



Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: January 29, 2024

RE: Excess Lands Recommendation – OINs 726Y2 and 730Y2

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 OINs 726Y2 and 730Y2 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OINs 726Y2 and 730Y2

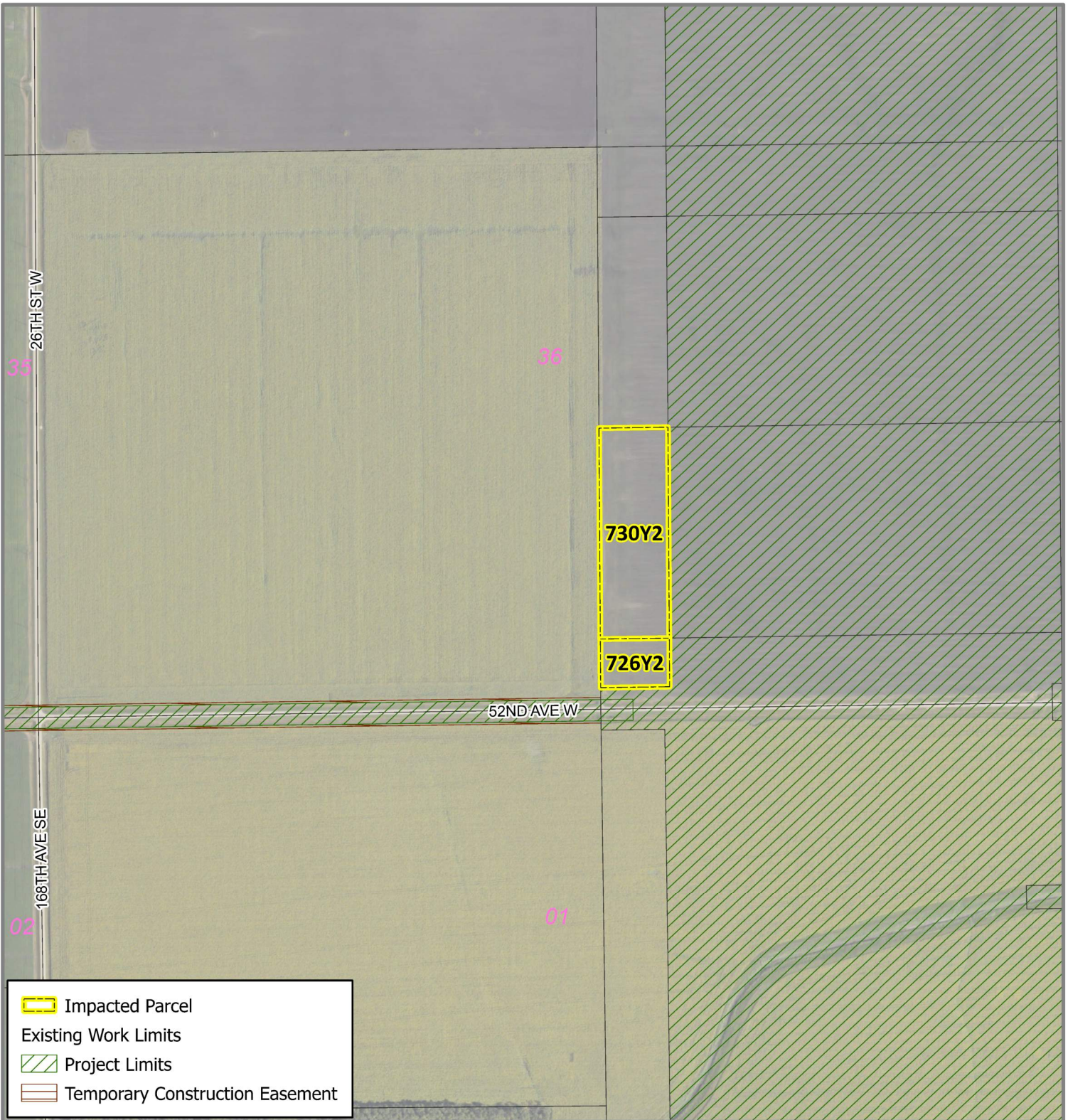
Description of Parcel(s)	See Exhibit A for a map showing the parcels recommended as excess land.
Legal Description	See Exhibit B for legal descriptions and certificates of survey for the parcels recommended as excess land.
Asset Parcel(s) Size	OIN 726Y2 – 1.72 acres OIN 730Y2 – 7.41 acres

Narrative Description of Parcels	OINs 726Y2 and 730Y2 are located adjacent to the Diversion Channel, just north of 52 nd Ave W in Cass County, North Dakota.
Purchase Date	May 28, 2020
Purchase Price	\$748,000 – Full take for both larger parcels (total of 77.38 acres)
Proposed Sale Price	\$88,260 (\$9,667/acre) Based on prorated purchase price
Former Owner	Catherine Furnberg
Adjacent Owners	OIN 729 – CCJWRD OIN 1166 – CCJWRD OIN 727 – SE Cass WRD
Property Management Approach	OINs 726Y2 and 730Y2 have been leased for farming through Pifer’s Land Management since 2021.
Rental Revenue	The following data is associated with the current 2023 farmland lease. OIN 726Y2 – 1.71 acres @ \$150/acre = \$256.50 OIN 730Y2 – 7.4 acres @ \$150/acre = \$1,110.00
Property Taxes	OIN 726Y2 – \$51.04 for 2023 OIN 730Y2 – \$246.15 for 2023
Relation to Construction	The parent parcels were full-take acquisitions for the Diversion Channel portion of the Comprehensive Project. The remnant pieces of these larger parcels are outside of the work limits and 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 OINs 726Y2 and 730Y2 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

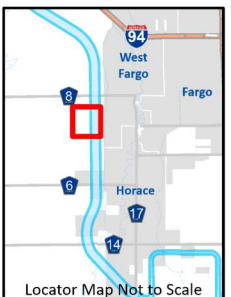
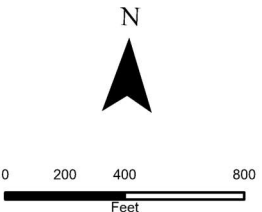


Legend

- Impacted Parcel
- 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

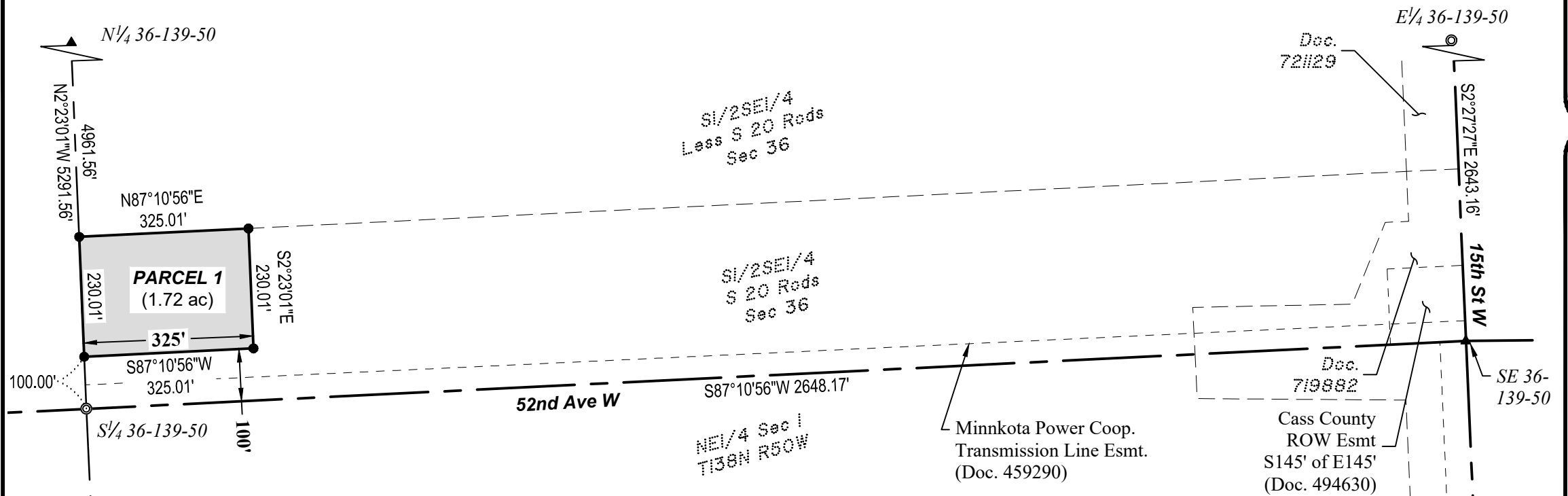


OIN: 726Y2, 730Y2
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 53-0000-09180-010, 53-0000-09180-040
Cass County, ND
FM AREA DIVERSION
 Map Date: 1/3/2024



Exhibit B: Legal Descriptions for Parcels Recommended as Excess Lands

CERTIFICATE OF SURVEY



PRELIMINARY

BASIS OF BEARING

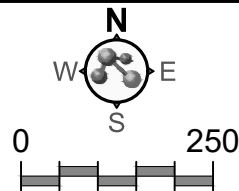
COORDINATE SYSTEM:
ND STATE PLANE - SOUTH ZONE

HORIZONTAL DATUM:
NAD83 (Conus)

VERTICAL DATUM:
NAVD 88 (GEOID 09)

DISTANCES:
MEASURED ON THE GROUND IN U.S. SURVEY FEET

BASIS OF BEARINGS:
GRID NORTH



Scale in Feet

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS SURVEYS DUE TO DIFFERENT METHODS OF MEASUREMENT.

LEGEND

<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) (M)</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-4185</p> <p>▲ SET IRON MON. W/ ALUM. CAP LS-4185</p> <p>⊕ SET NAIL MONUMENT</p> <p>MEASURED</p> <p>PREVIOUSLY RECORDED</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-4185</p> <p>▲ SET IRON MON. W/ ALUM. CAP LS-4185</p> <p>⊕ SET NAIL MONUMENT</p> <p>MEASURED</p> <p>PREVIOUSLY RECORDED</p>
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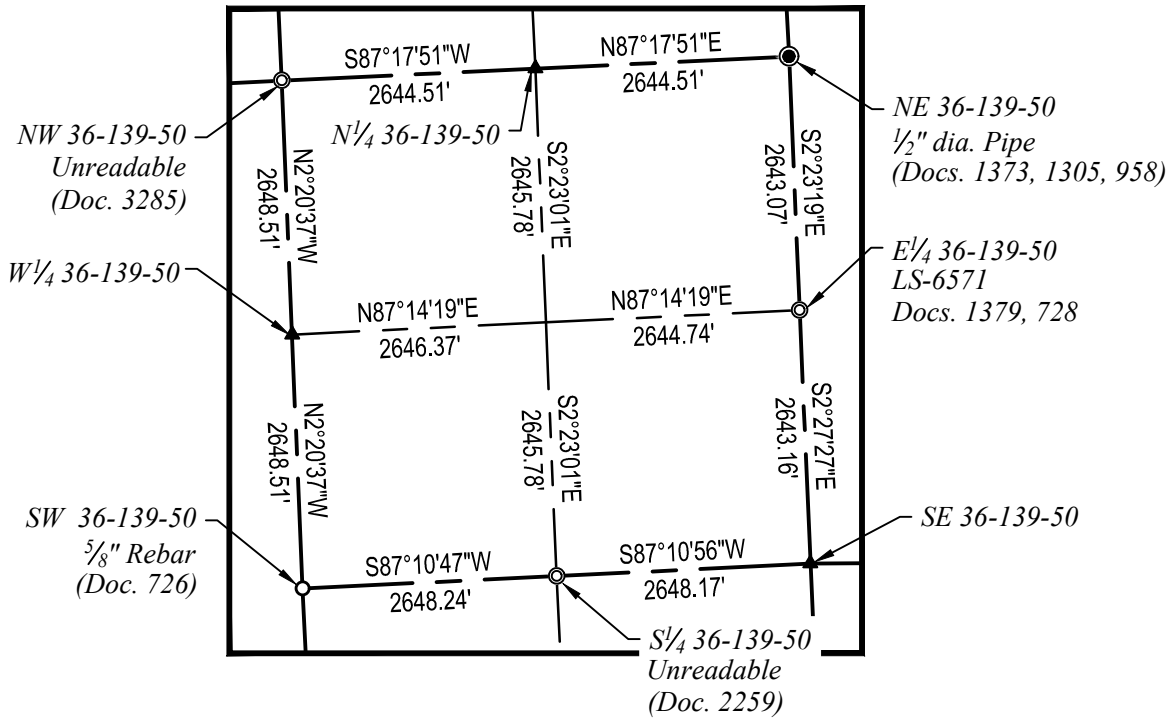


CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Part of the South Half of the Southeast Quarter (S1/2SE1/4) of
 Section 36, T139N, R50W, Cass County, ND

DRAWING TYPE
 COS
 P10733-2016-005
 016 04
 PREPARED BY
 TTH
 DATE OF SURVEY
 March 28, 2019
 SHEET
 1 of 2
 PROJECT ON
 726Y2

CERTIFICATE OF SURVEY

SECTION 36



PARENT PARCEL - WARRANTY DEED DOC. NO. 1592459

The South Half of the Southeast Quarter (S1/2SE1/4) of Section Thirty-Six (36), Township One Hundred Thirty-nine (139), Range Fifty (50), Cass County, North Dakota, excepting therefrom the parcel described in Doc. 719882, records of Cass County.

PARCEL 1 - LEGAL DESCRIPTION

That part of the South 20 rods of the Southeast Quarter (SE1/4) of Section 36, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The West 325.00 feet of the South 20.00 rods of the Southeast Quarter (SE1/4), excepting therefrom the South 100.00 feet of said SE1/4.

Said parcel contains 1.72 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.

Steven E. Swanson

N.D. Registration No. LS-4185

Date: 10/30/2023

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 Steven E. Swanson, 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

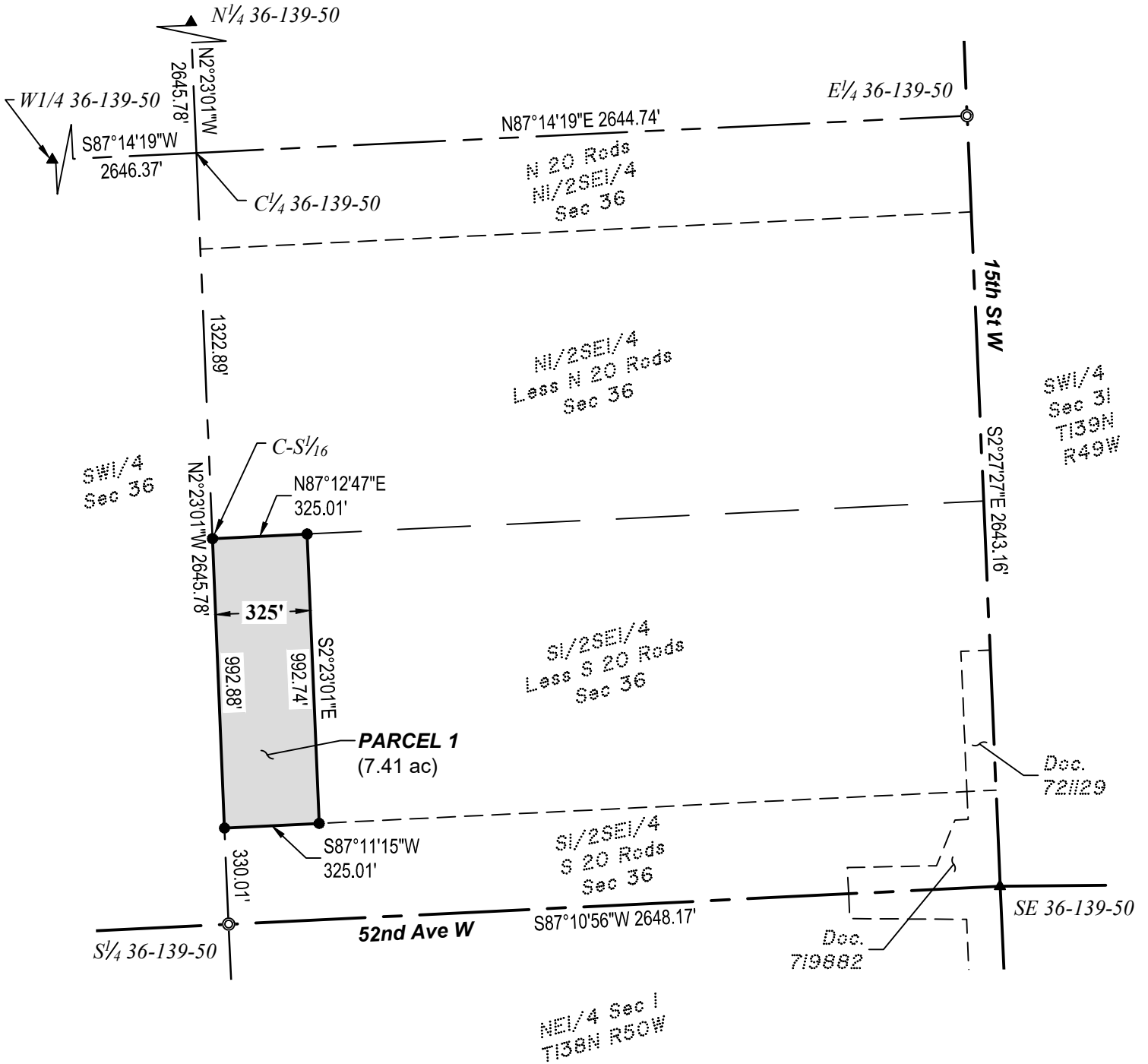
Part of the South Half of the Southeast Quarter
(S1/2SE1/4) of Section 36, T139N, R50W, Cass County, ND

CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE OF SURVEY March 28, 2019
P10733-2016-005 016 04	SHEET 2 of 2
PREPARED BY TTH	PROJECT OIN 726Y2



CERTIFICATE OF SURVEY



BASIS OF BEARING

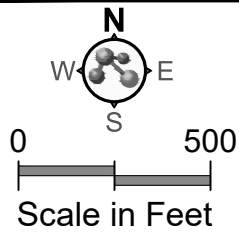
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LEGEND

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-4185 SET IRON MON. W/ ALUM. CAP LS-4185 SET NAIL MONUMENT (M) MEASURED (R) PREVIOUSLY RECORDED |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

CASS COUNTY JOINT WATER RESOURCE DISTRICT

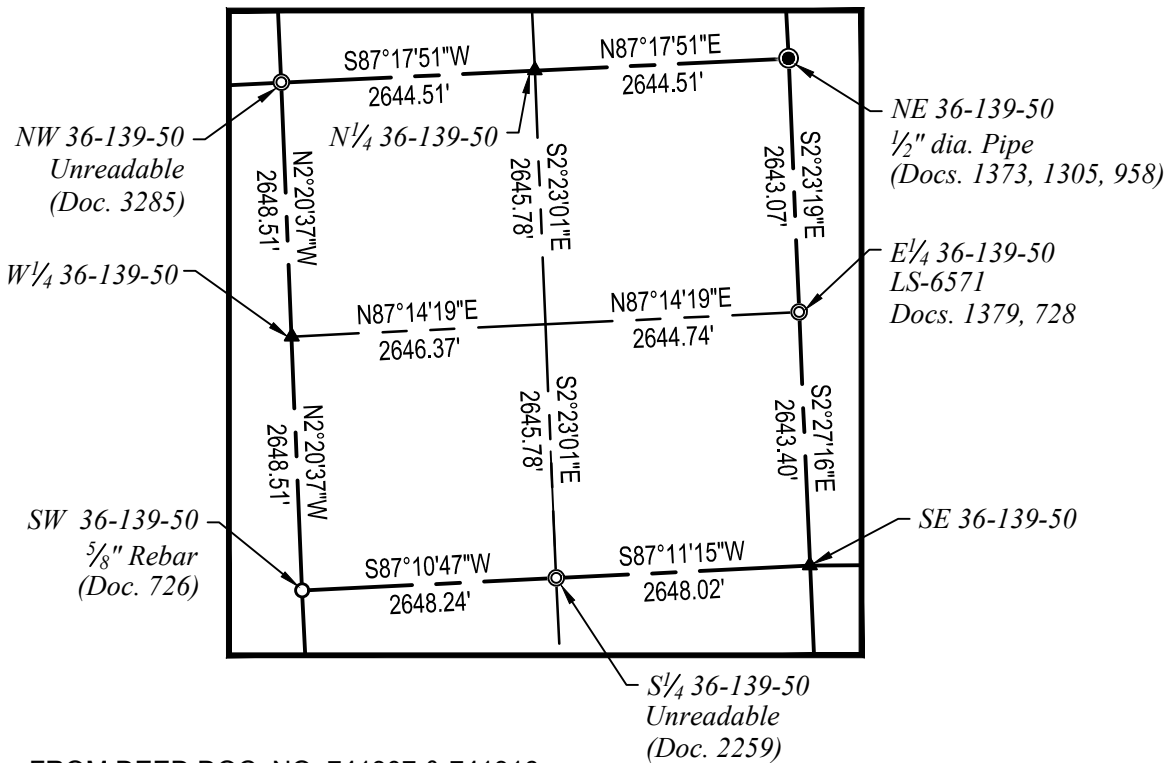
Part of the South Half of the Southeast Quarter (S1/2SE1/4) of Section
36, T139N, R50W, Cass County, ND

CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE OF SURVEY March 28, 2019
P10733-2016-005 016 04	SHEET 1 of 2
PREPARED BY TTH	PROJECT OR 730Y2

CERTIFICATE OF SURVEY

SECTION 36



PARENT PARCEL - FROM DEED DOC. NO. 741307 & 741316

The South Half of the Southeast Quarter (S1/2SE1/4) of Section 36, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, excepting therefrom the South 20 rods of the South Half of the Southeast Quarter (S1/2SE1/4).

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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.

Steven E. Swanson
N.D. Registration No. LS-4185
Date: 1/12/24

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 Steven E. Swanson, 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		DRAWING TYPE	DATE OF SURVEY
	Part of the South Half of the Southeast Quarter (S1/2SE1/4) of Section 36, T139N, R50W, Cass County, ND		COS	March 28, 2019
CERTIFICATE OF SURVEY		P10733-2016-005	016 04	SHEET 2 of 2
		PREPARED BY	TTH	PROJECT OIN 730Y2

Exhibit C: Declaration of Excess Land Form

I hereby declare that OINs 726Y2 and 730Y2 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