FARGO CITY COMMISSION AGENDA
Monday, February 22, 2010 - 5:00 P.M.

CITY COMMISSION MEETINGS ARE BROADCAST LIVE ON TV FARGO 12 (Channel 12). They are rebroadcast each Monday at 5:00 p.m., Thursday at 7:00 p.m. and Saturday at 8:00 a.m.; and are also included in our video archive at www.cityoffargo.com/commission

A. Pledge of Allegiance.

B. Roll Call.

C. Approve Order of Agenda.

D. Minutes (Regular Meeting, February 8, 2010).

* * * Consent Agenda - Approve the Following * * *

a. 2nd reading, waive reading and final adoption of the following Ordinances; 1st reading, 2/8/10:
   (1) Relating to Issuance and Transfer of Licenses (requiring that Class "E" Alcoholic Beverage Permit applications be received 7 days prior to event).
   (2) Relating to Dogs and Cats (potentially dangerous and dangerous dogs).
   (3) Relating to Ordinance Violations.
   (4) Relating to Noise Control and Radio Interference (engine compression brakes).
   (5) Relating to States of Emergency – Declaration and Duration.
   (6) Rezoning Certain Parcels of Land Lying in Osgood Villas Fourth Addition.
   (7) Rezoning Certain Parcels of Land Lying in Kirkham's 2nd Addition.

b. Expenditure of Neighborhood Stabilization Program funds for the acquisition of 1362 16th Avenue South for $69,900.00 and 1806 5th Street North for $89,000.00.

c. Funding agreements for $71,000.00 in Job Access and Reverse Commute (JARC) funds and $68,885.00 in New Freedom (NF) funds.

d. Contract with the North Dakota Department of Human Services for the Refugee Program (Contract #600-07863 Amendment "A").

e. Purchase of Service Agreement with the North Dakota Department of Health for HIV counseling, testing and referral program (CFDA #93.943).

f. Health Department budget adjustment in the amount of $3,000 and grant agreement with the North Dakota Department of Health to support the Moving More, Eating Smarter community program (CFDA #93.991).

g. Applications for 5-year property tax exemptions for improvements made to buildings:
   (1) Curtis Goroski, 2847 Edgewood Drive.
   (2) Gary and Sally Nelson, 809 North 27th Street.
   (3) Bryce and Heidi Livingston, 34 18th Avenue North.
   (4) Kathryne Gerst, 712 3rd Street North.

h. Applications for Games of Chance:
   (1) Annabelle Hannig Benefit for a raffle on 3/6/10; Public Spirited Resolution.
   (2) MDA "Old Fashioned Motorcycle Run" for a raffle on 6/5/10.
   (3) Hunt of a Lifetime Foundation for a raffle on 3/13/10; Public Spirited Resolution.
   (4) Clara Barton Hawthorne PTA for bingo on 3/6/10.
   (5) The Saddle & Sirloin Club for a raffle on 4/8/10.

i. Bid award for lighting upgrades at the Island Park Ramp, GTC and Solid Waste Transfer building to Bergstrom Electric, Inc. in the amount of $108,100.

j. Acceptance of Titan Machinery quote in the amount of $74,999 annual rental rate and $480,370 total five-year cost of a new landfill compactor.

k. Resolution authorizing submittal of an application to the North Dakota Department of Health for a loan for the wastewater stabilization pond improvements under the Clean Water State Revolving Fund program.

l. Temporary license agreement with Northern States Power Company (Xcel Energy) in connection with Improvement District No. 5700.

m. NDDOT Agreement for Safe Routes to School Infrastructure Improvements (Project No. 5919-02).

n. Cost Participation, Construction and Maintenance Agreements with the NDDOT for flood damage repairs on various streets (Project No. 5900-1).

o. Cost Participation and Maintenance Agreement with the NDDOT for Project No. 5839.

p. Change Order No. 1 for an increase of $9,192.41 for Project No. 5828.

q. NDDOT bid concurrence for Improvement District No. 5700.

r. Bid award for Project No. 5657.

s. Bid advertisement for Project No. 5919-01.

t. Bills.

u. Create Improvement District No. 5913.

* * * Regular Agenda * * *

1. Extension of the noise ordinance to 11:00 p.m. for live entertainment for the Rib Fest & More event at the Fargodome from June 9 through June 13, 2010 and for low level sound until midnight.

2. Commissioning services proposal for the Main Library.

3. <u>Public Hearings - 5:15 p.m.:</u>
   a. Application filed by ALBA, Inc. d/b/a Green Market Kitchen & Green Market Catering for a Class "F" Alcoholic Beverage License at 69 North Fourth Street.

   b. Application filed by Genesis, Inc. d/b/a Jalapenos for a Class "F" Alcoholic Beverage License at 2901 Main Avenue.

c. Plat of Rocking Horse East Second Addition (5301 through 5675 51st Ave. S., 4802 Veterans Blvd. S., 6202 47th Ave. S. and 5801 52nd Ave. S.).
   (1) Approval recommended by the Planning Commission on 1/12/10.

d. Veterans Park First Addition; approval recommended by the Planning Commission on 2/10/10 (4802 Veterans Blvd. S.; between 53rd St. S. and Veterans Blvd. and between 47th Ave. S. and 50th Ave. S.):
   (1) Petition for a zoning change from AG, Agricultural to the following: SR-3, Single-Dwelling on Lots 2-19 of Block 1, Lots 1-10 and Lots 12-24 of Block 2 and Lots 1-13 of Block 3; to SR-4, Single-Dwelling on Lots 15-34 of Block 3, Lots 1-26 of Block 4 and Lots 2-25 and 27-58 of Block 5; and to P/I, Public and Institutional on Lot 1 of Block 1, Lot 11 of Block 2, Lot 14 of Block 3 and Lots 1, 26 and 59 of Block 5.
   (2) 1st reading of rezoning Ordinance.
   (3) Plat of Veterans Park First Addition.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 241-1310 or TDD 241-8258. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo Web site at www.cityoffargo.com/commission

February 11, 2010

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To: Fargo City Commission
Fr: Michael Brooks – VP/Market Manager, Go Radio Broadcasting, LLC
Re: Rib Fest Noise Ordinance Extension

Dear Commissioners:

We are writing to make a formal request of consideration by the Fargo City Commission as we've done over the past seven years to extend the noise ordinance for our annual Rib Fest event at the FARGODOME. We ask that you please add this item to your meeting agenda for approval.

Go Radio Group is a participating sponsor of Rib Fest & More, an annual national Rib Cooking competition held each year on the first week of June that has proven to be a very strong regional event to start the summer season and a tremendous economic boost for our community. This year's event will be held June 9th-13th.

We request that the Fargo City Commission consider granting a special "event exception" to Rib Fest from June 9th–13th based on current noise ordinance guidelines. We are asking for a one-hour extension from the current 10:00 PM to an 11:00 PM noise reduction time specifically for live entertainment. We will make certain that all city guidelines are followed and that noise is reduced as much as possible by the direction of our sound equipment. We would further request that we be able to maintain low-level sound up to Midnight using our low-level PA for background music while patrons are exiting. This request is identical to the request that has been approved by the City Commission for the past four years.

Please confirm and we thank you for your time and consideration.

Sincerely,

Michael Brooks
Vice President / Market Manager – Go Radio Broadcasting, LLC
Rib Fest Committee Member

2720 7th Ave. S - PO Box 9919 - Fargo, ND 58106-9919
Phone: (701) 237-4500 | Fax: (701) 235-9082 | Web: www.123fargo.com

Civic
Fargo Civic Center
207 North Fourth Street • Fargo, North Dakota 58102 • 701-241-1480 • Fax: 701-241-1483 • www.fargocivic.com

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MEMORANDUM

TO: Fargo City Commission

FROM: Bob Getz, Civic Director BG

DATE: February 17, 2010

RE: Building Commissioning Project at Main Library

A Request for Proposal for buildings commissioning services for the Main Library will be opened Friday, February 19th. Staff will submit a recommendation on action to be undertaken.

The urgency of approving a commissioning agent is due to the building warrantee period for the Library is approaching this spring. The most benefit to the City of Fargo will be gained by having this process go forward immediately.

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MEMORANDUM

TO: Chief Keith Ternes

FROM: Sergeant Mathew Sanders

DATE: January 19th, 2010

SUBJECT: Application for Class "F" Alcoholic Beverage License for ALBA Inc., d/b/a: Green Market Kitchen and Green Market Catering to be located at 69 4 St. N.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I questioned the applicant's criminal background, credit history, past residence history as well as any interaction they have had with law enforcement in any state.

The following information was discovered through this investigation:

Peter Kelly (Owner)

Criminal History: Urinating in Public charge in Moorhead in 1983.

Mr. Kelly was warned for a loud party in Fargo in August of 2009. I checked the officer's dispatch comments who responded to the party and he indicated that everyone was cooperative. Mr. Kelly said it was a going away party for a friend and he did not realize how loud it had gotten.

Credit History:

Mr. Kelly has a seriously past due collection agency amount of $178 on his credit report. He thinks it is from an overdue library book from when he lived in New York and he is contesting it.

Andrea Baumgardner (Owner)

Criminal History: No areas of concern

Credit History:

Andrea Baumgardner had 50% ownership in a business that went under. The business was Green Market LLC, which was located at 623 NP Ave and operated from 11/2006 to 12/21/2007. She said the business did not make money and they liquidated their assets instead of filing for bankruptcy. While the business was operating, two quarters of sales tax were not paid, so a State Tax Lien was put in

place in Cass County. The lien is being personally paid by Baumgardner and it has a balance of $9,848. She is also paying of a $53,000 line of credit from the failed business.

Baumgardner's prior business had a liquor license and there are no violations on file.

Business Location

The application submitted is for a business currently located at 69 4 St. N, Fargo, ND. Within the immediate area the following establishments currently hold a liquor license: Rooter's, Hotel Donaldson, Stella's, The Avalon, Fort Nok's, and The Radisson.

Conclusion

I believe I have discovered all information related to the listed applicant(s) and all information related to the issuance of the requested liquor license. I have provided this completed background investigation to Fargo Police Chief Keith Ternes for his review and recommendation.

Fargo

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

The following section to be completed by City Staff:

Date Received by Auditor's Office: 1-12-10
Investigations Fee Paid ($250) X Yes ____ No Date paid: 1-12-10
Check # 2077

Reviewed –Health Department by: _____ Date: _____
Comments (or see attached report):

Reviewed—Fire Department by: _____ Date: _____
Comments (or see attached report):

Reviewed—Inspections Division by: _____ Date: _____
Comments (or see attached report):

Reviewed--Police Department by: [illegible] Date: 1-19-10
(See attached report):

✓ Approval Recommendation ____ Denial Recommendation

[illegible]
Chief of Police

01.19.2010
Date

Reviewed—Liquor Control Committee on (date): _____

____ Approval Recommendation ____ Denial Recommendation
(See attached comments or minutes)

Reviewed—City Commission on (date): _____

____ Approval ____ Denial
(See attached minutes)

Business/Company name: ALBA, Inc dba
Green Market Kitchen (Sched 1/11/2010) &
Green Market Catering (Sched 1/7/2008)

Doing business as: Green Market Kitchen (filed 1/11/2010) & Green Market Catering (filed 1/7/2008)

This application is for the Class or Classes of Licenses checked:

( )	Class A	Authorizes the licensee to sell "on-sale" only.
( )	Class B	Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( )	Class B "Limited"	Authorizes the licensee to sell "off-sale" only. License is Non Transferable. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( )	Class AB	Authorizes the licensee to sell "on-sale" and "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( )	Class ABH	Authorizes the licensee to sell "on-sale" and "off sale", at hotels & motels with 100 more guest rooms only.
( )	Class ABHRZ	Authorizes licensee to sell "on-sale" and "off sale" at hotels in Renaissance Zone with 15 guest rooms
( )	Class C	Authorizes the licensee to sell beer "on-sale" only.
( )	Class D	Authorizes the licensee to sell beer "off-sale" only.
(✓)	Class F	Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
( )	Class FA	Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% of more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
( )	Class FARZ	Authorizes the licensee to sell "on-sale" only; physical bar allowed. Required to be in the Renaissance Zone. No gaming and no "E" permits allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages. The initial fee is ½ of the FA license.
( )	Class FA-Golf	On USGA Golf Course of 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.
( )	Class G	Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.
( )	Class H	Authorizes the licensee to sell beer "on-sale" only, served at table of booth, with no bar allowed and requires 50% food sales.
( )	Class I	Authorizes the licensee to sell beer, wine, and other sparkling wine "on-sale" only. A physical bar is allowed and requires 50% food sales.
( )	Class J	Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
( )	Class L	Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.

( )	Class M	Authorizes the licensee to operate a "Microbrew Pub" and to sell "on-sale" and "off-sale" offered in conjunction with another license.
( )	Class N	Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2,500.
( )	Class O	Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and related services.
( )	Class P	Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale." Allows limited beer sales.
( )	Class W	Authorizes the licensee to operate a wine bar, serving wine and limited beer "on-sale." A physical bar is allowed and requires 20% food sales.
( )	Class Z	Authorizes the licensee to sell "on-sale" only issued to individuals and partnerships not currently holding another "A", "AB", "ABH", or "ABH-RZ". This license is non-transferable.

The following section to be completed by the applicant:

Initial #1 - #8 to indicate you understand and agree to these terms of the **"Z", "W" or "B Limited"** license. Then print your name and sign in the space provided below:

ALL APPLICANTS must initial #9 - #16 and sign in the space provided below.

1._____ My business may sell "On Sale" only (Class Z & W).
1a._____ My business may sell "Off Sale" only; **NO** "On-Sale" liquor sales are permitted. ("B Limited)
2._____ This license shall only be issued to individuals or partnerships (natural persons only), corporations for liability purposes, except as otherwise provided hereinafter.
3._____ I may not obtain more than one "Z", "W" or "B Limited" license.
4._____ If I hold an "A", "B", "AB", "ABH or ABH-RZ" license, I may not obtain a "Z", "W" or "B Limited" license.
5._____ If I voluntarily go out of business, file a bankruptcy petition, become insolvent or otherwise cease business, the license reverts to the City of Fargo. This license may be transferred to reflect a change in location of your licensed premises.
6._____ The license may be transferred to my heirs (children only) during my lifetime. Upon my death, the license may be transferred to my heir(s), but may not be transferred to any other person, partnership, firm of corporation. If any partner in a partnership holding the license dies, the remaining partner(s) may continue to hold the license, but no partnership interest may be issued to any new partner. The ordinance will allow a partnership between the original licensee and his children which may take the form of a corporate entity under North Dakota law. Shares in the corporation may be transferred to the children, but transfer of shares to anyone else will constitute a sale that will cause the license to revert to the City of Fargo. As the ordinance indicates, the intent of this provision is to allow a transfer between a parent and children but a transfer of shares to anyone else is absolutely prohibited.
7._____ If I sell my business as a "going concern" (i.e., a complete and operational bar), the purchaser of the business has the first preference to purchase the "Z", "W" or "B Limited" license from the City. (The purchaser must meet all other relevant conditions and requirements for such a purchase.)
8a._____ If I am issued a "B Limited" license, I must pay an initial fee for the license in the amount of $80,000 and an annual fee for the license in the amount of the $1,400 at the beginning of each license year.
8b._____ "Z" Initial $105, 000. Annual $1,700.
8c._____ "W" Initial $25,000. Annual $1,000.
9._____ All Applicants must assure there is adequate off-street parking for my business (within the discretion of-and as approved by–the City Commission). Membership in the current City parking program (e.g., "P.O.P.") may place me in compliance with this requirement.

PK

10. I have received a copy of the Alcoholic Beverage Ordinance (s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.

11. If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.

12. I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.

13. I understand that the premises described in this application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.

14. I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages MUST attend Server Training.

15. I am familiar with the questions, answers and other information as it appears in the complete application for an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)

16. I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44.04-21.1 concerning this claim of confidentiality under 44-04-18.4.

Applicant printed name: Baumgardner Signature: Andrea L Baumgardner

Applicant printed name: Peter Kelly Signature: Peter J. Kelly

Applicant printed name:_____ Signature:_____

Business/Company name: ALBA, Inc.
Doing business as: Green Market Kitchen, Green Market Catering

Business address (location): 69 N. 4th St, Fargo, ND 58102-4814
Mailing address: 69 N. 4th St, Fargo, ND 58102-4814.

Legal description of the premises to be licensed: 1520-04710
Lots 18, 19 & 20, Block 3, Keeney & Devitts 1st.

Does applicant wish to describe, depict, or otherwise identify various areas or spaces within the building which shall constitute the licensed premises in accordance with Section 25-1501, Subsection 8? Yes (✓); No ( );
SW corner of 1st Floor, Street Level — Retail space

Is the premises now occupied by another business? ____Yes ✓No

Type of business currently there: N/A

Mailing address: _____
(address) (city) (state & zip)

Business e-mail address: _____

Phone number: (____) _____ Other number: (____) _____

Do you own or rent the property where the license will be used? ____Own ✓Rent
If you rent, provide the following information:

Fargo Housing & Redevelopment Authority, Landlord.
(name) (address) (city) (state & zip)

If you are the owner of the property, are there any delinquent taxes against the premises?
____ Yes ____ No If "yes", in what amount? _____

Applicant Information: is A corporation, see under Partnership

Name:
Andrea Leslie Anfol Baumgardner
(first) (middle) (last) (maiden name)

Address:
402 Eddy Court S, Fargo, ND 58103
(address) (city) (state & zip)

How long have you lived at the address? 1 yr 4 months.

Provide your address history for the past 5 years: (Use additional page if necessary.)

From 1/2007 to 9/2008 Address: 1622 S. 9th St, Fargo, ND 58103
From 9/2002 to 12/2006 Address: 1020 1st Ave N, Fargo, ND 58102
From _____ to _____ Address: _____

E-mail address: andrea@greenmarketcater.com

Home phone number: (701) 306-2613 Other number: (____) _____

Date of Birth: 10/16/1968 Place of Birth: Columbus, OH.

List each driver's license you have ever had and the state of issue:

DL#: BOAV-68-3274 State of Issue: ND Dates: 1/2002 - present.

DL#: _____ State of Issue: _____ Dates: _____

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? ____ Yes ✓ No If "yes," where and when.

If "yes," have you ever been issued a citation for driving after your license was suspended or revoked? ____ Yes ✓ No If "yes," where and when.

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense"—and therefore must be listed) ____ Yes ✓ No If yes, provide the date of arrest, location, charge, and sentence or each conviction.

Have you been issued a citation for any alcohol-related offense? ____ Yes ✓ No
If "yes," provide the date, location, and charge for each citation:

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

ALBA, Inc. - Restaurant & Catering License, exp 12/31/2009
in process of getting one @ new site
- Sales Tax

Formerly - (interest in) Green Market LLC: Restaurant, catering, & grocery license, sales tax, F Liquor License

Have any of the above named licenses ever been suspended or revoked? _____Yes ✓ No

If yes, list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 years period: Use additional pages if necessary.)

From: 1/2008 to present Business name: ALBA, Inc dba Green Market Catering
to 12/31/2009 Address: 704 1st Ave N, Fgo ND 58102 Position/Title: Co-owner/President
current: 69 N 4th St, Fgo ND 58102

From: 3/2006 to 12/2007 Business name: Green Market LLC
Address: 623 NP Ave N Fgo ND 58102 Position/Title Co-owner/Treasurer

From: 1/2005 to 2/2006 Business name: Self-employed-Chef/Consultant.
Address: 1020 1st Ave N, Fgo ND 58102 Position/Title: Chef/Consultant/Private Chef

From: 12/2001 to 1/2005 Business name: Hotel Donaldson.
Address: 101 Broadway, Fgo, ND 58102 Position/Title: Executive Chef.

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages? _____ Yes ✓ No If "yes," list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level? ✓ Yes _____ No If "yes, indicate where, when, and for whom below:

Directly - as an owner of Green Market LLC, restaurant.

Do you have any current or prior management experience working for a business that sells or serves alcohol? ✓ Yes _____ No If "yes," describe below:

I have been a chef & manager in restaurants for the past 13 years. I have worked in food & beverage operations serving alcohol since 1990.

Partnership/Corporation Information (**ALL** Partners. Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed---make copies and use additional pages as needed)

List your business structure: S Corporation (Partnership, Corporation, LLP, LLC)
(This section may be copied and pages attached for additional partners.) 1st of 2 PARtners - listed under Applicant info

Name: Peter John Kelly.
(first) (middle) (last) (maiden name)

Address: 300 South 8th St #11 Fargo N.D. 58103
(address) (city) (state & zip)

How long have you lived at the address? 3+ years (2 different apARtments)

Provide your address history for the past 5 years: (Use additional page if necessary.)

From 2008 to 2010 Address: 300 S. 8th St Apt 11

From 2007 to 2008 Address: 300 S. 8th St Apt 12

From 2006 to 2007 Address: 111 1/2 S. 8th St

E-mail address: peter@greenmarketcater.com

Home phone number: (701) 793 1582 Other number: (___) _____

Date of Birth: 05/29/63 Place of Birth: Fargo N.D

List each driver's license you have ever had and the state of issue: (N.D. I.D. non driver)

DL#: KEL 63 0237 State of Issue: ND Dates: '66 - Present

DL#: _____ State of Issue: _____ Dates: _____

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? _____Yes X No If "yes", where and when.

If "yes," have you ever been issued a citation for driving after you license was suspended or revoked? _____Yes X No If "yes", where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense"—and therefore must be listed) _____Yes _____No If yes, provide the date of arrest, location, charge, and sentence for each conviction: 1984

Moorhead Mn. Disorderly conduct.
Suspended sentence

Have you been issued a citation for any alcohol-related offense? _____Yes X No
If "yes," provide the date, location, and charge for each citation:

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Have any of the above named licenses ever been suspended or revoked? _____Yes X No
If yes, list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year's period: (Use additional pages if necessary.)

From: Jan. 08 to Dec. 09 Business name: Green Market Catering
Address: 704 1st Ave. N Position/Title: Server/manager

From: Jan 07 to Dec 07 Business name: The Green Market
Address: 623 NP Ave Position/Title: Server

From: June 06 to Jan 07 Business name: Plains Art Museum
Address: 704 1st Ave N. Position/Title: Janitor

From: 1996 to 2005 Business name: Art Market
Address: 75 Grand St Position/Title: Bookbuyer

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages? _____Yes X No If "yes," list each business below:

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level? X Yes ____ No If "yes," indicate where, when, and for whom below:
Retail as an employee of Green Market LLC
As a bartender for events at the Plains Art Museum.

Do you have any current or prior management experience working for a business that sells or serves alcohol? X Yes ____ No If "yes," describe below:
Green Market LLC.

Are all officers, directors, and shareholders holding more than 5% of the outstanding stock 21 years of age or older? Yes (✓); No ( );

Address of Home Office 19 N 4th St Fargo ND 58102
Date Incorporated 1/7/2008 State of Incorporation ND

If a subsidiary of any corporation, state name and address of parent corporation N/A

Operator/Manager Information

Are you going to operate this business personally? ✓ Yes ____ No If "no", who will operate it? 2 partners:

Name: Andrea Leslie Baumgardner / Peter John Kelly
(first) (middle) (last) (maiden name)

Address: 402 Eddy Ct. S, Fargo ND 58103
(address) (city) (state & zip)

Home phone number: 701. 306. 2613 Other number: (___) _____

AZB Date of Birth: 10/16/1968 Place of Birth: Columbus, OH

PJK -

Are you going to have a manager or assistant in this business? ____ Yes ____ No If the manager is not the same as the operator, provide the following manager information:

3rd Partner owns 5% after 10/31/2010 - not yet vested.

Name: Stephen John Heiland
(first) (middle) (~~city~~) (maiden name)

Address: 44 S. Terrace St N, Fgo ND 58102
(address) (city) (state & zip)

Home phone number: (701) 318. 1430 Other number: (___) _____

Date of Birth: 9/2/57 Place of Birth: Chaska, MN.

(**Important:** The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

Business Site Plan

On the following page (or on attached pages if additional space is needed), provide a detailed diagram and description of the design, location, and square footage of the premises to be licensed.

* The scale should be state, such as 1"=20'. The direction N should be indicated towards the top.
* The diagram should include placement of all pertinent features of the interior of the licensed premises, such as seating areas, kitchens, offices, repair areas, restrooms, etc. The exterior parking area should also be shown.

3 b

MEMORANDUM

TO: Chief Keith Ternes

FROM: Sergeant Mathew Sanders

DATE: January 19th, 2010

SUBJECT: Application for Class "F" Alcoholic Beverage License for Genesis, Inc., d/b/a: Jalapenos to be located at 2901 Main Ave.

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I questioned the applicant's criminal background, credit history, past residence history as well as any interaction they have had with law enforcement in any state.

The following information was discovered through this investigation:

Jesus Gallegos (Owner)

Criminal History: No areas of concern

Credit History:

State tax lien in Mason County, Kentucky that was released in 2005. The lien was for $22,000 and according to Mr. Gallegos it was the result of unpaid taxes from one of his businesses. The records show Mr. Gallegos satisfied the lien in one year.

Victor Garcia (Owner)

Criminal History:

Arrested for Domestic Violence/Simple Assault on 3/22/08 in Barren County, Kentucky. Charge was dismissed. Garcia told me his girlfriend told police that he had hit her. Garcia said she was lying about it and that is why the charge was dismissed.

Credit History: No areas of concern

Ramon Vazquez (Owner/Manager)

Criminal History: No areas of concern

Credit History: No areas of concern

Business Location

The application submitted is for a business currently located at 2901 Main Ave, Fargo, ND. Within the immediate area the following establishments currently hold a liquor license: Rick's Bar, Speck's Bar.

Conclusion

I believe I have discovered all information related to the listed applicant(s) and all information related to the issuance of the requested liquor license. I have provided this completed background investigation to Fargo Police Chief Keith Ternes for his review and recommendation.

Fargo

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

The following section to be completed by City Staff:

Date Received by Auditor's Office: 1-15-10
Investigations Fee Paid ($250) X Yes ____ No Date paid: 1-15-10
Check # 1003

Reviewed –Health Department by: _____ Date: _____
Comments (or see attached report):

Reviewed—Fire Department by: _____ Date: _____
Comments (or see attached report):

Reviewed—Inspections Division by: _____ Date: _____
Comments (or see attached report):

Reviewed--Police Department by: Sgt. Mathew Sanders Date: 1/19/10
(See attached report):

✓ Approval Recommendation ____ Denial Recommendation

Chief of Police

01.19.2010
Date

Reviewed—Liquor Control Committee on (date): _____

____ Approval Recommendation ____ Denial Recommendation
(See attached comments or minutes)

Reviewed – City Commission on (date): _____

____ Approval ____ Denial
(See attached minutes)

Business/Company name: GENESIS INC

Doing business as: Jalapenos

This application is for the Class or Classes of Licenses checked:

( )	Class A	Authorizes the licensee to sell "on-sale" only.
( )	Class B	Authorizes the licensee to sell "off-sale" only. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( )	Class B "Limited"	Authorizes the licensee to sell "off-sale" only. License is Non Transferable. "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( )	Class AB	Authorizes the licensee to sell "on-sale" and "off-sale". "Off-Sale" licensed premises must be no closer than 100 feet to any grocery store, drug store or gasoline service station or any part thereof.
( )	Class ABH	Authorizes the licensee to sell "on-sale" and "off sale", at hotels & motels with 100 more guest rooms only.
( )	Class ABHRZ	Authorizes licensee to sell "on-sale" and "off sale" at hotels in Renaissance Zone with 15 guest rooms
( )	Class C	Authorizes the licensee to sell beer "on-sale" only.
( )	Class D	Authorizes the licensee to sell beer "off-sale" only.
(X)	Class F	Authorizes the licensee to sell "on-sale" only served at table or booth; no bar allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
( )	Class FA	Authorizes the licensee to sell "on-sale" only, physical bar is allowed. Requires 50% of more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages.
( )	Class FARZ	Authorizes the licensee to sell "on-sale" only; physical bar allowed. Required to be in the Renaissance Zone. No gaming and no "E" permits allowed. Requires 50% or more of its annual gross receipts from the sale of prepared meals and not alcoholic beverages. The initial fee is ½ of the FA license.
( )	Class FA-Golf	On USGA Golf Course of 9 or more holes. Requires 25% receipts of food sales from April to October and 50% the rest of the year.
( )	Class G	Authorizes the licensee to sell wine and sparkling wine "on-sale" only, served at table or booth, no bar. Requires 50% food sales.
( )	Class H	Authorizes the licensee to sell beer "on-sale" only, served at table of booth, with no bar allowed and requires 50% food sales.
( )	Class I	Authorizes the licensee to sell beer, wine, and other sparkling wine "on-sale" only. A physical bar is allowed and requires 50% food sales.
( )	Class J	Authorizes the licensee to sell "on-sale" only at a non-profit organization for military purposes.
( )	Class L	Authorizes the licensee to sell "on-sale" only on an excursion boat operating on the Red River.

( )	Class M	Authorizes the licensee to operate a "Microbrew Pub" and to sell "on-sale" and "off-sale" offered in conjunction with another license.
( )	Class N	Authorizes the licensee to sell "on-sale" only at a stadium with a minimum seating capacity of 2,500.
( )	Class O	Authorizes the licensee to operate a winemaker and/or vendor of winemaking supplies and relatec services.
( )	Class P	Authorizes the licensee to operate a domestic winery and to sell wine "on-sale" and "off-sale." Allows limited beer sales.
( )	Class W	Authorizes the licensee to operate a wine bar, serving wine and limited beer "on-sale." A physica bar is allowed and requires 20% food sales.
( )	Class Z	Authorizes the licensee to sell "on-sale" only issued to individuals and partnerships not currently holding another "A", "AB", "ABH", or "ABH-RZ". This license is non-transferable.

The following section to be completed by the applicant:

Initial #1 - #8 to indicate you understand and agree to these terms of the **"Z", "W" or "B Limited"** license. Then print your name and sign in the space provided below:

ALL APPLICANTS must initial #9 - #16 and sign in the space provided below.

1. R.VT My business may sell "On Sale" only (Class Z & W).
1a. R VT My business may sell "Off Sale" only; **NO** "On-Sale" liquor sales are permitted. ("B Limited)
2. R VT This license shall only be issued to individuals or partnerships (natural persons only), corporations for liability purposes, except as otherwise provided hereinafter.
3. R.VT I may not obtain more than one "Z", "W" or "B Limited" license.
4. R.VT If I hold an "A", "B", "AB", "ABH or ABH-RZ" license, I may not obtain a "Z", "W" or "B Limited" license.
5. R VT If I voluntarily go out of business, file a bankruptcy petition, become insolvent or otherwise cease business, the license reverts to the City of Fargo. This license may be transferred to reflect a change in location of your licensed premises.
6. R.V.T The license may be transferred to my heirs (children only) during my lifetime. Upon my death, the license may be transferred to my heir(s), but may not be transferred to any other person, partnership, firm of corporation. If any partner in a partnership holding the license dies, the remaining partner(s) may continue to hold the license, but no partnership interest may be issued to any new partner. The ordinance will allow a partnership between the original licensee and his children which may take the form of a corporate entity under North Dakota law. Shares in the corporation may be transferred to the children, but transfer of shares to anyone else will constitute a sale that will cause the license to revert to the City of Fargo. As the ordinance indicates, the intent of this provision is to allow a transfer between a parent and children but a transfer of shares to anyone else is absolutely prohibited.
7. R.V.T If I sell my business as a "going concern" (i.e., a complete and operational bar), the purchaser of the business has the first preference to purchase the "Z", "W" or "B Limited" license from the City. (The purchaser must meet all other relevant conditions and requirements for such a purchase.)
8a. R.VT If I am issued a "B Limited" license, I must pay an initial fee for the license in the amount of $80,000 and an annual fee for the license in the amount of the $1,400 at the beginning of each license year.
8b. R.VT "Z" Initial $105, 000. Annual $1,700.
8c. R VT "W" Initial $25,000. Annual $1,000.
9. R.VT All Applicants must assure there is adequate off-street parking for my business (within the discretion of-and as approved by the City Commission). Membership in the current City parking program (e.g., "P.O.P.") may place me in compliance with this requirement.

10. R.V.T I have received a copy of the Alcoholic Beverage Ordinance (s) of the City of Fargo, read the ordinances and am familiar with the conditions and requirements of these ordinances.

11. R.V.T If granted an alcoholic beverage license, I will obey, abide by and comply with the State of North Dakota Liquor Control Act, and the City of Fargo Alcoholic Beverage ordinances, as well as any amendments to either of these, which may be made from time to time.

12. R.V.T I understand either, I, my manager(s), or both of us must attend a yearly meeting (date and time to be announced) with representatives from the Police and Health departments to discuss law enforcement and safety concerns as a condition of license renewal.

13. R.V.T I understand that the premises described in this application, if licensed for alcoholic beverage sales, may be inspected at any time by the Chief of Police, or any officer of the Police or Health Departments as allowed by city ordinances and state law. My employees and I will cooperate with such inspections.

14. R.V.T I understand that all employees, managers and owners engaged in mixing, pouring or service of alcoholic beverages MUST attend Server Training.

15. R.V.T I am familiar with the questions, answers and other information as it appears in the complete application for an alcoholic beverage license, and the answers and information are, to the best of my belief and knowledge, true, complete and accurate. (Note: This application must be made under oath before a Notary Public.)

16. R.V.T I recognize the City of Fargo is subject to open records laws contained in chapter 44-04 of the N.D. Century Code. Section 44-04-18.4 contains an exception for trade secrets, proprietary, commercial, and financial information. I agree in submitting the application, that I have familiarized myself with this law. If any information being forwarded to the City of Fargo is claimed as confidential or proprietary under this section, I must clearly indicate this in writing when I submit this application, pointing out, in detail, why the information submitted is claimed as an exemption under section 44-04-18.4. I further agree to respond to, as well as to aid the City, in responding to any claim under 44.04-21.1 concerning this claim of confidentiality under 44-04-18.4.

Applicant printed name: JESUS CAMARENA GALLEGOS Signature: Jesus Camarena Gallegos

Applicant printed name: V Joel Garcia Signature: [illegible]

Applicant printed name: Ramon Vazquez Signature: [illegible]

Business/Company name: GENESIS INC
Doing business as: JALAPENOS

Business address (location): 2901 Main Ave
Mailing address: 2901 Main Ave Fargo N.D. 58103

Legal description of the premises to be licensed:
FULL SERVICE MEXICAN RESTAURANT

Does applicant wish to describe, depict, or otherwise identify various areas or spaces within the building which shall constitute the licensed premises in accordance with Section 25-1501, Subsection 8? Yes ( ); No ( );

Is the premises now occupied by another business? ____Yes X No

Type of business currently there: _____

Mailing address: _____
(address) (city) (state & zip)

Business e-mail address: _____

Phone number: (701) 232-4886 Other number: (270) 392-8833

Do you own or rent the property where the license will be used? _____Own X Rent
If you rent, provide the following information:

_____
(name) (address) (city) (state & zip)

If you are the owner of the property, are there any delinquent taxes against the premises?
_____ Yes _____ No If "yes", in what amount? _____

Applicant Information:

Name:

_____
(first) (middle) (last) (maiden name)

Address:

_____
(address) (city) (state & zip)

How long have you lived at the address? _____

Provide your address history for the past 5 years: (Use additional page if necessary.)

From _____ to _____ Address: _____
From _____ to _____ Address: _____
From _____ to _____ Address: _____

Partnership/Corporation Information (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed—make copies and use additional pages as needed)

Is your business a partnership? ✓ Yes ____ No If "yes," complete the following Section: (This section may be copied and pages attached for additional partners.)

Name:
Victor Joel Garcia Barva
(first) (middle) (last) (maiden name)

Address:
420 Anne Claire Ln Cave City KY 42127
(address) (city) (state & zip)

How long have you lived at the address? 18 monts

Provide your address history for the past 5 years: (Use additional page if necessary.)

From 2003 to 2008 Address: 103 macafee Ln Glasgow KY 42141

From 2008 to 2009 Address: 420 Anne claire Ln Cave city KY 42127

From ____ to ____ Address: ____

E-mail address: resmaza4@yahoo.com

Home phone number: (270) 773 5253 Other number: (270) 889 4811

Date of Birth: 4-29-1971 Place of Birth: illinois

List each driver's license you have ever had and the state of issue:

DL#: G99-244-072 State of Issue: KY Dates: 5-8-2009

DL#: ____ State of Issue: ____ Dates: ____

DL#: ____ State of Issue: ____ Dates: ____

Has your driver's license ever been suspended or revoked? ____ Yes ✓ No If "yes", where and when.

If "yes," have you ever been issued a citation for driving after you license was suspended or revoked? ____ Yes ✓ No If "yes", where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI should not be considered a "traffic offense"—and therefore must be listed) ____Yes _X_No If yes, provide the date of arrest, location, charge, and sentence for each conviction:

Have you been issued a citation for any alcohol-related offense? ____Yes _X_No
If "yes," provide the date, location, and charge for each citation:

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Have any of the above named licenses ever been suspended or revoked? ____Yes _X_No
If yes, list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year's period: (Use additional pages if necessary.)

From: 2000 to 2010 Business name: El Mazatlan mexican Res
Address: 754 W Cherry St Glasgow KY 42141 Position/Title: owner manager

From: 2002 to 2010 Business name: El Mazatlan mexican Res
Address: 600 US 31 W by pass BG KY 42101 Position/Title: owner manager

From: 2006 to 2010 Business name: El Mazatlan mexican Res
Address: 1171 main st munfordville KY 42765 Position/Title: owner manager

From: 2008 to 2010 Business name: El Mazatlan mexican Res
Address: 105 Gardner Ln Cave City KY 42127 Position/Title: owner manager

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages? _✓_Yes ____No If "yes," list each business below:

all above

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level? _____Yes __X__No If "yes," indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol? _____Yes _____No If "yes," describe below:

Are all officers, directors, and shareholders holding more than 5% of the outstanding stock 21 years of age or older? Yes (X) No ( );

Address of Home Office _____

Date Incorporated __NOV 17 2009_____ State of Incorporation __N.D.__

If a subsidiary of any corporation, state name and address of parent corporation _____

_____

Partnership/Corporation Information (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed—make copies and use additional pages as needed)

Is your business a partnership? ✓ Yes _____ No If "yes," complete the following Section: (This section may be copied and pages attached for additional partners.)

Name: Jesus Camarena Gallegos
(first) (middle) (last) (maiden name)

Address:
90 GREEN FIELDS, SPUR. GLASGOW Ky. 42141
(address) (city) (state & zip)

How long have you lived at the address? 3 1/2 YEARS

Provide your address history for the past 5 years: (Use additional page if necessary.)

From 2002 to 2006 Address: 1000 STONEHENGE, PL. GLASGOW Ky. 42141

From _____ to _____ Address: _____

From _____ to _____ Address: _____

E-mail address: barbechos1@yahoo.com

Home phone number: (270) 678-9473 Other number: (270) 834-6031

Date of Birth: 01-01-1961 Place of Birth: MEXICO

List each driver's license you have ever had and the state of issue:

DL#: G99-236-632 State of Issue: Ky Dates: 1999 - VALID

DL#: _____ State of Issue: _____ Dates: _____

DL#: _____ State of Issue: _____ Dates: _____

Has your driver's license ever been suspended or revoked? _____ Yes ✓ No If "yes", where and when.

If "yes," have you ever been issued a citation for driving after you license was suspended or revoked? _____ Yes ✓ No If "yes", where and when?

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI should not be considered a "traffic offense"—and therefore must be listed) ____Yes X No If yes, provide the date of arrest, location, charge, and sentence for each conviction:

Have you been issued a citation for any alcohol-related offense? ____Yes X No
If "yes," provide the date, location, and charge for each citation:

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Have any of the above named licenses ever been suspended or revoked? ____Yes ____No
If yes, list the dates and reasons for the suspensions or revocations;

List your employment/business history for the past 7 year's period: (Use additional pages if necessary.)

From: 2000 to PRESENT Business name: EL MAZATLAN MEXICAN RESTAURANT
GLASGOW, KY, 42141
Address: 754 W. CHERRY ST Position/Title: OWNER

From: 2002 to PRESENT Business name: EL MAZATLAN MEXICAN RESTAURANT
BOWLING GREEN KY, 42101
Address: 600 US 31 W. BY PASS Position/Title: OWNER

From: 2006 to PRESENT Business name: EL MAZATLAN MEXICAN RESTAURANT
MUNFORDVILLE, KY 42765
Address: 1171 MAIN ST Position/Title: OWNER

From: 2008 to PRESENT Business name: EL MAZATLAN MEXICAN RESTAURANT
CAVE CITY KY, 42127
Address: 105 GARDNER LN. Position/Title: OWNER

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages? ✓ Yes ____No If "yes," list each business below:

ALL ABOVE

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level? ___Yes __X__No If "yes," indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol? _____Yes _____No If "yes," describe below:

Are all officers, directors, and shareholders holding more than 5% of the outstanding stock 21 years of age or older? Yes (X) No ( );

Address of Home Office _____

Date Incorporated NOV 17 2009 State of Incorporation N.D

If a subsidiary of any corporation, state name and address of parent corporation _____

Partnership/Corporation Information (ALL Partners, Corporate Shareholders and Directors holding 5% or more of the outstanding stock must be listed—make copies and use additional pages as needed)

Is your business a partnership? X Yes ____ No If "yes," complete the following Section: (This section may be copied and pages attached for additional partners.)

Name: Ramon Vazquez Torres
(first) (middle) (last) (maiden name)

Address: 2211 11th Ave S Apt 201 Fargo N.D. 58103
(address) (city) (state & zip)

How long have you lived at the address? 2 months

Provide your address history for the past 5 years: (Use additional page if necessary.)

From 09-10-04 to 01-10-06 Address: 732 Nutwood St Bowling Green KY

From 01-11-06 to 10-30-08 Address: 1132 Fairview Ave Bowling Green KY

From 11-01-08 to 11-31-09 Address: 376 Pascoe Blvd Bowling Green KY

E-mail address: Hvascato 08 @ Yahoo.com

Home phone number: (270) 392-8833 Other number: (701) 893-6721

Date of Birth: 12-12-1987 Place of Birth: Los Angeles California

List each driver's license you have ever had and the state of issue:

DL#: V04-195-136 State of Issue: KY Dates: 12-13-06 - valid

DL#: _____ State of Issue: ____ Dates: _____

DL#: _____ State of Issue: ____ Dates: _____

Has your driver's license ever been suspended or revoked? ____ Yes X No If "yes", where and when.

If "yes," have you ever been issued a citation for driving after you license was suspended or revoked? ____ Yes X No If "yes", where and when?

Have you ever manufactured, sold, or distributed alcoholic beverages on the wholesale or retail level? ___ Yes X No If "yes," indicate where, when, and for whom below:

Do you have any current or prior management experience working for a business that sells or serves alcohol? X Yes ____ No If "yes," describe below:

Atendet to tips server class

Are all officers, directors, and shareholders holding more than 5% of the outstanding stock 21 years of age or older? Yes (X) No ( );

Address of Home Office _____

Date Incorporated NOV 17 2009 State of Incorporation N.D

If a subsidiary of any corporation, state name and address of parent corporation _____

Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)? (DUI **should not** be considered a "traffic offense" and therefore must be listed) _____Yes X No If yes, provide the date of arrest, location, charge, and sentence for each conviction:

Have you been issued a citation for any alcohol-related offense? _____Yes X No
If "yes," provide the date, location, and charge for each citation:

List all federal, state, and local licenses (including liquor licenses; excluding driver's licenses) you currently hold, formerly held, or may have an interest in:

Have any of the above named licenses ever been suspended or revoked? _____Yes X No
If yes, list the dates and reasons for the suspensions or revocations:

List your employment/business history for the past 7 year's period: (Use additional pages if necessary.)

From: 09/10/04 to 11/15/09 Business name: EL Mazatlan #2

Address: 600 US 31 W by Pass Bowling Green KY 42101 Position/Title: Manager

From: 11/17/09 to curent Business name: Jalapeños

Address: 2901 Main Ave Fargo N.D. 58103 Position/Title: Manager

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

From: _____ to _____ Business name: _____

Address: _____ Position/Title: _____

Do you currently own or have a financial interest in any other business that sells or serves alcoholic beverages? _____Yes X No If "yes," list each business below:

Operator/Manager Information

Are you going to operate this business personally? X Yes ____ No If "no", who will operate it?

Name: Ramon Vazquez Torres
(first) (middle) (last) (maiden name)

Address: 2211 11th Ave S. Apt 201 Fargo ND 58103
(address) (city) (state & zip)

Home phone number: (701) 893-6721 Other number: (____) _____

Date of Birth: 12-12-87 Place of Birth: Los Angeles California

Are you going to have a manager or assistant in this business? ____ Yes X No If the manager is not the same as the operator, provide the following manager information:

Name:

_____
(first) (middle) (city) (maiden name)

Address:

_____
(address) (city) (state & zip)

Home phone number: (____) _____ Other number: (____) _____

Date of Birth: _____ Place of Birth: _____

(**Important:** The name and other information about your manager must be provided before a license can be issued. If the manager changes during the course of the license period, you must provide the City Auditor's Office with updated information about the new manager immediately.)

Business Site Plan

On the following page (or on attached pages if additional space is needed), provide a detailed diagram and description of the design, location, and square footage of the premises to be licensed.

* The scale should be state, such as 1"-20'. The direction N should be indicated towards the top.
* The diagram should include placement of all pertinent features of the interior of the licensed premises, such as seating areas, kitchens, offices, repair areas, restrooms, etc. The exterior parking area should also be shown.

3c

City of Fargo Staff Report			
Title:	Rocking Horse East First Addition Replat	**Date:** **Update:**	01/13/10 02/18/10
Location:	5301-5675 51 Ave S, 4802 Veterans Blvd, 6202 47 Ave S, 5801 52 Ave S	**Staff Contact:**	Nicole Crutchfield
Owner(s)/Applicant:	Kenneth Promersberger	**Engineer:**	Roger C. Hagen
Reason for Request:	Major Subdivision		
Status:	City Commission Public Hearing		

Existing		Proposed
Land Use: Commercial		**Land Use:** Commercial and Rights-of-Way
Zoning: GC, General Commercial		**Zoning:** GC, General Commercial
Uses Allowed: GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events.		**Uses Allowed:** GC – General Commercial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, warehouse and freight movement, wholesale sales, aviation, surface transportation, and major entertainment events.
Maximum Density Allowed: N/A		**Maximum Density Allowed:** N/A

Area Plans:

This area is governed by the Southwest Area Plan which is part of the *Growth Plan for the Urban Fringe and Extraterrtorial Area of the City of Fargo*, as adopted in July 2003. The area plan designates this area as Commercial.

Schools and Parks:

This property is within the West Fargo School District. The kindergarten academy is at the northeast corner of the Veterans Boulevard and 40th Avenue North intersection. The Fargo Parks District owns parkland adjacent to the school. There are area trails that will be further connected by the shared use path located on the east side of Veterans Boulevard. The path was recently installed with the Veterans Boulevard construction in 2009.

Staff Analysis:

The subject property consists of rights-of-way dedication for Veterans Boulevard and for 52nd Avenue South, while also slightly reconfiguring lots within the Rocking Horse East First Addition. Rocking Horse East First Addition was platted in 2002. There are a total of 41.38 acres within the boundaries of this plat. The proposed subdivision is located at 5301-5675 51 Ave South.

The reconfiguration of the existing lots did not create any staff review concerns. The staff review mainly focused on the dedicated rights-of-way and the implementation of the developer's creative vision for an enhanced corridor. The applicant has hired a planning consultant who developed planting and trail schematics for the amenities of the corridor. Since the city was in the process of creating a policy for defining appropriate landscape materials within the boulevard with the understanding of their maintenance capabilities, the developer's proposal was wrapped up in this multi-agency discussion. The staff and developer were able to create a scenario that will implement the developer's vision and confirm that the city and parks district will be able to maintain the public spaces. For this application, the solution means that 30' wide lots are platted abutting the Veterans Boulevard rights-of-way. These

30' wide lots will eventually be donated to the City for maintenance of a landscape buffer. The landscape treatments will provide an opportunity to create a landscape buffer and visual separation between the vehicular traffic, recreation trails, and abutting development. The amenities plan speaks to these lots and the timing of their dedication, as well as, the design intent.

Other staff review items pertained to documentation protocol for easement and ownership documentation.

Please see below for review criteria. The LDC stipulates that the following criteria is met before a major plat can be approved:

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

   The proposed replat is consistent with the Area Plan as identified within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo.* There is not a zoning application that is included or needed with this application. Therefore the existing zoning remains, which is GC, General Commercial. The existing zoning is consistent with the growth plan. **(Criteria Satisfied)**

2. **Section 20-0907.C of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.C of the LDC further stipulates that the City Commission shall not approve a Major Subdivision Plat unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

   Article 20-06 specifically addresses subdivision design and improvements. No deficiencies are noted in terms of availability of services, utilities, or access, staff therefore finds that the proposal is in compliance the standards of Article 20-06. Since this is in essence a rights-of-way dedication plat with a reconfiguration of existing lots, change in utility and infrastructure service is not needed. Staff further finds that the proposal complies with the adopted Area Plans, with the applicable zoning districts standards and all other applicable requirement of the Land Development Code. The 30' wide landscape buffer lots as shown on the plat are noted as non-buildable lots for the purpose of subdivision and corridor amenities. **(Criteria Satisfied)**

3. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

   The construction of Veterans Boulevard falls under the Special Assessment policy for Arterial Roadways. The landscape improvements along the boulevard are included in the cost of the road project. **(Criteria Satisfied)**

Planning Commission Recommendation:

01/13/10: In a unanimous decision, the Planning Commisison recommended approval to the City Commission of the Rocking Horse East Second Addition as the proposal complies with the Comprehensive Plan and Standards of Article 20-06 and all other applicable requirements of the Land Development Code."

Staff Recommendation:

Suggested Motion: "To accept the findings of staff and the Planning Commission and hereby approve the Rocking Horse East Second Addition as the proposal complies with the Comprehensive Plan and Standards of Article 20-06 and all other applicable requirements of the Land Development Code."

City Commission Recommendation:

02/22/10

Plat - Major Subdivision

Rocking Horse East First Addition

Legend

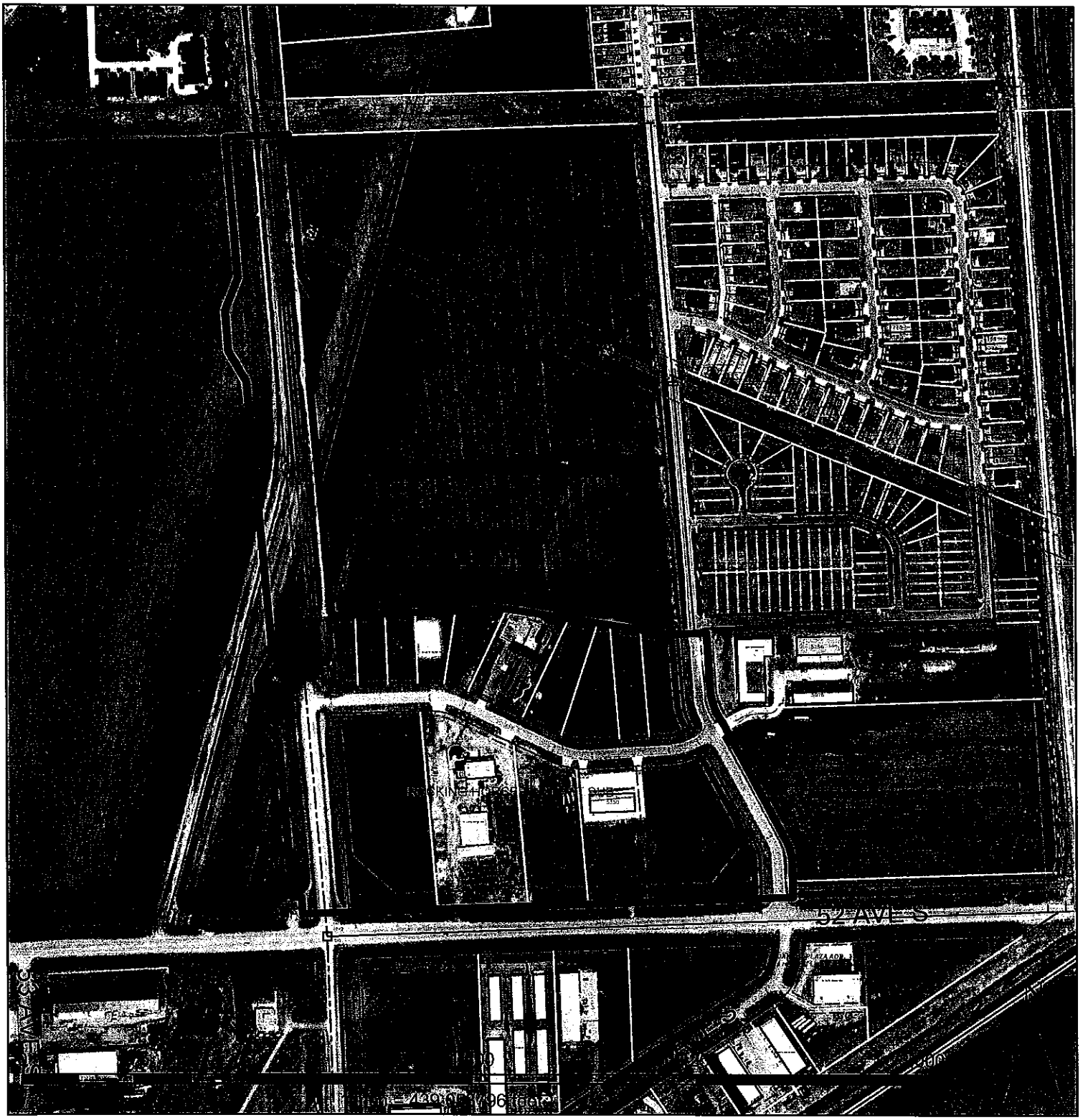
AG	MR-2	LI	SR-3
DMU	MR-3	MHP	SR-4
GC	NC	MR-1	SR-5
GI	NO	City Limits	
GO	P/I	Proposed Property	
LC	SR-2		

CITY OF Fargo

Fargo Planning Commission
September 9, 2009

Plat - Major Subdivision

Rocking Horse East First Addition



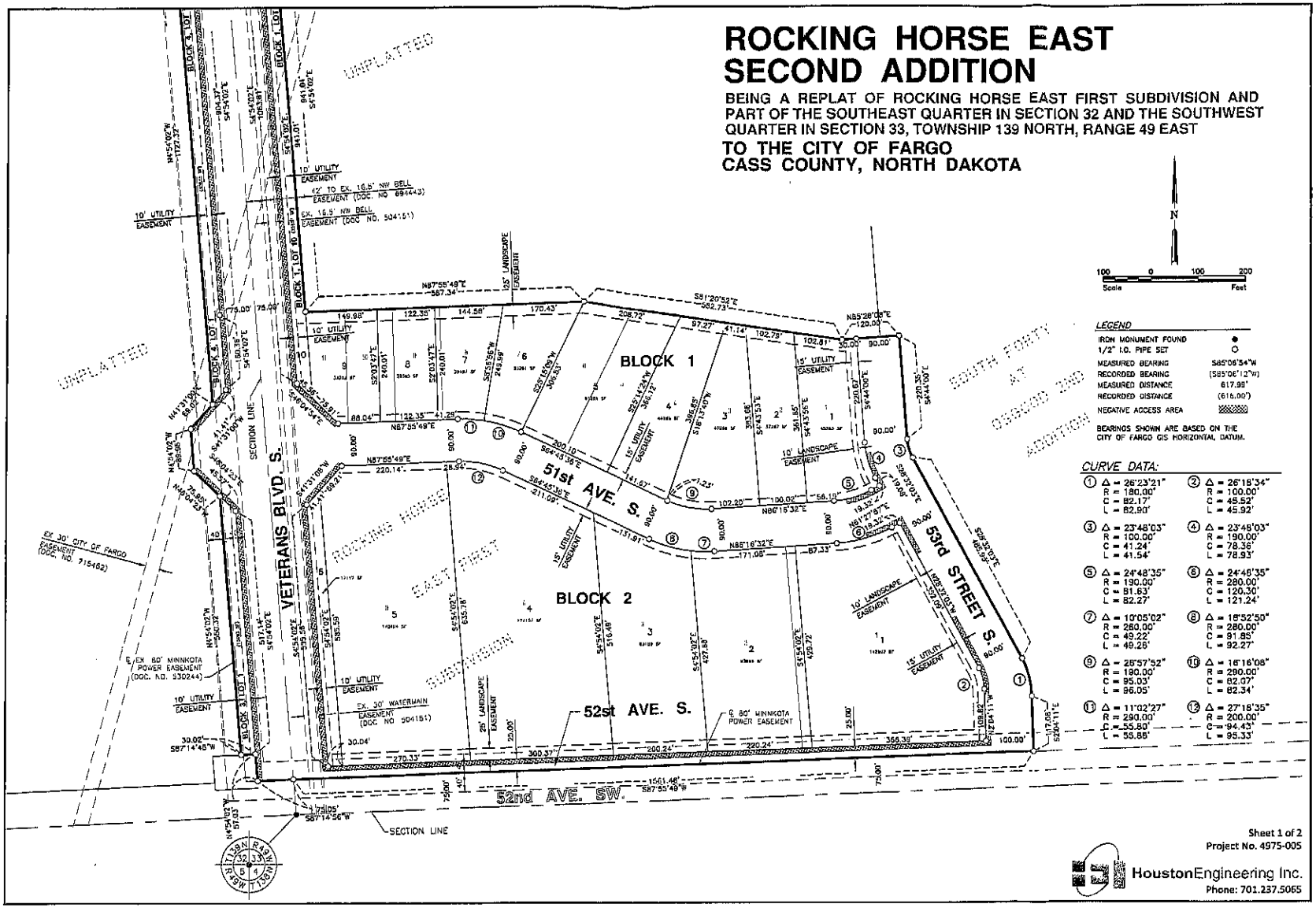
CITY OF Fargo

Fargo Planning Commission
September 9, 2009

ROCKING HORSE EAST SECOND ADDITION

BEING A REPLAT OF ROCKING HORSE EAST FIRST SUBDIVISION AND PART OF THE SOUTHEAST QUARTER IN SECTION 32 AND THE SOUTHWEST QUARTER IN SECTION 33, TOWNSHIP 139 NORTH, RANGE 49 EAST

TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. PIPE SET	○
MEASURED BEARING	S85°06'54"W
RECORDED BEARING	(S85°06'12"W)
MEASURED DISTANCE	617.98'
RECORDED DISTANCE	(616.00')
NEGATIVE ACCESS AREA	

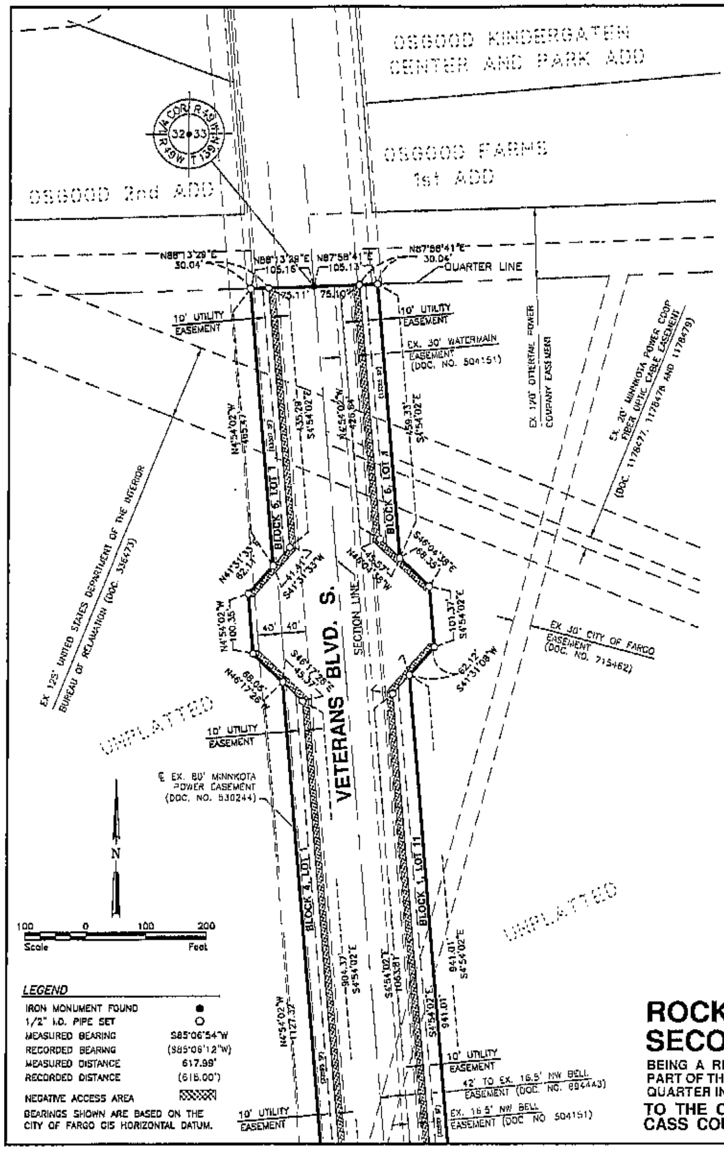
BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GIS HORIZONTAL DATUM.

CURVE DATA:

① Δ = 26°23'21" R = 180.00' C = 82.17' L = 82.90'	② Δ = 26°18'34" R = 100.00' C = 45.52' L = 45.92'
③ Δ = 23°48'03" R = 100.00' C = 41.24' L = 41.54'	④ Δ = 23°48'03" R = 190.00' C = 78.36' L = 78.93'
⑤ Δ = 24°48'35" R = 190.00' C = 81.63' L = 82.27'	⑥ Δ = 24°48'35" R = 280.00' C = 120.30' L = 121.24'
⑦ Δ = 10°05'02" R = 280.00' C = 49.22' L = 49.26'	⑧ Δ = 18°52'50" R = 280.00' C = 91.85' L = 92.27'
⑨ Δ = 28°57'52" R = 190.00' C = 95.03' L = 96.05'	⑩ Δ = 16°16'08" R = 290.00' C = 82.07' L = 82.34'
⑪ Δ = 11°02'27" R = 290.00' C = 55.80' L = 55.86'	⑫ Δ = 27°18'35" R = 200.00' C = 94.43' L = 95.33'

Sheet 1 of 2
Project No. 4975-005

HoustonEngineering Inc.
Phone: 701.237.5065



OWNERS' CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS: THAT JEFF W. KNOSHUS, JETLAND PROPERTIES, LLC, MONROE BRIAN ENTERPRISES, LLC, ROCKING HORSE FARMS, LLC, TERRY BECKER CONSTRUCTION, LLC, ARE THE OWNERS AND PROPRIETORS OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 32 AND SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FARGO, CASS COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS.

ROCKING HORSE EAST SUBDIVISION,

TOGETHER WITH;

THAT PART OF THE SOUTHEAST QUARTER OF SAID SECTION 32 AND SOUTHWEST QUARTER OF SAID SECTION 33 DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32; THENCE NORTH 04°54'02" WEST ALONG THE EASTERLY LINE OF SAID SECTION 32, FOR A DISTANCE OF 100.12 FEET; THENCE SOUTH 87°14'46" WEST PARALLEL TO AND 100.00 FEET NORTH OF THE SOUTHERLY LINE OF SAID SECTION 32, FOR A DISTANCE OF 75.00 FEET; THENCE NORTH 04°54'02" WEST, FOR A DISTANCE OF 30.00 FEET TO THE TRUE POINT OF BEGINNING. THENCE SOUTH 87°14'46" WEST, FOR A DISTANCE OF 30.02 FEET; THENCE NORTH 04°54'02" WEST PARALLEL TO THE EASTERLY LINE OF SAID SECTION 32, FOR A DISTANCE OF 850.33 FEET; THENCE NORTH 40°04'23" WEST, FOR A DISTANCE OF 75.05 FEET; THENCE NORTH 04°54'02" WEST, FOR A DISTANCE OF 98.66 FEET; THENCE NORTH 41°31'33" WEST, FOR A DISTANCE OF 50.02 FEET; THENCE NORTH 04°54'02" WEST PARALLEL TO THE EATERLY LINE OF SAID SECTION 32, FOR A DISTANCE OF 1,127.32 FEET; THENCE NORTH 46°17'26" WEST, FOR A DISTANCE OF 68.05 FEET; THENCE NORTH 04°54'02" WEST, FOR A DISTANCE OF 100.35 FEET; THENCE NORTH 41°31'33" EAST, FOR A DISTANCE OF 62.11 FEET; THENCE NORTH 04°54'02" WEST PARALLEL TO THE EASTERLY LINE OF SAID SECTION 32, FOR A DISTANCE OF 465.47 FEET TO THE SOUTHERLY LINE OF OSGOOD FIRST ADDITION TO THE CITY OF FARGO SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 8, BLOCK 5, OF SAID OSGOOD FIRST ADDITION; THENCE NORTH 88°13'29" EAST ALONG THE SOUTHERLY LINE OF SAID OSGOOD FIRST ADDITION, FOR A DISTANCE OF 105.16 FEET TO THE SOUTHEAST CORNER OF SAID OSGOOD FIRST ADDITION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 32 AND THE SOUTHWEST CORNER OF OSGOOD FARMS FIRST ADDITION TO THE CITY OF FARGO; THENCE NORTH 87°58'41" EAST ALONG THE SOUTHERLY LINE OF SAID OSGOOD FARMS FIRST ADDITION AND THE NORTHERLY LINE OF SAID SECTION 33, FOR A DISTANCE OF 105.13 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 8 OF SAID OSGOOD FARMS FIRST ADDITION; THENCE SOUTH 04°54'02" EAST, FOR A DISTANCE OF 459.33 FEET; THENCE SOUTH 46°04'38" EAST, FOR A DISTANCE OF 68.35 FEET; THENCE SOUTH 04°54'02" EAST, FOR A DISTANCE OF 101.37 FEET; THENCE SOUTH 41°31'08" WEST, FOR A DISTANCE OF 62.12 FEET; THENCE SOUTH 04°54'02" EAST, FOR A DISTANCE OF 941.01 FEET TO THE NORTHERLY LINE OF SAID ROCKING HORSE EAST FIRST SUBDIVISION; THENCE SOUTH 87°05'40" WEST ALONG THE NORTHERLY LINE OF SAID ROCKING HORSE EAST FIRST SUBDIVISION, FOR A DISTANCE OF 150.22 FEET TO THE NORTHWEST CORNER OF SAID ROCKING HORSE EAST FIRST SUBDIVISION; THENCE SOUTH 04°54'02" EAST ALONG THE WESTERLY LINE OF SAID ROCKING HORSE EAST FIRST SUBDIVISION, FOR A DISTANCE OF 933.06 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 41.39 ACRES, MORE OR LESS.

AND THAT SAID PARTY HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS ROCKING HORSE EAST FIRST ADDITION REPLAT TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA.

OWNERS:

JEFF W. KNOSHUS
(OWNER OF EXISTING LOTS 3 AND 4, BLOCK 2)

____
JEFF W. KNOSHUS - OWNER

JETLAND PROPERTIES, LLC
(OWNER OF EXISTING LOTS 4-11, BLOCK 1 AND LOTS 1 AND 5 BLOCK 2)

____
JANICE L. PROMERSBERGER, PRESIDENT

MONROE BRIAN ENTERPRISES, LLC
(OWNER OF EXISTING LOT 2, BLOCK 2)

____
BRIAN MONROE, PRESIDENT

ROCKING HORSE FARMS, LLC
(OWNER OF EXISTING LOTS 1-4, BLOCK 1 AND RIGHT OF WAY BEING DEDICATED)

____
KENNETH L. PROMERSBERGER, PRESIDENT

TERRY BECK CONSTRUCTION, LLC
(OWNER OF EXISTING LOTS 5-7, BLOCK 1)

____
TERRY BECKER, PRESIDENT

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, ROGER C. HAGEN, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY OF SAID SUBDIVISION, THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN LOCATED OR PLACED IN THE GROUND AS SHOWN.

DATED THIS ______ DAY OF ______________, 20____

____
ROGER C. HAGEN
REGISTERED LAND SURVEYOR NO. 1700

CITY ENGINEER'S APPROVAL:

APPROVED BY THE FARGO CITY ENGINEER THIS ______ DAY OF ______________, 20____

____
MARK H. BITTNER, CITY ENGINEER

FARGO PLANNING COMMISSION APPROVAL:

APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS ______ DAY OF ______________, 20____

____
JOHN Q. PAULSEN, CHAIR
FARGO PLANNING COMMISSION

FARGO CITY COMMISSION APPROVAL:

APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS ________ DAY OF ______________, 20____

____
DENNIS R. WALAKER, MAYOR

ATTEST:

____
STEVEN SPRAGUE, CITY AUDITOR

AUDITOR'S TAX RECORD:

DELINQUENT TAXES AND SPECIAL ASSESSMENTS OR INSTALLMENTS OF SPECIAL ASSESSMENTS PAID AND TRANSFER ENTERED.

____
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED JEFF W. KNOSHUS, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: ______________________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED JANICE L. PROMERSBERGER, PRESIDENT OF JETLAND PROPERTIES, LLC, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER FREE ACT AND DEED.

NOTARY PUBLIC: ______________________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED BRIAN MONROE, PRESIDENT OF MONROE BRIAN ENTERPRISES, LLC, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: ______________________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED KENNETH L. PROMERSBERGER, PRESIDENT OF ROCKING HORSE FARMS, LLC, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: ______________________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED TERRY BECKER, PRESIDENT OF TERRY BECKER CONSTRUCTION, LLC, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: ______________________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED ROGER C. HAGEN, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: ______________________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED MARK H. BITTNER, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: ______________________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED JOHN Q. PAULSEN, CHAIR, FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC: ______________________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS ______ DAY OF ______________, 20____, BEFORE ME PERSONALLY APPEARED DENNIS R. WALAKER, MAYOR, CITY OF FARGO, AND STEVEN SPRAGUE, CITY AUDITOR, CITY OF FARGO, KNOWN TO ME TO BE THE PERSONS WHO ARE DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME ON BEHALF OF THE CITY OF FARGO.

NOTARY PUBLIC: ______________________

COUNTY RECORDER'S CERTIFICATE:

DOCUMENT NO. ______________

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS FILED AND RECORDED IN THIS OFFICE ON THE ______ DAY OF ______________, 20____, AT ______ O'CLOCK ____M. AND WAS DULY RECORDED IN BOOK ________ OF ________, PAGE ________.

____
JEWEL A. SPIES, CASS COUNTY RECORDER

ROCKING HORSE EAST SECOND ADDITION

BEING A REPLAT OF ROCKING HORSE EAST FIRST SUBDIVISION AND PART OF THE SOUTHEAST QUARTER IN SECTION 32 AND THE SOUTHWEST QUARTER IN SECTION 33, TOWNSHIP 139 NORTH, RANGE 49 EAST

TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA

Sheet 2 of 2
Project No. 4975-005

HoustonEngineering Inc.
Phone: 701.237.5065

3d

City of Fargo Staff Report			
Title:	Veterans Park First Addition	**Date:** **Update:**	02/10/10 02/18/10
Location:	4802 Veterans Blvd S between 53 St S & Veterans Blvd & 47 Ave S & 50 Ave S	**Staff Contact:**	Nicole Crutchfield
Owner(s)/Applicant:	Michael Love	**Engineer:**	Houston Engineering
Reason for Request:	Zoning Change, Major Subdivision		
Status:	City Commission Public Hearing		

Existing	Proposed
Land Use: Vacant	**Land Use:** Residential, Single-dwelling
Zoning: AG, Agricultural	**Zoning:** SR-3, SR-4, Single Dwelling
Uses Allowed: AG – Agricultural. Allows detached houses, parks and open space, safety services, basic utilities, and crop production	**Uses Allowed:** SR-3 Allows detached houses, daycare centers up to 7 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities SR-4 Allows detached houses, daycare centers up to 12 children, attached houses, duplexes, parks and open space, religious institutions, safety services, schools, and basic utilities
Maximum Density Allowed: N/A	**Maximum Density Allowed:** SR-3 – 8.7 UPA, 35% building coverage, SR-4 – 12.1 UPA, 45% building coverage

Area Plans:

This area is governed by the Southwest Area Plan within the *Growth Plan for the Urban Fringe and Extraterrtorial Area of the City of Fargo*, as adopted in July 2003. The area plan designates this area as Low Density Residential.

Schools and Parks:

This property is within the West Fargo School District. The kindergarten academy is immediately north, at Veterans Boulevard and 40th Avenue N. The Fargo Parks District owns parkland to the north of this property. The property also is surrounded by shared use paths and the development of this parcel provides a valuable link to existing park lands east and west of this parcel (see attached trail diagram).

Staff Analysis:

The subject property contains 44.860 acres and consists primarily of the southwest quarter of Section 33, Township 139 North, Range 49 West and is located at 4802 Veterans Boulevard South; between 53rd Street South and Veterans Boulevard and 47th Avenue South and 50th Avenue South. 40 feet of right-of-way will be dedicated for the 53rd Street South construction. The interior local collector roadways consist of approximately 4,800 linear feet of rights-of-way that will be 66 feet wide, and 48th Avenue South will be the primary access to the subdivision with 110 feet wide rights-of-way dedication.

The tract is located north of the Rocking Horse East First commercial addition. The subject land is west of Osgood South Forty Addition, and east of property designated to be Low Density Residential, which is currently under the control of the applicant.

During the staff review lot layout and amenity items were coordinated with the applicant. These include:

1) Single family lots facing 53rd Street South, which is designated as a collector road. These lots will have access to 53rd Street and eliminates the need of double fronted lots. Double fronted lots were of particular concern given the recent policy discussion of landscape and snow removal maintenance in the boulevard.

2) 5 lots will be dedicated and donated to the Fargo Parks District. These park areas will potentially have benches, additional sidewalk access, playground equipment and park signage. The lots are as follows:

   - Lot 1, Block 1 and Lot 1 Block 5 will serve as trail heads and rest areas for users of the trail system.

   - Lot 11, Block 2 and Lot 14, Block 3, will serve as continuation of the shared use path/trail system under the WAPA line easement. This trail connects to the Osgood South 40 trail, the Osgood Townsite park, and to the new bridge over Drain 27. The trail will connect to the shared use path along Veterans Boulevard bringing pedestrian access to the Kindergarten School and adjoining park. These lots will also serve as storm water detention.

   - Lot 59, Block 5 will serve as a storm water detention facility and will contain a playground with trail access for the neighborhood on the south side of the lot. The trail will also connect 53rd Street South and Veterans Boulevard, although this is less of a regional trail than the trail under the WAPA line easement. The storm water facility will be dry the majority of the time.

3) The properties that back up to Veterans Boulevard will have a 10 feet wide easement along the rear property line. The easement will be for a fence and standard utilities. The developer proposes a uniform designed fence along the rear property lines to buffer the homes from the arterial street and to provide a visually pleasing corridor along Veterans Boulevard. The fence is installed and financed privately.

4) An executable amenities plan is developed with this major plat. The main purpose of this amenities plan is to specifically address maintenance and construction responsibilities to support this development. The items are in keeping with the proposed landscape and snow removal policies.

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

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

   The proposed replat is consistent with the Area Plan as identified within the *Growth Plan for the Urban Fringe and Extraterritorial Area of the City of Fargo*. The plan supports low/medium density residential development in this area. The application includes a zoning change from AG, Agriculture to SR-3 and SR-4 Single -Dwelling which is consistent with the approved growth plan. **(Criteria Satisfied)**

2. **Section 20-0907.C of the LDC stipulates that the Planning Commission recommend approval or denial of the application, based on whether it complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code. Section 20-0907.C of the LDC further stipulates that the City Commission shall not approve a Major Subdivision Plat unless it is located in a zoning district that allows the proposed development and complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.**

   Article 20-06 specifically addresses subdivision design and improvements. No deficiencies are noted in terms of availability of services, utilities, or access, staff therefore finds that the proposal is in compliance

the standards of Article 20-06. Staff further finds that the proposal complies with the adopted Area Plans, with the applicable zoning districts standards and all other applicable requirement of the Land Development Code **(Criteria Satisfied)**

3. **Section 20-0907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.**

   An executed Amenities Plan will address the details of the final distribution of special assessments; but in general, the special assessments associated with the costs of the public infrastructure improvements are spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principals. **(Criteria Satisfied)**

Zoning Criteria

The subject property is currently zoned its original zoning, AG, Agriculture. With this proposal the properties north of the WAPA line easement are proposed to be zoned SR-3, Single Dwelling. The properties south of the WAPA line easement are proposed to be zoned SR-4, Single Dwelling. All properties dedicated to the Parks District, are proposed to be zoned P/I, Public Institutional. This rezoning request meets the intent of the *Southwest Area Plan,* which designates this tract as Low Density Residential.

The LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in their review of zoning map amendment requests. Proposed zoning map amendments that satisfy all of the criteria may be approved.

1. **The requested zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;**

   The existing AG, Agriculture zoning district is designated as a temporary zone until the time the property is appropriate for development. Therefore the conditions have changed for the zoning to change from AG to SR-3 and SR-4. The petitioner is requesting a zone change in order to develop the property. **(Criteria Satisfied)**

2. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the new zoning classification at the time the property is developed;**

   The City Engineer has reviewed this proposal. No deficiencies to provide the necessary public services, facilities and programs to this development have been identified. (Criteria Satisfied)

3. **The approval will not adversely affect the condition or value of property in the vicinity;**

   Staff has no documentation or evidence that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. The proposed single-family development is in keeping with the surrounding residential development. The plat also takes into account staff's desire to continue the shared use path for the trail system under the WAPA line easement. Staff has not received any opposition from any neighboring property owner. (Criteria Satisfied)

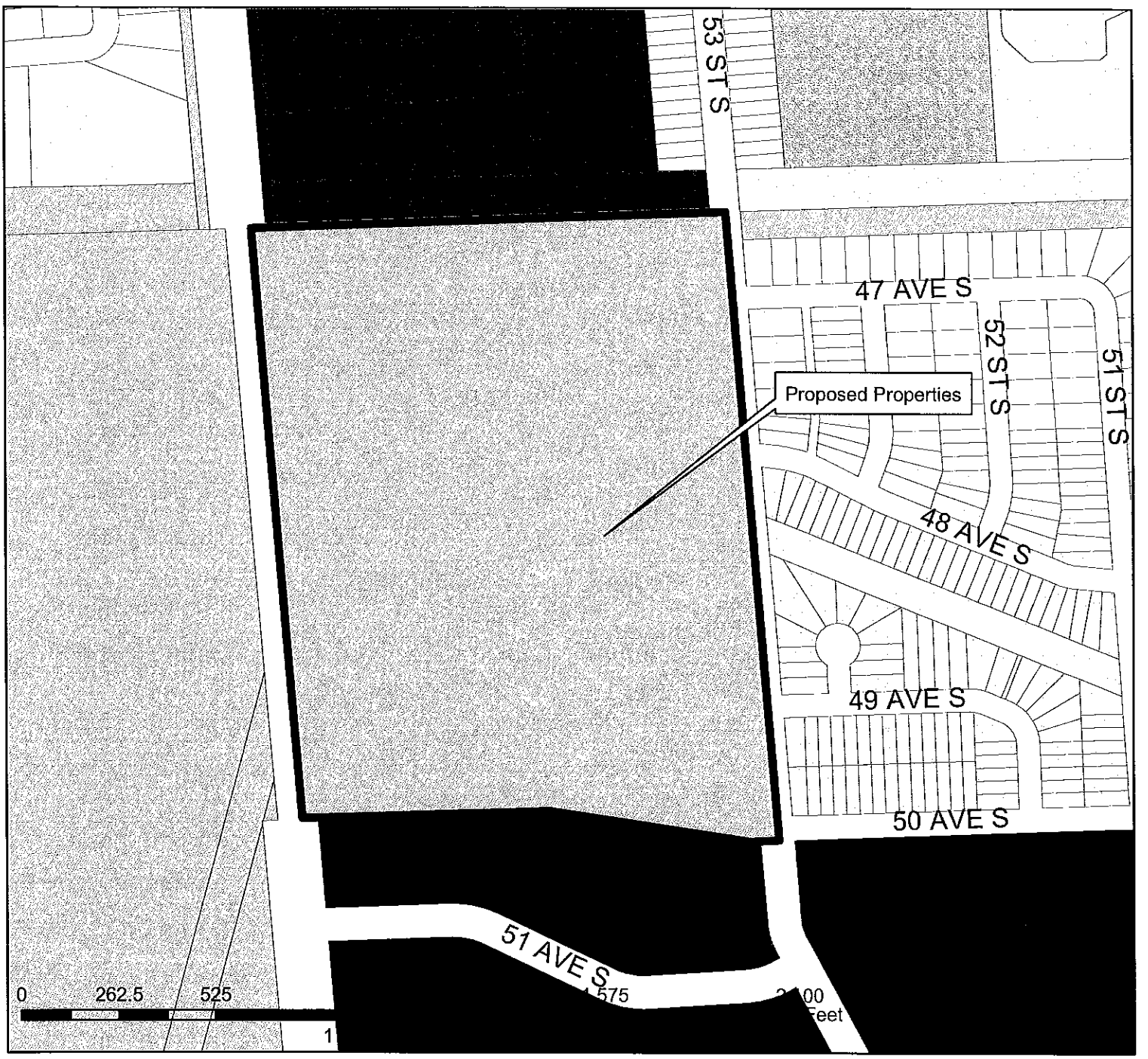
4. **The proposed amendment is consistent with the purpose of this LDC, the applicable Growth Plan and other adopted policies of the City.**

The purpose of the LDC is to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo. The proposed subdivision is a traditional single-family housing development. The proposal is consistent with the purpose of the LDC, the applicable Growth Plan and other adopted policies of the City. (Criteria Satisfied)
Planning Commission Recommendation:
2/10/10: In a unanimous decision, the Planning Commission recommended approval to the City Commission of the proposed Veterans Park First Addition and the proposed zoning change from AG, Agriculture to SR-3 and SR-4, Single-Dwelling as presented, as the proposal complies with the Comprehensive Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code."
Staff Recommendation:
To accept the findings of staff and the Planning Commission and hereby approve the Veterans Park First Addition and the proposed zoning change from AG, Agriculture to SR-3 and SR-4, Single-Dwelling as presented, as the proposal complies with the Comprehensive Plan, Standards of Article 20-06, and Section 20-0906.F (1-4) of the Land Development Code."
City Commission:
02/22/10

Plat (Major Subdivision)

Veteran's Park First Addition

4802 Veteran's Blvd



Legend

AG	MR-2	LI	SR-3
DMU	MR-3	MHP	SR-4
GC	NC	MR-1	SR-5
GI	NO		
GO	P/I		
LC	SR-2		

City Limits

Proposed Property

CITY OF Fargo

Fargo Planning Commission
January 13, 2010

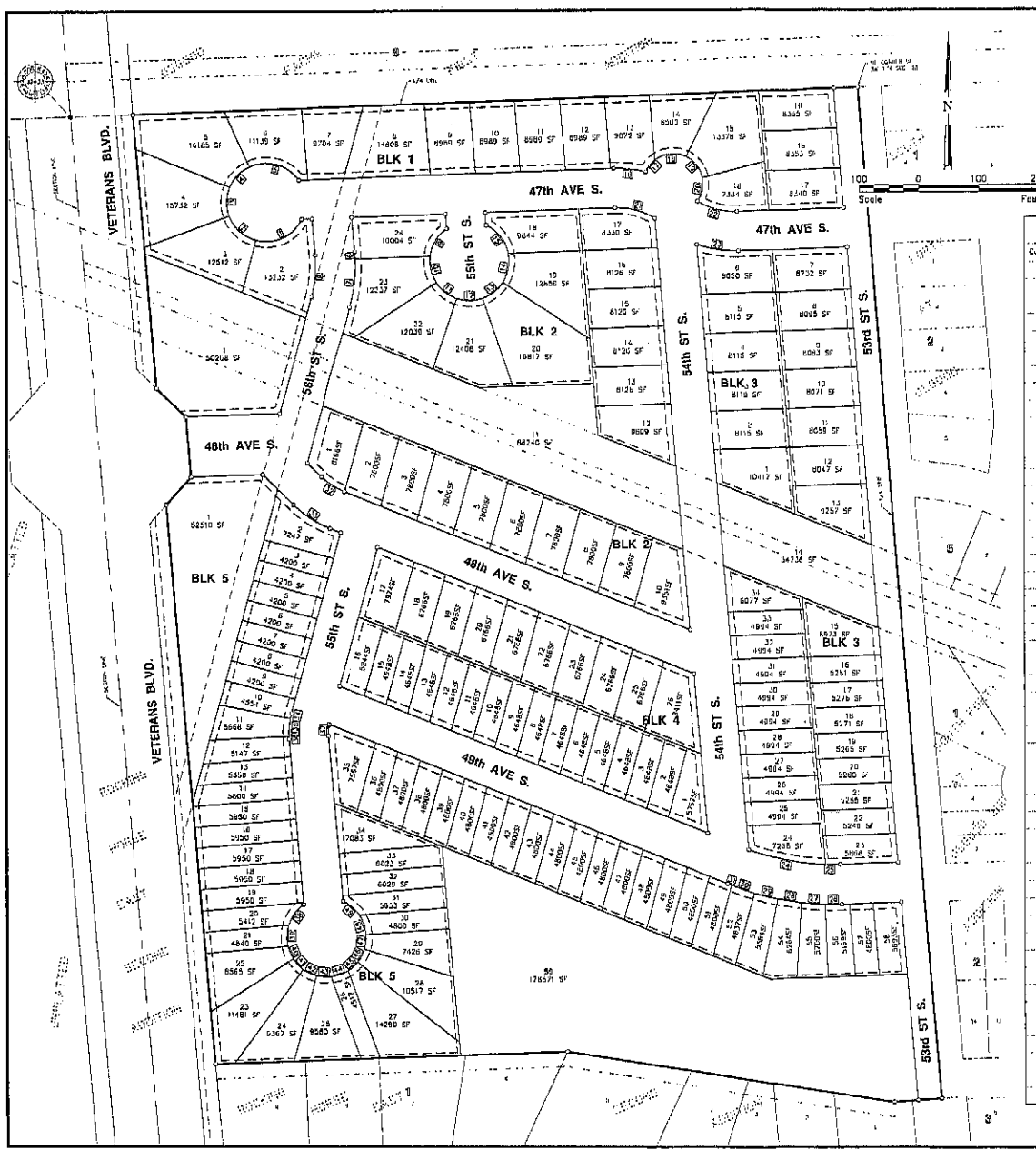
Plat (Major Subdivision)

Veteran's Park First Addition

4802 Veteran's Blvd

CITY OF Fargo

Fargo Planning Commission
January 13, 2010



VETERANS PARK FIRST ADDITION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33 TOWNSHIP 139 NORTH, RANGE 49 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA

Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
1	91.31'	66.00'	79.27°	N65° 28' 45"E	84.20'
2	62.61'	66.00'	54.33°	S47° 37' 19"E	60.47'
3	49.30'	66.00'	42.80'	S1° 02' 33"W	48.17'
4	48.99'	66.00'	42.53'	S43° 42' 26"W	47.87'
5	93.10'	66.00'	80.83'	N74° 36' 57"W	85.57'
6	12.28'	266.00'	2.65'	N3° 34' 36"W	12.28'
7	80.97'	266.00'	17.44'	N6° 28' 04"E	80.68'
8	70.12'	200.00'	20.09'	S5° 08' 38"W	69.75'
9	55.67'	66.00'	48.33'	S30° 56' 06"W	54.04'
10	46.11'	66.00'	40.03'	S13° 14' 42"E	45.18'
11	43.74'	66.00'	37.98'	S52° 14' 52"E	42.95'
12	43.74'	66.00'	37.98'	N89° 46' 37"E	42.95'
13	43.74'	66.00'	37.98'	N51° 48' 07"E	42.95'
14	50.26'	66.00'	43.63'	N11° 00' 00"E	48.05'
15	82.30'	66.00'	54.09'	N37° 51' 27"W	80.02'
16	54.36'	183.00'	17.02'	N83° 30' 45"W	54.16'
17	25.49'	50.00'	29.21'	S37° 27' 07"W	25.21'
18	55.31'	50.00'	63.38'	S83° 44' 46"W	52.53'
19	46.92'	50.00'	53.77'	N37° 40' 40"W	45.22'
20	40.87'	50.00'	46.84'	N12° 37' 32"E	38.75'
21	70.15'	117.00'	34.36'	N74° 50' 38"W	69.11'
22	69.92'	117.00'	34.24'	N74° 54' 04"W	68.89'
23	71.51'	183.00'	22.39'	N80° 49' 36"W	71.06'
24	130.33'	400.00'	18.67'	S79° 05' 11"E	129.76'
25	25.14'	400.00'	3.60'	N89° 48' 44"E	25.14'
26	27.84'	400.00'	3.44'	N89° 41' 45"E	27.84'
27	40.09'	466.00'	4.93'	S86° 07' 20"E	40.07'
28	40.01'	466.00'	4.92'	S81° 11' 53"E	40.00'
29	39.75'	466.00'	4.89'	S76° 17' 40"E	39.74'
30	39.81'	466.00'	4.89'	S71° 24' 12"E	39.80'
31	8.93'	466.00'	0.88'	S66° 31' 48"E	8.93'
32	45.87'	117.00'	22.46'	N56° 52' 22"W	45.57'
33	72.92'	186.00'	22.46'	S56° 52' 22"E	72.45'
34	9.19'	126.00'	4.18'	S13° 08' 58"W	9.19'
35	30.21'	126.00'	13.74'	S4° 08' 32"W	30.13'
36	4.78'	126.00'	2.18'	S3° 48' 47"E	4.78'
37	19.45'	60.00'	18.60'	S4° 24' 00"W	19.39'
38	42.91'	66.00'	37.25'	S36° 28' 27"W	42.16'
39	35.72'	66.00'	31.01'	S2° 20' 46"W	35.28'
40	22.67'	66.00'	19.68'	S22° 59' 55"E	22.56'
41	24.44'	66.00'	21.22'	S43° 27' 04"E	24.30'
42	24.44'	66.00'	21.22'	S64° 40' 18"E	24.30'
43	24.44'	66.00'	21.22'	S85° 53' 32"E	24.30'
44	30.26'	66.00'	26.27'	N70° 21' 39"E	30.00'
45	21.61'	66.00'	18.76'	N47° 50' 48"E	21.51'
46	24.44'	66.00'	21.22'	N27° 51' 28"E	24.30'
47	24.44'	66.00'	21.22'	N8° 38' 14"E	24.30'
48	34.11'	66.00'	29.61'	N18° 46' 41"W	33.73'
49	36.07'	66.00'	31.32'	N49° 14' 31"W	35.63'

LEGEND

BLOCK MONUMENTS FOUND ●

1/2" I.D. PIPE SET ○

UTILITY EASEMENT

BEARINGS SHOWN ARE BASED ON THE CITY OF FARGO GIS HORIZONTAL DATUM

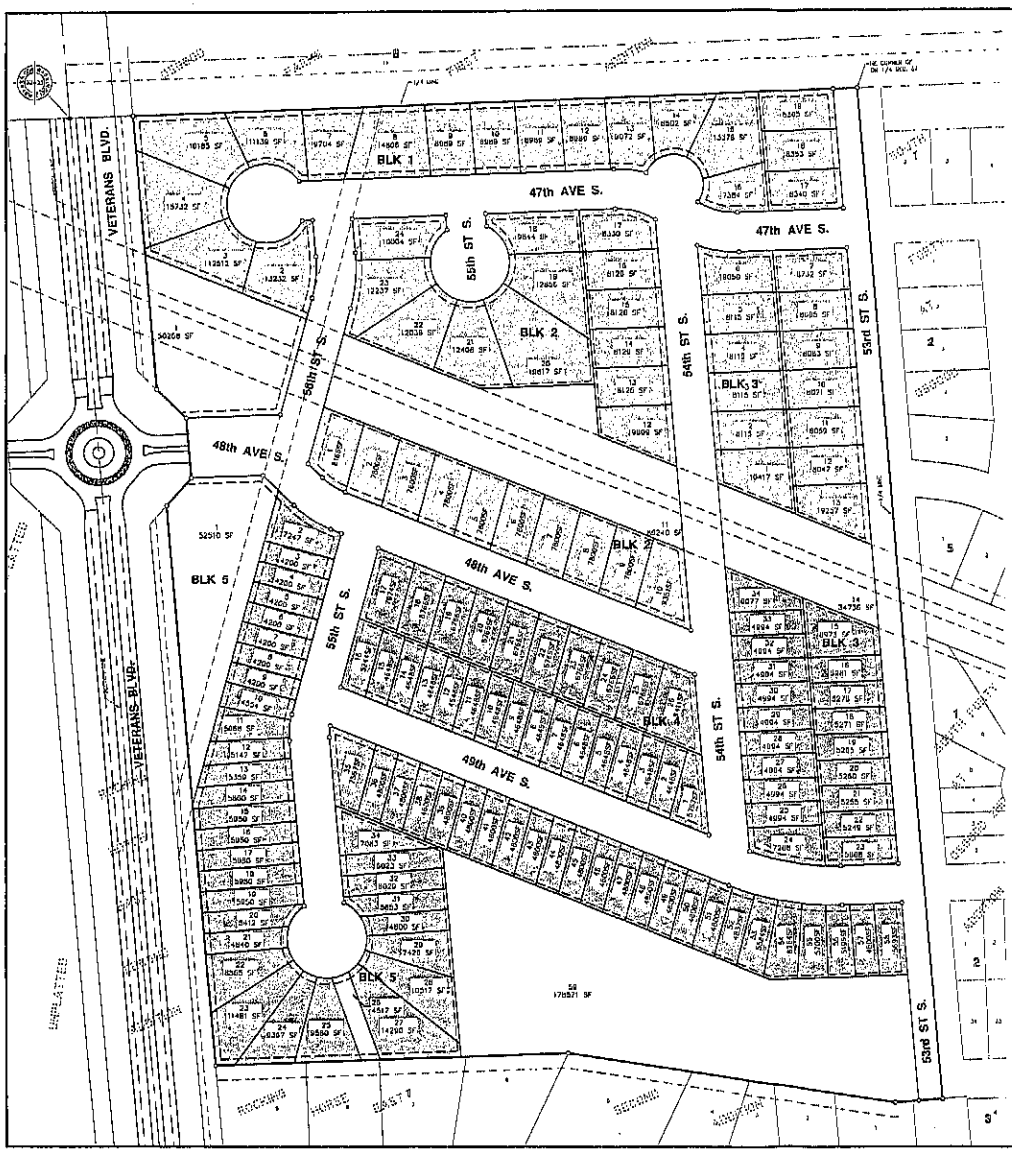
Sheet 1 of 4
Project No. 6250-001

HoustonEngineering Inc.
Phone: 701.237.5065

VETERANS PARK FIRST ADD.
ZONING MAP

A PART OF THE SOUTHWEST QUARTER OF SECTION 33
TOWNSHIP 139 NORTH, RANGE 49 WEST, OF THE FIFTH
PRINCIPAL MERIDIAN

TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA



ZONING LEGEND

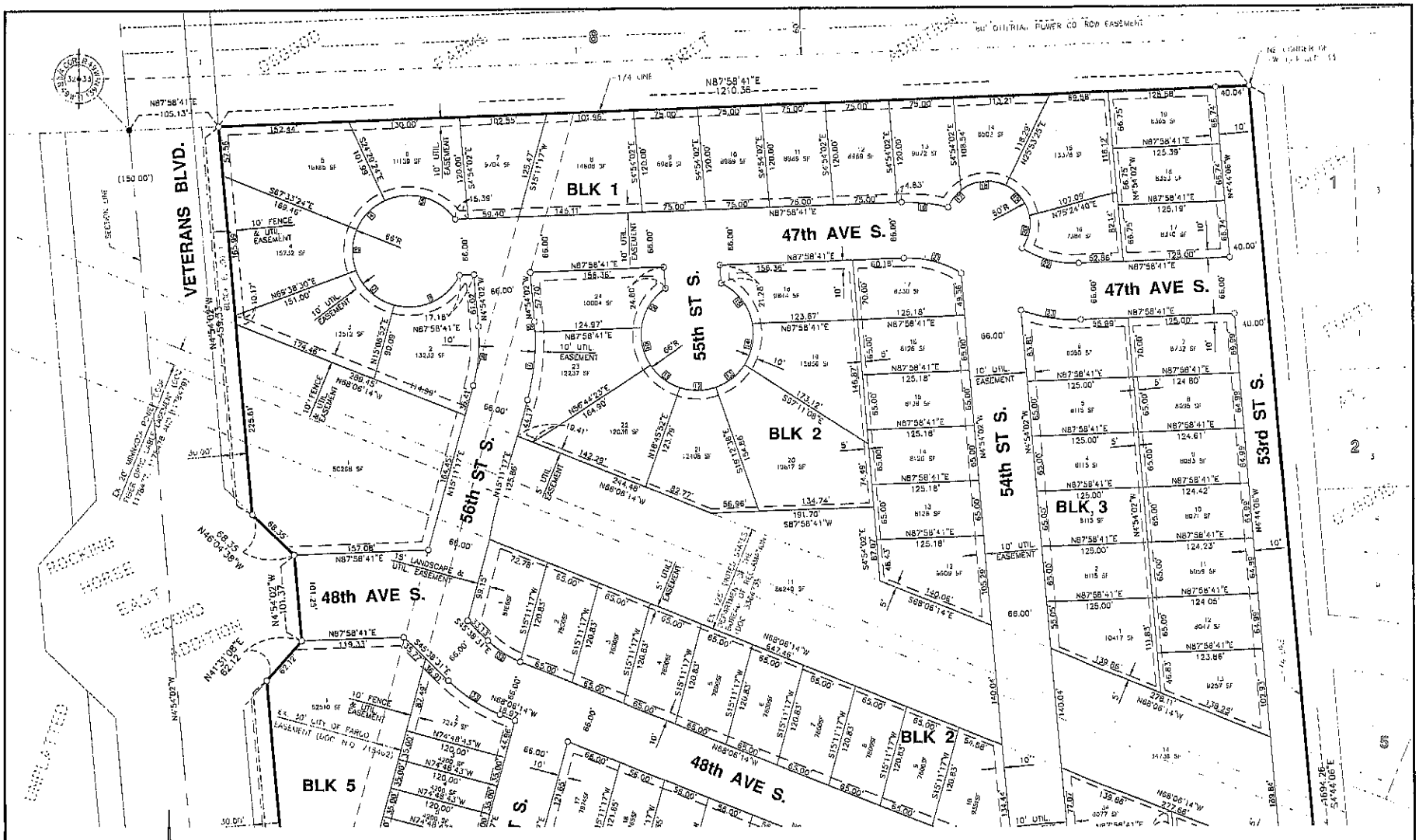
- P/I ZONE
- SR-3 ZONE
- SR-4 ZONE

N

100 0 100 200
Scale Feet

Sheet 1 of 1
Project No. 6250-001

HoustonEngineering Inc.
Phone: 701.237.5065



VETERANS PARK FIRST ADDITION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33
TOWNSHIP 139 NORTH, RANGE 49 WEST, OF THE FIFTH
PRINCIPAL MERIDIAN
TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA

N

60 0 60 120
Scale Feet

Sheet 2 of 4
Project No. 6250-001

HoustonEngineering Inc.
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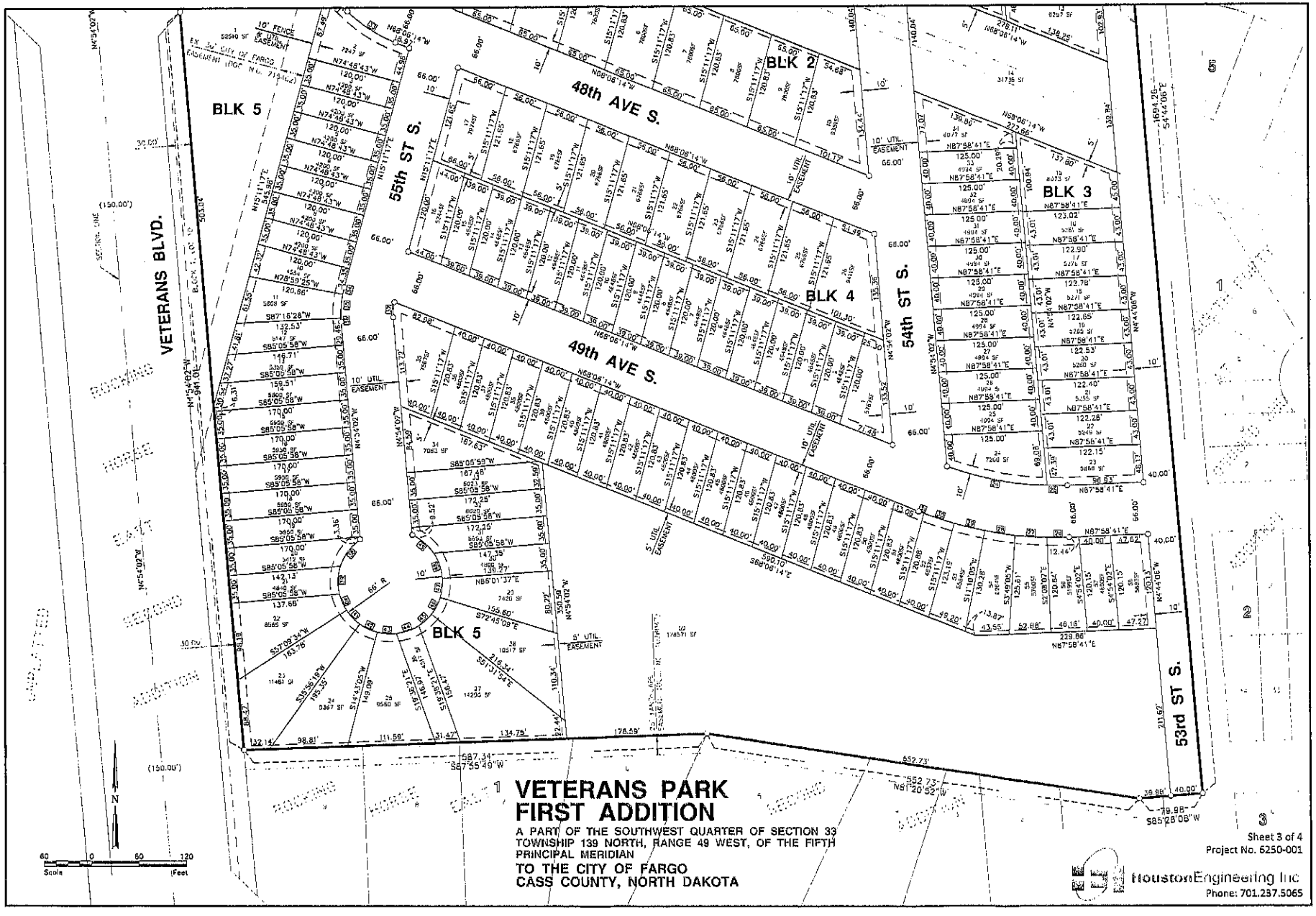

VETERANS PARK FIRST ADDITION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33
TOWNSHIP 139 NORTH, RANGE 49 WEST, OF THE FIFTH
PRINCIPAL MERIDIAN
TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA

Sheet 3 of 4
Project No. 6250-001

HoustonEngineering Inc
Phone: 701.237.5065

OWNERS' CERTIFICATE:
KNOW ALL MEN BY THESE PRESENTS: THAT ROCKING HORSE FARM, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY, IS THE OWNER AND PROPRIETOR, AND JETLAND PROPERTIES, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY, IS THE CONTRACT FOR DEED VENDEE, OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 139 NORTH, RANGE 49 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 33; THENCE NORTH 87°58'41" EAST, ALONG THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 105.13 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°58'41" EAST, ALONG THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, FOR A DISTANCE OF 1,210.36 FEET TO THE NORTHWEST CORNER OF SOUTH FORTY AT OSGOOD, PLATTED AND ON FILE AT THE CASS COUNTY RECORDER'S OFFICE AS DOCUMENT NUMBER 1142428; THENCE SOUTH 04°44'06" EAST, ALONG THE WESTERLY LINE OF SAID SOUTH FORTY AT OSGOOD, FOR A DISTANCE OF 803.48 FEET TO THE SOUTHWEST CORNER OF SAID SOUTH FORTY AT OSGOOD AND THE NORTHWEST CORNER OF SOUTH FORTY AT OSGOOD SECOND ADDITION, PLATTED AND ON FILE AT SAID RECORDER'S OFFICE AS DOCUMENT NUMBER 1207292; THENCE CONTINUE SOUTH 04°44'06" EAST, ALONG THE WESTERLY LINE OF SAID SOUTH FORTY AT OSGOOD SECOND ADDITION, FOR A DISTANCE OF 890.78 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY LINE OF ROCKING HORSE EAST SECOND ADDITION, PLATTED AND ON FILE AT SAID RECORDER'S OFFICE; THENCE SOUTH 85°29'08" WEST, ALONG THE NORTHERLY LINE OF SAID ROCKING HORSE EAST SECOND ADDITION, FOR A DISTANCE OF 79.98 FEET; THENCE NORTH 81°20'52" WEST, ALONG THE NORTHERLY LINE OF SAID ROCKING HORSE EAST SECOND ADDITION, FOR A DISTANCE OF 552.73 FEET; THENCE SOUTH 87°59'49" WEST, ALONG THE NORTHERLY LINE OF SAID ROCKING HORSE EAST SECOND ADDITION, FOR A DISTANCE OF 597.34 FEET; THENCE NORTH 04°54'02" WEST FOR A DISTANCE OF 941.01 FEET; THENCE NORTH 41°31'08" EAST, ALONG THE EASTERLY LINE OF SAID ROCKING HORSE EAST SECOND ADDITION, FOR A DISTANCE OF 62.12 FEET; THENCE NORTH 04°54'02" WEST FOR A DISTANCE OF 101.37 FEET; THENCE NORTH 48°04'38" WEST, ALONG THE EASTERLY LINE OF SAID ROCKING HORSE EAST SECOND ADDITION, FOR A DISTANCE OF 68.35 FEET; THENCE NORTH 04°54'02" WEST, ALONG THE EASTERLY LINE OF SAID ROCKING HORSE EAST SECOND ADDITION, FOR A DISTANCE OF 459.33 FEET, TO THE TRUE POINT OF BEGINNING

SAID TRACT OF LAND CONTAINS 44.980 ACRES, MORE OR LESS.

AND THAT SAID PARTIES HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS **VETERANS PARK FIRST ADDITION** TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA, AND DO HEREBY DEDICATE AND CONVEY TO THE PUBLIC, FOR PUBLIC USE, THE STREETS, AVENUES, FENCE EASEMENTS, AND UTILITY EASEMENTS SHOWN ON THE PLAT.

OWNER:
ROCKING HORSE FARM, LLC

_____
KENNETH L. PROMERSBERGER, PRESIDENT

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED KENNETH L. PROMERSBERGER, PRESIDENT OF ROCKING HORSE FARM, LLC, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

NOTARY PUBLIC: _____

CONTRACT FOR DEED VENDEE:
JETLAND PROPERTIES, LLC

_____
JANICE L. PROMERSBERGER, PRESIDENT

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED JANICE L. PROMERSBERGER, PRESIDENT OF JETLAND PROPERTIES, LLC, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

NOTARY PUBLIC: _____

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:
I, ROGER C. HAGEN, REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY OF SAID SUBDIVISION; THAT THE MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN LOCATED OR PLACED IN THE GROUND AS SHOWN.

DATED THIS _____DAY OF _____, 20____.

_____
ROGER C. HAGEN
REGISTERED LAND SURVEYOR NO. 1760

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED ROGER C. HAGEN, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: _____

CITY ENGINEER'S APPROVAL:
APPROVED BY THE FARGO CITY ENGINEER THIS _____ DAY OF _____, 20____.

_____
MARK H. BITTNER, CITY ENGINEER

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED MARK H. BITTNER, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC: _____

FARGO PLANNING COMMISSION APPROVAL:
APPROVED BY THE CITY OF FARGO PLANNING COMMISSION THIS _____ DAY OF _____, 20____.

_____
JOHN G. PAULSEN, CHAIR
FARGO PLANNING COMMISSION

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED JOHN G. PAULSEN, CHAIR, FARGO PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF THE FARGO PLANNING COMMISSION.

NOTARY PUBLIC: _____

FARGO CITY COMMISSION APPROVAL:
APPROVED BY THE BOARD OF CITY COMMISSIONERS AND ORDERED FILED THIS _____DAY OF_____, 20____.

_____
DENNIS R. WALAKER, MAYOR

ATTEST:

_____
STEVEN SPRAGUE, CITY AUDITOR

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME PERSONALLY APPEARED DENNIS R. WALAKER, MAYOR, CITY OF FARGO; AND STEVEN SPRAGUE, CITY AUDITOR, CITY OF FARGO, KNOWN TO ME TO BE THE PERSONS WHO ARE DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME ON BEHALF OF THE CITY OF FARGO.

NOTARY PUBLIC: _____

AUDITOR'S TAX RECORD:
DELINQUENT TAXES AND SPECIAL ASSESSMENTS OR INSTALLMENTS OF SPECIAL ASSESSMENTS PAID AND TRANSFER ENTERED.

_____
MICHAEL MONTPLAISIR, CASS COUNTY AUDITOR

COUNTY RECORDER'S CERTIFICATE:

DOCUMENT NO. _____

STATE OF NORTH DAKOTA)
) SS
COUNTY OF CASS)

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS FILED AND RECORDED IN THIS OFFICE ON THE

_____ DAY OF _____, 20____, AT_____O'CLOCK _____M. AND WAS DULY

RECORDED IN BOOK_____ OF _____, PAGE _____.

_____
JEWEL A. SPIES, CASS COUNTY RECORDER

VETERANS PARK FIRST ADDITION

A PART OF THE SOUTHWEST QUARTER OF SECTION 33
TOWNSHIP 139 NORTH, RANGE 49 WEST, OF THE FIFTH
PRINCIPAL MERIDIAN
TO THE CITY OF FARGO
CASS COUNTY, NORTH DAKOTA

Project No. 6250-001

HoustonEngineering Inc.
Phone: 701.237.5065

3d2

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN VETERANS PARK FIRST ADDITION TO THE CITY OF FARGO,
CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the proposed rezoning of certain parcels of land lying in the proposed Veterans Park First Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on February 10, 2010; and,

WHEREAS, the rezoning changes were approved by the City Commission on February 22, 2010,

NOW, THEREFORE,

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

Section 1. The following described property:

Lots Two (2) through Nineteen (19), Block One (1); Lots One (1) through Ten (10) and Lots Twelve (12) through Twenty-four (24), Block Two (2); and Lots One (1) through Thirteen (13), Block Three (3), Veterans Park First Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "AG", Agricultural, District to "SR-3", Single-Dwelling, District;

AND

Lots Fifteen (15) through Thirty-four (34), Block Three (3); Lots One (1) through Twenty-six (26), Block Four (4); and Lots Two (2) through Twenty-five (25) and Lots Twenty-seven (27) through Fifty-eight (58), Block Five (5), Veterans Park First Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "AG", Agricultural, District to "SR-4", Single-Dwelling, District;

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AND

Lot One (1), Block One (1); Lot Eleven (11), Block Two (2); Lot Fourteen (14), Block Three (3); and Lots One (1), Twenty-six (26) and Fifty-nine (59), Block Five (5), Veterans Park First Addition to the City of Fargo, Cass County, North Dakota,

is hereby rezoned from "AG", Agricultural, District to "P/I", Public and Institutional, District.

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

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

_____
Dennis R. Walaker, Mayor

(SEAL)
Attest:

_____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage: