



## Diversion Authority Land Management Committee

February 26, 2025 @ 3:00pm CST

This meeting will be in-person at Fargo City Hall Commission Chambers (225 4<sup>th</sup> St N, Fargo ND 58102).

1. Call to Order
  - a. Roll call of Members
2. Approve minutes from November 13, 2024  
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. Election of the Chair for the Diversion Authority Land Management Committee
5. Election of the Vice Chair for the Diversion Authority Land Management Committee
6. OIN 839 Sale of Excess Land Recommendation Revision  
[Attachment 02.00] (Pg. 4)
7. OIN 1080Y Sale of Excess Land Recommendation Revision  
[Attachment 03.00] (Pg. 11)
8. OIN 7234B, 7234C and 7234D Sale of Excess Land Recommendation  
[Attachment 04.00] (Pg. 19)
9. Other Business
10. Next Meeting: To Be Determined
11. Adjournment

---

### **MEDIA AND PUBLIC PARTICIPATION INFORMATION**

There are multiple ways to attend or watch this public meeting.

- View the Meeting on Fargo TV or at [www.TVFargo.com](http://www.TVFargo.com)
- View the Meeting on the City of Fargo's Facebook or Twitter feed.



# Metro Flood Diversion Authority Land Management Committee Meeting Minutes

**3:00 PM – November 13, 2024**

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on November 13, 2024. The following members were present: Nathan Boerboom, Fargo Division Engineer; Matt Stamness, Cass County Engineer; Brenda Derrig, Assistant Administrator, City of Fargo; Jenny Mongeau, Clay County Commissioner; Kevin Campbell, Clay County Commissioner; Chuck Hendrickson, Moorhead City Council; Duane Breitling, Cass County Commissioner; Bob Zimmerman, Moorhead City Engineer and Jake Gust, Cass County Joint Water Resource District.

Member(s) absent: Mary Scherling, Cass County Commissioner and Michelle Turnberg, Fargo City Commissioner.

## **1. INTRODUCTION**

Mr. Campbell called the meeting to order at 3:00 PM. Roll call was taken, and a quorum was present.

## **2. APPROVE THE MEETING MINUTES FROM THE OCTOBER 2024 MEETING**

### **MOTION PASSED**

**Mr. Breitling moved to approve the minutes from October 23, 2024, and Mr. Gust seconded the motion. On a voice vote, the motion carried.**

## **3. APPROVE THE ORDER OF THE AGENDA**

### **MOTION PASSED**

**Mr. Gust moved to approve the order of the agenda as presented and Mr. Breitling seconded the motion. On a voice vote, the motion carried.**

## **4. EXCESS LAND RECOMMENDATION OIN 9405**

Ms. Smith introduced OIN 9405 and asked for approval to sell the parcel per the Excess Lands Policy. OIN 9405 is located north of the Red River Control Structure (RRCS) right off of 175th Avenue SE. Pleasant Township has setbacks in this area from the Diversion Project that impact this property. The proposed sale price is \$8,500.

### **MOTION PASSED**

**Mr. Stamness moved to approve the sale of OIN 9405 per the Excess Land Policy and Ms. Derrig seconded the motion. On a roll call vote, the motion carried.**

**5. EXCESS LAND RECOMMENDATIONS FOR CHANNEL REMNANTS NE OF I-29**

Ms. Smith introduced the following OINs and asked for approval to sell the remnant parcels per the Excess Lands Policy. The parcels noted in this recommendation are along the northeast section of the Diversion Channel.

<u>OIN</u>	<u>Acreage</u>	<u>Proposed Price</u>
<b>546Y</b>	54.30	\$460,000
<b>561Y</b>	55.17	\$350,000
<b>530Y &amp; 2372Y</b>	30.29	\$260,000
<b>2366Y, 2367Y &amp; 8852Y</b>	90.54	\$767,000
<b>2368Y</b>	119.57	\$899,000
<b>Total</b>	<b>349.87</b>	<b>\$2,736,000</b>

**MOTION PASSED**

**Mr. Zimmerman moved to approve the sale of all the OINs listed per the Excess Land Policy and Mr. Hendrickson seconded the motion. On a roll call vote, the motion carried.**

**6. EXCESS LAND RECOMMENDATION OINs 7234B, 7234C and 7234D**

Ms. Smith introduced the following OINs and asked for the committee’s input and recommendation as to how they wish to see these parcels disposed of. These parcels are a portion of the old Horace railroad corridor.

The City of Horace wishes to purchase a 50-foot-wide utility easement through these three parcels. The proposed disposal plan for discussion is based on the following approach:

- Sell utility easement to City of Horace for \$0.45/sf
- Sell the westerly 50-feet to adjacent residential property owners for \$0.50/sf (this is the unencumbered portion of the parcels)
- Sell the utility-easement-encumbered portion to adjacent the landowners for \$0.05/sf
- Sell the northeastern portion of OIN 7234B as commercial property for \$3.00/sf
- Sell the southeastern portion of OIN 7234B as commercial property for \$1.50/sf
- Sell the unencumbered portions of OIN 7234C and 7234D for \$0.50/sf

**The total proposed sale price for this approach is approximately \$168,000.**

After dialogue, the committee recommended proceeding with the easement option for disposal of the parcels. A formal recommendation for approval will be presented to the committee at the next meeting.

**7. OTHER BUSINESS**

There was no other business to discuss.

**8. NEXT MEETING**

To be determined.

**9. ADJOURNMENT**

The meeting adjourned at 3:29 PM.

# Memorandum



To: Metro Flood Diversion Authority Lands Committee and Diversion Authority Board  
From: Michael Redlinger, Co-Director  
Robert Wilson, Co-Director  
Cc: John Shockley, MFDA Legal Counsel  
Date: February 26, 2025  
Re: OIN 839 Excess Land

---

## RECOMMENDATION/ACTIONS NEEDED:

Approve the sale price of \$7,000 for excess land parcel OIN 839.

## Background/Key Points:

In February 2024 an excess land recommendation for OIN 839 was presented at the MFDA Land Committee, the CCJWRD Board, and the MFDA Board meetings. The recommendation included a market value of \$10,500 and was unanimously approved at each of the three meetings. Since those approvals, and in accordance with the Policy on Disposition of Excess Lands, the notice of this sale was sent to the Member Entities, the Prior Landowner, and the Adjacent Landowners. Throughout those efforts no interest was received, and the parcel was made available for public sale. An interested party has come forward but is proposing the purchase of the property for \$7,000, which is lower than the original approved value of \$10,500. In efforts to dispose of this property we are requesting that approval to proceed with this sale for \$7,000.

## ATTACHMENTS:

- Approved Memo – Excess Lands recommendation – OIN 839



# Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: January 29, 2024

RE: Excess Lands Recommendation – OIN 839, 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 Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Executive Director to declare OIN 839 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 839

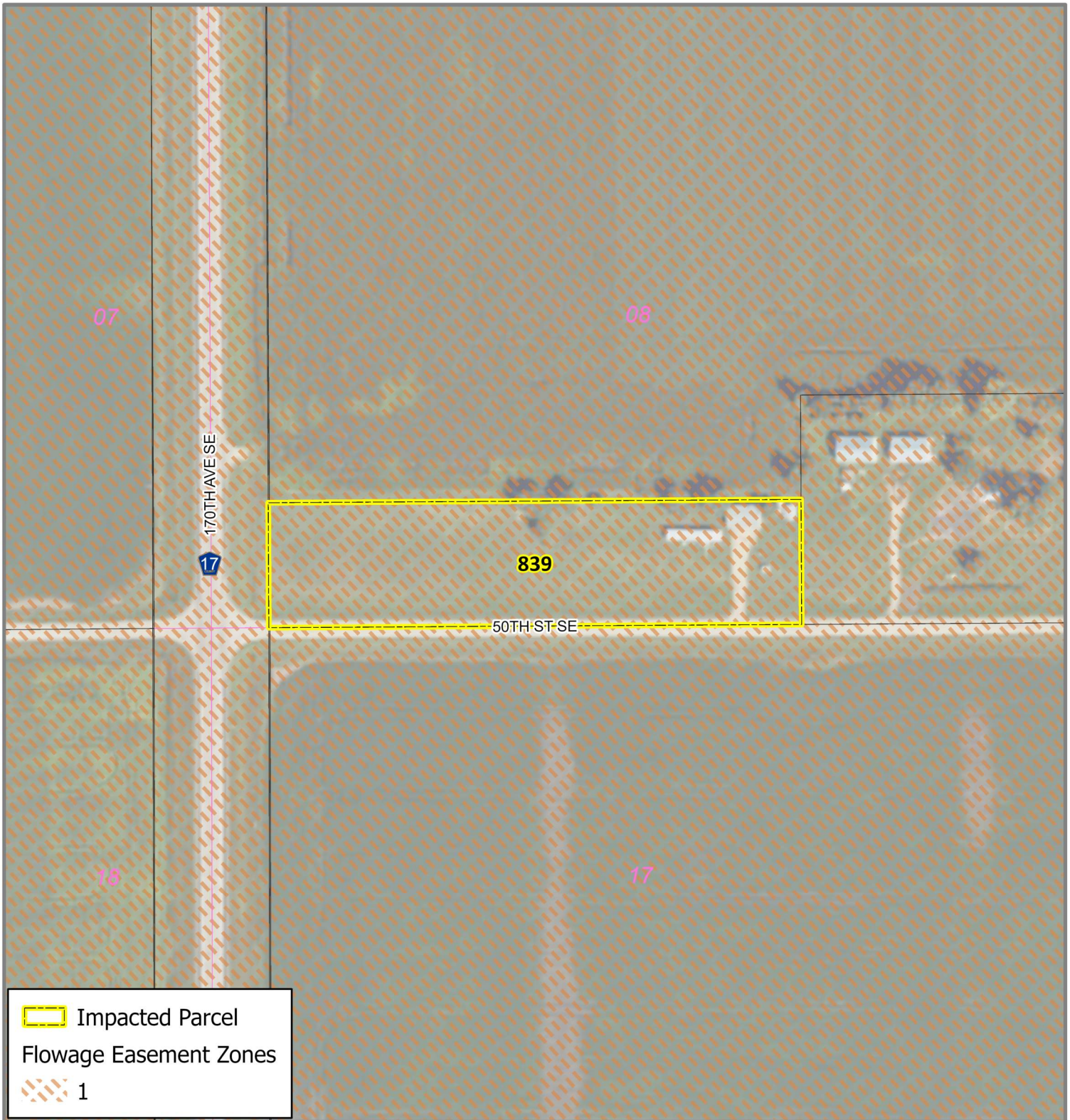
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	2.28 acres

Narrative Description of Parcels	OIN 839 is located in the NW corner of the intersection of Cass County Hwy 17 and 50 <sup>th</sup> Street SE. The parcel is in the UMA. The former structures on this parcel have been removed.
Purchase Date	May 26, 2023
Purchase Price	\$154,632 (for the lot and structures that have now been removed from property)  Land appraised for \$73,000 in the “before” condition and \$5,000 in the “after” condition (i.e., subject to the flowage easement).
Proposed Sale Price	\$10,500  Based on a \$4,500 per acre rate
Former Owner	Claudia Mueller
Adjacent Owners	OIN 850 – Richard Revocable Trust  OIN 838 – Theresa Nelson GST Trust
Property Management Approach	OIN 839 has been maintained under a mowing and weed control contract.
Property Taxes	The 2022 property taxes were \$1,041.99
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.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

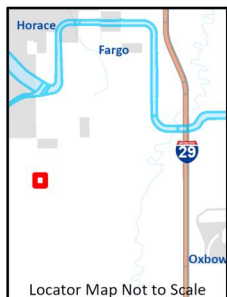
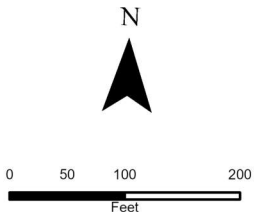
### 3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 839 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: Clidenberg | 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: 839**  
**CASS COUNTY JOINT WATER RESOURCE DISTRICT**  
**Parcel ID: 57-0000-10266-010**  
**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 12/15/2023





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

The legal description for the parcel is described in a Warranty Deed dated May 26, 2023:

### WARRANTY DEED

THIS INDENTURE made this 26 day of May, 2023, between Claudia J. Mueller, a single person, ("GRANTOR"); and the Cass County Joint Water Resource District, a North Dakota political subdivision, whose post office address is 1201 Main Avenue West, West Fargo, North Dakota 58078 ("GRANTEE").

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

Auditor's Lot 1 of the Southwest Quarter (SW1/4) in Section 8, Township 137 North of Range 49 West, of the Fifth Principal Meridian, said tract is also described as follows: Beginning at the Southwest section corner of said Section 8; thence North 0°00'00" East on the west section line of said Section 8 for a distance of 152.50 feet; thence South 89°56'56" East, parallel with the south section line of said Section 8 for a distance of 720 feet; thence South 00°00'00" East, parallel with West section line of said Section 8 for a distance of 152.50 feet; to the South section line of said Section 8; thence North 89°56'56" West on the south section line of said Section 8 for a distance of 720 feet to the point of beginning.

Tax Parcel No. 57-0000-10266-010 DLJ

(the "Property").

## Exhibit C: Declaration of Excess Land Form

I hereby declare that           OIN 839 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.

Joel Paulsen  
Executive Director

February 9, 2024  
Date

# Memorandum



To: Metro Flood Diversion Authority Lands Committee and Diversion Authority Board  
From: Jason Benson, Executive Director  
Cc: John Shockley, MFDA Legal Counsel  
Date: February 26, 2025  
Re: OIN 1080Y Revised Excess Land Recommendation

---

## RECOMMENDATION/ACTIONS NEEDED:

Approve the revised sale price of \$33,000 for excess land parcel OIN 1080Y.

## Background/Key Points:

In October 2024 an excess land recommendation for OIN 1080Y was presented at the MFDA Land Committee, the CCJWRD Board, and the MFDA Board meetings. The recommendation included a market value of \$53,000, which was unanimously approved at each of the three meetings.

During recent records review, it was noticed that the recommendation from October included more acreage than it should have. The parcel only contains 4.917 acres and was previously noted as having 7.877 acres, thus making the sale price more than it should have been. The acreage error stems from double counting the lands encumbered by a temporary easement on this parcel. Using the correct acreage, the newly calculated sale price based on \$6,700/acre should be \$33,000.

Upon approval we plan to contact all the previously notified parties that the sale price has been adjusted.

## ATTACHMENTS:

- Revised Excess Lands Recommendation – OIN 1080Y



# Memorandum

TO: Jason Benson

FROM: Jodi A. Smith

DATE: February 19, 2025

RE: Excess Lands Recommendation – OIN 1080Y, Subject to a Flowage Easement and 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 Executive Director may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Executive Director to declare OIN 1080Y as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OIN 1080Y

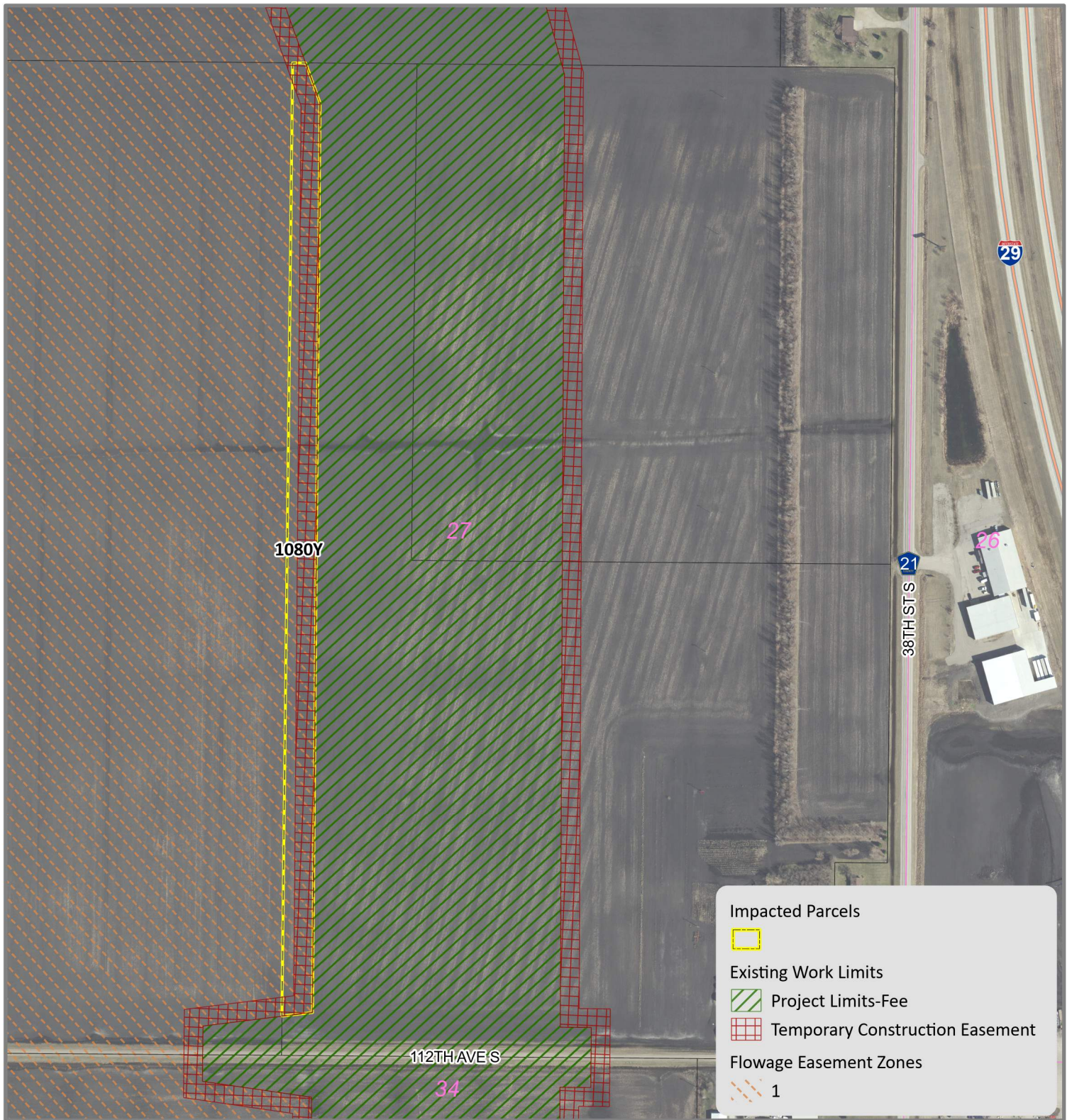
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	4.917  *Note that 2.96 acres of this parcel are impacted by a Temporary Construction Easement (TCE) for the next three (3) years.

Narrative Description of Parcel(s)	OIN 1080Y is located on the unprotected side of the SE-2B area associated with the Comprehensive Project. A flowage easement and a TCE will need to be reserved on this parcel.
Purchase Date	June 13, 2024
Purchase Price	\$1,970,654 *for all of OINs 1080 and 1081
Proposed Sale Price	\$33,000  *Based on roughly \$6,700/acre for encumbered tillable farmland with a TCE.
Former Owner	Rosella Bellemare
Adjacent Owners	OIN 1079X – David Germanson
Property Management Approach	This parcel was acquired only a few months ago and therefore no property management has been needed to date.
Property Taxes	The 2023 property taxes were \$882.50
Relation to Construction	This entire parcel (OIN 1080) was purchased for the construction of SE-2B. OIN 1080Y is a strip of tillable farmland along the western edge of the property that is not impacted by construction of the Comprehensive Project. OIN 1080Y will be subject to a flowage easement as well as a TCE needed for the next three (3) years.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

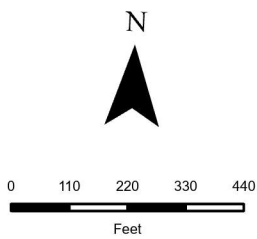
### 3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 1080Y 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. 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 | Not Data Driven Layout



Locator Map Not to Scale

**OIN: 1080Y**  
**Owner: CASS COUNTY JOINT WATER**  
**RESOURCE DISTRICT**  
**PIN: 64-0000-02500-060**  
**Cass County, ND**  
 FM AREA DIVERSION  
 Map Date: 8/30/2024



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

### OIN 1080Y – Description – Fee Title Parcel:

That part of the West Half of the Southeast Quarter of Section 27, 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°55'52" West, along the southerly line of said Southeast Quarter, for a distance of 1668.15 feet to the southeast corner of the West 60.00 acres of said Southeast Quarter; thence North 01°50'40" West, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 103.45 feet to the true point of beginning; thence North 80°23'36" East for a distance of 90.00 feet; thence North 02°01'23" West for a distance of 2424.70 feet; thence North 22°21'24" West for a distance of 114.61 feet to a point of intersection with the northerly line of said Southeast Quarter; thence South 87°57'08" West, along the northerly line of said Southeast Quarter, for a distance of 41.45 feet to the northeast corner of the West 60.00 acres of said Southeast Quarter; thence South 01°50'40" East, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 2544.04 feet to the true point of beginning

Said tract contains 4.917 acres, more or less, and is subject to easements as may be of record.

### OIN 1080Y – Description – TCE (Temporary Construction Easement):

That part of the West Half of the Southeast Quarter of Section 27, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A strip of land 50.00 feet wide, lying westerly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°55'52" West, along the southerly line of said Southeast Quarter, for a distance of 1668.15 feet to the southeast corner of the West 60.00 acres of said Southeast Quarter; thence North 01°50'40" West, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 103.45 feet to the true point of beginning of the line to be described; thence North 80°23'36" East for a distance of 90.00 feet; thence North 02°01'23" West for a distance of 2424.70 feet; thence North 22°21'24" West for a distance of 114.61 feet to a point of intersection with the northerly line of said Southeast Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of the West 60.00 acres of said Southeast Quarter on the west and to intersect the northerly line of said Southeast Quarter on the north.

Said tract contains 2.960 acres, more or less.



OIN 1080Y – Description – Flowage Easement (Zone 1):

That part of the West Half of the Southeast Quarter of Section 27, 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°55'52" West, along the southerly line of said Southeast Quarter, for a distance of 1668.15 feet to the southeast corner of the West 60.00 acres of said Southeast Quarter; thence North 01°50'40" West, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 103.45 feet to the true point of beginning; thence North 80°23'36" East for a distance of 90.00 feet; thence North 02°01'23" West for a distance of 2424.70 feet; thence North 22°21'24" West for a distance of 114.61 feet to a point of intersection with the northerly line of said Southeast Quarter; thence South 87°57'08" West, along the northerly line of said Southeast Quarter, for a distance of 41.45 feet to the northeast corner of the West 60.00 acres of said Southeast Quarter; thence South 01°50'40" East, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 2544.04 feet to the true point of beginning

Said tract contains 4.917 acres, more or less.

## Exhibit C: Declaration of Excess Land Form

I hereby declare that           OIN 1080Y 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.

Jason Benson  
Jason Benson  
Executive Director

02/20/2025  
Date

# Memorandum



To: Metro Flood Diversion Authority Lands Committee and Diversion Authority Board  
From: Jodi A. Smith  
Cc: John Shockley, MFDA Legal Counsel  
Date: February 26, 2025  
Re: OIN 7234B, 7234C, and 7234D Excess Land Recommendation

---

## RECOMMENDATION/ACTIONS NEEDED:

Approve the excess land recommendation for OINs 7234B, 7234C, and 7234D in the amount of \$192,777, which includes a variance to the Excess Lands Policy. This will authorize MFDA staff to proceed with the sale of OINs 7234B, 7234C, and 7234D to the City of Horace before offering the parcels to the adjacent landowners.

## BACKGROUND / KEY POINTS:

Per direction provided by the MFDA Lands Committee at the November 2024 meeting, the Lands Team has compiled the following information and made a recommendation for OINs 7234B, 7234C and 7234D.

One of the objectives of the Excess Land Policy is to maximize (when possible) the use of land acquired for the Project for public benefits to the greater Fargo Moorhead Community. The Excess Lands Policy, approved May 2022, Section 11.1 states:

The Member Entities have a further responsibility to protect the public interest in acquiring, managing, developing, and disposing of the property it acquires on behalf of the Authority. In this regard, the Member Entities must conduct all real estate transactions in the best interest of the Authority (and thus, the public at large) rather than that of the individual purchaser. In all transactions the Member Entities enter, there should be maximum benefit to the Authority, its operational requirements, and the broader community.

In 2023, in accordance with and pursuant to prior policy direction from the Cass County Joint Water Resource District (CCJWRD) and the Metro Flood Diversion Authority (MFDA), acquisition was completed of the CHS Elevator and underlying property rights, Red River Valley & Western Railroad operating rights, and a portion of BNSF Railway right of way near Horace, North Dakota.

BNSF Railway followed the North Dakota Century Code Chapter 49-09, which outlines the statutory process for abandoned railroad right-of-way sales priority purchasers:

When service is discontinued on any railroad right of way in the state and the property is offered for sale, lease, exchange, or other disposal by the railroad or an affiliated entity, the property must first be offered to the following persons in the order of priority as follows:

- a. The present owner or operator-lessee of fixed assets located on the property;
- b. A person owning land contiguous to the right of way on opposite sides of the right of way;
- c. A person presenting a reasonable plan for public recreational use of the abandoned property which includes the continuation of current private and public crossings;
- d. The adjoining landowner if the adjoining land, at the time of abandonment, is assessed for tax purposes as agricultural land.

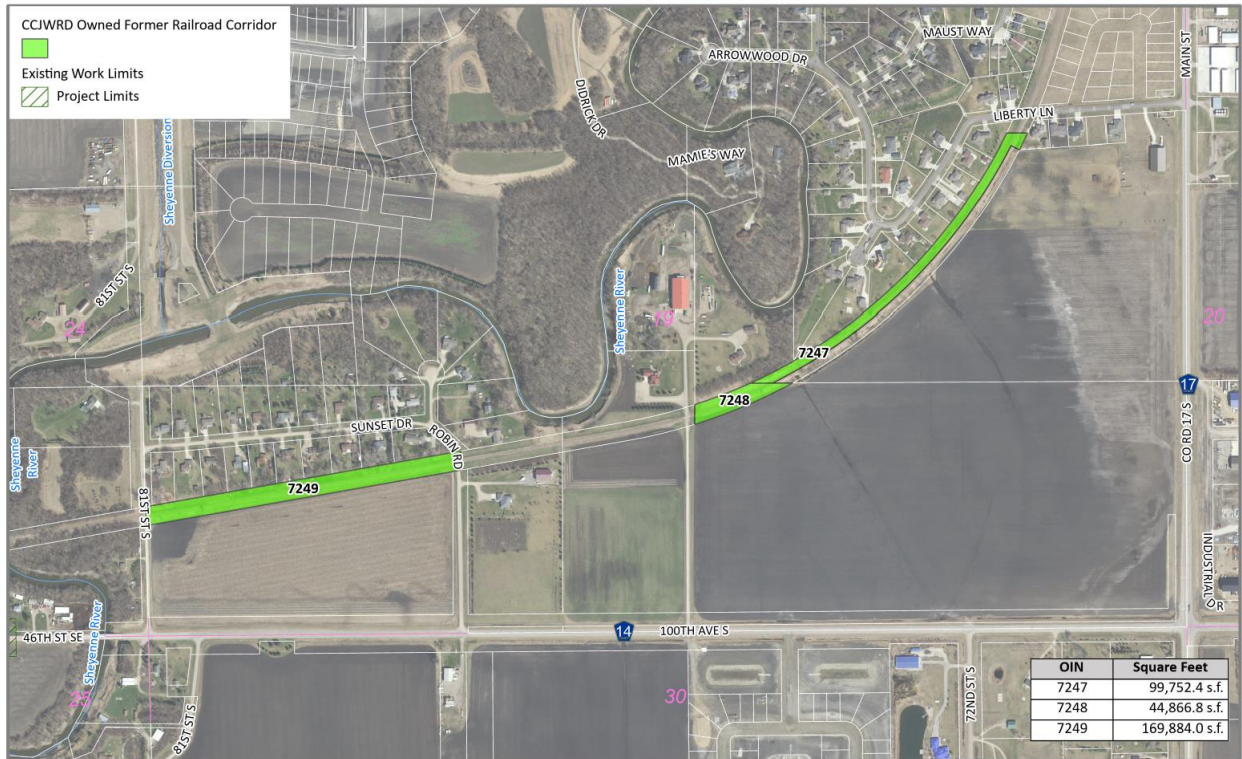
Certain property owners exercised their option to purchase the rail corridor from BNSF as outlined (in blue) in the exhibit below. Per the agreement with BNSF, the CCJWRD was obligated to purchase the remaining corridor as outlined in orange in the below exhibit.



Any reliance upon this map is at user's own risk. AEGIS 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\JM Area Diversion\012 Land: Program\Property Acquisition\02A\Horace Railroad\HoraceRailroad.aprx | Horace Railroad

**OINs 7247 7248 7249**

In April 2024, the MFDA Lands Committee, CCJWRD and the MFDA Board approved the sale of OIN 7247, 7248 and 7249 as outlined in green below:



These events have taken place over the past year:

- The Survey team prepared a draft plat and survey certificates to split the rail corridor and develop legal descriptions for the parcels
- MFDA prepared a drafted plat and submitted plat to City of Horace for staff review
- The legal team prepared purchase agreements and quit claim deeds based on the survey information for each buyer
- The City of Horace completed the preliminary plat review
- The plat was approved by CCJWRD
- The final plat was submitted to City of Horace, and formal review and approval by City of Horace is ongoing

Following final plat approval, CCJWRD and the MFDA will ask The Title Company to obtain signatures and deposits from all buyers. Once all parties have completed this step, the plat will become effective. It is anticipated that the completion of the sale for OINs 7247, 7248, and 7249 will take place in April 2025.

**OIN 7234A & 7234B**

In July 2024, the MFDA Lands Committee, CCJWRD and the MFDA Board approved a variance for the disposal of OINs 7234A and 7234B based on direction provided by the MFDA Lands Committee at its June 28 meeting.

The specific variance to the Excess Lands Policy would include bypassing the steps from the policy presented below in underlined text.

**5. MANNER OF DISPOSAL OF EXCESS LAND**

5.1 The purchaser of Excess Land will be responsible for closing costs, as well as any necessary costs, subdivision costs, rezoning fees, and other costs to complete the sale or exchange.

**5.2 Preference to Member Entities:**

5.2.1 The Authority will give first preference of the sale of Excess Land to Member Entities. Upon the Authority's determination that Excess Land should be sold, it will first give written notice of intent to sell to the Member Entities, subject to any conditions in the original acquisition of the Excess Land. Should a Member Entity desire to retain the Excess Land for purposes consistent with its policies and procedures, it shall, within thirty (30) calendar days of receiving the notice of intent, provide written notice to the Authority of its intent to acquire the Excess Land. The Authority will transfer all obligations of the ownership and management of the Excess Land to the purchasing Member Entity upon receipt of funds equal to or greater than Market Value in accordance with standard real property sale procedures.

5.3 Preference to Prior Landowner: Section 5.3 will only apply to Excess Land located outside of the geographical boundaries and extraterritorial zoning jurisdiction of the City of Fargo and the City of Moorhead.

5.3.1 The Authority or Member Entity will give second preference to the Prior Landowner. To carry out this principle, the Member Entity who owns the Excess Land will, subject to any conditions in the original acquisition of the Excess Land, provide the Prior Landowner with a notice of intent to sell the Excess Land at Market Value and ask the Prior Landowner to provide written notice of their commitment to acquire the Excess Land at Market Value within thirty (30) calendar days from the date of the notice.

5.3.2 If there are multiple parties that make up the Prior Landowner and those parties do not want to collectively repurchase the Excess Land at the Market Value, priority shall be given to the Prior Landowner party that within the 30-day period offers to acquire the land for the highest purchase price at or above the Market Value.

5.3.3 If the Prior Landowner does not commit to acquire the Excess Land in the allotted timeframe, the Member Entity will offer the Excess Land to the Adjacent Landowner.

5.4 Preference to Adjacent Landowner: Section 5.4 will only apply to Excess Land located outside of the geographical boundaries and extraterritorial zoning jurisdiction of the City of Fargo and the City of Moorhead.

5.4.1 The Authority, or Member Entity will give the third preference of the sale of

Excess Land to the Adjacent Landowners. To carry out this principle, the Member Entity who owns the Excess Land will, subject to any conditions in the original acquisition of the Excess Land, provide the Adjacent Landowners with a notice of intent to sell the Excess Land at Market Value and ask the Adjacent Landowners to provide written notice of their interest in acquiring the Excess Land at the Market Value within thirty (30) calendar days from the date of the notice.

5.4.2 If there are multiple interested Adjacent Landowners, priority shall be given to the Adjacent Landowner that, within the 30-day period, offers to acquire the land for the highest purchase price above the Market Value.

5.4.3 If no Adjacent Landowners submit interest in acquiring the Excess Land in the allotted timeframe, the Member Entity will sell the Excess Land at a Public Sale.

#### 5.5 Public Sale:

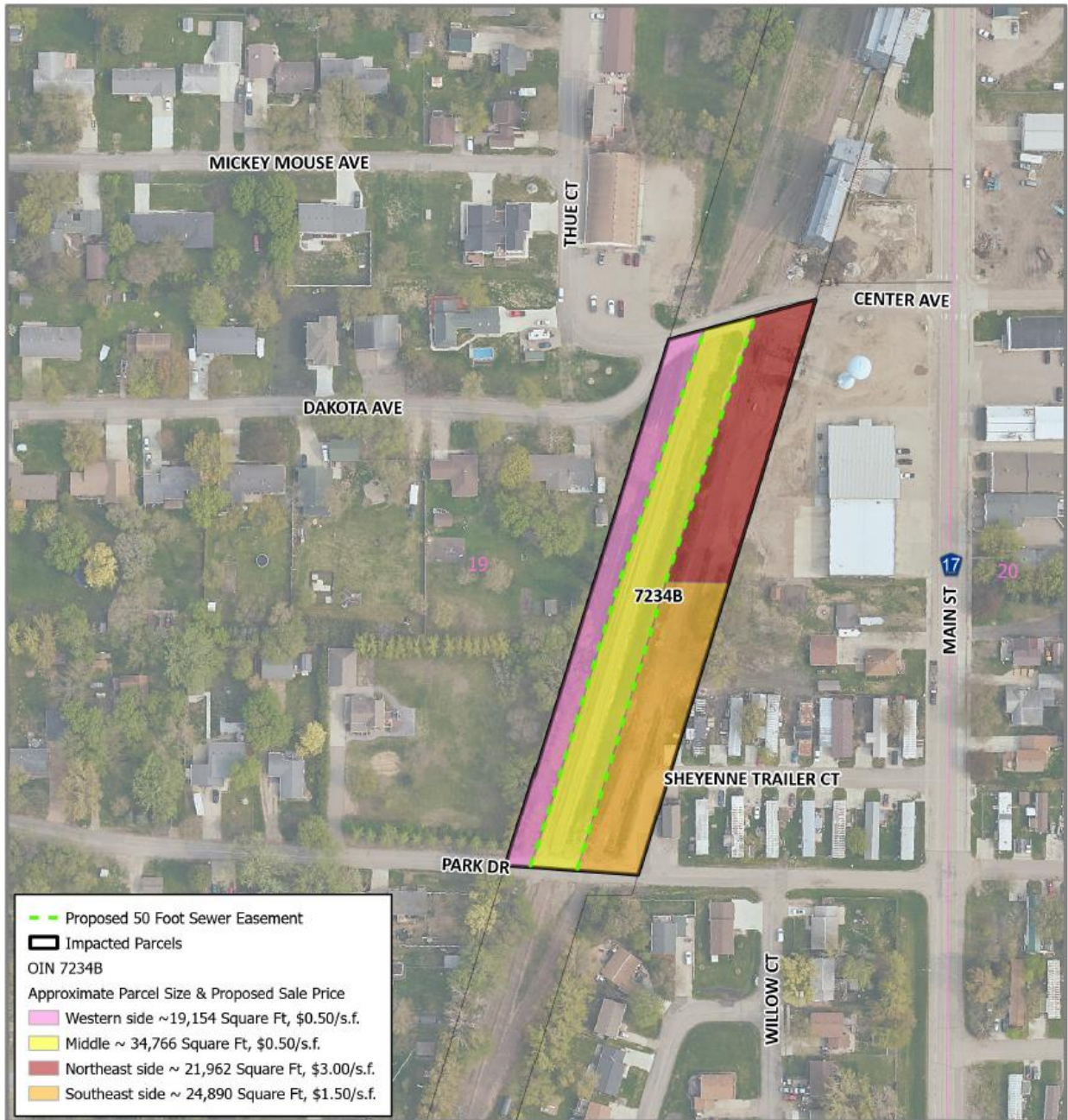
5.5.1. Public Sale will be subject to a reserve price that is calculated based on current Market value. If the Excess Land cannot be sold for Market Value, the Executive Director will make a recommendation of the Authority to adjust the Market Value, sell the Excess Land at the most favorable offer received, or postpone the sale to a later date.

#### **OIN 7234C & 7234D**

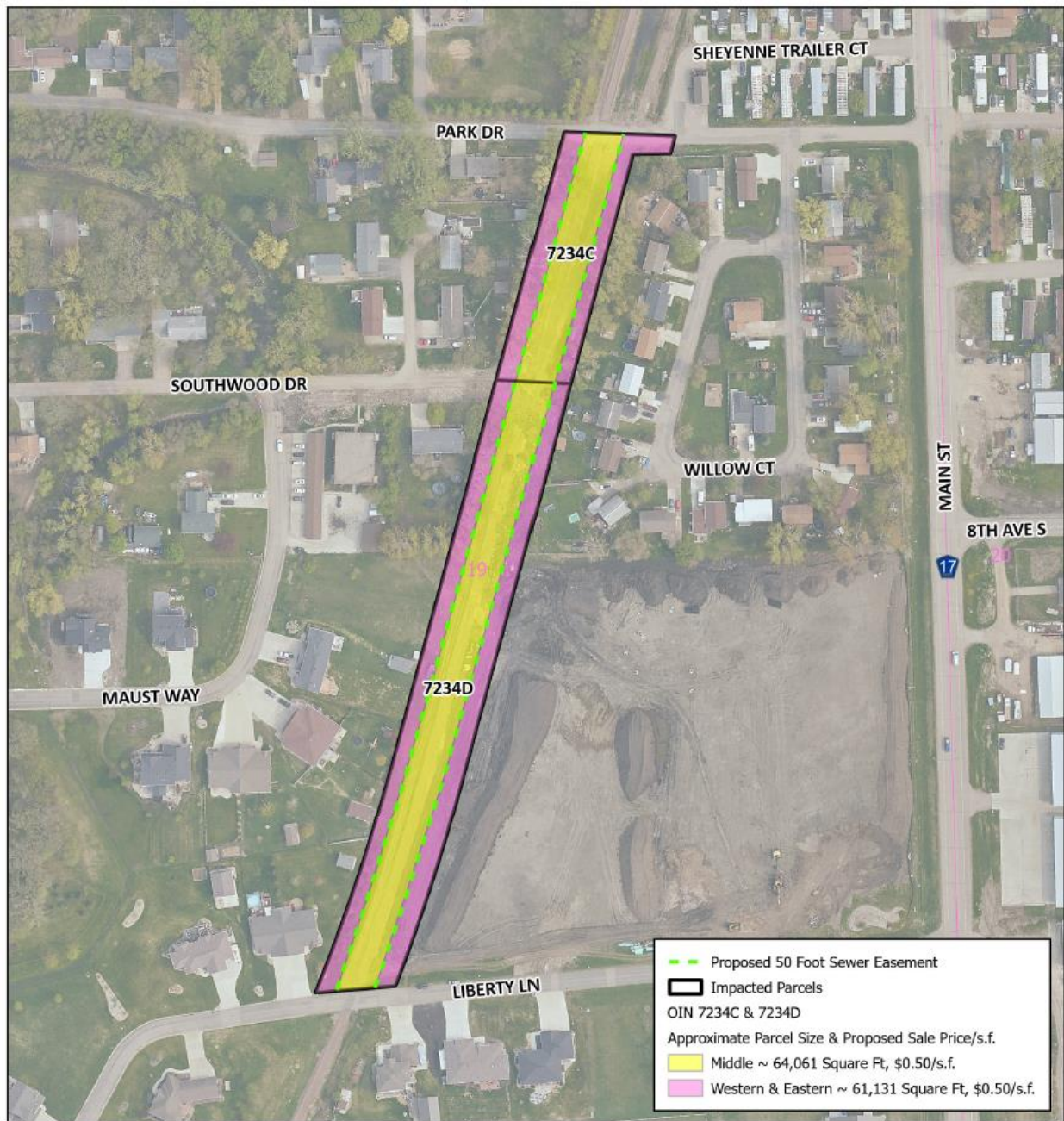
At the November 2024 MFDA Lands Committee meeting, direction was sought by MFDA staff regarding the disposal of the old Horace railroad corridor known as OINs 7234B, 7234C, and 7234D. At this time, the MFDA Lands Committee was notified in a memo that the City of Horace wished to purchase a 50-foot-wide utility easement through these three parcels. The Lands Committee engaged in a discussion regarding communications from neighboring property owners and knowledge of their desire to purchase portions of the corridor. At that time, the City of Horace had not indicated if they desired to purchase fee acquisition or an easement. The Lands Team received direction from the Lands Committee to approach and work with the City of Horace regarding their recommendation to purchase either an easement or a fee acquisition with the preference of an easement so there is not an exception to the Excess Lands Policy.

Following the November 2024 MFDA Lands Committee, communication was sent notifying the City of Horace that the Lands Committee would prefer granting a 50-foot easement. The City of Horace City staff stated the Horace City Council would take it under consideration at their January 6, 2025, City Council meeting. However, this item was not added to the January 6 agenda and the City of Horace stated it would then be added to the January 20, 2025, City Council agenda. Later, it was noted the January 20 meeting was canceled due to a lack of a quorum and that a special meeting would occur. Additionally, the City of Horace was interested in purchasing the rail corridor in fee simple versus an easement. The Horace mayor made a formal request to the MFDA of all the property owners who originally wanted to purchase the adjacent property but changed their minds once they found out the city's desire to encumber the property with an easement and discuss with them the city's intentions with the rail corridor if it buys it from the CCJWRD. This list was provided to the City of Horace on January 24, 2025. The MFDA was notified on January 29, 2025, that a special City Council meeting occurred approving the purchase of the rail corridor for \$192,777.

The proposed purchase price is outlined in the attached memo and is as follows:







Additionally, on January 29, 2025, the Lands Team was notified by an adjacent landowner via email that Jeff Trudeau, mayor of the City of Horace, noted the MFDA had little interest in selling this land as individual parcels to adjacent landowners due to potential legal fees. Clarification was provided to the landowner and the City of Horace stating:

“The Diversion Authority will not be making a ‘sales’ decision of the rail corridor based on legal fees as indicated in an email below.

“The Diversion Authority is taking into consideration the ability to sell the corridor in a fashion that would not create a patchwork of corridor throughout the city, making it difficult to manage.

We need to be able to maintain access to portions of the corridor that may not sell to a neighboring property owner due to lack of interest.

“The city has expressed interest in purchasing all of the corridor and recently had a meeting where the city authorized their legal counsel to work with the Diversion Authority on this sale. Attached is a memo that was provided to the city and the maps that outlined the option for them to consider purchasing a portion or all of the corridor.

“With that being said, the sale of the corridor to the city, without first offering it to the neighboring property owner, would require an exception to the Excess Lands Policy. Eric Dodds, included on this email, is working to schedule an MFDA Lands Committee meeting in February for consideration of this exception.”

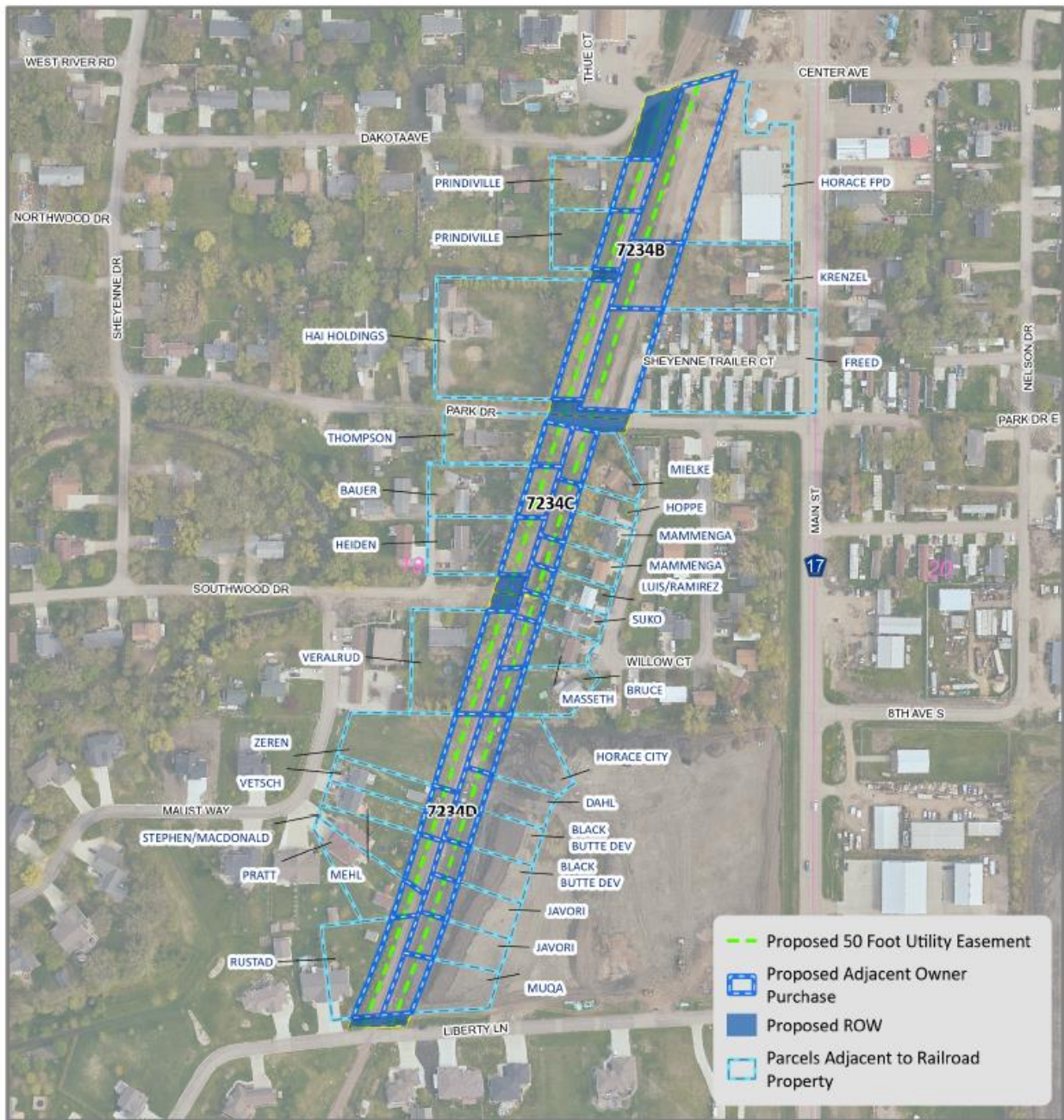
### **Proposal from Horace**

We have received a formal proposal from the City of Horace that has been approved through the Horace City Council and includes a purchase price of \$192,777 (further breakdown can be found in the attachment). Approving this proposal with the City of Horace would require a variance to the Excess Land Policy to allow selling the land directly to the City of Horace instead of pursuing individual sales with the adjacent landowners. With this approach, the recommendation is to require the buyer (the City of Horace) to complete all documentation and processes (survey, platting, zoning, etc.) necessary for closing. If the MFDA or CCJWRD was to sell the corridor to the adjacent landowners, the survey, platting, and rezoning process as well as developing individual purchase agreements would likely fall on the MFDA's responsibility, and this is not an insignificant effort.

As noted above and in other discussions with some of the adjacent landowners, several of the landowners would be interested in purchasing their portion of the property, but a few of the landowners are not interested in purchasing the property if it was encumbered by a city utility easement.

### **Sale to Adjacent Property Owner**

Below is an outline of the consideration for sales to adjacent property owners which would require for portions 7234C 7234D that approximately 20 property owners agree to the purchase of the portion of the rail corridor that abuts their property. Notably, 7234B can be sold at a public sale, as authorized by the MFDA Board in July 2024 and not directly sold to the City of Horace.



MFDA staff are concerned from a policy perspective regarding the potential for MFDA to own a patchwork of small parcels along this corridor that may need to be maintained for years to come. Based on Section 11.1 of the Excess Lands Policy, unless all property owners within OIN 7234C and 7234D are interested in purchasing the parcels immediately adjacent to their property the patchwork of property left for the MFDA to manage could become untenable.

**ATTACHMENTS:**

- Excess Lands Recommendation – OINs 7234 B-D



# Memorandum

TO: Jason Benson

FROM: Jodi A. Smith

DATE: February 5, 2025

RE: Excess Lands Recommendation – OINs 7234B, 7234C, and 7234D

## 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.

## 2. Recommendation and Variance

This Memorandum serves as a recommendation for the Executive Director to declare OINs 7234B, 7234C, and 7234D as Excess Land and begin the process to dispose of the properties following the Policy with one exception, which is to sell these parcels to the City of Horace. This exception requires a variance to the Policy, allowing us to enter into an agreement with the City of Horace prior to offering the sale up to the adjacent owners. It is recommended that the buyer, the City of Horace, be responsible for all survey, platting, and closing costs associated with this land sale.

## 3. Pertinent Facts Regarding OINs 7234B 7234C and 7234D

Description of Parcel(s)	See Exhibit A for a map showing the parcels recommended as excess land, as well as the proposed utility easement.
--------------------------	---

Legal Description	See Exhibit C for legal description for the parcels recommended as excess land.
Asset Parcel(s) Size	5.33 acres (GIS based acreage)
Narrative Description of Parcel(s)	OIN 7234B, 7234C, and 7234D is a stretch of abandoned railroad property between Center Avenue and Liberty Lane in Horace, ND. OIN 7234B is 200-ft wide and OINs 7234C and 7234D are 100-feet wide. These parcels were previously owned and maintained by BNSF.
Purchase Date	December 19, 2023
Purchase Price	<p>\$1,085,377 *For the entirety of OIN 7234 excluding the Horace Elevator, which was 8.61 acres of land at \$126,060/acre.</p> <p><u>Specific Breakdown per OIN</u></p> <p>7234B = \$292,459                      7234C = \$107,151                      7234D = \$272,290                      Total = \$671,900</p>
Proposed Sale Price	<p><u>OIN 7234B</u></p> <ul style="list-style-type: none"> <li>• West 19,154 SF @ \$0.50/SF = \$9,577</li> <li>• Middle 34,766 SF @ \$0.50/SF = \$17,383</li> <li>• Northeast 21,962 SF @ \$3.00/SF = \$65,886</li> <li>• Southeast 24,890 SF @ \$1.50/SF = \$37,335</li> </ul> <p><u>OIN 7234C &amp; 7234D</u></p> <ul style="list-style-type: none"> <li>• Middle 64,061 SF @ \$0.50/SF = \$32,030.50</li> <li>• West &amp; East 61,131 SF @ \$0.50/SF = \$30,565.50</li> </ul> <p><b><u>Totaling \$192,777 for all 225,964 SF</u></b></p>
Former Owner	BNSF
Adjacent Owners	Multiple. See Exhibit D
Property Management Approach	These parcels have been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	No data found.

<p>Relation to Construction</p>	<p>These parcels are located east of the Diversion Channel within Horace and are 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 would be taken out of operation.</p>
<p>Right of First Refusal</p>	<p>The prior landowner, BNSF, has waived their rights to purchase this property.</p>

#### 4. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OINs 7234B, 7234C, and 7234D as “Excess Land” and proceed with selling these parcels to the City of Horace with an exception to Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit E).

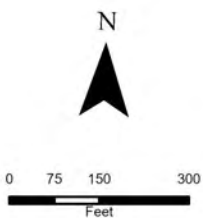
## Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



*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: CLidenberg | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\DCAI\Horace Railroad\HoraceRailroad.aprx | Horace RR Parcel Exhibit B C D

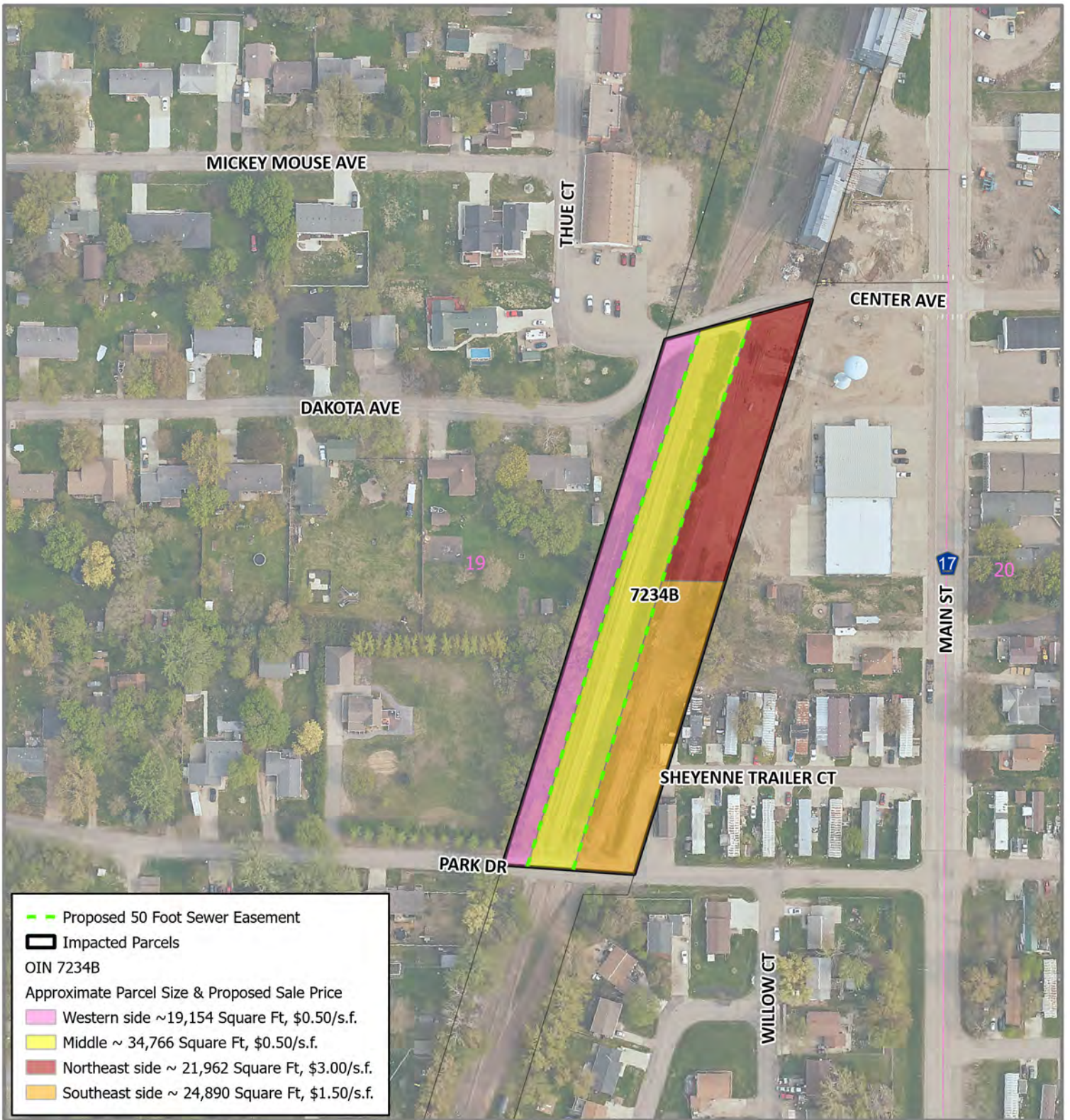
**OIN: 7234B, 7234C, 7234D**  
**CCJWRD**  
**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 6/11/2024



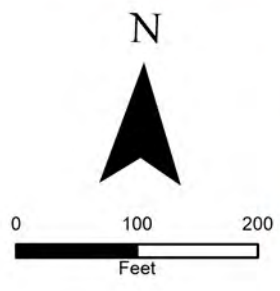


## Exhibit B: Map Exhibit of Cost Breakdown



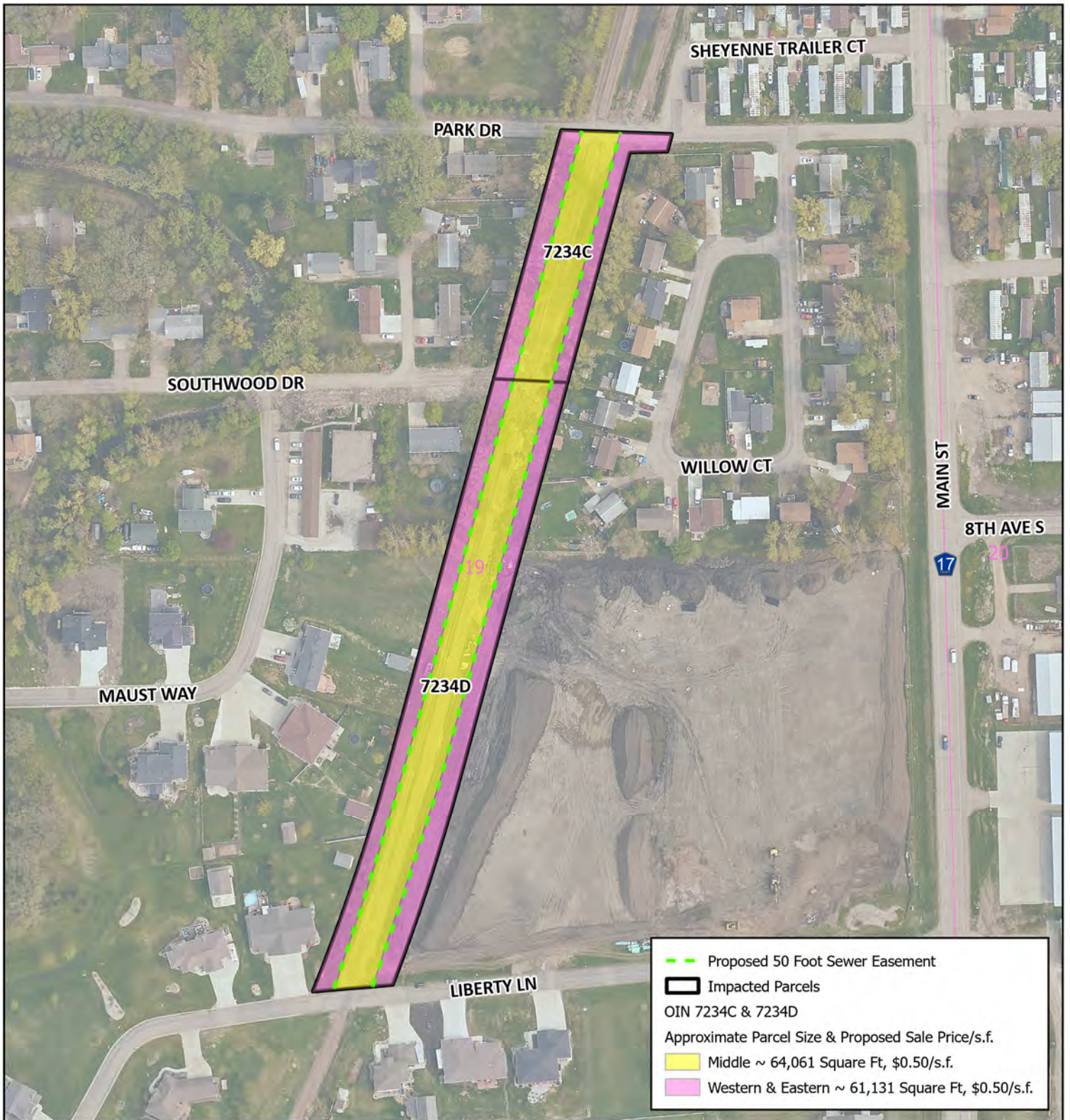
- - Proposed 50 Foot Sewer Easement  
 Impacted Parcels  
**OIN 7234B**  
 Approximate Parcel Size & Proposed Sale Price  
 Western side ~19,154 Square Ft, \$0.50/s.f.  
 Middle ~ 34,766 Square Ft, \$0.50/s.f.  
 Northeast side ~ 21,962 Square Ft, \$3.00/s.f.  
 Southeast side ~ 24,890 Square Ft, \$1.50/s.f.

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 Division\012 Lands Program\Property Acquisition\DCAI\Horace Railroad\HoraceRailroad.aprx | OIN 7234B Horace RR w Cost Breakdown



**OIN: 7234B**  
**CCJWRD**  
**Cass County, ND**  
**FM AREA DIVERSION**  
 Map Date: 1/23/2025

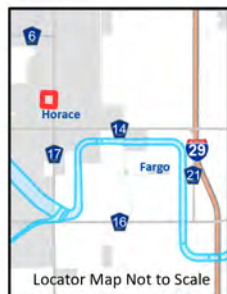
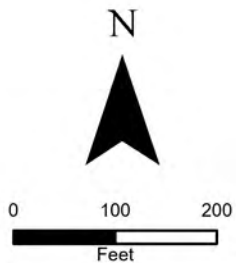




*Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.*

**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 Division\012 Lands Program\Property Acquisition\DCA\Horace Railroad\HoraceRailroad.aprx | OIN 7234CD Horace RR w Cost Breakdown



**OIN: 7234C & 7234D  
CCJWRD  
Cass County, ND**

FM AREA DIVERSION  
Map Date: 1/23/2025



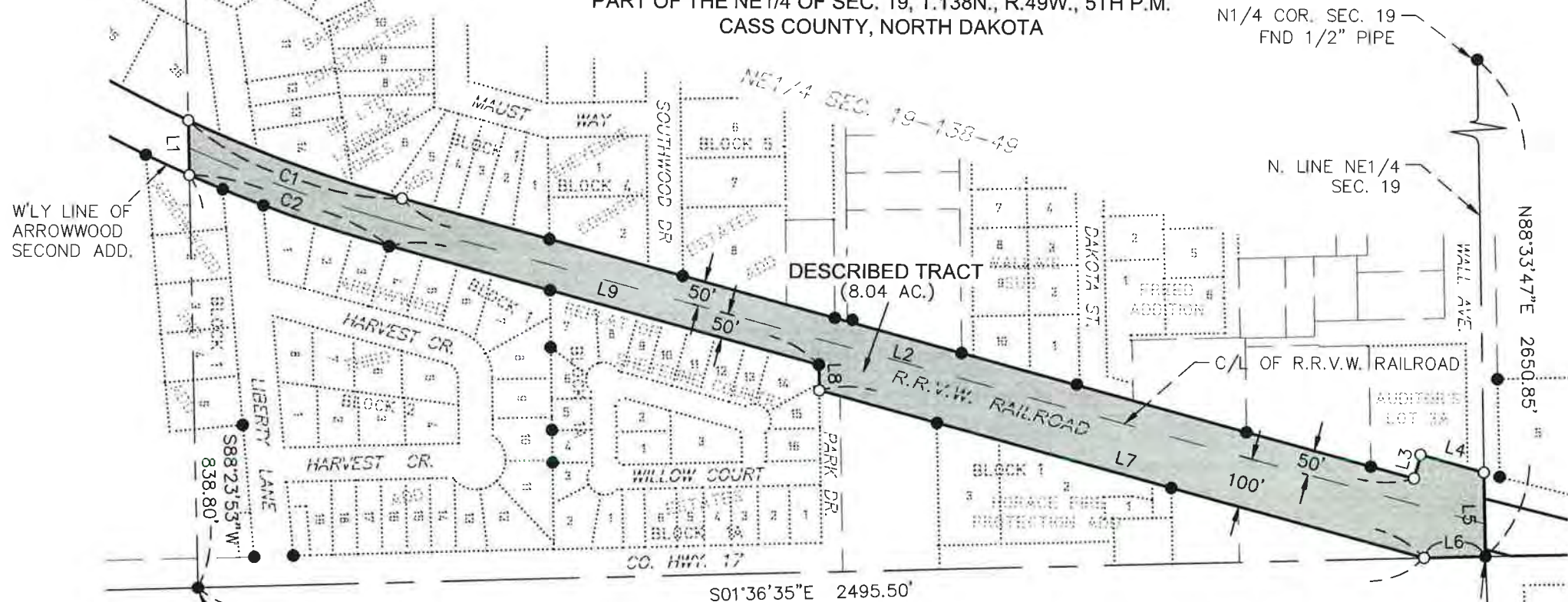
## Exhibit C: Legal Description for Parcels Recommended as Excess Lands

The legal description for OIN 7234 can be found in the attached Certificate of Survey. Note that this recommendation only includes the 5.33 acres associated with sections B, C, and D of the corridor.

The buyer will be responsible to produce a final survey for the parcels.

# CERTIFICATE OF SURVEY

PART OF THE NE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA



N1/4 COR. SEC. 19  
FND 1/2" PIPE

W'LY LINE OF  
ARROWWOOD  
SECOND ADD.

DESCRIBED TRACT  
(8.04 AC.)

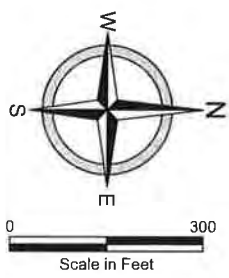
N. LINE NE1/4  
SEC. 19

C/L OF R.R.V.W. RAILROAD

S01°36'35"E 2495.50'

N88°33'47"E 2650.85'

E1/4 COR. SEC.  
FND SURVEY MARKER  
SPIKE W/4723 WASHER  
DOC. 3419 1654



BASIS OF BEARINGS:  
THE SOUTH LINE OF THE  
NE1/4 OF SECTION 19 HAS  
AN ASSIGNED BEARING OF  
S88°23'53"W

**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.

NE COR. SEC. 19  
FND SURVEY MARKER  
SPIKE W/4723 WASHER  
DOC. 3418

Line #	Direction	Length
L1	S88°23'53"W	111.03'
L2	N15°11'18"E	2138.36'
L3	N74°48'42"W	50.00'
L4	N15°11'18"E	135.20'
L5	N88°33'47"E	170.78'
L6	S01°36'35"E	125.80'
L7	S15°11'18"W	1278.20'
L8	S88°43'34"W	52.14'
L9	S15°11'18"W	909.02'

Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	463.50'	2809.20'	9°27'12"	N19°54'54"E	462.97'
C2	430.90'	2909.20'	8°29'11"	S19°25'53"W	430.50'

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153



SHEET 1 OF 4

**Certificate of Survey**

Part of the SE1/4 of Section 18, T.138N., R.49W., and  
Part of the NE1/4 of Section 19, T.138N., R.49W.,  
Cass County, North Dakota

PROJECT No.	21990
DATE:	01.31.22
REVISED:	11.29.22
DRAFTER:	AJS
REVIEWER:	CDH



# CERTIFICATE OF SURVEY

PART OF THE NE1/4 OF SEC. 19, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA

## DESCRIPTION

That part of the Northeast 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 southeast corner of said Northeast Quarter; thence South 88 degrees 23 minutes 53 seconds West along the south line of said Northeast Quarter a distance of 838.80 feet to a point on the westerly line of ARROWWOOD SECOND ADDITION, according to the recorded plat thereof, said point also being on the easterly right-of-way line of the Red River Valley & Western Railroad, the point of beginning of the tract to be described; thence South 88 degrees 23 minutes 53 seconds West along the south line of said Northeast Quarter a distance of 111.03 feet to a point on the westerly line of said railroad right-of-way; thence northerly 463.50 feet along the said westerly right-of-way line, and along a non-tangential curve concave westerly having a radius of 2,809.20 feet and a central angle of 09 degrees 27 minutes 12 seconds, the chord of said curve bears North 19 degrees 54 minutes 54 seconds East with a chord length of 462.97 feet; thence North 15 degrees 11 minutes 18 seconds East tangent to the last described curve and along said westerly right-of-way line a distance of 2,138.36 feet; thence North 74 degrees 48 minutes 42 seconds West continuing along said westerly right-of-way line a distance of 50.00 feet; thence North 15 degrees 11 minutes 18 seconds East continuing along said westerly right-of-way line, and the northerly extension thereof a distance of 135.20 feet to a point on the north line of said Northeast Quarter; thence North 88 degrees 33 minutes 47 seconds East along said north line a distance of 170.78 feet to the northeast corner of said Northeast Quarter; thence South 01 degree 36 minutes 35 seconds East along the east line of said Northeast Quarter a distance of 125.80 feet to a point of intersection with said easterly right-of-way line; thence South 15 degrees 11 minutes 18 seconds West along said easterly right-of-way line a distance of 1,278.20 feet to a point on the northerly line of A REPLAT OF THE FIRST REPLAT OF BLOCK SIX AND SEVEN OF SHEYENNE COUNTRY ESTATES ADDITION, according to the recorded plat thereof; thence South 88 degrees 43 minutes 34 seconds West along the northerly line of said plat, and along said easterly right-of-way line a distance of 52.14 feet; thence South 15 degrees 11 minutes 18 seconds West along said easterly right-of-way line a distance of 909.02 feet; thence southwesterly 430.90 feet along said easterly right-of-way line, and along a tangential curve, concave northwesterly, having a radius of 2,909.20 feet and a central angle of 08 degrees 29 minutes 11 seconds to a point on the south line of said Northeast Quarter, to the point of beginning.

The above-described tract contains 8.04 acres, and is subject to all easements, restrictions, reservations, and rights-of-way recorded and unrecorded.



SHEET 2 OF 4

**Certificate of Survey**

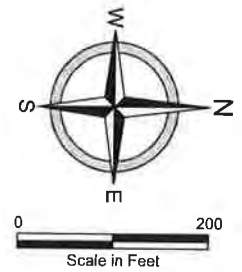
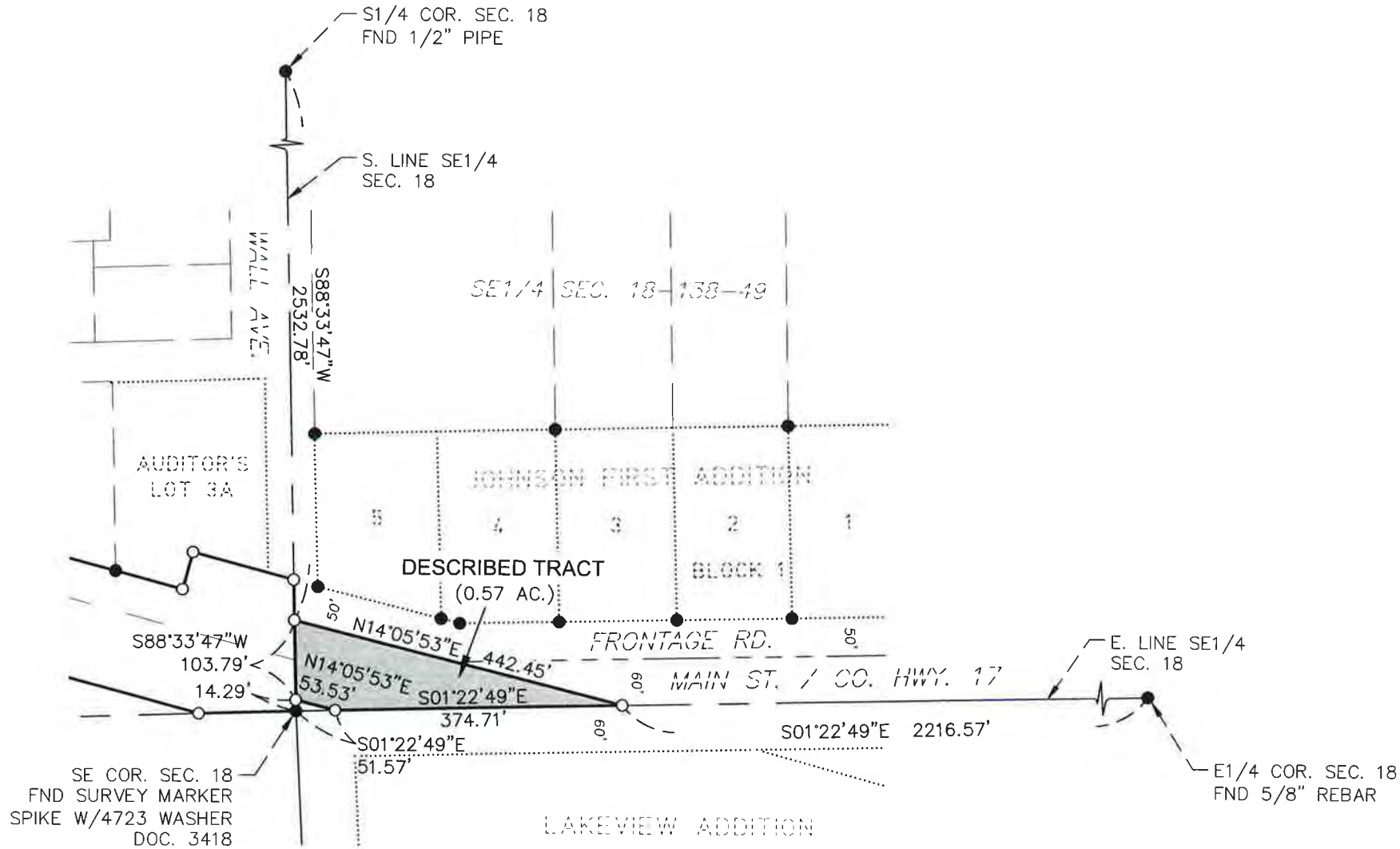
Part of the SE1/4 of Section 18, T.138N., R.49W., and  
Part of the NE1/4 of Section 19, T.138N., R.49W.,  
Cass County, North Dakota

PROJECT No.	21990
DATE:	01.31.22
REVISED:	11.29.22
DRAFTER:	AJS
REVIEWER:	CDH



# CERTIFICATE OF SURVEY

PART OF THE SE1/4 OF SEC. 18, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA



**BASIS OF BEARINGS:**  
THE SOUTH LINE OF THE SE1/4 OF SECTION 18 HAS AN ASSIGNED BEARING OF S88°33'47\"/>

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH BLUE PLASTIC CAP #6153



SHEET 3 OF 4

**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 SE1/4 of Section 18, T.138N., R.49W., and  
Part of the NE1/4 of Section 19, T.138N., R.49W.,  
Cass County, North Dakota

PROJECT No.	21990
DATE:	01.31.22
REVISED:	11.29.22
DRAFTER:	AJS
REVIEWER:	CDH



# CERTIFICATE OF SURVEY

PART OF THE SE1/4 OF SEC. 18, T.138N., R.49W., 5TH P.M.  
CASS COUNTY, NORTH DAKOTA

## DESCRIPTION

That part of the Southeast Quarter of Section 18, 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 88 degrees 33 minutes 47 seconds West along the south line of said Southeast Quarter a distance of 14.29 feet to a point on the easterly right-of-way line of the Red River Valley & Western Railroad, the point of beginning; thence continuing South 88 degrees 33 minutes 47 seconds West along the south line of said Southeast Quarter a distance of 103.79 feet to a point on the westerly right-of-way line of said Red River Valley & Western Railroad; thence North 14 degrees 05 minutes 53 seconds East along said westerly right-of-way line a distance of 442.45 feet to a point on the east line of said Southeast Quarter; thence South 01 degree 22 minutes 49 seconds East along the east line of said Southeast Quarter a distance of 374.71 feet to a point on said easterly right-of-way line; thence South 14 degrees 05 minutes 53 seconds West along said easterly right-of-way line a distance of 53.53 feet to the point of beginning.

The above-described tract contains 0.57 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: March 1, 2023

State of North Dakota  
County of Cass

On this 1st day of March, 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

**ALEX THIEL**  
Notary Public  
State of North Dakota  
My Commission Expires 11/01/2025

SHEET 4 OF 4

### Certificate of Survey

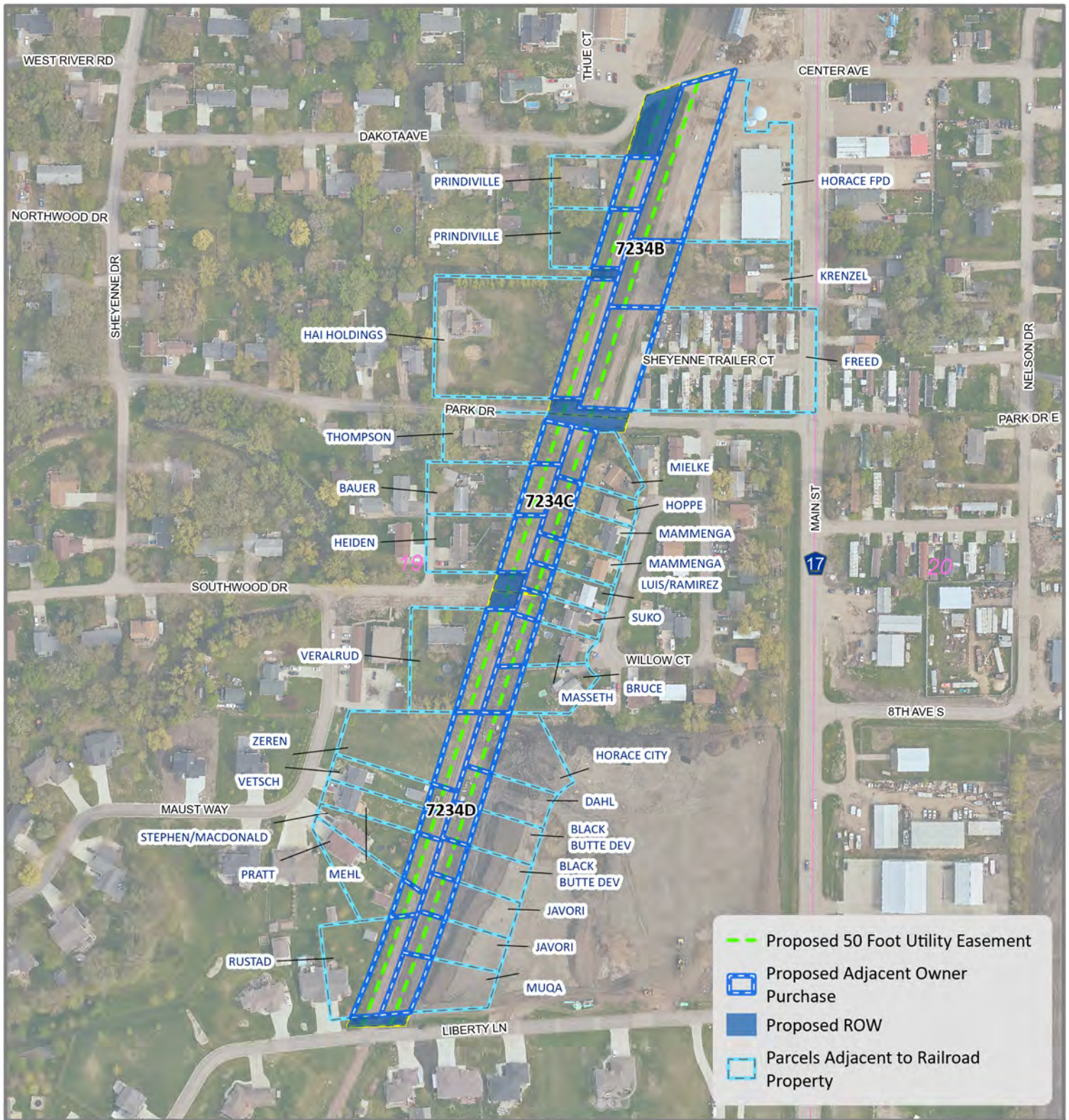
Part of the SE1/4 of Section 18, T.138N., R.49W., and  
Part of the NE1/4 of Section 19, T.138N., R.49W.,  
Cass County, North Dakota

PROJECT No. 21990  
DATE: 01.31.22  
REVISED: 11.29.22  
DRAFTER: AJS  
REVIEWER: CDH





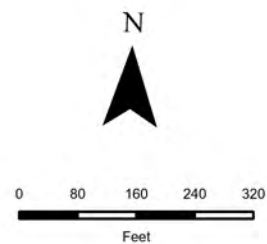
## Exhibit D: Adjacent Owners for Parcels Recommended as Excess Lands



*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\DCA\Horace Railroad\HoraceRailroad.aprx | Horace RR Sewer Easement w Adjacent Parcels



**OIN: 7234B, 7234C, and 7234D**  
**Owner: CASS COUNTY JOINT WATER RESOURCE DISTRICT**

**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 11/8/2024



## Exhibit E: Declaration of Excess Land Form

I hereby declare that OINs 7234B, 7234C, and 7234D as noted in Exhibit A (the parcel) are deemed Excess Land and authorize the disposal of the parcels with an exception to the Policy on the Disposition and Management of Comprehensive Project Lands.

*Jason Benson*

Jason Benson

Executive Director

02/20/2025

Date