



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: May 30, 2024

RE: Excess Lands Recommendation – OIN 9191Y1, subject to a Temporary Construction 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-Executive Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Executive Directors to declare OIN 9191Y1 as Excess Land and begin the process to dispose of the property following the Policy. Note that the parcel has an area within the work limits of the Southern Embankment Reach 3 (SE-3) portion of the project and therefore the Authority (via the Cass County Joint Water Resource District (CCJWRD)) shall reserve a Temporary Construction Easement (TCE) on a portion of the property as part of the sale.

2. Pertinent Facts Regarding OIN 9191Y1

Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land and the associated TCE.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land and the associated legal description for the TCE.

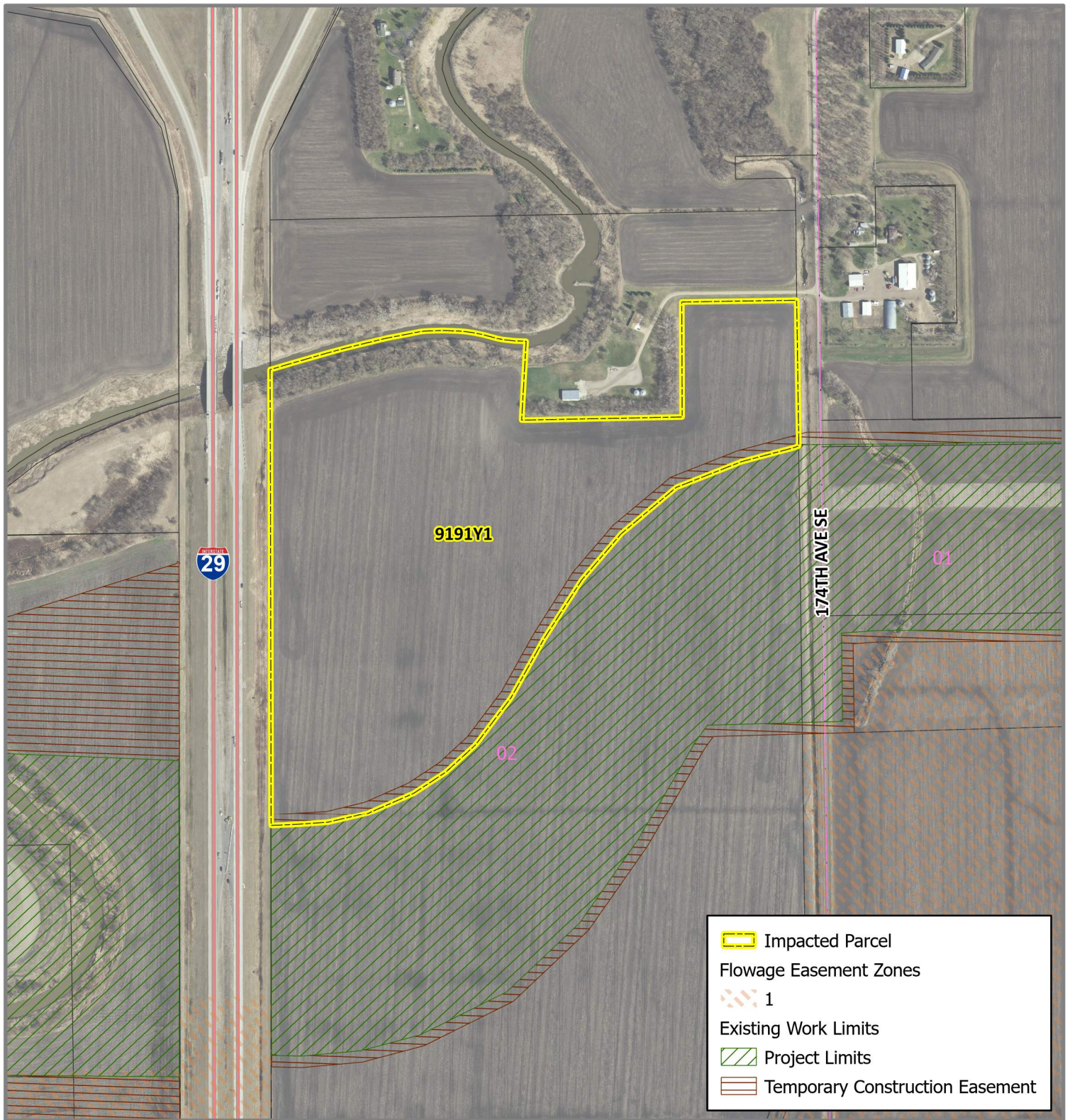
Asset Parcel(s) Size	<p>66.9 acres (surveyed), this parcel will be subject to a 3.43-acre TCE as shown in Exhibit A and described in Exhibit B. The USACE has required that the TCE shall remain in place through December 31, 2029; however, MFDA anticipates they may be completed and the TCE may be released prior to that date.</p> <p>It is assumed that the TCE for I-29 will be released prior to the sale of this excess land.</p>
Narrative Description of Parcel(s)	OIN 9191Y1 is immediately east of I29, south of the Wild Rice River, and north of the Southern Embankment Reach 3 (SE-3) portion of the Comprehensive Project.
Purchase Date	December 6, 2015
Purchase Price	<p>\$1,636,000</p> <p>For the full purchase of OIN 9191 & 815 (285 acres) which equates to \$5,740/acre.</p>
Proposed Sale Price	<p>\$570,000</p> <p>Based on \$8,500/acre given the odd shape, TCE, and residual floodplain issues.</p>
Former Owner	Diane Maier
Adjacent Owners	<p>OIN 9192 – Diane Maier (former owner)</p> <p>OIN 9333 – Terry & Kay Compson</p>
Property Management Approach	This parcel has been leased for farming through Pifer’s Land Management since 2020.
Property Taxes	The 2023 property taxes were \$552.41 for the entire parcel that was originally purchased.
Relation to Construction	OIN 9191 was a full-take acquisition for the Southern Embankment Reach 3 (SE-3). The northly remnant (9191Y1) is outside of the area needed for operation of the Comprehensive Project, but there is a strip of TCE that is needed within this remnant for construction of the SE-3 embankment.

	It is assumed that the TCE for I-29 will be released prior to the sale of this excess land.
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 9191Y1 as “Excess Land” subject to the TCE noted above 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



Impacted Parcel

Flowage Easement Zones

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Existing Work Limits

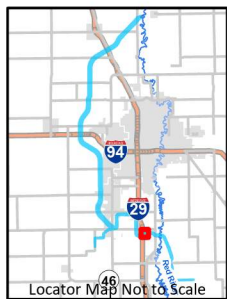
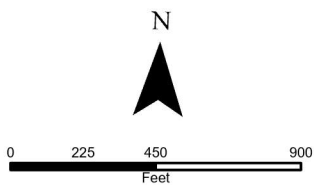
Project Limits

Temporary Construction Easement

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 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: 9191Y1
CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Parcel ID: 57-0000-10240-030
 Cass County, ND

FM AREA DIVERSION
 Map Date: 5/17/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

OIN 9191Y1

That part of the East Half of Section 2, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the southwest corner of SORBY SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence North 86 degrees 50 minutes 34 seconds East on a record bearing along the southerly line of said SORBY SUBDIVISION for a distance of 701.44 feet; thence North 02 degrees 10 minutes 10 seconds West continuing along the southerly line of said SORBY SUBDIVISION for a distance of 503.29 feet; thence North 87 degrees 20 minutes 07 seconds East continuing along the southerly line of said SORBY SUBDIVISION for a distance of 502.75 feet to the westerly line of Cass County Drain No. 51 as described in Warranty Deed Document No. 1286863, recorded January 25, 2010, on file and of record in the office of said Recorder; thence South 02 degrees 44 minutes 45 seconds East along the westerly line of said Cass County Drain No. 51 for a distance of 632.56 feet; thence South 72 degrees 10 minutes 55 seconds West for a distance of 260.99 feet; thence 925.00 feet southwesterly on a tangential curve concave to the southeast, having a radius of 1240.00 feet and a central angle of 42 degrees 44 minutes 27 seconds; thence South 29 degrees 26 minutes 28 seconds West for a distance of 570.72 feet; thence 1110.00 feet southwesterly on a tangential curve concave to the northwest, having a radius of 1150.00 feet and a central angle of 55 degrees 18 minutes 11 seconds; thence South 84 degrees 44 minutes 39 seconds West for a distance of 120.51 feet to the easterly right of way line of Interstate Highway No. 29; thence North 02 degrees 05 minutes 06 seconds West along the easterly right of way line of said Interstate Highway No. 29 for a distance of 1995 feet, more or less, to the centerline of the Wild Rice River; thence 1142 feet northeasterly, easterly and southeasterly along the centerline of said Wild Rice River to its intersection with the westerly line of said SORBY SUBDIVISION; thence South 01 degree 22 minutes 22 seconds West along the westerly line of said SORBY SUBDIVISION for a distance of 348 feet, more or less, to the point of beginning.

Said tract contains 66.9 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Construction Easement within OIN 9191Y1

A 50.00-foot-wide strip in the East Half of Section 2, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, the southeasterly sideline of said 50.00-foot-wide strip is described as follows:

Commencing at the southwest corner of SORBY SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County; thence North 86 degrees 50 minutes 34 seconds East on a record bearing along the southerly line of said SORBY SUBDIVISION for a distance of 701.44 feet; thence North 02 degrees 10 minutes 10 seconds West continuing along the southerly line of said SORBY SUBDIVISION for a distance of 503.29 feet; thence North 87 degrees 20 minutes 07 seconds East continuing along the southerly line of said SORBY SUBDIVISION for a distance of 502.75 feet to the westerly line of Cass County Drain No. 51 as described in Warranty Deed Document No. 1286863, recorded January 25, 2010, on file and of record in the office of said Recorder; thence South 02 degrees 44 minutes 45 seconds East along the westerly line of said Cass County Drain No. 51 for a distance of 632.56 feet to the point of beginning of said southeasterly sideline; thence South 72 degrees 10 minutes 55 seconds West for a distance of 260.99 feet; thence 925.00 feet southwesterly on a tangential curve concave to the southeast, having a radius of 1240.00 feet and a central angle of 42 degrees 44 minutes 27 seconds; thence South 29 degrees 26 minutes 28 seconds West for a distance of 570.72 feet; thence

1110.00 feet southwesterly on a tangential curve concave to the northwest, having a radius of 1150.00 feet and a central angle of 55 degrees 18 minutes 11 seconds; thence South 84 degrees 44 minutes 39 seconds West for a distance of 120.51 feet to the easterly right of way line of Interstate Highway No. 29 and said southeasterly sideline there terminates. The northwesterly sideline of said 50.00-foot-wide strip is to be lengthened or shortened to terminate on the westerly line of said Cass County Drain No. 51 and on the easterly right of way line of said Interstate Highway No. 29.

Said tract contains 3.43 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9191Y1 as noted in Exhibit A (the parcel) is deemed Excess Land and authorizes the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.

Robert Wilson
Co-Executive Director

05/30/2024
Date

Michael Redlinger
Co-Executive Director

05/30/2024
Date