



## Community Development Department

**DATE:** May 14, 2024

**FROM:** Ben Ehreth, Community Development Director

**ITEM:** Apple Creek Country Club Fourth Subdivision

**REQUEST:**

Approval of a minor subdivision final plat titled Apple Creek Country Club Fourth Subdivision where the Planning and Zoning Commission recommends approval.

**BACKGROUND INFORMATION:**

Mariner Developers, LLC is requesting approval of a minor subdivision final plat titled Apple Creek Country Club Fourth Subdivision encompassing Lots 1-5 and 7-11, Block 1, Apple Creek Country Club Third Subdivision.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024. Two written comments were received prior to the public hearing expressing concern about drainage in this area. The Apple Creek township representative and one member of the public spoke at the hearing, primarily expressing concern about increased traffic and road maintenance responsibility.

These concerns were addressed by the applicant's representative at the hearing stating that as much stormwater as possible will be collected and conveyed to the north, thereby lessening the current impact to the adjacent area.

At the end of the public hearing, the Planning and Zoning Commission unanimously approved the plat.

The attached staff report contains a complete review of the request, according to standards of the Comprehensive Plan, city ordinances, and other relevant law.

**RECOMMENDED CITY COMMISSION ACTION:**

Consider the minor subdivision final plat and take final action on the request.

**STAFF CONTACT INFORMATION:**

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov  
Daniel Nairn, Planning Manager, 701-355-1854, dnairn@bismarcknd.gov  
Lauren Oster, Planner, 701-355-1846, laoster@bismarcknd.gov

**ATTACHMENTS:**

1. Apple Creek Country Club Fourth Subdivision Final Plat

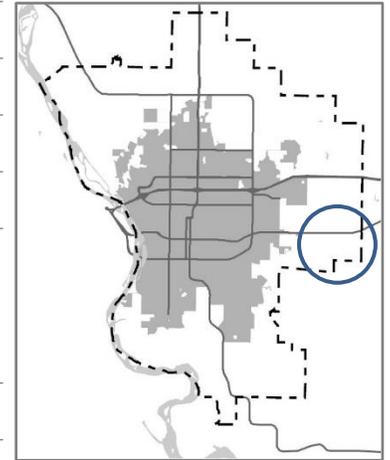
## STAFF REPORT

Application for: **Minor Plat**

Project ID: **MPLT2024-002**

### Project Summary

<i>Title:</i>	Apple Creek Country Club Fourth Subdivision
<i>Status:</i>	Board of City Commissioners – Final Consideration
<i>Property Owner(s):</i>	Mariner Developers, LLC
<i>Project Contact:</i>	Hanna Boese, PE, Lowry Engineering
<i>Project Location:</i>	East of Bismarck, in the southwest quadrant of the intersection of Country Club Drive and County Highway 10 (a replat of Lots 1-5 and 7-11, Block 1, Apple Creek Country Club Third Subdivision)
<i>Project Size:</i>	5.63 acres
<i>Applicant Request:</i>	Replat Lots 1-5 and 7-11, Block 1, Apple Creek Country Club Third Subdivision to modify lot sizes
<i>Staff Recommendation:</i>	Approve



### Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	10 lots in 1 block	<i>Lots/Blocks:</i>	14 lots in 1 block
<i>Land Use:</i>	Residential	<i>Land Use:</i>	Residential
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	Rural Residential (RR)
<i>Zoning:</i>	R10 – Residential	<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	R10 – Single and two-family residential	<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density:</i>	R10 – 10 units / acre	<i>Max Density:</i>	R10 – 10 units / acre

### Area Information

### Property History

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)	<i>Zoned:</i>	11/1999
<i>Township:</i>	Apple Creek (organized)	<i>Platted:</i>	04/2000
<i>Neighborhood:</i>	Apple Creek	<i>Annexed:</i>	N/A

(continued)

**Project Narrative**

Mariner Developers, LLC is requesting approval of a minor subdivision final plat titled Apple Creek Country Club Fourth Subdivision.

The proposed replat would encompass Lots 1-5 and 7-11, Block 1, Apple Creek Country Club Third Subdivision, in order to modify lot sizes to increase the number of lots from

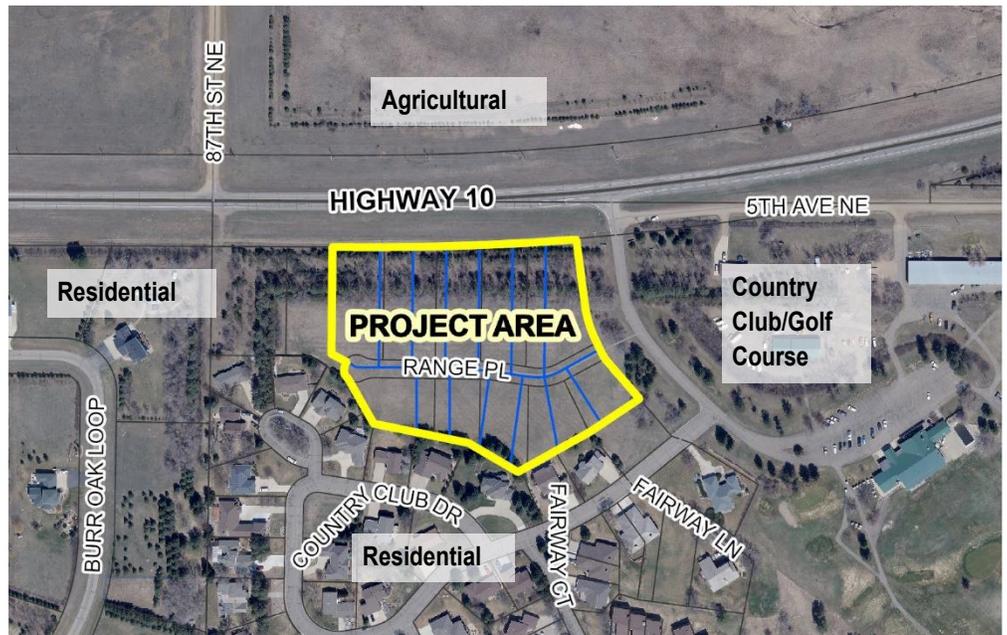
10 to 14. The R10 – Residential zoning, which allows single and two-family residences, would not change.

The Planning and Zoning Commission held a public hearing on this request on April 24, 2024, and recommended approval.

**Project Context**

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as RR – Rural Residential in the Future Land Use Plan. The rural residential areas are for country living with convenient proximity to city life. Goals and objectives of this plan as they relate to minor subdivision final plats are referenced in review standards below.

Adjacent uses include residential uses to the south and west, agricultural uses to the north, and a country club and golf course to the east.

The previous underlying plat received conditional approval from the Department of Environmental Quality for wastewater storage and management of the site.

**Public Engagement**

The public was duly notified of this request prior to the hearing of the Planning and Zoning Commission. A notice was published in the Bismarck Tribune on April 12 and April 19, and 76 letters were mailed to the owners of nearby properties on April 12, 2024.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

Staff received two written comments prior to the Planning and Zoning Commission public hearing expressing concern about drainage in this area.

The Apple Creek township representative and one member of the public spoke at the hearing primarily expressing concern about increased traffic and road maintenance responsibility.

These comments were addressed by the applicant’s representative stating that a stormwater management plan was conditionally approved prior to this public hearing. This plan indicates that as much stormwater as possible will be collected and conveyed to the north to the Highway 10 ditch, including using Range Place’s curb and gutters to direct much of the water away from areas to the south. As such, the stormwater impact to the adjacent area should be less compared to the current condition.

Additionally, the applicant’s representative addressed the comments related to increased traffic and road maintenance stating that Range Place would be maintained by a private HOA, not the County. The applicant’s representative also stated that there would be a slight increase to traffic as there will be additional people moving into this area, but it should not be very noticeable or affect everyday traffic here.

**Review Standards and Findings of Fact**

*The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.*

*Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))*

**Yes.** All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

*Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15](#), Section 14.1-04-03);*

**Yes.** There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been

conditionally approved by the City Engineer, with concurrence from the County Engineering.

*Technical specifications required of the final plat have been met (Section 14-09-07)*

**Yes.** The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

*Proper administrative procedures related to the request are being followed (Section 14-09-04)*

**Yes.** All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

*The public health, safety and general welfare will not be adversely impacted by the proposed subdivision ([Goal S10-a](#))*

**Yes.** As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed subdivision would not adversely impact the public health, safety, and general welfare.

**Staff Recommendation**

Based on the above findings, staff recommends approval of the minor subdivision final plat for Apple Creek Country Club Fourth Subdivision.

**Attachments**

1. Zoning and Plan Reference Map
2. Final Plat
3. Original Plat with Replatted Area Highlighted

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*Staff report prepared by:*

Lauren Oster, Planner

701-355-1846 | [laoster@bismarcknd.gov](mailto:laoster@bismarcknd.gov)



# Zoning and Plan Reference Map

MPLT2024-002

## APPLE CREEK COUNTRY CLUB FOURTH SUBDIVISION

### Zoning Districts

<b>A</b>	Agriculture
<b>RR</b>	Rural Residential
<b>R5</b>	Residential
<b>RMH</b>	Manufactured Home Residential
<b>R10</b>	Residential
<b>RM</b>	Residential Multifamily
<b>RT</b>	Residential (Offices)
<b>HM</b>	Health and Medical
<b>CA</b>	Commercial
<b>CG</b>	Commercial
<b>MA</b>	Industrial
<b>MB</b>	Industrial
<b>PUD</b>	Planned Unit Development
<b>DC</b>	Downtown Core
<b>DF</b>	Downtown Fringe

### Future Land Use Plan

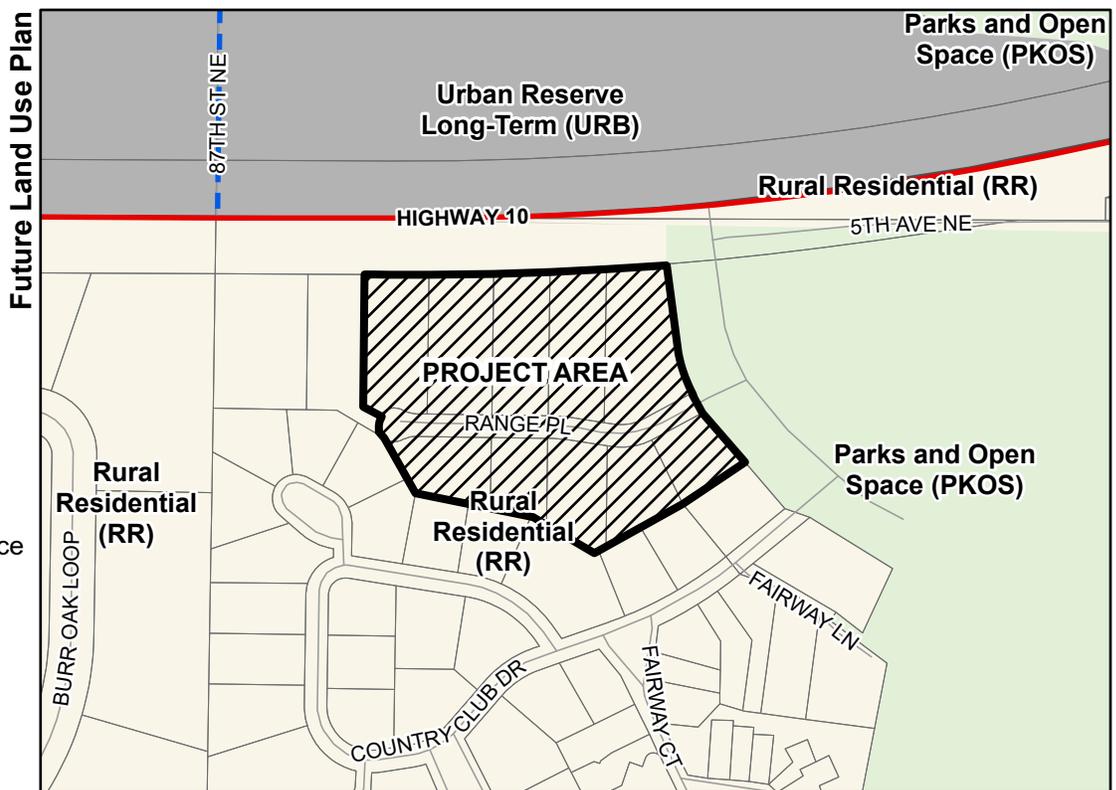
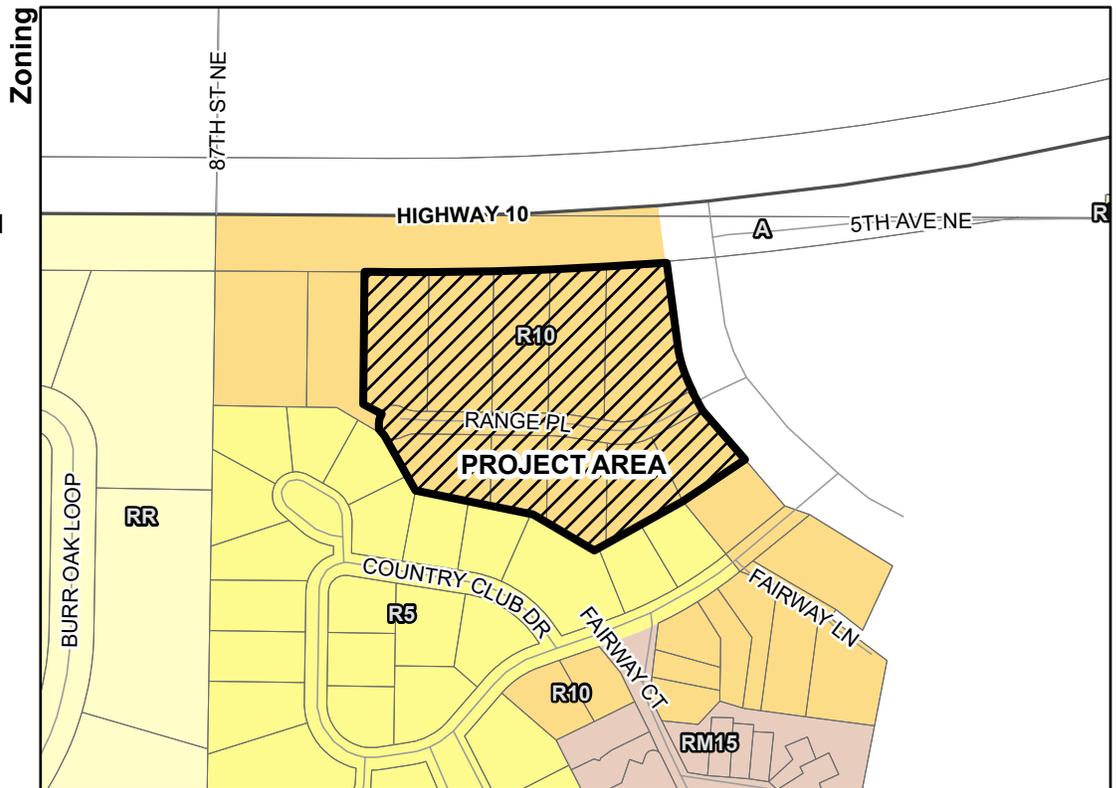
<b>UN</b>	Urban
<b>NMU</b>	Neighborhood Mixed Use
<b>CMU</b>	Community Mixed Use
<b>DMU</b>	Destination Mixed Use
<b>DT</b>	Downtown
<b>IND</b>	Industrial
<b>IF</b>	Industrial Flex
<b>IMU</b>	Industrial Mixed Use
<b>INS</b>	Institutional
<b>RR</b>	Rural Residential
<b>TR</b>	Transitional Rural
<b>PKOS</b>	Parks/Open Space
<b>URA/URB</b>	Urban Reserve Mid/Long-Term

### Active Mobility Plan

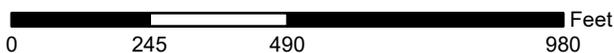
— Future Shared Trail

### Major Street Plan

- Existing Arterial
- - Future Arterial
- Existing Collector
- - Future Collector
- Existing Interstate
- - Future Interstate



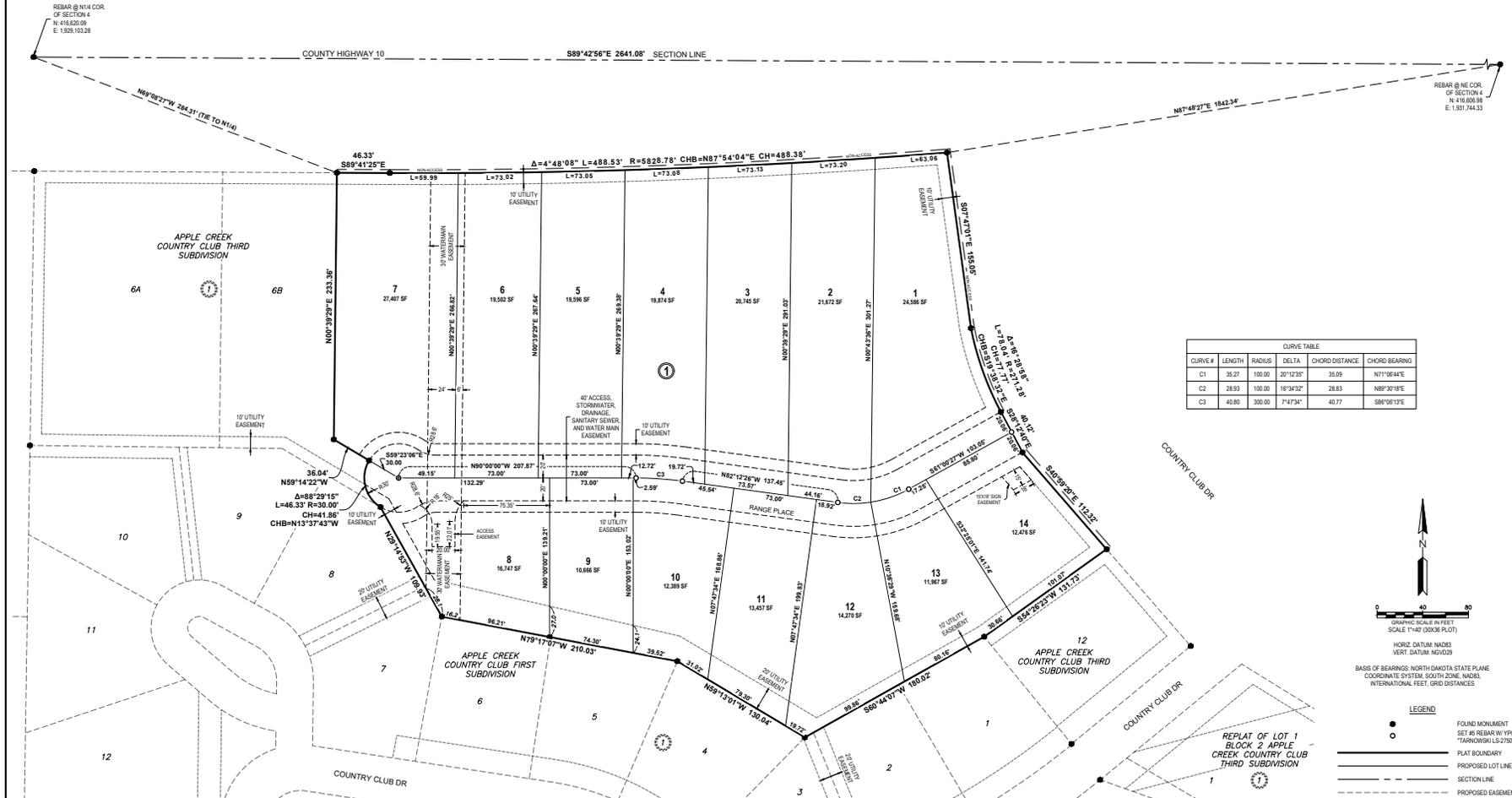
*This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.*



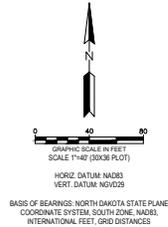
City of Bismarck  
Community Development  
Planning Division  
April 12, 2024

# APPLE CREEK COUNTRY CLUB FOURTH SUBDIVISION

A REPLAT OF LOTS 1 - 5 AND 7 - 11, BLOCK 1, OF APPLE CREEK COUNTRY CLUB THIRD SUBDIVISION  
IN PART OF GOVERNMENT LOT 2 OF SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST  
OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA



CURVE #	LENGTH	RADIUS	DELTA	CHORD DISTANCE	CHORD BEARING
C1	35.27	100.00	20°12'30"	35.59	N71°04'41"E
C2	28.53	100.00	16°34'35"	28.83	N69°37'18"E
C3	40.80	300.00	7°47'34"	40.77	S86°06'19"E



LEGEND

●	FOUND MONUMENT
○	SET 60 REBAR W/ IPC TYPED MARKERS L.S. 27006
—	PLAT BOUNDARY
- - -	PROPOSED LOT LINE
- - -	SECTION LINE
- - -	PROPOSED EASEMENT
- - -	PROPOSED NON-ACCESS
- - -	EXISTING LOT LINE
- - -	EXISTING EASEMENT
▨	VACATED EASEMENT

**OWNERS CERTIFICATE AND DEDICATION**  
THE MARKER DEVELOPERS, LLC, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, HAVE CAUSED THE LAND TO BE PLATTED AND DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED APPLE CREEK COUNTRY CLUB FOURTH SUBDIVISION, AND AFFIRM THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

**APPROVAL OF CITY PLANNING AND ZONING COMMISSION**  
THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

**LEGAL DESCRIPTION**  
A REPLAT OF LOTS 1 AND 7 - 11, BLOCK 1 OF APPLE CREEK COUNTRY CLUB THIRD SUBDIVISION, IN PART OF GOVERNMENT LOT 2 OF SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS 'UTILITY EASEMENT' TO RUN WITH THE LAND FOR GAS, ELECTRIC, COMMUNICATION AND/OR OTHER PUBLIC UTILITIES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREOF.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS 'STORMWATER & DRAINAGE EASEMENT' TO RUN WITH THE LAND FOR THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THESE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

WE ALSO DEDICATE TO ALL LANDOWNING PARTIES ALL EASEMENTS AS SHOWN ON THIS PLAT AS 'ACCESS EASEMENT' TO RUN WITH THE LAND FOR FREE AND UNOBSTRUCTED ACCESS TO VISITORS, TENANTS, VISITORS AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY OF BISMARCK SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE PROPERTY OWNERS IN THE SUBDIVISION.

WE ALSO DEDICATE TO ALL LANDOWNING PARTIES ALL PRIVATE EASEMENTS AS SHOWN ON THIS PLAT AS 'PRIVATE WATER MAIN AND SANITARY SEWER EASEMENT' TO RUN WITH THE LAND FOR USE BY ALL LANDOWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR WATER MAIN AND/OR SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

WE ALSO DEDICATE TO ALL LANDOWNING PARTIES ALL EASEMENTS AS SHOWN ON THIS PLAT AS 'SIGN EASEMENT' TO RUN WITH THE LAND FOR THE NON-EXCLUSIVE USE OF ALL LANDOWNING PARTIES, THEIR TENANTS, AND LICENSEES TO PLACE SIGNS ON THE EASEMENT AREA PROVIDED THAT ALL SIGNS PLACED FOLLOW ALL RELEVANT LOCAL, STATE, AND FEDERAL LAWS.

**APPROVAL OF BOARD OF CITY COMMISSIONERS**  
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE DECORATION AND RE-DECORATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AND PUBLIC EASEMENTS SHOWN THEREON AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

BEGINNING AT THE NORTHEAST CORNER OF LOT 6B, BLOCK 1 OF SAID APPLE CREEK COUNTRY CLUB THIRD SUBDIVISION; THENCE S89°41'25"E ON AND ALONG THE NORTH BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 48.33 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 308.78 FEET, AN ARC LENGTH OF 48.33 FEET, A DELTA ANGLE OF 4°49'57", A CHORD BEARING OF N67°04'41"E, AND A CHORD DISTANCE OF 48.86 FEET TO THE NORTHEAST BOUNDARY CORNER OF SAID SUBDIVISION; THENCE S89°41'25"E ON AND ALONG THE EAST BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 150.00 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 211.28 FEET, AN ARC LENGTH OF 118.84 FEET, A DELTA ANGLE OF 16°29'58", A CHORD BEARING OF S19°38'25"E, AND A CHORD DISTANCE OF 77.77 FEET; THENCE S28°12'42"ON AND ALONG THE EAST BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 40.12 FEET; THENCE S49°39'29"ON AND ALONG THE EAST BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 112.12 TO THE NORTH CORNER OF LOT 12, BLOCK 1 OF SAID SUBDIVISION; THENCE S54°29'29"ON AND ALONG THE NORTH LINE OF SAID LOT 12 A DISTANCE OF 131.75 FEET; THENCE S89°41'25"ON AND ALONG THE SOUTH BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 130.04 FEET; THENCE N97°17'07"ON AND ALONG THE SOUTH BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 31.03 FEET; THENCE N97°17'07"ON AND ALONG THE WEST BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 39.93 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 48.33 FEET, A DELTA ANGLE OF 89°29'15", A CHORD BEARING OF N10°31'19"W, AND A CHORD DISTANCE OF 41.88 FEET; THENCE N87°42'20"W ON AND ALONG THE EAST LINE OF SAID LOT 8B A DISTANCE OF 38.04 FEET; THENCE N00°39'29"E ON AND ALONG THE EAST LINE OF SAID LOT 8B A DISTANCE OF 238.36 FEET TO THE POINT OF BEGINNING.

GREG MARNER, OWNER  
MARNER DEVELOPERS, LLC  
ALL LOTS OWNED BY EACH OWNER FOR THIS PLAT

STEVE MARNER, OWNER  
MARNER DEVELOPERS, LLC  
ALL LOTS OWNED BY EACH OWNER FOR THIS PLAT

WICK MARNER, OWNER  
MARNER DEVELOPERS, LLC  
ALL LOTS OWNED BY EACH OWNER FOR THIS PLAT

STATE OF \_\_\_\_\_, ISS  
COUNTY OF \_\_\_\_\_, JSS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024,  
BEFORE ME PERSONALLY APPEARED GREG MARNER,  
KNOWN TO ME TO BE THE PERSON(S) DESCRIBED AND  
WHO EXECUTED THE WITHIN CERTIFICATE AND THEY  
ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC: \_\_\_\_\_

MICHAEL J. SCHWARTZ - CHAIR  
ATTEST: BEN BRETHE - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS  
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE DECORATION AND RE-DECORATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

GABRIEL J. SCHWEL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVES THIS PLAT.

GABRIEL J. SCHWEL - CITY ENGINEER

APPROVAL OF BOARD OF COUNTY COMMISSIONERS  
THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS APPROVED THE DECORATION AND RE-DECORATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

BRIAN BITNER - CHAIR  
ATTEST: MARK SPILSKOWSKI  
BURLEIGH COUNTY AUDITOR/TREASURER

SAND TRACT OF LAND CONTAINS 5.63 ACRES, MORE OR LESS.

**SURVEYORS CERTIFICATE**  
MICHAEL J. TARNOWSKI, HEREBY CERTIFY I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA. THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.

**SURVEYOR'S INFORMATION**  
MICHAEL J. TARNOWSKI  
PROFESSIONAL LAND SURVEYOR  
N.D. REGISTRATION NO. PLS 27308

**OWNER:**  
MARNER DEVELOPERS, LLC  
3485 GALLATIN DR  
BISMARCK, ND 58508

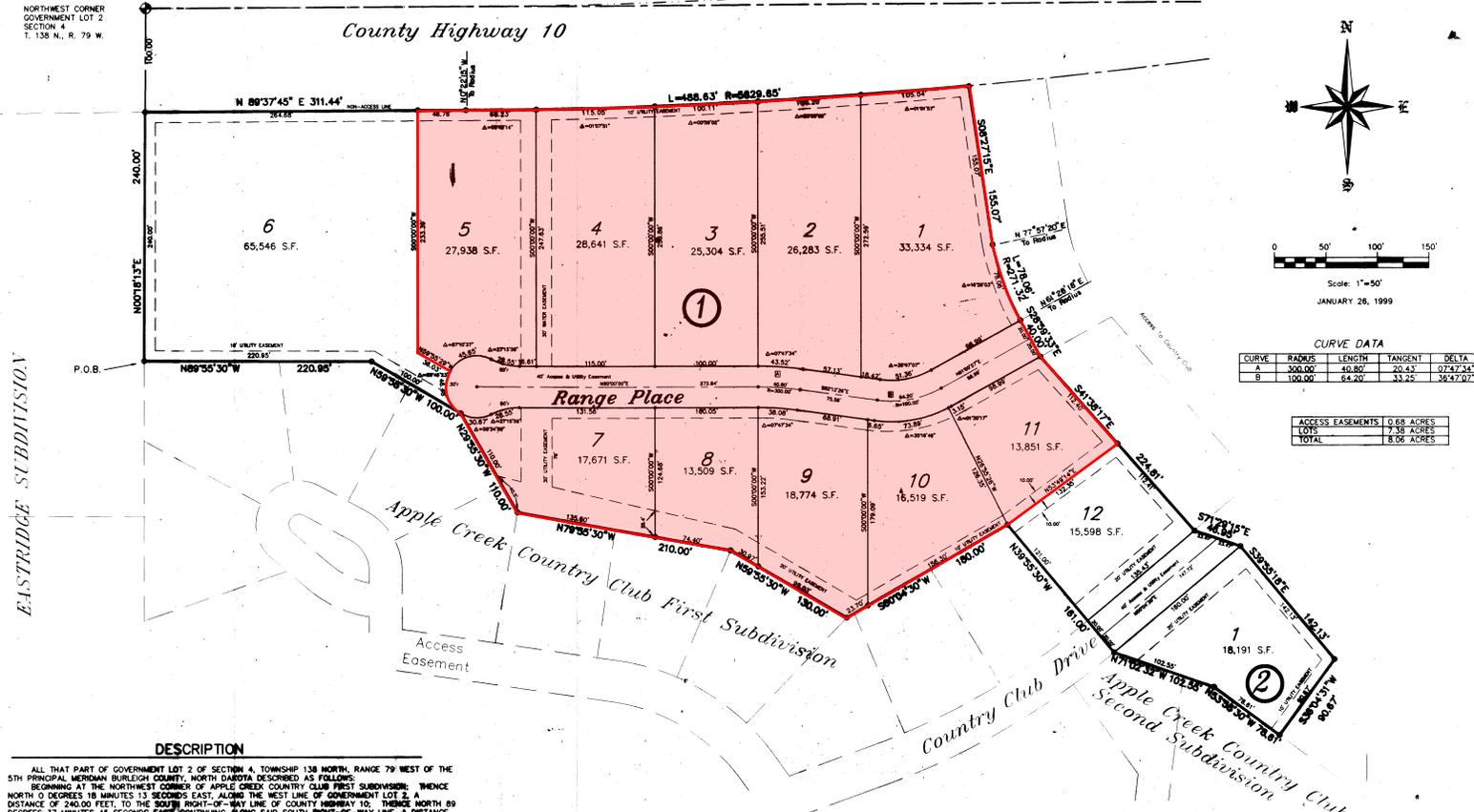
**SURVEYOR:**  
MICHAEL J. TARNOWSKI,  
PLS 27308  
MOUNTAIN PLANS, LLC  
1300 TACOMA AVE, SUITE A  
BISMARCK, ND 58504  
(701) 587-3264



# Apple Creek Country Club Third Subdivision

PART OF GOVERNMENT LOT 2 OF SECTION 4, T. 138 N., R. 79 W.  
Burleigh County, North Dakota

NORTHWEST CORNER  
GOVERNMENT LOT 2  
SECTION 4  
T. 138 N., R. 79 W.



CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	DELTA
A	300.00	40.80	20.43	0742.24
B	100.00	64.20	33.02	3637.07

ACCESS EASEMENTS 0.68 ACRES  
LOTS 7.38 ACRES  
TOTAL 8.06 ACRES

EASTRIDGE SUBDIVISION

### DESCRIPTION

ALL THAT PART OF GOVERNMENT LOT 2 OF SECTION 4, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF APPLE CREEK COUNTRY CLUB FIRST SUBDIVISION; THENCE NORTH 0 DEGREES 18 MINUTES 13 SECONDS EAST, ALONG THE WEST LINE OF GOVERNMENT LOT 2, A DISTANCE OF 240.00 FEET; TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTY HIGHWAY 10; THENCE NORTH 89 DEGREES 37 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 311.44 FEET; THENCE EASTERLY AND TO THE LEFT, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, ON A 5829.65 FOOT RADIUS CURVE AN ARC LENGTH OF 488.63 FEET; THENCE SOUTH 08 DEGREES 27 MINUTES 15 SECONDS EAST, A DISTANCE OF 150.07 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT ON A 27.32 FOOT RADIUS CURVE, AN ARC LENGTH OF 75.08 FEET; THENCE SOUTH 28 DEGREES 58 MINUTES 33 SECONDS EAST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 41 DEGREES 30 MINUTES 17 SECONDS EAST, A DISTANCE OF 22.61 FEET; THENCE SOUTH 71 DEGREES 28 MINUTES 13 SECONDS EAST, A DISTANCE OF 46.34 FEET; THENCE SOUTH 39 DEGREES 55 MINUTES 18 SECONDS EAST, A DISTANCE OF 142.13 FEET; THENCE SOUTH 36 DEGREES 04 MINUTES 31 SECONDS WEST, A DISTANCE OF 140.17 FEET; TO THE NORTH LINE OF APPLE CREEK COUNTRY CLUB SECOND SUBDIVISION; THENCE NORTH 53 DEGREES 55 MINUTES 30 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 176.61 FEET; THENCE NORTH 71 DEGREES 02 MINUTES 32 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 102.55 FEET; THENCE NORTH 39 DEGREES 50 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE AND THE NORTH LINE OF APPLE CREEK COUNTRY CLUB FIRST SUBDIVISION, A DISTANCE OF 181.00 FEET; THENCE SOUTH 60 DEGREES 04 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF APPLE CREEK COUNTRY CLUB FIRST SUBDIVISION, A DISTANCE OF 180.00 FEET; THENCE NORTH 59 DEGREES 40 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 110.00 FEET; THENCE NORTH 29 DEGREES 55 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 110.00 FEET; THENCE NORTH 59 DEGREES 55 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 100.00 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 30 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 220.95 FEET TO THE POINT OF BEGINNING.  
THE ABOVE DESCRIBED TRACT CONTAINS 8.06 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATE**  
I, TERRY BALZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON JANUARY 26, 2000, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

TERRY BALZER  
REGISTERED LAND SURVEYOR  
N.D. REGISTRATION NO. 3388

**APPROVAL OF BOARD OF CITY COMMISSIONERS**  
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL ACCESS EASEMENTS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA.  
IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THIS 24 DAY OF FEBRUARY, 2000.

DAVID BACKSTEAD - CHAIRMAN  
CARL HOKENSTAD - SECRETARY

**APPROVAL OF CITY PLANNING COMMISSION**  
THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THIS 24 DAY OF FEBRUARY, 2000.

DAVID BACKSTEAD - CHAIRMAN  
CARL HOKENSTAD - SECRETARY

**APPROVAL OF CITY ENGINEER**  
I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE 'APPLE CREEK COUNTRY CLUB THIRD SUBDIVISION' BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

Melvin J. Bullinger  
CITY ENGINEER

**OWNER'S CERTIFICATE & DEDICATION**  
I, TERRY BALZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON JANUARY 26, 2000, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS 'UTILITY EASEMENTS'.  
THEY FURTHERMORE GRANT 'ACCESS EASEMENTS' TO ALL LAND OWNING PARTIES, THEIR HEIRS AND ASSIGNS, OVER THE TRACTS SHOWN HEREON. SAID EASEMENTS TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENTS AND TO HOLD SAID EASEMENTS TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO DEDICATE SAID EASEMENTS TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL SERVICES OR USES IT DEEMS NECESSARY OR ADVISABLE.

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH  
ON THIS 24 DAY OF FEBRUARY, 2000 BEFORE ME PERSONALLY APPEARED [Signature] AND [Signature] KNOWN TO ME TO BE THE PRESIDENT AND SECRETARY RESPECTIVELY, THAT 'APPLE CREEK COUNTRY CLUB INC.' AND WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH  
ON THIS 24 DAY OF FEBRUARY, 2000 BEFORE ME PERSONALLY APPEARED [Signature] AND [Signature] KNOWN TO ME TO BE THE PRESIDENT AND SECRETARY RESPECTIVELY, THAT 'APPLE CREEK COUNTRY CLUB INC.' AND WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

BRAD PATIENCE  
NOTARY PUBLIC  
STATE OF NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2004

BRAD PATIENCE  
NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2004

Melvin J. Bullinger  
CITY ENGINEER

SWENSON, HAGEN & CO. P.C.  
PLANNING, SURVEYING, ENGINEERING, ARCHITECTURE  
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