

**E/One Sewer systems
are at home in
communities all over the
country.**

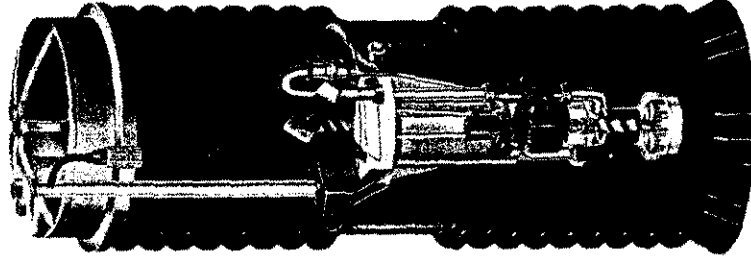
Many communities have been made possible because of the E/One Sewer System. And hundreds more have been made safe once again after failing septic systems created serious public health problems by contaminating ground and recreational water.

The E/One Sewer System delivers safe, cost-effective, reliable performance and enables controlled growth, permitting communities to maintain their quality of life at a cost they can afford.

For more information, contact

Environment One Low Pressure Sewer Systems

Powered by the GP 2000



engineered
to do one job
perfectly.

E/One Sewer Systems give you the freedom to sewer anywhere – at up to half the cost of gravity sewers.

Rugged hills. Isolated flatlands. Coastal areas. Or sites with high water tables. With E/One behind you, you can sewer where no one has sewered before.

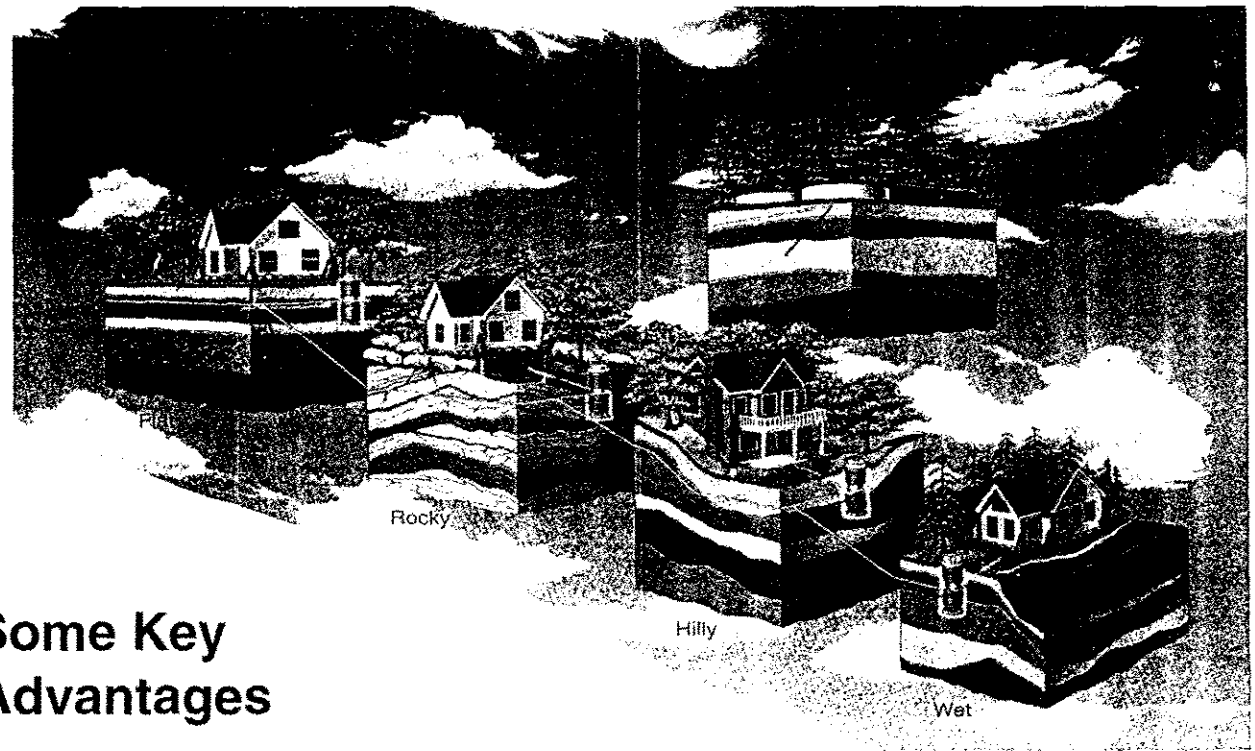
That's because E/One Sewer Systems follow the contour of the land. So they can go anywhere. Without destroying the landscape.

They're easier to install than conventional gravity sewers, so they greatly reduce the high cost of sewerage. And they're highly reliable so they lower operating costs.

They're also safer than septic systems, which can be environmental time bombs that threaten ground and recreational water.

Cost-efficient. Reliable. Goes anywhere. And safer for the whole community.

Isn't that the direction you want to go?



Some Key Advantages

Safety. Every Environment One pump model is Underwriters Laboratories listed. "America's accepted listing" ensures a product is manufactured in accordance with best practice and establishes the product will perform its intended function safely.

Durability. National Sanitation Foundation listed. The NSF mission has been to set national (and recently international) standards for materials and products that are of plumbing and/or public health significance. Every model is submitted to NSF for rigorous testing by their committee of state and national health professionals and industry representatives. Each model is tested for durability of materials, freedom from objectionable odors, noise or safety hazards, freedom from plumbing or health hazards, and the ability to grind foreign objects without clogging.

Your family and your community deserve the best in wastewater grinder pumping equipment. You deserve an Environment One Sewer system.

Please contact us for a complete list of UL and NSF testing protocol.

Dependability. Mean time between service calls for Environment One pumps is typically eight to 10 years. E/One has nearly 30 years of in-ground experience.

No Preventive Maintenance. No preventative maintenance required by the homeowner. No main line flushing is required in a properly designed system.

Low Energy Consumption. Pump activates automatically and runs for short periods. Typical annual energy consumption equals a 40-watt light bulb.

High Grinding Torque. The unique pump system, driven by a one horsepower motor turning at 1,725 rpm, produces grinding torque equal to a two horsepower pump turning at twice the speed.



**MISTY WATERS PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5435 (Adopted June 14, 2005)
MAJOR PUD AMENDEMNT (Adopted August 23, 2006)**

WHEREAS, Ordinance No. 5435 was adopted by the Board of City Commissioners on June 14, 2005; and

WHEREAS, Ordinance No. 05-03 was adopted by the Board of County Commissioners on June 6, 2005; and

WHEREAS, Section 1(2) of both ordinances indicates that this PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments); and

WHEREAS, Misty Waters LLC has requested an amendment to the Planned Unit Development for Misty Waters.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lots 1-84, Block 1; Lots 1, Block 2; Lots 1-40, Block 3; and Lot 1, Block 4;
Misty Waters

is hereby approved and this PUD is now subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of ~~135~~ 145 residential units (~~119~~ 115 single-family residential units and up to ~~16~~ 30 residential units constructed in ~~multi-unit buildings~~ condominium associations with two units per building); water-related commercial uses, including a marina with boat slip mooring, dockside fuel, boat rental, a gas station/convenience store with a two-bay boat repair facility, and a restaurant/bar; marina parking facilities; parking facilities for winter storage of marine boats and pontoons; and a public boat ramp with parking to be deeded to Burleigh County. Any change in the proposed uses within the PUD from that indicated herein will require an amendment to this PUD.

2. *Single-Family Residential Development Standards.* Single family residential development shall be located on Lots 2 – ~~8381~~, Block 1 and Lots 2-~~39~~ 37, Block 3 (~~119~~ 115 lots with one dwelling unit per lot); the building corridor shown on the development plan submitted with the application for a PUD shall be eliminated; the minimum front yard setback shall be 40 feet on Burnt Creek Loop, 35 feet on Misty Waters Drive and 25 feet on the other interior roadways; the minimum side yard setback shall be 10 feet with no encroachments (decks, bay windows, etc); the minimum rear yard setback shall be 30 feet; the minimum setback from the ordinary high water mark of the Missouri River shall be 100

feet; the minimum setback from the bay shall be elevation 1640.3 (NAVD88) as delineated by the contour line described in the approved LOMR; the maximum building height shall be 35 feet; walkout basements shall be elevated to a minimum of one foot above the base flood elevation; and the maximum lot coverage shall be 30%. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Residential building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

3. *Multi-family Residential Development Standards.* Multi-family residential development shall be located on the northerly 573.16 feet of the easterly 177.91 feet of Lot 2 and all of Lots 82-84, Block 1, and Lots 38-40, Block 3 (two lots three separate parcels with a separate condominium association for each parcel and with up to two five buildings with up to four no more than two units in each building on each lot parcel; the building corridor shown on the development plan submitted with the application for a PUD shall be eliminated; the minimum front yard setback shall be 35 feet; the minimum side yard setback shall be 15 feet with no encroachments (decks, bay windows, etc); the minimum rear yard setback shall be 30 feet; the minimum setback from the ordinary high water mark of the Missouri River shall be 100 feet; the minimum setback from the bay shall be elevation 1640.3 (NAVD88) as delineated by the contour line described in the approved LOMR; the maximum building height shall be 35 feet; walkout basements shall be elevated to a minimum of one foot above the base flood elevation; and the maximum lot coverage shall be 40%. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Residential building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

4. *Commercial Development Standards.* Commercial development shall be located on Lot ~~12~~ less the northerly 573.16 feet of the easterly 177.91 feet of Lot 2, Block 1 and shall be limited to water-related commercial uses, including a marina with boat slip mooring, dockside fuel, boat rental, a gas station/ convenience store, a two-bay boat repair facility, and a restaurant/bar. The minimum front yard setback shall be 40 feet; the minimum side yard setback shall be 20 feet; the minimum rear yard setback shall be 30 feet; the maximum building height shall be 35 feet; and the maximum lot coverage shall be 70%. Commercial building types shall be substantially similar to those submitted in conjunction with the application for a PUD. Parking areas for commercial uses shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Said parking areas

shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. Any change to the uses or building setbacks that are inconsistent with these standards will require an amendment to this PUD. Any activities requiring a special use permit, such as gas dispensing/filling station or liquor sales, shall be subject to the requirements of Section 14-03-08 of the City Code of Ordinances (Special Uses). Any liquor sales will also be subject to the standards agreed to by Burleigh County and the developer in conjunction with liquor licensing.

5. *Marina Parking Facilities.* Marina parking facilities, including parking facilities for winter storage of marine boats and pontoons, shall be located on Lot 2~~1~~, Block 1, in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on a ratio of one parking space per 1.5 boat slips. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly maintained. Concrete perimeter curbing of the parking areas will not be required. A marina restroom and concession facility may be constructed on Lot 2~~1~~, and each shall be no larger than 500 square feet in area, no more than one story in height, be architecturally similar to other commercial buildings in the development and be subject to the same development standards as outlined for commercial uses. Any changes to the location of marine parking facilities will require an amendment to this PUD.

6. *Public Boat Ramp.* A public boat ramp and parking facilities shall be located on Lot 1, Block 4. Said boat ramp and parking facilities shall be developed in accordance with the agreement between the Developer and Burleigh County. Upon conveyance of the property to Burleigh County, the County may construct other complementary facilities, such as restrooms, fish cleaning stations, and picnic shelters.

7. *Signage.* Development identification signage may be installed on Lot 1, Block 2, in accordance with the requirements of Section 14-03-05(9) of the City Code of Ordinances (Residential Area Identification Signs). Signage for the commercial uses on Lot 1~~2~~, Block 1, shall be limited to one pylon sign no more than 35 feet in overall height with a face not exceeding 96 square feet, one monument sign with a face not exceeding 48 square feet, and up to two wall signs per building (one facing the marina and one facing the entrance to the commercial area) in accordance with the provision of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures).

8. *Landscaping.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The perimeter parking lot landscaping requirements for the marina parking facilities on Lot 1, Block 1 and the commercial uses on Lot 2 less the northerly 573.16 feet of the easterly 177.91 feet of Lot 2, Block 1 may be modified by the City Forester and/or City Planner to recognize the setting of the development and to incorporate deer and drought-resistant plant materials.

provided the overall intent of the landscaping requirements, if not the specific plant quantities, are met.

9. *Common Elements.* Maintenance of all common elements, including the bay/inlet (Lot 85, Block 1) and open space lots (Lot 1, Block 2 and Lot 1, Block 3), shall be the responsibility of the ~~home~~ property owner's association.

10. *Lot Modifications.* Any subsequent modification of lots shall be subject to the requirements of Section 14-09-02 of the City Code of Ordinances.

11. *No-Build Easement.* A no-build easement is shown on the face of the plat of Misty Waters over a portion of Lots 1 and 2, Block 1. The intent of this easement is to prohibit construction of structures within this area, as it is part of the Northern Bridge Corridor. The easement reserves the area for the future bridge and related roadways, but does not dedicate the property for this purpose.

12. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.



TOMAN ENGINEERING COMPANY
CONSULTING CIVIL & ENVIRONMENTAL ENGINEERS

906 2ND ST. N.W. • MANDAN, NORTH DAKOTA 58554 • 701-663-6483 • FAX 701-663-0923

Memo

To: Bill Augustadt
From: Ronald W. Manchester
CC: Steve McCormick, John Myers
Date: 10/6/2005
Re: Misty Waters TECO #4186

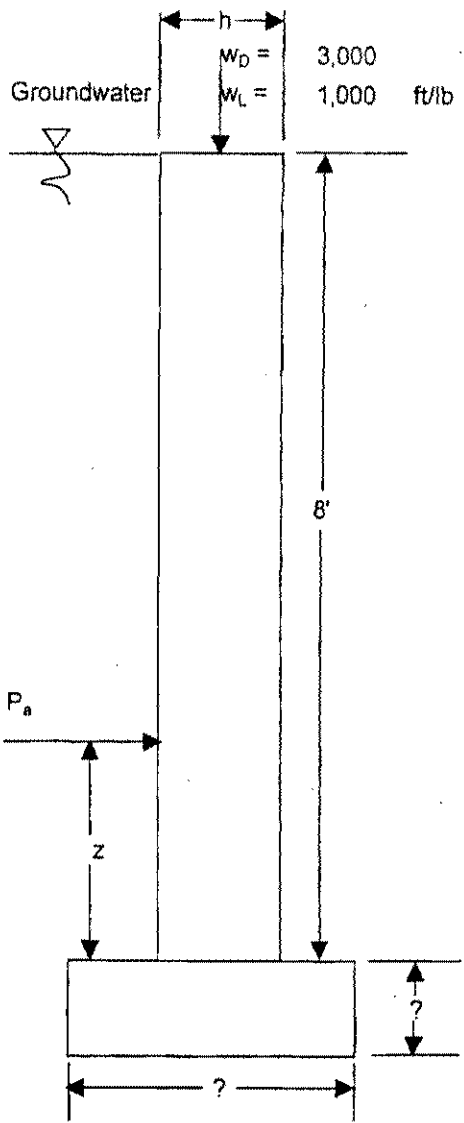
Typical Foundation Wall and Footing Design

Enclosed are the calculations and design for a typical wall and footing for a house located in the Misty Waters Subdivision. The typical wall design is a minimum requirement for all homes located in the Misty Waters Subdivision. All homeowners are recommended to conduct their own soils investigation and to have the foundation for their home to be designed by a registered professional engineer of their choice. All window and door openings shall have a minimum of 2 #5 bars around them and extending a minimum of 24 inches past the openings. An assumed wall loading of $w_D = 3,000$ lb/ft and $w_L = 1,000$ lb/ft was used in the design of the minimum foundation requirements. It is also recommended to all homeowners that they install drain tile around their footings and to have a sump pump installed in their basement or crawl space. The lowest allowable elevation for the bottom of the footing is 1635.00 (NGVD29 Datum).

Respectfully,

Ronald W. Manchester

**MISTY WATERS
TYPICAL FOUNDATION WALL
AND FOOTING DESIGN
TECO #4186**



Active Pressure Against Wall

$\gamma_{sat} = 120$ lb/ft ³	$N_F = 8$
$\gamma_w = 62$ lb/ft ³	$c = 0$ lb/ft ²
$\gamma_c = 150$ lb/ft ³	$q_a = 3,500$ lb/ft ²
$f_c = 4,000$ lb/in ²	$f_y = 60,000$ lb/in ²
	$H = 8$ ft

$\sigma'_v = \gamma_{sat}H$
 $\sigma'_v = 960$ lb/ft² or 0.48 ton/ft²
 $C_N = 2/(1 + \sigma'_v)$ σ'_v must be in tons/ft²
 $C_N = 1.35$
 $N_1 = C_N N_F$
 $N_1 = 10.8$
 $\phi_{deg} = 27.1 + 0.3N_1 - 0.00054N_1^2$
 $\phi_{deg} = 30.3$
 $K_a = (1 - \sin \phi)/(1 + \sin \phi)$
 $K_a = 0.330$
 $\sigma_a = K_a \gamma_{sat}H$
 $\sigma_a = 316.4$ lb/ft²
 $P_a = 0.5 K_a \gamma_{sat} H^2$
 $P_a = 1265.6$ lb
 $z = 1/3H$
 $z = 2.67$ ft

Design of Wall

$w_U = 1.4w_D + 1.7w_L$ $b = 12$ in
 $w_U = 5,900$ lb/ft for a typical 1 foot section of wall $P_n = 5,900$ lb

Minimum Wall Thickness

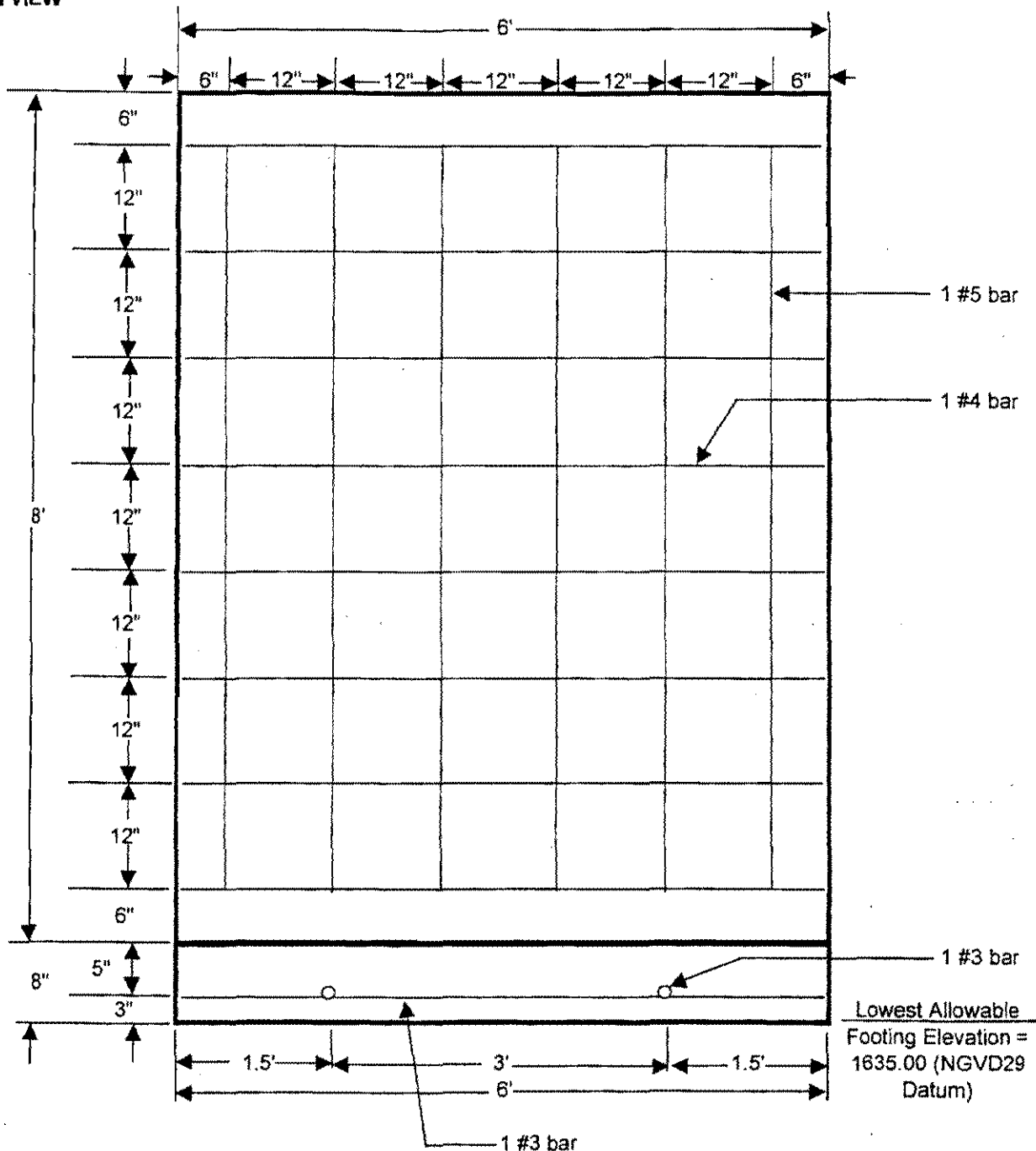
$h = (1/25)H$
 $h = 3.84$ in **Doesn't Control**
 $h = 7.5$ in **Controls** use $h = 8$ in

↑ minimum thickness for exterior walls only

Horizontal Length of Wall to be considered effective in supporting each Concentrated Load

Width of Bearing = 4 in	
Center-to-Center spacing of Beams = 16 in	Controls
Width of Bearing + 4h = 36 in	Doesn't Control
$l_c = 16$ in	

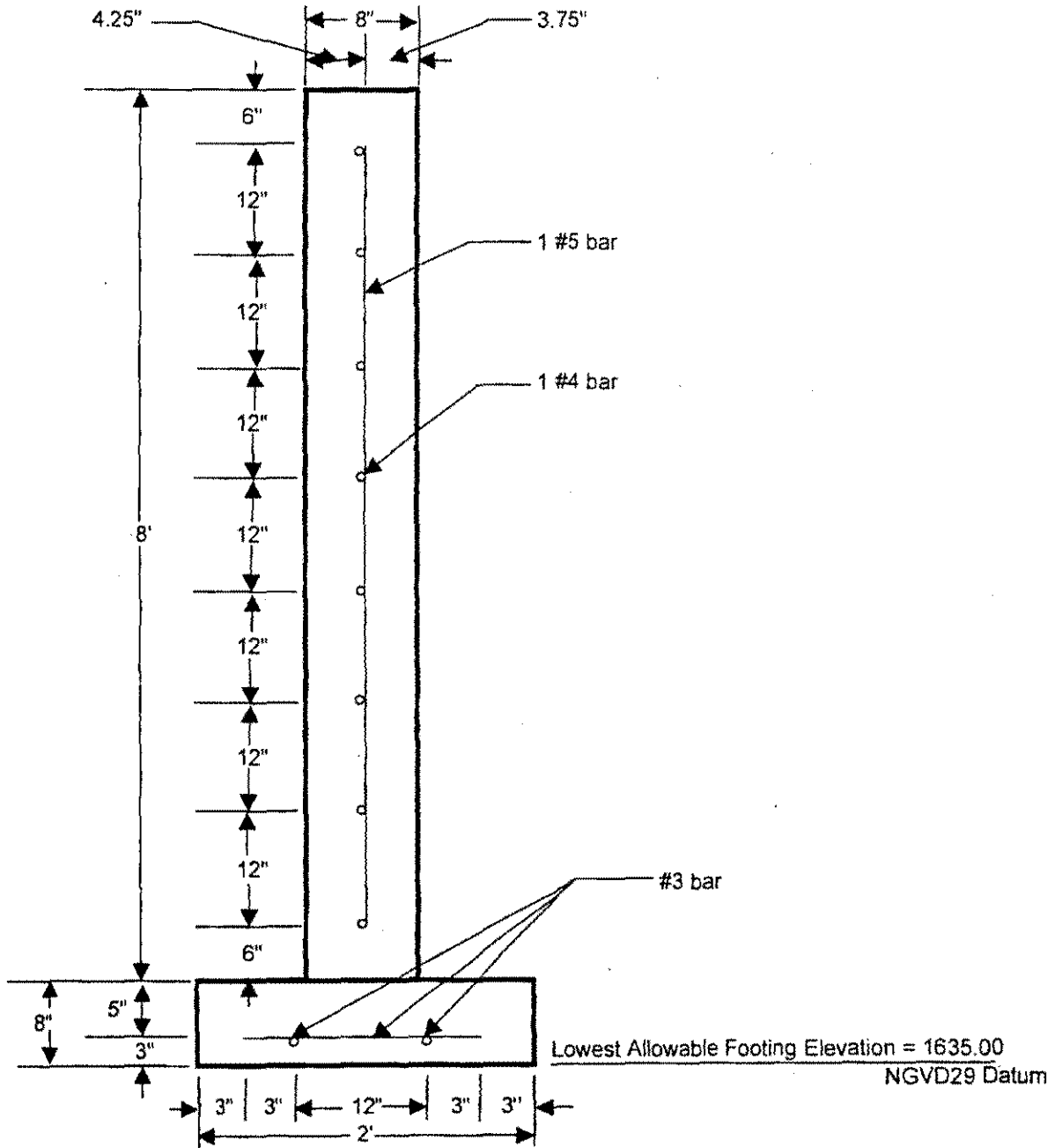
**TYPICAL WALL SECTION
PLAN VIEW**



Note: All window and door openings shall have a minimum of 2 #5 bars around them and extending a minimum of 24 inches past the openings. An assumed wall loading of $w_D = 3,000$ lb/ft and $w_L = 1,000$ lb/ft was used in the design of the minimum foundation wall requirements.

The typical wall design is a minimum requirement for all homes located in the Misty Waters Subdivision. All home owners are recommended to conduct their own soils investigation and to have the foundation for their home to be designed by a registered professional engineer of their choice.

TYPICAL WALL SECTION
SIDE VIEW





Federal Emergency Management Agency

Washington, D.C. 20472

May 19, 2005

MR. MARLIN HAWKENSON
CHAIRMAN, BURLEIGH COUNTY
P.O. BOX 5518
BISMARCK, ND 58506-5518

CASE NO.: 05-08-0351A
COMMUNITY: BURLEIGH COUNTY, NORTH DAKOTA
(UNINCORPORATED AREAS)
COMMUNITY NO.: 380017

DEAR MR. HAWKENSON:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

Sincerely,

Doug Bellomo, P.E., Chief
Hazard Identification Section, Mitigation Division
Emergency Preparedness and Response Directorate

LIST OF ENCLOSURES:

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region
Mr. Harvey Schnieder



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	BURLEIGH COUNTY, NORTH DAKOTA (Unincorporated Areas)	Portions of Sections 10 and 11, Township 139 North, Range 81 West, Fifth Principal Meridian, as described in the Warranty Deed recorded as Document No. 488375, in the Office of the Register of Deeds, Burleigh County, North Dakota
	COMMUNITY NO.: 380017	
AFFECTED MAP PANEL	NUMBER: 3800170570A; 3800170590A; 3800170780A	The portion of property to be removed from the SFHA is more particularly described by the following metes and bounds: COMMENCING at the southeast 1/4 of the southwest 1/4 of Section 11, thence S89°20'45"W, 129.12 feet; thence N32°39'25"W, 72.98 feet to the
	NAME: BURLEIGH COUNTY, NORTH DAKOTA (UNINCORPORATED AREAS)	
	DATE: 9/18/1985; 9/18/1985; 9/18/1985	
FLOODING SOURCE: MISSOURI RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 46.867, -100.871 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 7.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
—	—	—	—	Portion of Property	B	1639.0 feet	—	1639.0 feet


Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION
PORTIONS REMAIN IN THE SFHA
STUDY UNDERWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.


Doug Bellomo, P.E., Chief
Hazard Identification Section, Mitigation Division
Emergency Preparedness and Response Directorate

Version 1.3.3

1029299.1LOMR-F-SL083400351



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL) ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

POINT OF BEGINNING; thence S89°20'45"W, 231.83 feet; thence N23°51'36"W, 376.14 feet; thence S76°04'28"W, 170.10 feet; thence N65°23'13"W, 50.50 feet; thence N14°14'13"W, 257.59 feet; thence N16°56'22"W, 199.10 feet; thence N34°06'33"W, 341.02 feet; thence N76°44'00"W, 27.53 feet; thence S53°29'23"W, 159.35 feet; thence 557.95 feet along a curve to the right having a radius of 188.00 feet; thence N43°31'59"E, 165.54 feet; thence N01°46'24"W, 65.83 feet; thence N44°11'37"W, 307.43 feet; thence N87°51'43"W, 87.34 feet; thence S60°56'58"W, 82.78 feet; thence 526.23 feet along a curve to the right having a radius of 187.00 feet; thence N42°11'00"E, 172.18 feet; thence N27°49'54"W, 153.08 feet; thence N37°05'10"W, 210.75 feet; thence N67°08'52"W, 81.56 feet; thence S76°08'39"W, 177.26 feet; thence 380.27 feet along a curve to the right having a radius of 147.00 feet; thence N44°21'38"E, 231.96 feet; thence N21°51'04"W, 100.23 feet; thence N28°13'59"W, 335.08 feet; thence N29°35'00"W, 149.21 feet; thence N68°05'33"W, 142.81 feet; thence S87°43'51"W, 70.11 feet; thence N71°56'45"W, 207.05 feet; thence S76°35'02"W, 194.29 feet; thence S44°13'49"W, 110.25 feet; thence S24°25'39"W, 97.60 feet; thence S10°41'01"W, 95.48 feet; thence S00°06'33"E, 95.11 feet; thence S10°41'17"E, 113.80 feet; thence S55°46'26"E, 71.69 feet; thence N52°44'43"E, 90.37 feet; thence 605.60 feet along a curve to the right having a radius of 196.00 feet; thence S49°46'43"W, 116.77 feet; thence S31°24'56"W, 24.75 feet; thence S33°03'48"E, 404.77 feet; thence S45°24'10"E, 64.35 feet; thence S61°22'28"E, 56.98 feet; thence 479.86 feet along a curve to the right having a radius of 600.00 feet; thence S15°33'04"E, 121.15 feet; thence 185.07 feet along a curve to the left having a radius of 300.00 feet; thence S50°53'50"E, 200.42 feet; thence S45°40'21"E, 163.98 feet; thence S32°45'21"E, 142.70 feet; thence S20°04'28"E, 168.20 feet; thence S29°52'11"E, 117.03 feet; thence S42°22'20"E, 117.60 feet; thence S29°40'59"E, 167.93 feet; thence S20°16'43"W, 80.34 feet; thence S32°13'32"W, 130.35 feet; thence S54°45'23"W, 139.61 feet; thence N37°41'44"W, 294.33 feet; thence N32°06'13"W, 279.37 feet; thence N38°50'58"W, 183.84 feet; thence N23°56'30"W, 74.38 feet; thence N49°14'00"W, 213.10 feet; thence N47°10'47"W, 158.67 feet; thence N34°23'57"W, 104.52 feet; thence N19°34'31"E, 39.82 feet; thence N16°31'04"W, 285.93 feet; thence N38°10'13"W, 164.16 feet; thence N61°17'12"W, 131.35 feet; thence N50°17'11"W, 91.01 feet; thence N38°25'43"W, 201.63 feet; thence N33°28'27"W, 258.63 feet; thence N31°32'57"W, 146.21 feet; thence N43°17'07"W, 183.99 feet; thence N27°53'12"W, 197.57 feet; thence N19°44'51"W, 131.84 feet; thence N11°59'53"W, 194.59 feet; thence N42°04'55"W, 367.56 feet; thence N48°22'19"W, 133.49 feet; thence N49°55'25"W, 55.54 feet; thence N01°32'49"E, 49.22 feet; thence N24°14'46"E, 37.68 feet; thence N46°41'00"E, 77.68 feet; thence N78°41'11"E, 65.30 feet; thence N88°01'00"E, 180.43 feet; thence S37°55'31"E, 22.18 feet; thence S78°58'46"E, 70.11 feet; thence S46°30'27"E, 126.60 feet; thence S77°14'36"E, 89.03 feet; thence S64°21'25"E, 51.28 feet; thence N66°43'29"E, 71.80 feet; thence N52°32'10"E, 119.28 feet; thence S31°41'12"E, 74.82 feet; thence 443.67 feet along a curve to the right having a radius of 460.00 feet; thence S66°25'29"E, 148.49 feet; thence 139.85 feet along a curve to the left having a radius of 290.00 feet; thence S30°45'42"E, 1046.69 feet; thence S36°29'01"E, 1713.94 feet; thence N53°30'59"E, 50.50 feet; thence S36°29'01"E, 222.31 feet; thence S32°39'25"E, 1116.46 feet to the POINT OF BEGINNING


PORCTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STUDY UNDERWAY (This additional consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.


Doug Bellomo, P.E., Chief
Hazard Identification Section, Mitigation Division
Emergency Preparedness and Response Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

November 16, 2006

THE HONORABLE W. M. AUGUSTADT
BURLEIGH COUNTY
1020 E CENTRAL AVENUE
BISMARCK, ND 58501

CASE NO.: 07-08-0035A
COMMUNITY: BURLEIGH COUNTY, NORTH
DAKOTA
(UNINCORPORATED AREAS)
COMMUNITY NO.: 380017

DEAR MR. AUGUSTADT:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

Sincerely,

William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division

LIST OF ENCLOSURES:

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region
Mr. Steve McCormick
Mr. David Thompson



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	BURLEIGH COUNTY, NORTH DAKOTA (Unincorporated Areas)	A portion of Sections 10 and 11, Township 139 North, Range 81 West, Fifth Principal Meridian, Misty Waters, as shown on the Plat recorded as Document No. 644375, Pages 1, 2 and 3, in the Office of the Recorder, Burleigh County, North Dakota The portions of property are more particularly described by the following metes and bounds: Area A: COMMENCING at
	COMMUNITY NO.: 380017	
AFFECTED MAP PANEL	NUMBER: 38015C0570C; 38015C0590C; 38015C0760C; 38015C0780C DATE: 7/19/2005; 7/19/2005; 7/19/2005;	
FLOODING SOURCE: MISSOURI RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 46.872, -100.874 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 7.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
-	-	Misty Waters	-	Portion of Property (Area A)	X (shaded)	1640.9 feet	--	1641.0 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION SUPERSEDES PREVIOUS DETERMINATION
DETERMINATION TABLE (CONTINUED)
PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

the northeast corner of Lot 2, Block 3; thence S34°22'59"E, 20.76 feet to the POINT OF BEGINNING; thence S34°22'59"E, 103.18 feet; thence S52°32'10"W, 94.09 feet; thence S66°43'29"W, 71.80 feet; thence N64°21'25"W, 51.28 feet; thence N77°14'36"W, 89.03 feet; thence N46°30'27"W, 126.60 feet; thence N78°58'46"W, 70.11 feet; thence N37°55'31"W, 22.18 feet; thence S88°01'00"W, 180.43 feet; thence S78°41'11"W, 65.30 feet; thence S46°41'00"W, 77.68 feet; thence S24°14'46"W, 37.68 feet; thence S01°32'49"W, 49.22 feet; thence S49°55'25"E, 55.54 feet; thence S48°22'19"E, 133.49 feet; thence S42°04'55"E, 137.12 feet; thence N60°11'20"W, 18.19 feet; thence N56°00'19"W, 26.15 feet; thence N47°30'17"W, 53.87 feet; thence N66°45'17"W, 16.70 feet; thence N57°33'31"W, 41.75 feet; thence N46°18'01"W, 44.95 feet; thence N52°53'57"W, 41.14 feet; thence N40°04'50"W, 70.39 feet; thence N34°14'42"W, 48.38 feet; thence N23°04'06"W, 45.18 feet; thence N13°36'42"W, 41.70 feet; thence N05°02'48"E, 56.82 feet; thence N19°49'57"E, 39.04 feet; thence S89°41'02"E, 554.88 feet; thence S09°52'08"W, 21.67 feet; thence S23°38'04"E, 87.03 feet; thence S26°42'03"E, 26.34 feet; thence N70°59'37"E, 50.01 feet; thence N52°57'48"E, 94.44; thence N39°37'04"E, 43.23 feet to the POINT OF BEGINNING

Area B:

COMMENCING at the southeast corner of Lot 40, Block 1; thence S69°12'07"W, 127.59 feet to the POINT OF BEGINNING; thence N33°03'19"W, 196.85 feet; thence N30°48'30"W, 207.71 feet; thence N51°18'08"W, 63.20 feet; thence N37°18'01"W, 51.35 feet; thence N53°44'19"W, 90.63 feet; thence N72°58'20"W, 45.39 feet; thence N87°43'51"E, 40.42 feet; thence S68°05'33"E, 142.81 feet; thence S29°35'00"E, 149.21 feet; thence S28°13'59"E, 335.08 feet; thence S21°51'04"E, 15.08 feet to the POINT OF BEGINNING

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	Misty Waters	--	Portion of Property (Area B)	X (shaded)	1640.7 feet	--	1641.0 feet

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

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Engineering Management Section
Mitigation Division



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 2 Properties.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

SUPERSEDES OUR PREVIOUS DETERMINATION (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

This Determination Document supersedes our previous determination dated 8/23/2006, for the subject property.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

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