

**STARK COUNTY  
PLANNING AND ZONING COMMISSION MEETING  
STARK COUNTY COURTHOUSE COMMISSIONER'S ROOM  
51 3<sup>RD</sup> STREET EAST  
DICKINSON NORTH DAKOTA  
FEBRUARY 29, 2024**

**CALL TO ORDER-3:00 p.m.**

1. Minutes
2. Public Hearing for RZ 01-24 - Gene Praus is requesting a rezoning from Agriculture to Rural Residential on property located in the SW ¼ of the NW ¼ of Section 30, Township 139 North, Range 97 West containing approximately five (5) acres.
3. Planner Items

Applications for requests are available for public inspection at [www.starkcountynd.gov](http://www.starkcountynd.gov)

**Those wishing to join the meeting remotely should call either 701-456-7959 and enter 1415836# when prompted, or, to connect using Zoom, 1-719-359-4580, then enter Meeting ID 554 716 8680 Passcode 714551.**

Any public hearings shall be commenced by the Chair of the Stark County Planning and Zoning Commission and each hearing shall continue until closed by the Chair.

RZ01-24

# STARK COUNTY NORTH DAKOTA ZONING MAP AMENDMENT APPLICATION-STANDARD REZONING

**Note: Please review the "What is Zoning" Rezoning Application Directions prior to filling out this application**

DATE OF APPLICATION 2-5-24

CURRENT ZONING AG REQUESTED ZONING Residential

APPLICATION FEE: \$200

### APPLICANT INFORMATION

Name Gene Prows

Address 4292 116<sup>th</sup> Ave SW

City Dickinson State North Dakota Zip 58601

Phone No.: 701-290-4172 Fax No.: \_\_\_\_\_

E-mail Address: gj7js@yahoo.com

### REPRESENTATIVE INFORMATION (IF APPLICABLE)

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone No. \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

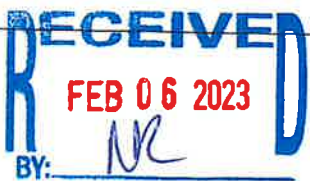
### PROPERTY OWNER INFORMATION IF DIFFERENT FROM THE APPLICANT

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_



STARK COUNTY NORTH DAKOTA ZONING MAP  
AMENDMENT APPLICATION-STANDARD REZONING

E-mail Address gj7js@yahoo.com

PROPERTY INFORMATION

Property Size: 5 acres

Address: 4030 120th Ave SW.

City Dickinson

State ND

Town 5861

Parcel Number  
30-0000-05744-000

Jurisdiction  
139-97

Legal Description as it appears on stark.

Owner  
PRAUS, GENE ETAL

Physical Location  
4030 120TH AVE SW  
SOUTH HEART, ND58655

Parcel Identification Number as it appears

30-0000-05744-000

Legal Description  
SCT:30 TWN:139 RNG:097  
NW4 LESS 23.14 ACRE TRACT 30-139-97  
126.70 ACRES

Acres  
125.700

Please describe the proposed rezoning at request.

I tried selling this property with 40 acres but lending agencies won't lend except for a 5 acre plot for new owners.

What uses are proposed for the property?

Single family home dwelling.

What buildings or structures are proposed for the property?

Home only

APPLICANT REQUESTS AN INITIAL REVIEW BY STARK COUNTY STAFF, A PUBLIC HEARING BEFORE THE COUNTY PLANNING AND ZONING COMMISSION, AND THE APPROVAL OF THE AMENDMENT REQUESTED HEREIN.

SIGNATURES

Gene Praus 2-5-24  
Applicant/Representative Signature and Date

Gene Praus 2-5-24  
Owner's Signature and Date

[Signature] ATCS 2/13/2024  
Zoning Administrator or Designee and Date



# STARK COUNTY PLANNING AND ZONING COUNSELING FORM

NAME

Gene Praus

TIME AND DATE OF CONTACT AND METHOD 8:30 am 2/2/2024 in person

TELEPHONE NUMBER- 701- 290-4172

EMAIL ADDRESS-gj7js@yahoo.com

MAILING ADDRESS- 4292 116<sup>th</sup> Ave SW Dickinson ND 58601

SUBJECT

- Zoning on a property and uses allowed     Property setbacks.
- Information about rezoning, conditional use permits, subdividing, variances.
- Code Violation     Building Permit     Other

CUSTOMER QUESTION AND RESPONSE

Wants to rezone five acres out of 86 acres. Currently zoned Agriculture (A). Requires rezoning to Rural Residential (RR). Gave Mr. Praus rezoning application and instructions, RR zoning district, P&Z schedule, and additional information.

REFERRED TO THE FOLLOWING AGENCIES

- Building Department     Tax Director     Road Department
- States Attorney     Sheriff     City of Dickinson
- County Extension Services     Auditor     911 Addressing
- Dickinson Rural Fire Department     Southwest District Health Unit re: Septic Services
- Southwest Water Authority

For Additional Information Please Contact Stark County Planning and Zoning Director Steve Josephson at (701)-456-7672 or at [sjosephson@starkcountynod.gov](mailto:sjosephson@starkcountynod.gov)

FOLLOWING UP DATE AND TIME AND METHOD



**RETURN TO:**  
 QUEEN CITY ABSTRACT,  
 TITLE & ESCROW INC.  
 257 1st STREET EAST, SUITE 2  
 DICKINSON. ND 58601

*Kimberly Kasian*

3169886

12/16/2021 01:55:29 PM Page: 1 of 3  
 Warranty Deed \$20.00 Queen City Abstract  
 Kimberly Kasian, Stark County, ND Recorder



**WARRANTY DEED**

THIS INDENTURE, Made this 10<sup>th</sup> day of December, 2021, between BEAU J. O'BRIEN and HOLLY A. O'BRIEN, husband and wife, Grantors, and GENE PRAUS, JONATHAN PRAUS, JUSTIN PRAUS, and JERRY PRAUS of 11 4<sup>th</sup> St. E Dickinson, ND 58601, Grantees.

WITNESSETH, For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantors do hereby GRANT, BARGAIN, SELL and CONVEY to the said Grantees the following real property lying and being in the County of Stark and State of North Dakota and described as follows, to-wit:

THE NORTHWEST QUARTER (NW1/4) OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 97 WEST OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA, less the following described tract:

AN IRREGULAR TRACT OF LAND LOCATED IN THE WEST HALF (W1/2) OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 97 WEST OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

HE SOUTHWEST QUARTER (SW1/4) OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 97 WEST TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND:

BEGINNING AT 2" ALUMINUM CAP STAMPED "SWENSON, HAGEN & CO. PLS 8299" MARKING THE WEST QUARTER CORNER (W1/4) OF SAID SECTION 30, FROM WHICH A 3" ALUMINUM CAP STAMPED "PLS 28310" MARKING THE NORTHWEST CORNER BEARS NORTH 02°02'29" EAST, A DISTANCE OF 2,647.61 FEET;

THENCE NORTH 02°02'29" EAST, ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 218.81 FEET;

THENCE DEPARTING SAID WEST LINE 1.0' NORTH OF AND PARALLEL



WITH AN EXISTING FENCELINE NORTH 89°44'54" EAST, A DISTANCE OF 1,392.77 FEET;

THENCE CONTINUING 1.0' NORTHERLY OF AND PARALLEL WITH SAID EXISTING FENCELINE NORTH 62°13'46" EAST, A DISTANCE OF 1,263.30 FEET;

THENCE CONTINUING 1.0' NORTHERLY OF AND PARALLEL WITH SAID EXISTING FENCELINE NORTH 76°53'27" EAST, A DISTANCE OF 35.00 FEET TO A POINT ON THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 30, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 30 BEARS NORTH 01°11'35"EAST, A DISTANCE OF 1,748.62 FEET;

THENCE SOUTHERLY ALONG SAID MID-SECTION LINE SOUTH 01°11'35" WEST, A DISTANCE OF 898.30 FEET TO A 3"ALUMINUM CAP STAMPED "PLS28310" MARKING THE CENTER QUARTER (C1/4) CORNER OF SAID SECTION 30;

THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) NORTH 88°15'52" WEST ~~A DISTANCE OF 2,534.90 FEET~~ <sup>ND</sup> TO THE POINT OF BEGINNING.

CONTAINING 1,008,065.77 SQUARE FEET OR 23.14 ACRES, MORE OR LESS.

Reserving all oil, gas and other minerals, together with the rights of ingress and egress.

I certify that the full consideration paid for the property described in this Deed is \$250,000.00.

Signed: Jimmy E. Pava Date: 12-10-21  
Grantor or Agent

And the said Grantors for themselves, their heirs, executors and administrators, do covenant with the Grantees that they are well seized in fee of the land and premises aforesaid and have good right to sell and convey the same in manner and form aforesaid, that the same is free from all encumbrances, subject to easements, reservations, covenants and conveyances of record, and the above granted lands and premises in the quiet and peaceable possession of said Grantees, against all persons lawfully claiming or to claim the whole or any part thereof, the said Grantors will warrant and defend.

3169886  
12/16/2021 01:55:29 PM Page: 2 of 3  
Warranty Deed \$20,000 Queen City Abstract  
Kimberly Kasian, Stark County, ND Recorder





WITNESS, The hands of the Grantors:

Beau J. O'Brien  
Beau J. O'Brien

Holly A. O'Brien  
Holly A. O'Brien

STATE OF North Dakota

COUNTY OF Stark

: ss.

**Auditor's Office, Stark Co., N.D.**  
Taxes and Special Assessments paid and Transfer Accepted

Date 12/16/21  
By Karen Richard CO. AUDITOR  
Jan Deputy

On this 10<sup>th</sup> day of December, 2021, before me, personally appeared Beau J. O'Brien and Holly A. O'Brien, husband and wife, known to me to be the persons who are described in, and who executed the within and foregoing instrument, and acknowledged to me that they executed the same.

Frankie Merry

Notary Public

State of North Dakota  
My Commission Expires: 12-23-24

**FRANKIE MERRY**  
NOTARY PUBLIC, STATE OF NORTH DAKOTA  
MY COMMISSION EXPIRES DEC 23, 2024

**RECEIVED**  
FEB 06 2023  
BY: NR





**Common Land Unit**

Cropland    Non-cropland    CRP

Farm 8761  
Tract 8290

**RECEIVED**  
FEB 06 2023  
BY: NR

**Wetland Determination Identifiers**

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

2024 Crop Year

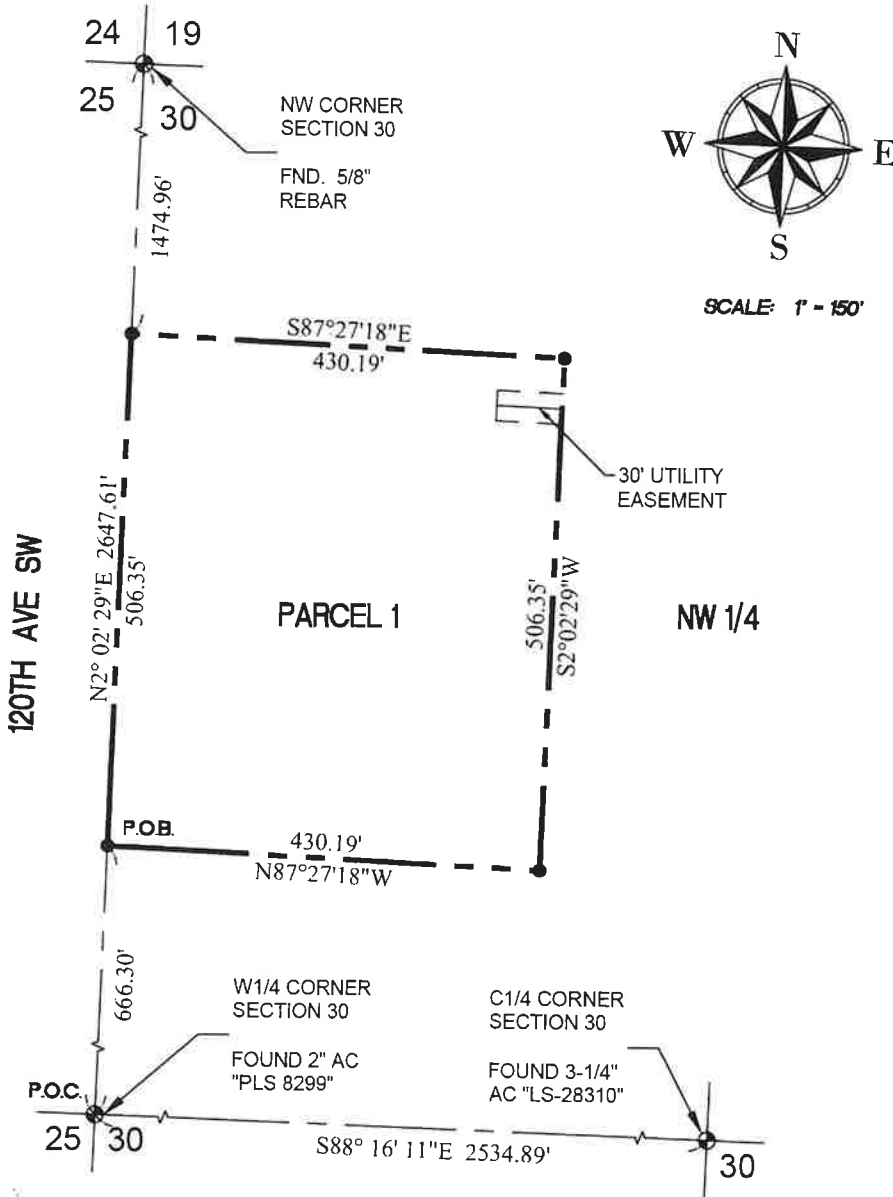


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# CERTIFICATE OF SURVEY

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST  
 QUARTER OF (SW1/4NW1/4) OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 97 WEST  
 OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA.



RECEIVED

FEB 13 2023

BY: *nk*

## LEGEND (SYMB)

- ⊕ FOUND MONUMENT (AS DESCRIBED)
- SET 5/8" REBAR WITH PINK PLASTIC CAP LS-28310
- - - LINE BREAK
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- SECTION LINE
- PROPERTY LINE
- CENTERLINE EASEMENT
- - - EDGE 30' UTILITY EASEMENT

SHEET: 1 of 4



I, Michael Wormley, Registered Professional Land Surveyor LS - 28310, do hereby certify the the survey shown hereon was performed by myself or under my direct supervision, and is true and correct to the best of my knowledge and belief.

