



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.

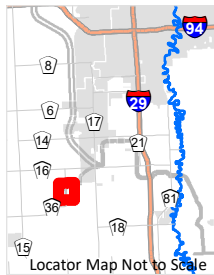
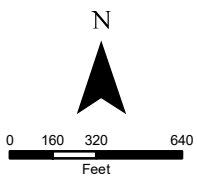
3. Conclusion and Recommendation

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

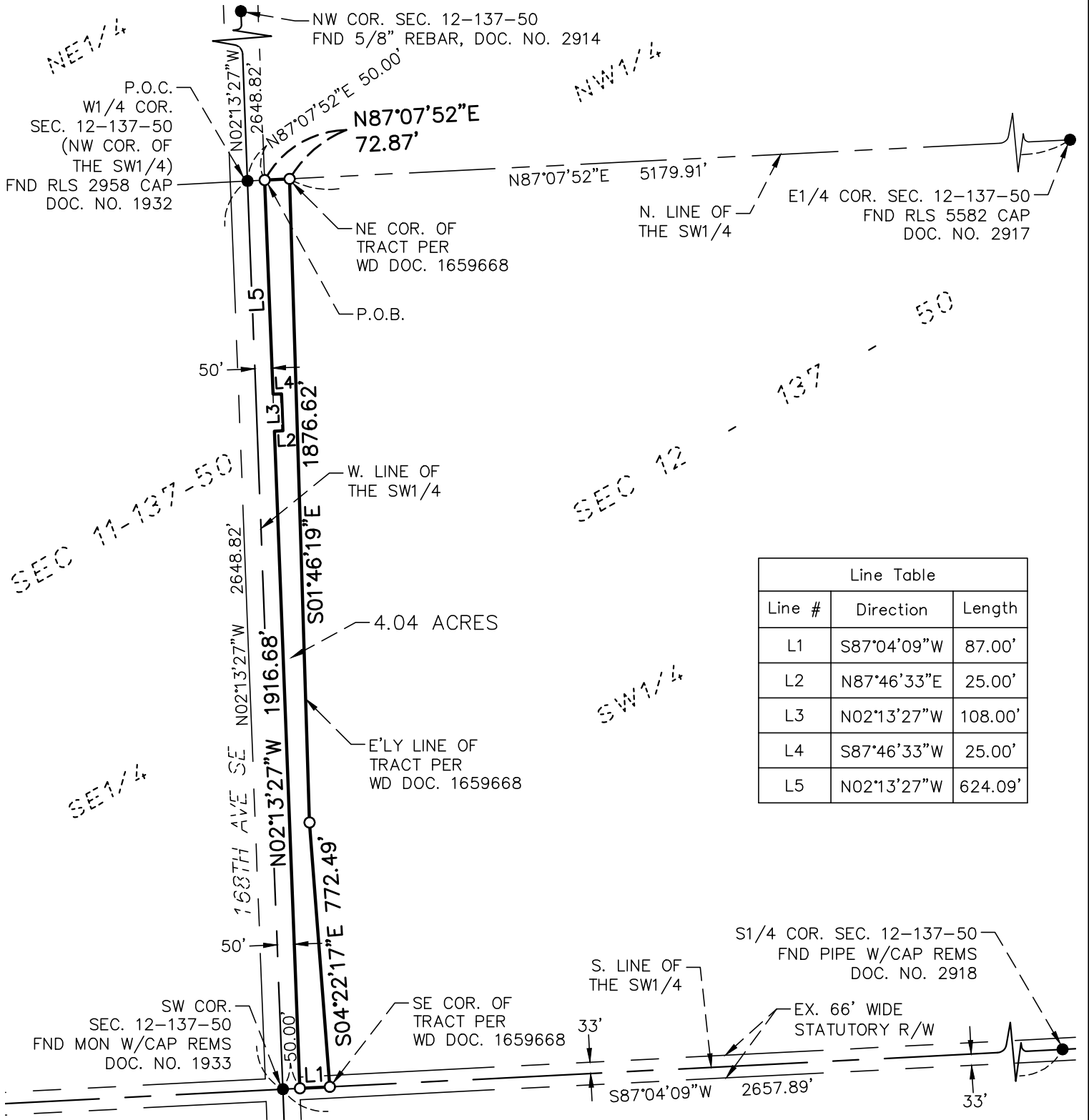
FM AREA DIVERSION
Map Date: 7/25/2023



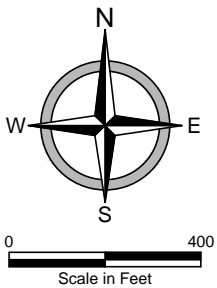
Exhibit B: Legal Descriptions for Parcels Recommended as Excess Lands

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

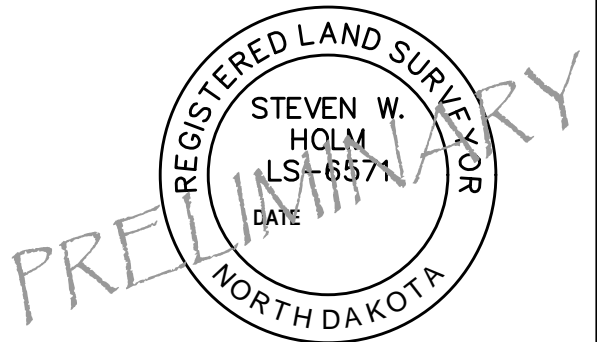


Line Table		
Line #	Direction	Length
L1	S87°04'09"W	87.00'
L2	N87°46'33"E	25.00'
L3	N02°13'27"W	108.00'
L4	S87°46'33"W	25.00'
L5	N02°13'27"W	624.09'



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.

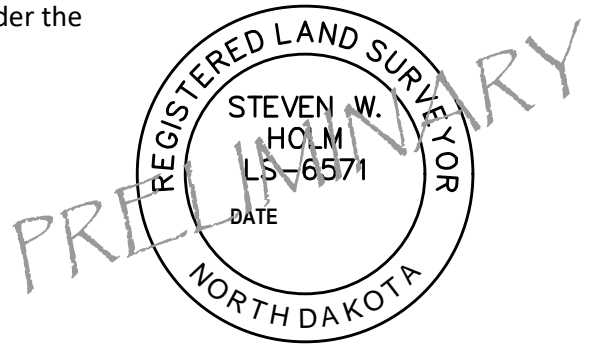
Steven W. Holm, R.L.S.
N.D. License No. LS-6571

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



PAGE 2 OF 2

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 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.

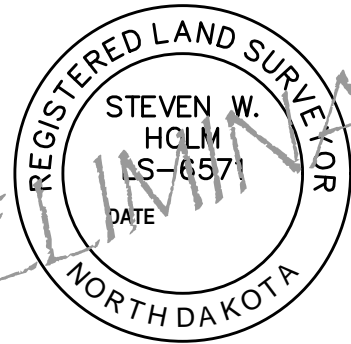
Steven W. Holm, R.L.S.
N.D. License No. LS-6571

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 - OIN 5214N

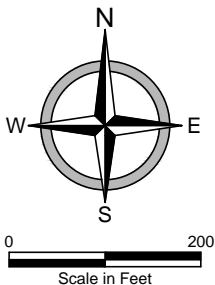
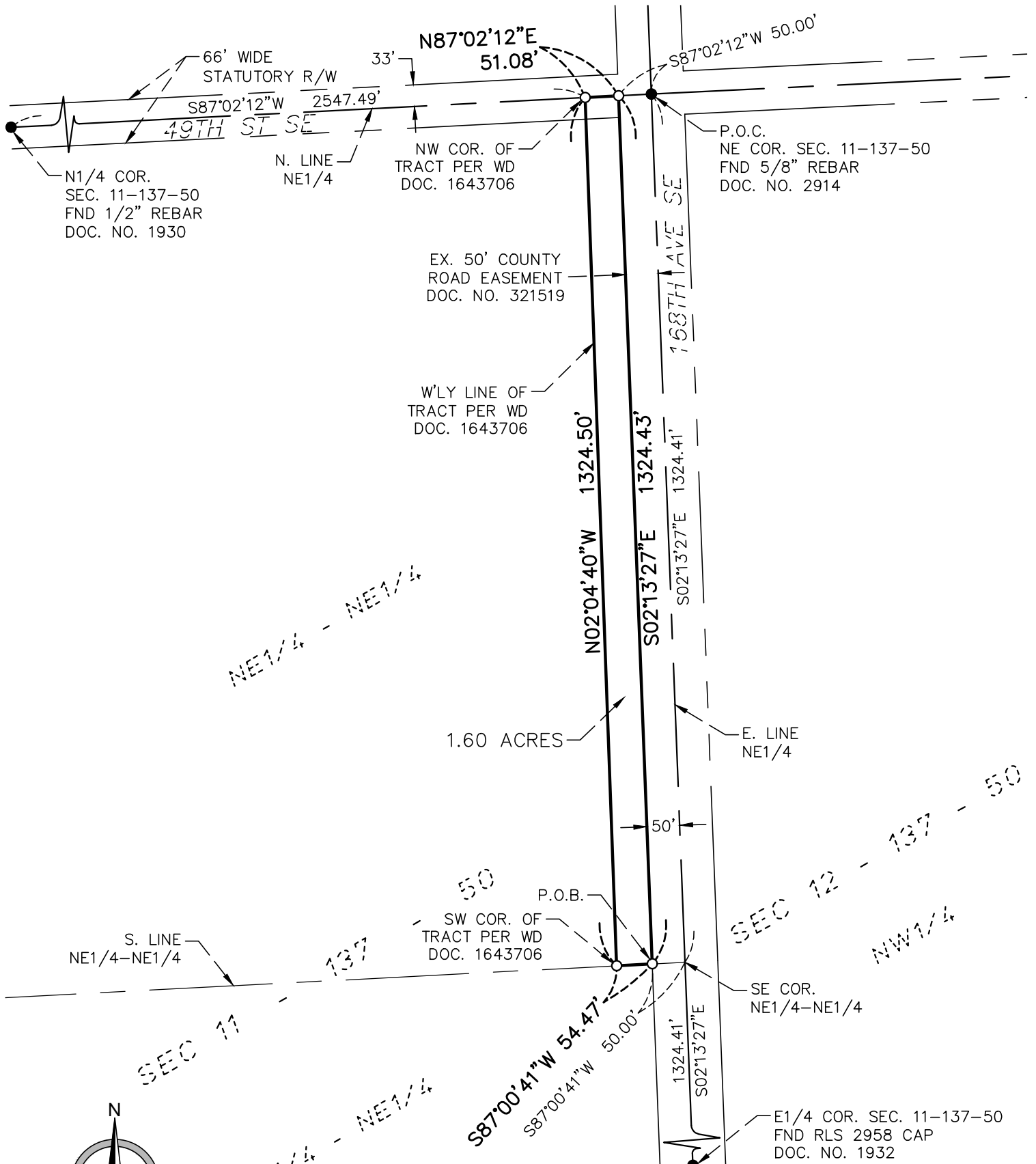
Cass County Joint Water Resource District
Part of the SE1/4-SE1/4 Sec. 11-137-50
Cass County, North Dakota

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



CERTIFICATE OF SURVEY

PART OF THE 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
 $S02^{\circ}13'27''E$

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