



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: May 30, 2024

RE: Excess Lands Recommendation – OIN 9741Y

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 9741Y as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 9741Y

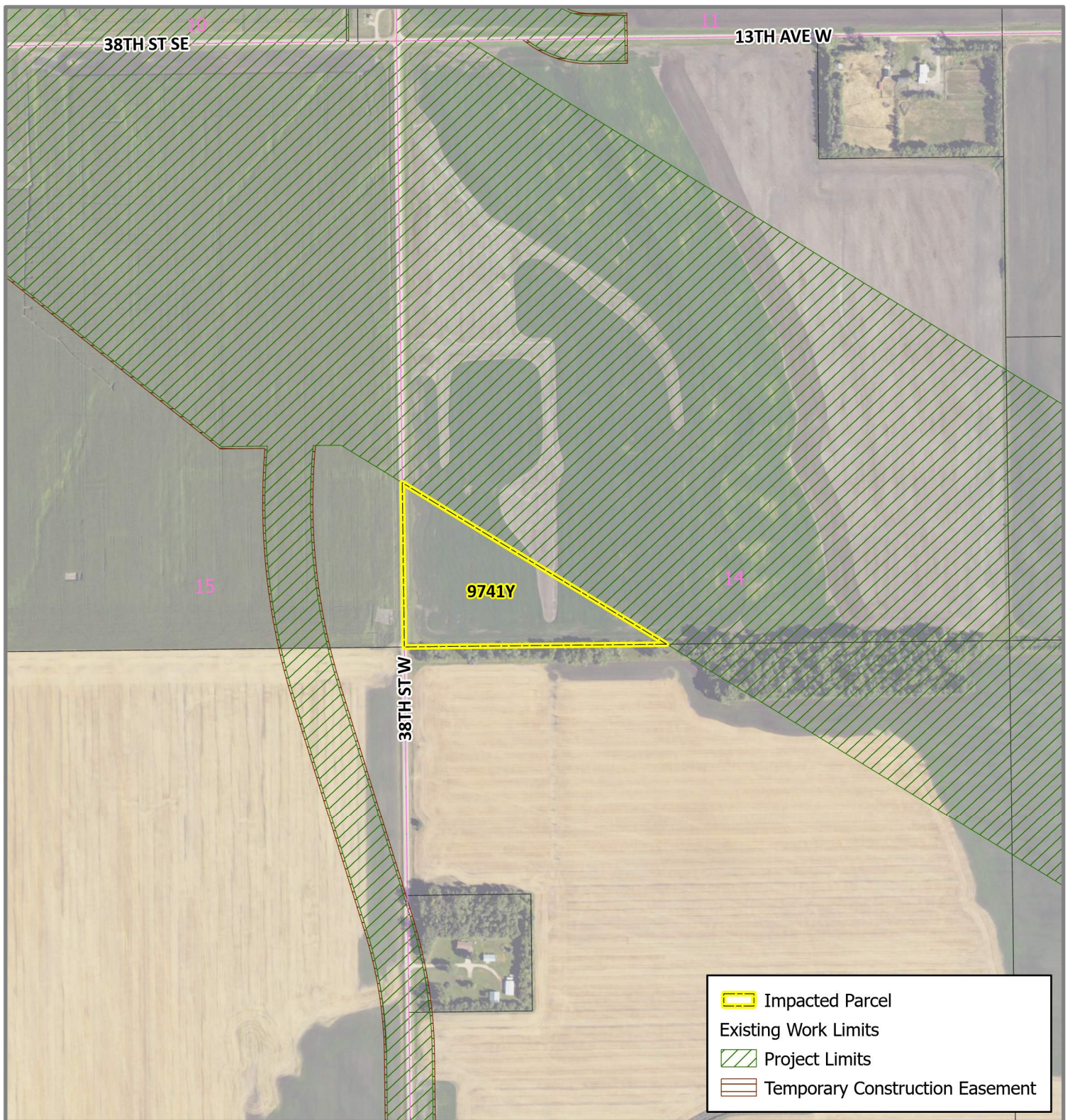
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	9.49 acres

Narrative Description of Parcel(s)	OIN 9741Y is located on 38 th St W on the west side of the Diversion Channel Area associated with the Comprehensive Project.
Purchase Date	October 26, 2023
Purchase Price	This property was acquired via a land exchange with multiple parcels.
Proposed Sale Price	\$80,000 Based on \$8,500/acre given the odd shape
Former Owner	Glenn & Marilyn Libbrecht
Adjacent Owners	OIN 9742X – Derek Flaten OIN 9739X – Steve Loberg
Property Management Approach	This parcel has been leased for farming through Pifer’s Land Management since 2023.
Property Taxes	The 2023 property taxes were \$2,328.74 for the OIN 9741Y and OIN 9741N parcels that were acquired.
Relation to Construction	OIN 9741 (the full parent parcel) is impacted by the Diversion Channel portion of the Comprehensive Project. The prior owner chose to retain the unimpacted land north of the Diversion Channel but sold the small southerly remnant (9741Y) to the Authority. This remnant piece is outside of the Diversion Channel work limits and is not needed for the construction or operation of the Comprehensive Project.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

3. Conclusion and Recommendation

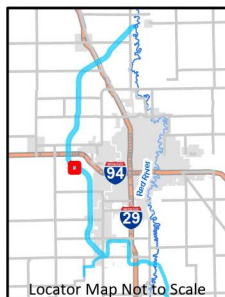
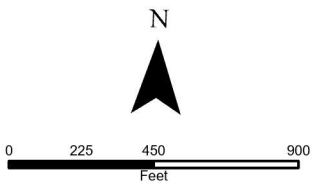
Based on the pertinent facts presented above, it is recommended to declare OIN 9741Y as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



	Impacted Parcel
	Existing Work Limits
	Project Limits
	Temporary Construction Easement

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: 9741Y
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 53-0000-09079-000
Cass County, ND

FM AREA DIVERSION
 Map Date: 4/30/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The below legal description is for the full parent parcel.

OIN 9741

Parcel No. 53-0000-09079-000

A 10-foot-wide temporary construction easement across that part of the Northwest Quarter (NW1/4) of Section 14, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, the northerly line of which is further described as follows:

Commencing at the Northwest Corner of the NW1/4; thence N87°17'55"E on the north line of the NW1/4 a distance of 1000.00 feet to the Point of Beginning; thence S02°42'05"E perpendicular to said north line a distance of 100.00 feet; thence S87°17'55"W parallel with, and 100 feet south of, said north line a distance of 150.14 feet; thence 305.85 feet on the arc of a curve, concave to the north, having a radius of 450.00 feet, a central angle of 38°56'33", and a long chord length of 300.00 feet bearing N73°13'49"W to said north line of the NW1/4 and there terminating. The southerly line of said easement is parallel with, and 10.00 feet east and south of, the preceding described line, and the sidelines of said easement shall be lengthened or shortened to intersect with the north line of said NW1/4.

Said easement contains 0.13 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9741Y 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-Executive Director

05/30/2024

Date

Michael Redlinger
Co-Executive Director

05/30/2024

Date