



# Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: January 29, 2024

RE: Excess Lands Recommendation – OIN 5055Y

## 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 5055Y as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OIN 5055Y

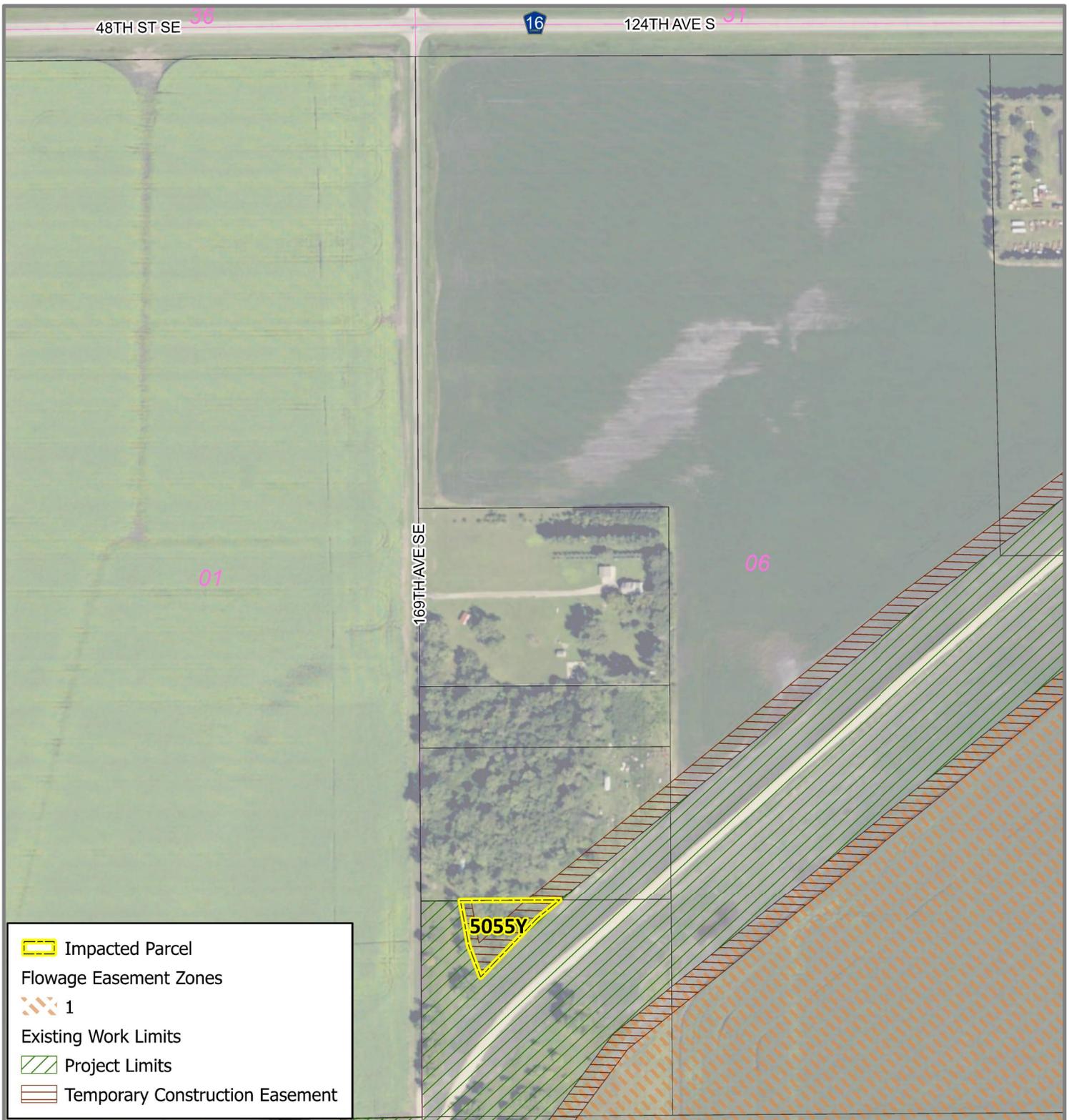
|                          |  |
|--------------------------|--|
| Description of Parcel(s) | See Exhibit A for a map showing the parcel recommended as excess land.                                     |
| Legal Description        | See Exhibit B for legal description (and certificate of survey) for the parcel recommended as excess land. |
| Asset Parcel(s) Size     | 0.49 acres   |

|                                  |   |
|----------------------------------|---|
| Narrative Description of Parcels | OIN 5055Y is located immediately adjacent to and north of the Southern Embankment Reach 1 (SE-1) component of the Comprehensive Project. The parcel is just east of 169 <sup>th</sup> Ave SE, but is not accessible directly from 169 <sup>th</sup> Ave SE. |
| Purchase Date                    | May 26, 2020  |
| Purchase Price                   | \$84,000 total acquisition, including former buildings<br>\$61,600 for OIN 5055 land (total of 7.0 acres)   |
| Proposed Sale Price              | \$2,000<br>Based on a \$4,500 per acre rate.  |
| Former Owner                     | Carl Felix  |
| Adjacent Owners                  | OIN 5007 – Ronald & Marcella Felix<br>*(only property owner with direct access)   |
| Property Management Approach     | To date OIN 5055Y has not be leased by Pifer’s nor put on any spraying and weed control contract. This parcel is predominately wooded with little to no property management needed.   |
| Property Taxes                   | There is no available current tax information online.   |
| Relation to Construction         | This remnant of OIN 5055 is not needed for the construction or operation of the Comprehensive Project.  |
| Right of First Refusal           | The prior land owner is entitled to a ROFO set to expire on May 26, 2025. If exercised, the owner will pay the purchase price/acre of \$8,800.  |

### 3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 5055Y 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).

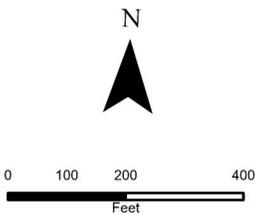
Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



**5055Y**

-  Impacted Parcel
- Flowage Easement Zones
-  1
- Existing Work Limits
-  Project Limits
-  Temporary Construction Easement

*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: Clidenberg | 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: 5055Y**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 57-0000-10252-031**  
**Cass County, ND**

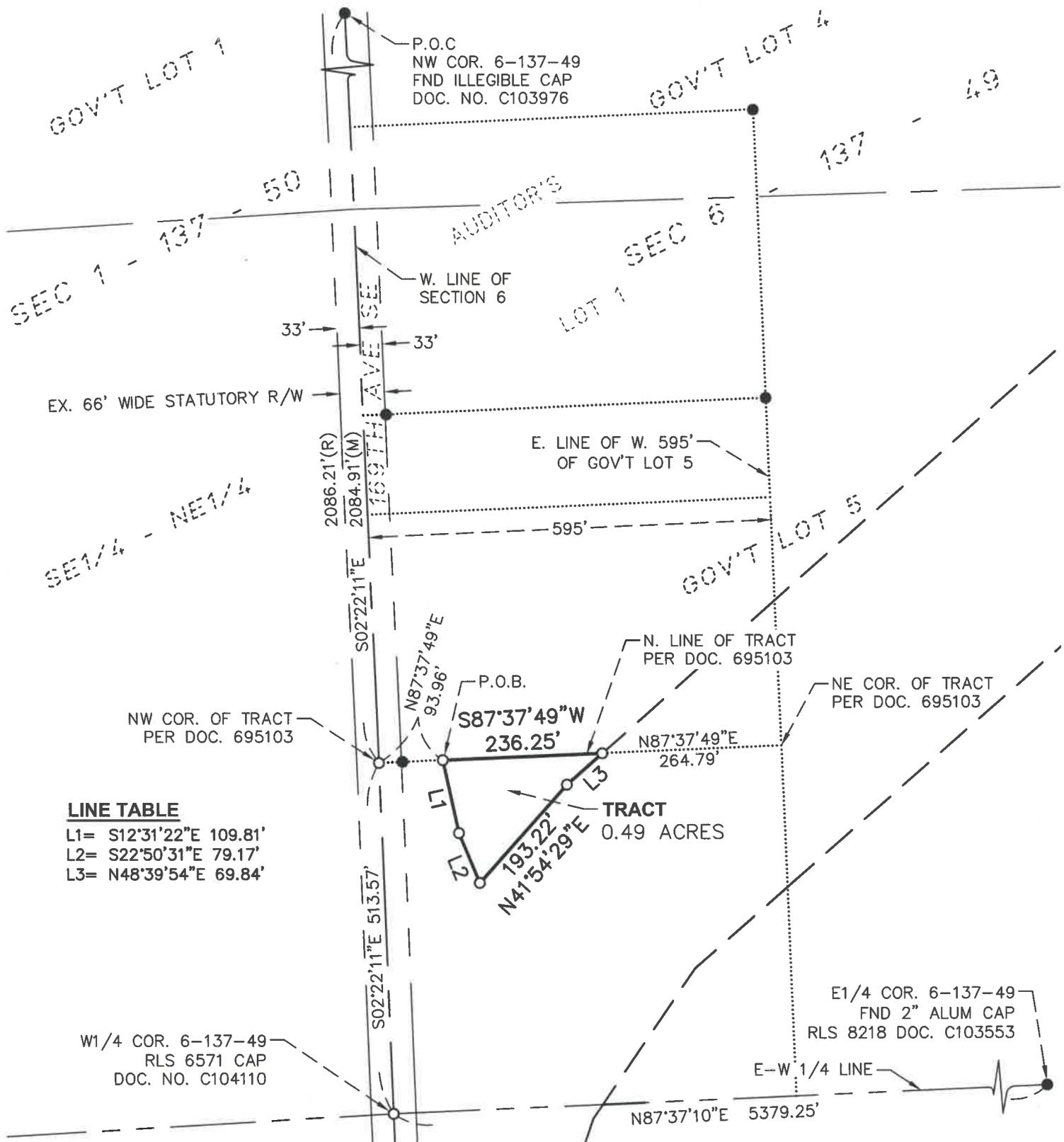
FM AREA DIVERSION  
 Map Date: 12/15/2023



## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

# CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 5 IN SECTION 6, TOWNSHIP 137 NORTH,  
RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA



**LINE TABLE**

L1= S12°31'22"E 109.81'  
L2= S22°50'31"E 79.17'  
L3= N48°39'54"E 69.84'

**TRACT**  
0.49 ACRES



**BASIS OF BEARINGS:**  
THE WEST LINE OF SECTION  
6-137-49 HAS AN ASSUMED  
BEARING OF S02°22'11"E

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #6571
- (M) MEASURED DISTANCE
- (R) RECORD/DEED DISTANCE



**Certificate of Survey - OIN 5055Y**

Cass County Joint Water Resource District  
Part of Government Lot 5 in Sec. 6-137-49  
Cass County, North Dakota

PROJECT No. 21990 102-3.1  
DATE: 12.21.23  
REVISED: -  
DRAFTER: SWH  
REVIEWER: CDH



# CERTIFICATE OF SURVEY

PART OF GOVERNMENT LOT 5 IN SECTION 6, TOWNSHIP 137 NORTH,  
RANGE 49 WEST, CASS COUNTY, NORTH DAKOTA

## DESCRIPTION-TRACT

That part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

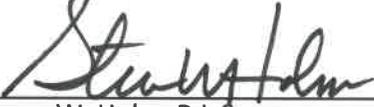
Commencing at a found iron monument which designates the northwest corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of said Section 6 for a distance of 2084.91 feet to the northwest corner of a certain tract of land as described in Warranty Deed Document No. 695103, recorded November 9, 1988, on file and of record in the office of the Recorder, said County; thence North 87 degrees 37 minutes 49 seconds East along the north line of said tract of land for a distance of 93.96 feet to the point of beginning; thence South 12 degrees 31 minutes 22 seconds East for a distance of 109.81 feet; thence South 22 degrees 50 minutes 31 seconds East for a distance of 79.17 feet; thence North 41 degrees 54 minutes 29 seconds East for a distance of 193.22 feet; thence North 48 degrees 39 minutes 54 seconds East for a distance of 69.84 feet to the north line of said tract of land; thence South 87 degrees 37 minutes 49 seconds West along said north line for a distance of 236.25 feet to the point of beginning.

Said tract contains 0.49 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.

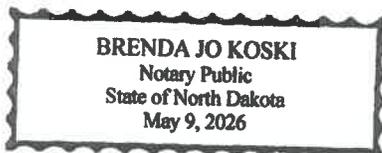


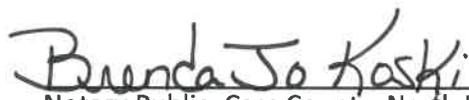
  
\_\_\_\_\_  
Steven W. Holm, R.L.S.  
N.D. License No. LS-6571

Date: 12-21-2023

State of North Dakota)  
County of Cass )

On this 21<sup>st</sup> day of December, 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 5055Y

Cass County Joint Water Resource District  
Part of Government Lot 5 in Sec. 6-137-49  
Cass County, North Dakota

|             |               |
|-------------|---------------|
| PROJECT No. | 21990 102-3.1 |
| DATE:       | 12.21.23      |
| REVISED:    | -             |
| DRAFTER:    | SWH           |
| REVIEWER:   | CDH           |



## Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 5055Y 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

February 9, 2024

Date