



# Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: April 17, 2024

RE: Excess Lands Recommendation – OIN 877, 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 877 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 877

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	2.75 acres

Narrative Description of Parcel(s)	OIN 877 is located on 172 <sup>nd</sup> Ave SE in the Upstream Mitigation Area associated with the project. This former residential property has had all structures removed from the property as part of the project.
Purchase Date	July 31, 2022
Purchase Price	\$257,500 (full take)  Land appraised for \$206,000 in the “before” condition and \$5,200 in the “after” condition (i.e., subject to the flowage easement).
Proposed Sale Price	\$13,750  Based on a \$5,000 per acre rate.
Former Owner	Glenn & Kay Rheault
Adjacent Owners	OIN 824 and 825 – Barbara Sauvageau LE  OIN 818X – Lawrence & Susan Richard Living Trust ETAL
Property Management Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Service.
Property Taxes	The 2023 property taxes were \$2,103.95
Relation to Construction	Parcel is in the UMA, and not impacted by construction of the Comprehensive Project. The former owner desired a full-take buyout of the property. The former buildings on the parcel have been demoed and the site has been restored.  Any future sale will need to reserve a flowage easement on the 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

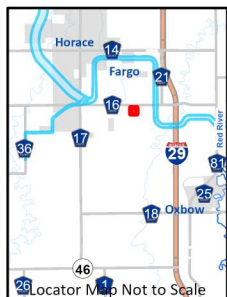
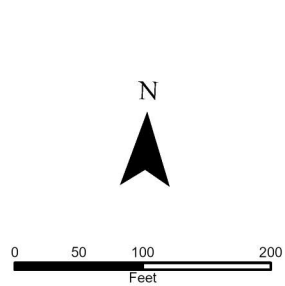
Based on the pertinent facts presented above, it is recommended to declare OIN 877 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

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: 877**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 57-0700-00010-000**  
**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 2/13/2024





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

The legal description for the parcel is described in a Warranty Deed dated August 1, 2022:

### WARRANTY DEED

THIS INDENTURE, made this 1 day of August, 2022, between Glenn M. Rheault and Margaret Lynn Rheault, husband and wife, GRANTOR, and the Cass County Joint Water Resource District, a North Dakota political subdivision, GRANTEE, whose post office address is 1201 Main Avenue West, West Fargo, North Dakota 58078.

WITNESSETH, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, GRANTOR does hereby GRANT, BARGAIN, SELL, AND CONVEY unto GRANTEE all of the following real property lying and being in Cass County, North Dakota, and described as follows:

Lot 1, Block 1, of Sauvageau Subdivision, a portion of Section 4, Township 137 North, Range 49 West, Pleasant Township, Cass County, North Dakota.

(the "Property")

And GRANTOR for himself, his heirs, personal representatives, and administrators, does covenant with GRANTEE that he is well seized in fee of the Property and have good right to sell and convey the same in manner and form aforesaid; that the Property is free from all encumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the Property in the quiet and peaceable possession of GRANTEE, against all persons lawfully claiming or to claim the whole or any part thereof, GRANTOR will warrant and defend.

