



**DIVERSION AUTHORITY  
Land Management Committee  
City Commission Room  
Fargo City Hall  
Wednesday, March 9, 2016  
4:00 p.m.**

1. Agenda review
2. Approve February 10, 2016 minutes
3. CCJWRD Land Management Report
4. Property Acquisition & Relocations
5. P3 & Land Acquisition Overview
6. Right of Entry Update
7. Other business
8. Next meeting April 13, 2016

**DIVERSION AUTHORITY  
Land Management Committee  
City Commission Room  
Fargo City Hall  
Wednesday, February 10, 2016  
4:00 p.m.**

Land Management Committee Members Present: Fargo Mayor Tim Mahoney, Oxbow Representative Paul Nelson (alternate for Jim Nyhof), Cass County Commission Representative Darrell Vanyo (alternate for Mary Scherling), Clay County Commission Representative Jenny Mongeau, Cass County Joint Water Resource District Representative Rodger Olson, Cass County Administrator Keith Berndt, Moorhead City Administrator Michael Redlinger, Clay County Administrator Brian Berg, Fargo Director of Engineering Mark Bittner, Moorhead City Engineer Bob Zimmerman.

Others present: Eric Dodds - AE2S, Mark Brodshaug - Cass County Joint Water Resource District, Bruce Grubb - Interim Fargo City Administrator, Scott Senger - ProSource.

The meeting was called to order by Chair Tim Mahoney.

Agenda review

There were no changes or additions to the agenda.

January 13, 2016 Minutes

Rodger Olson moved the minutes from the January 13, 2016 meeting be approved. Mark Bittner seconded the motion. All the members present voted aye and the motion was declared carried.

CCJWRD Land Management Report

Mark Brodshaug reviewed the Land Management Summary Report and stated there is not a lot new this month. Acquisition of downtown properties is still working its way through the process, he said. After acquisitions are recommended by committees and approved by the CCJWRD, there are still details to be hashed out by attorneys, he said. Appraisal reviews are coming back from the Corps again now after a period of slow progress, he said.

Eric Dodds said he expects to hear back from the Kilbourne Group very soon to have the final agreement signed, and the agreements were just recently wrapped up with Fargo Public Schools.

In response to a question from Tim Mahoney about whether the construction bids for Fargo Public Schools came in lower than expected, Eric Dodds said the project for their new facility is being advanced as quickly as possible, and he will look into the bid information to see if construction cost estimates may be coming in lower.

## Property Atlas

Eric Dodds said the document is a 25 page graphical version of the Land Management Summary that has been produced for the last couple years and continues to be updated as a status indicator of property acquisitions. He said it continues to evolve and updated copies will likely be presented quarterly for continued awareness. This will be improved upon, he said, with advances coming for increased visibility such as a better live version and eventually a web application with the ability to query.

Darrell Vanyo said having identification on the maps for individual farmsteads, etc. would be helpful. His vision, he said, is to get to the point of being able to identify on a map where people reside and to show differences such as whether these are farmsteads with multiple structures, generational farmsteads, or simply a house in a rural area. He said contacts for mitigation purposes should begin with the less complicated acquisitions, and a good start would be to acknowledge differences in the properties and working towards identifying more detail on a map.

In response to a question from Tim Mahoney about whether landowners on the Minnesota side know what will happen to them, Jenny Mongeau said the sooner they are communicated with, the better. She stated most have some idea of what may happen; however, many are unsure of the Diversion Authority's intent, whether it be buyouts or ring dikes.

Eric Dodds said a couple years ago letters went to residents in the staging area asking if they were interested in early buyouts or moving into the ring levee of Oxbow as an early solution, and now may be a good time to advance another round of those letters for feedback and to gauge interest. He said work is being advanced on the specifics of residential properties and farmsteads in the staging area. He said another priority is to advance the development of flowage easements in the staging area, and with the CCJWRD and Diversion Authority owning some land, perhaps a sample flowage easement could be done on land already owned so the process could be examined.

Mark Brodshaug said he believes that letter was sent to North Dakota residents, and for a similar effort to be done on the Minnesota side, it will first need to be determined which entity would do that.

## Property Acquisition & Relocations

### *Joel Wold – 816 Riverbend Road*

Eric Dodds said there are nine properties remaining to acquire in Oxbow, including this one, and some of those are the most unique and challenging.

Scott Senger said this property is a single-family home located on Riverbend Road in Oxbow. He said the numbers for this property have also been reviewed by an architect and the landscape firm.

Rodger Olson moved to recommend the CCJWRD execute a purchase agreement in the amount of \$571,400.00 as just compensation for real property; execution of a replacement Housing Agreement with estimated payment of \$242,105.00 for decent, safe, sanitary and comparable replacement housing;

and, payment for the replacement lot in the amount of \$111,000.00, which will be fully reimbursed to CCJWRD per the Oxbow MOU Amendment. Darrell Vanyo seconded the motion. On call of the roll Vanyo, Berg, Zimmerman, Mongeau, Redlinger, Nelson, Berndt, Olson, Bittner and Mahoney voted aye. The motion was declared carried.

Other business

Eric Dodds said the Corps has submitted a request to get Right of Entry permission for survey work on the southern embankment portion of the project and a number of the properties are in Minnesota. The request is working its way through staff levels, he said and it is anticipated that they would need to work with some of the Minnesota entities.

In response to a question from Darrell Vanyo about the lots being advertised for sale in Oxbow and whether the intention is to sell them all, Paul Nelson said bids will be opened on March 7th, then examined and documented, retaining the right to refuse. He said there are 10 lots for sale now and if all goes well more may be allocated. These lots are over and above those being held for people who may want to move there from the staging area, he said.

Jenny Mongeau moved the meeting be adjourned. Darrell Vanyo seconded the motion. All the members present voted aye and the motion was declared carried.

The meeting adjourned at 4:24 p.m.

The next meeting will be Wednesday, March 9, 2016.

# FM Area Diversion Project Property Acquisition Summary

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March 3, 2016

## Property:

Owner	Burlington Northern
Address	91 NP Avenue North
Property Type	Single family residential
Identification Number	9259

## Description of Purchase Property:

The needed purchase property is a 2,024 square foot piece of an undeveloped riverside parcel. The entire parcel (Railroad Outlot #3) consists of 19,031.79 square feet (see attached map). The entire parcel is not needed to complete the project. However, this parcel has no real value to BNSF.. The representative for BNSF has expressed their desire to eliminate the tax burden that this property represents.

After further negotiations BNSF would like to dispose of the entire parcel for the offered priced for the needed land.

## Compensation Summary:

Compensation amounts proposed are based on a previous BNSF purchase for this project. The previous parcel was purchased for \$3.00 per square foot. The needed parcel is 2,024 square feet and would be fairly valued at \$6,072.00 based on the recent comp.

BNSF has countered at \$20,000.00 purchase price with an additional \$2,000.00 processing fee.

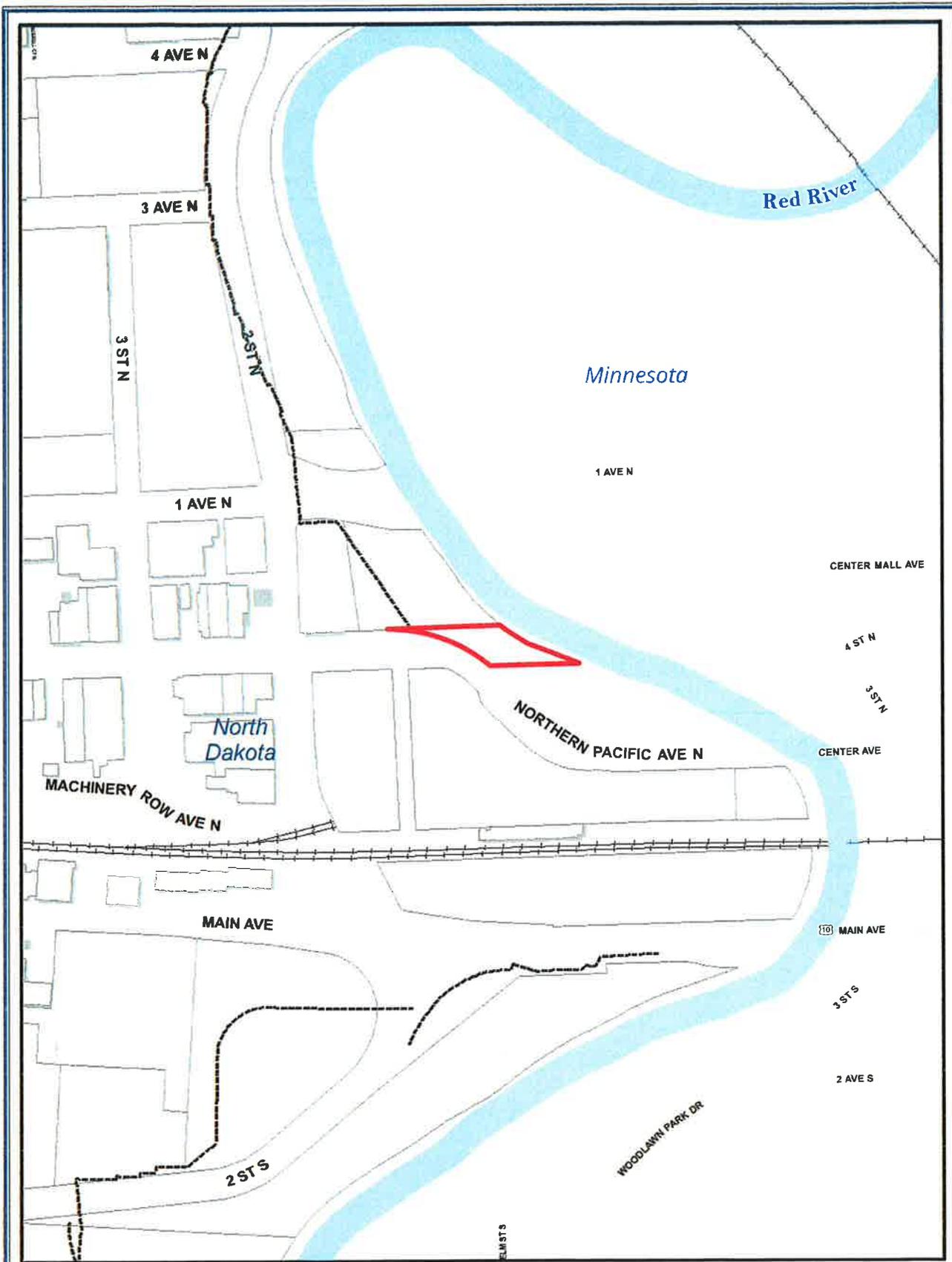
BNSF has reconsidered and accepted the offer of \$6,072.00. They are still asking for the \$2,000.00 processing fee.

## Action/Recommendation:

It is recommended that the CCJWRD board accept this offer for \$6,072.00 and the \$2,000.00 processing fee.

**Tax Assessed Value:** None listed

**Taxing Entity:** City of Fargo



 CURRENT COST SHARE REQUEST

OIN# 9259  
OWNER: BURLINGTON NORTHERN RAILROAD

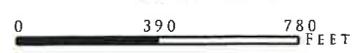
PROPERTY ADDR: 101 NP AVE N, FARGO CITY  
TOWNSHIP: BARNES TOWNSHIP

PARCEL ACREAGE: 0.46 AC.

-  Diversion Channel
-  OHB Levee
-  In Town Levee

LAST UPDATED: 6/12/2015  
REF PAGE NUMBER: 9259

Document Path: D:\GIS\Projects\FM\_Diversion\FM\_Area\_Diversion\Projects\Land\_Acquisition\SWC\_Reimbursement (Cost Share)\Mapbook2.mxd cks ae2S



Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable, The Diversion Authority does not guarantee the accuracy of the information and waives any warranty or guarantee of any kind, express or implied. The data involved in the project is continuously refined and revised so you should not rely on this information for technical purposes or accuracy.

# P3 & Land Acquisition Overview

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March 4, 2016

## Acquisition Timeline

Real estate needs for the Diversion Channel & Associated Infrastructure (DCAI) or P3 portion of the FM Diversion Project will be acquired in three phases.

### Phase 1

- Real Estate shall be acquired by the P3 financial close. Estimated date, June 2018.
- Properties include
  - Diversion channel from Outlet through I-29 (approximately X miles)
  - Maple River aqueduct lands
  - Sheyenne River aqueduct lands
- Timeframe
  - Right of Entry – complete by May 1, 2016
  - Survey – Complete by August 1, 2016
  - Appraisals – Complete by November 1, 2016
  - Negotiations/ Acquisitions – Complete by April 1, 2017
- Basis for land needs will be designs completed to date by HMG and USACE.

### Phase 2

- Real estate shall be acquired by financial close plus 1-year. Estimated date, June 2019.
- Properties include diversion channel from I-29 to I-94 (approximate)

### Phase 3

- Real estate shall be acquired by financial close plus 2-years. Estimated date, June 2020.
- Properties include diversion channel from I-94 to Diversion Inlet (approximate)

Note: Basis for Phase 2 and Phase 3 land needs will be based on preliminary designs supplied by preferred P3 developer in August 2017. To facilitate preliminary design development, section corner breakdown surveys (cadastral) need to be completed and supplied to P3 developers with the P3 RFP.