

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
December 21, 2022**

The Bismarck Planning & Zoning Commission met on December 21, 2022, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Vice Chair Laning presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner, Cole Johnson, Vernon Laning, Paul Levchak, Kevin Martin, Gabe Schell, Mike Schmitz, Wendy Van Duyne, Trent Wangen, and Paul Zent.

Commissioners Chair Mike Schwartz was absent.

Staff members present were Jannelle Combs – City Attorney, Ben Ehreth – Community Development Director, Sarah Fricke – Community Development Senior Administrative Assistant, Kim Lee – Planning Manager, Daniel Nairn – Senior Planner, and Jenny Wollmuth – Senior Planner.

Vice Chair Laning called the meeting to order and Community Development Senior Administrative Assistant Sarah Fricke took roll call.

MINUTES

Vice Chair Laning called for consideration of the minutes of the November 16, 2022 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the November 16, 2022 meeting, as presented. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Laning, Levchak, Martin, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

2. **LOTS 9, 10 AND THE SOUTH 25.4 FEET OF 11, BLOCK 7, REPLAT OF HOMAN ACRES – ZONING CHANGE**
3. **LOTS 1 & 2, BLOCK 1, KILBER NORTH ADDITION FIRST REPLAT – ZONING CHANGE**
4. **PT NW1/4 OF SECTION 21, T138N-R80W/LINCOLN TWP (BEING PLATTED AS L1, B2, PARADISE VALLEY ADDITION) – ZONING CHANGE**
5. **LOT 1, BLOCK 3, COTTONWOOD PARKVIEW ADDITION FIRST REPLAT – ZONING CHANGE**

MOTION: Based on the findings contained in the staff reports, Commissioner Bitner made a motion to approve the consent agenda items 2-5, calling for public hearings on the items as recommended by staff. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Laning, Levchak, Martin, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION PART OF CLEAR SKY ADDITION

Vice Chair Laning called for the final consideration on the annexation of Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; Lots 1-7, Block 8, Clear Sky Addition and a portion of Hermanson Drive adjacent to Lot 12, Block 3; Lot 15, Block 4; Lots 14-16, Block 7; and Lot 1 and Lot 21, Block 8; and a portion of Holmes Drive adjacent to Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; and Lots 1-7, Block 8, Clear Sky Addition. The property is located east of Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the east side of 52nd Street SE.

Ms. Wollmuth provided the following findings related to land use for the annexation:

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the annexation of Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; Lots 1-7, Block 8, Clear Sky Addition and a portion of Hermanson Drive adjacent to Lot 12, Block 3; Lot 15, Block 4; Lots 14-16, Block 7; and Lot 1 and Lot 21, Block 8; and a portion of Holmes Drive adjacent to Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; and Lots 1-7, Block 8, Clear Sky Addition.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the annexation of Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; Lots 1-7, Block 8, Clear Sky Addition and a portion of Hermanson Drive adjacent to Lot 12, Block 3; Lot 15, Block 4; Lots 14-16, Block 7; and Lot 1 and Lot 21, Block 8; and a portion of Holmes Drive adjacent to Lot 12, Block 3; Lots 9-15, Block 4; Lot 16, Block 7; and Lots 1-7, Block 8, Clear Sky Addition. Commissioner Martin seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Laning, Levchak, Martin, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION
PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT
BOULDER RIDGE FIRST ADDITION FIRST REPLAT**

Vice Chair Laning called for the public hearing of the major subdivision final plat and annexation of Boulder Ride First Addition First Replat. The property is located in north Bismarck, along the north side of 43rd Avenue NE and the east side of North Washington Street (a replat of Lots 13A, 14, 16, 17A, 26 and 27, Block 1, Boulder Ridge First Addition).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth then gave an overview of the request, including the following findings related to land use for the major subdivision final plat:

1. All technical requirements for approval of a major subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the annexation and major subdivision final plat for Boulder Ridge First Addition First Replat.

Vice Chair Laning opened the public hearing.

Lon Romsaas with Swenson Hagen and Co. came forward to respond to any questions or concerns. He stated the reason for proposed plat is there is a tentative purchaser for Lot 2, Block 1.

Commissioner Johnson questioned access points from Washington Street not aligning with the other access points and whether the median will be an issue. Mr. Romsaas indicated it will not be an issue because they would not be full access points.

There being no further comments, Vice Chair Laning closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the major subdivision final plat and annexation of Boulder Ridge First Addition First Replat. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Laning, Levchak, Martin, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
MAJOR SUBDIVISION FINAL PLAT
TNK RANCH SUBDIVISION**

Vice Chair Laning called for the public hearing on a major subdivision final plat and zoning change for TNK Ranch Subdivision. The property is located northeast of Bismarck, north of 57th Avenue NE and east of 66th Street NE on the west side of TJ Lane (6504 TJ Lane).

Mr. Nairn gave an overview of the request, including the following findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Gibbs Township Board of Supervisors will be notified prior to the public hearing for a final plat;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn then gave an overview of the following findings related to land use for the major subdivision final plat:

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. Gibbs Township Board of Supervisors has been notified of the proposed final plat;
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these findings, staff recommends approval of a zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and approval of the major subdivision final plat for TNK Ranch Subdivision, waiving ordinance requirements applicable to plats within the Urban Service Area Boundary.

Staff received a resolution from Gibbs Township recommending denial of these requests due to an ownership dispute over the driveway from the subdivision to TJ Lane.

Mr. Nairn pointed out the driveway that is under dispute and explained that an easement exists and is shown on the plat. The dimensions of the easement are in question.

Vice Chair Laning opened the public hearing.

Commissioner Laning questioned whether the current buildings would be included in the plat. Mr. Nairn stated all of the existing buildings would be within the platted area. If approved the owners would legally be allowed to build a second home on the remaining agricultural tract but they have no intention of doing so.

Tom Weigel with Holly Beck Surveying came forward to answer any questions. Mr. Weigel stated the access easement dimensions were based on an older property survey which explains why the dimensions are not the same as what is shown on the plat. He then stated the intention of the easement is to allow access to the property from TJ Lane.

Commissioner Levchak asked Mr. Weigel if he had explained the easement to the Gibbs Township commissioners. Mr. Weigel said he was not made aware of the meeting held by Gibbs Township when the recommendation was made.

Gerald Miller with Gibbs Township came forward to speak about the legality of the right-of-way on the road that leads to the property. Commissioner Zent asked about the condition of the road going west to 66th Street NE. Mr. Miller responded that it is not a road or trail, just a field. Mr. Miller suggests the resolution to the dispute between the two property owners is for the Fettigs to build a new driveway to 66th Street NE.

Property owner Kim Fettig came forward to address Mr. Miller's concerns. Ms. Fettig stated the driveway is part of their property and was included in the deed that transferred the land from the previous owners to her and her husband. She then stated building a road to 66th Street is not feasible. Ms. Fettig stated legal counsel has been retained for the dispute then showed an area picture of the driveway in question. Commissioner Levchak asked if the responsibility for maintenance of the road is that of the county or the township. Commissioner Bitner responded that the road is not public and therefore not the responsibility of the county.

Commissioner Martin asked if the easement in question was recorded on the deed for the property to the north and if not, it may have been vacated at some point. Ms. Fettig stated that the recorder's office was contacted and the easement is still valid, and there is no record of any vacation.

Commissioner Zent stated to Ms. Fettig that the township was not the only entity notified and that notification is standard practice.

Adjacent property owner Heidi Schirado came forward and stated they were not aware of the public road easement. Ms. Schirado then stated concerns about the possibility of a second home being built causing additional traffic and ingress and egress requirements. She stated she does not believe intent can be determined on the easement as it was written in 1975. Commissioner Laning stated that only one additional house on the property would be allowed.

Kim Fettig came forward again to make a statement that if, in the future, a second home is built on the property it would be much closer to 66th Street and would access the property from there. Ms. Fettig then stated that her attorney would be available for the January meeting.

There being no further comments, Vice Chair Laning closed the public hearing.

Commissioner Bitner made statements regarding the easement and the option to move the driveway onto the platted property.

Commissioner Schell then made a statement that he would defer to the licensed surveyor's interpretation of the location of the easement.

MOTION: Commissioner Levchak made a motion to continue the public hearing on the major subdivision final plat for TNK Ranch Subdivision until the Planning and Zoning Commission's regular meeting in January. Commissioner Schmitz seconded the motion, and the motion to continue the public hearing was unanimously approved with Commissioners Bitner, Johnson, Laning, Levchak, Martin, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT TECHNOLOGY HILL ADDITION

Vice Chair Laning called for the public hearing on a major subdivision final plat for Technology Hill Addition.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP);
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;

9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the major subdivision final plat for Technology Hill Addition.

Commissioner Levchak questioned the two buildings on the northern portion of the property to which Ms. Wollmuth stated they are storage buildings used by Bismarck State College and the armory. Commissioner Martin then asked about slope stability, and whether it had been considered. Ms. Wollmuth replied that the southwestern portion of the plat is encumbered by a large water reservoir and drainage easement. Commissioner Johnson stated no new easements exist on adjacent properties and questioned the access easement on Schafer Street. Jannelle Combs came forward and stated Schafer Street is a private road at this time, but the title merger of the property will extinguish the access easement and slope preservation is a condition of the transfer.

Vice Chair Laning opened the public hearing.

Chris Nyhus came forward as an adjacent property owner to request access easements from Schafer Street to adjacent lots to the east within Highland Acres, as the property owners currently use the area for access, recreation, and storage. Mr. Nyhus also noted that adjacent property owners would like to see the property not needed for BSC projects remain open space or be part of Bismarck Parks and Recreation district property.

Commissioner Levchak discussed the layout with Mr. Nyhus and determined that the adjacent property owners do not have access to Schafer Street. Commissioner Schell commented that the north and south portions of Schafer Street are outside of the proposed plat and that if access was granted to adjacent property owners in this location, they wouldn't have access from the north or south. Vice Chair Laning explained that the Planning and Zoning Commission does not issue access easements outside of approving plats and thanked Mr. Nyhus for his comments.

Commissioner Zent spoke about letters sent to property owners by the National Guard notifying them of an encroachment within the easement for Schafer Street.

Lon Romsaas with Swenson Hagen & Co came forward to explain that the southern portion of Schafer Street and the walkways are owned by the State of North Dakota. He then mentioned a concern for liability with the neighbors' current encroachment within the property.

Commissioner Schmitz questioned whether the sloped area to the south was buildable. Mr. Romsaas stated nothing will be built in that area. Commissioner Johnson mentioned that he is concerned with the rush to develop this property as it is a prime piece of property and that the City could have address adjacent land owner concerns specifically Schafer Street access and green space within the area differently.

There being no further comments, Vice Chair Laning closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schmitz made a motion to recommend approval of a major subdivision final plat for Technology Hill Addition. Commissioner Van Duyne seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Laning, Levchak, Martin, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT NORBS SUBDIVISION

Vice Chair Laning called for the public hearing of the major subdivision final plat for Norbs Subdivision. The property is located East of Bismarck, east of 52nd street SE and south of East Main Avenue/County Highway 10, along the west side of Mulberry Lane (a replat of part of Lot 11, Block 1, Barbies Neighborhood Subdivision).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the major subdivision final plat:

1. All technical requirements for approval of a major subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the major subdivision final plat for Norbs Subdivision including granting a waiver for the use and excessive length of a cul-de-sac (Mulberry Circle), with the following condition:

1. A gated secondary access point with knox box is installed and maintained by the property owner(s) within Norbs Subdivision at the intersection of 52nd Street SE and Southview Lane.

Commissioner Zent questioned the number of lots required for secondary access and Ms. Wollmuth answered the requirement is 16 and roughly 39 exist now.

Landon Niemiller with Swenson Hagen and Co. came forward with a request to remove the stipulation that the applicant be responsible to install and maintain a secondary access and mentioned the maintenance burden the secondary access would be to county staff.

Commissioner Levchak asked if Mr. Niemiller's contention is whether the secondary access is needed or to whom the financial responsibility goes. Mr. Niemiller stated that he is contesting both.

There being no further comments, Vice Chair Laning closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the major subdivision final plat for Norbs Subdivision with the waiver for the use and excessive length of a cul-de-sac and the condition that a gated secondary access point with Knox box is installed and maintained by the property owner(s) within Norbs Subdivision at the intersection of 52nd Street SE and Southview Lane. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Laning, Levchak, Martin, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (CHILDCARE CENTER)
LOT 2, BLOCK 1, CAPITAL ELECTRIC HEADQUARTERS ADDITION**

Vice Chair Laning called for a public hearing on a special use permit for a childcare center to be located on Lot 2, Block 1, Capital Electric Headquarters Addition. The property is located in north Bismarck, in the southeast quadrant of the intersection of State Street/US Highway 83 and 43rd Avenue NE along the east side of a frontage road.

Mr. Nairn gave an overview of the request, including the following findings related to land use for the special use permit:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Based on the findings, staff recommends approval of the special use permit to allow a childcare center on Lot 2, Block 1, Capital Electric Headquarters Addition with the condition that all building code requirements are met prior to issuance of a building permit. The

applicant is also requesting the completion of the required fenced outdoor play area be delayed until July 31, 2023.

Commissioner Schell asked if the building and fire code requirements are based on the number of children or the square footage of the facility. Mr. Nairn said the requirements are based on the occupancy numbers and are stricter than normal due to the age of the children.

Commissioner Levchak questioned whether the secured entryway to the west was separated from the offices that shared the building. The applicant, participating virtually, stated the door to the play area would be accessed through a hallway and is securely separate from the offices.

Commissioner Laning made a comment that the play area is currently a parking lot. Mr. Nairn replied that off-street parking requirements would still be met even with this loss of parking.

There being no further comments, Vice Chair Laning closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Van Duyne made a motion to recommend approval of the special use permit for Lot 1, Block 2, Capital Electric Headquarters Addition. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Laning, Levchak, Martin, Schell, Schmitz, Van Duyne, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

As this is their last meeting, Mr. Ehreth came forward to thank Vice Chairman Laning and Commissioner Martin on behalf of staff for their years of service on the commission.

ADJOURNMENT

There being no further business, Vice Chair Laning declared the Bismarck Planning & Zoning Commission adjourned at 6:50 p.m. to meet again on January 25, 2023.

Respectfully submitted,



Sarah S. Fricke
Recording Secretary



Vernon Laning
Vice Chair

****Please print****

[illegible]

EASEMENT FOR PUBLIC ROAD

This Deed, made this 5th day of August, 1975, by Edwin A. Fahlsing a/k/a Ed Fahlsing and Betty J. Fahlsing, husband and wife, of Bismarck, County of Burleigh, State of North Dakota, herein referred to as grantors to the public herein referred to as grantee.

The grantors herein hereby grant to the grantee, an easement hereinafter described, over and across the hereinafter described land, for a public road. The easement shall be Sixty-six (66) feet in width, lying immediately North of and adjacent to the following described line on the following described property:

Beginning at a point on the East line of the West Half Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$), Section Eight (8), Township One Hundred Thirty-nine (139), Range Seventy-nine (79), in Burleigh County. Said point being located Five Hundred Eighty-four and Seven Tenths (584.7) feet north of the south-east corner of the West Half Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Eight (8), Township One Hundred Thirty-nine (139), Range Seventy-nine (79); thence bearing North Eighty-three degrees, Twenty minutes East (N.83°20'East), a distance of Seventy-five and Three Tenths Feet (75.3'), more or less, to the intersection of T.J. Lane as platted and surveyed.

Said property containing 0.11 acres, more or less.

IN WITNESS WHEREOF, the grantors have executed this Deed at Bismarck, North Dakota, the date and year first written above.

Edwin A. Fahlsing
Edwin A. Fahlsing

Betty J. Fahlsing
Betty J. Fahlsing

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) ss.

On this 5th day of August, 1975, before me, a notary public within and for said county and state, personally appeared Edwin A. Fahlsing and Betty J. Fahlsing, known to me to be the same persons who are described in and who executed the above and foregoing instrument and they severally acknowledged to me that they executed the same.

Dennis A. Schneider
Dennis A. Schneider
Notary Public, Kidder County.
State of North Dakota.
My Commission expires: 5-22-76.



STATE OF NORTH DAKOTA, ss.
COUNTY OF BURLEIGH,

I hereby certify that the within instrument was filed in this office for record on the 5th day of AUG, 1975, at 2:20 o'clock P. M. and was duly recorded as DOCUMENT NO.

Dennis A. Schneider
REGISTER OF DEEDS
BY _____ Deputy

263832