



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OINs 717Y and 9732Y

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-Directors 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 OINs 717Y and 9732Y as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OINs 717Y and 9732Y

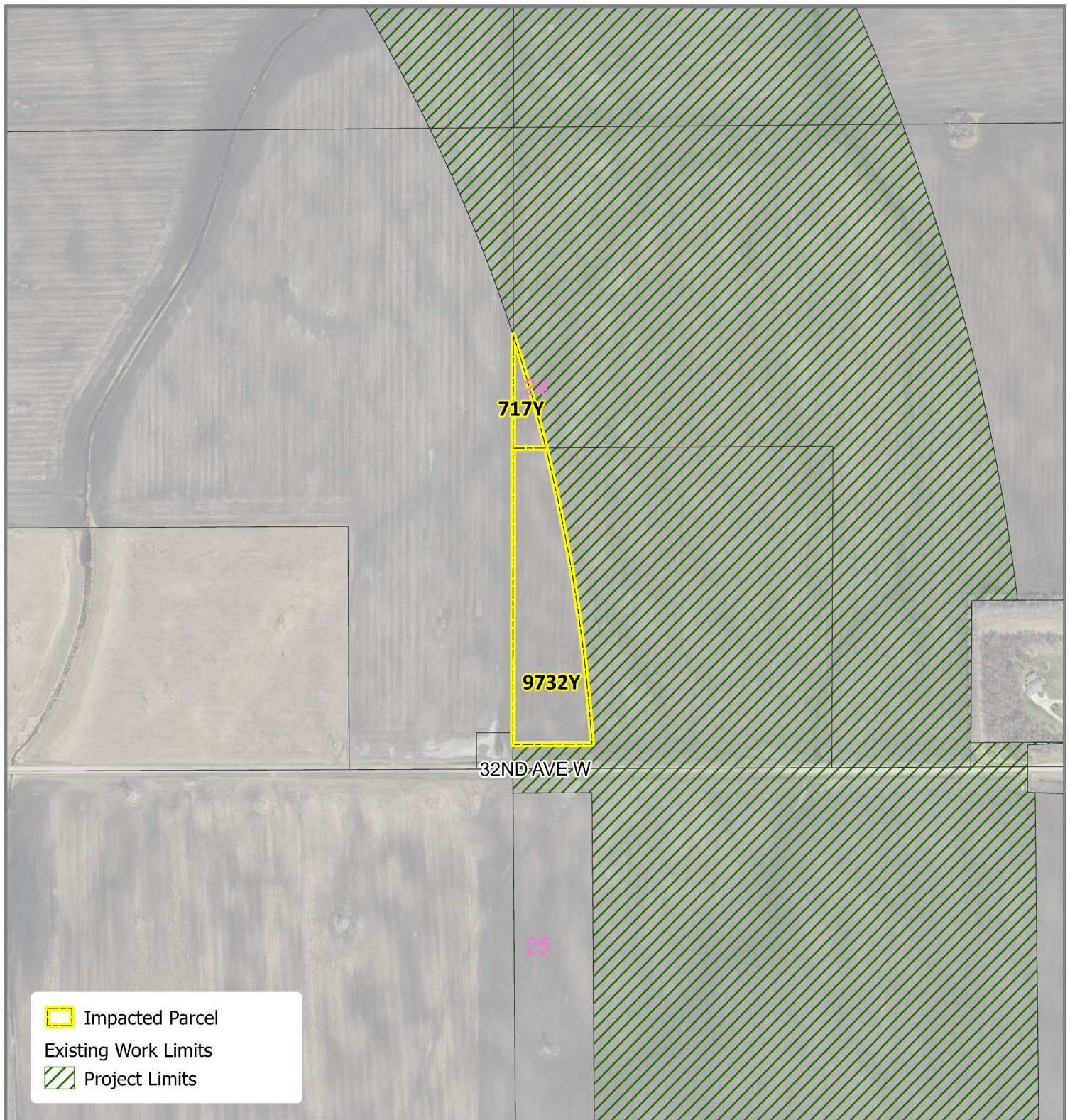
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	OIN 717Y = 0.75 acres OIN 9732Y = 6.97 acres Combined = 7.72 acres

Narrative Description of Parcel(s)	OINs 717Y and 9732Y are located off of 32 nd Ave W in the Diversion Channel area associated with the project.
Purchase Date	March 25, 2021
Purchase Price	\$1,437,282 (full take for both parcels)
Proposed Sale Price	\$76,000 Based on a \$9,900 per acre rate, which matches the purchase price.
Former Owner	David Houkom
Adjacent Owners	OIN 720X2 – Steve and Lisa Loberg OIN 9733X – Maxine Nelson Trust Etal
Property Management Approach	OINs 717Y and 9732Y have been leased for farming through Pifer’s Land Management since 2021.
Rental Revenue	The following data is associated with the 2023 farmland lease. OIN 717Y – 0.75 acres @ \$150/acre = \$112.50 OIN 9732Y – 6.95 acres @ \$150/acre = \$1,042.50
Property Taxes	The 2023 property taxes were \$610.
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 on the non-protected side of the SWDCAI and not needed for the construction or operation of the Comprehensive Project.
Right of First Refusal	The prior landowner is entitled to a ROFO on the property. This ROFO expires on March 25, 2026.

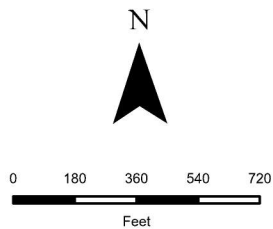
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OINs 717Y and 9732Y 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 HARN Adj MN Clay Feet | Edited by: hrecords | 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 | Not Data Driven Layout



Locator Map Not to Scale

OINs: 717Y, 9732Y
Owner: Cass County Joint Water Resource District
PINs: 53-0000-09127-020, 53-0000-09128-002

Cass County, ND

FM AREA DIVERSION
 Map Date: 2/13/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

OIN 717Y Legal Description:

That part of the Southeast Quarter (SE1/4) of Section 24, Township 139 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 SE1/4; thence N2°13'10"W on the west line of said SE1/4 a distance of 1,318.64 feet to the Northwest Corner of the Southwest Quarter of said Southeast Quarter (SW1/4SE1/4), said point being the Point of Beginning; thence continuing N2°13'10"W on said west line a distance of 465.17 feet; thence 483.42 feet on the arc of a non-tangential curve, concave to the west, having a radius of 6,800.00 feet, a central angle of 4°04'24", and a long chord length of 483.32 feet bearing S18°22'49"E to the north line of said SW1/4SE1/4; thence S87°22'39"W on said north line a distance of 134.53 feet to the Point of Beginning.

Said parcel contains 0.75 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

OIN 9732Y Legal Description:

That part of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 24, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, ND, being further described as follows:

The Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 24, excepting therefrom the following described parcel:

Beginning at the Southwest Corner of the SE1/4 of Section 24; thence N02°13'10"W on the west line of said SE1/4 a distance of 100.00 feet; thence N87°30'13"E parallel with, and 100 feet north of, the south line of said SE1/4 a distance of 325.76 feet; thence 1,234.63 feet on the arc of a non-tangential curve, concave to the west, having a radius of 6,800.00 feet, a central angle of 10°24'10", and long chord length of 1,232.94 feet bearing N11°08'32"W to the north line of the SW1/4SE1/4; thence N87°22'39"E on said north line a distance of 1,180.79 feet to the Northeast Corner of said SW1/4SE1/4; thence S02°04'21"E on the east line of said SW1/4SE1/4 a distance of 1,321.56 feet to the south line of said SE1/4; thence S87°30'13"W on said south line a distance of 1,311.91 feet to the Point of Beginning.

Said parcel contains 6.97 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

Exhibit C: Declaration of Excess Land Form

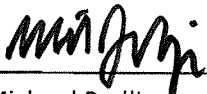
I hereby declare that OINs 717Y and 9732Y as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



Robert Wilson
Co-Director

04/17/2024

Date



Michael Redlinger
Co-Director

04/17/2024

Date