



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 8385Y, subject to a Flowage Easement

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 8385Y as Excess Land and begin the process to dispose of the property following the Policy. Note that the parcel is in the Upstream Mitigation Area (UMA) and therefore the Authority (via the Cass County Joint Water Resource District (CCJWRD)) shall reserve a flowage easement on this property as part of a sale.

2. Pertinent Facts Regarding OIN 8385Y

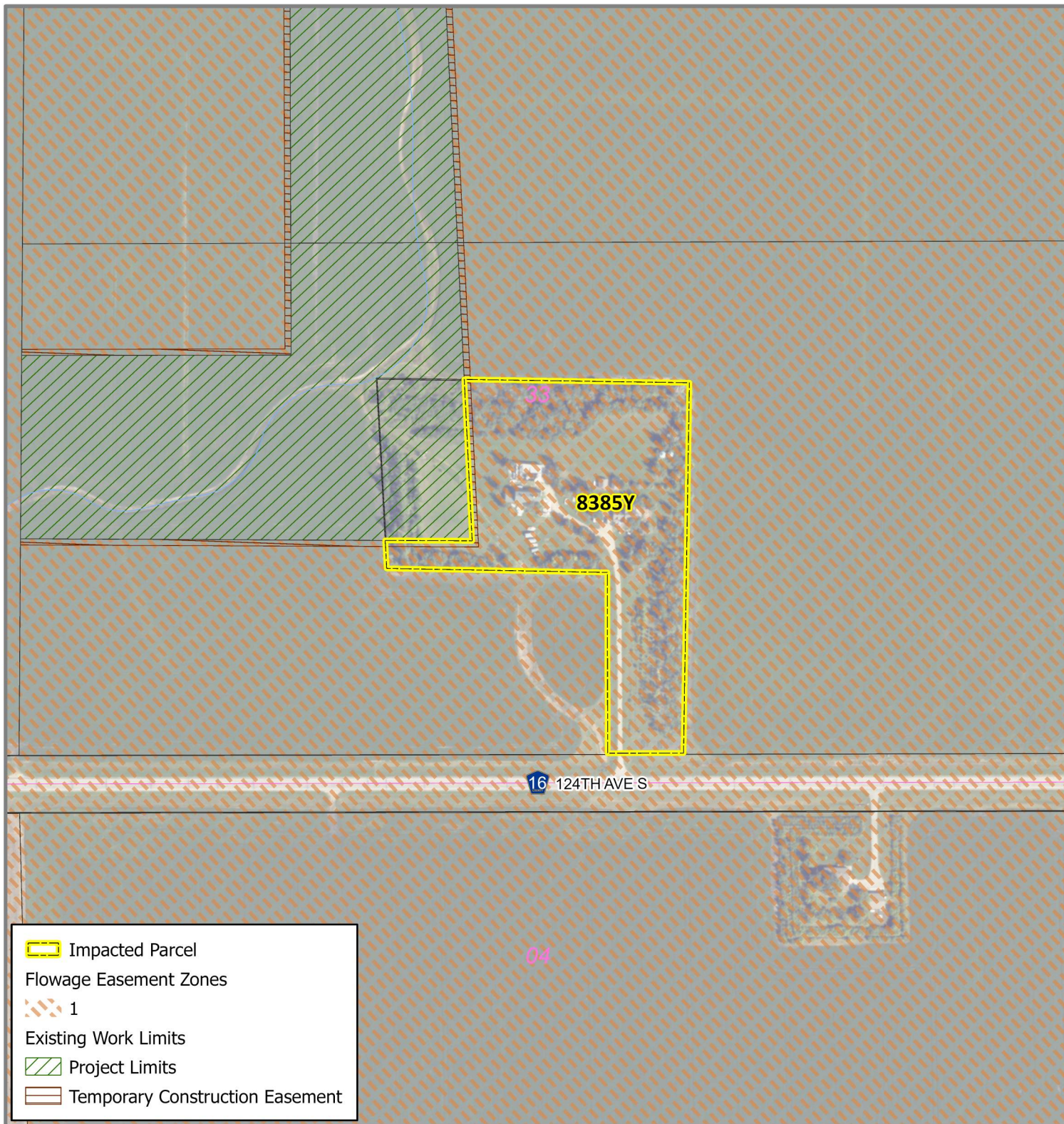
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	8.082 acres (surveyed)

Narrative Description of Parcel(s)	OIN 8385 is located north of 124 th Ave S (CR 16). A portion of the parcel that was purchased is within in the Drain 27 Wetland Mitigation Area (OIN 8385N – 1.918 acres) and the remainder of the parcel is in UMA area and will be subject to a Flowage Easement. All structures have been removed from this former residential property.
Purchase Date	November 14, 2022
Purchase Price	<p>\$498,711 (for the lot and structures)The purchase price does not include the value of the shop that had burned down subsequent to the appraisal being completed.</p> <p>The entire residential lot (8.082 + 1.918 = 10.0 acres) and all the structures appraised for \$502,000 in the “before” condition and residential lot was valued at \$14,000/acre. Only the Fee Title acres needed for Drain 27 and associated TCE were contemplated in the appraisal. The appraisal did not consider the FE that is needed on the acres outside of those needed in Fee Title for Drain 27.</p>
Proposed Sale Price	\$40,400 *Based on a \$5,000 per acre rate
Former Owner	Eric Score
Adjacent Owners	OIN 1110X – Phyllis Brunelle LE & OIN 825 – Barbara Sauvageau LE
Property Mgt. 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	Parcel is in the UMA, and a portion of this residential parcel is impacted by Drain 27 Wetland Mitigation Area. The former owner desired a full-take buyout. Any future sale will need to reserve a FE on the remaining acres of this parcel to ensure no future development.
Tree Removal	This sale needs to reserve the right to remove trees from the property.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

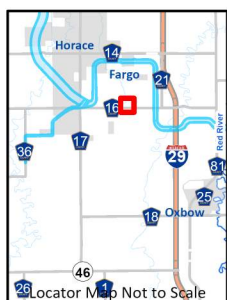
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 8385Y 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: 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 | IndividualLayout



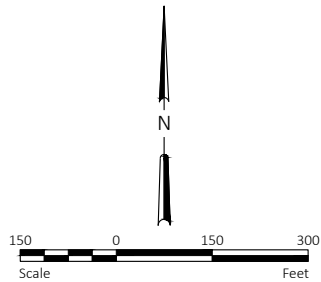
OIN: 8385Y
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 64-0000-02793-020
Cass County, ND

FM AREA DIVERSION
 Map Date: 2/13/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

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



FOUND IRON MONUMENT

1/2" I.D. IRON PIPE SET

MEASURED BEARING N88°06'54"E
PLAT BEARING (N88°06'01"E)
MEASURED DISTANCE 151.04'
PLAT DISTANCE (151.04')

MEASURED BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE.

MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE COMBINATION FACTOR OF 1.0001125127 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.

TEMPORARY CONSTRUCTION EASEMENT

FEE TITLE PARCEL

FLOWAGE EASEMENT

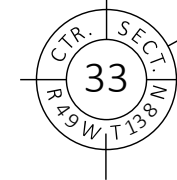
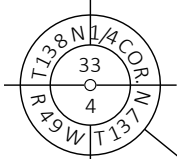
WATER SURFACE ELEVATIONS

1-PERCENT ANNUAL CHANCE EVENT	920.9'
0.2-PERCENT ANNUAL CHANCE EVENT	922.0'

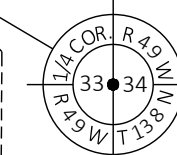
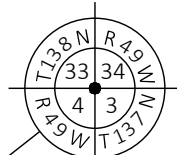
NOTES:

- Water Surface Elevation data source: CLOMR FEMA, Case No. 19-08-0683R. Vertical datum is NAVD88.
- See Sheet 2 for descriptions of parcels.

SET 1/2" I.D. PIPE
YELLOW CAP LS 6086



ALUMINUM CAP



3/4" PIPE
DOC. NO. 897

H:\JBN\7400\7438\18_7438_0029\Phase 1 - Southern Embankment Footprint Surveys\Site SE-2\CAD\Drawn 27\01N 8385Y CCJWRD PRELIMINARY COS 8.22.23.dwg-SHEET 1-8/22/2023 8:34 AM-(dbucholtz)

				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.		Fargo	Drawn by DSB	Date 8-22-23	CCJWRD S 1/2 OF THE SE 1/4, SEC. 33, T138N, R49W CASS COUNTY, ND	CERTIFICATE OF SURVEY OIN: 8385Y PROJECT NO. 7438-0029 PH. 1	SHEET 1 of 2
No.	Revision	Date	By	James A. Schlieman ND. RLS. No. 6086	Date		Checked by JAS	Scale AS SHOWN			

H:\JBA\7400\7438\18_7438_0029\Phase 1 - Southern Embankment Footprint Surveys\Site SE-2\CAD\Drawn 27\OIN 8385Y CCJWRD PRELIMINARY COS 8.22.23.dwg-SHEET 2 of 2\22/2023 8:34 AM-(dbuchholtz)

OIN 8385Y - Description - Fee Title Parcel:

That part of the South Half of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°53'55" West, along the southerly line of said Southeast Quarter, for a distance of 998.14 feet; thence North 01°05'49" West for a distance of 70.00 feet to a point of intersection with the northerly line of the South 70.00 feet of said Southeast Quarter, and the southeast corner of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, and the true point of beginning; thence South 87°53'55" West, along the northerly line of the South 70.00 feet of said Southeast Quarter and along the southerly line of said tract, for a distance of 186.23 feet; thence North 02°05'36" West, along the southerly line of said tract, for a distance of 443.54 feet; thence South 89°02'38" West, along the southerly line of said tract, for a distance of 541.42 feet to the southwest corner of said tract; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 71.71 feet; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 555.11 feet to the northeast corner of said tract; thence South 01°05'49" East, along the easterly line of said tract, for a distance of 908.69 feet to the true point of beginning.

Said tract contains 8.082 acres, more or less, and is subject to easements as may be of record.

OIN 8385Y - Description - TCE (Temporary Construction Easement):

That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°53'55" West, along the southerly line of said Southeast Quarter, for a distance of 998.14 feet; thence North 01°05'49" West for a distance of 70.00 feet to a point of intersection with the northerly line of the South 70.00 feet of said Southeast Quarter, and the southeast corner of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office; thence South 87°53'55" West, along the northerly line of the South 70.00 feet of said Southeast Quarter and along the southerly line of said tract, for a distance of 186.23 feet; thence North 02°05'36" West, along the southerly line of said tract, for a distance of 443.54 feet; thence South 89°02'38" West, along the southerly line of said tract, for a distance of 541.42 feet to the southwest corner of said tract; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 71.71 feet to the true point of beginning of the line to be described; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 acres, more or less.

OIN 8385Y - Description - Flowage Easement (Zone 1):

That part of the South Half of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°53'55" West, along the southerly line of said Southeast Quarter, for a distance of 998.14 feet; thence North 01°05'49" West for a distance of 70.00 feet to a point of intersection with the northerly line of the South 70.00 feet of said Southeast Quarter, and the southeast corner of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, and the true point of beginning; thence South 87°53'55" West, along the northerly line of the South 70.00 feet of said Southeast Quarter and along the southerly line of said tract, for a distance of 186.23 feet; thence North 02°05'36" West, along the southerly line of said tract, for a distance of 443.54 feet; thence South 89°02'38" West, along the southerly line of said tract, for a distance of 541.42 feet to the southwest corner of said tract; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 71.71 feet; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 555.11 feet to the northeast corner of said tract; thence South 01°05'49" East, along the easterly line of said tract, for a distance of 908.69 feet to the true point of beginning.

Said tract contains 8.082 acres, more or less, and is subject to easements as may be of record.

			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.		Fargo	Drawn by DSB	Date 8-22-23	CCJWRD S 1/2 OF THE SE 1/4, SEC. 33, T138N, R49W CASS COUNTY, ND	CERTIFICATE OF SURVEY OIN: 8385Y PROJECT NO. 7438-0029 PH. 1
					P: 701.237.5065 F: 701.237.5101	Checked by JAS	Scale AS SHOWN		
No.	Revision	Date	By	James A. Schlieman ND. RLS. No. 6086	Date				

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 8385Y 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 Redinger
Co-Director

04/17/2024

Date