



# Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: August 16, 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 Co-Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Directors 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

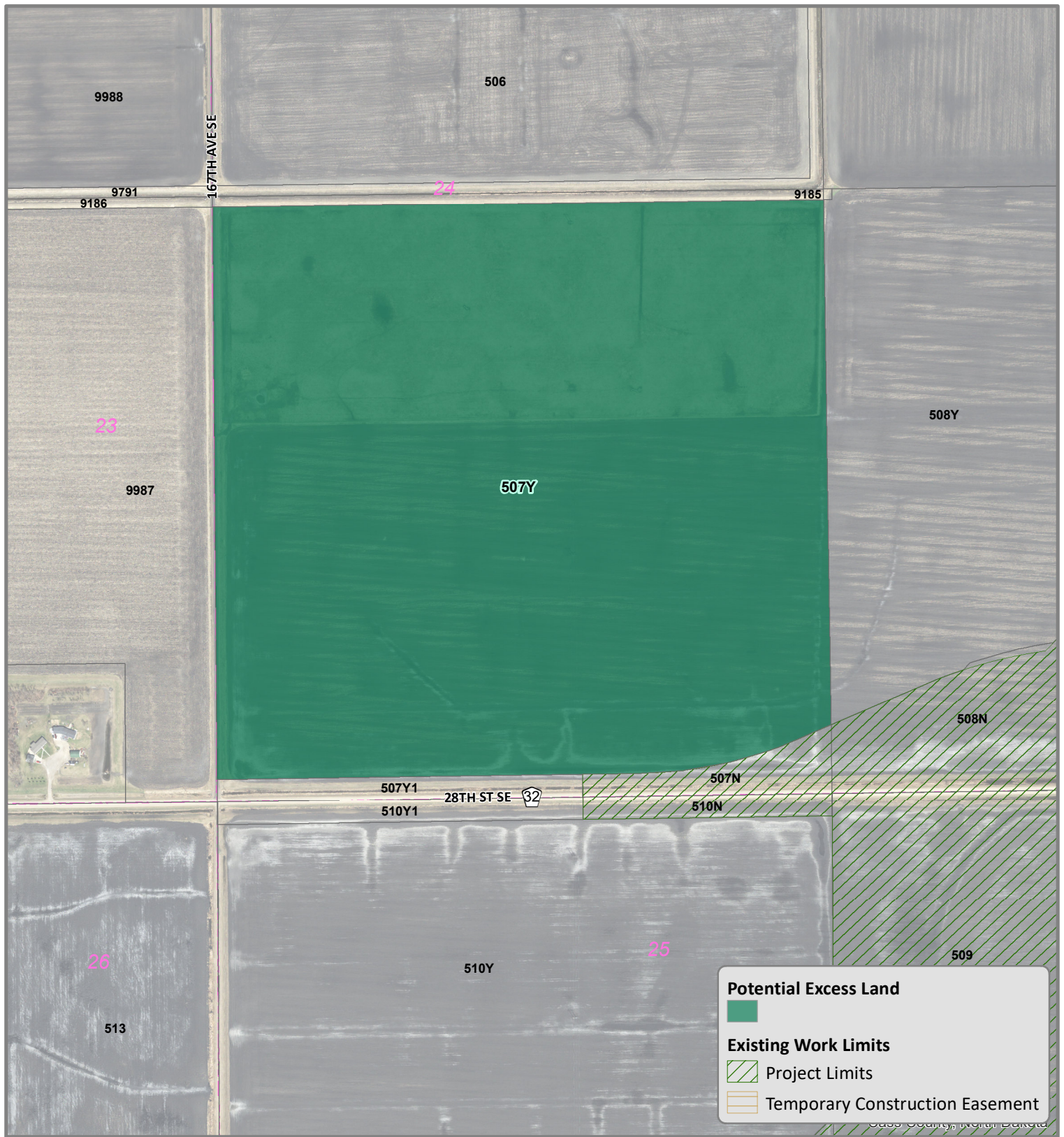
Narrative Description of Parcel	OIN 507Y is farmland located along the north edge of the stormwater diversion channel, southwest of the City of Argusville. The parcel was acquired voluntarily at the request of the former property owner. The southern approximately 100 acres of this parcel is tillable farmland, and the northern approximately 50 acres is pastureland.
Purchase Date	November 7, 2019
Purchase Price	\$5,200 per acre  \$1,664,200 for both OINs 507 & 508
Proposed sale Price	\$808,168
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>

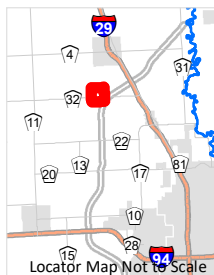
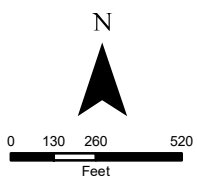
### 3. Conclusion and Recommendation

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



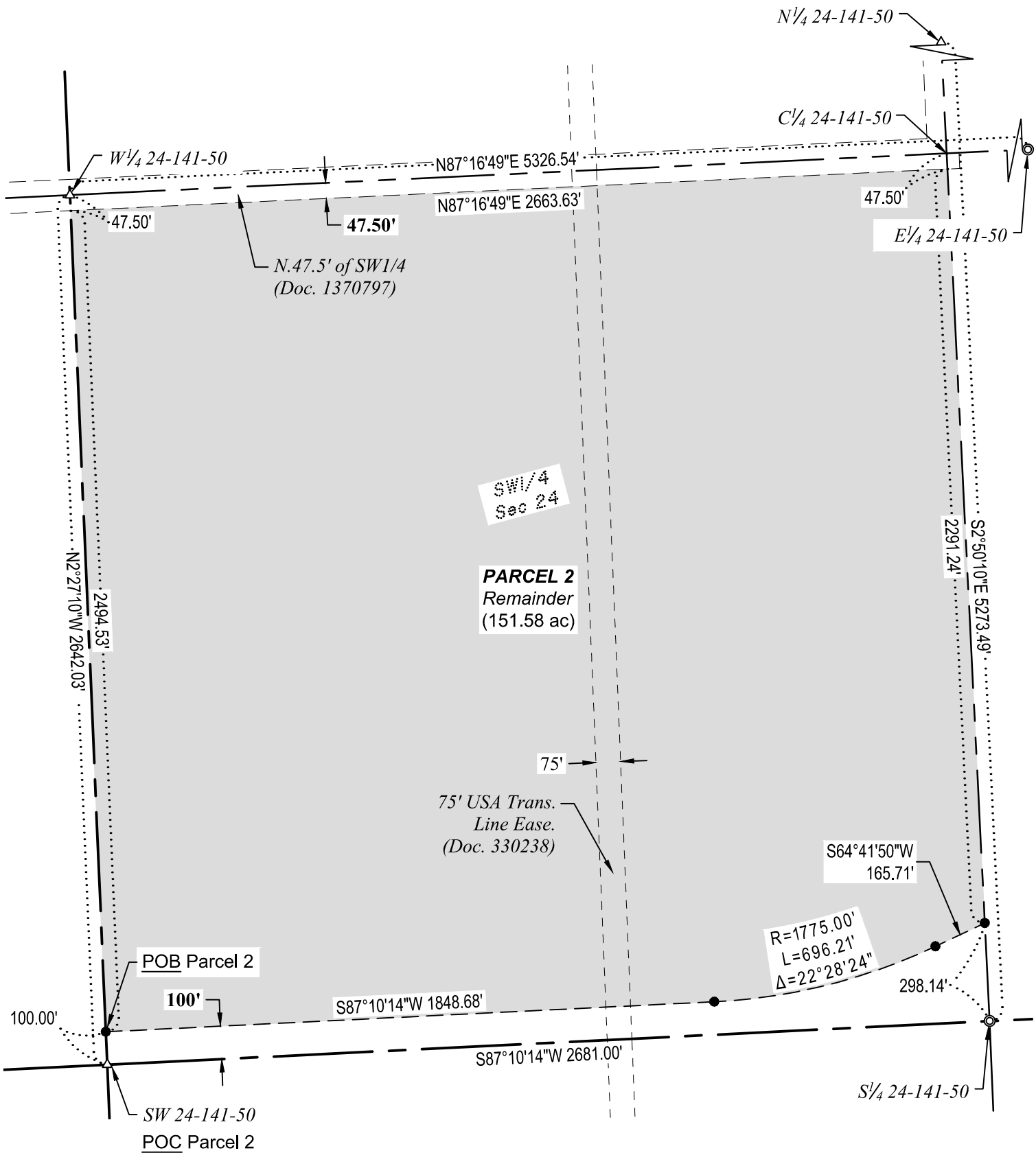
# OIN 507Y POTENTIAL EXCESS LAND

FM AREA DIVERSION  
 Map Date: 7/25/2023



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

CERTIFICATE OF SURVEY



N

W

E

S

0

400

Scale in Feet

BASIS OF BEARING

NAD83 (CONUS) ND State Plane

South Zone. Distances are

ground, US Survey Feet.

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

LEGEND

■ 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

PRELIMINARY

AES

2

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

P10841-2020-001

012 02

PREPARED BY

TTH

DATE OF SURVEY

Jan. 13, 2017

SHEET

1 of 3

PROJECT ON

507Y

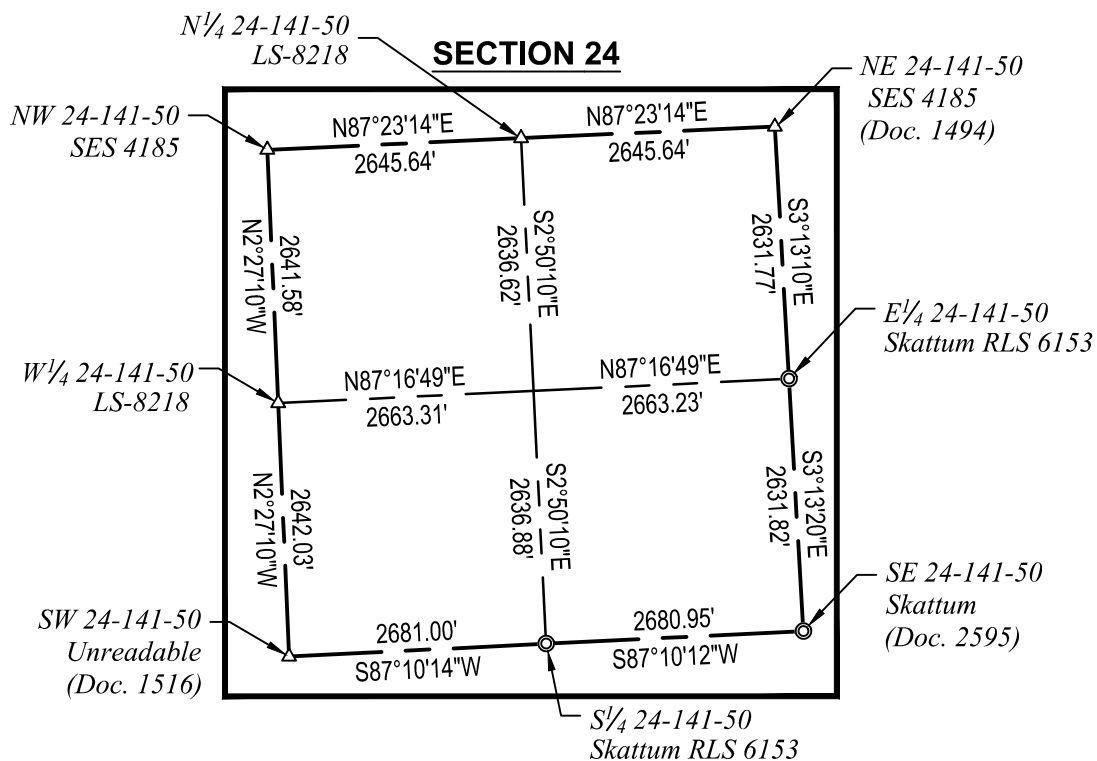
Plotted By: Trenton Hintz

Date: Friday, July 28, 2023

File: W:\CH2M\CH2M\Hill-FM Diversion Land Acquisition Management\Survey Support\Survey Data\Drawings\T141N R50W\Section 24\507 Olson\507 CCJWRD\507Y-CCJWRD.dwg

Layout: 0IN-1

# 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

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 2 of 3
PREPARED BY TTH	PROJECT OIN 507Y

CERTIFICATE OF SURVEY

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. 4185  
Date: 7/28/23

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 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 3 of 3
PREPARED BY TTH	PROJECT ORN 507Y

## Exhibit C: Declaration of Excess Land Form

I hearby 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