



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 7248

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 7248 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 7248

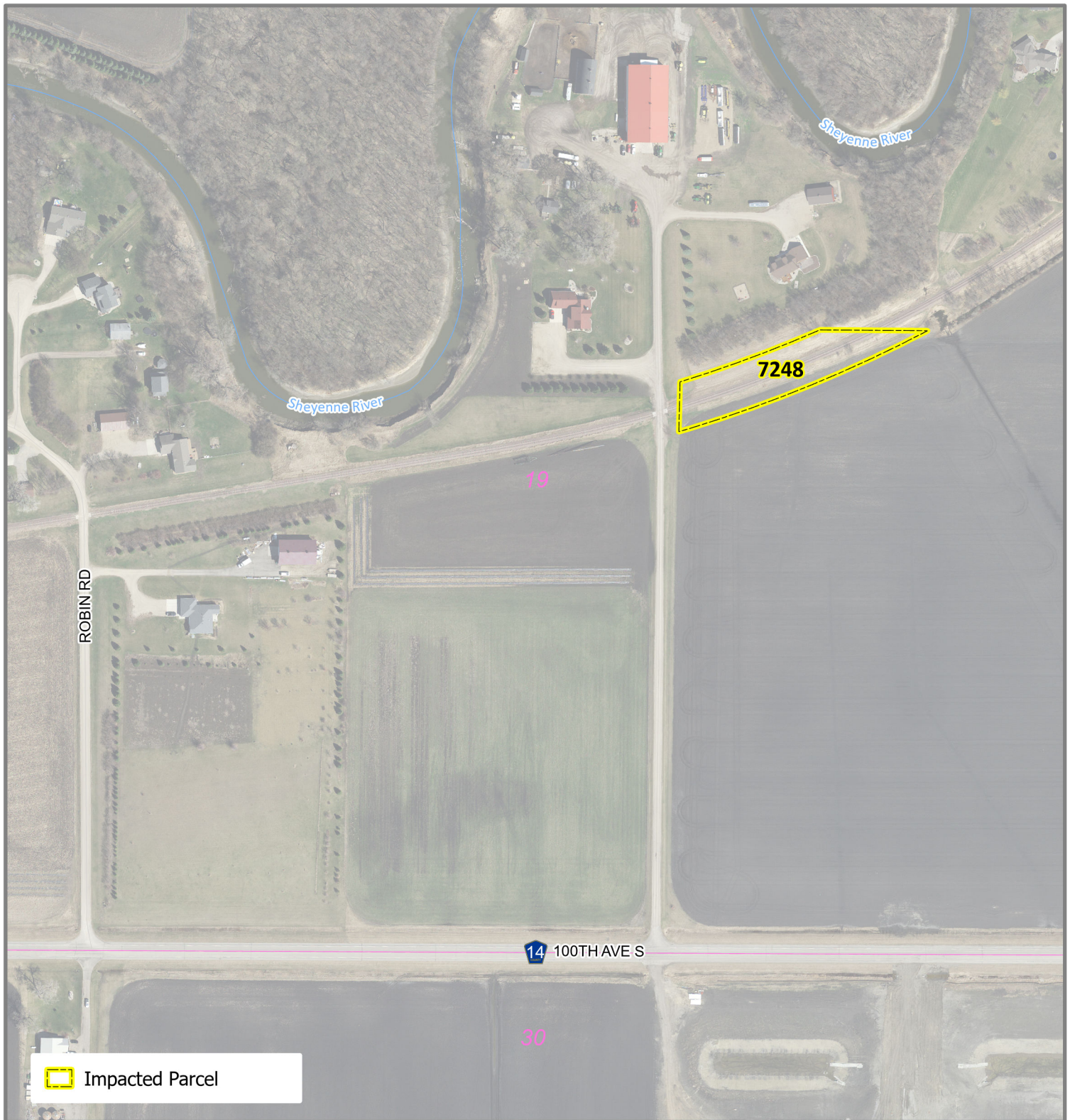
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	OIN 7248 – 1.03 acres

Narrative Description of Parcel(s)	OIN 7248 is located off of 100 th 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	\$30,958
Proposed Sale Price	\$22,433 Based on \$0.50 per square foot.
Former Owner	BNSF
Adjacent Owners	Multiple. See Exhibit C
Property Management 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 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 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 7248 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

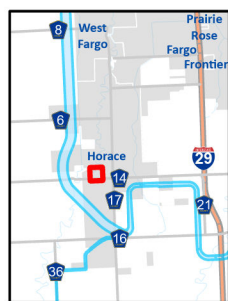
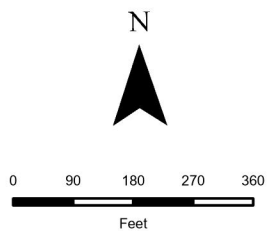


 Impacted Parcel

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: 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: 7248
CASS COUNTY JOINT WATER RESOURCE
DISTRICT
Parcel ID: 15000012900010
Cass County, ND

FM AREA DIVERSION
Map Date: 3/12/2024

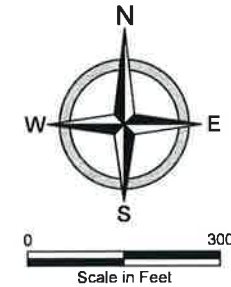
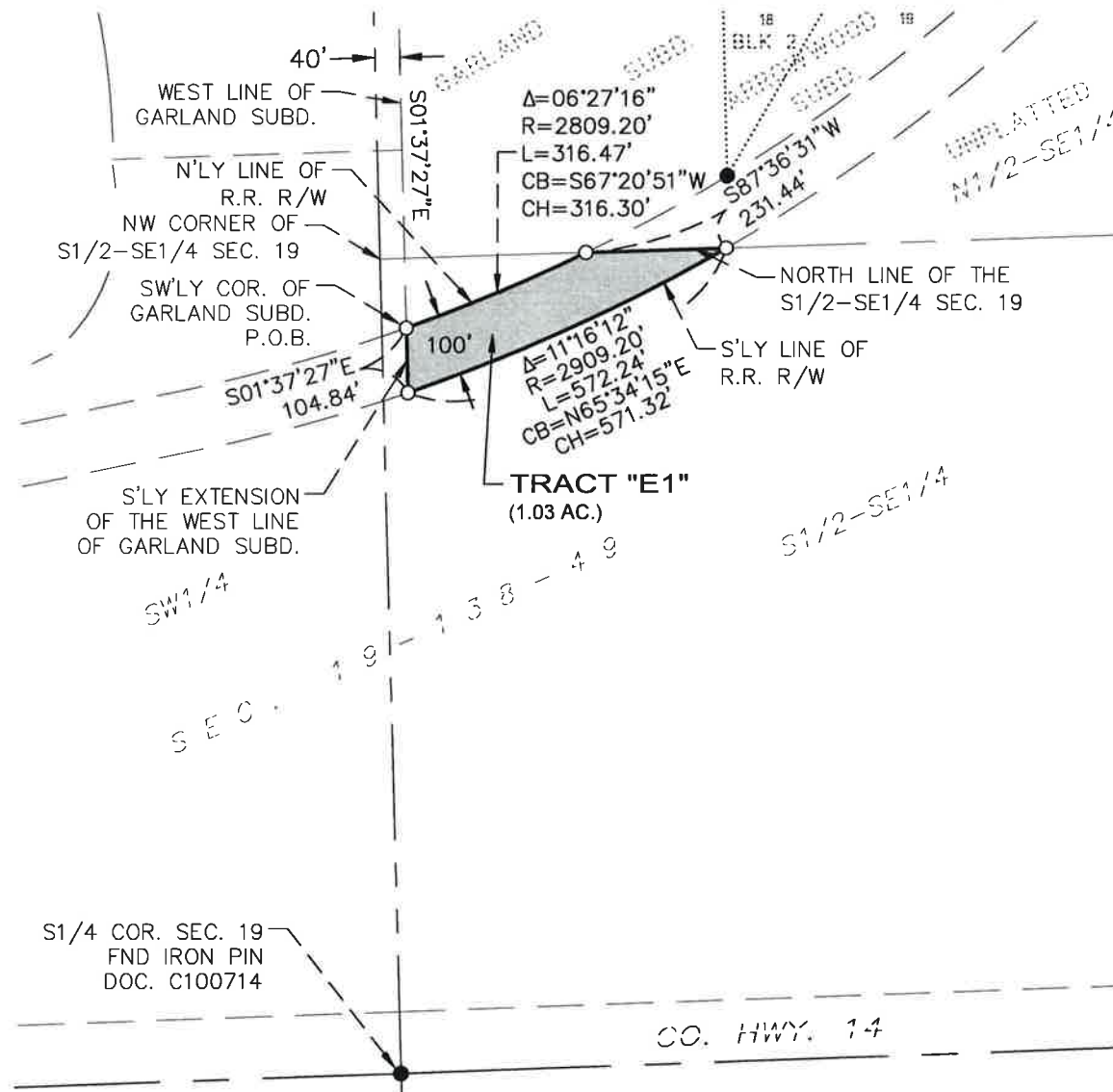


Exhibit B: Legal Description for Parcel Recommended as Excess Lands

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

CERTIFICATE OF SURVEY

PART OF THE S1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:
THE SOUTH EXTENSION OF
THE WEST LINE OF
GARLAND SUBDIVISION IN
SECTION 19 HAS AN
ASSIGNED BEARING OF
S01°37'27\"E

LEGEND

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



NOTES

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

Certificate of Survey

Part of the S1/2 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



CERTIFICATE OF SURVEY

PART OF THE S1/2-SE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.
CASS COUNTY, NORTH DAKOTA

DESCRIPTION

That part of the South 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:

Beginning at the southwesterly corner of GARLAND SUBDIVISION, according to the recorded plat thereof, from which the westerly line of said GARLAND SUBDIVISION has an assigned bearing of North 01 degree 37 minutes 27 seconds West, said point also being on the northerly right-of-way line of the Red River Valley & Western Railroad; thence South 01 degree 37 minutes 27 seconds East along the southerly extension of the west line of said GARLAND SUBDIVISION a distance of 104.84 feet to a point on the southerly right-of-way line of the Red River Valley and Western Railroad; thence easterly 572.24 feet along said southerly right-of-way, and along a non-tangential curve concave northerly, having a radius of 2,909.20 feet and a central angle of 11 degrees 16 minutes 12 seconds, the chord of said curve bears North 65 degrees 34 minutes 15 seconds East with a chord length of 571.32 feet to the north line of the South Half of the Southeast Quarter of said Section 19; thence South 87 degrees 36 minutes 31 seconds West along the north line of said South Half of the Southeast Quarter a distance of 231.44 feet to the northerly right-of-way line of the Red River Valley and Western Railroad; thence westerly 316.47 feet along the said northerly right-of-way line, and along a non-tangential curve concave northerly, having a radius of 2,809.20 feet and a central angle of 06 degrees 27 minutes 16 seconds, the chord of said curve bears South 67 degrees 20 minutes 51 seconds West with a chord length of 316.30 feet to the point of beginning.

The above-described tract contains 1.03 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 18th 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

Certificate of Survey

Part of the S1/2 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



Exhibit C: Adjacent Owners for Parcel Recommended as Excess Lands



Railroad Corridor near Horace, ND

Adjacent Owners

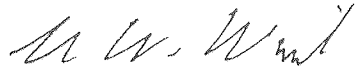
OIN 7248

FM AREA DIVERSION
Map Date: 3/14/2024



Exhibit D: Declaration of Excess Land Form

I hearby declare that OIN 7248 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 Redding
Co-Director

04/17/2024

Date