% to 44% for Block 1, Lots 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 55th Crossing 3rd Addition.



- Two Mile Boundary
- City Limits
- Case # 2025-14
- Case # 2025-14 Notification Area



Letter of Intent 2025-14 – 44th Crossing 3rd Addition – Variance

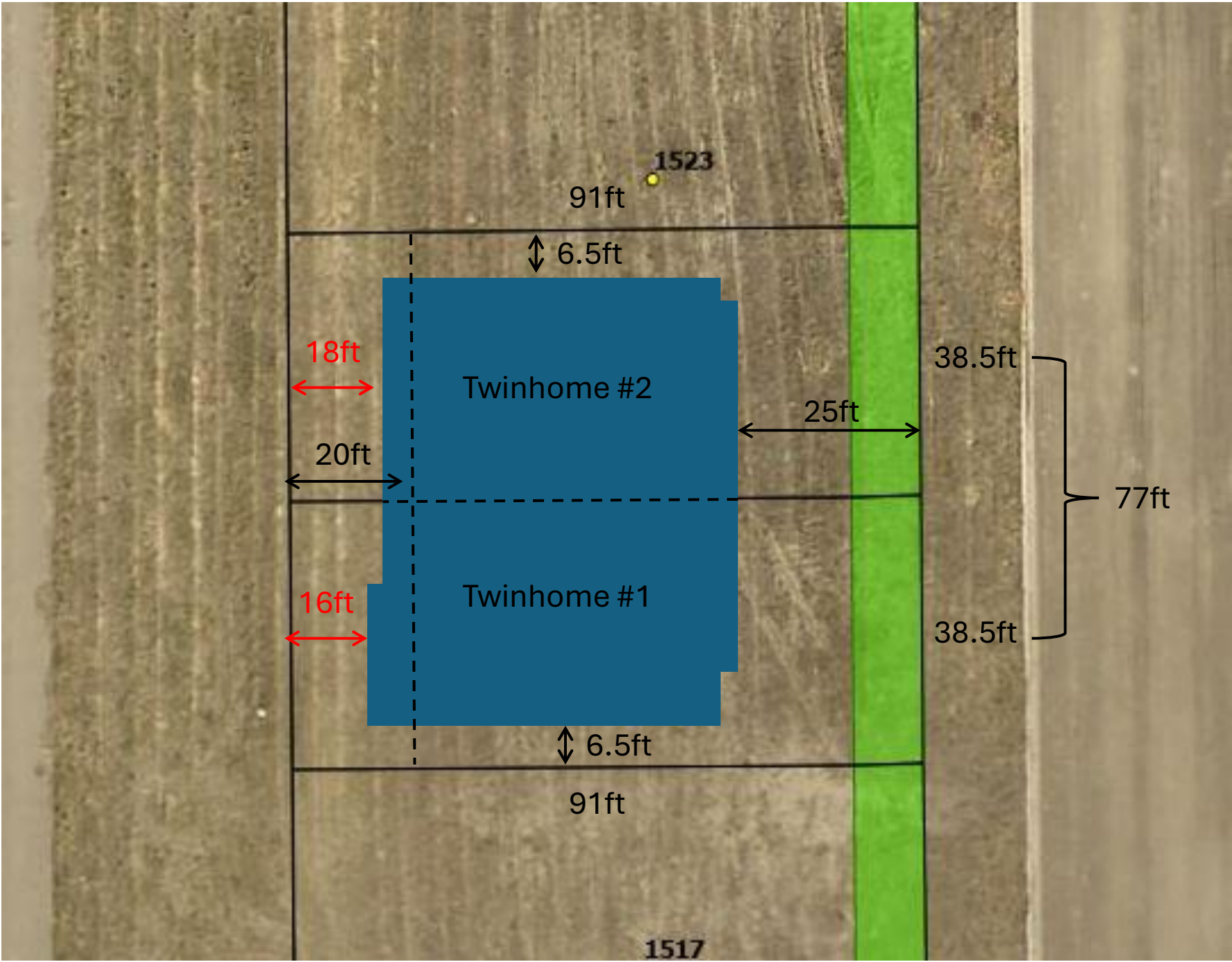
We are applying for an easement on the 40% lot coverage rule on lots 4A - 8B on the west side of 47th Loop SE. Current one-story plan we are building in the area would require a 3-4% increase in the 40% rule on those lots.

Mark Mindt

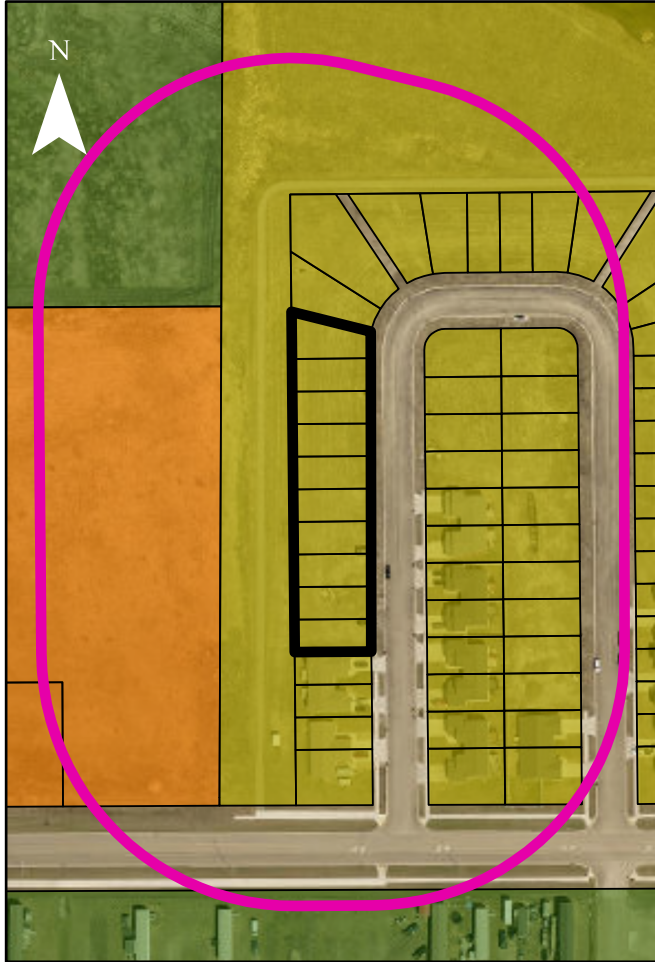
Mindt Construction, Inc.

Exhibit 3

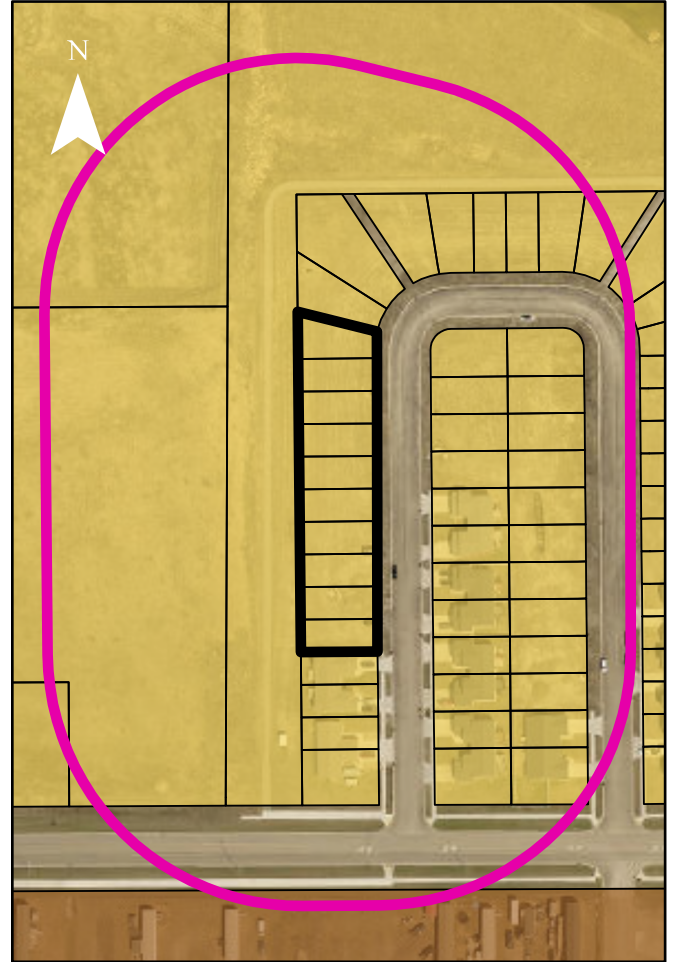
91ft x 38.5ft =3504 sqft
Twinhome #1 = 1553 sqft (44%)
Twinhome #2 = 1511 sqft (43%)



ZONING

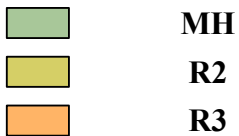


FUTURE LAND USE

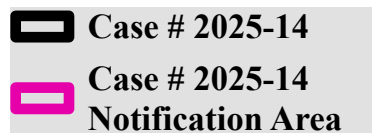


0 112.5 225 450 Feet

Zoning



Both Maps



Land Use Type

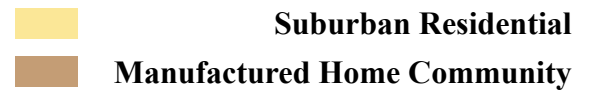


Exhibit 5 – Site Photos



Facing South



Facing North



Facing West



Facing East



Planning Commission Staff Report

Application Date: 02/25/2025

Date of Staff Report: 04/22/2025

Date of Planning Commission Meeting: 05/06/2025

Staff Contact: Doug Diedrichsen, Principal Planner

Staff Recommendation: Approval

Case Number: 2025-15

Project Name: Highlands at North Hill 8th
Addition– PUD

Current Legal Description: See Project
Description

Proposed Legal Description: Highlands at North
Hill 8th Addition

Present Address: See Project Description

Entitlements Requested: PUD Plan Amendment

Owners: 701 Development, LLP

Representative: Andrew Gudmunson, 701
Development & Rob Berard Ackerman Surveying

Present Zone(s): “R2” Two-Family Residential
w/PUD

Present Use(s): Vacant Land

Uses Allowed in Present Zone(s): See Chapter 2.2
for allowed and conditionally permitted uses
within each district.

Present Future Land Use Map Designation:
Urban Residential

Proposed Zone(s): “R2” Two-Family Residential w/PUD

Proposed Use(s): Single-Family Residential

Uses Allowed in Proposed Zone(s): See Chapter 2.2 for
allowed and conditionally permitted uses within each
district

Proposed Future Land Use Map Designation: No
Change

PROJECT DESCRIPTION:

Public hearing request by Andrew Gudmunson, 701 Development LLP, owner for a request of a PUD amendment on a property zoned “R2” Two-Family Residential District with a PUD Overlay with the requested amendment pertaining to the lot density and development of the final phase of the Highlands at North Hill Subdivision. The legal description for the property is Lot 13, Block 1 Highlands at North Hill 7th Addition and Lot 6, Block 3 Highlands at North Hill 7th Addition to the City of Minot, Ward County, North Dakota

An aerial, including the notification boundary, is provided in **Exhibit 1**.

BACKGROUND INFORMATION:

City staff has been working with 701 Development, LLP to finalize the Highlands at North Hill subdivision. This PUD amendment outlines the density of the final phase of the subdivision (Highlands at North Hill 8th Addition)

The previous iterations of the approved PUD plan showed the final phase to be developed with twin homes. The proposed PUD plan modifies the density of the final phase to single family homes.

The letter of intent is provided in **Exhibit 2**.

The updated PUD plan is provided in **Exhibit 3**.

A map of the area zoning and future land use may be found in **Exhibit 4**.

Select site photos are available in **Exhibit 5**.

STAFF ANALYSIS:

Planned Unit Developments

The existing zoning of the property, “R2” Two-Family Residential with a Planned Unit Development “PUD” overlay. The “R2” Two-Family Residential District allows the proposed primary use – single-family residential – within the underlying district. This mimics how the previous phases of the Highlands at North Hill subdivision has been developed to this point and is therefore more appropriate use to be allowed in the updated PUD plan.

Zoning Map Amendment Analysis:

Section 9.1-7 of the Minot Land Development Code provides the procedures for amending the official zoning map of the City of Minot. Section 9.2 provides the noticing requirements for public hearings held by the Planning Commission. Section 9.1-7 D. recognizes that the future land use map may need to be amended to support any rezoning request. The applicant has submitted the necessary application documents required per Section 9.1-7 C. and noticing has been conducted as required per Section 9.2.

The future land use map does not need to be adjusted based on this request. There is no request to change the underlying zoning of the properties and the overall character of the subdivision will match prior approvals of the previous Highlands at North Hill phases.

Section 9.1-7 E. 2. requires the Planning Commission to provide findings of fact to ensure the criteria included in Section 9.1-7 H. has been satisfied in order to support any recommendation regarding any proposed changes to the zoning map or Future Land Use Map. Staff provides the following guidance:

The proposed PUD amendment is justified due to the need to add clarification and simplification to the original Planned Unit Development (PUD) plan on file at the City. Staff in cooperation with the applicants have generated a PUD plan outlining the proposed development of this final phase of development. This proposal is provided in **Exhibit 3**. Section 9.1-7 H. 1 is satisfied.

As the proposal will remove density, city services are adequate to accommodate the development. Section 9.1-7 H. 2 is satisfied.

Section 9.1-7 H. 3 requires that the proposed zoning map amendment will not substantially diminish the condition or value of property in the vicinity. Staff finds no evidence that the amendment of the PUD plan on file at the City will substantially diminish the condition or value of the property in the vicinity. Therefore, Section 9.1-7. H. 3. is satisfied.

Section 9.1-7. H. 4. requires the zoning change to be consistent with the purpose of the Land Development Ordinance of the City of Minot. It is not in line with the 2040 City of Minot Comprehensive Plan; however, the purpose of the PUD amendment is to add clarity and simplicity to the prior approvals that occurred since adoption of the comprehensive plan and to facilitate continued development of the subdivision that was previously stalled. Further, the proposed single-family residential is an extension of the single-family residential development approved for previous Highlands at North Hill Additions. Section 9.1-7. 4. is satisfied.

PUD Plan Amendment Analysis:

Section 2.23-8 Review and Amendments states major changes that alter the overall concept, density, intensity, traffic impact, or environmental impact of a PUD shall require approval of the Planning Commission and City Council through processing as specified in Section 2.23-6. Major changes shall be defined as:

1. Any change in the list of uses presented in the PUD Plan,
2. A building addition of twenty-five percent (25%) or more of the existing floor area,
3. An increase of more than one (1) story or ten (10) feet to the height of an existing building,
4. An increase of more than fifty percent (50%) of the impervious coverage of the property,
5. A change which would result in the development no longer meeting the standards of this Section under which the project was approved,
6. An increase or change to the traffic access, circulation, or impact,
7. A decrease of more than ten percent (10%) of the amount of common open space,
8. An additional building, or
9. Rearrangement of building tracts, lots, blocks, and public right-of-way, plus any other change that requires a re-plat.

This request triggers the requirement in Section 2.23-8. B 9. As it requires a replat of lots within the PUD boundary.

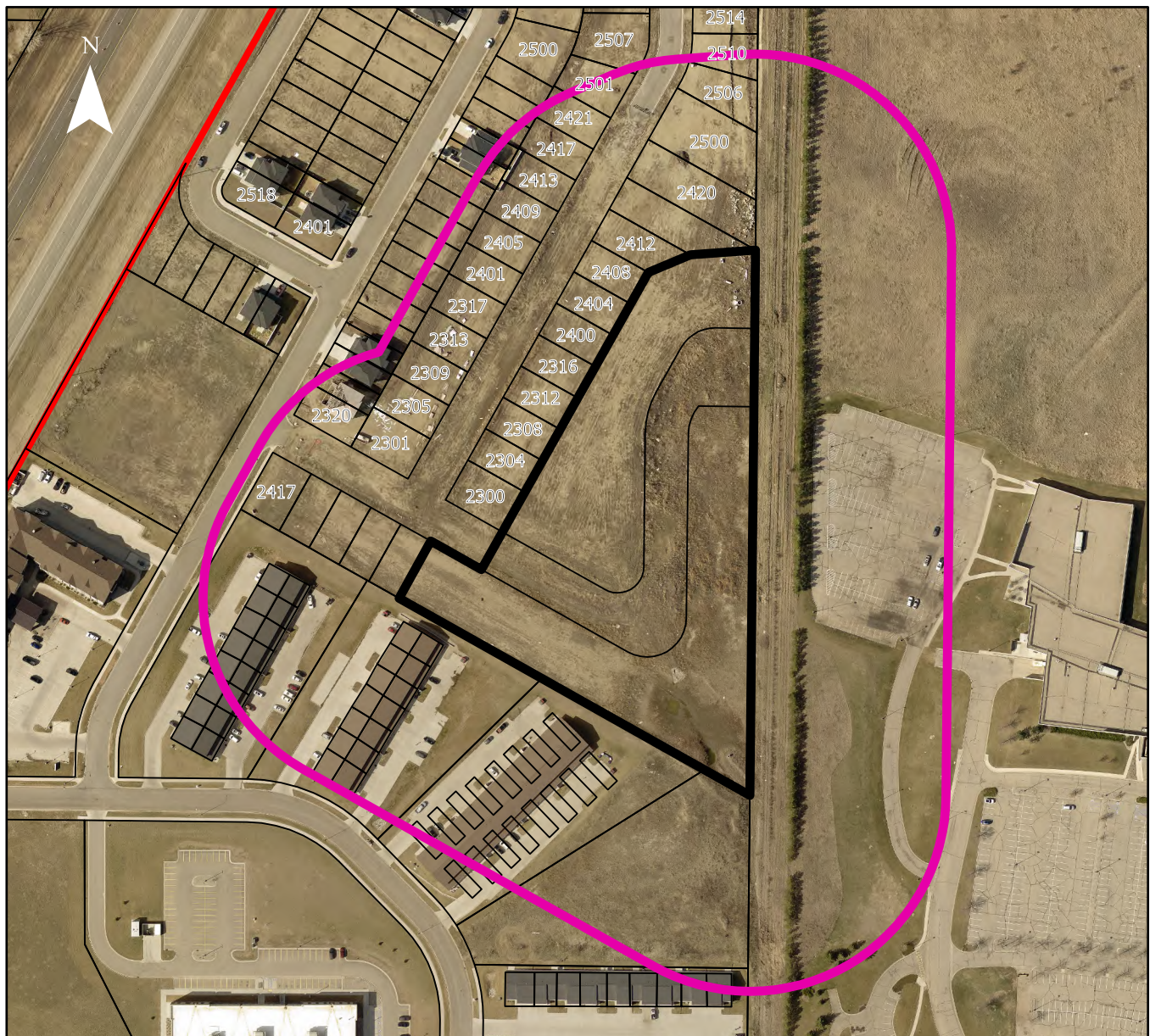
FINDINGS OF FACT:

The Minot Planning Commission should accept the following findings of facts:

- 1) The applicants have submitted a complete application.
- 2) The present zoning is “R2” Two-Family Residential District with a “PUD Overlay” Planned Unit Development (PUD).
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use (FLU) Map designates this area as Urban Residential.
- 4) Section 9.1-7 H. 1. is satisfied due to the need to add clarification and simplification to the original Planned Unit Development (PUD) plan on file at the City.
- 5) Section 9.1-7 H. 2. is satisfied, as the City and other public agencies will be able to provide services to support the request.
- 6) Section 9.1-7 H. 3. is satisfied, as there is no evidence that the amendment to the PUD plan on file at the City will substantially diminish the condition or value of the property in the vicinity.
- 7) The Minot Planning Commission has the authority to hear this case and provide a recommendation to City Council whether it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted, and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

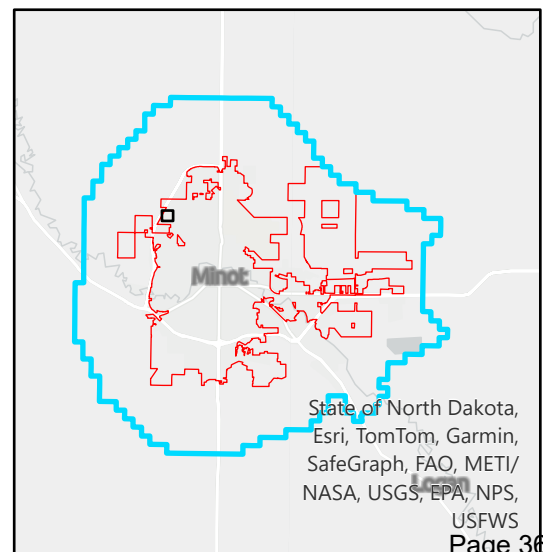
RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council for a Planned Unit Development Plan amendment finalizing the development plan for the final phase of the Highlands at North Hill subdivision with the inclusion of an ability to include a design for reduced street width to be developed in cooperation with the City Engineering Department.



0 175 350 700 Feet

- Two Mile Boundary
- City Limits
- Case # 2025-15
- Case # 2025-15 Notification Area





Highlands at North Hill 8th Addition Plat, PUD Amendment, and Walkway Easement Vacation

The subject 5.56 ± acre property is zoned R2 with a PUD Overlay and is located in northwest Minot as part the remaining un-built portion of the Highlands at North Hill Residential Subdivision. The owner group / developer is proposing a housing product shift to single family detached to allow for the construction of 25 single family (SF) detached units on lots with a minimum width of 52.0'. The 8th Addition Plat will consist of Block 1 Lots 1-11, Block 2 Lots -14, and 1.34 ± acres of publicly dedicated Right-of-Way improved with required supporting infrastructure.

The PUD Amendment speaks to the single-family housing type to be constructed on the subject 25 lots as provided by attachment (representative models w/elevations). Note that any accessory and secondary uses as allowed within the Minot Land Development Ordinance are not considered limited by the primary uses described in the referenced attachment.

As an extension of the Plat and PUD Amendment, the owner group/ developer is seeking to vacate the existing 20' wide walkway easement located within Block 1 Lots 1, 2, and 13 of the Highlands at North Hill 7th Addition Plat, reference the 20' Walkway Easement Vacation Exhibit provided by attachment. An equivalent pedestrian connection is provided by the sidewalk system being constructed as part of the required Right-of-Way improvements. This sidewalk system provides the interconnection with the new Minot North High School property located immediately to the east of the Highlands at North Hill Subdivision.

HEADQUARTERS
1907 17TH ST SE
MINOT, ND 58701
701.837.8737

3315 45TH ST S
SUITE 100
FARGO, ND 58104
701.551.1250

3210 27TH ST W
SUITE 200
WILLISTON, ND 58801
701.577.4127

7661 W RIVERSIDE DR
SUITE 102
GARDEN CITY, ID 83714
208.853.6470

Exhibit 3

PUD Plan

The following Planned Unit Development Plan (PUD Plan) applies to the following property:

Highlands at North Hill 8th Addition

The Planned Unit Development plan includes the following:

Subdivision

The respective plat of the affected lots is included by reference only and adjustments, not including the dissolution or creation of lots, may be made to alter shared property boundaries in line with the use and dimensional standards delineated in this document through the minor subdivision plat process outlined in the Land Development Ordinance of the City of Minot.

At present and for reference, a development agreement exists that applies to the properties a part of this PUD Plan and to other property outside of this PUD Plan that was approved on November 7, 2022 and recorded as instrument number 3070196. Minor subdivision plats to facilitate fulfillment of this agreement are permitted. All other changes to the referred to subdivision must follow the processes and procedures as prescribed by the Land Development Ordinance of the City of Minot at the time of application.

Housing Type and Future Development

The housing uses of the affected properties shall be limited to those housing types as illustrated in Attachment 'A'. These are considered the primary use of each respective property and nothing in Attachment 'A' prohibits exercising other accessory or secondary uses as allowed within the Land Development Ordinance of the City of Minot (LDO).

Zoning Dimensional Standards

The zoning dimensional standards of the plan shall be as follows:

Setbacks

Front - 25'; Side – 5'; Rear – 20', Street Side – 25'

Lot Coverage

Lot coverage, as the term is defined within the LDO, shall be limited to 55%.

Lot Widths

Lot widths are, at a minimum, fifty feet (50') wide for an interior lot and, at a minimum, sixty-five feet (65') for a corner lot.

Building Elevations and Design

Building elevations and design, including specific floor plans and color schemes, must meet the requirements of the LDO, if any.



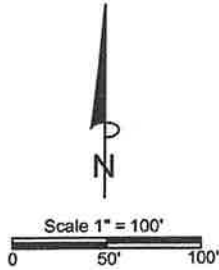
0 100 200 400 Feet

Highlands N Hill 8th
Lots



PRELIMINARY PLAT OF HIGHLANDS AT NORTH HILL 8TH ADDITION

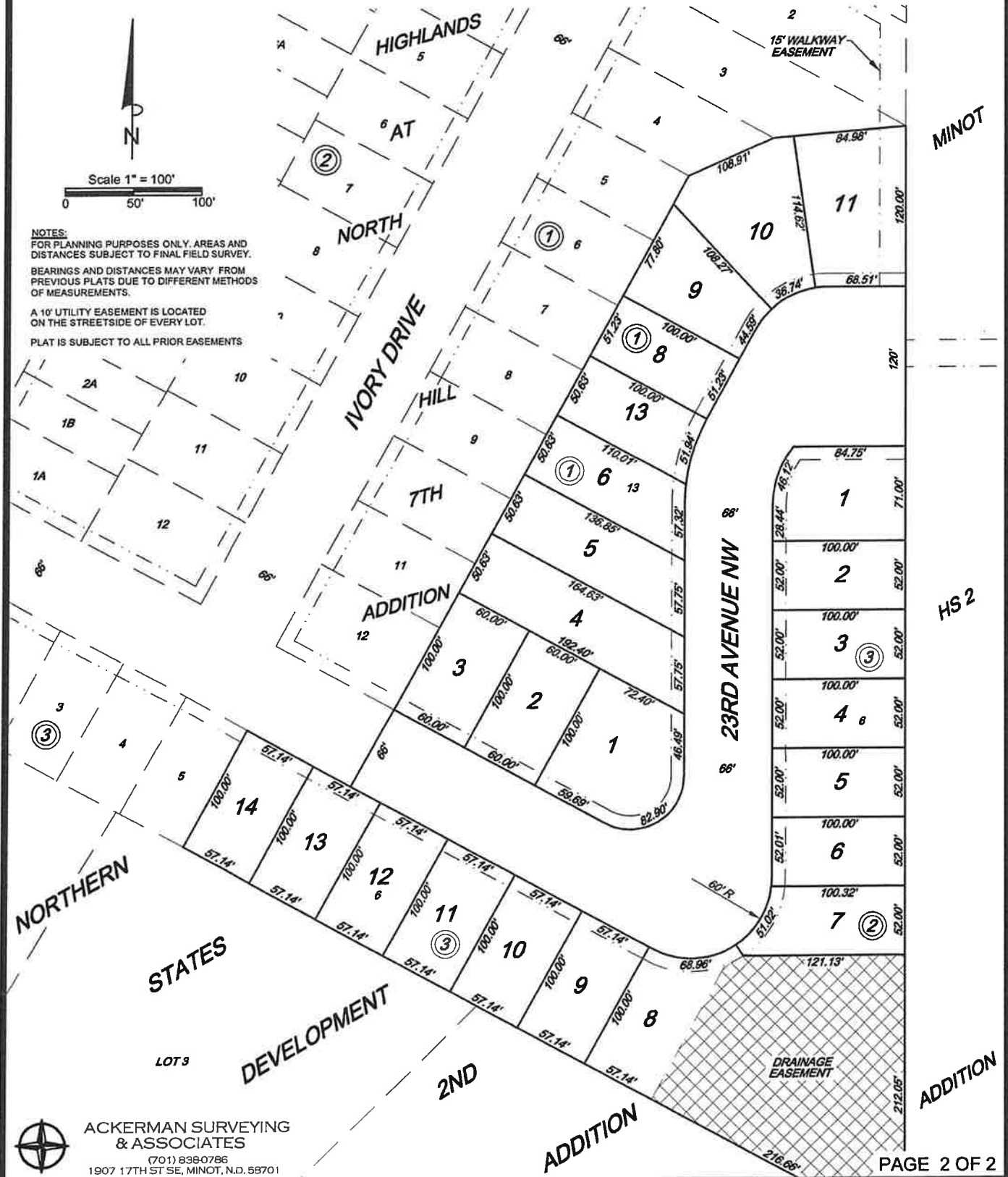
TO THE CITY OF MINOT, NORTH DAKOTA
(BEING LOT 13, BLOCK 1 AND LOT 6, BLOCK 3, HIGHLANDS AT NORTH HILL 7TH ADDITION
AND PORTION OF 23RD AVENUE NW TO THE CITY OF MINOT, NORTH DAKOTA



NOTES:
FOR PLANNING PURPOSES ONLY. AREAS AND DISTANCES SUBJECT TO FINAL FIELD SURVEY.
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

A 10' UTILITY EASEMENT IS LOCATED ON THE STREETSIDE OF EVERY LOT.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS.

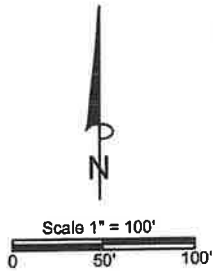


ACKERMAN SURVEYING
& ASSOCIATES
(701) 839-0786
1907 17TH ST SE, MINOT, N.D. 58701

PAGE 2 OF 2

PRELIMINARY PLAT OF HIGHLANDS AT NORTH HILL 8TH ADDITION

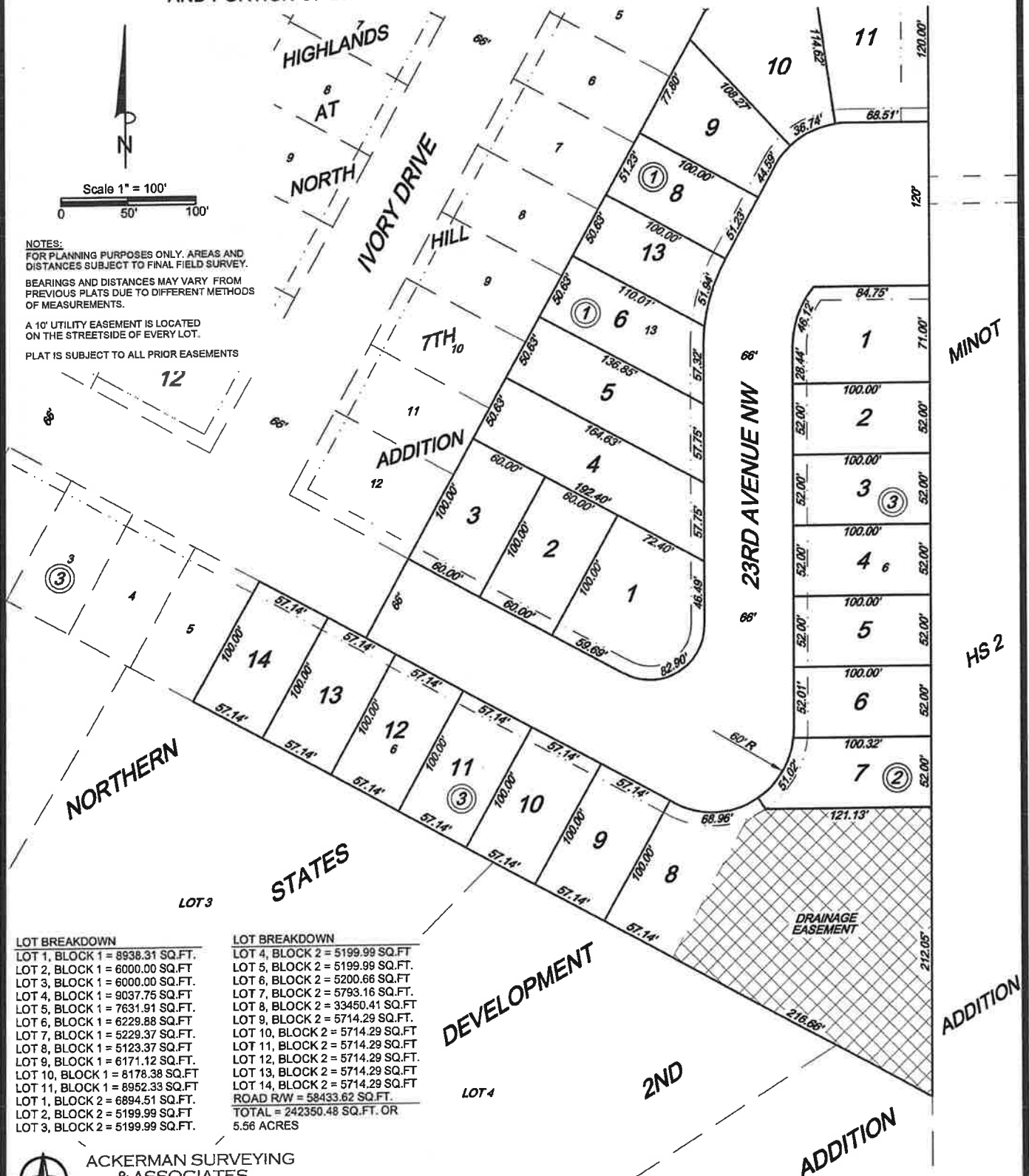
TO THE CITY OF MINOT, NORTH DAKOTA
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A 10' UTILITY EASEMENT IS LOCATED ON THE STREETSIDE OF EVERY LOT.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS



LOT BREAKDOWN

LOT 1, BLOCK 1 = 8938.31 SQ.FT.
LOT 2, BLOCK 1 = 6000.00 SQ.FT.
LOT 3, BLOCK 1 = 6000.00 SQ.FT.
LOT 4, BLOCK 1 = 9037.75 SQ.FT.
LOT 5, BLOCK 1 = 7631.91 SQ.FT.
LOT 6, BLOCK 1 = 6229.88 SQ.FT.
LOT 7, BLOCK 1 = 5229.37 SQ.FT.
LOT 8, BLOCK 1 = 5123.37 SQ.FT.
LOT 9, BLOCK 1 = 6171.12 SQ.FT.
LOT 10, BLOCK 1 = 8178.38 SQ.FT.
LOT 11, BLOCK 1 = 8952.33 SQ.FT.
LOT 1, BLOCK 2 = 6894.51 SQ.FT.
LOT 2, BLOCK 2 = 5199.99 SQ.FT.
LOT 3, BLOCK 2 = 5199.99 SQ.FT.

LOT BREAKDOWN

LOT 4, BLOCK 2 = 5199.99 SQ.FT.
LOT 5, BLOCK 2 = 5199.99 SQ.FT.
LOT 6, BLOCK 2 = 5200.66 SQ.FT.
LOT 7, BLOCK 2 = 5793.16 SQ.FT.
LOT 8, BLOCK 2 = 33450.41 SQ.FT.
LOT 9, BLOCK 2 = 5714.29 SQ.FT.
LOT 10, BLOCK 2 = 5714.29 SQ.FT.
LOT 11, BLOCK 2 = 5714.29 SQ.FT.
LOT 12, BLOCK 2 = 5714.29 SQ.FT.
LOT 13, BLOCK 2 = 5714.29 SQ.FT.
LOT 14, BLOCK 2 = 5714.29 SQ.FT.
ROAD R/W = 58433.62 SQ.FT.
TOTAL = 242350.48 SQ.FT. OR
5.56 ACRES



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& ASSOCIATES

(701) 8390786
1907 17TH ST SE, MINOT, N.D. 58701

PAGE 1 OF 2





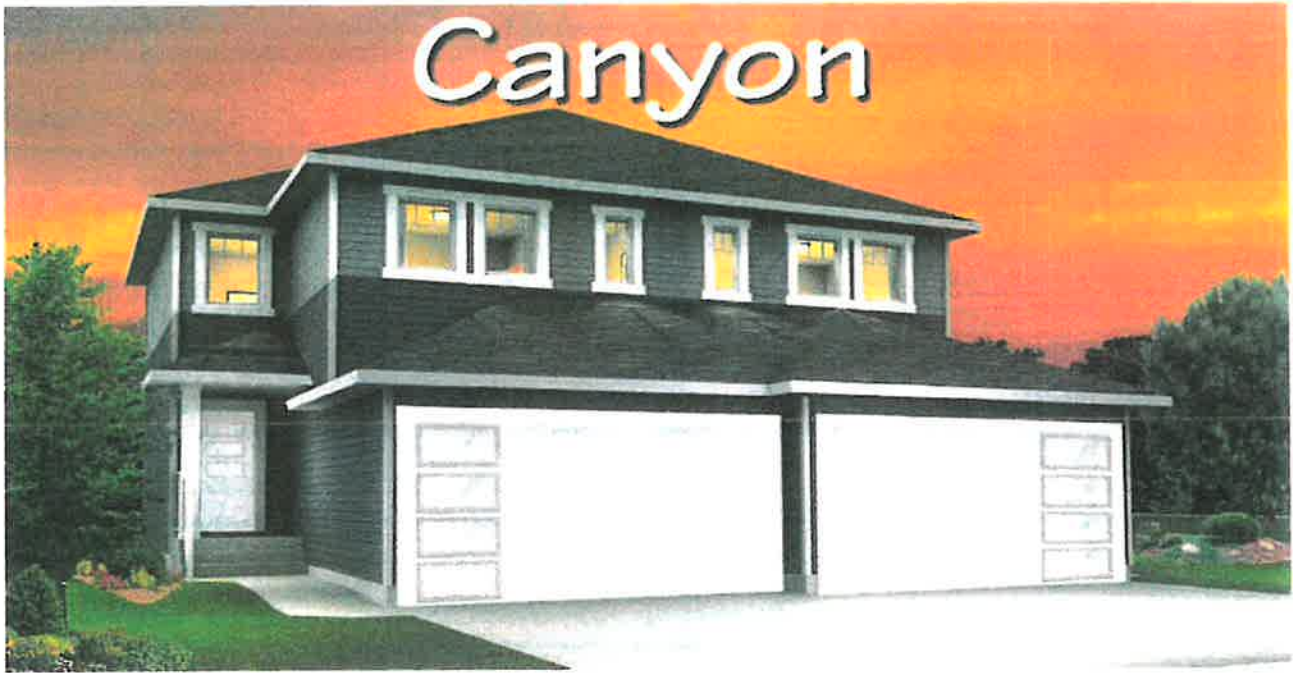
ATTACHMENT A

HIGHLANDS AT NORTH HILL 3RD ADDITION

COLOR PALETTE

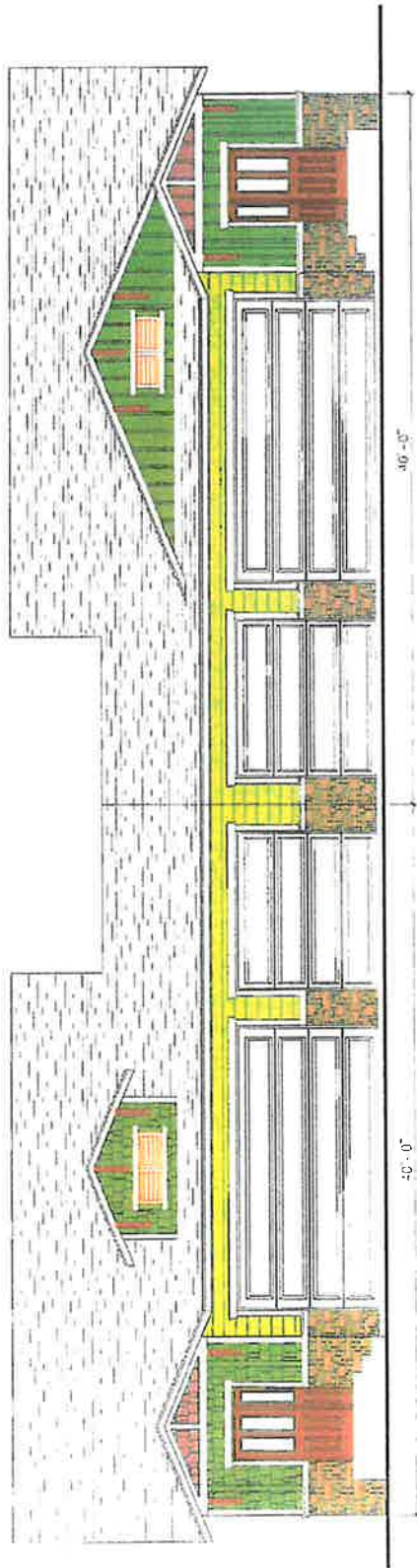






Granite



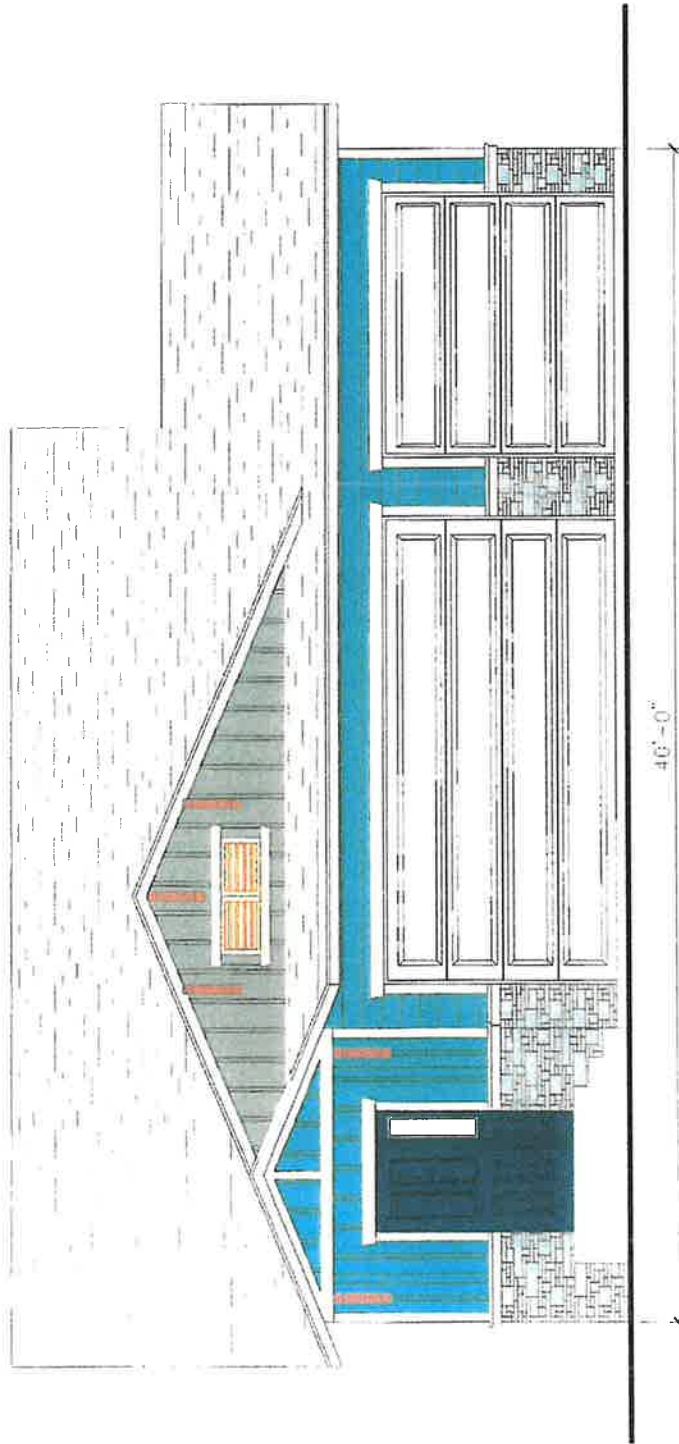


3 UNIT TOWNHOUSE
FRONT ELEVATION

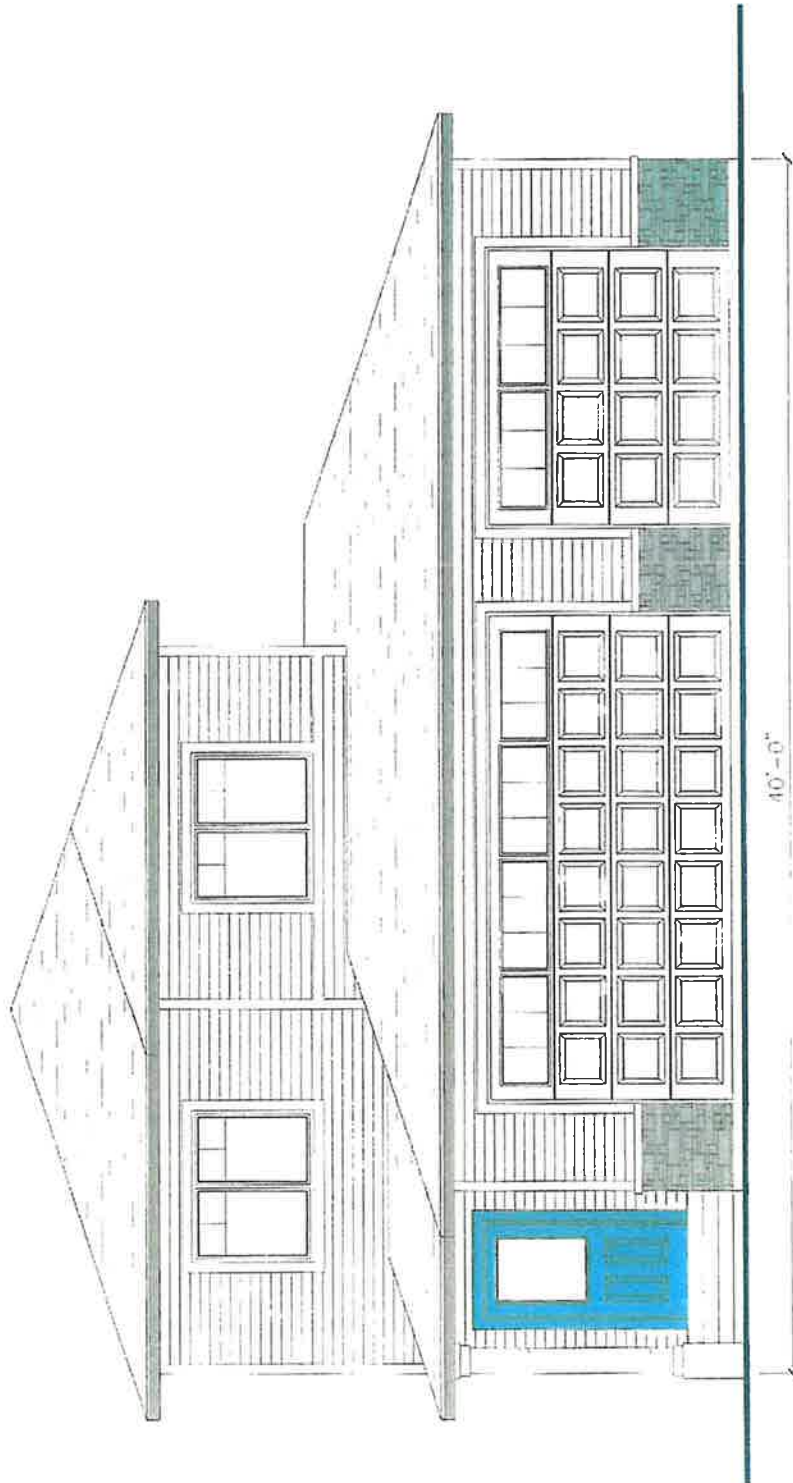


Page 6 of 12

2



SINGLE FAMILY
FRONT ELEVATION



S.C.P.
 SINGLE FAMIL.
 FRON. ELEVATION







Attachment A



Attachment A



Attachment A



Attachment A



Attachment A



**FIRST AMENDMENT TO THE HIGHLANDS AT NORTH HILL 2ND AND 3RD ADDITION PLATS
DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO THE HIGHLANDS AT NORTH HILL 2ND AND 3RD ADDITION PLATS DEVELOPMENT AGREEMENT is made and entered into this 9th day of November, 2022, by and between the City of Minot, a municipal corporation, hereinafter the "City," and the successors to the original Development Agreement, 701 Development, LLP, hereinafter "Developer 1", Four Seasons Construction, Inc., hereinafter "Developer 2", and owners of Lots 3A & 3B, Block 1, Lots 1A & 1B, 7A & 7B, 12A & 12B, Block 2, Lots 1A & 1B, 2A & 2B, 7A & 7B, Block 4, all within the Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota, and Lots 9A & 9B, Block 3 Highlands at North Hill 3rd Addition, to the City of Minot, North Dakota, hereinafter "Landowners." Developer 1, Developer 2, and Landowners are collectively referred to herein as the "Property Owners." The City, Developer 1, Developer 2, and Landowners are collectively referred to herein as the "Parties."

WHEREAS, the City and the original Developer entered into the Development Agreement on August 23, 2017; and

WHEREAS, the City may enter into a development agreement with a person having ownership or control of real property within its jurisdiction; and

WHEREAS, this First Amendment To The Highlands At North Hill 2nd And 3rd Addition Plats Development Agreement (hereinafter the "Agreement"), relates to the Highlands at North Hill 2nd Addition and Highlands at North Hill 3rd Addition, owned by the Property Owners, and located within the City of Minot, whose legal description is Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota and Highlands at North Hill 3rd Addition, to the City of Minot, Ward County, North Dakota respectively (hereinafter the "Property"); and

WHEREAS, the Property was originally platted as Highlands at North Hill 2nd Addition to the City of Minot, North Dakota, which was recorded with the Ward County Recorder on November 18, 2015 and assigned instrument number 2992228; and

WHEREAS, a portion of Highlands at North Hill 2nd Addition was re-platted as Highlands at North Hill 3rd Addition to the City of Minot, North Dakota, which was recorded with the Ward County Recorder on August 15, 2017 and assigned instrument number 3011101; and

WHEREAS, the Planning Commission recommended City Council approve the zoning map amendment and subdivision plat of Highlands at North Hill 3rd Addition, subject to conditions, on February 27, 2017; and

WHEREAS, the City Council approved the subdivision plat of Highlands at North Hill 3rd Addition and the first reading of Ordinance 5171, a zoning map amendment, subject to conditions, on March 13, 2017; and

WHEREAS, the City Council approved the second reading of Ordinance 5171, a zoning map amendment of Highlands at North Hill 3rd Addition, subject to conditions, on October 2, 2017; and

WHEREAS, the purpose of this Agreement is to amend and supersede the prior development agreement known as Highlands at North Hill 2nd and 3rd Addition Plats Development Agreement, which was recorded with the Ward County Recorder on September 13, 2017 and assigned instrument number 3012010; and.

WHEREAS, the Highlands at North Hill 2nd and 3rd Addition Plats Development Agreement condition 9. required the formulation of a home owners association to cover the operation and maintenance of the development's common elements; and

WHEREAS, the original Developer sold its interest in the underlying Property to the Property Owners; and

WHEREAS, the Property Owners desire to remove the requirement for a homeowner's association and coordinate dedication of land and long-term operation and maintenance to be performed by the Minot Park District, hereinafter Park District; and

WHEREAS, there are other methods of ensuring common elements such as stormwater ponds do not become the maintenance responsibility of the City that are preferable given the current arrangement of lots and existing Highlands at North Hill 2nd and 3rd Addition Plats Development Agreement; and

WHEREAS, the Parties now desire to amend the Development Agreement; and

WHEREAS, The Parties approved this Agreement and agree that the First Amendment will amend and supersede the Highlands at North Hill 2nd and 3rd Addition Plats Development Agreement; and

WHEREAS, this Agreement is necessary to ensure the orderly development of the site and expound on, modify, and memorialize the conditions of approval of the Property from October 2, 2017; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein, the Parties, intending to be legally bound, hereby agree that this First Amendment, with the effective date as described above, supersedes the original Development Agreement in its entirety:

Condition #1 (October 2, 2017 Regular City Council Meeting): Developer's Agreement with the City of Minot is required to be approved and recorded before the plat can be recorded.

- a) This condition is the obligation of the Property Owners.
- b) This condition is fulfilled upon recordation of this Agreement with the Ward County Recorder's Office at Developer 1's expense.

Condition #2 (October 2, 2017 Regular City Council Meeting): The information provided on the plans for the proposed open space areas and associated amenity package shall be made part of the agreement.

- a) This condition is the obligation of Developer 1.

- b) Developer 1 shall continue to work with the Park District with regard to the design of park facilities on Lot 1, Highlands at North Hill 4th Addition.
- c) A financial security valued at 120% of the estimated construction costs for the park facilities must be provided to the Park District by February 1, 2023.
- d) The installation of park improvements on Lot 1, Highlands at North Hill 4th Addition (as depicted on the minor plat application on file with the City and further known as Case # 2022-08-01) shall be finalized no later than September 1, 2023.
- e) If the park improvements are not installed by September 1, 2023 the issuance of new residential building permits shall cease until that time the park improvements are finalized.
- f) A one-time extension of up to one year may be granted to Developer 1 upon written concurrence of the City's Community Development Department and Park District.
- g) Upon finalization of the installation of park facilities on Lot 1, Highlands at North Hill 4th Addition, Developer 1 shall transfer ownership of the property to the Park District, who will then be responsible for long-term maintenance.
- h) The lots containing the Community Open Space and Access Easement shall be re-platted to remove said easement.
- i) The approximate mid-block pedestrian pathway to connect Ivory St. and Landmark Dr. shall not be required to provide pedestrian connectivity and rather the public sidewalk system shall be relied upon to provide connection to park facilities on Lot 1, Highlands at North Hill 4th Addition. It is acknowledged that Developer 1 is considering a redesign of the layout of lots and streets in the unimproved area of the Property (23rd Ave. NW and south of 2501 Ivory St.). In any event, as part of the existing development or redevelopment, the Developer shall incorporate a public access and maintenance easement twenty feet (20') in width, including the installation of a five-foot (5') wide sidewalk connection with one tree every twenty (20) lineal feet along each side of the sidewalk connection from Landmark Dr. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW. Any modification shall be submitted to the Community Development Department and reviewed and processed in accordance with the City's ordinances.
- j) The installation of the sidewalk connection from Ivory St. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW. shall be finalized no later than August 1, 2024.
- k) If the sidewalk connection from Ivory St. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW. is not installed by August 1, 2024, the issuance of new residential building permits shall cease until that time the sidewalk connection is installed.

- l) A one-time extension of up to one year may be granted to Developer 1 upon written concurrence of the City's Community Development Department and the Park District.
- m) Upon finalization of the installation of the sidewalk connection from Ivory St. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW., the Park District will be responsible for long-term maintenance of the pedestrian pathway and landscaping improvements contained within the easement.
- n) Building permits will not be issued for the unimproved area of the Property (23rd Ave. NW and south of 2501 Ivory St.) until the five-foot (5') sidewalk connection from Landmark Dr. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW is installed and the required street and utility improvements are completed and approved by the City
- o) The transfer of ownership of proposed Lot 1, Highlands at North Hill 4th Addition, on file at the City, and installation of pedestrian connections shall be considered sufficient to meet the requirements of Chapter 10.4 – Public Land Dedication and no additional park fees are required by the Property Owners.
- p) This condition is fulfilled upon the satisfactory installation of the park and sidewalk connections.

Condition #3 (October 2, 2017 Regular City Council Meeting): Proposed building elevations depicting architectural style and construction materials, finishes and colors shall be made part of the plan.

- a) This condition is the obligation of the Property Owners.
- b) This condition is considered fulfilled as of the second reading of Ordinance 5171 on October 2, 2017.
- c) For clarification, the “plan” is the R2 with a PUD/R4 Plans on file with the City and provided for reference as Attachment A to this Agreement. Modifications to the R2 with a PUD/R4 Plans, if any, must follow the procedures for major or minor change to a PUD as provided in the Land Development Ordinance of the City of Minot (LDO).
- d) For clarification, the setbacks approved by the PUD Plan are twenty-five feet (25') in the front, five feet (5') on the side, and twenty-feet (20') in the rear.
- e) For clarification, the lot coverage allowance is fifty-five percent (55%).
- f) For clarification, the Property Owners collectively or independently may request a zoning map amendment to another designation other than R2 with a PUD/R4 at a future date and the application will be evaluated based on the approval criteria for the respective application types as outlined in the LDO at the time of application. If successful, the

property(ies) subject to the application would no longer need to abide by the R2 with a PUD/R4 Plan on file with the City as provided in Attachment A.

Condition #4 (October 2, 2017 Regular City Council Meeting): Homeowner's association must be created, recorded, and in place for the maintenance of all open space and storm water management areas before plat can be recorded.

- a) This condition is the obligation of Developer 1.
- b) Developer 1 shall either create a homeowner's association, including all Property Owners, or follow the parks improvements and dedication requirements as provided in Condition #2 of this Agreement.
- c) Developer 1 shall complete all of the required improvements identified through the Development Restart Inspection and 2017 Final Punch List as provided in Attachment B and C respectively of this Agreement.
- d) Developer 1 shall submit to the City a financial security meeting the requirements of Section 10.3-21 of the City's Land Development Ordinance, for all improvements identified in Condition #4. c).
- e) Developer 1 shall comply with the approved stormwater management plan (SWMP) on file with the City. Any amendment to the approved SWMP is subject to approval by the City's Engineering Department.
- f) Developer 1 may continue to work with the neighboring property to the north of the Property in an effort to coordinate facilitation of part of the Property's stormwater flows. If possible, the northern stormwater ponds located on Lots 1A & 1B, Block 5, Highlands at North Hill 2nd Addition may seek a re-plat to remove the stormwater easement encumbering these properties and establish new lots to accommodate dwellings. The aforementioned is subject to all City entitlement processes, standards, and specifications and this potentiality is not assurance of approval by the City.
- g) The southernmost stormwater ponds located on Lots 5B & 6A, Block 6, Highlands at North Hill 2nd Addition, if redeveloped, must be incorporated into a lot with a privately-owned primary use/structure to insulate the City from receipt of the land for unpaid taxes.
- h) Developer 1 or one or more maintenance entities created by Developer 1 will be required to operate and maintain the storm water infrastructure that is located outside the right-of-way and in dedicated easements. This includes any pipes, channels, ponds, and outlet structures located throughout Highlands at North Hill 2nd and 3rd Additions.
 1. An operation and maintenance plan must be submitted to the City for approval before the plat will be recorded.

2. If Developer 1 creates one or more maintenance entities, such as a property owner's association, the association must be officially created and recorded at the Ward County Recorder's Office.
3. Developer 1 consents and agrees that if Developer 1 or a maintenance entity created by Developer 1 does not maintain the storm water infrastructure according to the operations and maintenance plan, the City is authorized to enter the property where the infrastructure is located and perform any maintenance required. The City's cost to perform the maintenance will be billed to Developer 1 or an entity Developer 1 creates to be responsible for maintenance. The City also reserves the right to place the cost of maintenance on the ad valorem taxes of the benefitting properties.
4. All storm water infrastructure, including but not limited to channels and ponds, outside the right of way, must have an easement (storm water and access) recorded over the improvements. The easement width and location shall be approved by the City Engineer.

Condition #5 (October 2, 2017 Regular City Council Meeting): All amenities for the open space areas including the trail, picnic tables, grills, trees and seeding shall be completed at such time as fifty percent (50%) of the homes are occupied in Lots 1-6, Block 1 and Lots 1-10, Block 2, and Lots 1-7, 8A-10B, Block 3.

- a) This condition is amended via the requirements within Condition #2 of this Agreement.

Condition #6 (October 2, 2017 Regular City Council Meeting): New water and sewer services must be installed to the proposed lots at locations identified per city specifications. The old water and sewer services must be removed back to the water and sewer mains and properly capped.

- a) This condition is amended via the requirements provided by Condition #4 of this Agreement.

Condition #7 (October 2, 2017 Regular City Council Meeting): The developer shall be responsible for installation of the eight-foot wide public sidewalks at all locations shown on the plat in coordination with the Engineering and Public Works Departments of the City.

- a) This condition is the obligation of the Property Owners.
- b) The preference by the City's Engineering Department is for the inclusion of standard five-foot (5') sidewalks throughout the Development. Those sidewalks that are already established as eight-foot (8') sidewalks shall be reconstructed as five-foot (5') sidewalks at the time of necessary repair by the abutting property owner.

- c) All new sidewalks shall be five-foot (5') in width.
- d) The owners of lots adjoining properties with eight-foot (8') sidewalks shall work with the City's Engineering Department on acceptable installation to "taper" the sidewalk from eight-foot (8') to five-foot (5') in those areas of transition. Sidewalks shall be installed at the same time as new residential construction on the respective lot.
- e) This condition is considered fulfilled upon the installation of sidewalks throughout the Development meeting the standards and specifications of the City's Engineering Department.

This Agreement shall be governed by and interpreted according to North Dakota law. The appropriate venue and jurisdiction for any litigation hereunder shall be in a court located in Ward County, North Dakota.

Each party represents and warrants that this Agreement has been duly authorized, executed and delivered by it; that the undersigned representatives are duly authorized to sign this Agreement on behalf of the party for whom they are signing and whom they represent; that performance of all the actions contemplated thereby have been duly authorized by all requisite action and that this Agreement constitutes a valid and binding obligation, enforceable against the Property Owners, their successors and assigns in accordance with its terms.

Neither this Agreement nor any item hereof may be changed, waived, discharged, or terminated orally, but only by instrument in writing, signed by the Parties hereto.

If a Court finds any part of this Agreement to be invalid, the remainder of this Agreement shall not be invalidated. Any part of any section found to be invalid shall not invalidate the remaining part of said section, and the invalid section may be reformed to be valid and enforceable to the extent allowed by law.

Property Owners agree to at all times comply and be in compliance with all federal, state, and municipal laws while this agreement is in effect, including but not limited to those relating to the payment of taxes or other charges on tickets, admissions, or in any way connected with Property Owners' activities in connection with this agreement. Property Owners' failure or omission to comply with any such federal, state, or municipal laws will be considered a material breach of this agreement and will justify immediate termination of this agreement by the City.

This Agreement supersedes any and all prior understandings of the Parties, oral or written, in connection with the subject matter hereof and is intended by the Parties to be a complete and exclusive statement of their commitments and responsibilities with respect to the subject matter hereof.

Any notice, demand, or request required or permitted to be given or made under this Agreement must be made in writing unless specifically stated otherwise in this Agreement. Notice will be deemed given when delivered in person, sent via certified mail/return receipt requested, or sent by email with confirmed receipt by the receiving party, to the Parties as specified in the signature blocks at the end of this document.

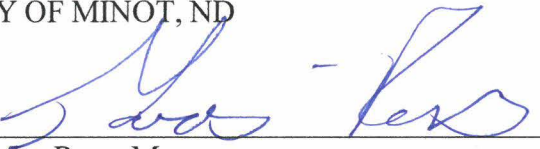
Property Owners agree to indemnify, hold harmless, and defend the City, its officers, employees, and agents, from any and all claims, actions, suits, costs, damages, and liabilities resulting from the breach of this agreement, the negligent actions, willful misconduct, or omissions of the Property Owners, and the Property Owners' guests invitees, agents, and sub-contractors, including but not limited to actions for personal injury occurring on the Property Owners' property, and damage to the property of any person(s) while participating in Property Owners' activities related to this agreement, or any other cause of action arising from Property Owners' use of their property under this agreement.

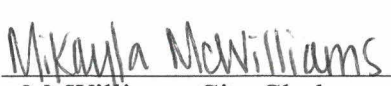
In the event of any dispute hereunder or of any action to interpret or enforce this agreement, the prevailing party shall be entitled to recover its reasonable costs, fees and expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney, paralegal, and legal assistant fees, costs and expenses and other professional fees, costs, and expenses whether suit be brought or not, and whether in settlement, declaratory or injunctive action, at trial, or on appeal.

This agreement shall be recorded in the Ward County Recorder's Office, and shall constitute a covenant running with the land, and shall be binding on the Property Owners, their administrators, executors, assigns, heirs and any other successors in interests, including any property association.

IN WITNESS WHEREOF, the parties hereto, after due authorization by its respective governing bodies/partners, hereby sign this agreement on the day and year first above written.

CITY OF MINOT, ND

By: 
Thomas Ross, Mayor

Attest: 
Mikayla McWilliams, City Clerk

Attn: Brian Billingsley, Community and Economic Development Director
PO Box 5006
Minot, ND 58702-5006
Brian.billingsley@minotnd.org



By:

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

TYLER NEETHER
Notary Public
State of North Dakota
My Commission Expires March 24, 2026

By:

STATE OF NORTH DAKOTA)
COUNTY OF WARD) SS

JORDAN WALD
Notary Public
State of North Dakota
My commission expires Aug. 14, 2024

Page 68 of 177

Owner of Lot 3A, Block 1, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: Melinda Spraggs

Melinda Spraggs

2505 Granite Drive

Minot, ND 58703

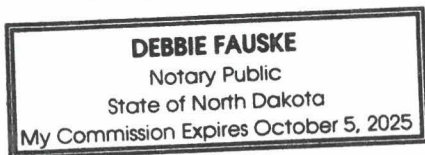
E-mail: Melinda_Spraggs@yahoo.com

STATE OF NORTH DAKOTA)

COUNTY OF Ward) ss

On this 28 day of Oct, 2022, before me personally appeared Melinda Spraggs known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



Debbie Fauske

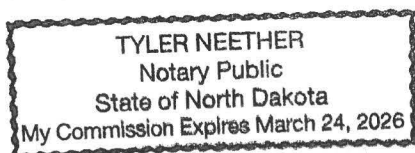
Notary Public, Ward County,
North Dakota.

My Commission Expires: _____

By: 
Richard K Ooms
305 27th Avenue NW
Minot, ND 58703
E-mail:

STATE OF NORTH DAKOTA)
COUNTY OF Ward) ss
)

(seal)



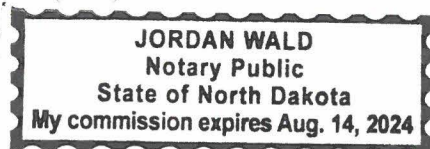


Notary Public, Ward County,
North Dakota.
My Commission Expires:

By: 
Sabine Ooms
305 27th Avenue NW
Minot, ND 58703
E-mail:

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

(seal)



Page 71 of 177

By: 
Joie M Bradford
2518 Granite Drive
Minot, ND 58703
E-mail: _____

On this 1st day of November, 202₂, before me personally appeared Joel M. Brundel known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

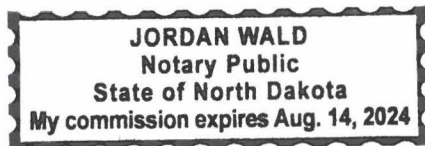
JORDAN WALD
Notary Public
State of North Dakota
My commission expires Aug. 14, 2024

Page 72 of 177

By: [Signature]
Foster Ingram Gilbert III
2518 Granite Drive
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

(seal)



Notary Public, Ward County,
North Dakota.
My Commission Expires: _____

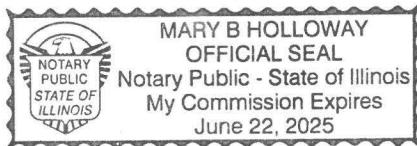
Owner of Lot 1B, Block 2, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: Tyler Serr
Tyler Serr
2522 Granite Drive
Minot, ND 58703
E-mail: tylerserr@yahoo.com

Illinois MBH
STATE OF ~~NORTH DAKOTA~~)
COUNTY OF St Clair) SS

On this 15th day of November, 2022, before me personally appeared Tyler Serr,
known to me to be the person who is described in, and who executed the within and foregoing
instrument and who acknowledged to me that he executed the same.

(seal)



Mary B. Holloway
Mary B. Holloway
Notary Public, St Clair County,
~~North Dakota~~ Illinois
My Commission Expires: 06/22/2025

Owner of Lot 1B, Block 2, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: Andrea Serr

Andrea Serr

2522 Granite Drive

Minot, ND 58703

E-mail: andrea.serr.2014@yahoo.com

~~NEH~~ Illinois

STATE OF ~~NORTH DAKOTA~~

COUNTY OF St Clair

On this 1st day of November, 2022, before me personally appeared Andrea R. Serr
known to me to be the person who is described in, and who executed the within and foregoing
instrument and who acknowledged to me that he executed the same.

(seal)



Mary B. Holloway
Mary B. Holloway

Notary Public, St Clair County,

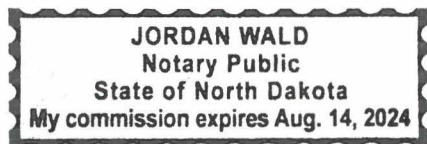
~~North Dakota~~ Illinois

My Commission Expires: 06/22/2025

By: Graysen Trandem
Graysen Trandem
2441 Landmark Drive
Minot, ND 58703
E-mail:

STATE OF NORTH DAKOTA)
COUNTY OF Ward) ss
)

(seal)



Notary Public, Ward County,
North Dakota.
My Commission Expires:

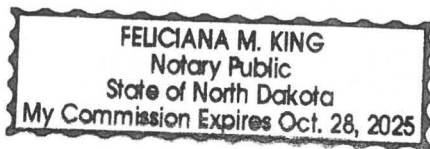
Owner of Lot 12A, Block 2, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: [Signature]
Tyree Tipke
2405 Landmark Drive
Minot, ND 58703
E-mail: ttipke@gmail.com

STATE OF NORTH DAKOTA)
 Williams) ss
COUNTY OF WARD)

On this 1st day of November, 2022, before me personally appeared Tyree A. Tipke, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



[Signature]
Notary Public, Williams County,
North Dakota.
My Commission Expires: 10/28/2025

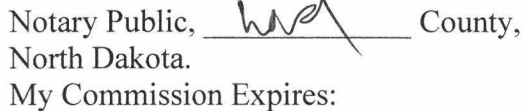
By:

Minot, ND 58703

E-mail: Kmtip77@gmail.com

COUNTY OF Ward) ss

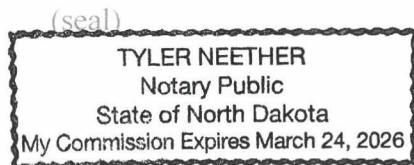
(seal)



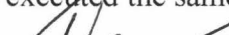
By: Steven Arroyo Baez
Steven Arroyo Baez
2401 Landmark Drive
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
COUNTY OF Ward) ss
)

On this 29th day of October, 2022, before me personally appeared Steven Nino Booz known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.



at he executed the same.



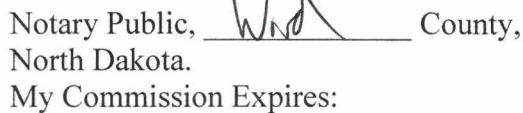
Notary Public, Ward County,
North Dakota.
My Commission Expires:

By:

E-mail:

COUNTY OF

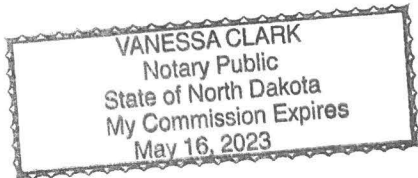
(seal)



By: 
John Manley
2320 Landmark Drive
Minot, ND 58703
E-mail: JOHNIRONMANLEY@GMAIL.COM

STATE OF NORTH DAKOTA)
COUNTY OF Ward) ss
)

(seal)



Vanessa Clark
Notary Public, Walsh County,
North Dakota.
My Commission Expires: May 16, 2023

Owner of Lot 1A, Block 4, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: [Signature]

Erika Fray

2320 Landmark Drive

Minot, ND 58703

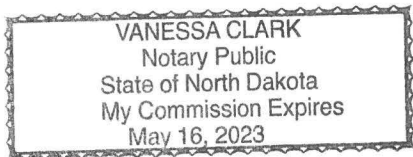
E-mail: ErikaFray@icloud.com

STATE OF NORTH DAKOTA)

COUNTY OF Ward) ss

On this 29 day of October, 2022, before me personally appeared Erika Fray, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



[Signature]

Vanessa Clark

Notary Public, Ward County,
North Dakota.

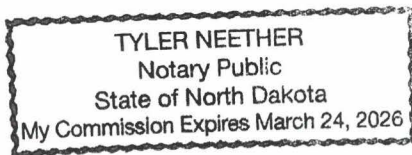
My Commission Expires: May 16, 2023

By:

E-mail: Kyle.Nelsen@gmail.com

COUNTY OF Wood) ss
)

(seal)



he executed the same.



By: 
Jonathan Pineda Salvador
2328 Landmark Drive
Minot, ND 58703
E-mail: jsalvador7@outlook.com

STATE OF NORTH DAKOTA)
) SS
COUNTY OF Ward)

On this 30th day of October, 2022, before me personally appeared Japheth Pineda Salvador, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

TYLER NEETHER
Notary Public
State of North Dakota
My Commission Expires March 24, 2026

at he executed the same.



Notary Public, Wood County,
North Dakota.
My Commission Expires: _____

By:

Minot, ND 58703

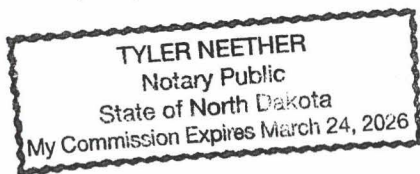
COUNTY OF INAR)

Page 85 of 177

By: Michael Kitchen
Michael Kitchen
2424 Landmark Drive
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

(seal)



Notary Public, Wood County,
North Dakota.
My Commission Expires:

By: Antania Kitchen
Antania Kitchen
2424 Landmark Drive
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
) SS
COUNTY OF Ward)

On this 12 day of November, 2022, before me personally appeared Antonio K. Baker known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

TYLER NEETHER
Notary Public
State of North Dakota
My Commission Expires March 24, 2026

Notary Public, Ward County,
North Dakota.
My Commission Expires:

By: 
Maurice Johnson
2428 Landmark Drive
Minot, ND 58703
E-mail:

at he executed the same.



Notary Public, Ward County,
North Dakota.
My Commission Expires:

Owner of Lot 7B, Block 4, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: Jaclyn Malbrough

Jaclyn Malbrough

2428 Landmark Drive

Minot, ND 58703

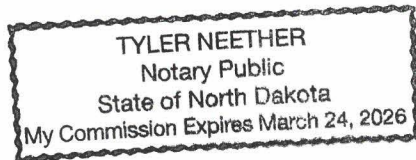
E-mail: _____

STATE OF NORTH DAKOTA)

COUNTY OF Ward) ss

On this 30th day of October, 2022 before me personally appeared Jaclyn Malbrough known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)

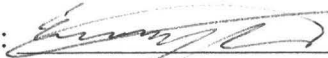


[Signature]
Notary Public, Ward County,
North Dakota.
My Commission Expires:

By:

Page 90 of 177

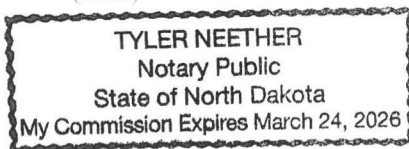
Owner of Lot 9B, Block 3, Highlands at North Hill 3rd Addition, to the City of Minot, North Dakota

By: 
Emery Jagrup
2522 Landmark Dr.
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

On this 23rd day of October, 2022, before me personally appeared Emery Jagrup,
known to me to be the person who is described in, and who executed the within and foregoing
instrument and who acknowledged to me that he executed the same.

(seal)



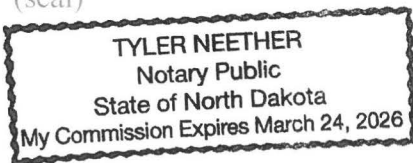


Notary Public, Ward County,
North Dakota.
My Commission Expires: _____

By: Meimei Liang
Meimei Liang
2522 Landmark Dr.
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
) SS
COUNTY OF Ward)

(seal)



Notary Public, Ward County,
North Dakota.
My Commission Expires: _____

ATTACHMENT B



Project: Highlands at North Hill 2 nd & 3 rd Addition	☐ Intermediate Inspection	☒ Final Inspection (Punch List)
Owner: 701 Development, LLP	From: Lance Meyer	
Engineer: Ackerman-Estvold		
To: Andrew Gudmunson, McKenna Gudmunson, Randy Conway	Date: 6/6/2022	
	City Project No: 3958	
Re: Development Restart Inspection	Owner Project No:	

The items listed below were identified during the development walkthrough on May 25, 2022. The items listed are those that were viewed by city staff, the developer, and Ackerman Estvold. Developer must work with city to approve a developer agreement to secure these improvements before permits can be issued. Infrastructure security must be provided by developer per Land Development Ordinance. All improvements must be completed before certificates of occupancy can be issued.

Signed by:

Date:

Inspection Notice

Project: Highlands at North Hill 2 nd & 3 rd Addition	☐ Intermediate Inspection	☐ Final Inspection (Punch List)
Owner Project No:	City Project No: 3958	

Number	Item	Accepted
	Consult with Prairie Engineering (street light designer) to review system integrity. Check to see if wiring can be salvaged in the ground and in the poles. Once the system is connected and powered, a review of the luminaires is required to see if they are operational.	
	Replace lighting feed point cabinet to city specifications.	
	Install ADA ramps at the intersections of Granite Drive/Landmark Drive and Ivory Street/Granite Drive.	
	Install 2 nd lift of asphalt on Granite Drive and Ivory Street	
	Clean, inspect, reseed and establish turf on north detention pond to put the pond in service, also see attached punch list from 2017 for additional requirements. OR explore option to eliminate pond and work with neighboring property owner to acquire an easement	

	to drain storm sewer to larger slough northeast of the development. This will eliminate need for HOA.	
	Clean, inspect, and repair south detention pond to conform to the final design of the system.	
	As recommended by Kemper, install a new gate valve at 23 rd Avenue/Ivory Street to isolate 3 rd phase of development from the water system.	
	Flush, disinfect, and pressure test watermain from the intersection of Landmark Drive/Granite Drive east to Ivory Street and south to end of phase 1 of the development. Repair watermain as necessary to bring system into compliance.	
	Replace lids marked storm sewer with lids marked sanitary sewer where appropriate.	
	Visually inspect sanitary manhole benches on Ivory Street, remove any debris. Lamp lines to see if there is any debris in lines. If debris exists, flush the lines and remove debris.	
	Install missing street lighting system on Granite Drive and Ivory Street. Any new luminaries shall be LED unless electrical engineer says they are not compatible with existing system.	
	Attached final punch list from 2017 needs to be completed before certificates of occupancy are issued.	

ATTACHMENT C



1907 17th Street Southeast · Minot, ND 58701
701.837.8737 · www.ackerman-estvold.com
Minot, ND | Williston, ND

Owner: Randy Rimmer

Contractor: Randy Rimmer

Owner Project #: 3958.1

A-E Project: 14120

Engineer: Sean Weeks

Attendance: Phase 1 Final Acceptance Walk Through; 10-25-17 (City of Minot-Ben Cofell, Grant Goldader, David Wicke)
(Developer-Randy Rimmer) (Ackerman-Estvold-Curtis DeVeny)

Date Issued: 10-30-17 Updated 12-05-17

FINAL PUNCH LIST Highlands at North Hill Minot, ND

<u>Date Completed</u>	<u>Items to be Completed</u>
10/31/2017	CBMH 13 Needs grouted
10/31/2017	CBMH 10 Needs grouted
10/31/2017	San MH B grout adjusting rings, wrong lid
	Hydrant at the corner of 23rd & Landmark needs height adjustment
	Locate end of storm sewer near lot 1A or 1 B off of landmark and 23rd, pipe appears to exit through CBMH 23 to the west
10/31/2017	San MH E wrong lid
10/31/2017	Flush sanitary system from MH G to the south, catch flushings
	CBMH 1 needs new grate
10/31/2017	Finish retaining wall on 23rd Ave. and provide all Engineering information
	Backfill behind the curb in all locations
10/31/2017	Bundle and tape tracer wire in all sanitary sewer manholes
	Provide documentation of who is responsible for maintenance behind the retaining wall on 23rd
	Sidewalk on 23rd needs widened to 8'
	CBMH 22 needs grouted
10/31/2017	San Sewer F, wrong lid
10/31/2017	San Sewer G, wrong lid

	San MH 15 remove 2 steps at bottom of manhole, wrong lid
	Complete street lighting system
12/4/2017	Install the outlet structure at the north detention pond
	Storm MH 16 needs cleaned and grouted
	NORTH DETENTION POND: Grout the lifting eyes on the interior pond storm outlet FES. Install FES on the outer discharge pipe. Verify top elevation of the dike. Complete grading, topsoil placement and seeding. Grading must be completed to specified elevations and slopes. It should accommodate future mowing operations. Install trash racks per City of Minot Specifications. 12-04-17
	SOUTH DETENTION POND: Complete the dike around the discharge outlet and verify top elevation. Fill the pond bottom as needed. Install a FES on the outer discharge pipe. Install trash racks per City of Minot Specifications. Complete grading, topsoil and seeding. Grading must be completed to specified elevations and slopes. It should accommodate future mowing operations. 12-04-17
	Fog coat all "boney" areas of the asphalt
	San Sewer MH D - replace broken casting, wrong lid
10/31/2017	San Sewer MH C clean, wrong lid
	Concrete in ROW needs contractor stamp
10/31/2017	Remove plastic on all ADA ramps truncated domes
10/31/2017	Remove test ball from San Sewer MH 1, hydro vac all solids
	21st Ave. storm sewer, install larger washer on tie bolts, seed surrounding area, install erosion control, fill eroded ditch areas with top soil

The Above list items require completion or correction. Please notify the engineer when these items are being completed. Upon completion the final payment processing will begin. This list is not to be construed as a complete tabulation of all items required for project completion, and does not relieve the Contractor of work included in the Contract Documents.

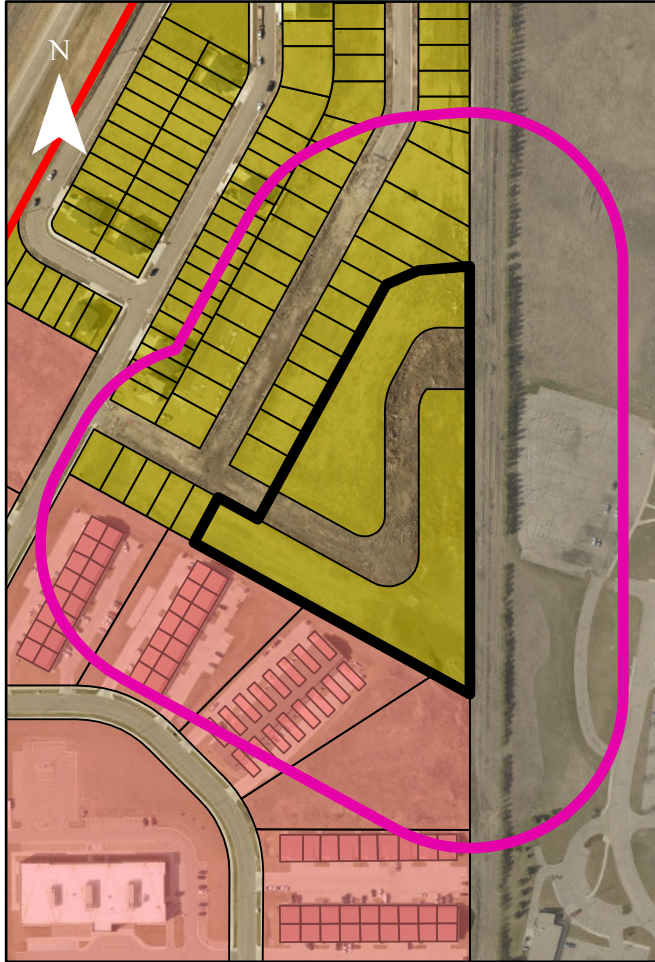
Recorder's Office, Ward, ND 11/22/2022 10:31:46 AM
I certfiy that this instrument was filed for record this date.
Kristin Kowalczyk, County Recorder

by

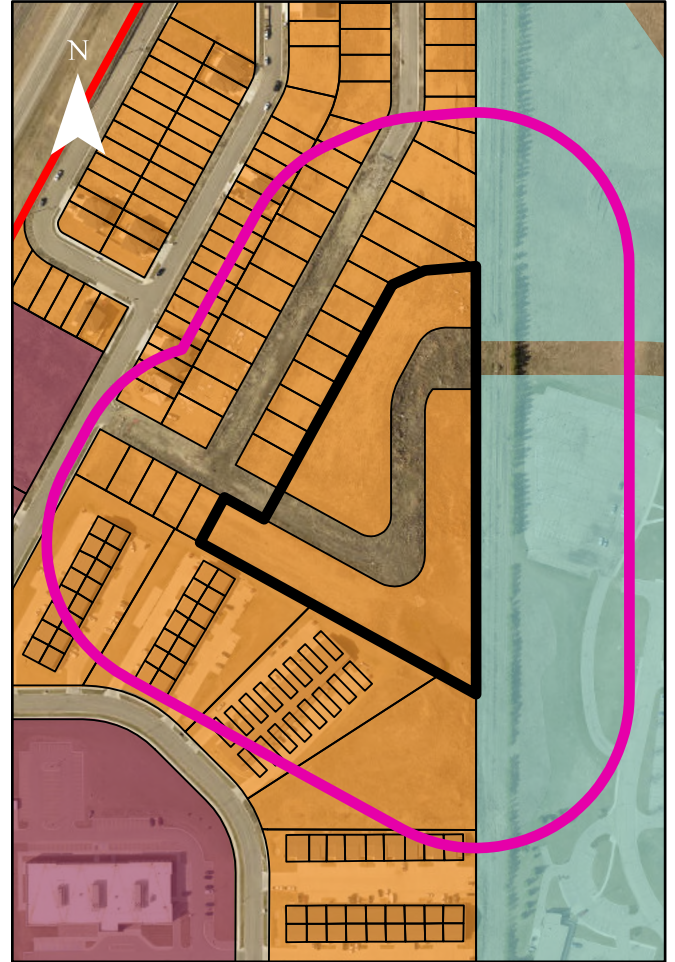
3070196



ZONING



FUTURE LAND USE

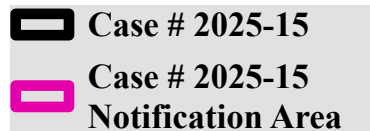


0 185 370 740 Feet

Zoning



Both Maps



Land Use Type

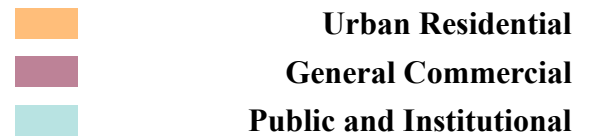


Exhibit 5 – Site Photos



Facing North



Facing Northwest



Facing Southwest



Facing East



Planning Commission Staff Report

Application Date: 02/25/2025

Date of Staff Report: 04/22/2025

Date of Planning Commission Meeting: 05/06/2025

Staff Contact: Doug Diedrichsen, Principal Planner

Staff Recommendation: Approval

Case Number: 2025-15

Project Name: Highlands at North Hill 8th
Addition– Preliminary Plat

Current Legal Description: See Project
Description

Proposed Legal Description: Highlands at North
Hill 8th Addition

Present Address: See Project Description

Entitlements Requested: Preliminary Plat,
Easement Vacation

Owners: 701 Development, LLP

Representative: Andrew Gudmunson, 701
Development & Rob Berard Ackerman Surveying

Present Zone(s): “R2” Two-Family Residential
w/PUD

Present Use(s): Vacant Land

Uses Allowed in Present Zone(s): See Chapter 2.2
for allowed and conditionally permitted uses
within each district.

Present Future Land Use Map Designation:
Urban Residential

Proposed Zone(s): “R2” Two-Family Residential w/PUD

Proposed Use(s): Single-Family Residential

Uses Allowed in Proposed Zone(s): See Chapter 2.2 for
allowed and conditionally permitted uses within each
district

Proposed Future Land Use Map Designation: No
Change

PROJECT DESCRIPTION:

Public hearing request by Andrew Gudmunson, 701 Development LLP, owner for a request of a preliminary plat and easement vacation on a property zoned “R2” Two-Family Residential District with a PUD Overlay. The preliminary Plat is for Highlands at North Hill 8th Addition. The legal description for the properties requesting the easement vacation are Lot 13, Block 1 Highlands at North Hill 7th Addition to the City of Minot, Ward County,

North Dakota and Lots 1, 2 and 3, Block 1 Highlands at North Hill 7th Addition to the City of Minot, Ward County, North Dakota

The subject properties addresses are 2416, 2420 and 2500 Ivory St and the lot to the south of those addresses that remains unassigned

An aerial, including the notification boundary, is provided in **Exhibit 1**.

BACKGROUND INFORMATION:

City staff has been working with 701 Development, LLP to finalize the Highlands at North Hill subdivision. This preliminary plat would establish Highlands at North Hill 8th Addition.

The request for vacation of the easement was withdrawn by the applicant on 4/15/2025.

A Developers agreement is on file with the City outlining the requirements for development of all future phases of the Highlands at North Hill subdivision.

The letter of intent is provided in **Exhibit 2**.

The preliminary plat is provided in **Exhibit 3**.

A map of the area zoning and future land use may be found in **Exhibit 4**.

Select site photos are available in **Exhibit 5**.

The Proposed PUD Plan amendment & Developer's Agreement is included in **Exhibit 6**.

STAFF ANALYSIS:

Subdivision Design Standards:

Section 10.2-7 C. of the Land Development Ordinance of the City of Minot (LDO) covers the process of application and submittal for a major subdivision preliminary plat. The applicant has submitted the necessary application documents required per Section 10.2-7 C. 2. and noticing has been conducted as required per 9.2-1 (B) and (C).

Section 10.2-7. D. requires that staff's report consider the nature of the proposed development as prescribed within Section 10.2-5 relating to whether or not it meets the technical requirements of Article 10, and if not,

whether any such requirements should be waived. To that end, staff provides the following guidance based on the various requirements of Chapter 10.3 – Design Standards:

Section 10.3-1, requiring the proposed subdivision to be designed in accordance with the standards of Chapter 10.3, the Land Development Ordinance as a whole, and a list of various other plans and codes, is satisfied.

Section 10.3-2 prohibits the approval of the subdivision of land that is unsuitable for development due to a variety of reasons. Staff finds the proposed preliminary layout, which is suitable for single-family residential construction as proposed. Section 10.3-2 is satisfied.

Section 10.3-3. requires that a subdivision name not already be utilized elsewhere and spelled correctly. The subdivision name Highlands at North Hill 8th Addition has not yet been taken and is spelled correctly. Staff finds Section 10.3-3 is satisfied.

Section 10.3-4. A-F. relating to Street Names and Numbering is not applicable, as there are no additional streets proposed via this subdivision. The streets were already dedicated and named in prior approvals.

The requirements of Section 10.3-11. relating to the design of the individual lots has been satisfied as each of the proposed lots meets the minimum lot size of the proposed PUD Plan in Exhibit 7. Section 10.3-11 is satisfied.

As there are no changes to the right-of-way affecting the existing approved block length and the subdivision is eligible for longer-than-standard block lengths through the PUD process, Section 10.3-12 is satisfied.

The requirements of Section 10.3-13 relating to the dedication of right-of-way, easements, and street widths is satisfied, as there are no changes to the right-of-way, and the necessary easements for the pathway connection to the school site is provided as required by the amended development agreement dated November 7, 2022.

Sections 10.3-14 relates to sidewalks, which will be required for this subdivision and shall be installed in alignment with the requirements of this section. Section 10.3-14 is satisfied.

Section 10.3-15 related to public utilities is satisfied, each site is suitable, at a minimum, for residential use.

Section 10.3-21 related to financial security for necessary infrastructure improvements is not applicable.

Section 10.3-22 is satisfied, as the applicant is required to follow all City permitting processes for construction.

Comments:

- a) There were no public comments at the time of writing this staff report.
- b) The application was distributed to city departments and external public agencies within the City for review and the following comments were received:
 - a. Engineering

- a) Development shall comply with the previously approved storm water management plan
- b) Subdivision infrastructure plan required
- c) Infrastructure development agreement required
- d) Sewer connection fee required \$3,787/acre
- e) Sidewalks required

The comments from Engineering are standard general or commercial development policy and will be memorialized as conditions of approval.

FINDINGS OF FACT:

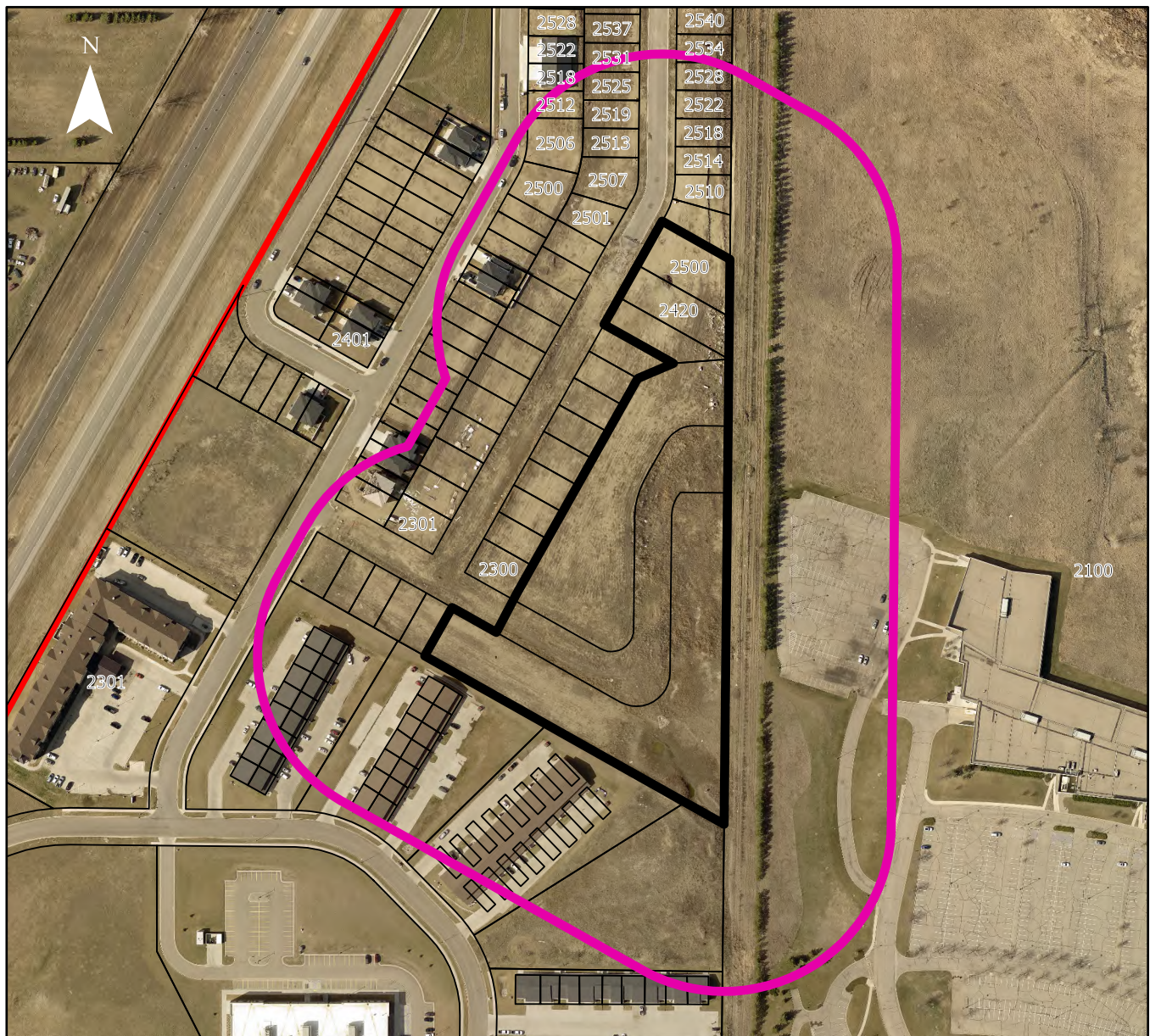
The Minot Planning Commission should accept the following findings of facts:

- 1) The applicants have submitted a complete application.
- 2) The present zoning is “R2” Two-Family Residential District with a “PUD Overlay” Planned Unit Development (PUD).
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use (FLU) Map designates this area as Urban Residential.
- 4) Section 9.1-7 H. 1. is satisfied due to the need to add clarification and simplification to the original Planned Unit Development (PUD) plan on file at the City.
- 5) Section 9.1-7 H. 2. is satisfied, as the City and other public agencies will be able to provide services to support the request.
- 6) Section 9.1-7 H. 3. is satisfied, as there is no evidence that the amendment to the PUD plan on file at the City will substantially diminish the condition or value of the property in the vicinity.
- 7) The Minot Planning Commission has the authority to hear this case and provide a recommendation to City Council whether it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted, and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

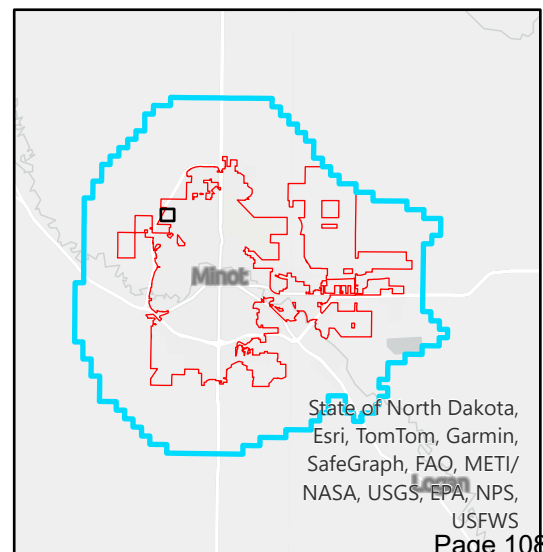
RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council for a major subdivision preliminary plat for Highlands at North Hill 8th Addition as provided in Exhibit 3 with the following conditions.

1. Development shall comply with the previously approved Development Agreement
2. Development shall comply with the proposed PUD plan amendment
3. Development shall comply with the previously approved storm water management plan
4. Subdivision infrastructure plan required
5. Infrastructure development agreement required
6. Sewer connection fee required \$3,787/acre
7. Sidewalks required



- Two Mile Boundary
- City Limits
- Case # 2025-16
- Case 2025-16 Notification Area





Highlands at North Hill 8th Addition Plat, PUD Amendment, and Walkway Easement Vacation

The subject 5.56 ± acre property is zoned R2 with a PUD Overlay and is located in northwest Minot as part the remaining un-built portion of the Highlands at North Hill Residential Subdivision. The owner group / developer is proposing a housing product shift to single family detached to allow for the construction of 25 single family (SF) detached units on lots with a minimum width of 52.0'. The 8th Addition Plat will consist of Block 1 Lots 1-11, Block 2 Lots -14, and 1.34 ± acres of publicly dedicated Right-of-Way improved with required supporting infrastructure.

The PUD Amendment speaks to the single-family housing type to be constructed on the subject 25 lots as provided by attachment (representative models w/elevations). Note that any accessory and secondary uses as allowed within the Minot Land Development Ordinance are not considered limited by the primary uses described in the referenced attachment.

As an extension of the Plat and PUD Amendment, the owner group/ developer is seeking to vacate the existing 20' wide walkway easement located within Block 1 Lots 1, 2, and 13 of the Highlands at North Hill 7th Addition Plat, reference the 20' Walkway Easement Vacation Exhibit provided by attachment. An equivalent pedestrian connection is provided by the sidewalk system being constructed as part of the required Right-of-Way improvements. This sidewalk system provides the interconnection with the new Minot North High School property located immediately to the east of the Highlands at North Hill Subdivision.

HEADQUARTERS
1907 17TH ST SE
MINOT, ND 58701
701.837.8737

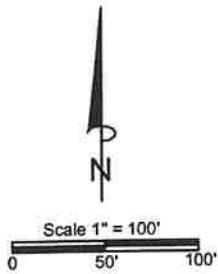
3315 45TH ST S
SUITE 100
FARGO, ND 58104
701.551.1250

3210 27TH ST W
SUITE 200
WILLISTON, ND 58801
701.577.4127

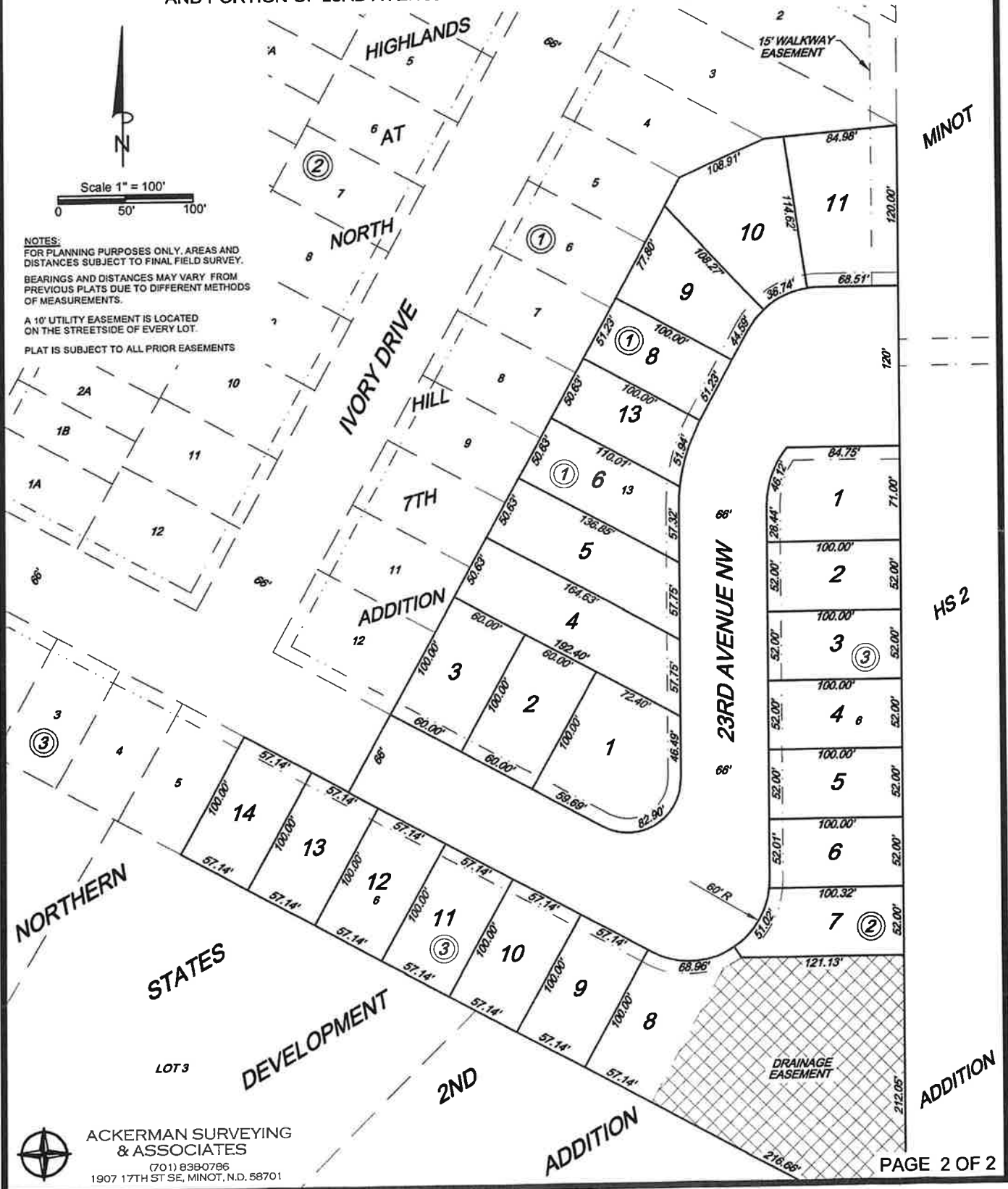
7661 W RIVERSIDE DR
SUITE 102
GARDEN CITY, ID 83714
208.853.6470

PRELIMINARY PLAT OF HIGHLANDS AT NORTH HILL 8TH ADDITION

TO THE CITY OF MINOT, NORTH DAKOTA
(BEING LOT 13, BLOCK 1 AND LOT 6, BLOCK 3, HIGHLANDS AT NORTH HILL 7TH ADDITION
AND PORTION OF 23RD AVENUE NW TO THE CITY OF MINOT, NORTH DAKOTA



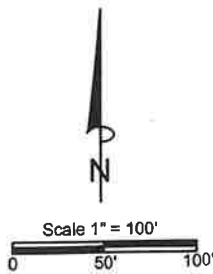
NOTES:
FOR PLANNING PURPOSES ONLY. AREAS AND DISTANCES SUBJECT TO FINAL FIELD SURVEY.
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.
A 10' UTILITY EASEMENT IS LOCATED ON THE STREETSIDE OF EVERY LOT.
PLAT IS SUBJECT TO ALL PRIOR EASEMENTS



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(701) 838-0786
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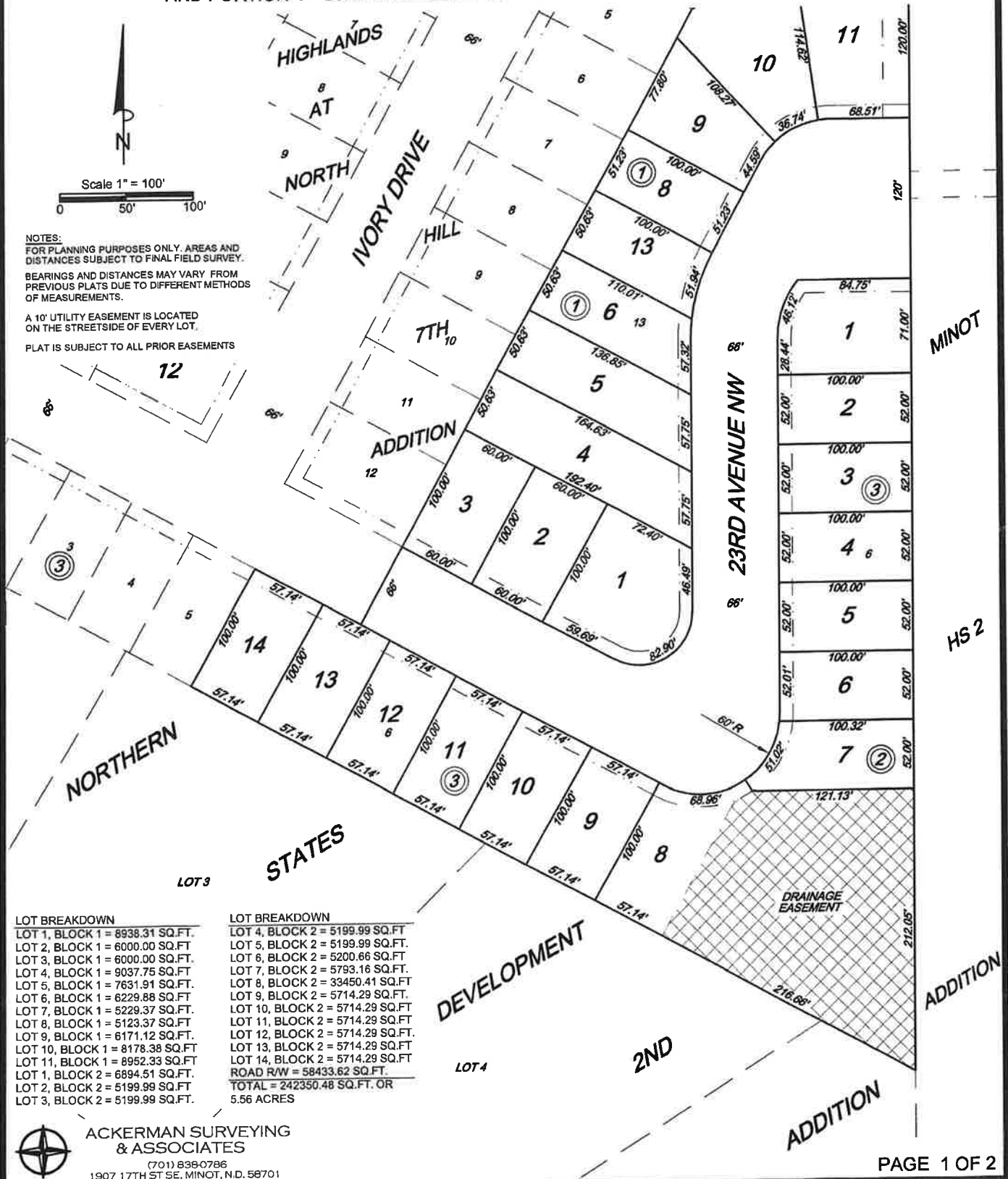
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LOT BREAKDOWN

LOT 1, BLOCK 1 = 8938.31 SQ.FT.
LOT 2, BLOCK 1 = 6000.00 SQ.FT.
LOT 3, BLOCK 1 = 6000.00 SQ.FT.
LOT 4, BLOCK 1 = 9037.75 SQ.FT.
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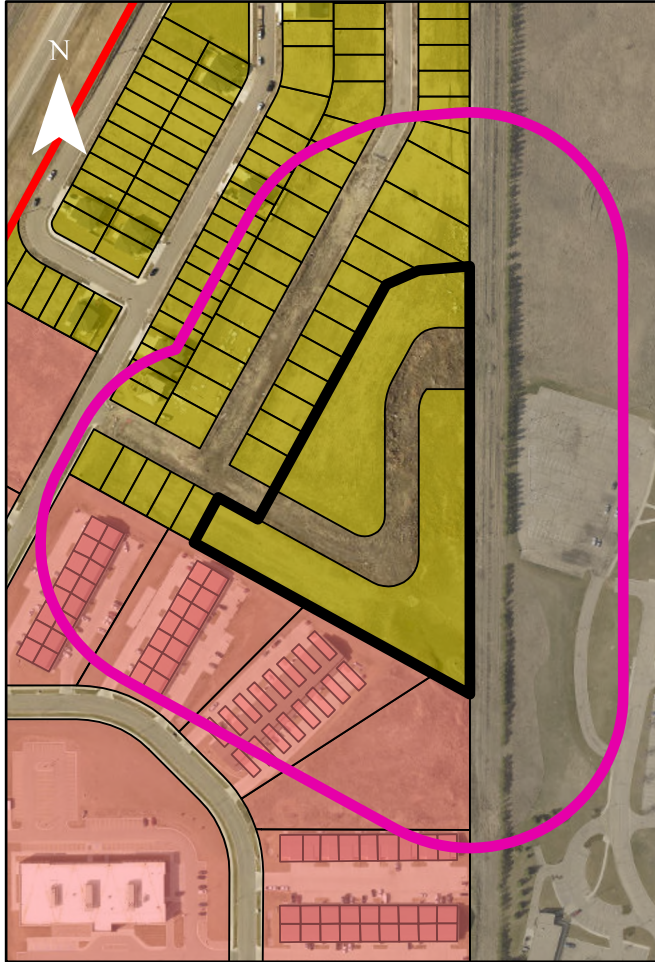
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TOTAL = 242350.48 SQ.FT. OR
5.56 ACRES



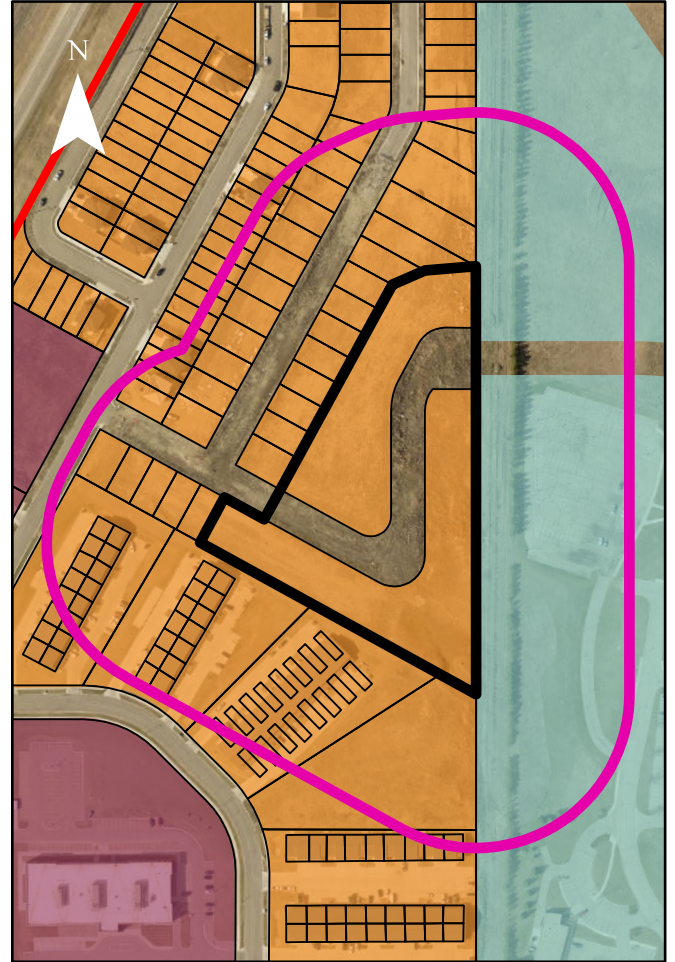
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& ASSOCIATES

(701) 836-0786
1907 17TH ST SE, MINOT, N.D. 58701

ZONING



FUTURE LAND USE

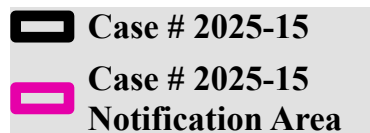


0 185 370 740 Feet

Zoning



Both Maps



Land Use Type

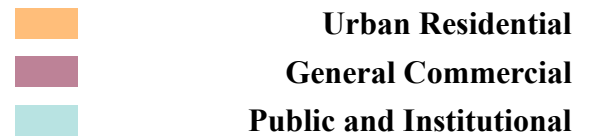


Exhibit 5 – Site Photos



Walking trail



Facing North



Facing Northwest



Facing Southwest



Facing East

PUD Plan

The following Planned Unit Development Plan (PUD Plan) applies to the following property:

Highlands at North Hill 8th Addition

The Planned Unit Development plan includes the following:

Subdivision

The respective plat of the affected lots is included by reference only and adjustments, not including the dissolution or creation of lots, may be made to alter shared property boundaries in line with the use and dimensional standards delineated in this document through the minor subdivision plat process outlined in the Land Development Ordinance of the City of Minot.

At present and for reference, a development agreement exists that applies to the properties a part of this PUD Plan and to other property outside of this PUD Plan that was approved on November 7, 2022 and recorded as instrument number 3070196. Minor subdivision plats to facilitate fulfillment of this agreement are permitted. All other changes to the referred to subdivision must follow the processes and procedures as prescribed by the Land Development Ordinance of the City of Minot at the time of application.

Housing Type and Future Development

The housing uses of the affected properties shall be limited to those housing types as illustrated in Attachment 'A'. These are considered the primary use of each respective property and nothing in Attachment 'A' prohibits exercising other accessory or secondary uses as allowed within the Land Development Ordinance of the City of Minot (LDO).

Zoning Dimensional Standards

The zoning dimensional standards of the plan shall be as follows:

Setbacks

Front - 25'; Side – 5'; Rear – 20', Street Side – 25'

Lot Coverage

Lot coverage, as the term is defined within the LDO, shall be limited to 55%.

Lot Widths

Lot widths are, at a minimum, fifty feet (50') wide for an interior lot and, at a minimum, sixty-five feet (65') for a corner lot.

Building Elevations and Design

Building elevations and design, including specific floor plans and color schemes, must meet the requirements of the LDO, if any.

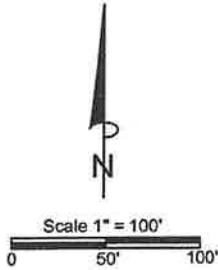


Highlands N Hill 8th
Lots



PRELIMINARY PLAT OF HIGHLANDS AT NORTH HILL 8TH ADDITION

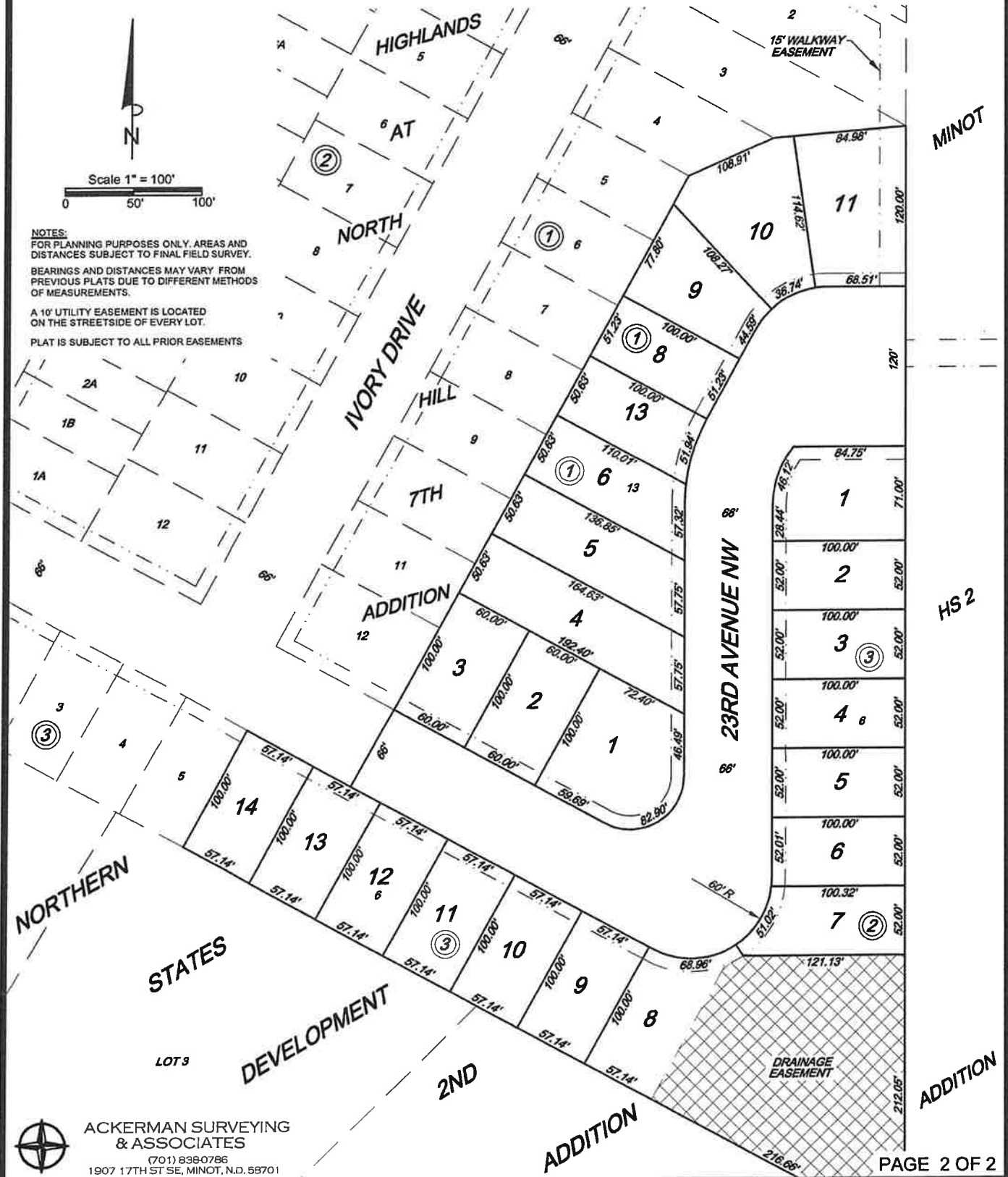
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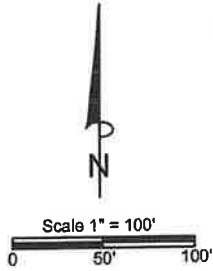


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(701) 8390786
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PAGE 2 OF 2

PRELIMINARY PLAT OF HIGHLANDS AT NORTH HILL 8TH ADDITION

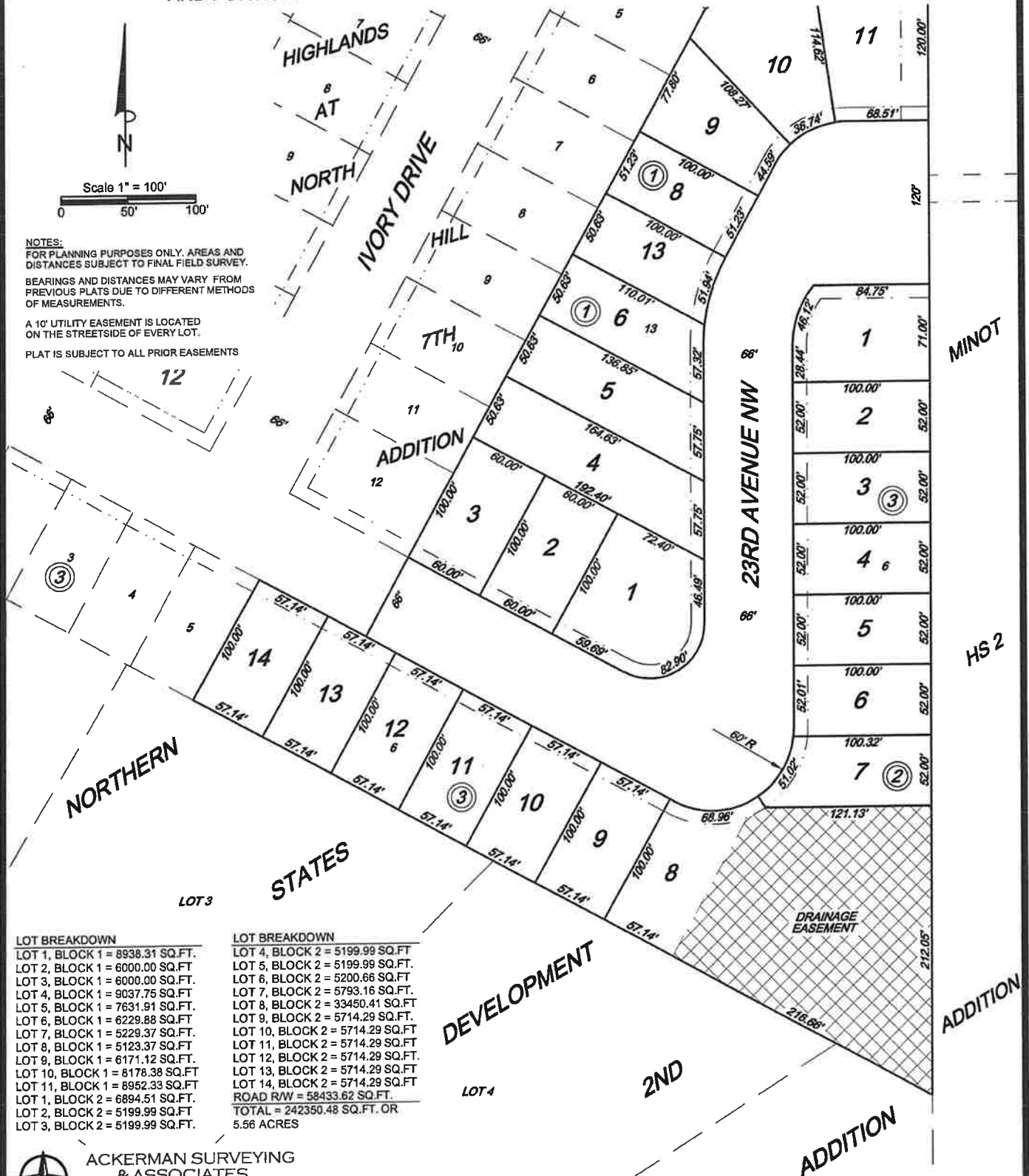
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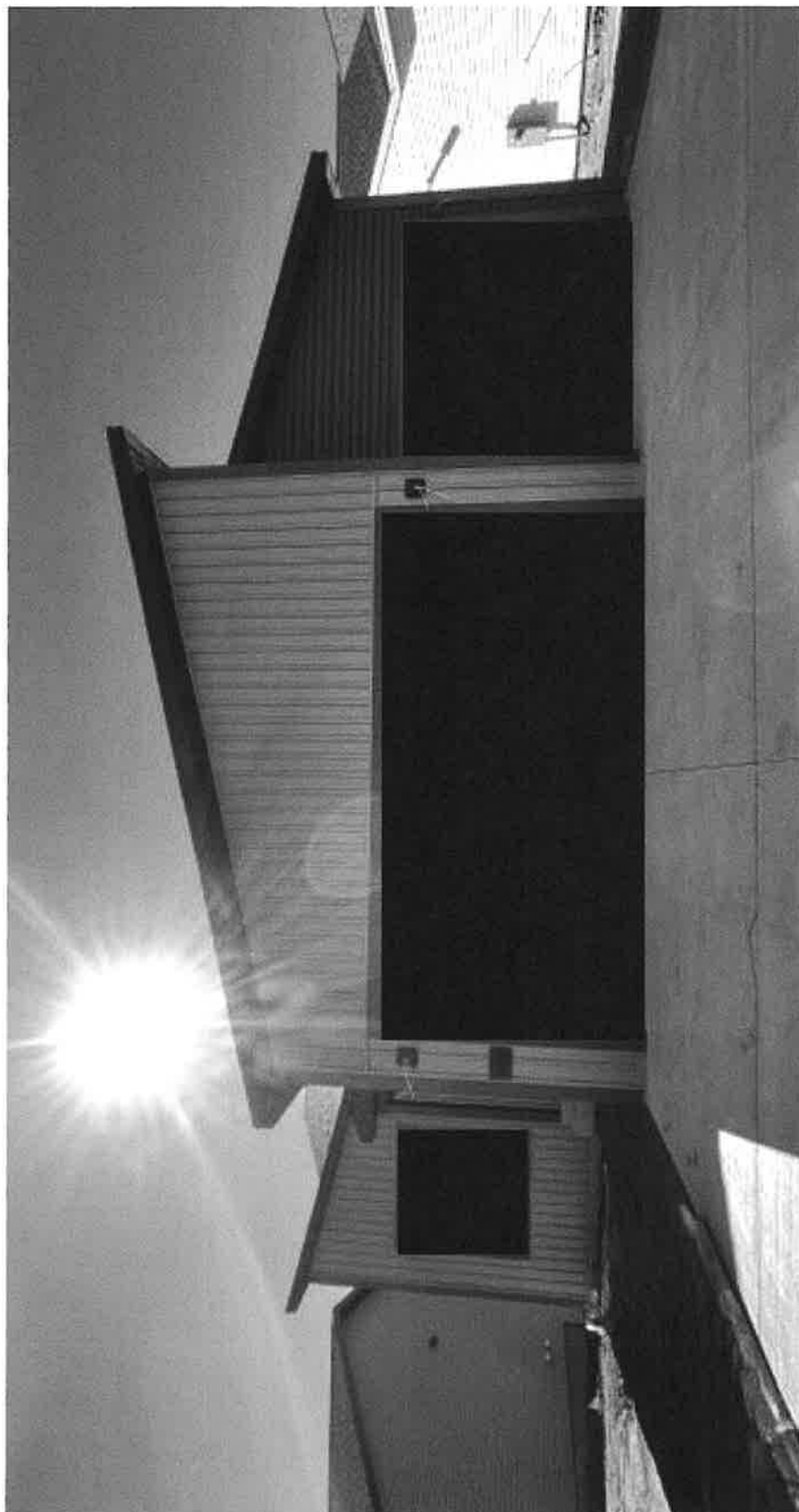


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PAGE 1 OF 2





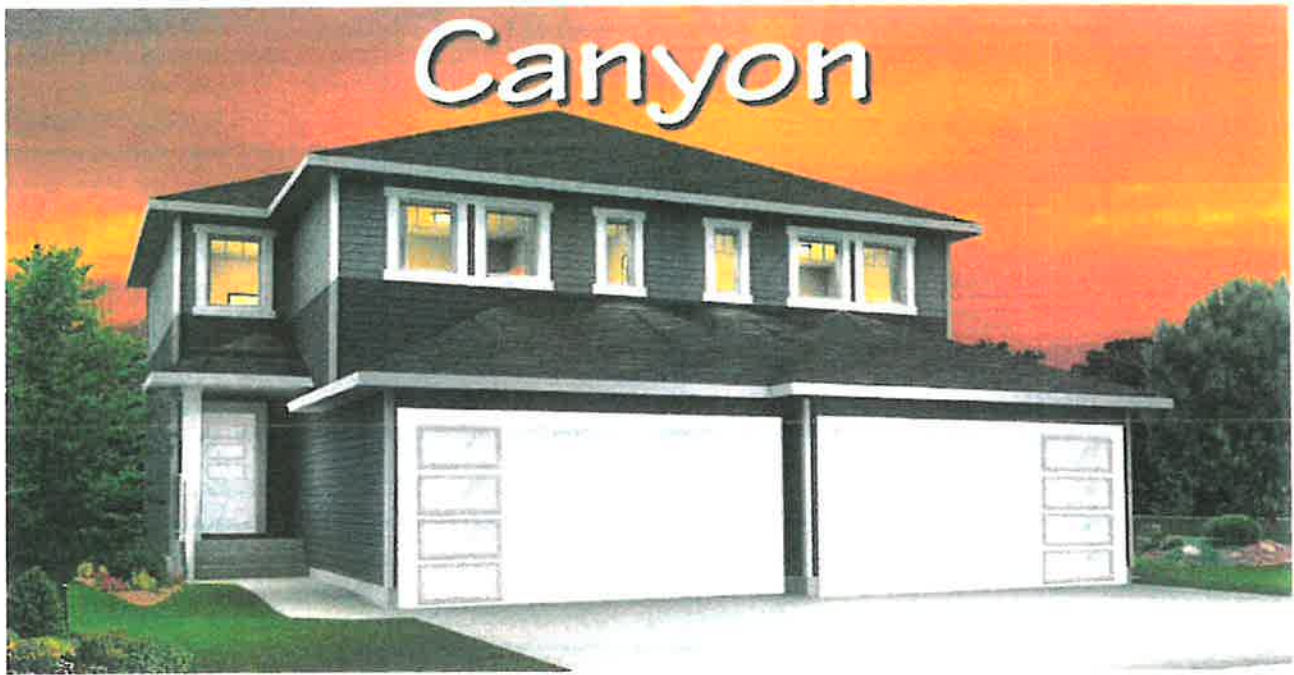
ATTACHMENT A

HIGHLANDS AT NORTH HILL 3RD ADDITION

COLOR PALETTE

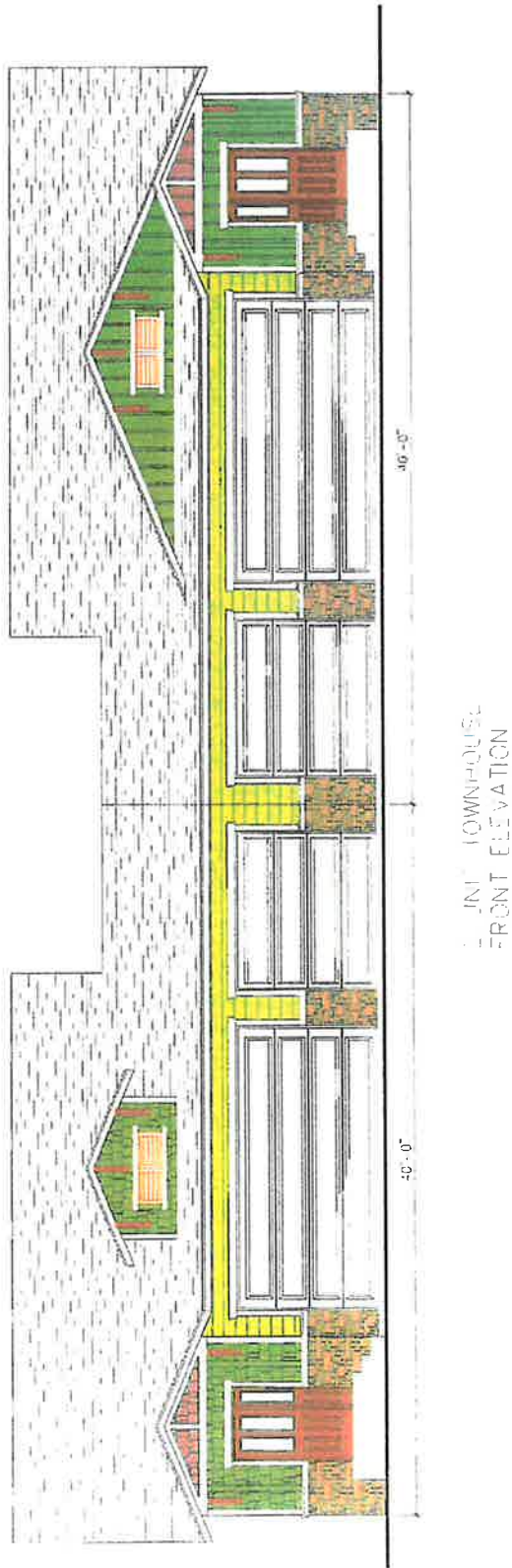






Granite

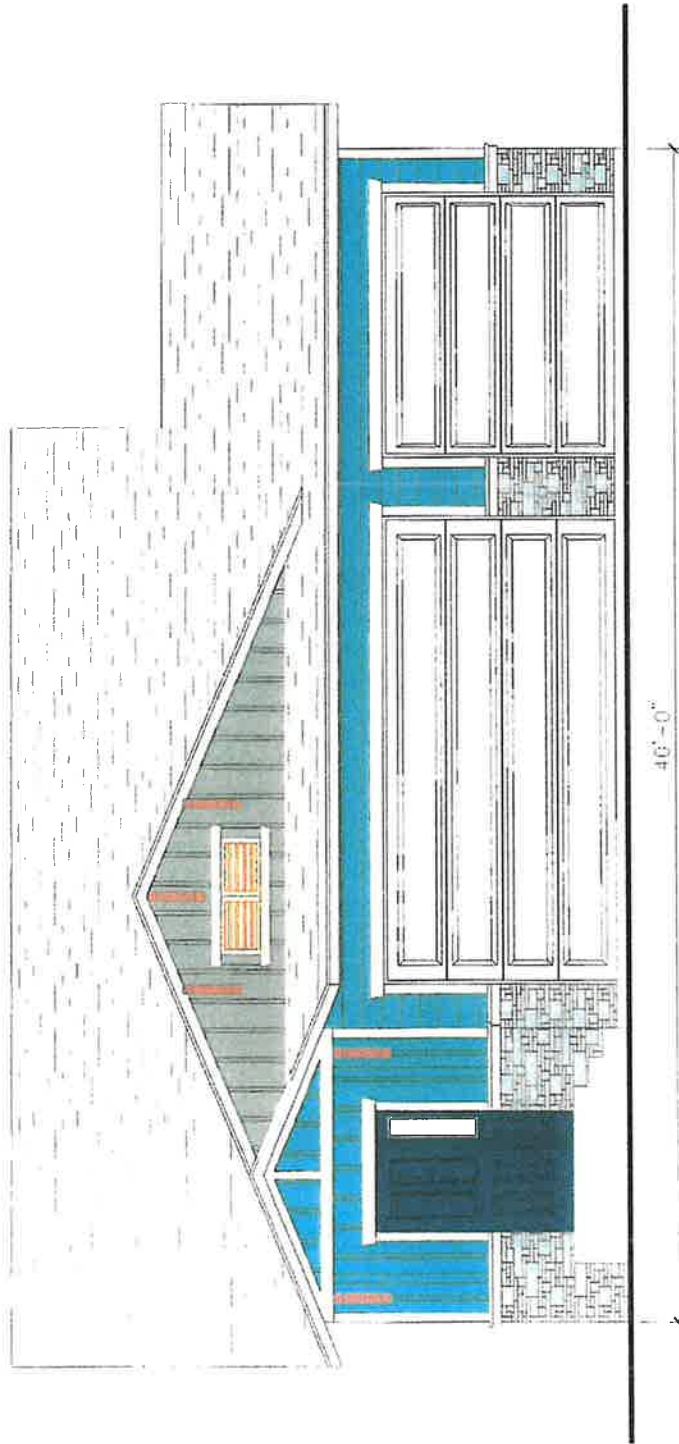




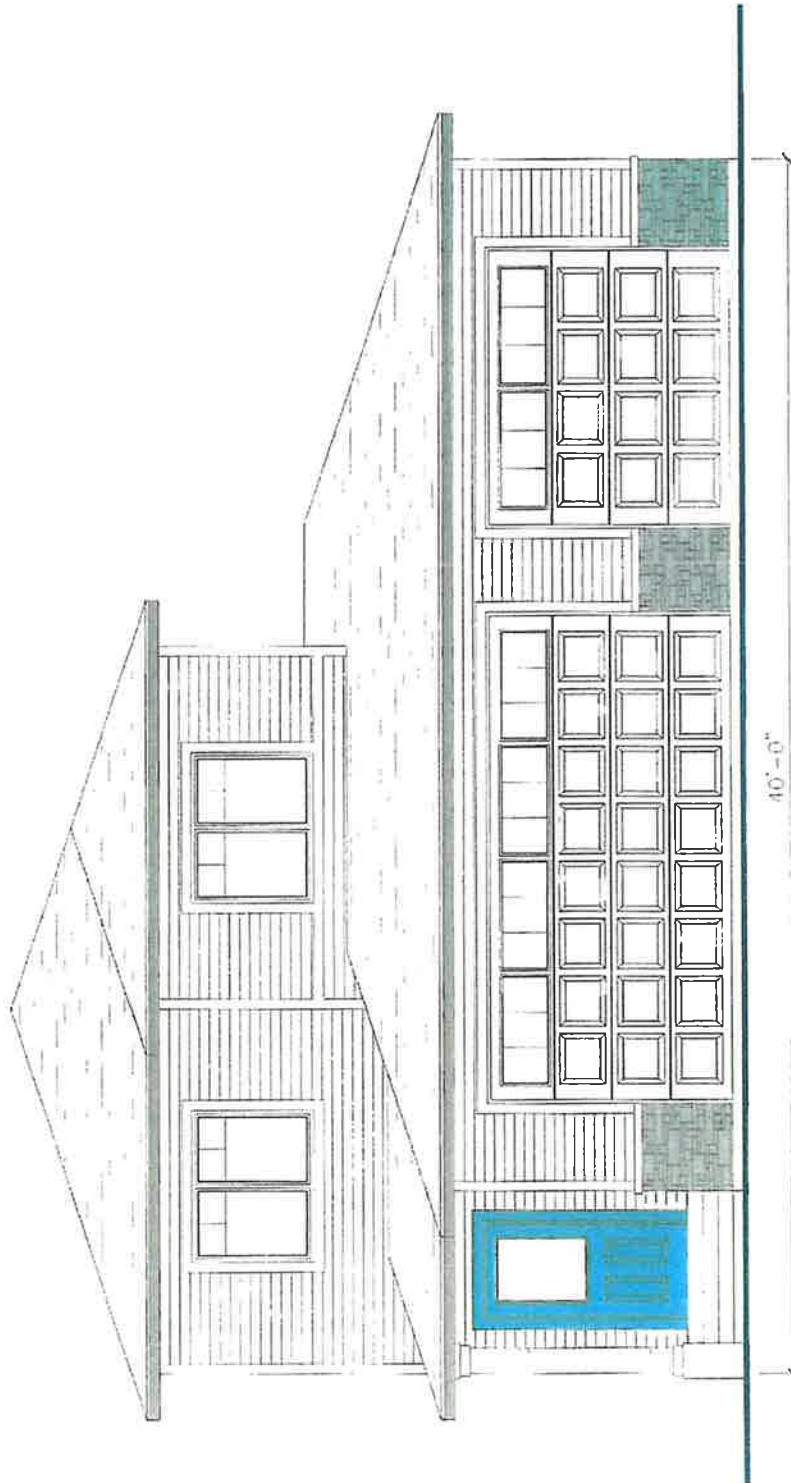


Page 6 of 12

2



SINGLE FAMILY
FRONT ELEVATION



S.C.P.
 SINGLE FAMIL.
 FRON. ELEVATION







Attachment A



Attachment A



Attachment A



Attachment A



Attachment A



**FIRST AMENDMENT TO THE HIGHLANDS AT NORTH HILL 2ND AND 3RD ADDITION PLATS
DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO THE HIGHLANDS AT NORTH HILL 2ND AND 3RD ADDITION PLATS DEVELOPMENT AGREEMENT is made and entered into this 9th day of November, 2022, by and between the City of Minot, a municipal corporation, hereinafter the "City," and the successors to the original Development Agreement, 701 Development, LLP, hereinafter "Developer 1", Four Seasons Construction, Inc., hereinafter "Developer 2", and owners of Lots 3A & 3B, Block 1, Lots 1A & 1B, 7A & 7B, 12A & 12B, Block 2, Lots 1A & 1B, 2A & 2B, 7A & 7B, Block 4, all within the Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota, and Lots 9A & 9B, Block 3 Highlands at North Hill 3rd Addition, to the City of Minot, North Dakota, hereinafter "Landowners." Developer 1, Developer 2, and Landowners are collectively referred to herein as the "Property Owners." The City, Developer 1, Developer 2, and Landowners are collectively referred to herein as the "Parties."

WHEREAS, the City and the original Developer entered into the Development Agreement on August 23, 2017; and

WHEREAS, the City may enter into a development agreement with a person having ownership or control of real property within its jurisdiction; and

WHEREAS, this First Amendment To The Highlands At North Hill 2nd And 3rd Addition Plats Development Agreement (hereinafter the "Agreement"), relates to the Highlands at North Hill 2nd Addition and Highlands at North Hill 3rd Addition, owned by the Property Owners, and located within the City of Minot, whose legal description is Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota and Highlands at North Hill 3rd Addition, to the City of Minot, Ward County, North Dakota respectively (hereinafter the "Property"); and

WHEREAS, the Property was originally platted as Highlands at North Hill 2nd Addition to the City of Minot, North Dakota, which was recorded with the Ward County Recorder on November 18, 2015 and assigned instrument number 2992228; and

WHEREAS, a portion of Highlands at North Hill 2nd Addition was re-platted as Highlands at North Hill 3rd Addition to the City of Minot, North Dakota, which was recorded with the Ward County Recorder on August 15, 2017 and assigned instrument number 3011101; and

WHEREAS, the Planning Commission recommended City Council approve the zoning map amendment and subdivision plat of Highlands at North Hill 3rd Addition, subject to conditions, on February 27, 2017; and

WHEREAS, the City Council approved the subdivision plat of Highlands at North Hill 3rd Addition and the first reading of Ordinance 5171, a zoning map amendment, subject to conditions, on March 13, 2017; and

WHEREAS, the City Council approved the second reading of Ordinance 5171, a zoning map amendment of Highlands at North Hill 3rd Addition, subject to conditions, on October 2, 2017; and

WHEREAS, the purpose of this Agreement is to amend and supersede the prior development agreement known as Highlands at North Hill 2nd and 3rd Addition Plats Development Agreement, which was recorded with the Ward County Recorder on September 13, 2017 and assigned instrument number 3012010; and.

WHEREAS, the Highlands at North Hill 2nd and 3rd Addition Plats Development Agreement condition 9. required the formulation of a home owners association to cover the operation and maintenance of the development's common elements; and

WHEREAS, the original Developer sold its interest in the underlying Property to the Property Owners; and

WHEREAS, the Property Owners desire to remove the requirement for a homeowner's association and coordinate dedication of land and long-term operation and maintenance to be performed by the Minot Park District, hereinafter Park District; and

WHEREAS, there are other methods of ensuring common elements such as stormwater ponds do not become the maintenance responsibility of the City that are preferable given the current arrangement of lots and existing Highlands at North Hill 2nd and 3rd Addition Plats Development Agreement; and

WHEREAS, the Parties now desire to amend the Development Agreement; and

WHEREAS, The Parties approved this Agreement and agree that the First Amendment will amend and supersede the Highlands at North Hill 2nd and 3rd Addition Plats Development Agreement; and

WHEREAS, this Agreement is necessary to ensure the orderly development of the site and expound on, modify, and memorialize the conditions of approval of the Property from October 2, 2017; and

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein, the Parties, intending to be legally bound, hereby agree that this First Amendment, with the effective date as described above, supersedes the original Development Agreement in its entirety:

Condition #1 (October 2, 2017 Regular City Council Meeting): Developer's Agreement with the City of Minot is required to be approved and recorded before the plat can be recorded.

- a) This condition is the obligation of the Property Owners.
- b) This condition is fulfilled upon recordation of this Agreement with the Ward County Recorder's Office at Developer 1's expense.

Condition #2 (October 2, 2017 Regular City Council Meeting): The information provided on the plans for the proposed open space areas and associated amenity package shall be made part of the agreement.

- a) This condition is the obligation of Developer 1.

- b) Developer 1 shall continue to work with the Park District with regard to the design of park facilities on Lot 1, Highlands at North Hill 4th Addition.
- c) A financial security valued at 120% of the estimated construction costs for the park facilities must be provided to the Park District by February 1, 2023.
- d) The installation of park improvements on Lot 1, Highlands at North Hill 4th Addition (as depicted on the minor plat application on file with the City and further known as Case # 2022-08-01) shall be finalized no later than September 1, 2023.
- e) If the park improvements are not installed by September 1, 2023 the issuance of new residential building permits shall cease until that time the park improvements are finalized.
- f) A one-time extension of up to one year may be granted to Developer 1 upon written concurrence of the City's Community Development Department and Park District.
- g) Upon finalization of the installation of park facilities on Lot 1, Highlands at North Hill 4th Addition, Developer 1 shall transfer ownership of the property to the Park District, who will then be responsible for long-term maintenance.
- h) The lots containing the Community Open Space and Access Easement shall be re-platted to remove said easement.
- i) The approximate mid-block pedestrian pathway to connect Ivory St. and Landmark Dr. shall not be required to provide pedestrian connectivity and rather the public sidewalk system shall be relied upon to provide connection to park facilities on Lot 1, Highlands at North Hill 4th Addition. It is acknowledged that Developer 1 is considering a redesign of the layout of lots and streets in the unimproved area of the Property (23rd Ave. NW and south of 2501 Ivory St.). In any event, as part of the existing development or redevelopment, the Developer shall incorporate a public access and maintenance easement twenty feet (20') in width, including the installation of a five-foot (5') wide sidewalk connection with one tree every twenty (20) lineal feet along each side of the sidewalk connection from Landmark Dr. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW. Any modification shall be submitted to the Community Development Department and reviewed and processed in accordance with the City's ordinances.
- j) The installation of the sidewalk connection from Ivory St. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW. shall be finalized no later than August 1, 2024.
- k) If the sidewalk connection from Ivory St. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW. is not installed by August 1, 2024, the issuance of new residential building permits shall cease until that time the sidewalk connection is installed.

- l) A one-time extension of up to one year may be granted to Developer 1 upon written concurrence of the City's Community Development Department and the Park District.
- m) Upon finalization of the installation of the sidewalk connection from Ivory St. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW., the Park District will be responsible for long-term maintenance of the pedestrian pathway and landscaping improvements contained within the easement.
- n) Building permits will not be issued for the unimproved area of the Property (23rd Ave. NW and south of 2501 Ivory St.) until the five-foot (5') sidewalk connection from Landmark Dr. at approximately the mid-block location to the terminating point of the pedestrian pathway of the new high school on 23rd Ave. NW is installed and the required street and utility improvements are completed and approved by the City
- o) The transfer of ownership of proposed Lot 1, Highlands at North Hill 4th Addition, on file at the City, and installation of pedestrian connections shall be considered sufficient to meet the requirements of Chapter 10.4 – Public Land Dedication and no additional park fees are required by the Property Owners.
- p) This condition is fulfilled upon the satisfactory installation of the park and sidewalk connections.

Condition #3 (October 2, 2017 Regular City Council Meeting): Proposed building elevations depicting architectural style and construction materials, finishes and colors shall be made part of the plan.

- a) This condition is the obligation of the Property Owners.
- b) This condition is considered fulfilled as of the second reading of Ordinance 5171 on October 2, 2017.
- c) For clarification, the “plan” is the R2 with a PUD/R4 Plans on file with the City and provided for reference as Attachment A to this Agreement. Modifications to the R2 with a PUD/R4 Plans, if any, must follow the procedures for major or minor change to a PUD as provided in the Land Development Ordinance of the City of Minot (LDO).
- d) For clarification, the setbacks approved by the PUD Plan are twenty-five feet (25') in the front, five feet (5') on the side, and twenty-feet (20') in the rear.
- e) For clarification, the lot coverage allowance is fifty-five percent (55%).
- f) For clarification, the Property Owners collectively or independently may request a zoning map amendment to another designation other than R2 with a PUD/R4 at a future date and the application will be evaluated based on the approval criteria for the respective application types as outlined in the LDO at the time of application. If successful, the

property(ies) subject to the application would no longer need to abide by the R2 with a PUD/R4 Plan on file with the City as provided in Attachment A.

Condition #4 (October 2, 2017 Regular City Council Meeting): Homeowner's association must be created, recorded, and in place for the maintenance of all open space and storm water management areas before plat can be recorded.

- a) This condition is the obligation of Developer 1.
- b) Developer 1 shall either create a homeowner's association, including all Property Owners, or follow the parks improvements and dedication requirements as provided in Condition #2 of this Agreement.
- c) Developer 1 shall complete all of the required improvements identified through the Development Restart Inspection and 2017 Final Punch List as provided in Attachment B and C respectively of this Agreement.
- d) Developer 1 shall submit to the City a financial security meeting the requirements of Section 10.3-21 of the City's Land Development Ordinance, for all improvements identified in Condition #4. c).
- e) Developer 1 shall comply with the approved stormwater management plan (SWMP) on file with the City. Any amendment to the approved SWMP is subject to approval by the City's Engineering Department.
- f) Developer 1 may continue to work with the neighboring property to the north of the Property in an effort to coordinate facilitation of part of the Property's stormwater flows. If possible, the northern stormwater ponds located on Lots 1A & 1B, Block 5, Highlands at North Hill 2nd Addition may seek a re-plat to remove the stormwater easement encumbering these properties and establish new lots to accommodate dwellings. The aforementioned is subject to all City entitlement processes, standards, and specifications and this potentiality is not assurance of approval by the City.
- g) The southernmost stormwater ponds located on Lots 5B & 6A, Block 6, Highlands at North Hill 2nd Addition, if redeveloped, must be incorporated into a lot with a privately-owned primary use/structure to insulate the City from receipt of the land for unpaid taxes.
- h) Developer 1 or one or more maintenance entities created by Developer 1 will be required to operate and maintain the storm water infrastructure that is located outside the right-of-way and in dedicated easements. This includes any pipes, channels, ponds, and outlet structures located throughout Highlands at North Hill 2nd and 3rd Additions.
 1. An operation and maintenance plan must be submitted to the City for approval before the plat will be recorded.

2. If Developer 1 creates one or more maintenance entities, such as a property owner's association, the association must be officially created and recorded at the Ward County Recorder's Office.
3. Developer 1 consents and agrees that if Developer 1 or a maintenance entity created by Developer 1 does not maintain the storm water infrastructure according to the operations and maintenance plan, the City is authorized to enter the property where the infrastructure is located and perform any maintenance required. The City's cost to perform the maintenance will be billed to Developer 1 or an entity Developer 1 creates to be responsible for maintenance. The City also reserves the right to place the cost of maintenance on the ad valorem taxes of the benefitting properties.
4. All storm water infrastructure, including but not limited to channels and ponds, outside the right of way, must have an easement (storm water and access) recorded over the improvements. The easement width and location shall be approved by the City Engineer.

Condition #5 (October 2, 2017 Regular City Council Meeting): All amenities for the open space areas including the trail, picnic tables, grills, trees and seeding shall be completed at such time as fifty percent (50%) of the homes are occupied in Lots 1-6, Block 1 and Lots 1-10, Block 2, and Lots 1-7, 8A-10B, Block 3.

- a) This condition is amended via the requirements within Condition #2 of this Agreement.

Condition #6 (October 2, 2017 Regular City Council Meeting): New water and sewer services must be installed to the proposed lots at locations identified per city specifications. The old water and sewer services must be removed back to the water and sewer mains and properly capped.

- a) This condition is amended via the requirements provided by Condition #4 of this Agreement.

Condition #7 (October 2, 2017 Regular City Council Meeting): The developer shall be responsible for installation of the eight-foot wide public sidewalks at all locations shown on the plat in coordination with the Engineering and Public Works Departments of the City.

- a) This condition is the obligation of the Property Owners.
- b) The preference by the City's Engineering Department is for the inclusion of standard five-foot (5') sidewalks throughout the Development. Those sidewalks that are already established as eight-foot (8') sidewalks shall be reconstructed as five-foot (5') sidewalks at the time of necessary repair by the abutting property owner.

- c) All new sidewalks shall be five-foot (5') in width.
- d) The owners of lots adjoining properties with eight-foot (8') sidewalks shall work with the City's Engineering Department on acceptable installation to "taper" the sidewalk from eight-foot (8') to five-foot (5') in those areas of transition. Sidewalks shall be installed at the same time as new residential construction on the respective lot.
- e) This condition is considered fulfilled upon the installation of sidewalks throughout the Development meeting the standards and specifications of the City's Engineering Department.

This Agreement shall be governed by and interpreted according to North Dakota law. The appropriate venue and jurisdiction for any litigation hereunder shall be in a court located in Ward County, North Dakota.

Each party represents and warrants that this Agreement has been duly authorized, executed and delivered by it; that the undersigned representatives are duly authorized to sign this Agreement on behalf of the party for whom they are signing and whom they represent; that performance of all the actions contemplated thereby have been duly authorized by all requisite action and that this Agreement constitutes a valid and binding obligation, enforceable against the Property Owners, their successors and assigns in accordance with its terms.

Neither this Agreement nor any item hereof may be changed, waived, discharged, or terminated orally, but only by instrument in writing, signed by the Parties hereto.

If a Court finds any part of this Agreement to be invalid, the remainder of this Agreement shall not be invalidated. Any part of any section found to be invalid shall not invalidate the remaining part of said section, and the invalid section may be reformed to be valid and enforceable to the extent allowed by law.

Property Owners agree to at all times comply and be in compliance with all federal, state, and municipal laws while this agreement is in effect, including but not limited to those relating to the payment of taxes or other charges on tickets, admissions, or in any way connected with Property Owners' activities in connection with this agreement. Property Owners' failure or omission to comply with any such federal, state, or municipal laws will be considered a material breach of this agreement and will justify immediate termination of this agreement by the City.

This Agreement supersedes any and all prior understandings of the Parties, oral or written, in connection with the subject matter hereof and is intended by the Parties to be a complete and exclusive statement of their commitments and responsibilities with respect to the subject matter hereof.

Any notice, demand, or request required or permitted to be given or made under this Agreement must be made in writing unless specifically stated otherwise in this Agreement. Notice will be deemed given when delivered in person, sent via certified mail/return receipt requested, or sent by email with confirmed receipt by the receiving party, to the Parties as specified in the signature blocks at the end of this document.

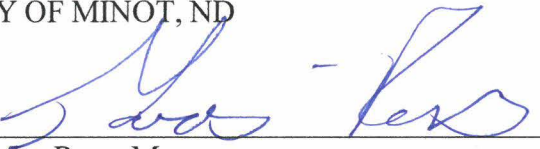
Property Owners agree to indemnify, hold harmless, and defend the City, its officers, employees, and agents, from any and all claims, actions, suits, costs, damages, and liabilities resulting from the breach of this agreement, the negligent actions, willful misconduct, or omissions of the Property Owners, and the Property Owners' guests invitees, agents, and sub-contractors, including but not limited to actions for personal injury occurring on the Property Owners' property, and damage to the property of any person(s) while participating in Property Owners' activities related to this agreement, or any other cause of action arising from Property Owners' use of their property under this agreement.

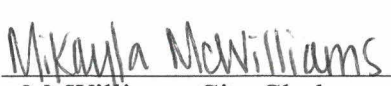
In the event of any dispute hereunder or of any action to interpret or enforce this agreement, the prevailing party shall be entitled to recover its reasonable costs, fees and expenses, including, but not limited to, witness fees, expert fees, consultant fees, attorney, paralegal, and legal assistant fees, costs and expenses and other professional fees, costs, and expenses whether suit be brought or not, and whether in settlement, declaratory or injunctive action, at trial, or on appeal.

This agreement shall be recorded in the Ward County Recorder's Office, and shall constitute a covenant running with the land, and shall be binding on the Property Owners, their administrators, executors, assigns, heirs and any other successors in interests, including any property association.

IN WITNESS WHEREOF, the parties hereto, after due authorization by its respective governing bodies/partners, hereby sign this agreement on the day and year first above written.

CITY OF MINOT, ND

By: 
Thomas Ross, Mayor

Attest: 
Mikayla McWilliams, City Clerk

Attn: Brian Billingsley, Community and Economic Development Director
PO Box 5006
Minot, ND 58702-5006
Brian.billingsley@minotnd.org



By:

By:

Page 148 of 177

Owner of Lot 3A, Block 1, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: Melinda Spraggs

Melinda Spraggs

2505 Granite Drive

Minot, ND 58703

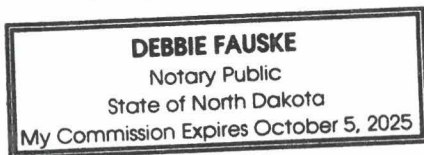
E-mail: Melinda_Spraggs@yahoo.com

STATE OF NORTH DAKOTA)

COUNTY OF Ward) ss

On this 28 day of Oct, 2022, before me personally appeared Melinda Spraggs known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



Debbie Fauske

Notary Public, Ward County,
North Dakota.

My Commission Expires: _____

By: 
Sabine Ooms
305 27th Avenue NW
Minot, ND 58703
E-mail:

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

(seal)

JORDAN WALD
Notary Public
State of North Dakota
My commission expires Aug. 14, 2024

Page 151 of 177

Owner of Lot 1A, Block 2, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: _____

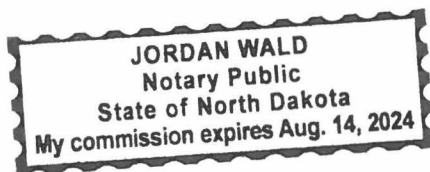
Joie M Bradford
2518 Granite Drive
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)

COUNTY OF WARD) ss

On this 1st day of November, 2022, before me personally appeared Joie M. Bradford
known to me to be the person who is described in, and who executed the within and foregoing
instrument and who acknowledged to me that he executed the same.

(seal)

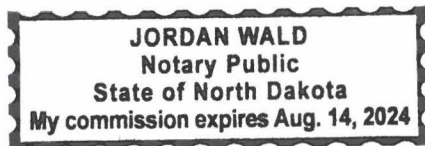


Notary Public, Ward County,
North Dakota.
My Commission Expires:

By: [Signature]
Foster Ingram Gilbert III
2518 Granite Drive
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

(seal)



Notary Public, Ward County,
North Dakota.
My Commission Expires: _____

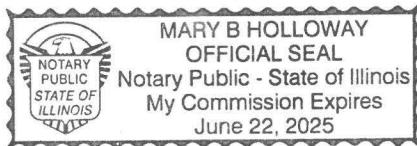
Owner of Lot 1B, Block 2, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: Tyler Serr
Tyler Serr
2522 Granite Drive
Minot, ND 58703
E-mail: tylerserr@yahoo.com

Illinois MBH
~~STATE OF NORTH DAKOTA~~)
COUNTY OF St Clair) ^{ss}

On this 1st day of November, 2022, before me personally appeared Tyler Serr,
known to me to be the person who is described in, and who executed the within and foregoing
instrument and who acknowledged to me that he executed the same.

(seal)



Mary B. Holloway
MARY B. Holloway
Notary Public, St Clair County,
~~North Dakota~~ Illinois
My Commission Expires: 06/22/2025

Owner of Lot 1B, Block 2, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: Andrea Serr

Andrea Serr

2522 Granite Drive

Minot, ND 58703

E-mail: andrea.serr.2014@yahoo.com

~~NEH~~ Illinois

STATE OF ~~NORTH DAKOTA~~

COUNTY OF St Clair

On this 1st day of November, 2022, before me personally appeared Andrea R. Serr
known to me to be the person who is described in, and who executed the within and foregoing
instrument and who acknowledged to me that he executed the same.

(seal)



Mary B. Holloway
Mary B. Holloway

Notary Public, St Clair County,

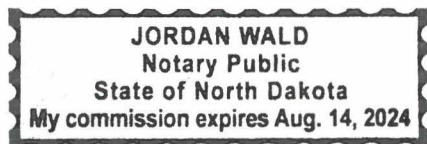
~~North Dakota~~ Illinois

My Commission Expires: 06/22/2025

By: Graysen Trandem
Graysen Trandem
2441 Landmark Drive
Minot, ND 58703
E-mail:

STATE OF NORTH DAKOTA)
COUNTY OF Ward) ss
)

(seal)



Notary Public, Ward County,
North Dakota.
My Commission Expires:

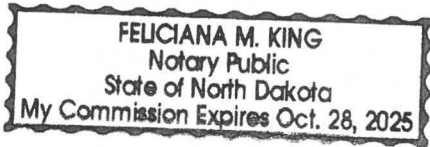
Owner of Lot 12A, Block 2, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: [Signature]
Tyree Tipke
2405 Landmark Drive
Minot, ND 58703
E-mail: ttipke@gmail.com

STATE OF NORTH DAKOTA)
 Williams) ss
COUNTY OF WARD)

On this 1st day of November, 2022, before me personally appeared Tyree A. Tipke, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



[Signature]
Notary Public, Williams County,
North Dakota.
My Commission Expires: 10/28/2025

By:

2405 Landmark Drive

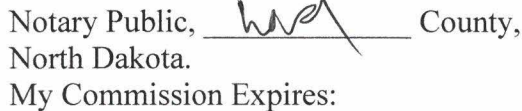
Minot, ND 58703

E-mail: Kmtip77@gmail.com

) SS

COUNTY OF Ward

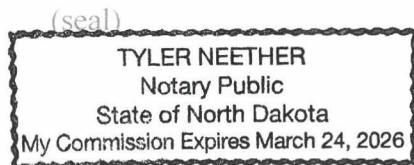
(seal)



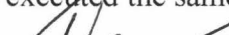
By: Steven Arroyo Baez
Steven Arroyo Baez
2401 Landmark Drive
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
COUNTY OF Ward) ss
)

On this 29th day of October, 2022, before me personally appeared Steven Nino Booz known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.



at he executed the same.



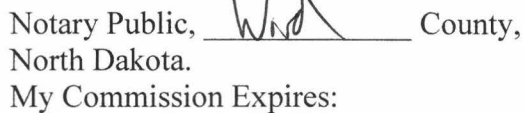
Notary Public, Ward County,
North Dakota.
My Commission Expires:

By:

E-mail:

COUNTY OF

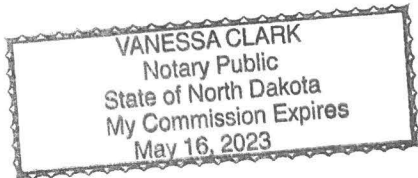
(seal)



By: John Manley
John Manley
2320 Landmark Drive
Minot, ND 58703
E-mail: JOHNIRONMANLEY@GMAIL.COM

STATE OF NORTH DAKOTA)
COUNTY OF Ward) ss
)

(seal)



Vanessa Clark

Vanessa Clark

Notary Public, Walsh County,
North Dakota.
My Commission Expires: May 16, 2023

Owner of Lot 1A, Block 4, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: _____

Erika Fray

2320 Landmark Drive

Minot, ND 58703

E-mail: ErikaFray@icloud.com

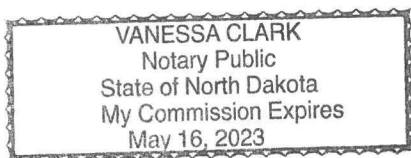
STATE OF NORTH DAKOTA)

) ss

COUNTY OF Ward)

On this 29 day of October, 2022, before me personally appeared Erika Fray, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



Vanessa Clark

Vanessa Clark

Notary Public, Ward County,
North Dakota.

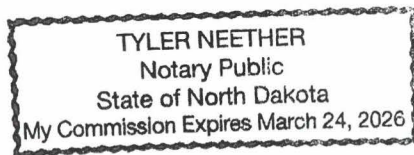
My Commission Expires: May 16, 2023

By:

E-mail: Kylee.Nelsen@gmail.com

COUNTY OF Ward) SS
)

(seal)



at he executed the same.



Notary Public, Ward County,
North Dakota.
My Commission Expires:

By: 
Jonathan Pineda Salvador
2328 Landmark Drive
Minot, ND 58703
E-mail: j.salvador7@outlook.com

STATE OF NORTH DAKOTA)
) SS
COUNTY OF Ward)

On this 30th day of October, 2022, before me personally appeared Japheth P. de la Salceda, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

TYLER NEETHER
Notary Public
State of North Dakota
My Commission Expires March 24, 2026

at he executed the same.



Notary Public, Wood County,
North Dakota.
My Commission Expires: _____

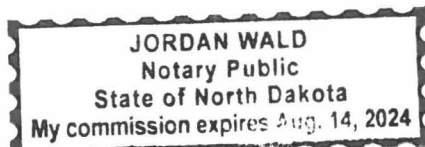
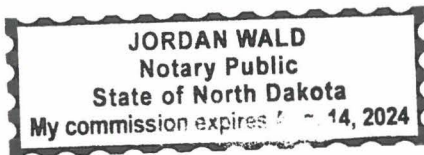
By:

Minot, ND 58703

E-mail: mark@MarkSimu.com

COUNTY OF INAR)

(seal)

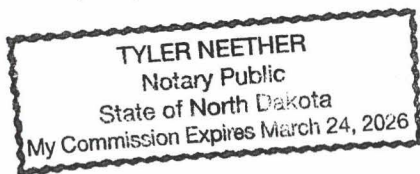


Notary Public, WARD County,
North Dakota.
My Commission Expires: _____

By: Michael Kitchen
Michael Kitchen
2424 Landmark Drive
Minot, ND 58703
E-mail:

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

(seal)



Notary Public, Wood County,
North Dakota.
My Commission Expires:

By: Antania Kitchen
Antania Kitchen
2424 Landmark Drive
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
) SS
COUNTY OF Ward)

On this 12 day of November, 2022, before me personally appeared Antonio K. Fisher, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

TYLER NEETHER
Notary Public
State of North Dakota
My Commission Expires March 24, 2026

Notary Public, Ward County,
North Dakota.
My Commission Expires:

By: 
Maurice Johnson
2428 Landmark Drive
Minot, ND 58703
E-mail:

at he executed the same.



Notary Public, Ward County,
North Dakota.
My Commission Expires:

Owner of Lot 7B, Block 4, Highlands at North Hill 2nd Addition, to the City of Minot, North Dakota

By: Jaclyn Malbrough

Jaclyn Malbrough

2428 Landmark Drive

Minot, ND 58703

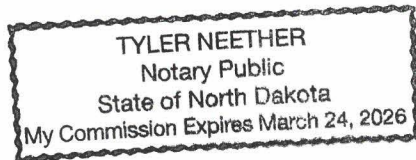
E-mail: _____

STATE OF NORTH DAKOTA)

COUNTY OF Ward) ss

On this 30th day of October, 2022 before me personally appeared Jaclyn Malbrough known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)



[Signature]
Notary Public, Ward County,
North Dakota.
My Commission Expires:

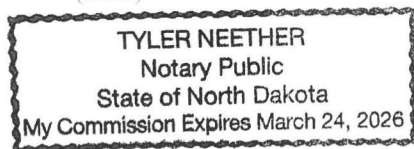
By:

Page 170 of 177

By: 
Emery Jagrup
2522 Landmark Dr.
Minot, ND 58703
E-mail:

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

(seal)

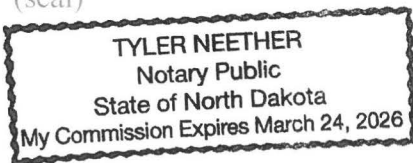


Notary Public, Ward County,
North Dakota.
My Commission Expires:

By: Meimei Liang
Meimei Liang
2522 Landmark Dr.
Minot, ND 58703
E-mail: _____

STATE OF NORTH DAKOTA)
COUNTY OF Ward) ss
)

(seal)



Notary Public, Ward County,
North Dakota.
My Commission Expires: _____

ATTACHMENT B



Project: Highlands at North Hill 2 nd & 3 rd Addition	☐ Intermediate Inspection	☒ Final Inspection (Punch List)
Owner: 701 Development, LLP	From: Lance Meyer	
Engineer: Ackerman-Estvold		
To: Andrew Gudmunson, McKenna Gudmunson, Randy Conway	Date: 6/6/2022	
	City Project No: 3958	
Re: Development Restart Inspection	Owner Project No:	

The items listed below were identified during the development walkthrough on May 25, 2022. The items listed are those that were viewed by city staff, the developer, and Ackerman Estvold. Developer must work with city to approve a developer agreement to secure these improvements before permits can be issued. Infrastructure security must be provided by developer per Land Development Ordinance. All improvements must be completed before certificates of occupancy can be issued.

Signed by:

Date:

Inspection Notice

Project: Highlands at North Hill 2 nd & 3 rd Addition	☐ Intermediate Inspection	☐ Final Inspection (Punch List)
Owner Project No:	City Project No: 3958	

Number	Item	Accepted
	Consult with Prairie Engineering (street light designer) to review system integrity. Check to see if wiring can be salvaged in the ground and in the poles. Once the system is connected and powered, a review of the luminaires is required to see if they are operational.	
	Replace lighting feed point cabinet to city specifications.	
	Install ADA ramps at the intersections of Granite Drive/Landmark Drive and Ivory Street/Granite Drive.	
	Install 2 nd lift of asphalt on Granite Drive and Ivory Street	
	Clean, inspect, reseed and establish turf on north detention pond to put the pond in service, also see attached punch list from 2017 for additional requirements. OR explore option to eliminate pond and work with neighboring property owner to acquire an easement	

	to drain storm sewer to larger slough northeast of the development. This will eliminate need for HOA.	
	Clean, inspect, and repair south detention pond to conform to the final design of the system.	
	As recommended by Kemper, install a new gate valve at 23 rd Avenue/Ivory Street to isolate 3 rd phase of development from the water system.	
	Flush, disinfect, and pressure test watermain from the intersection of Landmark Drive/Granite Drive east to Ivory Street and south to end of phase 1 of the development. Repair watermain as necessary to bring system into compliance.	
	Replace lids marked storm sewer with lids marked sanitary sewer where appropriate.	
	Visually inspect sanitary manhole benches on Ivory Street, remove any debris. Lamp lines to see if there is any debris in lines. If debris exists, flush the lines and remove debris.	
	Install missing street lighting system on Granite Drive and Ivory Street. Any new luminaries shall be LED unless electrical engineer says they are not compatible with existing system.	
	Attached final punch list from 2017 needs to be completed before certificates of occupancy are issued.	

ATTACHMENT C



1907 17th Street Southeast · Minot, ND 58701
701.837.8737 · www.ackerman-estvold.com
Minot, ND | Williston, ND

Owner: Randy Rimmer

Contractor: Randy Rimmer

Owner Project #: 3958.1

A-E Project: 14120

Engineer: Sean Weeks

Attendance: Phase 1 Final Acceptance Walk Through; 10-25-17 (City of Minot-Ben Cofell, Grant Goldader, David Wicke)
(Developer-Randy Rimmer) (Ackerman-Estvold-Curtis DeVeny)

Date Issued: 10-30-17 Updated 12-05-17

FINAL PUNCH LIST Highlands at North Hill Minot, ND

<u>Date Completed</u>	<u>Items to be Completed</u>
10/31/2017	CBMH 13 Needs grouted
10/31/2017	CBMH 10 Needs grouted
10/31/2017	San MH B grout adjusting rings, wrong lid
	Hydrant at the corner of 23rd & Landmark needs height adjustment
	Locate end of storm sewer near lot 1A or 1 B off of landmark and 23rd, pipe appears to exit through CBMH 23 to the west
10/31/2017	San MH E wrong lid
10/31/2017	Flush sanitary system from MH G to the south, catch flushings
	CBMH 1 needs new grate
10/31/2017	Finish retaining wall on 23rd Ave. and provide all Engineering information
	Backfill behind the curb in all locations
10/31/2017	Bundle and tape tracer wire in all sanitary sewer manholes
	Provide documentation of who is responsible for maintenance behind the retaining wall on 23rd
	Sidewalk on 23rd needs widened to 8'
	CBMH 22 needs grouted
10/31/2017	San Sewer F, wrong lid
10/31/2017	San Sewer G, wrong lid

	San MH 15 remove 2 steps at bottom of manhole, wrong lid
	Complete street lighting system
12/4/2017	Install the outlet structure at the north detention pond
	Storm MH 16 needs cleaned and grouted
	NORTH DETENTION POND: Grout the lifting eyes on the interior pond storm outlet FES. Install FES on the outer discharge pipe. Verify top elevation of the dike. Complete grading, topsoil placement and seeding. Grading must be completed to specified elevations and slopes. It should accommodate future mowing operations. Install trash racks per City of Minot Specifications. 12-04-17
	SOUTH DETENTION POND: Complete the dike around the discharge outlet and verify top elevation. Fill the pond bottom as needed. Install a FES on the outer discharge pipe. Install trash racks per City of Minot Specifications. Complete grading, topsoil and seeding. Grading must be completed to specified elevations and slopes. It should accommodate future mowing operations. 12-04-17
	Fog coat all "boney" areas of the asphalt
	San Sewer MH D - replace broken casting, wrong lid
10/31/2017	San Sewer MH C clean, wrong lid
	Concrete in ROW needs contractor stamp
10/31/2017	Remove plastic on all ADA ramps truncated domes
10/31/2017	Remove test ball from San Sewer MH 1, hydro vac all solids
	21st Ave. storm sewer, install larger washer on tie bolts, seed surrounding area, install erosion control, fill eroded ditch areas with top soil

The Above list items require completion or correction. Please notify the engineer when these items are being completed. Upon completion the final payment processing will begin. This list is not to be construed as a complete tabulation of all items required for project completion, and does not relieve the Contractor of work included in the Contract Documents.

Recorder's Office, Ward, ND 11/22/2022 10:31:46 AM
I certify that this instrument was filed for record this date.
Kristin Kowalczyk, County Recorder

by

3070196

