



Diversion Authority Land Management Committee

September 27, 2023 @2:30pm CST

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

1. Call to Order
 - a. Roll call of Members
2. Approve minutes from May 25, 2022
[Attachment 00.01] (Pg. 2)
3. Approve Order of Agenda
4. SE-1 Excess Land Sale
[Attachment 01.00] (Pg. 5)
Cass County ROW Excess Land Sale
[Attachment 02.00] (Pg. 19)
5. 507Y Excess Lands Recommendation
[Attachment 03.00] (Pg. 44)
6. Other Business
7. Next Meeting: To Be Determined
8. 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 P.M. - May 25, 2022

City of Fargo Commission Chambers

A regular meeting of the Metro Flood Diversion Authority Land Management Committee was held on May 25, 2022. The following members were present: Mary Scherling, Cass County Commissioner; Kory Peterson, Mayor, City of Horace; Bruce Grubb, Fargo City Administrator; Nathan Boerboom, Fargo Division Engineer; Chuck Hendrickson, Moorhead City Council; Duane Breitling, Cass County Commissioner; Jenny Mongeau, Clay County Commissioner; Arlette Preston, Fargo City Commissioner and Bob Zimmerman, Moorhead City Engineer.

Members absent: Kevin Campbell, Clay County Commissioner and Rodger Olson, Cass County Joint Water Resource District.

1. INTRODUCTION

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

2. AGENDA REVIEW

MOTION PASSED

Mr. Grubb moved to approve the agenda as presented and Mr. Zimmerman seconded the motion. On a voice vote, the motion carried.

3. MEETING MINUTES

MOTION PASSED

Mr. Breitling moved to approve the minutes from March 2022 and Mr. Boerboom seconded the motion. On a voice vote, the motion carried.

4. PROPERTY ACQUISITION STATUS REPORT

Ms. Warren reported that 13 additional parcels were acquired this month. They include flowage easements, temporary construction easements and fee title properties. One purchase agreement was also signed.

5. MEMO RECOMMENDING THE DISPOSAL OF ORGANIC FARMLANDS

Ms. Smith provided an overview of the organic farmlands disposal recommendation and asked the committee for a recommendation to take to the Board for final approval.

1. Establish market value.

2. Identify organic farmland owners and producers who are impacted by the comprehensive project. Offer the organic farmland to the impacted organic farmland owners and producers in exchange for necessary land rights.

3. If the impacted organic farmland owners and producers do not accept the exchange of land for necessary land rights, then offer the organic farmland to landowners impacted by the Southern Embankment and Associated Infrastructure component in a land exchange.

4. If the impacted organic farmland owners and producers do not accept the exchange of land for necessary land rights, then offer the organic farmland to landowners impacted by the Southern Embankment and Associated Infrastructure component in a land exchange. If landowners impacted by the Southern Embankment and Associated Infrastructure component are not interested in a land exchange, then the parcels will be reviewed by the Metro Flood Diversion Authority executive director to determine if the parcels should be deemed excess lands.

5. Offer the organic farmland via public sale.

MOTION PASSED

Ms. Mongeau moved to present the organic farmlands disposal recommendation to the Board and Mr. Hendrickson seconded the motion. On a roll call vote, the motion carried.

6. PRAM UPDATE

Ms. Smith reported that the PRAM is getting close to the final 'draft' and will go to the Department of Natural Resources in North Dakota and Minnesota for final approval.

7. RIMP UPDATE

The document is to ensure that processes are being applied consistently. To date, three loans have been awarded.

8. GUIDANCE DOCUMENT FOR PARTIALLY IMPACTED STRUCTURE SITES IN THE UMA

This document needs to be in place to ensure that we are being flexible when working with landowners. To date 98% progress has been achieved in the channel; 77% in the Southern Embankment; 100% in the Drayton Dam; 17% in flowage easements and 71% in environmental easements.

9. CCJWRD UPDATE

Ms. Smith reported that they are reviewing the RIMP loans and negotiations continue with the LRED properties.

10. MCCJPA UPDATE

Mr. Hendrickson stated that a full report will be given at the Board meeting.

11. COMMITTEE UPDATE FOR DA BOARD

The following update will be presented at the Board meeting:

Activities and Achievements

- Acquisitions

- Negotiations are continuing for flowage easements on the tillable farmland parcels and building sites in the UMA

- Acquired property interests on over 769 parcels (Added 13 acquisitions and resolved 8 eminent domain parcels) (including those acquired via last resort eminent domain, and including split parcels)
- Appraisal Work
 - Appraisal services Task Orders for all remaining upstream structures are ready for MCCJPA and CCJWRD approval this month
 - Appraisal work for SE-2B has started
- Other Key Focus Areas
 - Supporting current eminent domain actions and settlement solutions
 - Relocations and farmstead re-establishment planning (RIMP Loan Program)
 - Finalized guidance document for structures sites on fringe of the UMA

12. OTHER BUSINESS

There was no additional business.

13. NEXT MEETING/ADJOURNMENT

The next meeting will be June 22, 2022. Mr. Breitling moved to adjourn, and Ms. Mongeau seconded the motion. The meeting adjourned at 3:26 PM.

Memorandum



SUBJECT:

Southern Embankment Reach 1 (SE-1) Strip Takings Excess Lands Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OINs 5024Y (4.04 acres), 5214Y (1.65 acres) and 5278Y (1.60 acres) to begin the process to dispose of the excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

BACKGROUND/KEY POINTS:

Excess land was purchased along Southern Embankment Reach 1 (SE-1) based on the USACE's original design drawings. Once the MFDA received SE-1 final design drawings it was determined excess land had been purchased. Per the Policy, the Executive Director has declared these lands as Excess Land. The Cass County Joint Water Resource District approved the recommendation on August 24, 2023.

ATTACHMENTS:

- Memo – Southern Embankment Reach 1 (SE-1) Strip Takings Excess Land Recommendation



Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: August 9, 2023

RE: Southern Embankment Reach 1 (SE-1) Strip Takings Excess Lands Recommendation

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 Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Executive Director to declare the SE-1 strip takings noted below as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding SE-1 Strip Takings

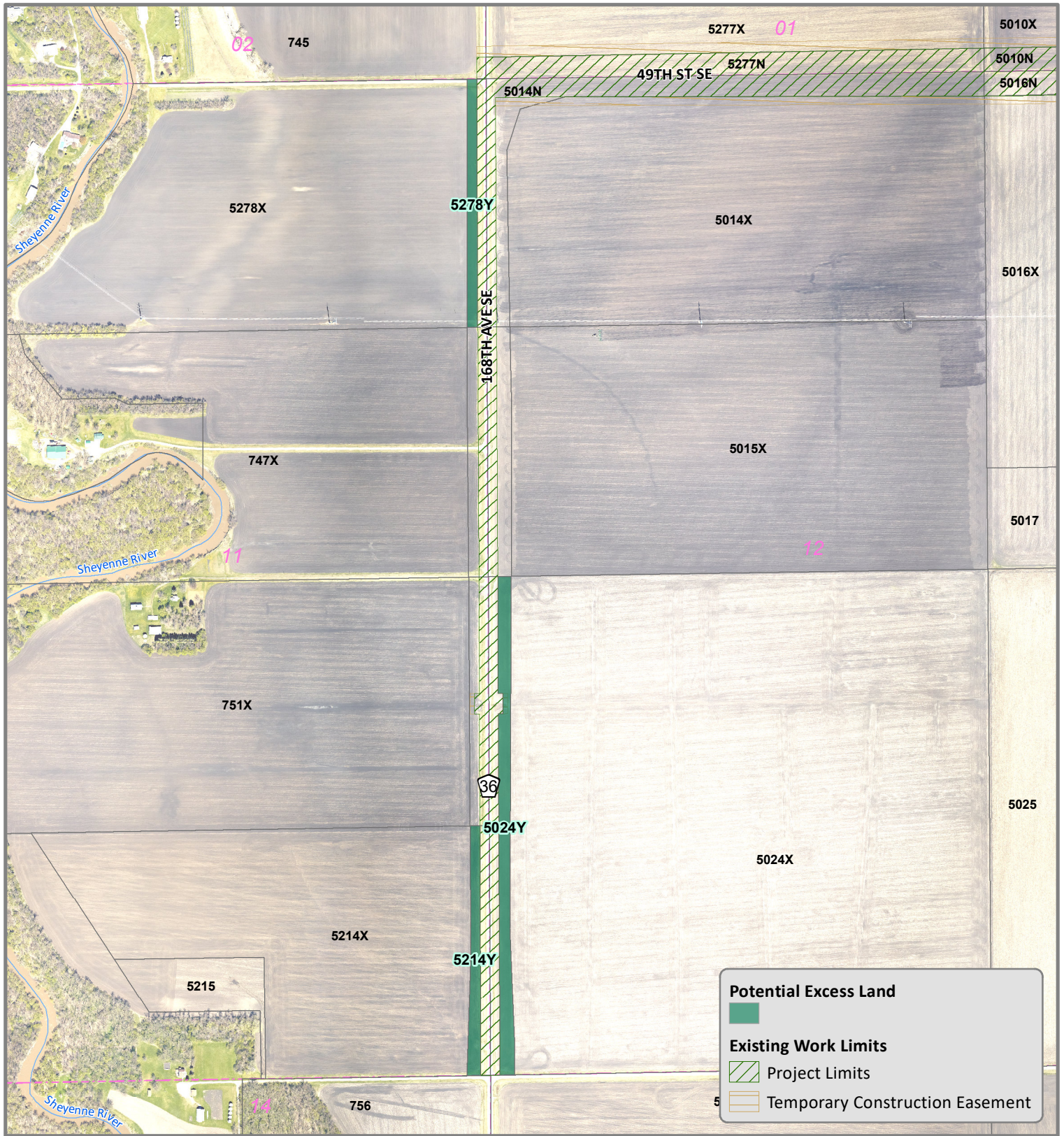
Description of Parcel(s)	See Exhibit A for map showing the parcels recommended as excess land.
Legal Description	See Exhibit B for legal descriptions (and certificates of survey) for the parcels recommended as excess land.
Asset Parcel(s) Size	OIN 5024Y – 4.04 acres OIN 5214Y – 1.65 acres OIN 5278Y – 1.60 acres

Narrative Description of Parcel	These parcels are small strips along the existing county road.
Purchase Date	OIN 5024Y – February 25, 2022 OIN 5214Y – January 15, 2021 OIN 5278Y – August 27, 2021
Purchase Price	OIN 5024Y – \$50,500 (for acquisition of 7.15 acres) OIN 5214Y – \$17,440 (for acquisition of 3.17 acres) OIN 5278Y – \$21,840 (for acquisition of 3.12 acres)
Former Owner	OIN 5024Y – Julie Ottis ETAL OIN 5214Y – Martin & Karen Kruse Living Trust ETAL OIN 5278Y – Paul & Carolyn Thoen
Adjacent Owners	OIN 5024Y – Julie Ottis Revocable Trust ETAL (OIN 5024X) OIN 5214Y – Martin & Karen Kruse Living Trust ETAL (OIN 5214X) OIN 5278Y – Paul & Carolyn Thoen (OIN 5278X)
Property Management Approach	These parcels are associated with an active farmland lease for the 2023 farming season. Leases have been offered to the owners that retained the larger part of each 3 of these parcels.
Rental Revenue	The following data is associated with the current 2023 farmland leases. OIN 5024N – 4.45 acres @ \$150/acre = \$667.50 OIN 5214N – 1.68 acres @ \$150/acre = \$252 OIN 5278N – 1.58 Acres @ \$150/acre = \$237
Property Taxes	The 2022 property tax amounts were zero for these parcels.
Relation to Construction	Construction of SE-1 is complete and O&M responsibilities have been turned over to the MFDA. These lands were not needed for construction.

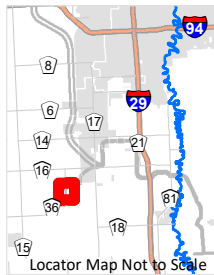
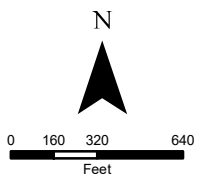
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare these SE-1 strip takings 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 Parcels 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 Management\Owned\Asset Lands\Potential Excess Land_SE1.mxd



**SOUTHERN EMBANKMENT REACH 1
 SE-1**

POTENTIAL EXCESS LAND

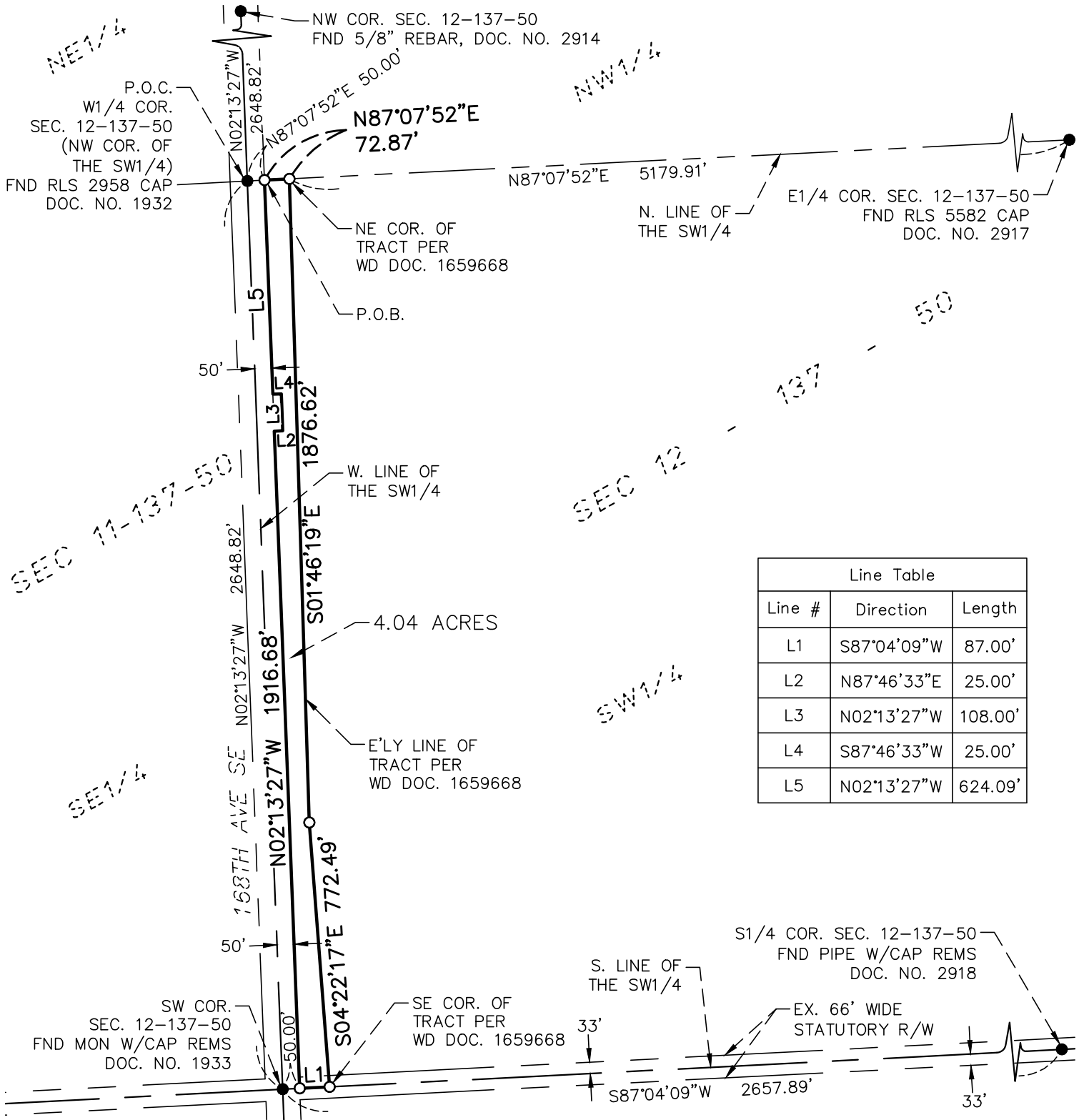
FM AREA DIVERSION
 Map Date: 7/25/2023



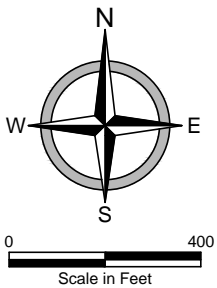
Exhibit B: Legal Descriptions for Parcels Recommended as Excess Lands

CERTIFICATE OF SURVEY

PART OF THE SW1/4 OF SECTION 12, TOWNSHIP 137 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA

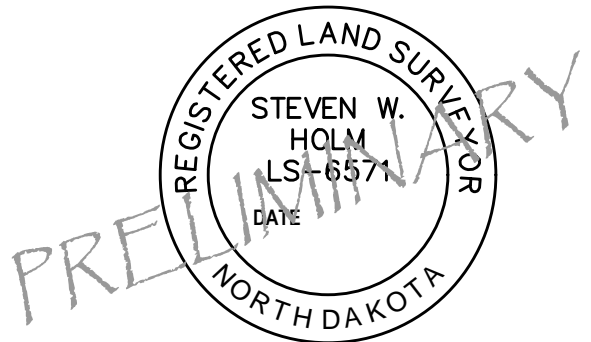


Line Table		
Line #	Direction	Length
L1	S87°04'09"W	87.00'
L2	N87°46'33"E	25.00'
L3	N02°13'27"W	108.00'
L4	S87°46'33"W	25.00'
L5	N02°13'27"W	624.09'



BASIS OF BEARINGS:
THE NORTH LINE OF THE
SW1/4 OF SECTION 12 HAS
AN ASSUMED BEARING OF
N87°07'52"E

- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING



Certificate of Survey - OIN 5024N

Cass County Joint Water Resource District
Part of SW1/4 in Sec. 12-137-50
Cass County, North Dakota

PROJECT No. 21990 102-3.1
DATE: 03.20.23
REVISED: -
DRAFTER: SWH
REVIEWER: CDH



CERTIFICATE OF SURVEY

PART OF THE SW1/4 OF SECTION 12, TOWNSHIP 137 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA

DESCRIPTION

That part of the Southwest Quarter of Section 12, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northwest corner of said Southwest Quarter; thence North 87 degrees 07 minutes 52 seconds East on an assumed bearing along the north line of said Southwest Quarter for a distance of 50.00 feet to a point on a line which is 50.00 feet easterly of, as measured at a right angle to and parallel with the west line of said Southwest Quarter, said point is the point of beginning; thence continuing North 87 degrees 07 minutes 52 seconds East along the north line of said Southwest Quarter for a distance of 72.87 feet to the northeast corner of a certain tract of land as described in Warranty Deed Document No. 1659668, recorded February 28, 2022, on file and of record in the office of the Recorder, said County; thence South 01 degree 46 minutes 19 seconds East along the easterly line of said tract of land for a distance of 1876.62 feet; thence South 04 degrees 22 minutes 17 seconds East continuing along the easterly line of said tract of land for a distance of 772.49 feet to the southeast corner of said tract of land, said corner being on the south line of said Southwest Quarter; thence South 87 degrees 04 minutes 09 seconds West along the south line of said Southwest Quarter for a distance of 87.00 feet to a point on said line which is parallel with and 50.00 feet easterly of the west line of said Southwest Quarter; thence North 02 degrees 13 minutes 27 seconds West along said parallel line for a distance of 1916.68 feet; thence North 87 degrees 46 minutes 33 seconds East for a distance of 25.00 feet to a point on a line which is 75.00 feet easterly of, as measured at a right angle to and parallel with the west line of said Southwest Quarter; thence North 02 degrees 13 minutes 27 seconds West along said parallel line for a distance of 108.00 feet; thence South 87 degrees 46 minutes 33 seconds West for a distance of 25.00 feet to a point on said line which is parallel with and 50.00 feet easterly of the west line of said Southwest Quarter; thence North 02 degrees 13 minutes 27 seconds West along said parallel line for a distance of 624.09 feet to the point of beginning.

Said tract contains 4.04 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

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.

Steven W. Holm, R.L.S.
N.D. License No. LS-6571

Date: _____

State of North Dakota)
County of Cass)

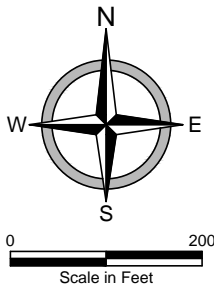
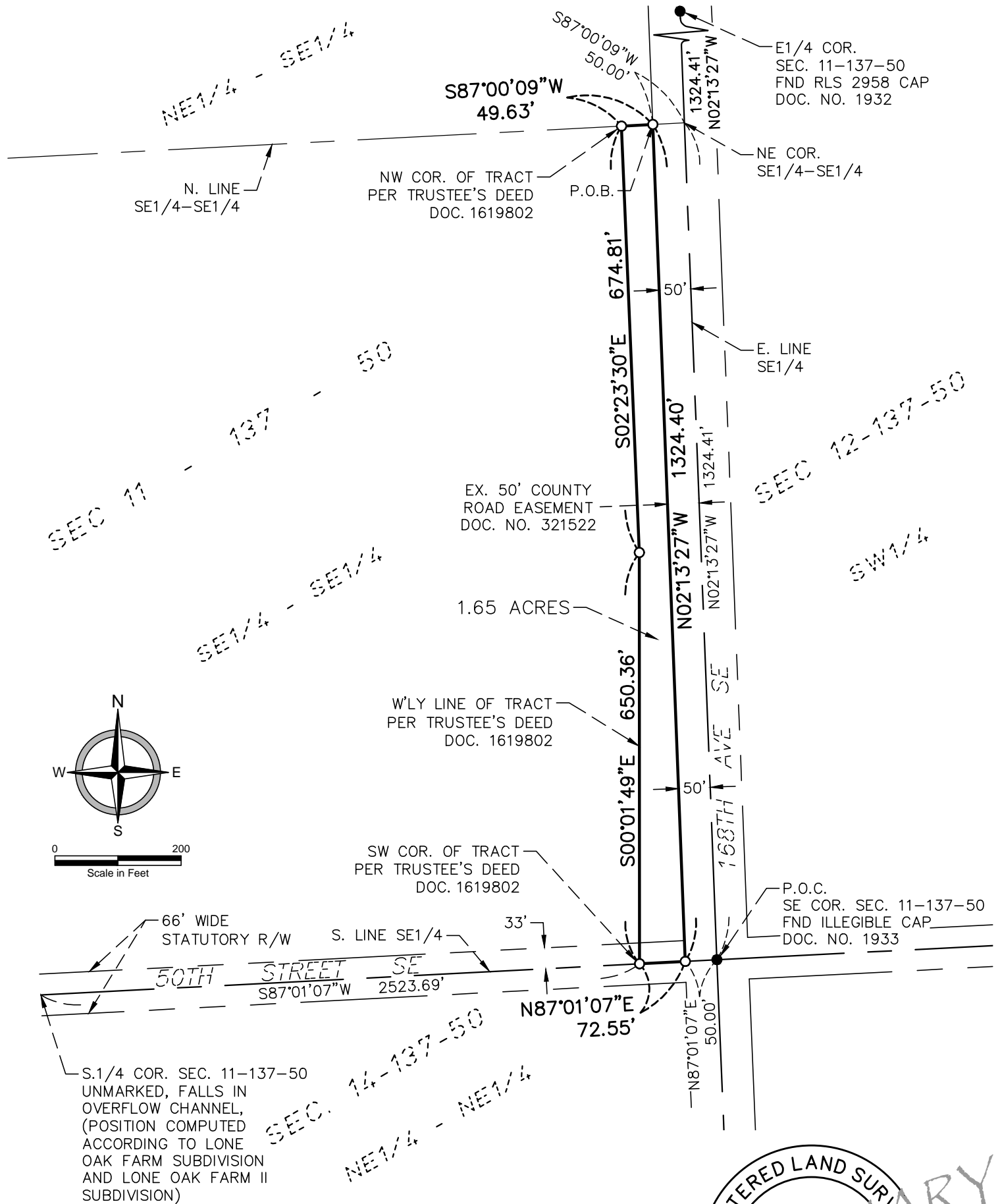
On this _____ day of _____, 2023, before me, a Notary Public in and for said county and state, personally appeared Steven W. Holm, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free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

Notary Public, Cass County, North Dakota



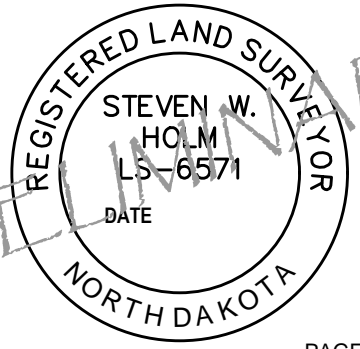
CERTIFICATE OF SURVEY

PART OF THE SE1/4-SE1/4 OF SECTION 11, TOWNSHIP 137 NORTH, RANGE 50 WEST
OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
THE EAST LINE OF THE
SE1/4 SECTION 11 HAS AN
ASSUMED BEARING OF
N02°13'27\"W

- LEGEND**
- P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571



Certificate of Survey - OIN 5214N

Cass County Joint Water Resource District
Part of the SE1/4-SE1/4 Sec. 11-137-50
Cass County, North Dakota

PROJECT No.	21990 102-3.1
DATE:	3.20.23
REVISED:	-
DRAFTER:	SWH
REVIEWER:	CDH



CERTIFICATE OF SURVEY

PART OF THE SE1/4-SE1/4 OF SECTION 11, TOWNSHIP 137 NORTH, RANGE 50 WEST
OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA

DESCRIPTION

That part of the Southeast Quarter of the Southeast Quarter of Section 11, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the southeast corner of said Section 11; thence North 02 degrees 13 minutes 27 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 11 for a distance of 1324.41 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 87 degrees 00 minutes 09 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 50.00 feet to a point on a line which is 50.00 feet westerly of, as measured at a right angle to and parallel with the east line of said Southeast Quarter, said point is the point of beginning; thence continuing South 87 degrees 00 minutes 09 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 49.63 feet to the northwest corner of a certain tract of land as described in Trustee's Deed Document No. 1619802, recorded January 19, 2021, on file and of record in the office of the Recorder, said County; thence South 02 degrees 23 minutes 30 seconds East along the westerly line of said tract of land for a distance of 674.81 feet; thence South 00 degrees 01 minute 49 seconds East continuing along the westerly line of said tract of land for a distance of 650.36 feet to the southwest corner of said tract of land, said corner being on the south line of said Southeast Quarter; thence North 87 degrees 01 minute 07 seconds East along the south line of said Southeast Quarter for a distance of 72.55 feet to a point on said line which is 50.00 feet westerly of, as measured at a right angle to and parallel with the east line of said Southeast Quarter; thence North 02 degrees 13 minutes 27 seconds West along said parallel line for a distance of 1324.40 feet to the point of beginning.

Said tract contains 1.65 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

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.

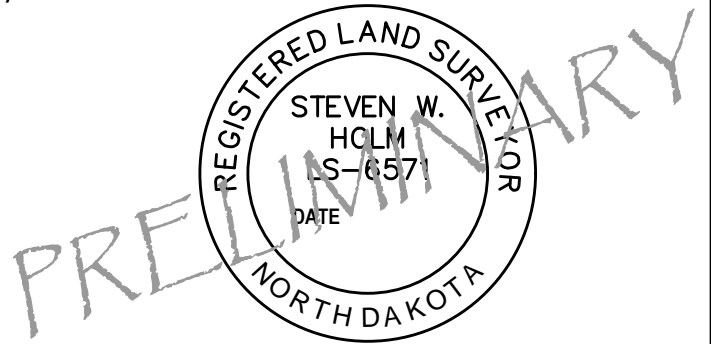
Steven W. Holm, R.L.S.
N.D. License No. LS-6571

Date: _____

State of North Dakota)
County of Cass)

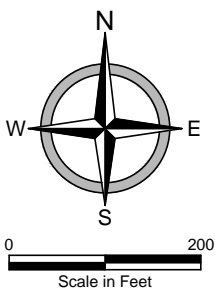
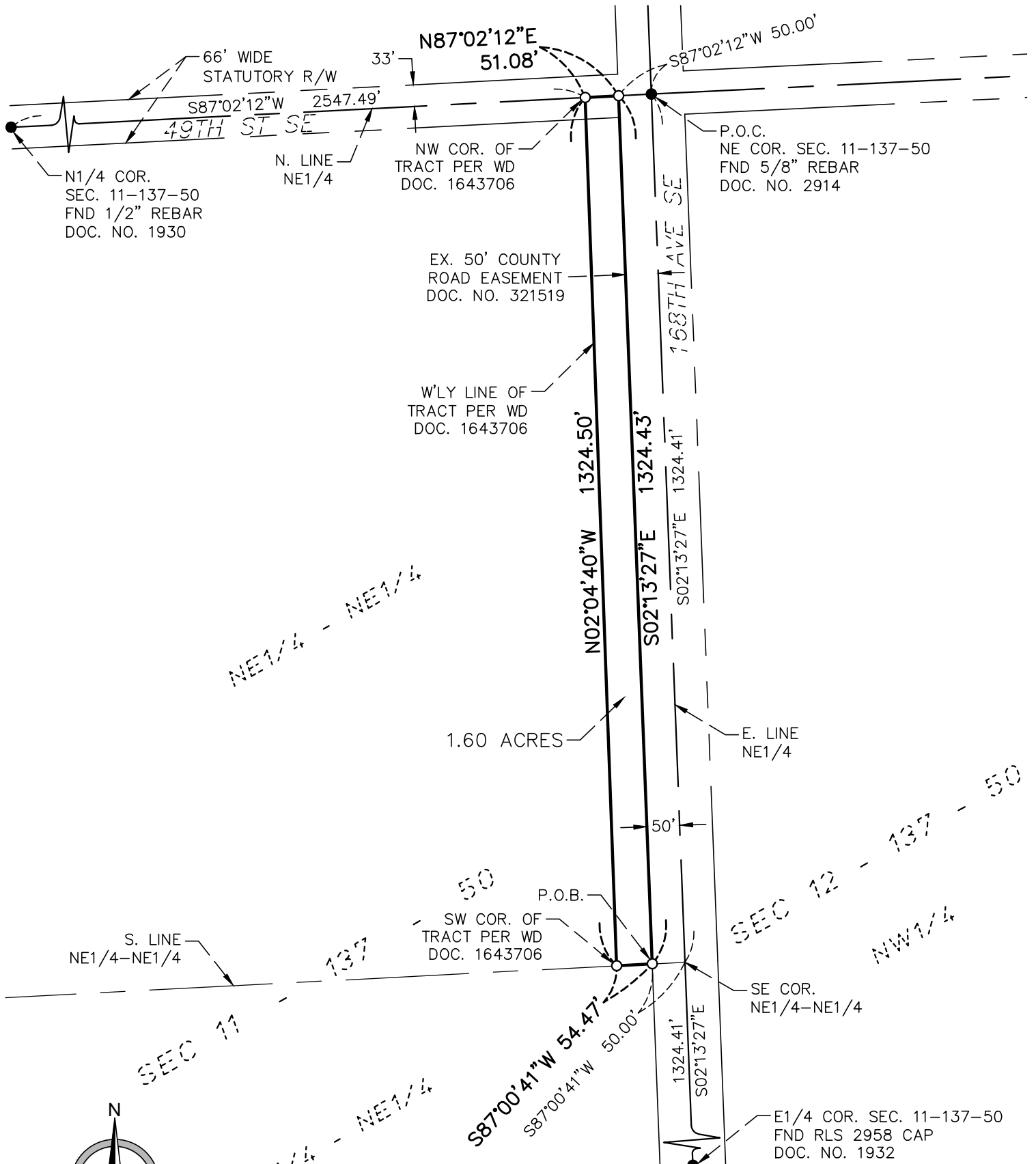
On this ____ day of _____, 2023, before me, a Notary Public in and for said county and state, personally appeared Steven W. Holm, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free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

Notary Public, Cass County, North Dakota



CERTIFICATE OF SURVEY

PART OF THE NE1/4-NE1/4 OF SECTION 11, TOWNSHIP 137 NORTH, RANGE 50 WEST
OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
THE EAST LINE OF THE
NE1/4 OF SECTION 11 HAS
AN ASSUMED BEARING OF
S02°13'27\"/>

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571



Certificate of Survey - OIN 5278N

Cass County Joint Water Resource District
Part of the NE1/4-NE1/4 of Sec. 11-137-50
Cass County, North Dakota

PROJECT No.	21990 102-3.1
DATE:	03.20.23
REVISED:	-
DRAFTER:	SWH
REVIEWER:	CDH



CERTIFICATE OF SURVEY

PART OF THE NE1/4-NE1/4 OF SECTION 11, TOWNSHIP 137 NORTH, RANGE 50 WEST
OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA

DESCRIPTION

That part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 11; thence South 02 degrees 13 minutes 27 seconds East on an assumed bearing along the east line of the Northeast Quarter of said Section 11 for a distance of 1324.41 feet to the southeast corner of said Northeast Quarter of the Northeast Quarter; thence South 87 degrees 00 minutes 41 seconds West along the south line of said Northeast Quarter of the Northeast Quarter for a distance of 50.00 feet to a point on a line which is 50.00 feet westerly of, as measured at a right angle to and parallel with the east line of said Northeast Quarter, said point is the point of beginning; thence continuing South 87 degrees 00 minutes 41 seconds West along the south line of said Northeast Quarter of the Northeast Quarter for a distance of 54.47 feet to the southwest corner of a certain tract of land as described in Warranty Deed Document No. 1643706, recorded August 30, 2021, on file and of record in the office of the Recorder, said County; thence North 02 degrees 04 minutes 40 seconds West along the westerly line of said tract of land for a distance of 1324.50 feet to the northwest corner of said tract of land, said corner being on the north line of said Northeast Quarter; thence North 87 degrees 02 minutes 12 seconds East along the north line of said Northeast Quarter for a distance of 51.08 feet to a point on said line which is 50.00 feet westerly of, as measured at a right angle to and parallel with the east line of said Northeast Quarter; thence South 02 degrees 13 minutes 27 seconds East along said parallel line for a distance of 1324.43 feet to the point of beginning.

Said tract contains 1.60 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

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.

Steven W. Holm, R.L.S.
N.D. License No. LS-6571

Date: _____

State of North Dakota)
County of Cass)

On this _____ day of _____, 2023, before me, a Notary Public in and for said county and state, personally appeared Steven W. Holm, 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



Certificate of Survey - OIN 5278N

Cass County Joint Water Resource District
Part of the NE1/4-NE1/4 of Sec. 11-137-50
Cass County, North Dakota

PROJECT No.	21990 102-3.1
DATE:	03.20.23
REVISED:	-
DRAFTER:	SWH
REVIEWER:	CDH



Exhibit C: Declaration of Excess Land Form

I hereby declare that OINs 5024Y, 5214Y, and 5278Y (the parcels) are deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.

Joel Paulson
Executive Director

8/11/2023
Date

Memorandum



SUBJECT:

Cass County Highway Right of Way (ROW) Strips Excess Lands Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OINs 1185Y2 (1.55 acres), 922Y3 (5.30 acres), 885Y1 (2.90), 897Y1 (3.43 acres), 507Y1 (3.66 acres), 510Y1 (3.66 acres) and 547Y1 (3.88 acres) to begin the process to dispose of the excess land per the Policy on the Disposition and Management of Comprehensive Project Lands.

BACKGROUND/KEY POINTS:

Cass County has identified several locations along Cass County highways where the CCJWRD owns additional property adjacent to the FM Diversion Project. These lands have been declared as Excess Land by the Executive Director and are not needed for the Project. The Cass County Joint Water Resource District approved the recommendation on August 24, 2023.

Since these lands are adjacent to the County highways, it's appropriate for the Cass County to take advantage of this available land to acquire additional strips of right of way for future road projects.

The close proximity of these highways to the Metro area makes them strong candidates for future road improvements over the next 20 years. Through our agreement with the MFDA and CCJWRD and in accordance with the Policy, Cass County can acquire this right of way at the purchase price that the CCJWRD paid.

ATTACHMENTS:

- Memo – Cass County Highway Right of Way (ROW) Strips Excess Lands Recommendation



Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: August 9, 2023

RE: Cass County Highway Right of Way (ROW) Strips Excess Lands Recommendation

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 Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Executive Director to declare the Cass County Highway ROW strips noted below as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding Cass County Hwy ROW Strips

Description of Parcel(s)	See Exhibit A for maps showing the parcels recommended as excess land.
Legal Description	See Exhibit B for legal descriptions (and certificates of survey) for the parcels recommended as excess land.
Asset Parcel(s) Size	OIN 1185Y2 – 1.55 acres of this remnant OIN 922Y3 – 5.30 acres of this remnant OIN 885Y1 – 2.90 acres of this remnant

	<p>OIN 897Y1 – 3.43 acres of this remnant</p> <p>OIN 507Y1 – 3.66 acres of this remnant</p> <p>OIN 510Y1 – 3.66 acres of this remnant</p> <p>OIN 574Y1 – 3.88 acres of this remnant</p>
<p>Narrative Description of Parcels</p>	<p>All of the parcels are 100-foot strips of land immediately adjacent to Cass County highways that Cass County desires to obtain for future roadway needs.</p> <p>OIN 1185Y2 – Extend 100-foot ROW on north side of road to the west section line pertaining to Hwy 14</p> <p>OIN 922Y3 – Extend 100-foot ROW on south side of road to the east section line pertaining to Hwy 20</p> <p>OIN 885Y1 – Extend 100-foot ROW on north side of road to the west section line pertaining to Hwy 22</p> <p>OIN 897Y1 – Extend 100-foot ROW on south side of road to the west section line pertaining to Hwy 22</p> <p>OIN 507Y1 – Extend 100-foot ROW on north side of road to the west section line pertaining to Hwy 32</p> <p>OIN 510Y1 – Extend 100-foot ROW on south side of road to the west section line pertaining to Hwy 32</p> <p>OIN 574Y1 – Extend 100-foot ROW on north side of road to the east section line pertaining to Hwy 32</p>
<p>Purchase Date</p>	<p>OIN 1185Y2 – October 22, 2020</p> <p>OIN 922Y3 – June 17, 2015</p> <p>OIN 885Y1 – October 14, 2014</p> <p>OIN 897Y1 – February 18, 2014</p> <p>OIN 507Y1 – November 7, 2019</p> <p>OIN 510Y1 – October 2, 2019</p> <p>OIN 574Y1 – July 17, 2017</p>

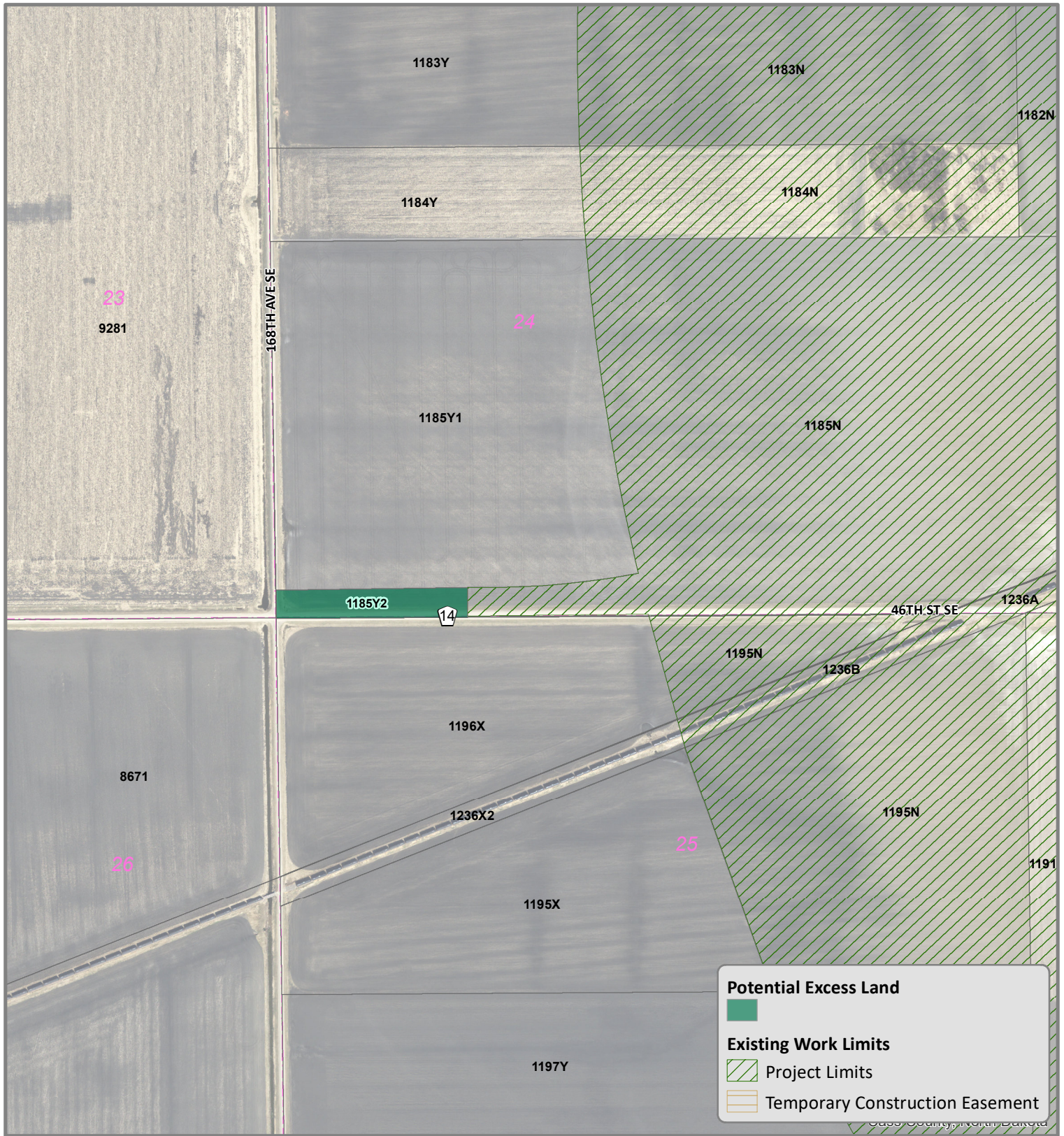
<p>Purchase Price</p>	<p>OIN 1185Y2 – \$1,160,000 for OIN 1185</p> <p>OIN 922Y3 – \$857,010 for OIN 922</p> <p>OIN 885Y1 – \$956,175 for OIN 885</p> <p>OIN 897Y1 – \$924,087.59 for OIN 897</p> <p>OIN 507Y1 – \$1,664,200 for OIN 507 and 508</p> <p>OIN 510Y1 – \$831,676 for OIN 510</p> <p>OIN 574Y1 – \$3,475,189 for all of Section 19 (OINs 571 572 573 574)</p>
<p>Former Owner</p>	<p>OIN 1185Y2 – KENNETH HATLESTAD</p> <p>OIN 922Y3 – CAROL B BROOKS IRREVOCABLE THIRD-PARTY SNT ETAL</p> <p>OIN 885Y1 – DEAN A & GWENDOLYN RUST</p> <p>OIN 897Y1 – DENNIS P & VICKI R RUST</p> <p>OIN 507Y1 – JOHN C OLSON ETAL</p> <p>OIN 510Y1 – MURIEL LEMKE LE</p> <p>OIN 574Y1 – NELLIE M SCHOENBERG</p>
<p>Adjacent Owners</p>	<p>OIN 1185Y2 – Edward Samuelson Revocable Trust (OIN 1182X), Mark Thorson (OIN 1196X), Carlton J. Benson ETAL (OIN 9281)</p> <p>OIN 922Y3 – Ervin & Mildred Fitterer (OIN 904X), OIN 952X Patsy G Gust Living Trust ETAL (OIN 952X)</p> <p>OIN 885Y1 – Doris Krogh (OIN 884X and 885X)</p> <p>OIN 897Y1 – M&L SEN Farms LLLP (OIN 2381X), Stuart Johnson (OIN 898Y)</p> <p>OIN 507Y1 – Perry Rust (OIN 9987), Richard Rabanus (OIN 506)</p> <p>OIN 510Y1 – Edward & Jeanne Olson (OIN 513), Perry Rust (OIN 9987)</p> <p>OIN 574Y1 – Llyod Amundson Etal (OIN 2362X)</p>
<p>Property Management Approach</p>	<p>These parcels except for OIN 922Y3 are associated with an active farmland lease for the 2023 farming season. These leases through Pifer’s</p>

	date back to 2021 for each of the OINs in this recommendation. The only outlier to this is OIN 922Y3 which is part of trade negotiations.
Rental Revenue	<p>The following data is associated with the current 2023 farmland leases.</p> <p>OIN 1185Y1 – 34.74 acres @ \$150/acre = \$5,211</p> <p>OIN 922Y2 – N/A for 2023 / 70.74 acres @ \$135/acre = \$4,808.70</p> <p>OIN 885Y – 60.92 acres @ \$150/acre = \$9,138</p> <p>OIN 897Y – 46.90 acres @ \$150 /acre= \$7,035</p> <p>OIN 507Y (Area 1) – 93.12 acres @ \$150/acre = \$13,968</p> <p>OIN 507Y (Area 2) – 57.13 acres @ \$20/acre = \$1,142.60</p> <p>OIN 510Y – 143.68 acres @ \$150 = \$21,552</p> <p>OIN 574Y – 81.93 acres @150 = \$12,289.50</p>
Property Taxes	<p>The 2022 property taxes are noted below.</p> <p>OIN 1185Y1 – \$881.15</p> <p>OIN 922Y2 – Parcel is inactive in Cass County tax system</p> <p>OIN 885Y – \$942.40</p> <p>OIN 897Y – \$1,808.74</p> <p>OIN 507Y – \$3,741.10</p> <p>OIN 510Y – \$1,168.98</p> <p>OIN 574Y – \$885.74</p>
Relation to Construction	These parcels are adjacent to, but not part of the work limits for the Stormwater Diversion Channel and Associated Infrastructure (SWDCAI).

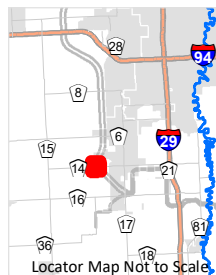
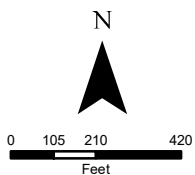
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare these Cass County Highway ROW strips 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 Exhibits of Parcels 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 Management\Owned\Asset Lands\Potential Excess Land.mxd

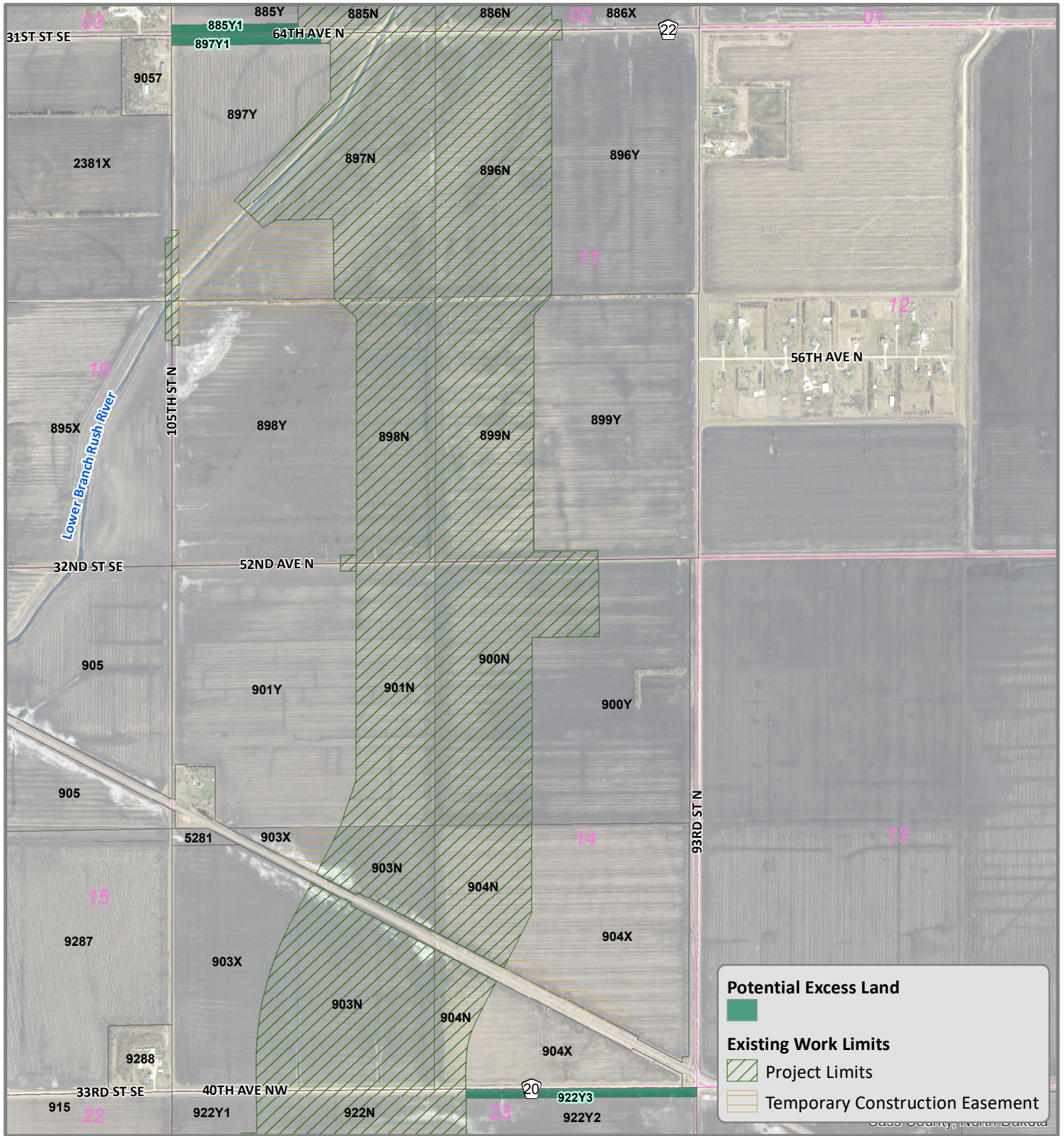


**CASS COUNTY HIGHWAY ROW STRIPS
 (COUNTY ROAD 14)**

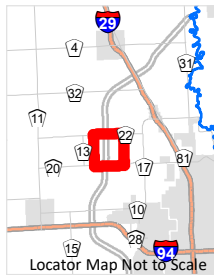
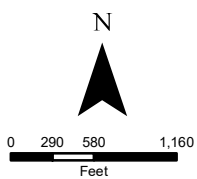
POTENTIAL EXCESS LAND

FM AREA DIVERSION
 Map Date: 7/25/2023





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 Management\Owned\Asset Lands\Potential Excess Land.mxd

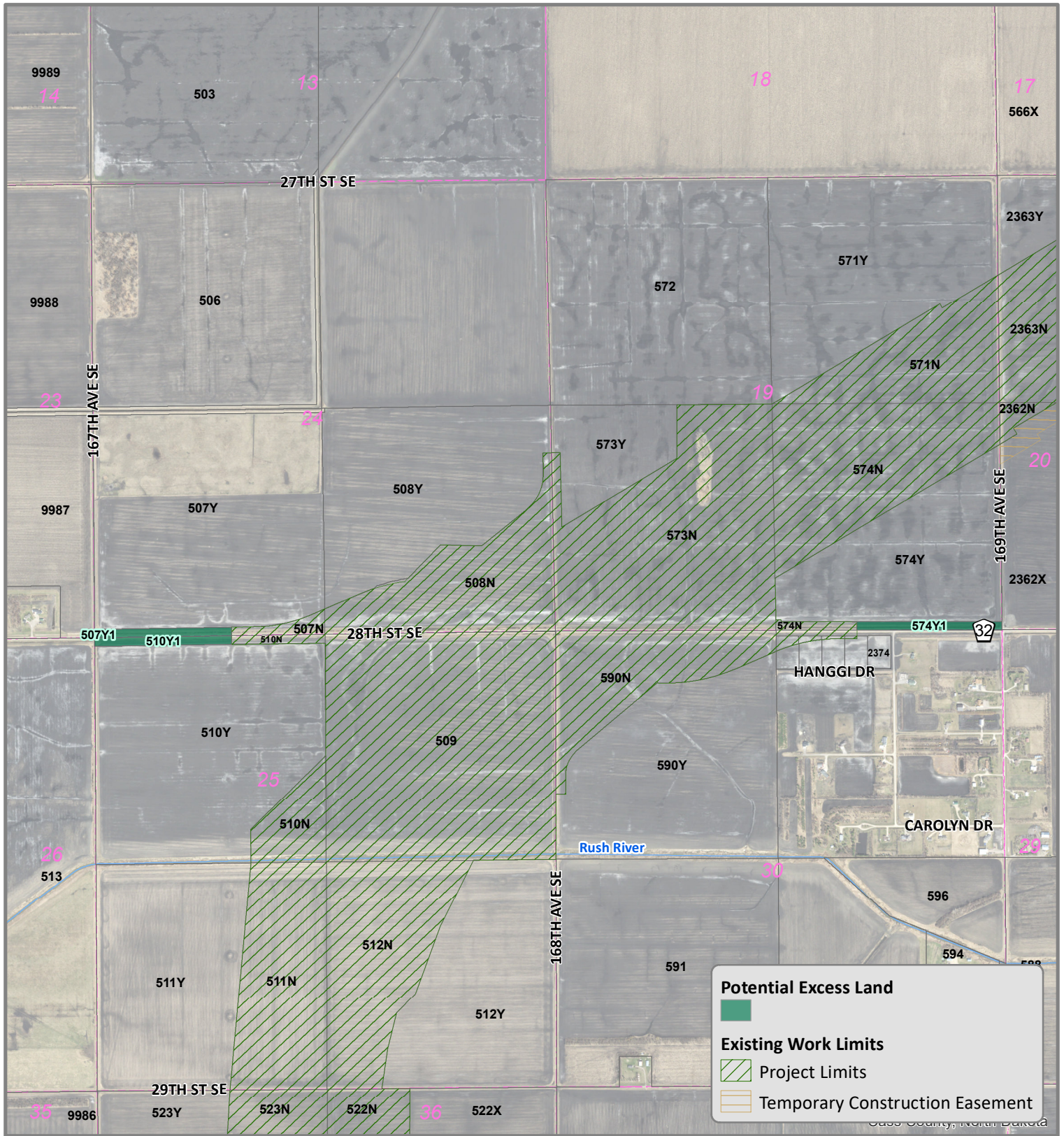


**CASS COUNTY HIGHWAY ROW STRIPS
(COUNTY ROADS 20 AND 22)**

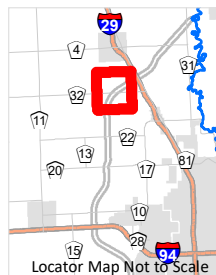
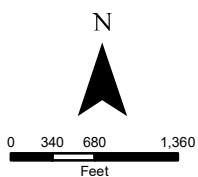
POTENTIAL EXCESS LAND

FM AREA DIVERSION
Map Date: 7/25/2023





*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 Division\012 Lands Program\Property Management\Owned\Asset Lands\Potential Excess Land.mxd*



**CASS COUNTY HIGHWAY ROW STRIPS
 (COUNTY ROAD 32)**

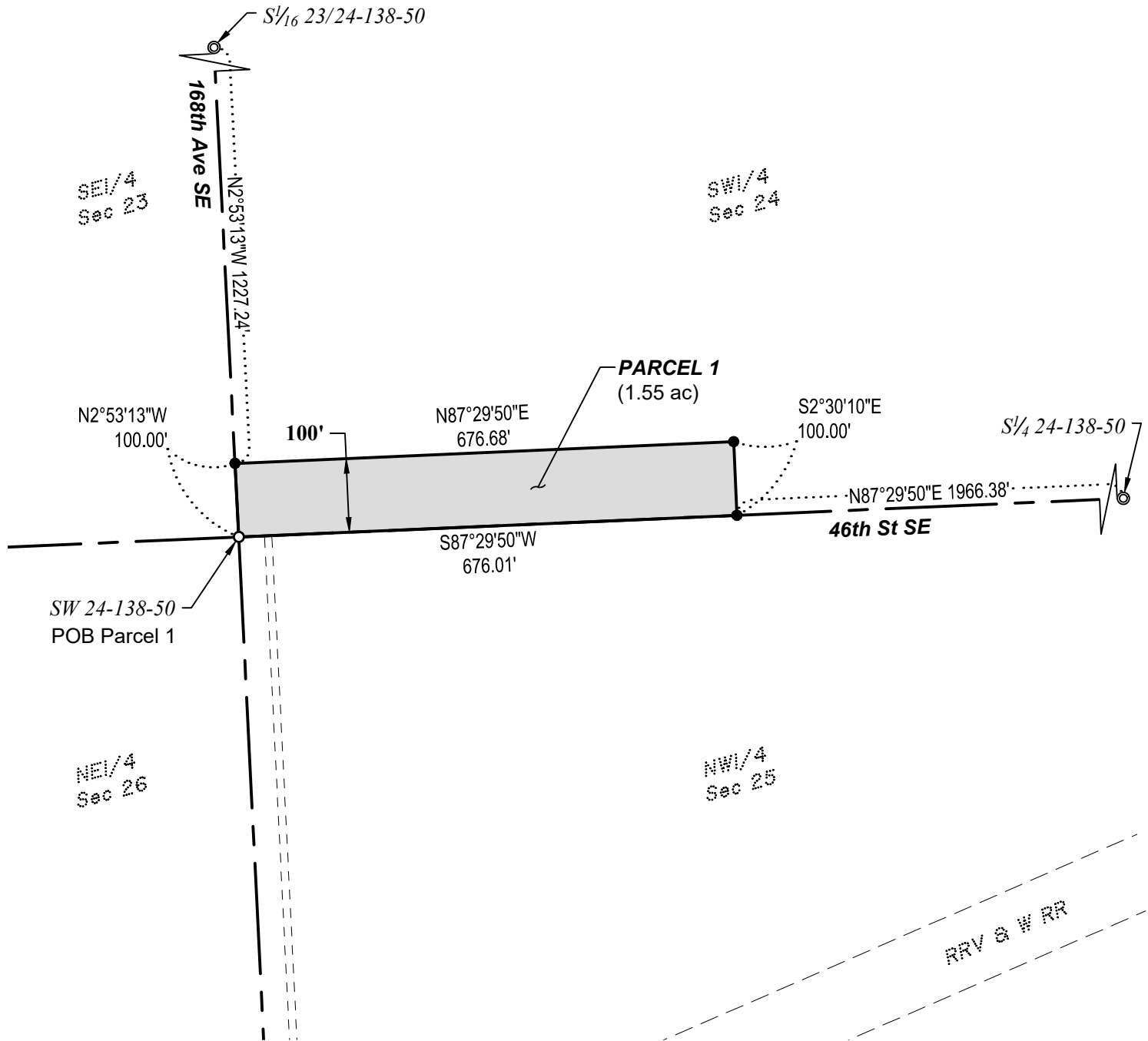
POTENTIAL EXCESS LAND

FM AREA DIVERSION
 Map Date: 7/25/2023



Exhibit B: Legal Descriptions for Parcels Recommended as Excess Lands

CERTIFICATE OF SURVEY



Notes:

1) Parcel subject to a Northwestern Bell Tel Co., undefined-location, utility right-of-way easement (Doc. 522795)

N
W E
S

0 200

Scale in Feet

BASIS OF BEARING
 NAD83 (CONUS) ND State Plane
 South Zone. Distances are
 ground, US Survey Feet.

LEGEND		PRELIMINARY
<p>— — — — — SECTION LINE</p> <p>— — — — — 1/4 LINE</p> <p>— — — — — 1/4 -1/4 LINE</p> <p>— — — — — EXIST. PARCEL LINE</p> <p>— — — — — EXIST. EASE.</p> <p>— — — — — NEW PARCEL LINE</p> <p>▭ NEW DIVERSION PARCEL</p> <p>▨ TEMP. CONST. EASE. (TCE)</p> <p>▩ DEEDED RIGHT-OF-WAY</p>	<p>■ FND ORIGINAL MON.</p> <p>△ FND IRON MON. W/ ALUM. CAP</p> <p>⊙ FND IRON MON. W/ PLASTIC CAP</p> <p>○ FND IRON MON.</p> <p>● SET IRON MON. W/ PLASTIC CAP LS-8218</p> <p>▲ SET IRON MON. W/ ALUM. CAP LS-8218</p> <p>⦿ SET NAIL MONUMENT</p> <p>(M) MEASURED</p> <p>(R) PREVIOUSLY RECORDED</p>	

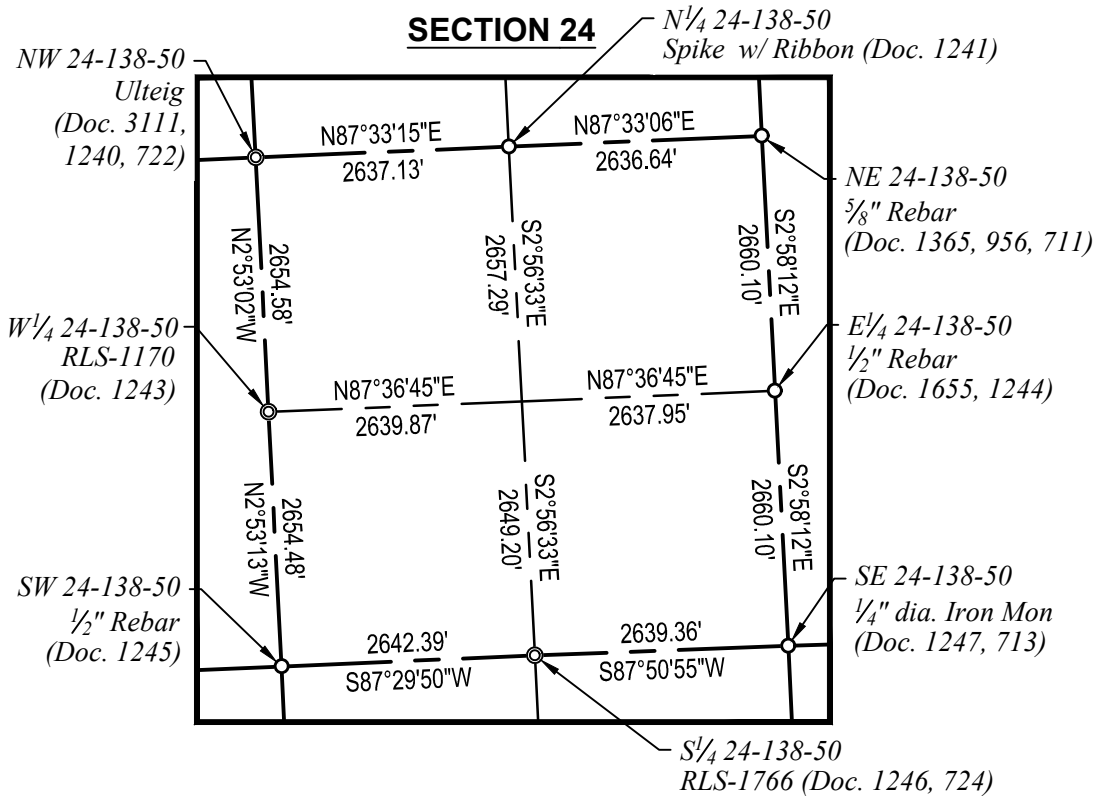


CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Part of the Southwest Quarter (SW1/4) of Section 24, T138N, R50W,
 Cass County, ND

CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE OF SURVEY Apr. 24, 2019
P10841-2020-001 012 02	SHEET 1 of 2
PREPARED BY TTH	PROJECT ON 1185Y1

CERTIFICATE OF SURVEY



PARENT PARCEL - WARRANTY DEED DOC. NO. 1609938

PARCEL 1 - LEGAL DESCRIPTION

That part of the Southwest Quarter of Section 24, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Southwest Corner of Section 24;
 thence $N02^{\circ}53'13''W$ on the west line of said Section 24 a distance of 100.00 feet;
 thence $N87^{\circ}29'50''E$ parallel with the south line of said Section 24 a distance of 676.68 feet;
 thence $S02^{\circ}30'10''E$ perpendicular to said south line a distance of 100.00 feet to said south line;
 thence $S87^{\circ}29'50''W$ on said south line a distance of 676.01 feet to the Point of Beginning;

Said parcel contains 1.55 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

CERTIFICATE OF SURVEYOR

I hereby certify that this survey 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. All distances and measurements are true and correct to the best of my knowledge and belief, and all monuments shall be placed in the ground as shown.

 Nicholas R. Stattelmann
 N.D. Registration No. LS-8218
 Date: 11/2/22

STATE OF NORTH DAKOTA)
) ss.
 COUNTY OF _____)

On this ___ day of _____, in the year 20___, before me a notary public in and for said county and state, personally appeared Nicholas R. Stattelmann, known to me to be the person(s) described in, and who executed the within instrument and acknowledged to me that he/she executed the same.

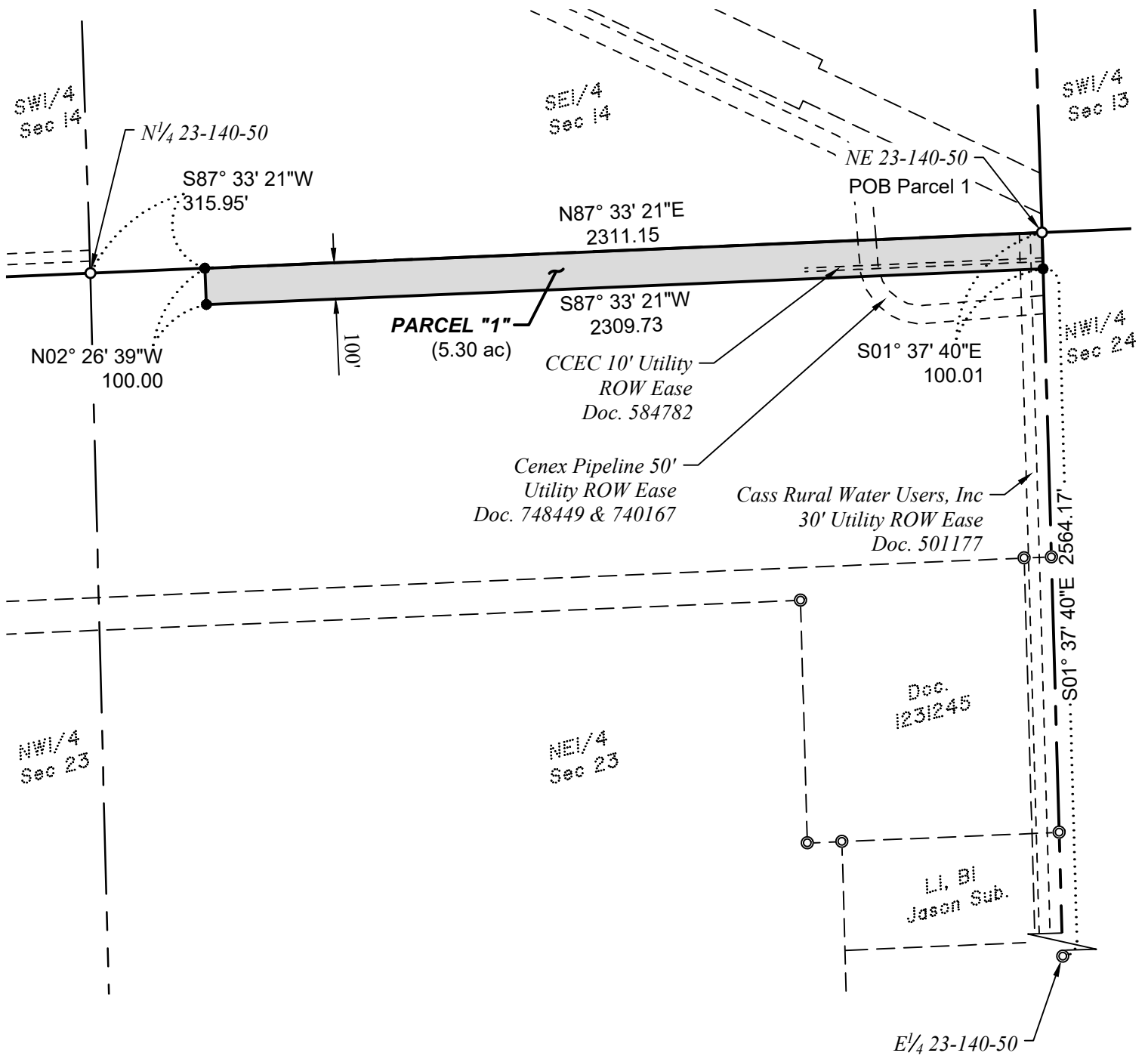
 Notary Public:
 State of North Dakota
 My commission expires: _____

CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Part of the Southwest Quarter (SW1/4) of Section 24, T138N, R50W,
 Cass County, ND

DRAWING TYPE COS	DATE OF SURVEY Apr. 24, 2019
P10841-2020-001 012 02	SHEET 2 of 2
PREPARED BY TTH	PROJECT ORN 1185Y1

CERTIFICATE OF SURVEY

CERTIFICATE OF SURVEY



Notes:

- 1) Parcel subject to a Cass Rural Water Users, Inc Undefined 40' Utility ROW Easement (Doc. 1242094).
- 2) Parcel subject to a Cass Rural Water Users, Inc Blanket Utility ROW Easement (Doc. 859879).
- 3) Parcel subject to a Northwestern Bell Tel. Co. Undefined Width Util. Easement (Doc. 455993).

0 400

Scale in Feet

BASIS OF BEARING
NAD83 (CONUS) ND State Plane
South Zone. Distances are
ground, US Survey Feet.

LEGEND

— — — — —	SECTION LINE	■	FND ORIGINAL MON.
— — — — —	1/4 LINE	△	FND IRON MON. W/ ALUM. CAP
— — — — —	1/4 -1/4 LINE	⊙	FND IRON MON. W/ PLASTIC CAP
— — — — —	EXIST. PARCEL LINE	○	FND IRON MON.
— — — — —	EXIST. EASE.	●	SET IRON MON. W/ PLASTIC CAP LS-8218
— — — — —	NEW PARCEL LINE	▲	SET IRON MON. W/ ALUM. CAP LS-8218
▭	NEW DIVERSION PARCEL	⊙	SET NAIL MONUMENT
▨	TEMP. CONST. EASE. (TCE)	(M)	MEASURED
▩	DEEDED RIGHT-OF-WAY	(R)	PREVIOUSLY RECORDED

PRELIMINARY

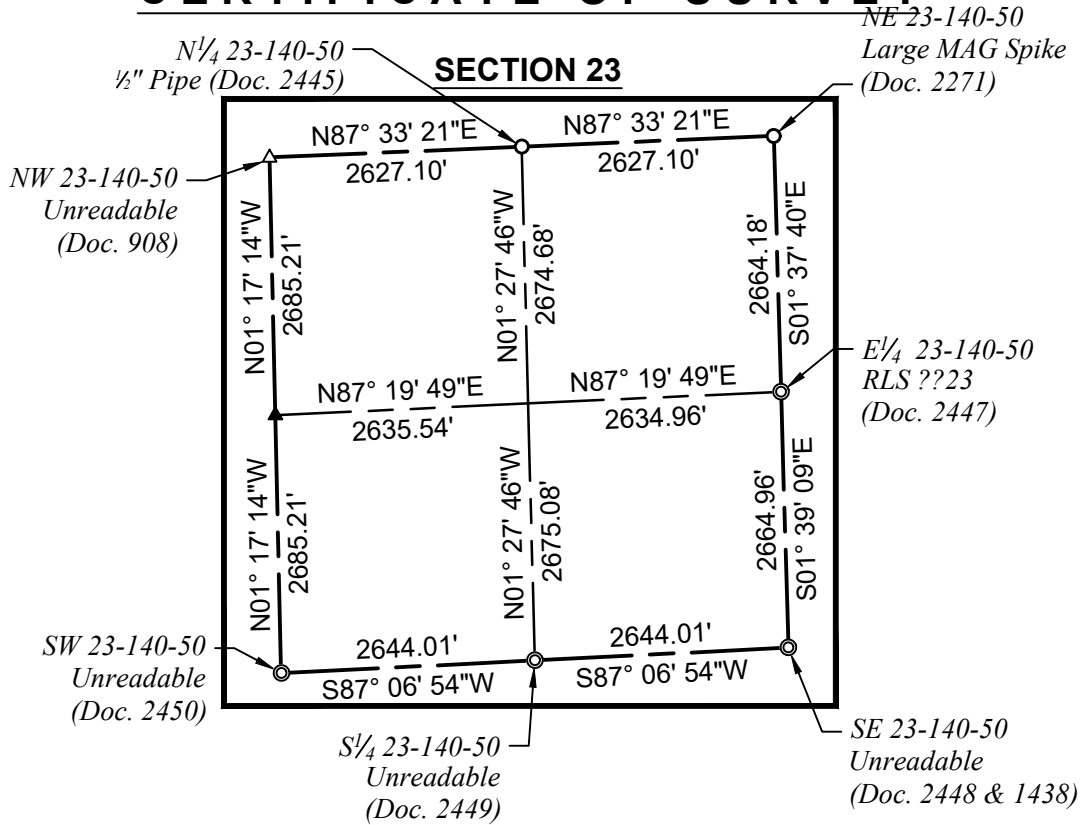


CASS COUNTY JOINT WATER RESOURCE DISTRICT
Part of the Northeast Quarter (NE1/4),
Section 23, T140N, R50W, Cass County, ND

CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE OF SURVEY Oct. 14, 2016
P10841-2020-001 012.02	SHEET 1 of 2
PREPARED BY TH	PROJECT ON 922Y

CERTIFICATE OF SURVEY



PARENT PARCEL: TRUSTEE'S DEED DOC. NO. 1449827

PARCEL "1" - LEGAL DESCRIPTION

That part of the Northeast Quarter of Section 23, Township 140 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Northeast Corner of Section 23;
 thence S01°37'40"E on the east line of the Northeast Quarter (NE1/4) of said Section 23 a distance of 100.01 feet;
 thence S87°33'21"W parallel with the north line of said NE1/4 a distance of 2309.73 feet;
 thence N02°26'39"W perpendicular to said north line a distance of 100.00 feet to said north line;
 thence N87°33'21"E on said north line a distance of 2311.15 feet to the Point of Beginning.

Said parcel contains 5.30 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

CERTIFICATE OF SURVEYOR

I hereby certify that this survey 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. All distances and measurements are true and correct to the best of my knowledge and belief, and all monuments shall be placed in the ground as shown.

 Nicholas R. Stattelmann
 N.D. Registration No. LS-8218
 Date: _____

STATE OF NORTH DAKOTA)
) ss.
 COUNTY OF _____)

On this ____ day of _____, in the year 20 ____, before me a notary public in and for said county and state, personally appeared Nicholas R. Stattelmann, known to me to be the person(s) described in, and who executed the within instrument and acknowledged to me that he/she executed the same.

 Notary Public:
 State of North Dakota _____
 My commission expires:

CASS COUNTY JOINT WATER RESOURCE DISTRICT

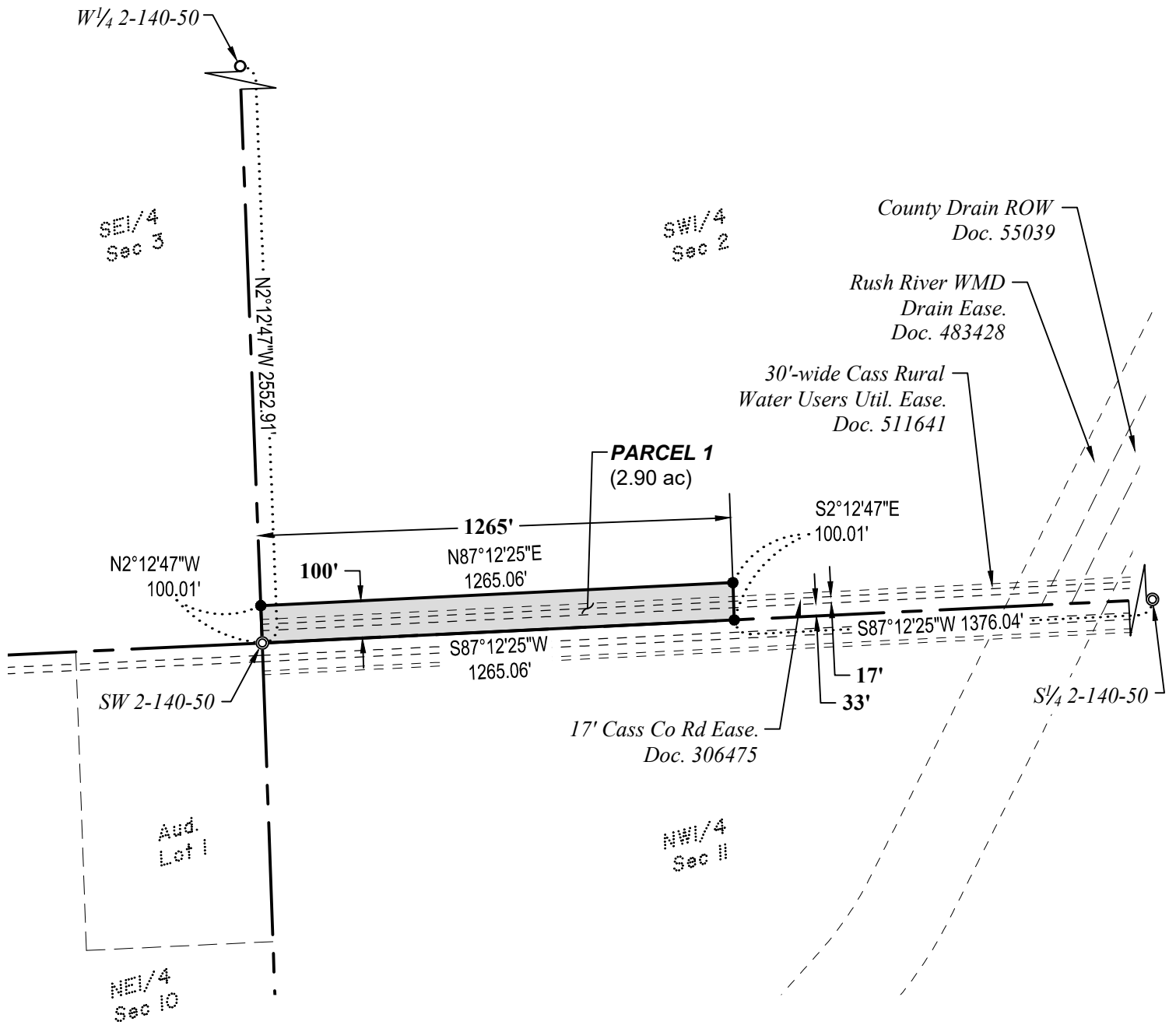
Part of the Northeast Quarter (NE1/4),
 Section 23, T140N, R50W, Cass County, ND

CERTIFICATE OF SURVEY

DRAWING TYPE	DATE
COS	Oct. 14, 2016
P10841-2020-001	SHEET
012.02	2 of 2
PREPARED BY	PROJECT OR
TH	922Y



CERTIFICATE OF SURVEY



Notes:

- 1) Parcel subject to a Northwestern Bell Tel. Co. undefined-width util ease. (Doc. 460278)
- 2) Parcel subject to a Cass Co. Elec. Co-op undefined-location util ease. (Doc. 458210)

0 400

Scale in Feet

BASIS OF BEARING
NAD83 (CONUS) ND State Plane
South Zone. Distances are
ground, US Survey Feet.

LEGEND

— — — — —	SECTION LINE	■	FND ORIGINAL MON.
— — — — —	1/4 LINE	△	FND IRON MON. W/ ALUM. CAP
— — — — —	1/4 -1/4 LINE	⊙	FND IRON MON. W/ PLASTIC CAP
— — — — —	EXIST. PARCEL LINE	○	FND IRON MON.
— — — — —	EXIST. EASE.	●	SET IRON MON. W/ PLASTIC CAP LS-8218
— — — — —	NEW PARCEL LINE	▲	SET IRON MON. W/ ALUM. CAP LS-8218
▨	NEW DIVERSION PARCEL	●	SET NAIL MONUMENT
▧	TEMP. CONST. EASE. (TCE)	(M)	MEASURED
▩	DEEDED RIGHT-OF-WAY	(R)	PREVIOUSLY RECORDED

PRELIMINARY

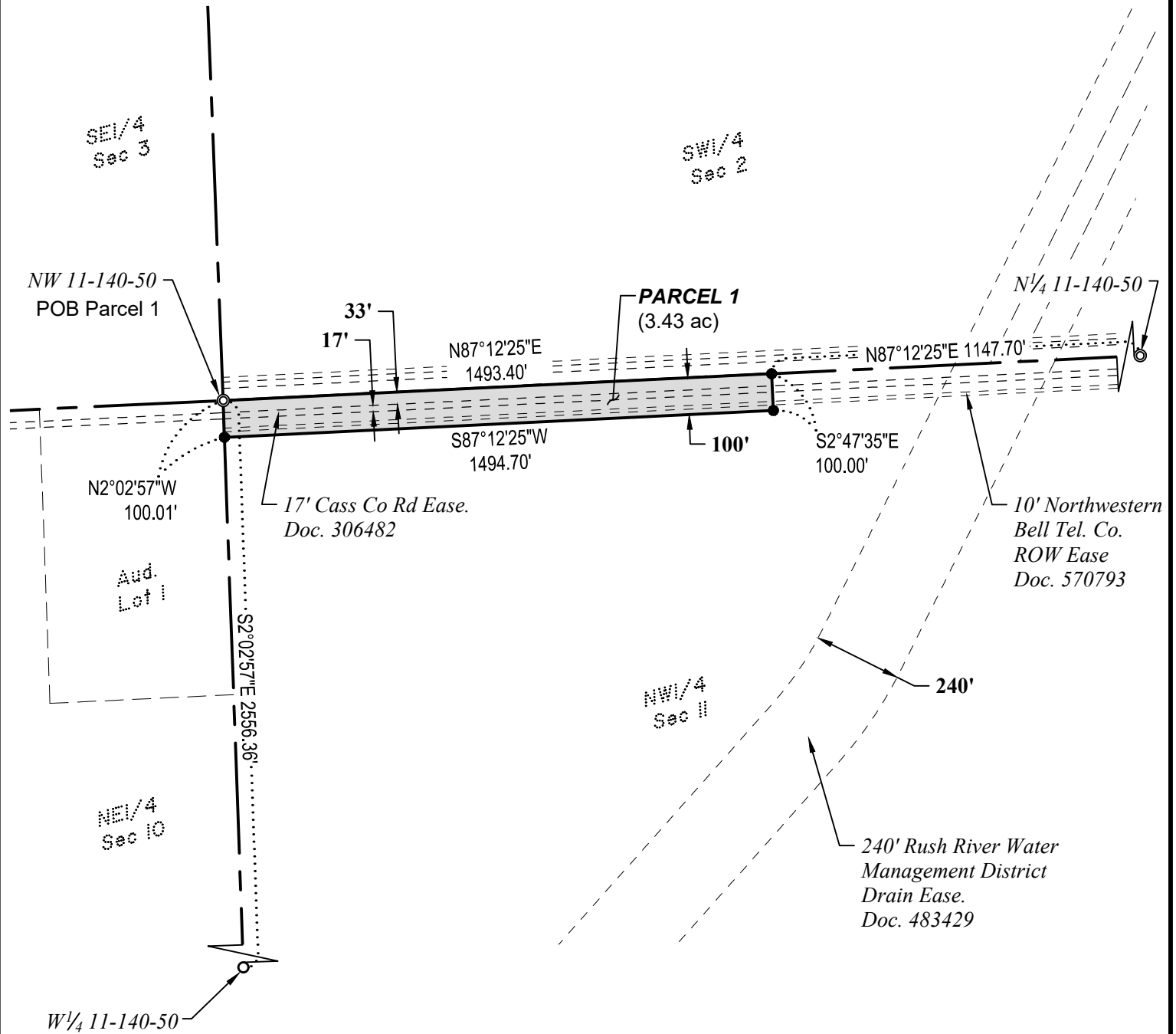


CASS COUNTY JOINT WATER RESOURCE DISTRICT
Part of the Southwest Quarter (SW1/4) of Section 2, T140N, R50W,
Cass County, ND

DRAWING TYPE COS	DATE OF SURVEY Jan. 13, 2017
P10841-2020-001 012.02	SHEET 1 of 2
PREPARED BY TTH	PROJECT ON 885Y

CERTIFICATE OF SURVEY

CERTIFICATE OF SURVEY



Notes:

1) Parcel subject to a Northwestern Bell Tel. Co. Undefined-Width Util Ease. (Doc. 455312).

N
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0 400

Scale in Feet

BASIS OF BEARING
NAD83 (CONUS) ND State Plane
South Zone. Distances are
ground, US Survey Feet.

LEGEND

- — — — — SECTION LINE
- — — — — 1/4 LINE
- — — — — 1/4 -1/4 LINE
- — — — — EXIST. PARCEL LINE
- — — — — EXIST. EASE.
- — — — — NEW PARCEL LINE
- ▭ NEW DIVERSION PARCEL
- ▨ TEMP. CONST. EASE. (TCE)
- ▩ DEEDED RIGHT-OF-WAY

PRELIMINARY

- FND ORIGINAL MON.
- △ FND IRON MON. W/ ALUM. CAP
- ⊙ FND IRON MON. W/ PLASTIC CAP
- FND IRON MON.
- SET IRON MON. W/ PLASTIC CAP LS-8218
- ▲ SET IRON MON. W/ ALUM. CAP LS-8218
- ◆ SET NAIL MONUMENT
- (M) MEASURED
- (R) PREVIOUSLY RECORDED

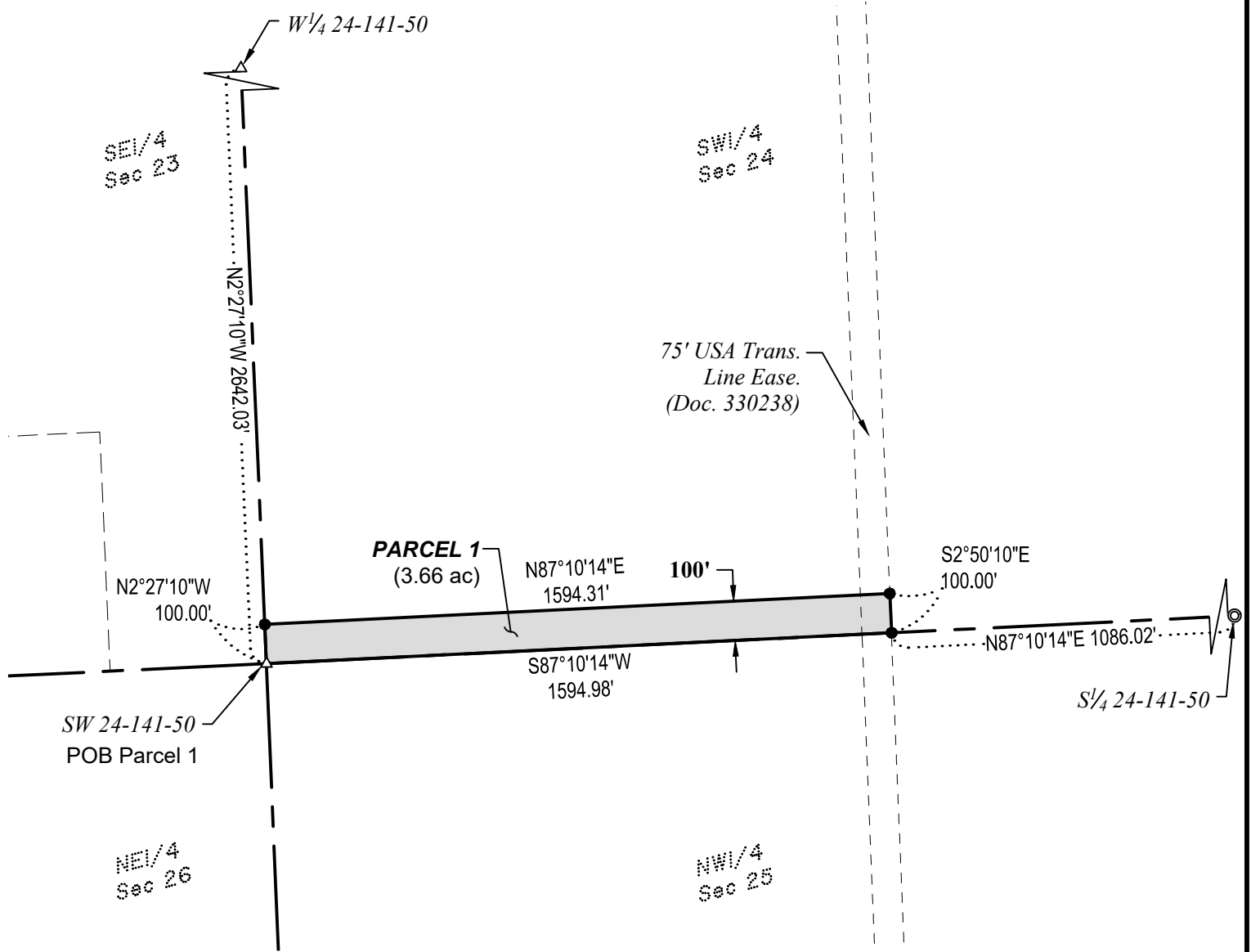


CASS COUNTY JOINT WATER RESOURCE DISTRICT
Part of the Northwest Quarter (NW1/4) of Section 11, T140N, R50W,
Cass County, ND

DRAWING TYPE COS	DATE OF SURVEY Jan. 13, 2017
P10841-2020-001 012.02	SHEET 1 of 2
PREPARED BY TTH	PROJECT ON 897Y

CERTIFICATE OF SURVEY

CERTIFICATE OF SURVEY



N
 W E
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0 400

Scale in Feet

BASIS OF BEARING
 NAD83 (CONUS) ND State Plane
 South Zone. Distances are
 ground, US Survey Feet.

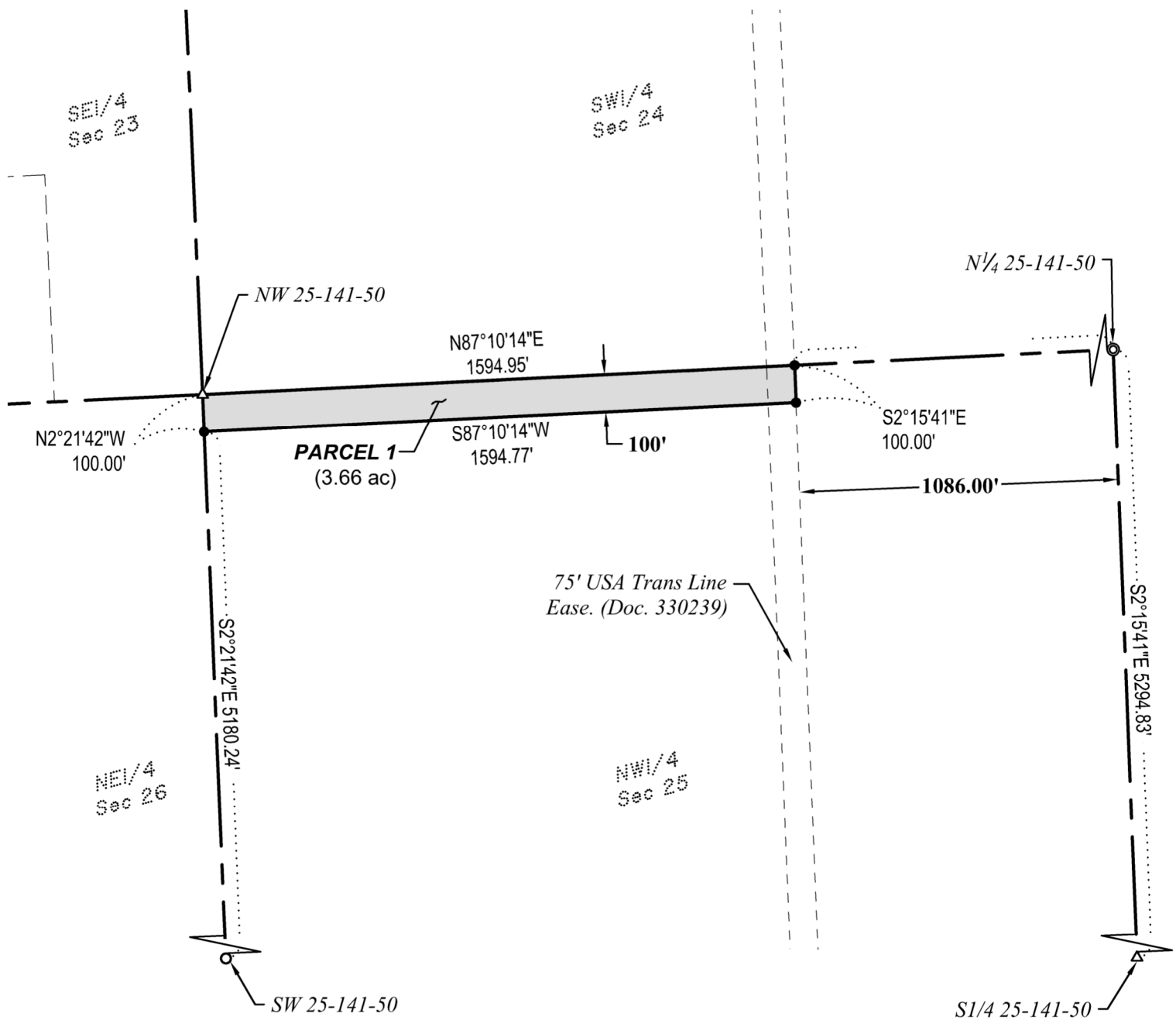
LEGEND		PRELIMINARY
<p> SECTION LINE 1/4 LINE 1/4 - 1/4 LINE EXIST. PARCEL LINE EXIST. EASE. NEW PARCEL LINE NEW DIVERSION PARCEL TEMP. CONST. EASE. (TCE) DEEDED RIGHT-OF-WAY </p>	<p> FND ORIGINAL MON. FND IRON MON. W/ ALUM. CAP FND IRON MON. W/ PLASTIC CAP FND IRON MON. SET IRON MON. W/ PLASTIC CAP LS-8218 SET IRON MON. W/ ALUM. CAP LS-8218 SET NAIL MONUMENT (M) MEASURED (R) PREVIOUSLY RECORDED </p>	



CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Part of the Southwest Quarter (SW1/4) of Section 24, T141N, R50W,
 Cass County, ND
CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE OF SURVEY Jan. 13, 2017
P10841-2020-001 012.02	SHEET 1 of 2
PREPARED BY TTH	PROJECT ORN 507Y

CERTIFICATE OF SURVEY



Scale in Feet

BASIS OF BEARING
NAD83 (CONUS) ND State Plane
South Zone. Distances are
ground, US Survey Feet.

LEGEND

— — — — —	SECTION LINE	■	FND ORIGINAL MON.
— — — — —	1/4 LINE	△	FND IRON MON. W/ ALUM. CAP
— — — — —	1/4 -1/4 LINE	⊙	FND IRON MON. W/ PLASTIC CAP
— — — — —	EXIST. PARCEL LINE	○	FND IRON MON.
— — — — —	EXIST. EASE.	●	SET IRON MON. W/ PLASTIC CAP LS-8218
— — — — —	NEW PARCEL LINE	▲	SET IRON MON. W/ ALUM. CAP LS-8218
▭	NEW DIVERSION PARCEL	●	SET NAIL MONUMENT
▨	TEMP. CONST. EASE. (TCE)	(M)	MEASURED
▩	DEEDED RIGHT-OF-WAY	(R)	PREVIOUSLY RECORDED

PRELIMINARY

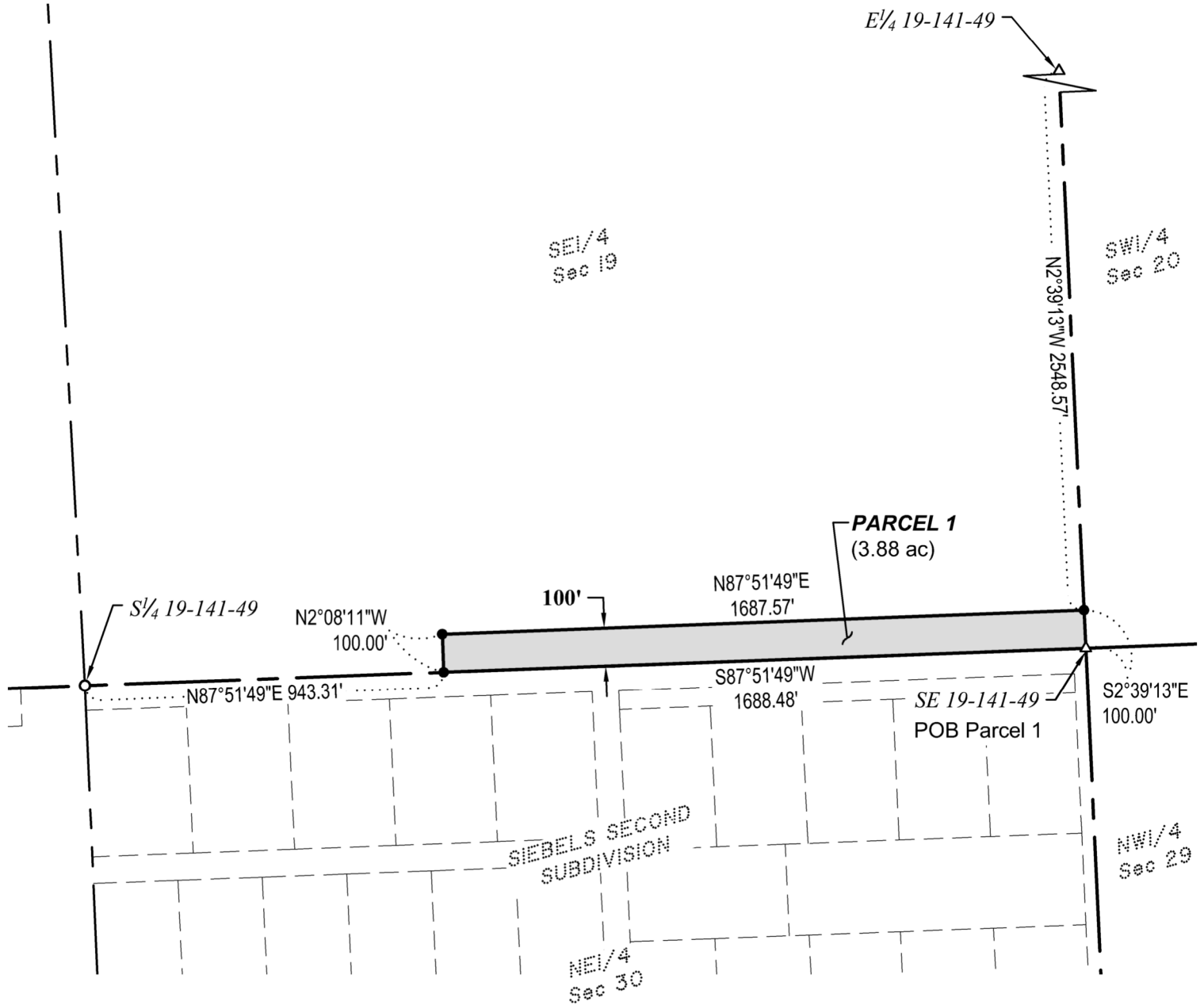


CASS COUNTY JOINT WATER RESOURCE DISTRICT
Part of the Northwest Quarter (NW1/4) of Section 25, T141N, R50W,
Cass County, ND

CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE OF SURVEY Jan. 13, 2017
P10841-2020-001 012 02	SHEET 1 of 2
PREPARED BY TTH	PROJECT ORN 510Y

CERTIFICATE OF SURVEY



BASIS OF BEARING
 NAD83 (CONUS) ND State Plane
 South Zone. Distances are
 ground, US Survey Feet.

LEGEND		PRELIMINARY
<ul style="list-style-type: none"> — — — — — SECTION LINE — — — — — 1/4 LINE — — — — — 1/4 -1/4 LINE - - - - - EXIST. PARCEL LINE - - - - - EXIST. EASE. — — — — — NEW PARCEL LINE NEW DIVERSION PARCEL TEMP. CONST. EASE. (TCE) DEEDED RIGHT-OF-WAY 	<ul style="list-style-type: none"> ■ FND ORIGINAL MON. △ FND IRON MON. W/ ALUM. CAP ⊙ FND IRON MON. W/ PLASTIC CAP ○ FND IRON MON. ● SET IRON MON. W/ PLASTIC CAP LS-8218 ▲ SET IRON MON. W/ ALUM. CAP LS-8218 ◆ SET NAIL MONUMENT (M) MEASURED (R) PREVIOUSLY RECORDED 	



CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Part of the Southeast Quarter (SE1/4) of Section 19, T141N, R49W,
 Cass County, ND
CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE OF SURVEY Sept. 2, 2016
P10841-2020-001 012 02	SHEET 1 of 2
PREPARED BY TTH	PROJECT ON 574Y

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 1185Y2, 922Y3, 885Y1, 897Y1, 507Y1, 510Y1, and 574Y1 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.

Joel Paulsen
Executive Director

8/11/2023
Date

Memorandum



SUBJECT:

OIN 507Y Excess Lands Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 507 (151.58 acres) to begin the process to dispose of the excess land per the Policy on the Disposition and Management of Comprehensive Project Lands.

BACKGROUND/KEY POINTS:

Excess land was purchased along the stormwater diversion channel and associated infrastructure (Channel) at the request of the landowner. OIN 507Y is farmland located along the north edge of the Channel, southwest of the City of Argusville. The southern approximately 100 acres of this parcel is tillable farmland, and the northern approximately 50 acres is pastureland.

The well on the northern portion of OIN 507Y has a broken water well, which requires the lessee to haul in water to allow this land to be used as pastureland resulting a significantly reduced rental rate of \$20 per acre. The Authority obtained an estimate to replace the well for approximately \$11,000. Based on historic rental income, it would take 28 years for the Authority to receive a return on investment.

Per the Policy, the Executive Director has declared these lands as Excess Land. The Cass County Joint Water Resource District approved the recommendation on August 24, 2023.

ATTACHMENTS:

- Memo – OIN 507Y Excess Lands Recommendation



Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: August 15, 2023

RE: OIN 507Y Excess Lands Recommendation

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 Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Executive Director to declare OIN 507Y as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 507Y

Description of Parcel(s)	See Exhibit A for map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for a legal description (and certificate of survey) for the parcel recommended as excess land.
Asset Parcel Size	151.58 Acres

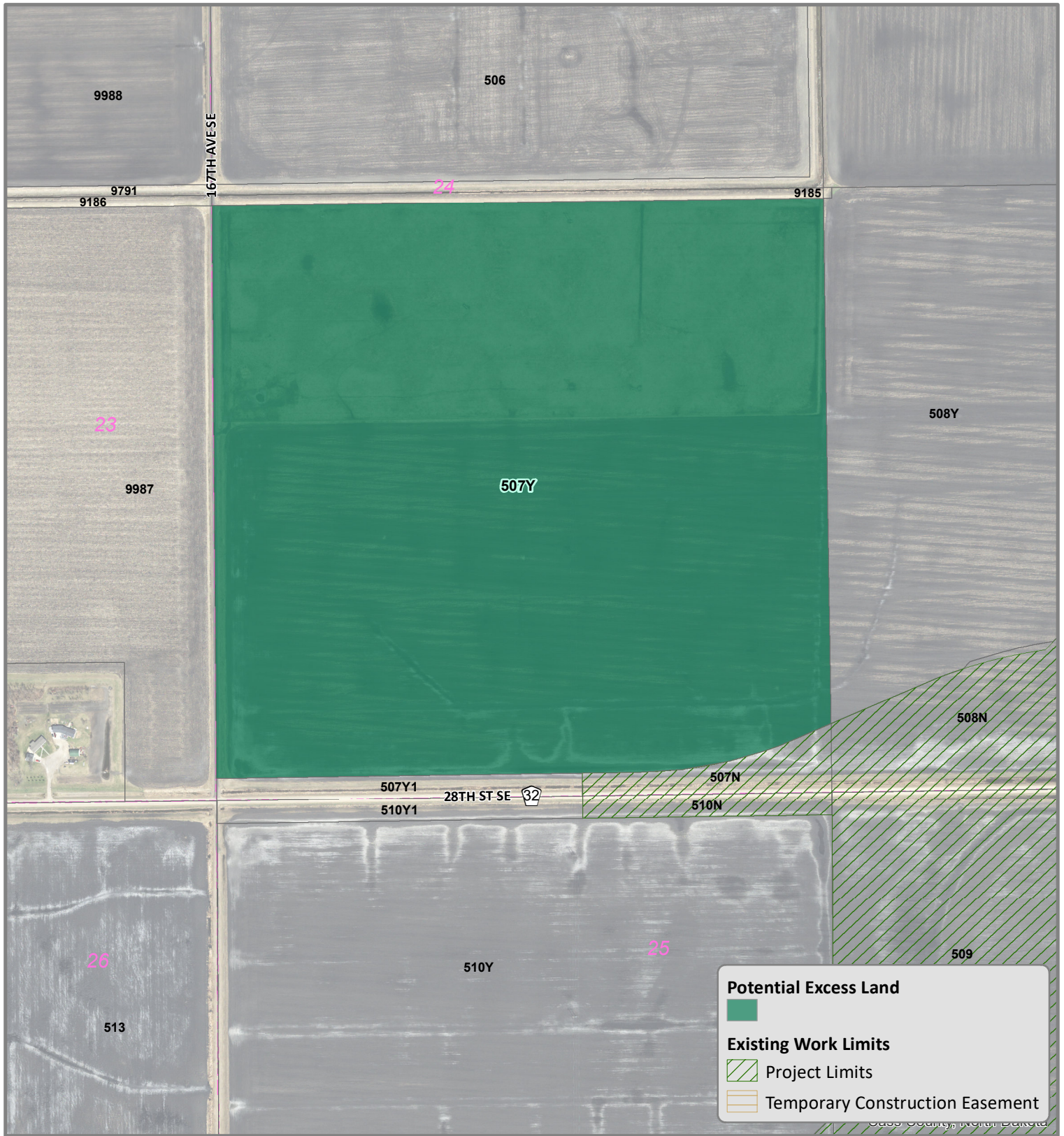
Narrative Description of Parcel	OIN 507Y is farmland located along the north edge of the stormwater diversion channel, southwest of the City of Argusville. The parcel was acquired voluntarily at the request of the former property owner. The southern approximately 100 acres of this parcel is tillable farmland, and the northern approximately 50 acres is pastureland.
Purchase Date	November 7, 2019
Purchase Price	\$5,300 per acre \$1,664,200 for both OINs 507 & 508
Former Owner	John Olson
Adjacent Owners	OIN 506 – Richard Rabanus, OIN 509 – Formerly Williams Farms, OIN 510Y – Formerly Muriel Lemke, and OIN 513 - Edward & Jeannie Olson
Property Management Approach	<p>The CCJWRD has leased this parcel for farming and haying since March of 2020. Due to the mixed uses of the parcel, two separate leases have been secured in the past. The southern portion of the parcel is tillable farmland. The northern portion of the parcel is pastureland that has been leased as pastureland.</p> <p>For 2023, the southern portion of OIN 507Y is leased for farming following the standard farmland lease rate of \$150 per acre.</p> <p>For 2023, the northern portion of OIN 507Y is leased as pastureland for \$20 per acre. This rate is lower than standard leases due to the broken water well on the property. Lessee is required to haul water to allow this land to be used as pastureland.</p> <p>The Authority obtained an estimate to replace the well for approximately \$11,000. Based on historic rental income, it would take 28 years for the Authority to receive a return on investment.</p>
Rental Revenue	<p>2022 farmland: \$12,571.20 (93.12 acres @ \$135 per acre)</p> <p>2022 pastureland: \$2,285 (57.13 acres @ \$40 per acre)</p>

	<p>2023 farmland: \$13,968 (93.12 acres @ \$150 per acre)</p> <p>2023 pastureland: \$1,142.60 (57.13 acres @ \$20 per acre)</p>
Property Taxes	<p>2022 taxes on OIN 507: \$3,779.</p> <p>Note that a small portion of OIN 507 will become tax exempt in 2023 as it will be used for construction. As such, the estimated future property tax amount will be slightly less than 2022.</p>
Relation to Construction	<p>A small portion of OIN 507 is required for construction of the Stormwater Diversion Channel component of the Comprehensive Project. The remaining portion of OIN 507 is classified as OIN 507Y. The P3 Developer, Red River Valley Alliance (RRVA) has confirmed that OIN 507Y is not needed for construction or operation of the Comprehensive Project.</p>

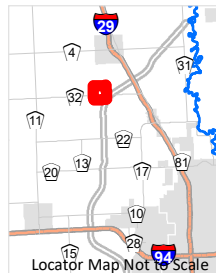
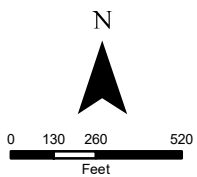
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 507Y 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



*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 Division\012 Lands Program\Property Management\Owned\Asset Lands\Potential Excess Land_OIN507Y.mxd*



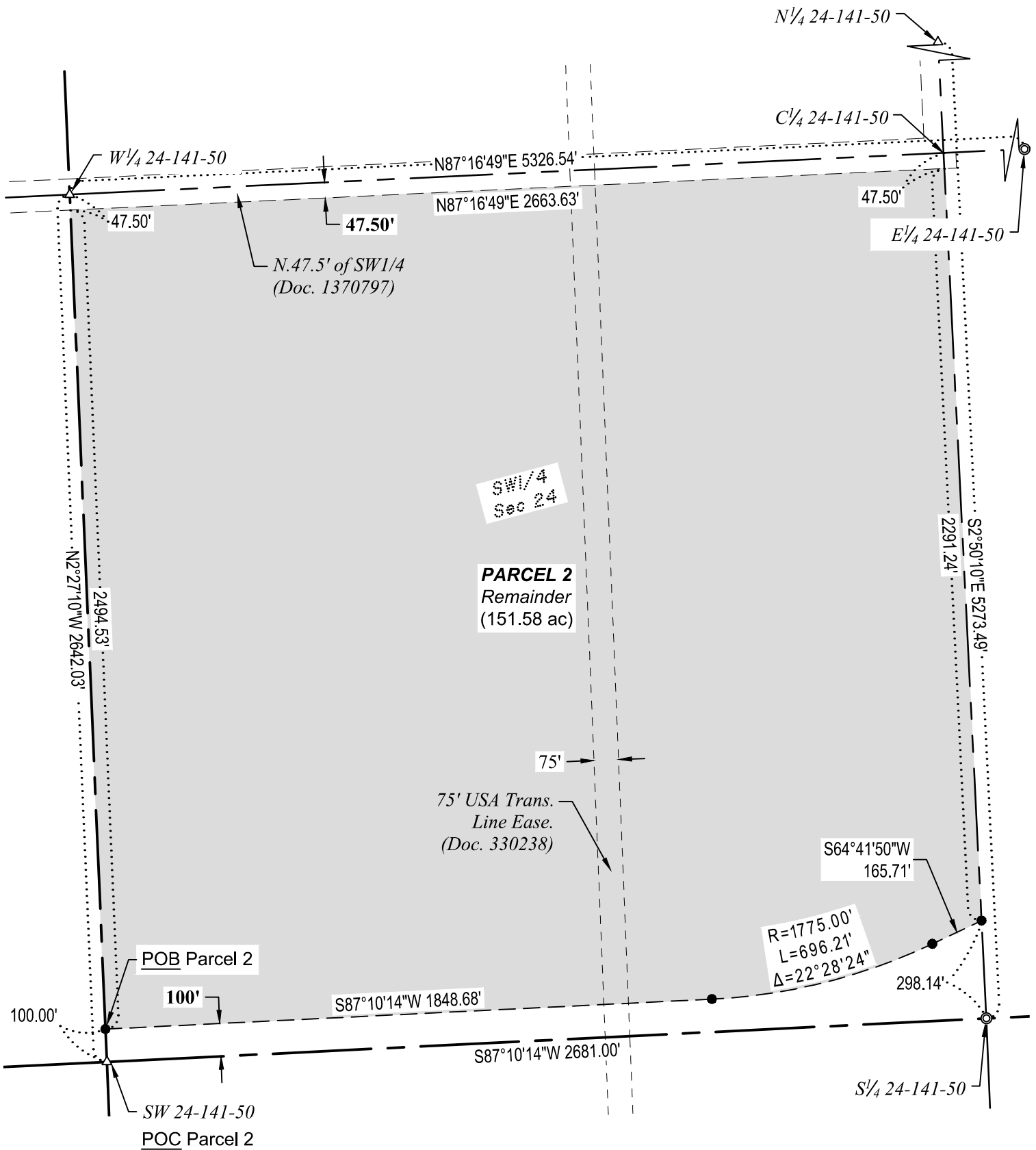
OIN 507Y
POTENTIAL EXCESS LAND

FM AREA DIVERSION
 Map Date: 7/25/2023



Exhibit B: Legal Description of Parcel Recommended as Excess Lands

CERTIFICATE OF SURVEY



Scale in Feet

BASIS OF BEARING

 NAD83 (CONUS) ND State Plane

 South Zone. Distances are

 ground, US Survey Feet.

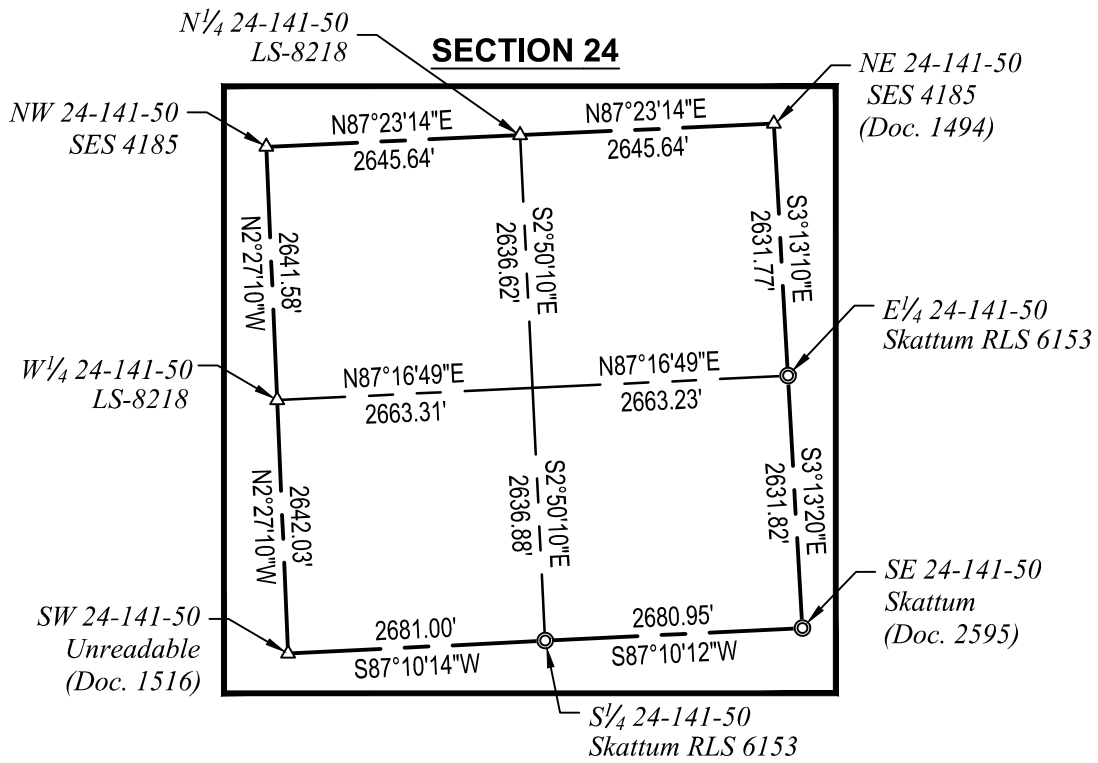
LEGEND		PRELIMINARY
<ul style="list-style-type: none"> — — — — — SECTION LINE — — — — — 1/4 LINE — — — — — 1/4 -1/4 LINE - - - - - EXIST. PARCEL LINE - - - - - EXIST. EASE. — — — — — NEW PARCEL LINE NEW DIVERSION PARCEL TEMP. CONST. EASE. (TCE) DEEDED RIGHT-OF-WAY 	<ul style="list-style-type: none"> ■ FND ORIGINAL MON. △ FND IRON MON. W/ ALUM. CAP ⊙ FND IRON MON. W/ PLASTIC CAP ○ FND IRON MON. ● SET IRON MON. W/ PLASTIC CAP LS-8218 ▲ SET IRON MON. W/ ALUM. CAP LS-8218 ◆ SET NAIL MONUMENT (M) MEASURED (R) PREVIOUSLY RECORDED 	



CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Part of the Southwest Quarter (SW1/4) of Section 24, T141N, R50W,
 Cass County, ND
CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE OF SURVEY Jan. 13, 2017
P10841-2020-001 012 02	SHEET 1 of 3
PREPARED BY TTH	PROJECT ON 507Y

CERTIFICATE OF SURVEY



PARENT PARCEL - WARRANTY DEED DOC. NO. 1576648

PARCEL 2 (REMAINDER) - LEGAL DESCRIPTION

That part of the Southwest Quarter of Section 24, Township 141 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southwest Corner of the Southwest Quarter (SW1/4) of Section 24;
 thence N02°27'10"W on the west line of said SW1/4 a distance of 100.00 feet to the Point of Beginning;
 thence continuing N02°27'10"W on said west line a distance of 2,494.53 feet to the south line of the parcel described in Doc. No. 1370797, Records of Cass County;
 thence N87°16'49"E on said south parcel line, parallel with, and 47.50 feet south of, the north line of said SW1/4 a distance of 2,663.63 feet to the east line of said SW1/4;
 thence S02°50'10"E on said east line a distance of 2,291.24 feet;
 thence S64°41'50"W a distance of 165.71 feet;
 thence 696.21 feet on the arc of a tangential curve, concave to the west, having a radius of 1,775.00 feet and a central angle of 22°28'24";
 thence S87°10'14"W parallel with, and 100.00 feet north of, the south line of said SW1/4 a distance of 1,848.68 to the west line of said SW1/4 and the Point of Beginning.

Said parcel contains 151.58 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

	CASS COUNTY JOINT WATER RESOURCE DISTRICT	DRAWING TYPE COS	DATE OF SURVEY Jan. 13, 2017
	Part of the Southwest Quarter (SW1/4) of Section 24, T141N, R50W, Cass County, ND	P10841-2020-001 012.02	SHEET 2 of 3
CERTIFICATE OF SURVEY		PREPARED BY TTH	PROJECT ORN 507Y

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 507Y (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.

Joel Paulsen

Executive Director

8/16/2023

Date