



# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 7247

## 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 OIN 7247 as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OIN 7247

|                          |   |
|--------------------------|---|
| Description of Parcel(s) | See Exhibit A for a map showing the parcel recommended as excess land.<br><br>Note that the recommendation is for the former railroad property south of Liberty Lane, which includes approximately 0.17 acres of the southern part of OIN 7234. |
| Legal Description        | See Exhibit B for legal description for the parcel recommended as excess land.<br><br>Note that the legal description does not include the 0.17 acres of OIN 7234 that are south of Liberty Lane  |

|  |   |
|--|---|
| Asset Parcel(s)<br>Size                  | OIN 7247 – 2.46 acres   |
| Narrative<br>Description of<br>Parcel(s) | OIN 7247 is located off of 100 <sup>th</sup> Ave S and County Road 17 within Horace, near the Diversion Channel area associated with the project. This parcel was previously owned and maintained by BNSF.  |
| Purchase Date                            | December 19, 2023   |
| Purchase Price                           | \$275,316   |
| Proposed Sale<br>Price                   | \$53,579<br><br>Based on \$0.50 per square foot.  |
| Former Owner                             | BNSF  |
| Adjacent Owners                          | Multiple. See Exhibit C   |
| Property<br>Management<br>Approach       | This parcel has been maintained through a weed control and mowing contract with JT Lawn Services.   |
| Property Taxes                           | The 2023 property taxes were \$0.   |
| Relation to<br>Construction              | This parcel is located just east of the Diversion Channel and is not impacted by construction of the Comprehensive Project. This rail corridor was purchased from BNSF to alleviate the need to raise the rail line that crosses the Diversion Channel. Instead, it was decided that the entire corridor be taken out of operation. |
| Right of First<br>Refusal                | The prior landowner is not entitled to a ROFO.  |

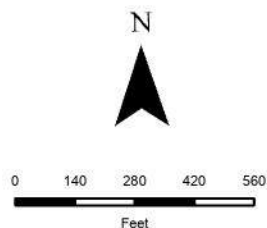
### 3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 7247 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 D).

## Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



Any reliance upon this map is at user's own risk. AE25 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: cwickenheiser | 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

**OIN: 7247**  
**CASS COUNTY JOINT WATER RESOURCE**  
**DISTRICT**  
**Parcel ID: 15-0000-12900-030, 15-0000-12900-060**  
**Cass County, ND**

**FM AREA DIVERSION**  
 Map Date: 4/9/2024



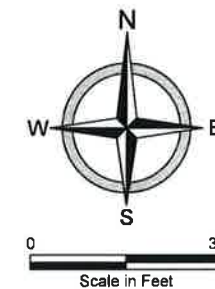
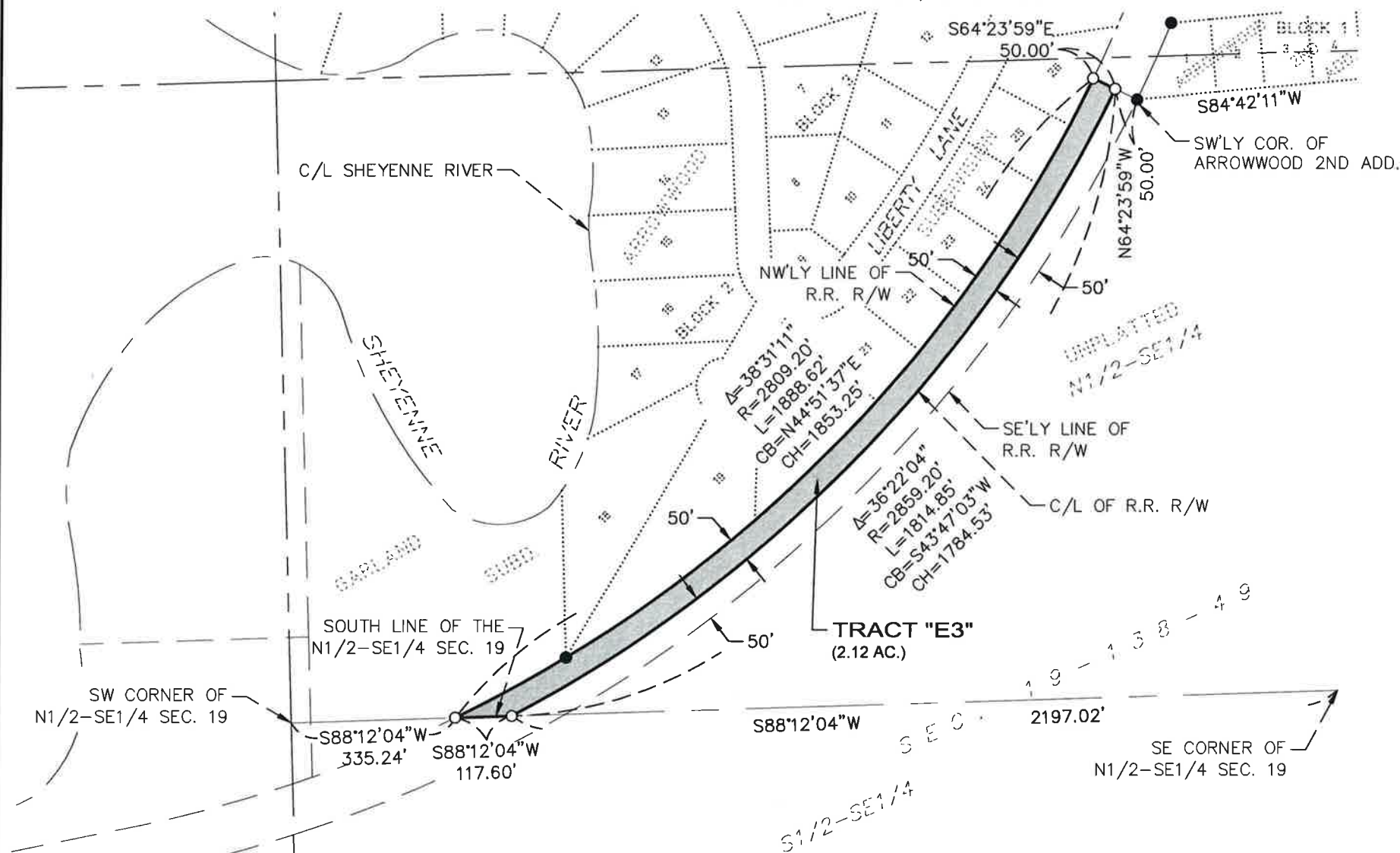
## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The legal description can be found in the attached Certificate of Survey.



# CERTIFICATE OF SURVEY

PART OF THE N1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:  
THE SOUTH LINE OF  
ARROWWOOD 2ND ADD.  
HAS AN ASSIGNED BEARING  
OF S84°42'11"W

## LEGEND

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153



## NOTES

1. BEARINGS AND DISTANCES SHOWN HEREON MAY VARY FROM PREVIOUS RECORDS DUE TO DIFFERENT MEASUREMENT METHODS.
2. ADJACENT PARCELS ARE SHOWN FOR REFERENCE ONLY AND MAY NOT REFLECT CURRENT OR COMPLETE OWNERSHIP LINES.

## Certificate of Survey

Part of the N1/2 of the SE1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

PROJECT No. 21990  
DATE: 12.15.23  
REVISED: --  
DRAFTER: LFB  
REVIEWER: CDH



SHEET 1 OF 2

# CERTIFICATE OF SURVEY

PART OF THE N1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA

## DESCRIPTION


That part of the North Half of the Southeast Quarter of Section 19, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southwesterly corner of ARROWWOOD 2ND ADDITION, according to the recorded plat thereof, from which the south line of said ARROWWOOD 2ND ADDITION has an assigned bearing of North 84 degrees 42 minutes 11 seconds East, said point also being on the southeasterly right-of-way line of the Red River Valley & Western Railroad; thence North 64 degrees 23 minutes 59 seconds West on a line radial to said southeasterly right-of-way a distance of 50.00 feet to the centerline of said right-of-way, the point of beginning; thence southwesterly 1,814.85 feet along said centerline, and along a non-tangential curve, concave northwesterly, having a radius of 2,859.20 feet and a central angle of 36 degrees 22 minutes 04 seconds, the chord of said curve bears South 43 degrees 47 minutes 03 seconds West with a chord length of 1,784.53 feet to the south line of said North Half of the Southeast Quarter; thence South 88 degrees 12 minutes 04 seconds West along the south line of said North Half of the Southeast Quarter a distance of 117.60 feet to the northwesterly right-of-way line of said railroad; thence northeasterly 1,888.62 feet along said northwesterly right-of-way line, and along a non-tangential curve, concave northwesterly, having a radius of 2,809.20 feet and a central angle of 38 degrees 31 minutes 11 seconds, the chord of said curve bears North 44 degrees 51 minutes 37 seconds East with a chord length of 1,853.25 feet to a point on said radial line; thence South 64 degrees 23 minutes 59 seconds East along said radial line a distance of 50.00 feet to the point of beginning.

The above-described tract contains 2.12 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.

## 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.

  
Aaron Skattum, R.L.S.  
N.D. License No. LS-6153

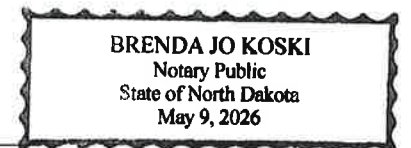
Date: December 18, 2023

State of North Dakota  
County of Cass

On this 18<sup>th</sup> day of December, 2023,  
before me, a Notary Public in and for said county and state, personally  
appeared Aaron Skattum, 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



SHEET 2 OF 2

### Certificate of Survey

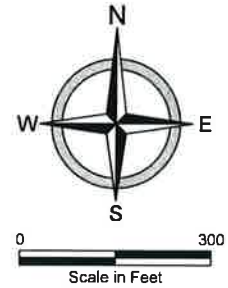
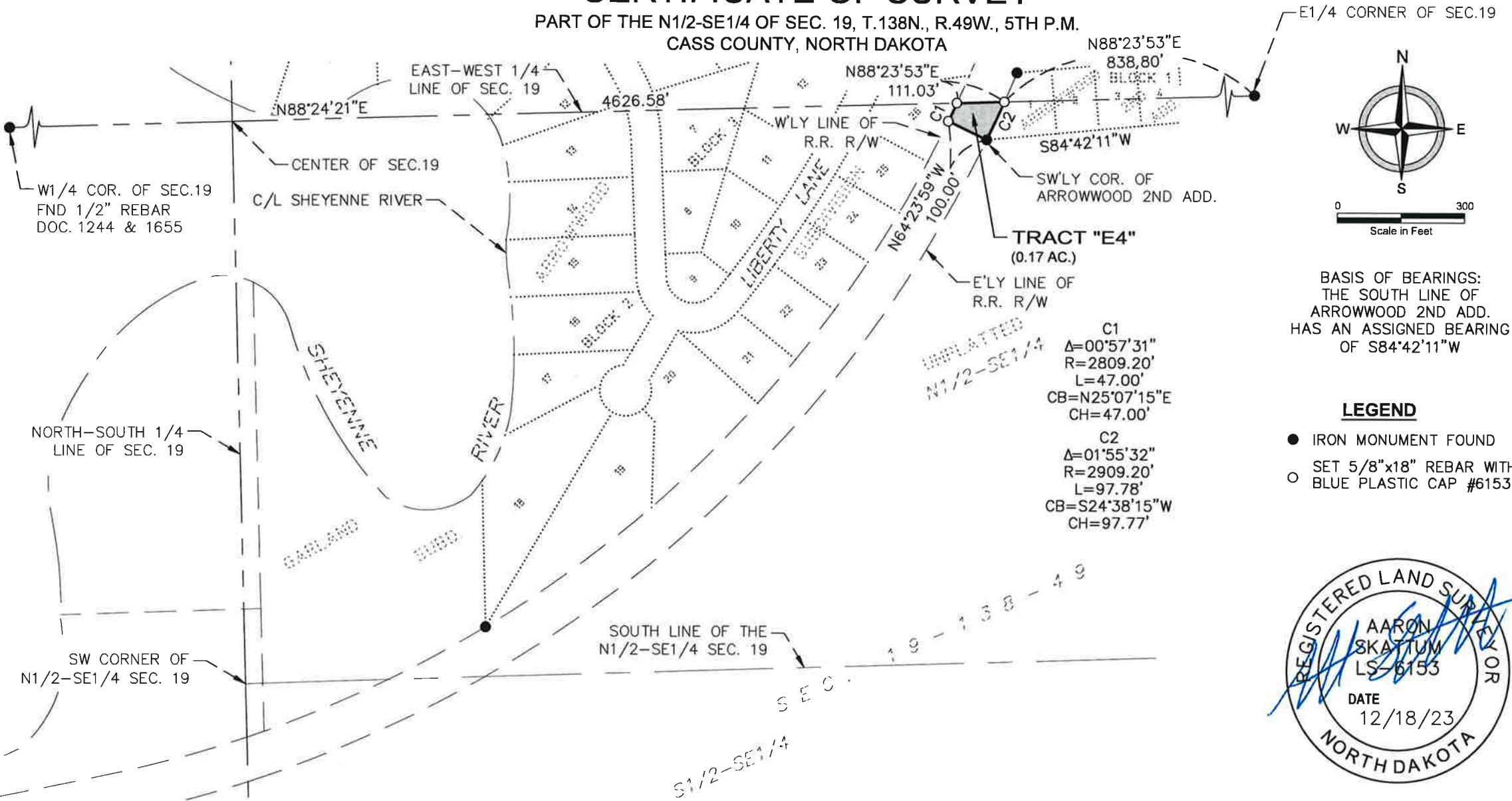
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|             |          |
|-------------|----------|
| PROJECT No. | 21990    |
| DATE:       | 12.15.23 |
| REVISED:    | --       |
| DRAFTER:    | LFB      |
| REVIEWER:   | CDH      |



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CASS COUNTY, NORTH DAKOTA



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## DESCRIPTION

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Beginning at the southwesterly corner of ARROWWOOD 2ND ADDITION, according to the recorded plat thereof, from which the south line of said ARROWWOOD 2ND ADDITION has an assigned bearing of North 84 degrees 42 minutes 11 seconds East, said point also being on the easterly right-of-way line of the Red River Valley & Western Railroad; thence North 64 degrees 23 minutes 59 seconds West along a line radial to said southeasterly right-of-way a distance of 100.00 feet to the westerly right-of-way line of said railroad; thence northerly 47.00 feet along said westerly right-of-way line, and along a non-tangential curve, concave westerly, having a radius of 2,809.20 feet and a central angle of 00 degrees 57 minutes 31 seconds, the chord of said curve bears North 25 degrees 07 minutes 15 seconds East with a chord length of 47.00 feet to the north line of said North Half of the Southeast Quarter; thence North 88 degrees 23 minutes 53 seconds East along the north line of said North Half of the Southeast Quarter a distance of 111.03 feet to the easterly right-of-way line of said railroad; thence southerly 97.78 feet along said easterly right-of-way line, and along a non-tangential curve, concave westerly, having a radius of 2,909.20 feet and a central angle of 01 degree 55 minutes 32 seconds, the chord of said curve bears South 24 degrees 38 minutes 15 seconds West with a chord length of 97.77 feet to the point of beginning.

The above-described tract contains 0.17 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.

## 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.



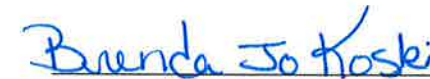
Aaron Skattum, R.L.S.  
N.D. License No. LS-6153



Date: December 18, 2023

State of North Dakota  
County of Cass

On this 18<sup>th</sup> day of December, 2023,  
before me, a Notary Public in and for said county and state, personally  
appeared Aaron Skattum, 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

BRENDA JO KOSKI  
Notary Public  
State of North Dakota  
May 9, 2026

SHEET 2 OF 2

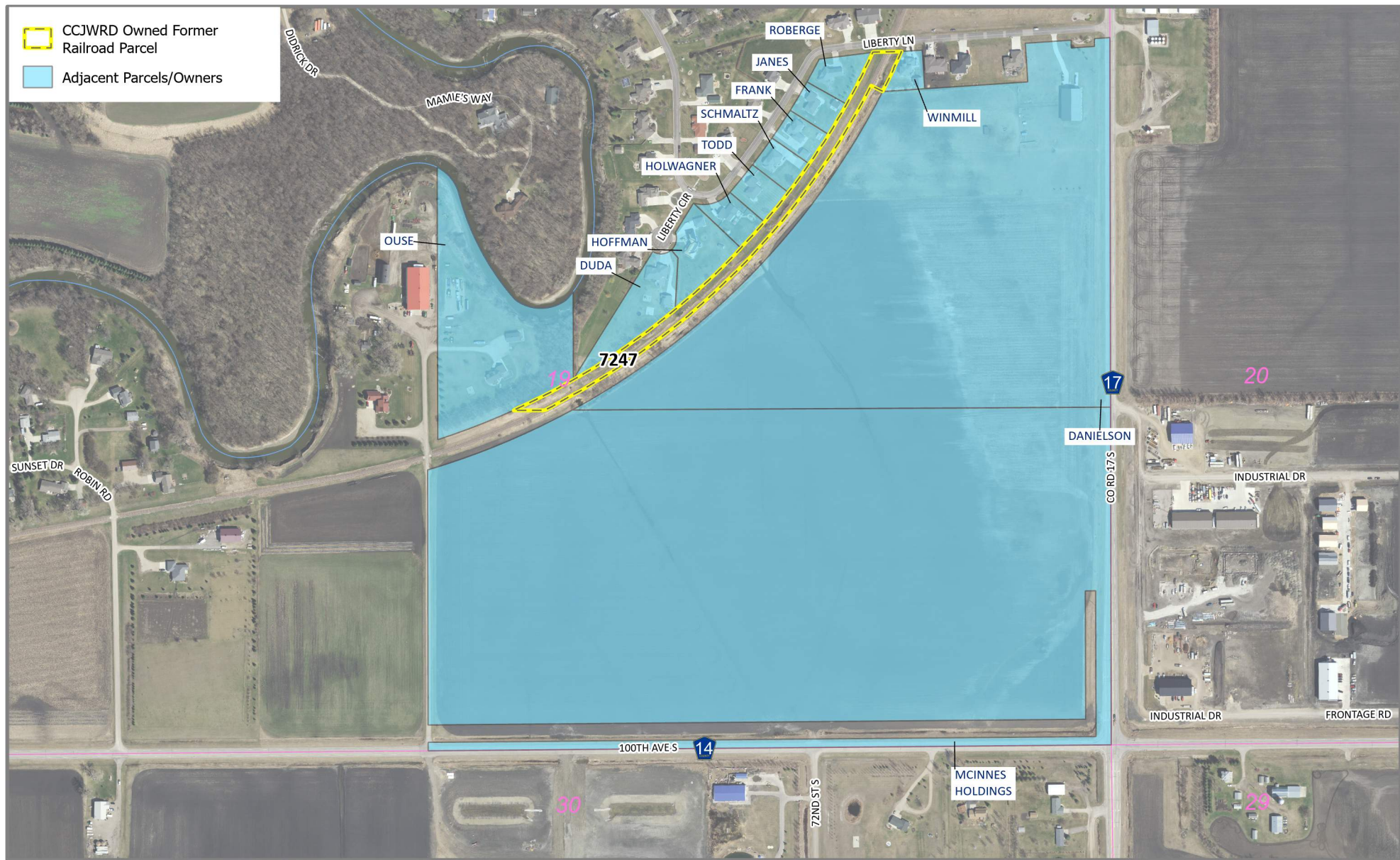
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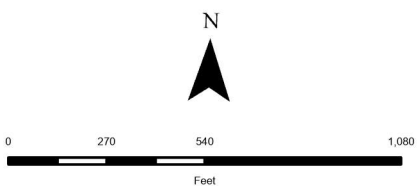
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## Exhibit C: Adjacent Owners for Parcel Recommended as Excess Lands



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 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 Acquisition\DCA\Horace Railroad\HoraceRailroad.aprx | Horace Railroad\_AdjacentOwners\_OINs



Locator Map Not to Scale

## Railroad Corridor near Horace, ND

### Adjacent Owners

### OIN 7247

FM AREA DIVERSION  
 Map Date: 4/9/2024



## Exhibit D: Declaration of Excess Land Form

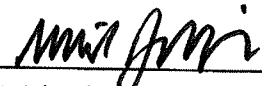
I hereby declare that OIN 7247 as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



Robert Wilson  
Co-Director

04/17/2024

Date



Michael Redlinger  
Co-Director

04/17/2024

Date