



Transmittal Letter

To: Matthew Galibert – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND 58601

From: Andrew Schrank, PE
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Date: January 31, 2024

Re: Major Preliminary Plat Application – Southfork Acres 2nd Subdivision

Message: Enclosed you will find the following Major Preliminary Plat application documents for the above referenced project being submitted for consideration at the next Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Written Statement (included, below)
- Legal Description (included, below) of the Property
- Warranty Deed for the Property
- Current Preliminary Plat Drawing with Aerial Image Showing Current Site and Surrounding Land Uses and Buildings
- Current Final Plat Drawing Showing Proposed Site Boundaries
- Subdivision Plat Closure Report

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Legal Description of Property

A PARCEL OF LAND BEING LOT1B AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3178771, BLOCK TWO (2) OF SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B) BEING A FOUND REBAR AND CAP; THENCE N 89°55'24" E ALONG THE NORTH LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1276.22 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B); THENCE S 00°14'12" E ALONG THE EAST LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1466.59 FEET TO A FOUND REBAR AND CAP LS-5466 ON THE NORTH RIGHT-OF-WAY OF DVORAK DRIVE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES AND DISTANCES TO FOUND REBAR AND CAPS LS-5466: S 87°50'18" W, 648.45 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 270.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52°38'30" AN ARC LENGTH OF 248.07 FEET; THENCE S 35°11'48" W, 180.27 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 390.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°36'14" AN ARC LENGTH OF 262.77 FEET; THENCE S 03°24'26" E, 591.56 FEET TO SAID REBAR AND CAP LS-5466 ON INTERSECTION OF SAID DVORAK DRIVE RIGHT-OF-WAY AND THE NORTH RIGHT-OF-WAY OF 20TH STREET SOUTHWEST; THENCE S 89°53'37" W ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 280.35 FEET TO A FOUND REBAR AND CAP LS-5466; THENCE N 00°02'16" W LEAVING SAID RIGHT-OF-WAY ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 1470.24 FEET TO A FOUND REBAR; THENCE N 00°09'42" W CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 1119.58 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

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Written Statement

This proposed plat of Southfork Acres 2nd Subdivision is the replat of Lot 1B of Southfork Acres Subdivision. This replat will create nine (9) Agricultural lots within this lot that are 5-acres minimum in area. This will allow for residential and agricultural uses within these lots consistent with the current Agricultural zoning of this area. The applicant plans to advertise these lots for sale.

This property is located within the City's ETZ and is on the south edge of the City's Urban Service Area as defined by the City's current comprehensive plan. Based on the pre-application letter received for this plat, we understand that Staff does not support lots of this size within the Urban Service Area of the City of Dickinson. However, creating additional density in this area is burdensome and unfeasible for several reasons, largely related to the infrastructure availability and surrounding land uses.

At the time the City of Dickinson prepared the current Comprehensive Plan, a developer was planning to create a residential development within this property. This plan ultimately fell through and was never carried out. It is expected that the plans to develop this area at the time the comprehensive plan was prepared were the main reason that this property was included in the City's Urban Service area. Figure 6-14 of the City's Comprehensive Plan indicates that this property was included in Planning Period 2 to be developed from 2017-2018. Since those previous development plans have not been carried out, we have not been made aware of a desire or plan from the City to extend infrastructure to this area. According to the City's Comprehensive plan, the southern portion of this site is located within a new water pressure zone, *Zone 2 South*, that does not currently exist and that would need to be created. Approximately ½-mile of sanitary sewer would need to be constructed through neighboring property north of this site to provide sewer service to this property. Based on the comprehensive plan, it appears that several other infrastructure improvements would be required to gain sufficient sewer capacity to serve this area that have not occurred to date. We would expect that with the current pace of new development compared to the pace of development at the time the Comprehensive Plan was prepared, and due to the cost of adding a new pressure zone and the necessary sanitary sewer infrastructure to serve this site, this area could be considered for removal from the Urban Service Area in the current update of the comprehensive plan. If this area is not removed, it seems that there are no immediate plans to provide infrastructure to this property since many of the comprehensive plan improvements required have not and are not being executed. According to the pre-application letter, it was indicated that "A property owner within the Urban Service Area can expect provision of urban services within a given time frame", but this time frame indicated in the comprehensive plan has come and gone with no progress or plan to serve this property. The higher density development desired by City Staff is not feasible with

the current infrastructure available. The developer of this property currently has an indication from SW Water Authority that they can serve eight (8) lots with water in this property. Therefore, the owner has chosen to plat a number of lots reasonably consistent with the water that is available to this site. Furthermore, at least 1-acre in area is required by the NDDEQ for a private septic system to be constructed within a site.

The additional density requested by Staff is also concerning when considering adjacent land uses. Numerous residential lots exist in *Decker 3rd Subdivision* along this property's westerly border. When platting *Southfork Acres Subdivision*, some of these landowners expressed concern with development next to their residences, and they did not want to see high-density development in the area. The 5-acre lots proposed as part of this subdivision plat provide an adequate compromise to the density of this subdivision that we feel is appropriate for this area to help limit impacts to current adjacent homeowners while creating a feasible development.

Access to the proposed lots will come from *Dvorak Drive*, which is an existing rural roadway that connects from 20th Street SW on the south to the westerly ND Highway 22 frontage road east of this site. This roadway surface is $\pm 70\%$ paved in concrete, and the remaining portion of the road has a gravel/millings surface as shown by the preliminary plat drawing. Four (4) of the lots on the north side of this site will gain access from private access roads in the locations shown by the access easements on the proposed plat that connect to *Dvorak Drive*. These access roads will provide access while helping to minimize project costs to make this a feasible development. These access roads were extended to the north property line of this subdivision even though it is anticipated that these roads will not extend this full length. This will prevent structures from being built in this area, which will provide a location for possible future right-of-way connections to the property to the north should infrastructure become available sometime in the future that would allow for additional density within this site. This will help create a feasible development today based on the limited infrastructure that is available while allowing for possibilities to gain density desired by Staff in the future.

Utility and water easements have also been provided as necessary to serve each of the proposed lots. A SW Water line would be constructed along *Dvorak Drive* if this subdivision is approved, and service lines to the north four lots that do not have frontage to this right-of-way would be located within the easements provided on the plat.

Stormwater for this site will not be altered from its current drainage patterns since no site grading is proposed by the developer as part of this subdivision. Any grading would be performed by future lot owners as they determine necessary for their own development plans. If this area develops as single-family residences as allowed by the Agricultural zoning, the minimal increase in site runoff that may be seen from adding buildings and access roads would be largely offset by the increased thickness of grass

that is typical with residential development when compared to the current agricultural land on-site. This thicker grass will help slow this runoff generated from pavement and roofs and will allow for greater infiltration/evaporation.

According to the pre-application letter from City Staff, it was noted that adjacent owner(s) expressed concerns with runoff from this site since the construction of *Dvorak Drive*. Although it is not clear what these concerns are in this letter, the runoff from this site to the west would be reduced since the construction of Dvorak Drive. The area east of Dvorak Drive within Block 1 of Southfork Acres Subdivision that used to drain westerly to Decker 3rd Subdivision is now collected within the east ditch of Dvorak Drive and routed southerly to the 20th Street SW right-of-way, or northerly to the culvert within Dvorak Drive that is located ± 450 -feet for the east property line of this site. This culvert drains through the natural topography of Lot 1B to the existing floodplain located at the northwest corner of this lot. This flow path is shown by the flow arrows on the preliminary plat drawing. The remaining area draining to the west has remained untouched and the drainage has not been altered.

The applicant does not own or intend to purchase any additional surrounding land at this time. Neighboring property owners have not been informed of this plan to date. This application has been prepared in accordance with local, state, and federal regulations.

Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



Andrew Schrank, PE, CFM
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