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May 21, 2026

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

**RE: An Ordinance Amending Ordinance No. 5536 Pertaining to Zoning of
EOLA Second Addition and J & O 45th Street Apartments Addition**

Dear Commissioners,

Enclosed for your review and consideration is an ordinance amending Ordinance No. 5536, which received second reading (waived) and final passage by the Board on November 24, 2025. Ordinance No. 5536 authorized the rezoning of property legally described as EOLA Second Addition and J & O 45th Street Apartments Addition.

Following its adoption, a clerical oversight was identified, specifically, the word “through” was inadvertently used in reference to two lots, when the correct term should have been “and.”

The purpose of this amendment serves solely to clarify the ordinance language and ensure consistency between the ordinance and the zoning map.

Please feel free to contact Maegin Elshaug or me if you have any questions or concerns.

Suggested Motion: I move to waive receipt and filing of the enclosed ordinance one week prior to first reading and that this be the first reading, by title, of an Ordinance Amending Ordinance No. 5536 pertaining to zoning of EOLA Second Addition and J & O 45th Street Apartments Addition to the City of Fargo, Cass County, North Dakota.

Sincerely,

Alissa R. Farol Czapiewski
Assistant City Attorney

Enclosure

cc: Maegin Elshaug, Planning & Development Department

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 5536
PERTAINING TO ZONING OF EOLA SECOND ADDITION
AND J & O 45TH STREET APARTMENTS ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, at its regular meeting of November 24, 2025, the Board of City Commissioners approved second reading (waived) and final passage of Fargo Municipal Ordinance No. 5536, which memorialized and effected a rezoning of certain property described as EOLA Second Addition and the J & O 45th Street Apartments Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, following adoption of Ordinance No. 5536, the City identified a clerical error within the "Residential Density" section of the Ordinance, wherein the word "through" was inadvertently used in reference to Lots One (1) and Eight (8), when the correct term should have been "and"; and,

WHEREAS, the Board of City Commissioners desires, by adoption of this Ordinance, to correct the clerical error so that Ordinance No. 5536 accurately reflects the zoning request and action considered and approved by the Board at the November 10, 2025, hearing.

NOW, THEREFORE,

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

Section 1. Amendment.

Residential Density.

On Lot Two (2), Block One (1), EOLA Second Addition and Lots One (1) ~~through~~ and Eight (8), Block One (1), J & O 45th Street Apartments Addition, the maximum residential density allowed shall be seventy (70) units per acre.

* * * *

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.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

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

(SEAL)

Attest:

Timothy J. Mahoney, M.D., Mayor

Angie Bear, Deputy City Auditor,
on behalf of the City Auditor

First Reading:
Second Reading:
Final Passage: