



Diversion Authority Land Management Committee

June 26, 2024 @ 2:00pm CST

This meeting will be in-person at Fargo City Hall Commission Chambers (225 4th St N, Fargo ND 58102).

1. Call to Order
 - a. Roll call of Members
2. Approve minutes from April 23, 2024
[Attachment 00.01] (Pg. 2)
3. Approve Order of Agenda
4. OINs 9191Y1 and 9741Y Excess Land Recommendation
[Attachment 01.00] (Pg. 4)
5. OIN 7234B Excess Land Recommendation
[Attachment 02.00] (Pg. 19)
6. RIMP Loan Guidance
[Attachment 03.00] (Pg. 33)
7. Other Business
8. Next Meeting: To Be Determined
9. Adjournment

MEDIA AND PUBLIC PARTICIPATION INFORMATION

There are multiple ways to attend or watch this public meeting.

- View the Meeting on Fargo TV or at www.TVFargo.com
- View the Meeting on the City of Fargo's Facebook or Twitter feed.
- View the Meeting at FMDiversion.com/Meeting
- View the Meeting at [Twitter.com/FMDiversion](https://twitter.com/FMDiversion)



Metro Flood Diversion Authority Land Management Committee Meeting Minutes

3:00 PM – April 23, 2024

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on April 23, 2024. The following members were present: Mary Scherling, Cass County Commissioner; Kevin Campbell, Clay County Commissioner; Nathan Boerboom, Fargo Division Engineer; Matt Stamness, Cass County Engineer; Arlette Preston, Fargo City Commissioner; Brenda Derrig, Assistant Administrator, City of Fargo; Rodger Olson, Cass County Joint Water Resource District; Chuck Hendrickson, Moorhead City Council; Jenny Mongeau, Clay County Commissioner and Bob Zimmerman, Moorhead City Engineer.

Member(s) absent: Duane Breitling, Cass County Commissioner.

1. INTRODUCTION

Mr. Campbell called the meeting to order at 3:00 PM. Roll call was taken, and a quorum was present.

2. APPROVE MEETING MINUTES FROM THE FEBRUARY 2024 MEETING

MOTION PASSED

Mr. Hendrickson moved to approve the minutes from February 21, 2024, and Mr. Zimmerman seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF AGENDA

MOTION PASSED

Ms. Mongeau moved to approve the order of the agenda as presented and Mr. Zimmerman seconded the motion. On a voice vote, the motion carried.

4. OINs 717Y, 9732Y, 7247, 7248, 7249, 877 AND 8385Y EXCESS LAND RECOMMENDATIONS

Ms. Smith introduced the above-referenced OINs and asked for approval to sell the parcels per the Excess Lands Policy.

OINs 717Y and 9732Y: it is recommended that these parcels be sold together as two small strips on the unprotected (western) side of the diversion channel.

OIN 7247: this parcel is part of the rail corridor south of Horace. The land committee recommended selling 2.46 acres at \$0.50/SF based on adjacent sales from BNSF. Bids may be received from both adjacent landowners and if so, it will need to be revisited by the lands committee. A ROE will be needed as we are required to remove the rail ballasts.

OIN 7248: this parcel is part of the rail corridor south of Horace, south of OIN 7247. Slightly over one acre, it is recommended to sell at \$0.50/SF based on adjacent sales from BNSF. It is the same landowner on both sides of the corridor, and they have expressed interest in purchasing.

OIN 7249: this parcel is part of the rail corridor south of Horace. Slightly under four acres, it is recommended to sell the parcel at \$0.50/SF based on adjacent sales from BNSF.

MOTION PASSED

Mr. Olson moved to approve OINs 717Y, 9732Y, 7247, 7248 and 7249 as presented and Mr. Hendrickson seconded the motion. On a roll call vote, the motion carried.

OINs 877 AND 8385Y EXCESS LAND RECOMMENDATIONS

Ms. Smith introduced the above-referenced OINs and asked for approval to sell the parcels per the Excess Lands Policy.

OIN 877: we reserve the right to maintain a flowage easement with no structures allowed on this parcel. Located in the UMA, it is approximately 2.75 acres, and the recommended price is \$5,000/acre. This parcel is an expense to the project as we are paying for mowing and weed control.

OIN 8385Y: we reserve the right to maintain a flowage easement with no structures allowed on this parcel. Located UMA, it is slightly over eight acres. The recommended price is \$5,000/acre. This parcel is an expense to the project as we are paying for mowing and weed control.

MOTION PASSED

Ms. Preston moved to approve OINs 877 and 8385Y as presented, to include the rights to flowage easements, and Mr. Stamness seconded the motion. On a roll call vote, the motion carried.

5. OTHER BUSINESS

There was no additional business to discuss.

6. NEXT MEETING

To be determined.

7. ADJOURNMENT

The meeting adjourned at 3:23 PM.

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Michael Redlinger, Co-Director
Robert Wilson, Co-Director
Cc: John Shockley, MFDA Legal Counsel
Date: June 26, 2024
Re: OINs 9191Y and 9741Y Excess Land

RECOMMENDATION/ACTIONS NEEDED:

Approve OINs 9191Y1 (66.9 acres) and 9741Y (9.49 acres) to begin the process to dispose of the excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

ATTACHMENTS:

- Memo – Excess Lands Recommendation – OIN 9191Y
- Memo – Excess Lands Recommendation – OIN 9741Y



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: May 30, 2024

RE: Excess Lands Recommendation – OIN 9191Y1, subject to a Temporary Construction Easement

1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Executive Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Executive Directors to declare OIN 9191Y1 as Excess Land and begin the process to dispose of the property following the Policy. Note that the parcel has an area within the work limits of the Southern Embankment Reach 3 (SE-3) portion of the project and therefore the Authority (via the Cass County Joint Water Resource District (CCJWRD)) shall reserve a Temporary Construction Easement (TCE) on a portion of the property as part of the sale.

2. Pertinent Facts Regarding OIN 9191Y1

Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land and the associated TCE.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land and the associated legal description for the TCE.

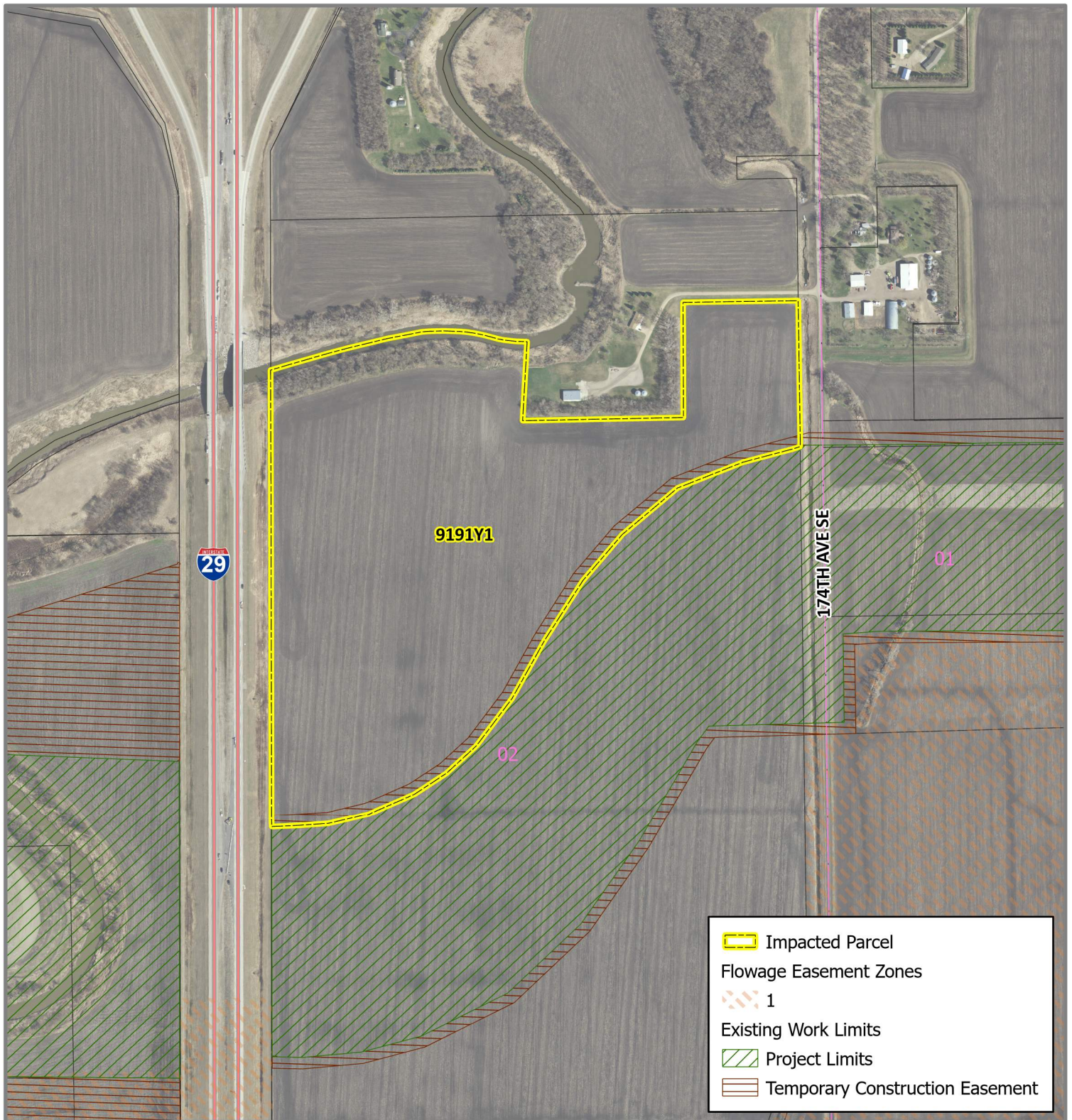
Asset Parcel(s) Size	66.9 acres (surveyed), this parcel will be subject to a 3.43-acre TCE as shown in Exhibit A and described in Exhibit B. The USACE has required that the TCE shall remain in place through December 31, 2029; however, MFDA anticipates they may be completed and the TCE may be released prior to that date. It is assumed that the TCE for I-29 will be released prior to the sale of this excess land.
Narrative Description of Parcel(s)	OIN 9191Y1 is immediately east of I29, south of the Wild Rice River, and north of the Southern Embankment Reach 3 (SE-3) portion of the Comprehensive Project.
Purchase Date	December 6, 2015
Purchase Price	\$1,636,000 For the full purchase of OIN 9191 & 815 (285 acres) which equates to \$5,740/acre.
Proposed Sale Price	\$570,000 Based on \$8,500/acre given the odd shape, TCE, and residual floodplain issues.
Former Owner	Diane Maier
Adjacent Owners	OIN 9192 – Diane Maier (former owner) OIN 9333 – Terry & Kay Compson
Property Management Approach	This parcel has been leased for farming through Pifer’s Land Management since 2020.
Property Taxes	The 2023 property taxes were \$552.41 for the entire parcel that was originally purchased.
Relation to Construction	OIN 9191 was a full-take acquisition for the Southern Embankment Reach 3 (SE-3). The northly remnant (9191Y1) is outside of the area needed for operation of the Comprehensive Project, but there is a strip of TCE that is needed within this remnant for construction of the SE-3 embankment.

	It is assumed that the TCE for I-29 will be released prior to the sale of this excess land.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 9191Y1 as “Excess Land” subject to the TCE noted above and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

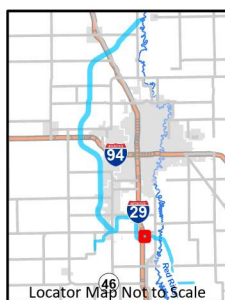
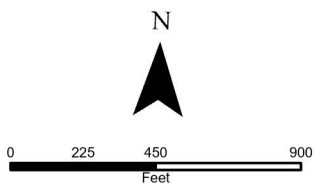
Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.

All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.

Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



OIN: 9191Y1
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 57-0000-10240-030
Cass County, ND

FM AREA DIVERSION
 Map Date: 5/17/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

OIN 9191Y1

That part of the East Half of Section 2, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of SORBY SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence North 86 degrees 50 minutes 34 seconds East on a record bearing along the southerly line of said SORBY SUBDIVISION for a distance of 701.44 feet; thence North 02 degrees 10 minutes 10 seconds West continuing along the southerly line of said SORBY SUBDIVISION for a distance of 503.29 feet; thence North 87 degrees 20 minutes 07 seconds East continuing along the southerly line of said SORBY SUBDIVISION for a distance of 502.75 feet to the westerly line of Cass County Drain No. 51 as described in Warranty Deed Document No. 1286863, recorded January 25, 2010, on file and of record in the office of said Recorder; thence South 02 degrees 44 minutes 45 seconds East along the westerly line of said Cass County Drain No. 51 for a distance of 632.56 feet; thence South 72 degrees 10 minutes 55 seconds West for a distance of 260.99 feet; thence 925.00 feet southwesterly on a tangential curve concave to the southeast, having a radius of 1240.00 feet and a central angle of 42 degrees 44 minutes 27 seconds; thence South 29 degrees 26 minutes 28 seconds West for a distance of 570.72 feet; thence 1110.00 feet southwesterly on a tangential curve concave to the northwest, having a radius of 1150.00 feet and a central angle of 55 degrees 18 minutes 11 seconds; thence South 84 degrees 44 minutes 39 seconds West for a distance of 120.51 feet to the easterly right of way line of Interstate Highway No. 29; thence North 02 degrees 05 minutes 06 seconds West along the easterly right of way line of said Interstate Highway No. 29 for a distance of 1995 feet, more or less, to the centerline of the Wild Rice River; thence 1142 feet northeasterly, easterly and southeasterly along the centerline of said Wild Rice River to its intersection with the westerly line of said SORBY SUBDIVISION; thence South 01 degree 22 minutes 22 seconds West along the westerly line of said SORBY SUBDIVISION for a distance of 348 feet, more or less, to the point of beginning.

Said tract contains 66.9 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Construction Easement within OIN 9191Y1

A 50.00-foot-wide strip in the East Half of Section 2, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, the southeasterly sideline of said 50.00-foot-wide strip is described as follows:

Commencing at the southwest corner of SORBY SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence North 86 degrees 50 minutes 34 seconds East on a record bearing along the southerly line of said SORBY SUBDIVISION for a distance of 701.44 feet; thence North 02 degrees 10 minutes 10 seconds West continuing along the southerly line of said SORBY SUBDIVISION for a distance of 503.29 feet; thence North 87 degrees 20 minutes 07 seconds East continuing along the southerly line of said SORBY SUBDIVISION for a distance of 502.75 feet to the westerly line of Cass County Drain No. 51 as described in Warranty Deed Document No. 1286863, recorded January 25, 2010, on file and of record in the office of said Recorder; thence South 02 degrees 44 minutes 45 seconds East along the westerly line of said Cass County Drain No. 51 for a distance of 632.56 feet to the point of beginning of said southeasterly sideline; thence South 72 degrees 10 minutes 55 seconds West for a distance of 260.99 feet; thence 925.00 feet southwesterly on a tangential curve concave to the southeast, having a radius of 1240.00 feet and a central angle of 42 degrees 44 minutes 27 seconds; thence South 29 degrees 26 minutes 28 seconds West for a distance of 570.72 feet; thence


1110.00 feet southwesterly on a tangential curve concave to the northwest, having a radius of 1150.00 feet and a central angle of 55 degrees 18 minutes 11 seconds; thence South 84 degrees 44 minutes 39 seconds West for a distance of 120.51 feet to the easterly right of way line of Interstate Highway No. 29 and said southeasterly sideline there terminates. The northwesterly sideline of said 50.00-foot-wide strip is to be lengthened or shortened to terminate on the westerly line of said Cass County Drain No. 51 and on the easterly right of way line of said Interstate Highway No. 29.

Said tract contains 3.43 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9191Y1 as noted in Exhibit A (the parcel) is deemed Excess Land and authorizes the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.

**Robert W.
Wilson**


 Digitally signed by Robert W.
Wilson
Date: 2024.06.18 15:47:17
-05'00'

Robert Wilson
Co-Executive Director

05/30/2024

Date

**Michael
Redlinger**

 Digitally signed by Michael
Redlinger
Date: 2024.06.18 18:15:52
-05'00'

Michael Redlinger
Co-Executive Director

05/30/2024

Date



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: May 30, 2024

RE: Excess Lands Recommendation – OIN 9741Y

1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Executive Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Executive Directors to declare OIN 9741Y as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 9741Y

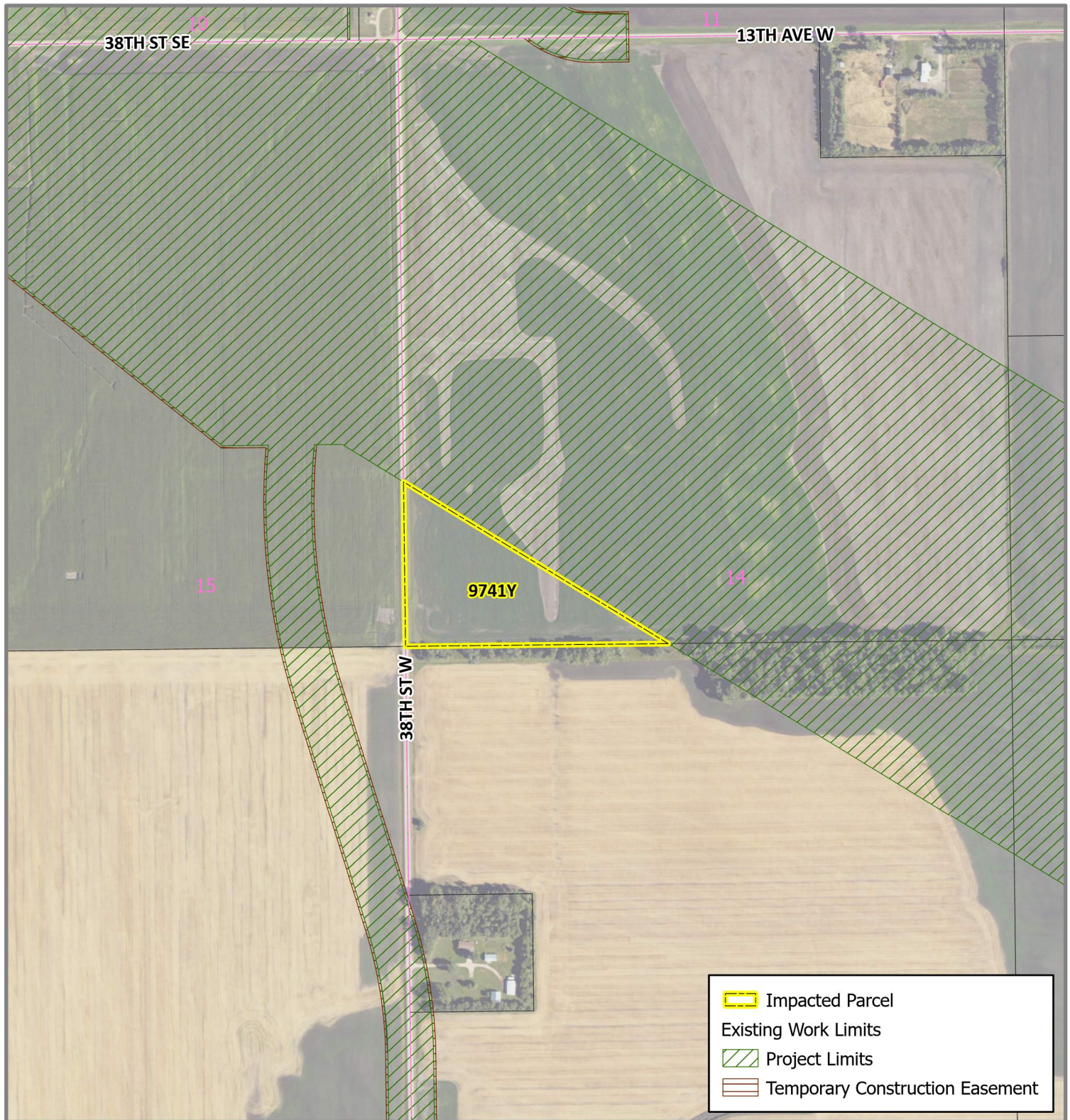
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	9.49 acres

Narrative Description of Parcel(s)	OIN 9741Y is located on 38 th St W on the west side of the Diversion Channel Area associated with the Comprehensive Project.
Purchase Date	October 26, 2023
Purchase Price	This property was acquired via a land exchange with multiple parcels.
Proposed Sale Price	\$80,000 Based on \$8,500/acre given the odd shape
Former Owner	Glenn & Marilyn Libbrecht
Adjacent Owners	OIN 9742X – Derek Flaten OIN 9739X – Steve Loberg
Property Management Approach	This parcel has been leased for farming through Pifer’s Land Management since 2023.
Property Taxes	The 2023 property taxes were \$2,328.74 for the OIN 9741Y and OIN 9741N parcels that were acquired.
Relation to Construction	OIN 9741 (the full parent parcel) is impacted by the Diversion Channel portion of the Comprehensive Project. The prior owner chose to retain the unimpacted land north of the Diversion Channel but sold the small southerly remnant (9741Y) to the Authority. This remnant piece is outside of the Diversion Channel work limits and is not needed for the construction or operation of the Comprehensive Project.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

3. Conclusion and Recommendation

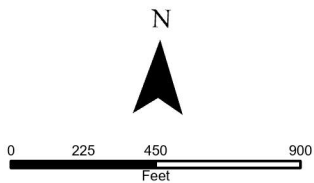
Based on the pertinent facts presented above, it is recommended to declare OIN 9741Y as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



	Impacted Parcel
	Existing Work Limits
	Project Limits
	Temporary Construction Easement

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 All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: hrecords | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



OIN: 9741Y
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 53-0000-09079-000
Cass County, ND

FM AREA DIVERSION
 Map Date: 4/30/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The below legal description is for the full parent parcel.

OIN 9741

Parcel No. 53-0000-09079-000

A 10-foot-wide temporary construction easement across that part of the Northwest Quarter (NW1/4) of Section 14, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, the northerly line of which is further described as follows:


Commencing at the Northwest Corner of the NW1/4; thence N87°17'55"E on the north line of the NW1/4 a distance of 1000.00 feet to the Point of Beginning; thence S02°42'05"E perpendicular to said north line a distance of 100.00 feet; thence S87°17'55"W parallel with, and 100 feet south of, said north line a distance of 150.14 feet; thence 305.85 feet on the arc of a curve, concave to the north, having a radius of 450.00 feet, a central angle of 38°56'33", and a long chord length of 300.00 feet bearing N73°13'49"W to said north line of the NW1/4 and there terminating. The southerly line of said easement is parallel with, and 10.00 feet east and south of, the preceding described line, and the sidelines of said easement shall be lengthened or shortened to intersect with the north line of said NW1/4.

Said easement contains 0.13 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9741Y as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.

**Robert W.
Wilson**


 Digitally signed by Robert
W. Wilson
Date: 2024.06.18 15:48:07
-05'00'

Robert Wilson
Co-Executive Director

05/30/2024

Date

**Michael
Redlinger**

 Digitally signed by Michael
Redlinger
Date: 2024.06.18 18:22:46
-05'00'

Michael Redlinger
Co-Executive Director

05/30/2024

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Michael Redlinger, Co-Director
Robert Wilson, Co-Director
Cc: John Shockley, MFDA Legal Counsel
Date: June 26, 2024
Re: OIN 7234B Excess Land

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 7234B (2.31 acres) to begin the process to dispose of the excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

ATTACHMENTS:

- Memo – Excess Lands Recommendation – OIN 7234B



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: June 18, 2024

RE: Excess Lands Recommendation – OIN 7234B

1. Introduction

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy Preamble, the Authority will periodically review its inventory of real property to determine if its land ownership exceeds its foreseeable needs for the Fargo-Moorhead Area Flood Diversion Project (Comprehensive Project). Land that is no longer needed, not expected to be needed in the future for the Comprehensive Project and declared “Excess Land” by the Co-Executive Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Executive Directors to declare OIN 7234B as Excess Land and begin the process to dispose of the property following the Policy.

In order to maintain access for maintenance, the lands associated with this abandoned rail corridor will be disposed of through the Policy in batches. Batch 1 (OIN 7234B) will be the section between Center Avenue and Park Drive. Batch 2 (OIN 7234C) will be the section between Park Drive and Southwood Drive. Batch 3 (OIN 7234D) will be the section between Southwood Drive and Liberty Lane. At this time the recommendation is to declare section 7234B of the abandoned railroad corridor acres as Excess Land. The remaining portions will be brought forward at a later date.

2. Pertinent Facts Regarding OIN 7234B


Description of Parcel	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	2.31 acres (GIS based acreage)
Narrative Description of Parcel(s)	OIN 7234B is a stretch of abandoned railroad property between Center Avenue and Park Drive in Horace, ND. This parcel was previously owned and maintained by BNSF.
Purchase Date	December 19, 2023
Purchase Price	\$275,316 *For the entirety of OIN 7234, which was 8.61 acres of land.
Proposed Sale Price	\$50,312 Based on \$0.50 per square foot.
Former Owner	BNSF
Adjacent Owners	Multiple. See Exhibit C
Property Management Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	No data found.
Relation to Construction	This parcel is located east of the Diversion Channel within Horace and is not impacted by construction of the Comprehensive Project. This rail corridor was purchased from BNSF to alleviate the need to raise the rail line that crosses the Diversion Channel. Instead, it was decided that the entire corridor be taken out of operation.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

3. Conclusion and Recommendation

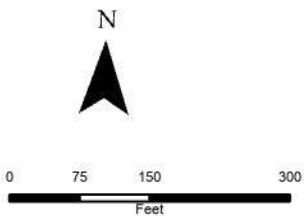
Based on the pertinent facts presented above, it is recommended to declare OIN 7234B as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit D).

Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



 Impacted Parcel

Any reliance upon this map is at user's own risk. AE25 does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.
 All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: hrecords | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\DCAI\Horace Railroad\HoraceRailroad.aprx | Horace RR Parcel Exhibit B C D



OIN: 7234B
CCJWRD
Cass County, ND

FM AREA DIVERSION
 Map Date: 6/14/2024

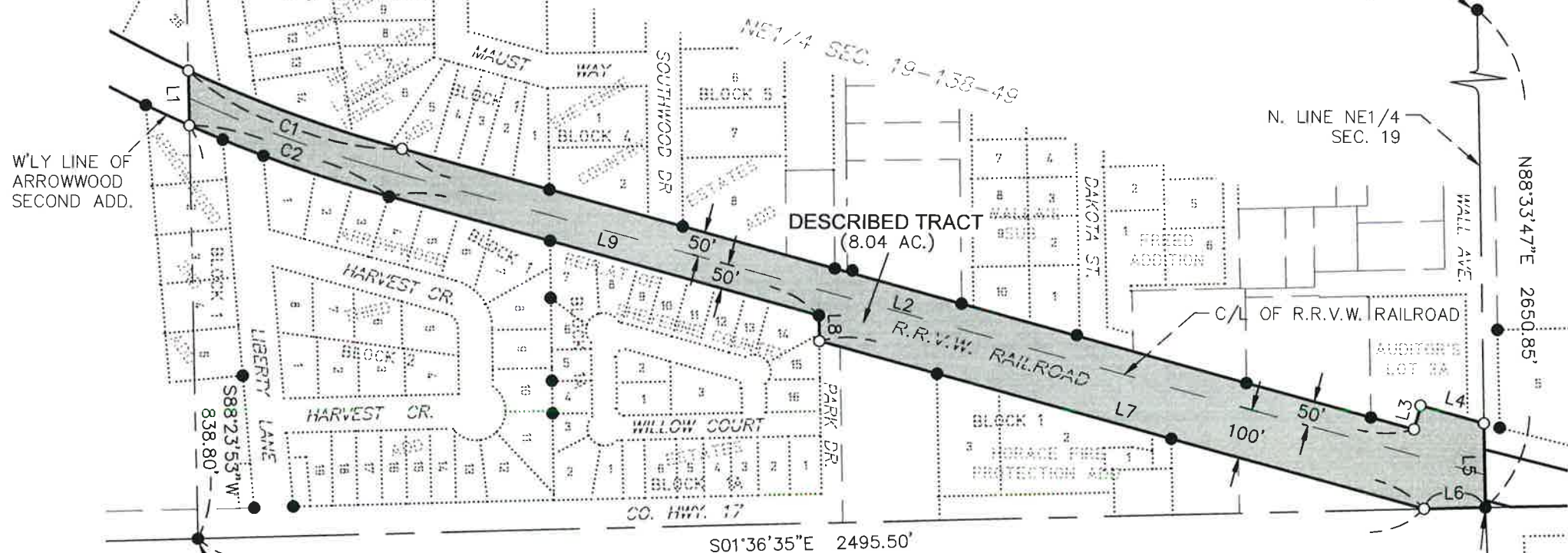


Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The legal description for OIN 7234 can be found in the attached Certificate of Survey. Note that this recommendation only includes the 2.31 acres associated with section B of the corridor.

CERTIFICATE OF SURVEY

PART OF THE NE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.
CASS COUNTY, NORTH DAKOTA



N1/4 COR. SEC. 19
FND 1/2" PIPE

W'LY LINE OF
ARROWWOOD
SECOND ADD.

DESCRIBED TRACT
(8.04 AC.)

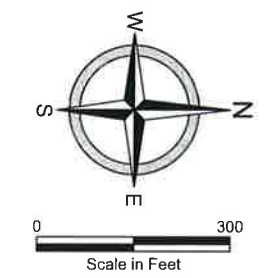
N. LINE NE1/4
SEC. 19

N88°33'47"E
2650.85'

S01°36'35"E 2495.50'

NE COR. SEC. 19
FND SURVEY MARKER
SPIKE W/4723 WASHER
DOC. 3418

E1/4 COR. SEC.
FND SURVEY MARKER
SPIKE W/4723 WASHER
DOC. 3419 1654



BASIS OF BEARINGS:
THE SOUTH LINE OF THE
NE1/4 OF SECTION 19 HAS
AN ASSIGNED BEARING OF
S88°23'53"W

NOTES

1. BEARINGS AND DISTANCES SHOWN HEREON MAY VARY FROM PREVIOUS RECORDS DUE TO DIFFERENT MEASUREMENT METHODS.
2. ADJACENT PARCELS ARE SHOWN FOR REFERENCE ONLY AND MAY NOT REFLECT CURRENT OR COMPLETE OWNERSHIP LINES.

Line Table		
Line #	Direction	Length
L1	S88°23'53"W	111.03'
L2	N15°11'18"E	2138.36'
L3	N74°48'42"W	50.00'
L4	N15°11'18"E	135.20'
L5	N88°33'47"E	170.78'
L6	S01°36'35"E	125.80'
L7	S15°11'18"W	1278.20'
L8	S88°43'34"W	52.14'
L9	S15°11'18"W	909.02'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	463.50'	2809.20'	9°27'12"	N19°54'54"E	462.97'
C2	430.90'	2909.20'	8°29'11"	S19°25'53"W	430.50'

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153



SHEET 1 OF 4

Certificate of Survey

Part of the SE1/4 of Section 18, T.138N., R.49W., and
Part of the NE1/4 of Section 19, T.138N., R.49W.,
Cass County, North Dakota

PROJECT No.	21990
DATE:	01.31.22
REVISED:	11.29.22
DRAFTER:	AJS
REVIEWER:	CDH



CERTIFICATE OF SURVEY

PART OF THE NE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.
CASS COUNTY, NORTH DAKOTA

DESCRIPTION

That part of the Northeast Quarter of Section 19, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Northeast Quarter; thence South 88 degrees 23 minutes 53 seconds West along the south line of said Northeast Quarter a distance of 838.80 feet to a point on the westerly line of ARROWWOOD SECOND ADDITION, according to the recorded plat thereof, said point also being on the easterly right-of-way line of the Red River Valley & Western Railroad, the point of beginning of the tract to be described; thence South 88 degrees 23 minutes 53 seconds West along the south line of said Northeast Quarter a distance of 111.03 feet to a point on the westerly line of said railroad right-of-way; thence northerly 463.50 feet along the said westerly right-of-way line, and along a non-tangential curve concave westerly having a radius of 2,809.20 feet and a central angle of 09 degrees 27 minutes 12 seconds, the chord of said curve bears North 19 degrees 54 minutes 54 seconds East with a chord length of 462.97 feet; thence North 15 degrees 11 minutes 18 seconds East tangent to the last described curve and along said westerly right-of-way line a distance of 2,138.36 feet; thence North 74 degrees 48 minutes 42 seconds West continuing along said westerly right-of-way line a distance of 50.00 feet; thence North 15 degrees 11 minutes 18 seconds East continuing along said westerly right-of-way line, and the northerly extension thereof a distance of 135.20 feet to a point on the north line of said Northeast Quarter; thence North 88 degrees 33 minutes 47 seconds East along said north line a distance of 170.78 feet to the northeast corner of said Northeast Quarter; thence South 01 degree 36 minutes 35 seconds East along the east line of said Northeast Quarter a distance of 125.80 feet to a point of intersection with said easterly right-of-way line; thence South 15 degrees 11 minutes 18 seconds West along said easterly right-of-way line a distance of 1,278.20 feet to a point on the northerly line of A REPLAT OF THE FIRST REPLAT OF BLOCK SIX AND SEVEN OF SHEYENNE COUNTRY ESTATES ADDITION, according to the recorded plat thereof; thence South 88 degrees 43 minutes 34 seconds West along the northerly line of said plat, and along said easterly right-of-way line a distance of 52.14 feet; thence South 15 degrees 11 minutes 18 seconds West along said easterly right-of-way line a distance of 909.02 feet; thence southwesterly 430.90 feet along said easterly right-of-way line, and along a tangential curve, concave northwesterly, having a radius of 2,909.20 feet and a central angle of 08 degrees 29 minutes 11 seconds to a point on the south line of said Northeast Quarter, to the point of beginning.

The above-described tract contains 8.04 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.



SHEET 2 OF 4

Certificate of Survey

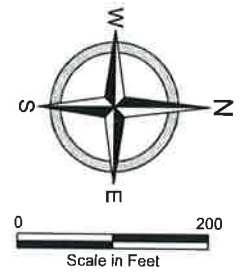
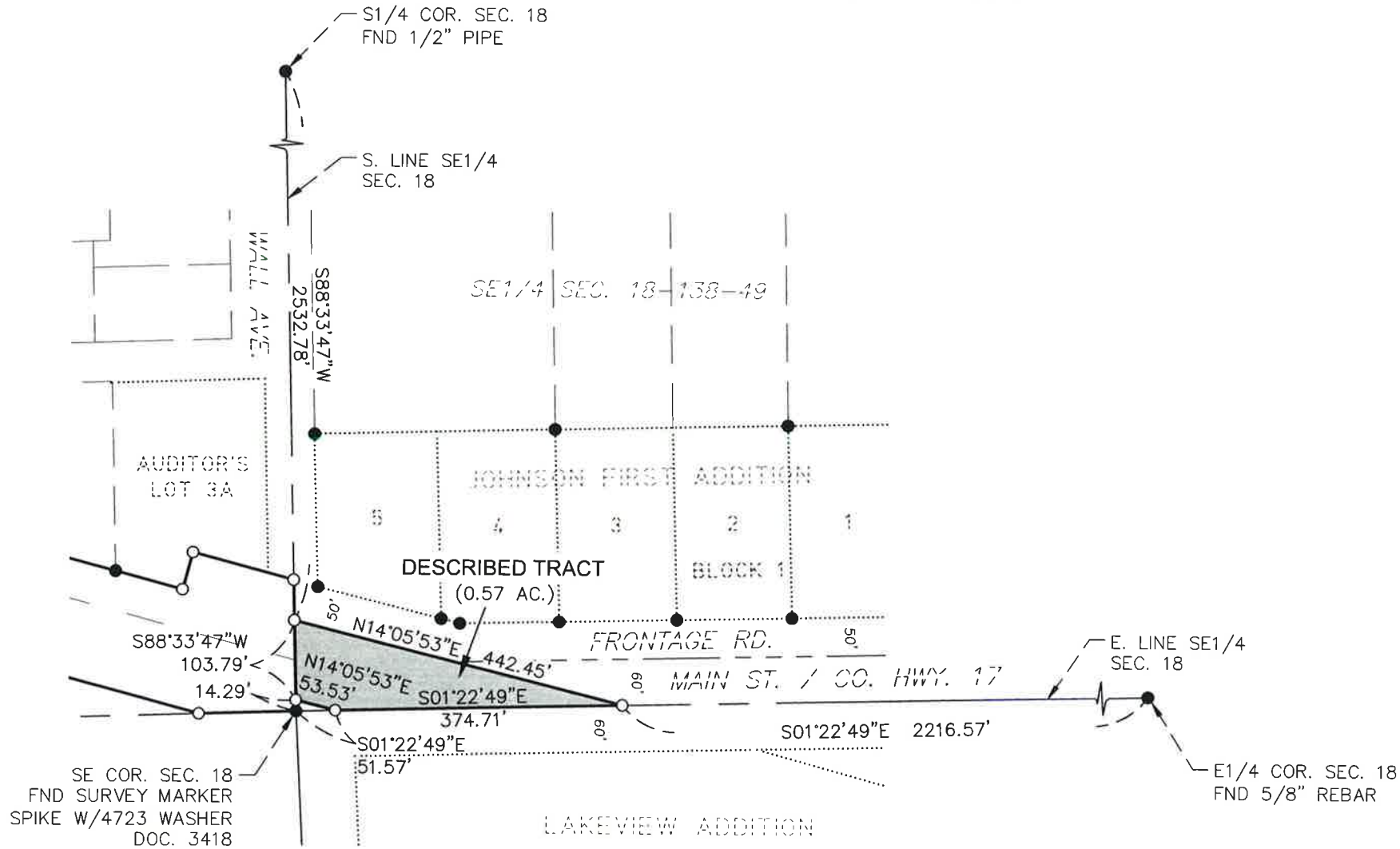
Part of the SE1/4 of Section 18, T.138N., R.49W., and
Part of the NE1/4 of Section 19, T.138N., R.49W.,
Cass County, North Dakota

PROJECT No.	21990
DATE:	01.31.22
REVISED:	11.29.22
DRAFTER:	AJS
REVIEWER:	CDH



CERTIFICATE OF SURVEY

PART OF THE SE1/4 OF SEC. 18, T.138N., R.49W., 5TH P.M.
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
THE SOUTH LINE OF THE
SE1/4 OF SECTION 18 HAS
AN ASSIGNED BEARING OF
S88°33'47\"W

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153



SHEET 3 OF 4

NOTES

1. BEARINGS AND DISTANCES SHOWN HEREON MAY VARY FROM PREVIOUS RECORDS DUE TO DIFFERENT MEASUREMENT METHODS.
2. ADJACENT PARCELS ARE SHOWN FOR REFERENCE ONLY AND MAY NOT REFLECT CURRENT OR COMPLETE OWNERSHIP LINES.

Certificate of Survey

Part of the SE1/4 of Section 18, T.138N., R.49W., and
Part of the NE1/4 of Section 19, T.138N., R.49W.,
Cass County, North Dakota

PROJECT No.	21990
DATE:	01.31.22
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DRAFTER:	AJS
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CERTIFICATE OF SURVEY

PART OF THE SE1/4 OF SEC. 18, T.138N., R.49W., 5TH P.M.
CASS COUNTY, NORTH DAKOTA

DESCRIPTION

That part of the Southeast Quarter of Section 18, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence South 88 degrees 33 minutes 47 seconds West along the south line of said Southeast Quarter a distance of 14.29 feet to a point on the easterly right-of-way line of the Red River Valley & Western Railroad, the point of beginning; thence continuing South 88 degrees 33 minutes 47 seconds West along the south line of said Southeast Quarter a distance of 103.79 feet to a point on the westerly right-of-way line of said Red River Valley & Western Railroad; thence North 14 degrees 05 minutes 53 seconds East along said westerly right-of-way line a distance of 442.45 feet to a point on the east line of said Southeast Quarter; thence South 01 degree 22 minutes 49 seconds East along the east line of said Southeast Quarter a distance of 374.71 feet to a point on said easterly right-of-way line; thence South 14 degrees 05 minutes 53 seconds West along said easterly right-of-way line a distance of 53.53 feet to the point of beginning.

The above-described tract contains 0.57 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.

CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.



Aaron Skattum, R.L.S.
N.D. License No. LS-6153

Date: March 1, 2023



State of North Dakota
County of Cass

On this 1st day of March, 2023,
before me, a Notary Public in and for said county and state, personally appeared Aaron Skattum, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.



Notary Public, Cass County, North Dakota

ALEX THIEL
Notary Public
State of North Dakota
My Commission Expires 11/01/2025

SHEET 4 OF 4

Certificate of Survey

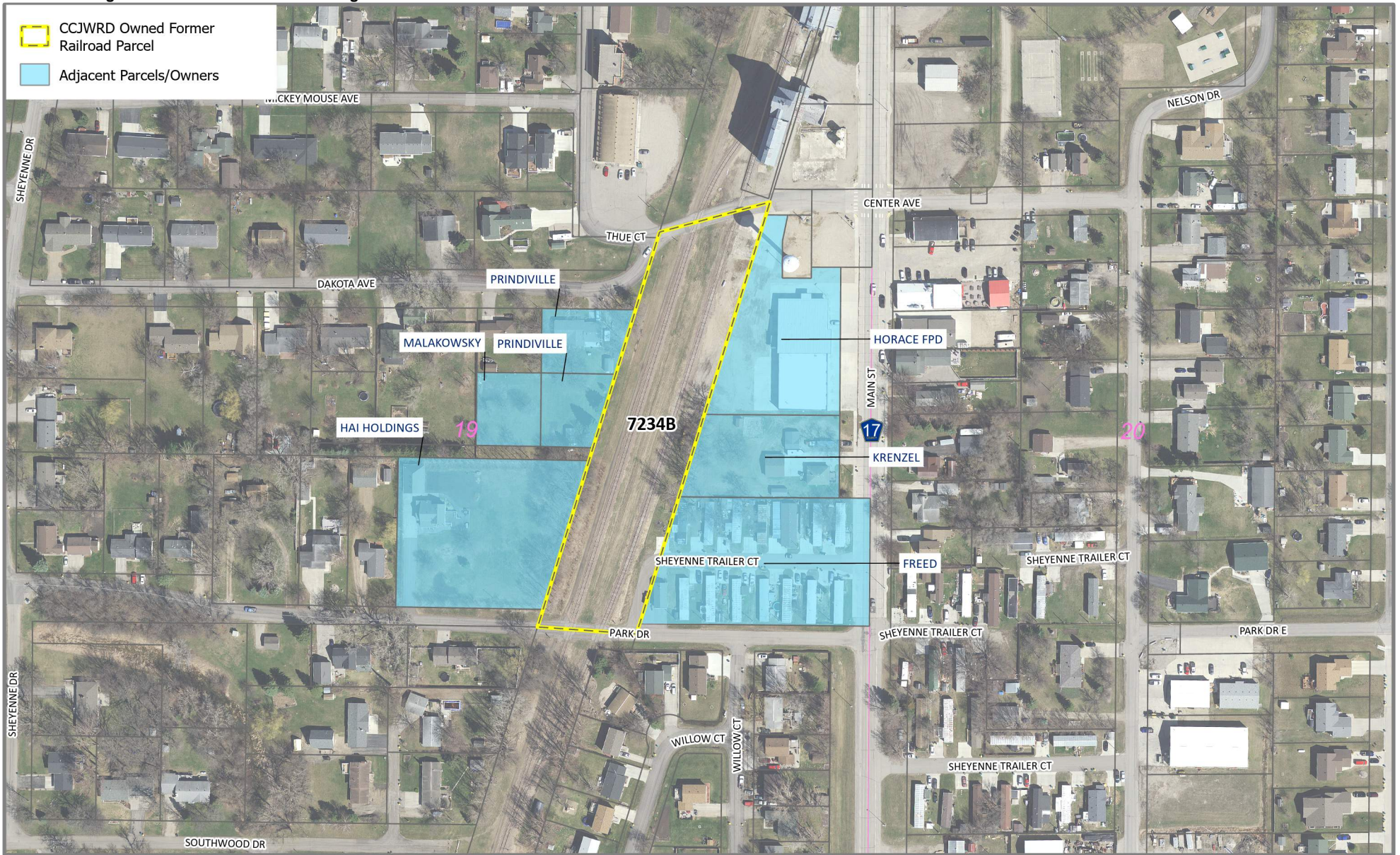
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Cass County, North Dakota

PROJECT No. 21990
DATE: 01.31.22
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Exhibit C: Adjacent Owners for Parcel Recommended as Excess Lands

- CCJWRD Owned Former Railroad Parcel
- Adjacent Parcels/Owners



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.
 All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: hrecords | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\DCA\Horace Railroad\HoraceRailroad.aprx | Horace Railroad Split Adjacent Owners - B



Locator Map Not to Scale

Railroad Corridor near Horace, ND Adjacent Owners OIN 7234B

FM AREA DIVERSION
 Map Date: 6/14/2024



Exhibit D: Declaration of Excess Land Form

I hereby declare that OIN 7234B as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.

Robert W. Wilson

Robert Wilson
Co-Executive Director

06/18/2024

Date

Michael Redlinger

Michael Redlinger
Co-Executive Director

06/18/2024

Date

Rural Impact Mitigation Program

RIMP Executive Summary



June 26, 2024

The following executive summary provides an overview of the current status of the Rural Impact Mitigation Program (RIMP), the previous actions by the Metro Flood Diversion Authority Board (Board), and requested actions by the Cass County Joint Water Resource District to continue use of the RIMP.

OVERVIEW

The need for the RIMP was identified in late 2019. Relocation benefits required by the Uniform Relocation Act (the "URA") (and its state-level equivalents) are different for residential properties and business properties. Residential properties are eligible under the URA for the costs to acquire a substitute property, up to a certain amount. There is no similar URA benefit for commercial properties. The differences between treatment of residential and commercial properties under the URA created challenges in negotiating with the owners of active farmsteads and rural businesses. Since these active farmsteads and rural businesses were each unique, the RIMP was developed. The RIMP is a 10-year forgivable loan for active farmsteads and rural businesses being displaced by the Comprehensive Project. The RIMP is a voluntary program being implemented by the Cass County Joint Water Resource District (CCJWRD) in North Dakota and the Moorhead Clay Count Joint Powers Agreement (MCCJPA) in Minnesota but is funded by the Metro Flood Diversion Authority (MFDA).

BOARD HISTORY

The RIMP process was brought to the Land Management Committee, the Finance Committee, and the Board in May of 2020.

- A. Land Management Committee May 27, 2020:
 - a. An overview of the Farmstead Reestablishment Program also called the RIMP was presented to the Committee and received positive feedback from Committee members.
 - b. The Committee approved it unanimously.
- B. Finance Committee May 27, 2020:
 - a. An overview of the Farmstead Reestablishment Program also called the RIMP was presented to the Committee and received mixed feedback from Committee members.
 - b. The RIMP was estimated to be \$5-10 million in cost and there were two properties identified over the next 6 months.
 - c. Committee Chair was not comfortable with this cost range and suggested a phased approach
 - d. Committee approved to move forward on a phased approach for the two parcels identified with a cap of \$5 million.

- C. Metro Flood Diversion Authority Board May 28, 2020:
 - a. An overview of the Farmstead Reestablishment Program also called the RIMP was presented to the Board and received mixed feedback from Board members.
 - b. The Board approved to move forward on a phased approach for the two parcels identified with a cap of \$5 million.
- D. Metro Flood Diversion Authority Board April 29,2022
 - a. An overview of the Farmstead Reestablishment Program also called the RIMP was presented to the Board.
 - b. The Board approved \$10 million additional funding to RIMP.
- E. Metro Flood Diversion Authority Board August 23,2022
 - a. An overview of the Farmstead Reestablishment Program also called the RIMP was presented to the Board.
 - b. The Board approved \$5 million additional funding to RIMP for a total of \$20 million in funding for the program.

PRAM

The RIMP was then included in Version 5 of the Property Rights Acquisition and Mitigation Plan that was approved by the state of North Dakota.

SETTLEMENT

Section 25 of the Settlement Agreement between the Metro Flood Diversion Authority and the Richland-Wilkin Joint Powers Authority, Buffalo-Red Watershed District, City of Wolverton, and City of Comstock includes the requirement for the RIMP.

TO DATE

The CCJWRD has approved 13 RIMP loans for 12 different qualifying business locations totaling approximately \$12.3M in value for businesses along the SWDCAI. There is \$7.7M remaining in the RIMP budget.

FUTURE USE OF THIS PROGRAM

There are currently 6 different qualifying business locations who are eligible for RIMP with an estimated cost of \$5M.

GUIDANCE DOCUMENT

The original RIMP guidance document (titled “Rural Impact Mitigation Program Terms and Definitions, Intention & Framework, Parameters & Requirements, Administration Process and Forms”) was created in 2020 and based off a similar program in Minnesota.

In June 2022 the updated RIMP Guidance Document was finalized and approved by the Director of Lands and Compliance, MFDA Legal Counsel, Lands Management Team, Program Advisor Services and Jacobs Engineering Group.

ACTION

The original RIMP guidance document contemplated states in two places “Displaced landlords must make reasonable efforts to accommodate displaced business tenants to be eligible for RIMP.”

The updated RIMP Guidance Document does not explicitly note an obligation to the tenants of a landlord.

The Cass County Joint Water Resource District (CCJWRD) is currently reviewing a settlement negotiation that includes consideration of a portion of the RIMP fund to ultimately benefit a tenant who has been renting facilities from the farm owner. The farm owner has expressed intent to utilize a portion of the funds for storage facilities on their new property and a portion of the funds to purchase property on the tenant’s land and build certain structures. The CCJWRD is requesting guidance from the MFDA Lands Committee to ensure this unique circumstance is following the spirit of the program.

PROPOSED MOTION

Move to confirm the RIMP program allows for loans to be transferable if the property owner sells the Farmstead or Rural Business and that RIMP funds can be utilized on more than one property so long as the properties are owned by the mortgage holder and the mortgage is attached to a property where the RIMP funds are applied.