



# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 7249

## 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 7249 as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OIN 7249

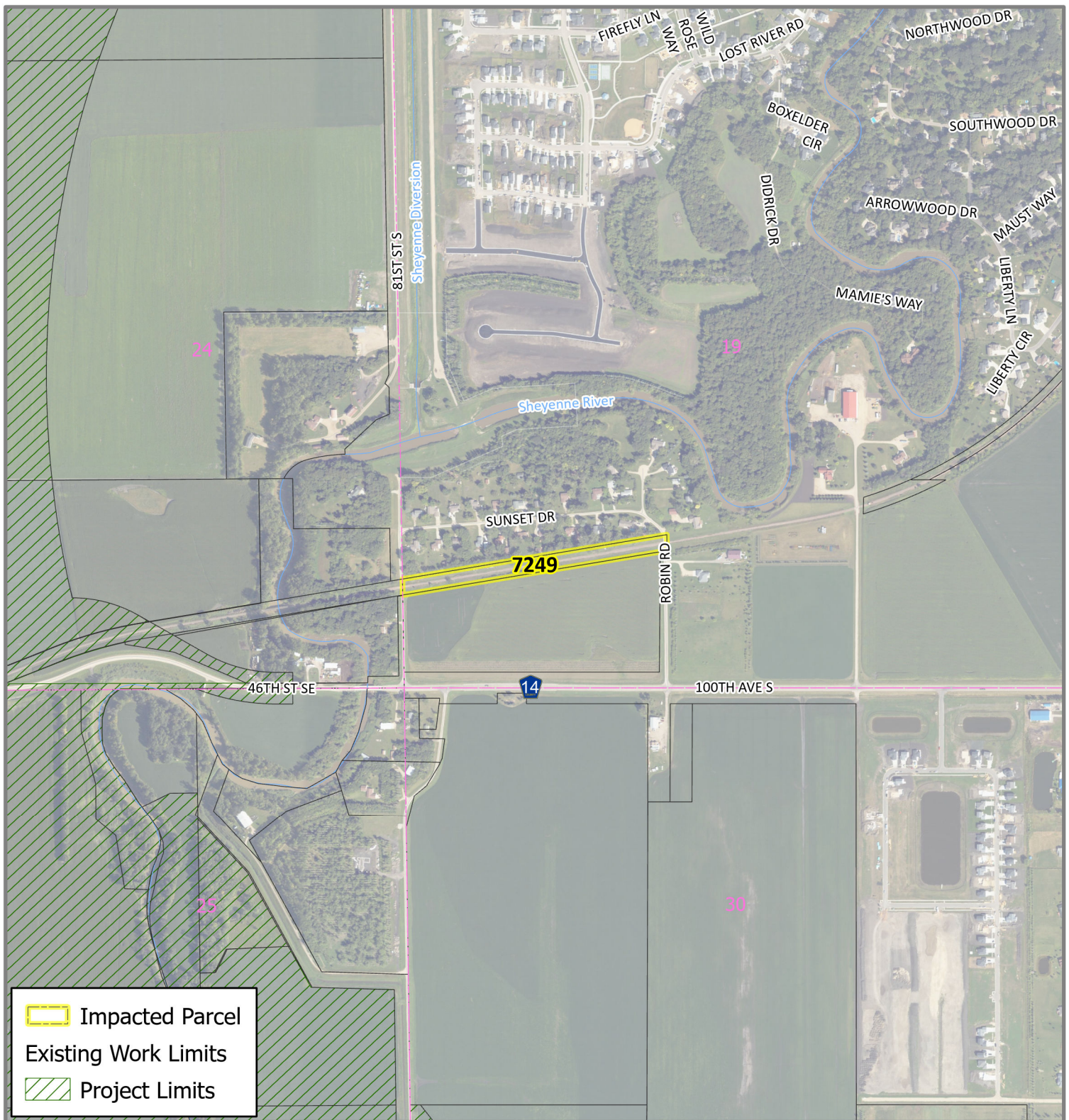
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	OIN 7249 – 3.90 acres

Narrative Description of Parcel(s)	OIN 7249 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. These parcels are previously owned and maintained by BNSF.
Purchase Date	December 19, 2023
Purchase Price	\$293,050
Proposed Sale Price	\$84,942  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

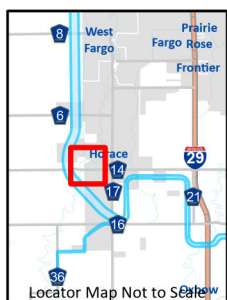
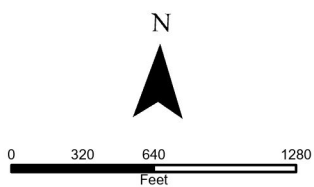
Based on the pertinent facts presented above, it is recommended to declare OIN 7249 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit D).

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



Any reliance upon this map is at user's own risk. 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 Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



**OIN: 7249**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 15000012900010**  
**Cass County, ND**

**FM AREA DIVERSION**  
 Map Date: 3/12/2024



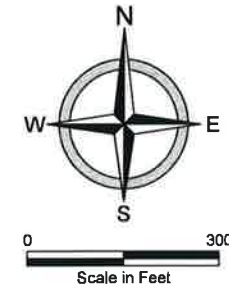
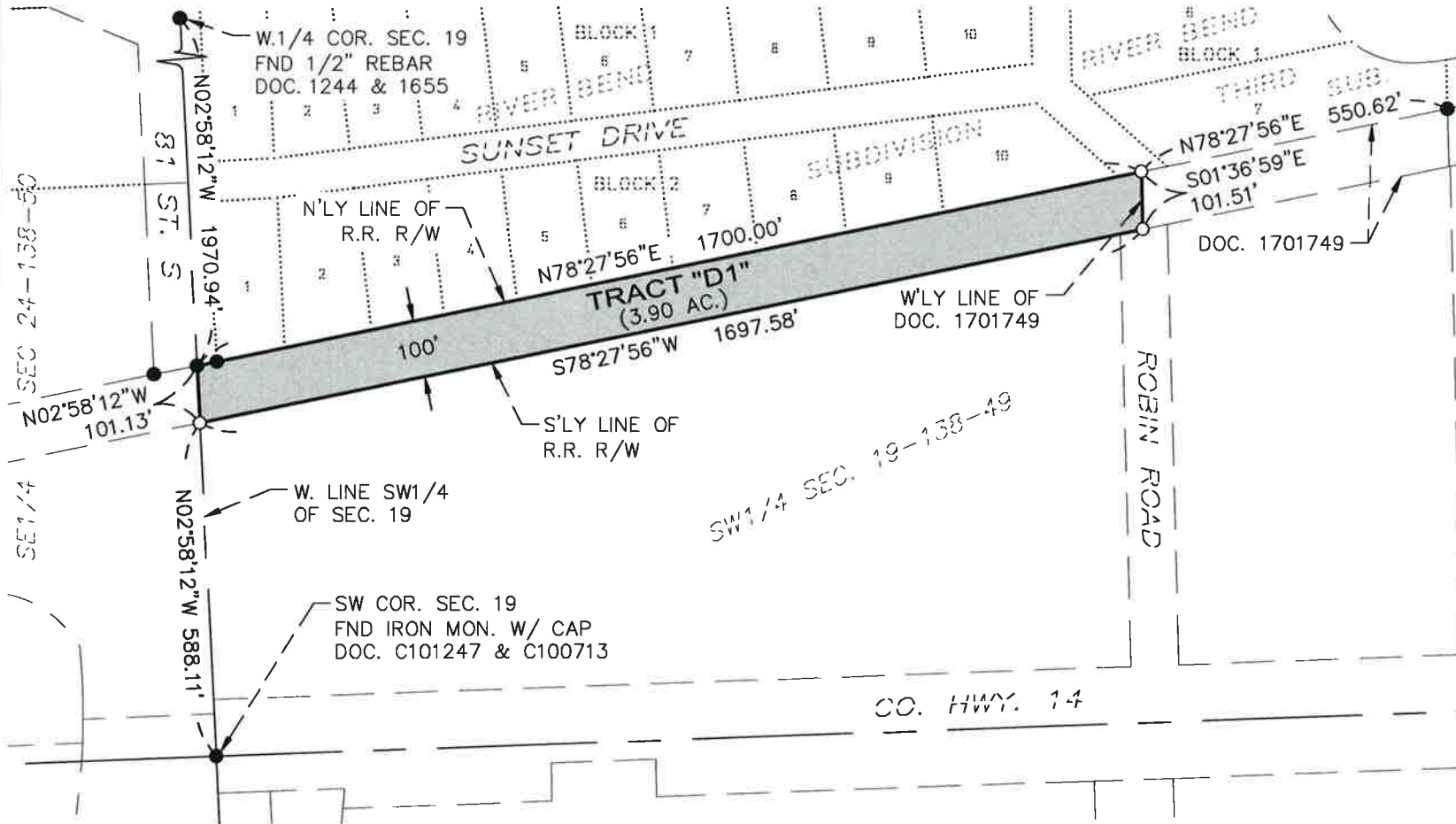
## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

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



# CERTIFICATE OF SURVEY

PART OF THE S1/2-SW1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA



BASIS OF BEARINGS:  
THE WEST LINE OF THE  
SW1/4 OF SECTION 19  
HAS AN ASSIGNED BEARING  
OF N02°58'12"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 S1/2 of the SW1/4 of Section 19, T.138N., R.49W.  
Cass County, North Dakota

PROJECT No. 21990  
DATE 12.14.23  
REVISED: --  
DRAFTER: LFB  
REVIEWER: CDH



# CERTIFICATE OF SURVEY

PART OF THE S1/2-SW1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA

## DESCRIPTION

That part of the South Half of the Southwest 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 southwest corner of said Southwest Quarter; thence North 02 degrees 58 minutes 12 seconds West on an assigned bearing along the west line of said Southwest Quarter, a distance of 588.11 feet to the southerly right-of-way line of the Red River Valley and Western Railroad, the point of beginning; thence continuing North 02 degrees 58 minutes 12 seconds West along the west line of said Southwest Quarter a distance of 101.13 feet to the northerly right-of-way line of said Red River Valley and Western Railroad; thence North 78 degrees 27 minutes 56 seconds East along said northerly right-of-way line a distance of 1,700.00 feet to the northwesterly corner of that certain tract described in Document #1701749, being on file and of record in the Cass County Recorder's office; thence South 01 degree 36 minutes 59 seconds East along the westerly line of said tract a distance of 101.51 feet to said southerly right-of-way line; thence South 78 degrees 27 minutes 56 seconds West along said southerly right-of-way line a distance of 1,697.58 feet to the point of beginning.

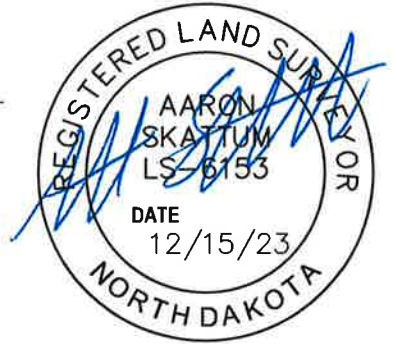
The above-described tract contains 3.90 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.

## 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 15, 2023

State of North Dakota  
County of Cass

On this 15<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

### Certificate of Survey

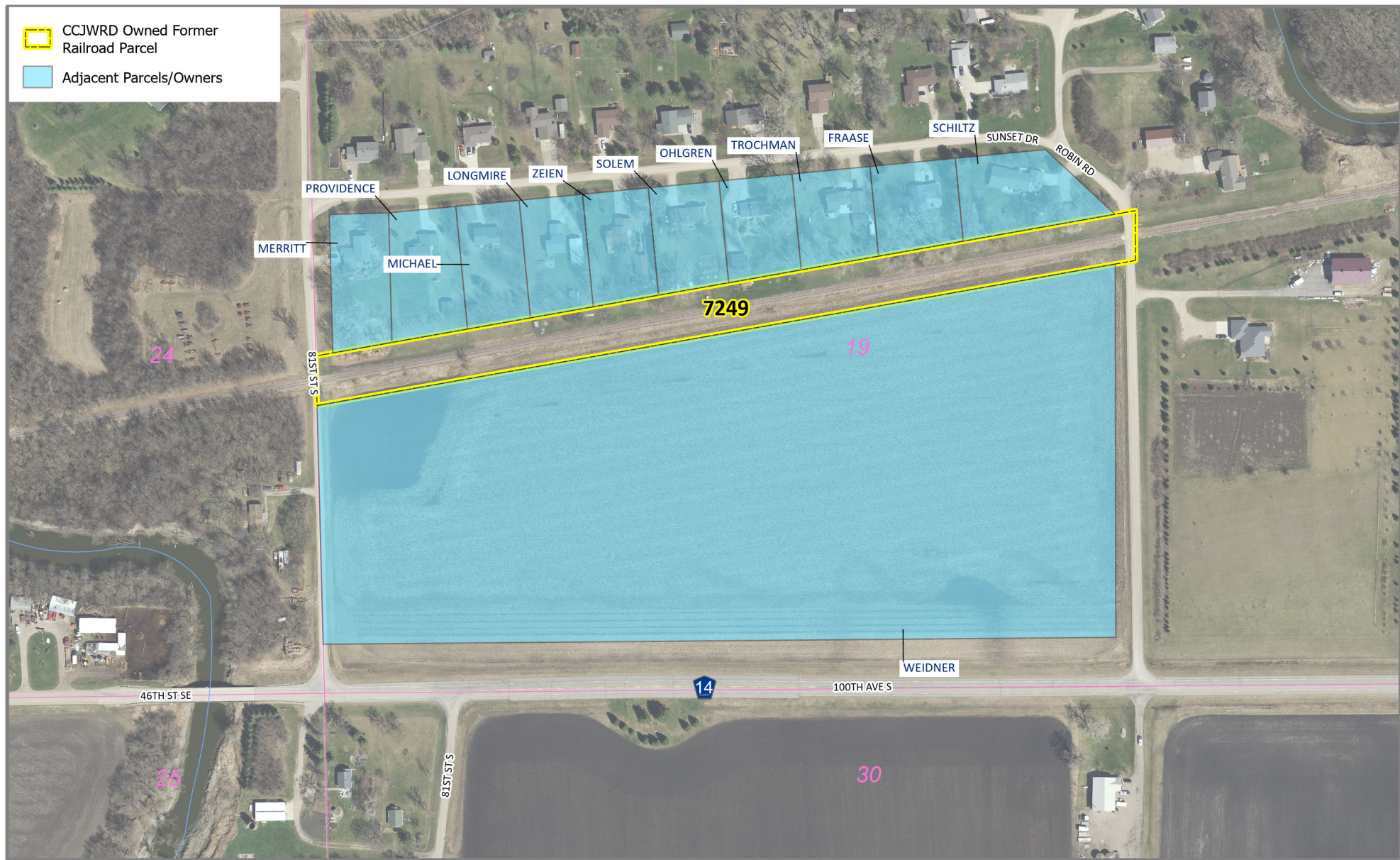
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Cass County, North Dakota

PROJECT No.	21990
DATE:	12.14.23
REVISED:	--
DRAFTER:	LFB
REVIEWER:	CDH

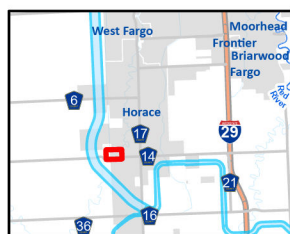
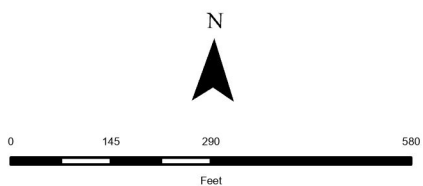


## Exhibit C: Adjacent Owners for Parcel Recommended as Excess Lands





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Locator Map Not to Scale

## Railroad Corridor near Horace, ND

### Adjacent Owners

### OIN 7249

FM AREA DIVERSION  
 Map Date: 3/14/2024



Exhibit D: Declaration of Excess Land Form

I hereby declare that OIN 7249 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