



Diversion Authority Land Management Committee

March 26, 2025 @ 3:00pm CST

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

1. Call to Order
 - a. Roll call of Members
2. Approve minutes from February 26, 2025
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. OINs 7234B, 7234C and 7234D Sale of Excess Land Recommendation
[Attachment 02.00] (Pg. 4)
 - a. Horace resident comments
5. OIN 1899 Sale of Excess Land Recommendation
[Attachment 03.00] (Pg. 32)
6. Pifer’s Auction and Realty Services – Public Sale of Excess Lands
[Attachment 04.00] (Pg. 40)
7. Other Business
8. Next Meeting: To Be Determined
9. 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
- View the Meeting on the City of Fargo’s Facebook.



Metro Flood Diversion Authority Land Management Committee Meeting Minutes

3:00 PM – February 26, 2025

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on February 26, 2025. The following members were present: Nathan Boerboom, Fargo Division Engineer; Matt Stamness, Cass County Engineer; Brenda Derrig, Assistant Administrator, City of Fargo; Duane Breitling, Cass County Commissioner; Bob Zimmerman, Moorhead City Engineer; Jake Gust, Cass County Joint Water Resource District and Tim Flakoll, Cass County Commissioner.

Member(s) absent: Jenny Mongeau, Clay County Commissioner; Kevin Campbell, Clay County Commissioner; Deb White, Moorhead City Council and Michelle Turnberg, Fargo City Commissioner.

1. INTRODUCTION

Mr. Breitling 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 NOVEMBER 2024 MEETING

MOTION PASSED

Mr. Flakoll moved to approve the minutes from November 13, 2024, and Mr. Stamness 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 Ms. Derrig seconded the motion. On a voice vote, the motion carried.

4. ELECTION OF THE CHAIR FOR THE LAND MANAGEMENT COMMITTEE

MOTION PASSED

Ms. Derrig moved to nominate Mr. Breitling to serve as the chair of the Land Management Committee for 2025 and Mr. Zimmerman seconded the motion. On a roll call vote, the motion carried.

5. ELECTION OF THE VICE CHAIR FOR THE LAND MANAGEMENT COMMITTEE

MOTION PASSED

Ms. Derrig moved to nominate Mr. Campbell to serve as the vice chair of the Land Management Committee for 2025 and Mr. Flakoll seconded the motion. On a roll call vote, the motion carried.

6. EXCESS LAND RECOMMENDATION REVISION OIN 839

Mr. Dodds introduced OIN 839 and asked for approval to sell the parcel per the Excess Lands Policy. OIN 839 is located in the NW corner of the intersection of Cass County Hwy 17 and 50th Street SE and the parcel is in the UMA. The former structures on this parcel have been removed. The proposed sale price is \$10,500 and an offer of \$7,000 was received from a potential purchaser.

MOTION PASSED

Mr. Stamness moved to approve the sale of OIN 839 per the Excess Lands Policy and Mr. Flakoll seconded the motion. On a roll call vote, the motion carried.

7. EXCESS LAND RECOMMENDATION REVISION OIN 1080Y

Mr. Dodds introduced OIN 1080Y and asked for approval to sell the parcel per the Excess Lands Policy. 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. The proposed sale price is \$33,000.

MOTION PASSED

Mr. Flakoll moved to approve the sale of OIN 1080Y per the Excess Lands Policy and Mr. Boerboom seconded the motion. On a roll call vote, the motion carried.

8. OINs 7234B, 7234C, AND 7234D EXCESS LAND RECOMMENDATION

Mr. Dodds introduced OINs 7234B, 7234C and 7234D and asked for approval to sell the parcels in the amount of \$192,777, resulting in a variance to the Excess Lands Policy. Approval would authorize the MFDA to proceed with the sale of OINs 7234B, 7234C, and 7234D to the City of Horace before offering the parcels to the adjacent landowners.

MOTION FAILED

Mr. Gust moved to table the sale of OINs 7234B, 7234C and 7234D to the City of Horace until this pending sale arrangement can be discussed with the CCJWRD and surrounding landowners. Due to a lack of a second, the motion failed.

MOTION PASSED

Mr. Flakoll moved to leave the pending sale on the table and revisit it at the March meeting, to allow the CCJWRD time to convene and determine the next steps. Mr. Gust seconded the motion and on a roll call vote, the motion carried.

9. OTHER BUSINESS

There was no other business to discuss.

10. NEXT MEETING

The next meeting will be March 26, 2025.

11. ADJOURNMENT

The meeting adjourned at 3:33 PM.

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jodi A. Smith
Cc: John Shockley, MFDA Legal Counsel
Date: March 19, 2025
Re: OIN 7234B, 7234C, and 7234D Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve the excess land recommendation for OINs 7234B, 7234C, and 7234D and direct staff to follow the MFDA's policy to sell the property to the Adjacent Landowners.

BACKGROUND / KEY POINTS:

At the February 2025 Land Management Committee meeting a recommendation for OINs 7234B, 7234C, and 7234D was presented that outlined a proposal to sell the property to the City of Horace, which would have required a variance to the MFDA's Policy on the Disposition and Management of Comprehensive Project Lands (Policy) (see attached cover memo from February Land Management Committee meeting). At the February meeting, the Committee requested that additional time be provided for the adjacent landowners to address potential interest in purchasing the property.

Following the February Committee meeting, a letter from the MFDA was emailed to the adjacent landowners requesting a response by March 20 with their interest in purchasing the property. In addition, a letter from the MFDA was emailed to representatives from the City of Horace. The letters to the adjacent landowners and Horace are attached.

In addition, following the February Committee meeting, a group of the adjacent landowners gathered contact information (emails) of all adjacent landowners and organized a neighborhood meeting. On March 12, 2025, the adjacent landowners held their neighborhood meeting to discuss their interest and a path forward in purchasing the property. The MFDA's Executive Director attended the meeting in person, and CCJWRD Board Member Jake Gust attended by phone. The overall sentiment from the landowners at the meeting was a positive interest in purchasing the property. A handful of representatives from the neighborhood plan to attend the March Land Management Committee meeting to share feedback and interest from the neighborhood, including a petition with signatures from many of the adjacent landowners (see attached petition).

At this time, it is our understanding that some, but not all of the adjacent landowners have committed to purchasing a portion of the property. Many of the adjacent landowners desire additional information before making a decision.

If the recommendation is approved, Project staff will begin the disposal process by working more closely with the adjacent landowners. This would include:

1. Sending each adjacent landowner a letter with their lot size and sale price. In addition, in accordance with the Policy and to cover some of the costs associated with platting, managing and administering the closing process, and platting and rezoning fees, it is recommended to add a fee to the sale price (\$300 per parcel for parcels with a sale price less than \$10,000, and \$600 per parcel for parcels with a sale price greater than \$10,000).
2. Obtain written confirmation of an intent to purchase their portion of the property from the adjacent landowners within approximately 30-days.
3. If we identify any parties who are not interested in purchasing their portion of the property, we would then explore solutions to complete the sale of the property, which could include working with the neighbors to find a willing buyer, but in no situation will we proceed with leaving the Project with a patchwork of inaccessible project owned land. If no solution can be reached, the sale of this property would proceed to the Public Sale step in the Policy.
4. If all adjacent landowner confirm in writing their intent to purchase their portion of the property, Project staff and consultant teams would then proceed with platting the property and administering the sale to the adjacent owners.

ATTACHMENTS:

- Excess Lands Recommendation – OINs 7234 B-C-D
- Letter from MFDA to Adjacent Landowners, dated March 4, 2025
- Letter from MFDA to City of Horace, dated March 4, 2025
- Petition from Adjacent Landowners, dated March 17, 2025
- Background materials from Land Management Committee meeting in February 2025



Memorandum

TO: Jason Benson

FROM: Jodi A. Smith

DATE: March 18, 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. 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 B 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</p> <p>7234C = \$107,151</p> <p>7234D = \$272,290</p> <p>Total = \$671,900</p>
Proposed Sale Price	<p>\$192,777</p> <p>This sale price is based on a proposal from the City of Horace to purchase entire property.</p> <p><u>Also</u>, in accordance with the Policy, and to cover some of the costs associated with platting, managing and administering the closing process, and platting and rezoning fees, it is recommended to add a fee to the sale price (\$300 per parcel for parcels with a sale price less than \$10,000, and \$600 per parcel for parcels with a sale price greater than \$10,000).</p>
Former Owner	BNSF
Adjacent Owners	Multiple. See Exhibit C
Property Management Approach	These parcels have been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	No data found.
Relation to Construction	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.
Right of First Refusal	The prior landowner, BNSF, has waived their rights to purchase this property.

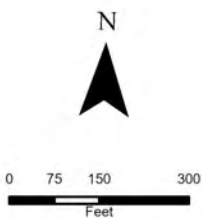
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OINs 7234B, 7234C, and 7234D as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit D).

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



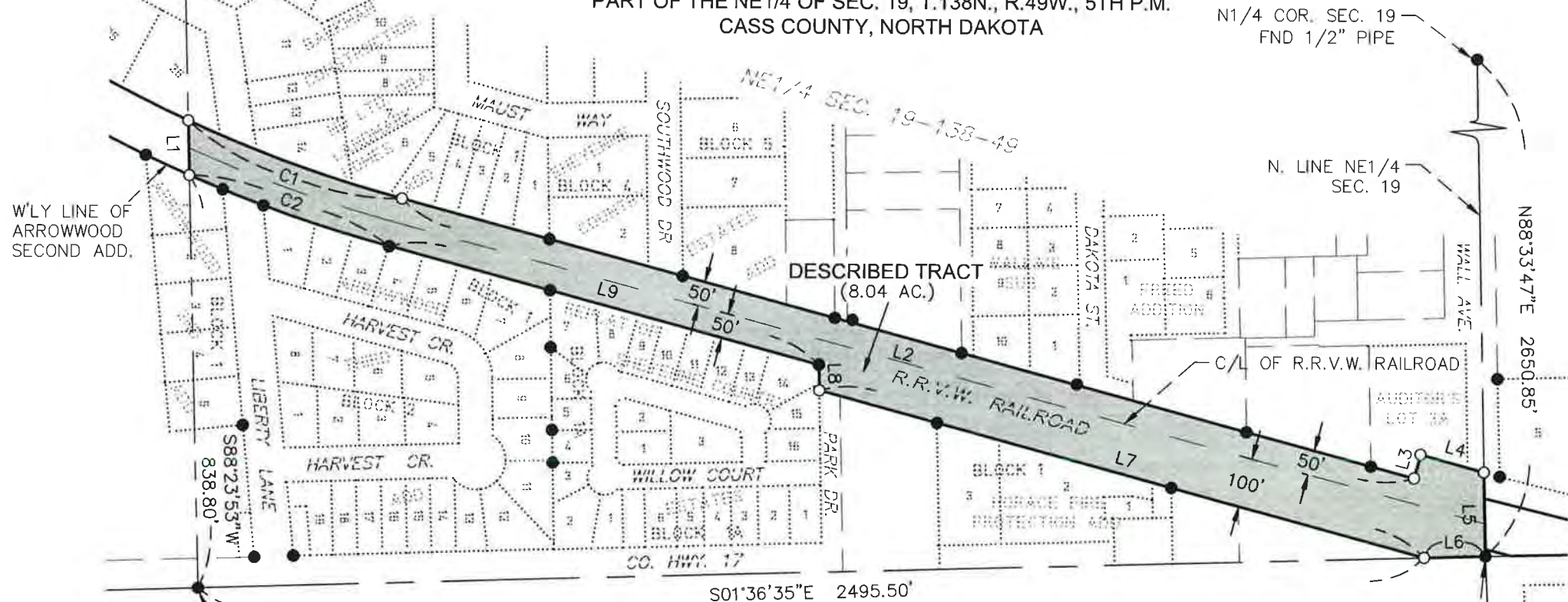
Exhibit B: Legal Description for Parcels Recommended as Excess Lands

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

N88°33'47"E 2650.85'

S01°36'35"E 2495.50'

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

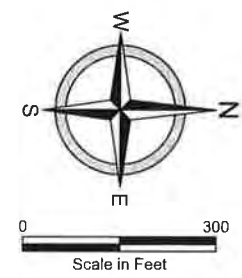
NOTES

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.

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'

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



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

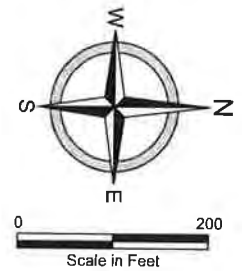
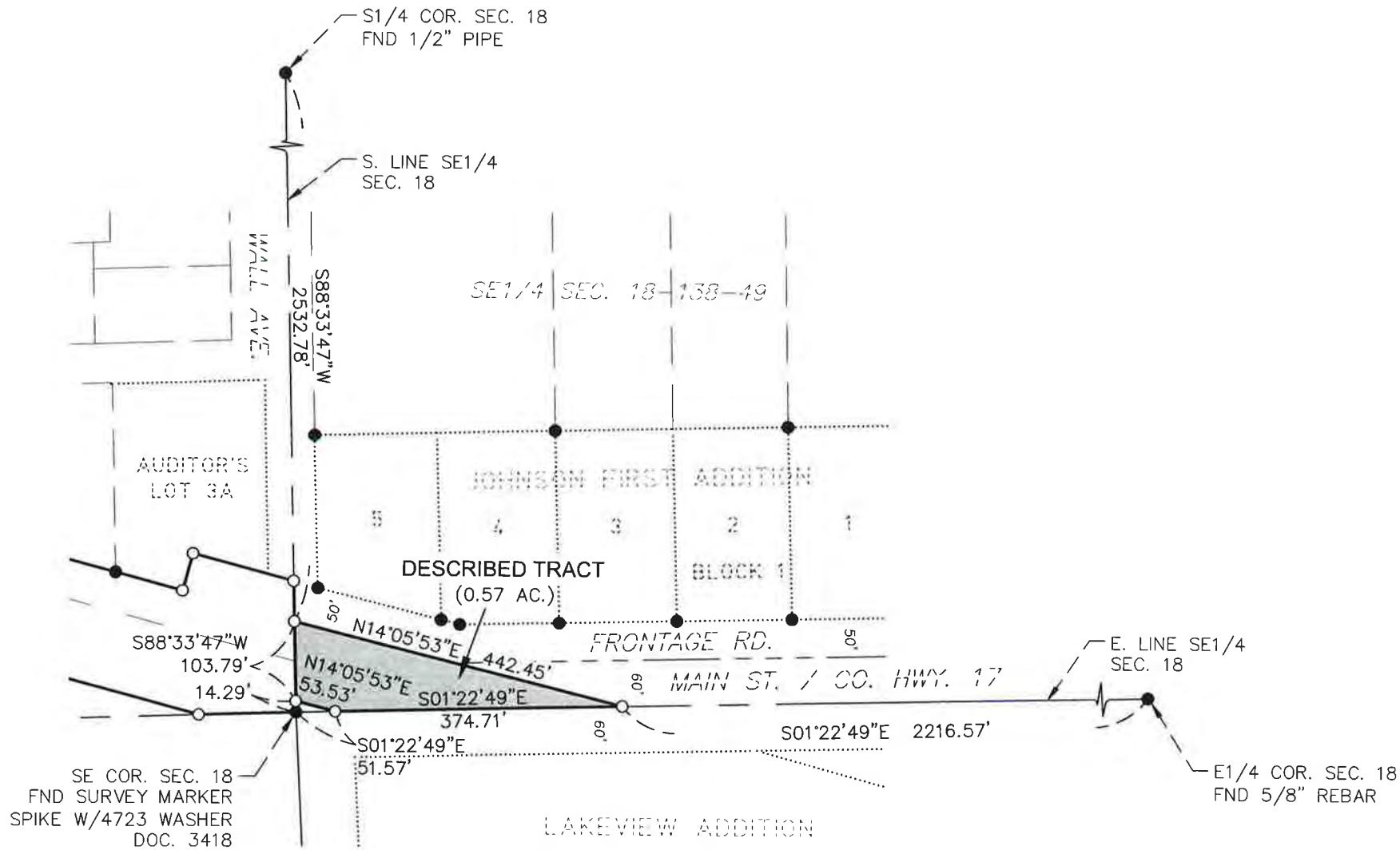
Part of the SE1/4 of Section 18, T.138N., R.49W., and
Part of the NE1/4 of Section 19, T.138N., R.49W.,
Cass County, North Dakota

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\"W

LEGEND

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



SHEET 3 OF 4

NOTES

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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

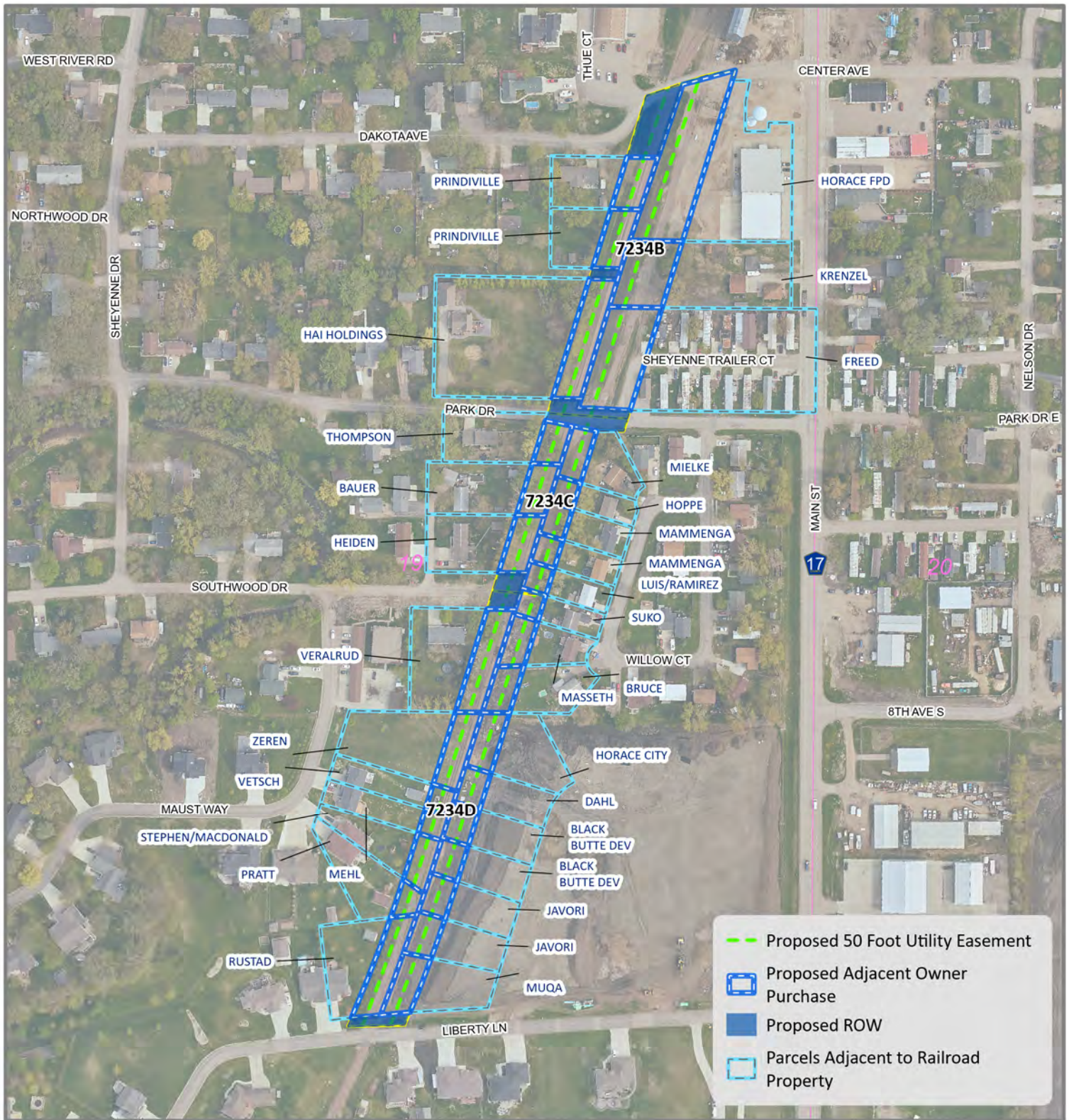
Certificate of Survey

Part of the SE1/4 of Section 18, T.138N., R.49W., and
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REVIEWER: CDH



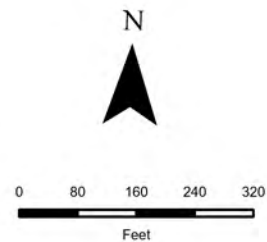
Exhibit C: Adjacent Owners for Parcels Recommended as Excess Lands



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 D: 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 in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.



Jason Benson
Executive Director

03/18/2025

Date



March 4, 2025

City of Horace, ND

RE: Sale of Old Railroad Property from Center Avenue to Liberty Lane

The Metro Flood Diversion Authority (Authority), via one of its member entities, the Cass County Joint Water Resource District (CCJWRD) is ready to dispose of the old railroad corridor property from Center Avenue to Liberty Lane in Horace. Please see the attached map exhibit outlining the property that the Authority desires to sell.

The Authority has received a proposal from the City of Horace to purchase this property for \$192,777. The Authority's Land Management Committee met on February 26 to review and consider the proposal from the City of Horace. The Committee requested that additional time be provided for the adjacent landowners to address potential interest in purchasing the property. The Land Management Committee intends to meet on March 26, 2025. The Authority has notified the landowners adjacent to the property and requested that they respond with a proposal by March 20, 2025. If the adjacent landowners provide a proposal to purchase the property, the Authority will likely follow its policy and sell the property to the adjacent landowners. If the City of Horace wants to work with the adjacent landowners to develop a mutually beneficial approach to purchasing the property, we would welcome your response by March 20, 2025.

Please note that per the Authority's excess land policy, the purchaser of the land will be responsible for closing costs, subdivision costs, rezoning fees, and other costs to complete the sale.

The Authority staff and our consultant team are available to provide information to you regarding the property. Also, please note that the Authority has been invited and plans to attend a meeting organized by the neighborhood on March 12, 2025, at 6pm at the Southern Valley Fire Department in Horace.

Thank you,

A handwritten signature in black ink that reads 'Jason P. Benson'.

Jason Benson
Executive Director



March 4, 2025

Landowners Adjacent to Former Rail Corridor
City of Horace, ND

RE: Sale of Old Railroad Property from Center Avenue to Liberty Lane

The Metro Flood Diversion Authority (Authority), via one of its member entities, the Cass County Joint Water Resource District (CCJWRD) is ready to dispose of the old railroad corridor property from Center Avenue to Liberty Lane in Horace. Please see the attached map exhibit outlining the property that the Authority desires to sell.

The Authority has received a proposal from the City of Horace to purchase this property for \$192,777. The Authority's Land Management Committee met on February 26 to review and consider the proposal from the City of Horace. The Committee requested that additional time be provided for the adjacent landowners to address potential interest in purchasing the property. The Land Management Committee intends to meet on March 26, 2025. If you and other adjacent landowners would like to purchase the property, we request your response by March 20, 2025. Please send responses to Eric Dodds (eric.dodds@ae2s.com or 701-793-7354). If no response is received by the March 20, 2025, deadline, we will consider that you are not interested in purchasing the adjacent parcel

Please note that per the Authority's excess land policy, the purchaser of the land will be responsible for closing costs, subdivision costs, rezoning fees, and other costs to complete the sale. The purchaser of the land is responsible for ensuring that the proposed land purchases will meet the City of Horace subdivision, zoning, and land use policies.

The Authority staff and our consultant team are available to provide information to you regarding the property, and we look forward to attending your neighborhood meeting on March 12, 2025, at 6pm at the Southern Valley Fire Department in Horace.

Thank you,

A handwritten signature in black ink that reads 'Jason P. Benson'.

Jason Benson
Executive Director

March 12, 2025

To Whom It May Concern:

This letter is intended to inform the Diversion Authority of the intent and interest to buy the adjacent property to current landowners of section 7234B, 7234C, and 7234D. Please find the name, address, and signature of individuals below. We look forward to continuing this process to acquire the individual properties.

Signed,

NAME: Lyle Teren
ADDRESS: 295 Maust Way
SIGNATURE: [Signature]

NAME: Anthony (AJ) Krenz
ADDRESS: 501 main St
Horace ND 58047
SIGNATURE: [Signature]

NAME: Mark & Dana Prindiville
ADDRESS: 201 Dakota Ave
Horace, ND 58047
SIGNATURE: [Signature]

NAME: JD Hewson Danielle Thompson
ADDRESS: 201 Park Drive
Horace ND 58047
SIGNATURE: [Signature]

NAME: Terry & Peggy Helton
ADDRESS: 202 Southwood Dr
Horace ND 58047
SIGNATURE: [Signature]

NAME: Cody Mammenga
ADDRESS: 623 Willow Court
Horace ND 58047
SIGNATURE: [Signature]

NAME: Roger Mammenga
ADDRESS: 625 Willow Ct
Horace ND 58047
SIGNATURE: [Signature]

NAME: Dustin Hoppe
ADDRESS: 627 Willow Ct
SIGNATURE: [Signature]

NAME: Tree Mogard

ADDRESS: 619 willow ct.

SIGNATURE: [Signature]

NAME: Alisha + Dan MacDonald

ADDRESS: 303 Maust Way

SIGNATURE: [Signature]
Dan MacDonald

NAME: Calvin Mehu

ADDRESS: 301 Maust Way

SIGNATURE: [Signature]

NAME: Dore Freese

ADDRESS: 505 west River Rd.
Shymone Under ct.

SIGNATURE: [Signature]

NAME: Jessica Ramirez

ADDRESS: 622 Willow Ct.
Horace, ND 58047

SIGNATURE: [Signature]
jmb.ramirez1322@gmail.com

NAME: Scott Bauer

ADDRESS: 204 Southwood Dr

SIGNATURE: [Signature]
Scott R Bauer

NAME: Jolene Baug

ADDRESS: 6018 Willow Ct

SIGNATURE: [Signature]

NAME: Southern Valley Fire + Rescue

ADDRESS: 413 Main St

SIGNATURE: [Signature]
743

NAME: Lacey + Nathanael Pratt

ADDRESS: 305 Maust Way

SIGNATURE: [Signature]

NAME: Vivian Mielke

ADDRESS: 628 Willow Court
Vivian Mielke

SIGNATURE: [Signature]

NAME: BRODCE Suko

ADDRESS: 620 Willow Ct
Horace, ND 58047

SIGNATURE: [Signature]

NAME: Charlott Horsch

ADDRESS: 208 Park Dr
Horace, ND 58047

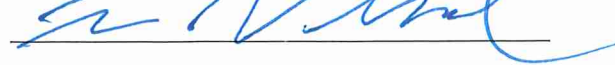
SIGNATURE: [Signature]
C. Horsch

NAME: Tim Veratnik

ADDRESS: 199 Southwood

Dr - Horque RD

SIGNATURE: _____



NAME: _____

ADDRESS: _____

SIGNATURE: _____

NAME: _____

ADDRESS: _____

SIGNATURE: _____

NAME: _____

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Memorandum



To: Metro Flood Diversion Authority Lands Committee
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.

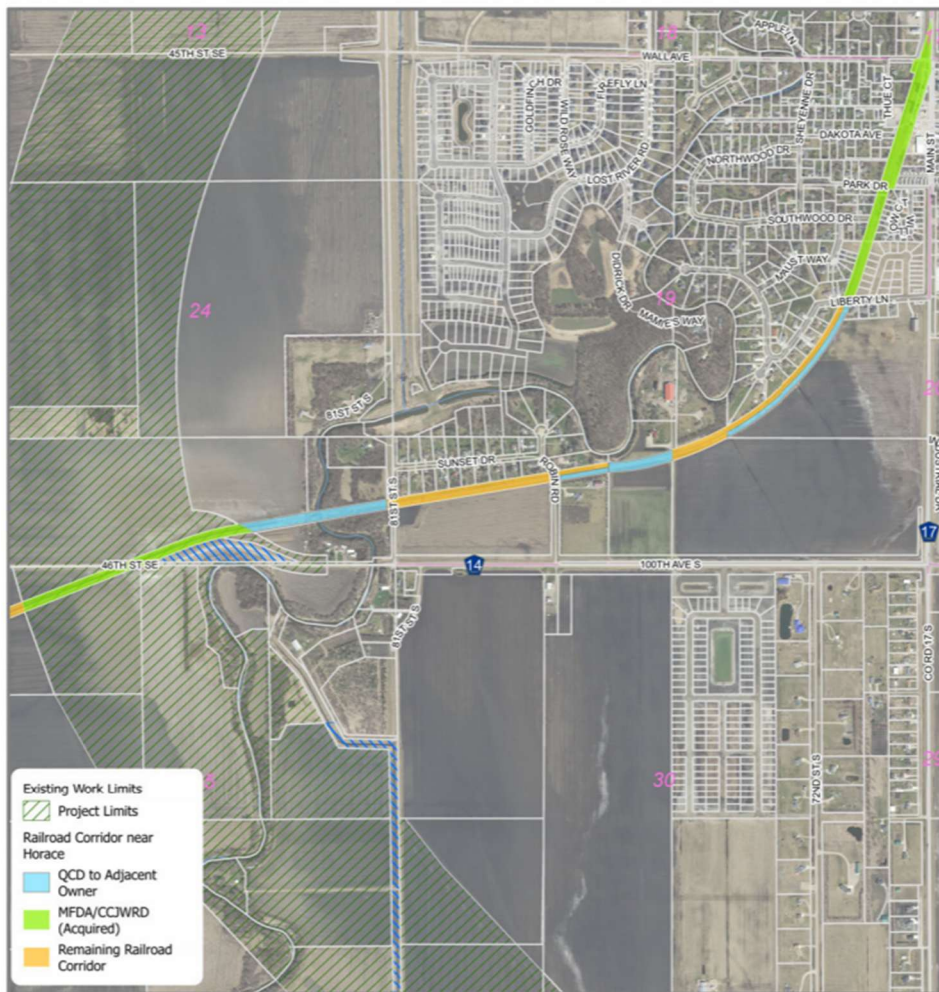
In 2023, in accordance with and pursuant to prior policy direction from the Cass County Joint Water Resource District (CCJWRD) and the Metro Flood Diversion Authority (MFDA), acquisition was completed of the CHS Elevator and underlying property rights, Red River Valley & Western Railroad operating rights, 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 herein are based on County GIS data. Final acreages and legal descriptions to be determined by boundary surveys. Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\PM Area Division\012 Land: Program\Property Acquisition\024\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:

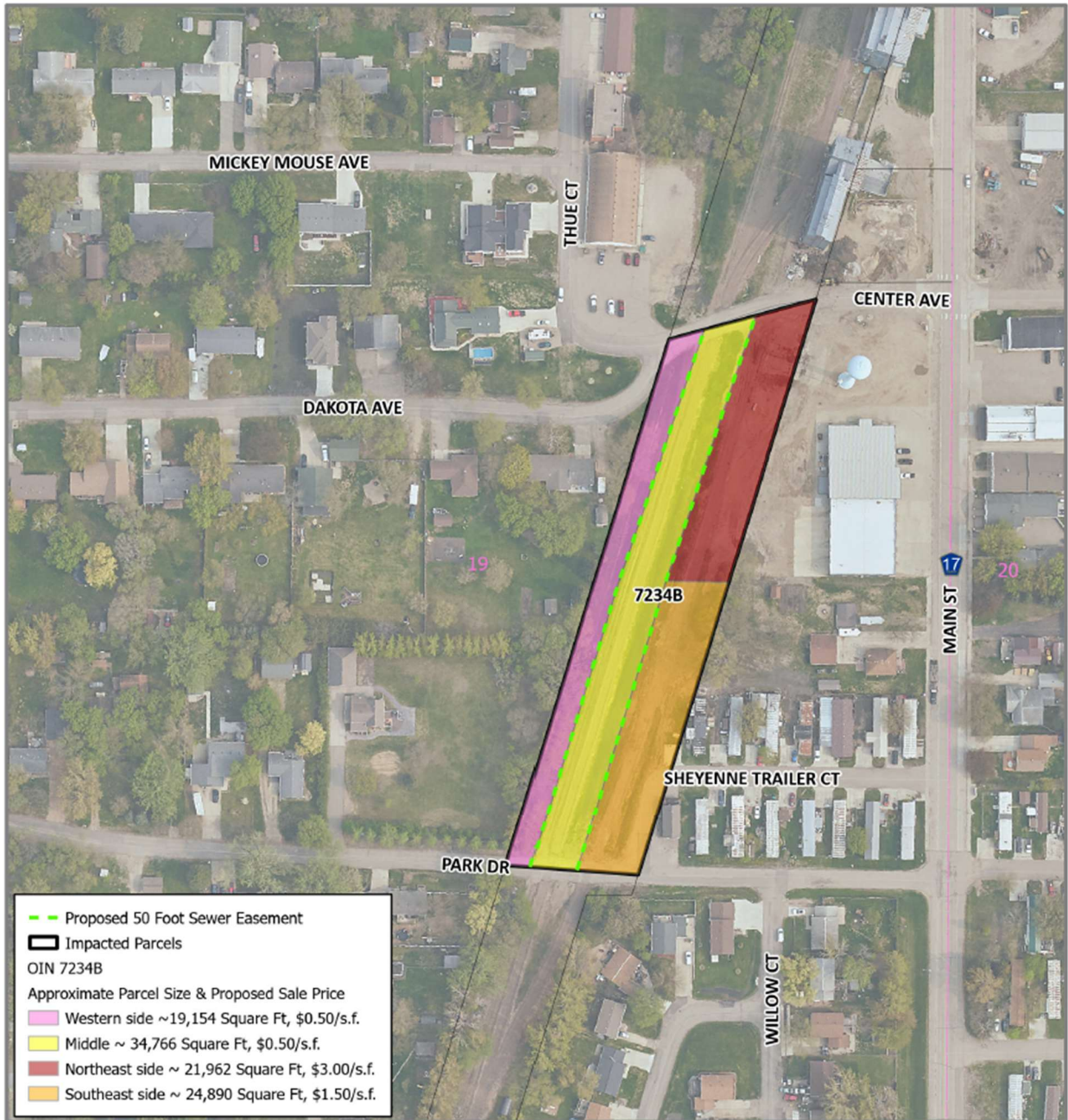
5.5.1. Public Sale will be subject to a reserve price that is calculated based on current Market value. If the Excess Land cannot be sold for Market Value, the Executive Director will make a recommendation of the Authority to adjust the Market Value, sell the Excess Land at the most favorable offer received,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

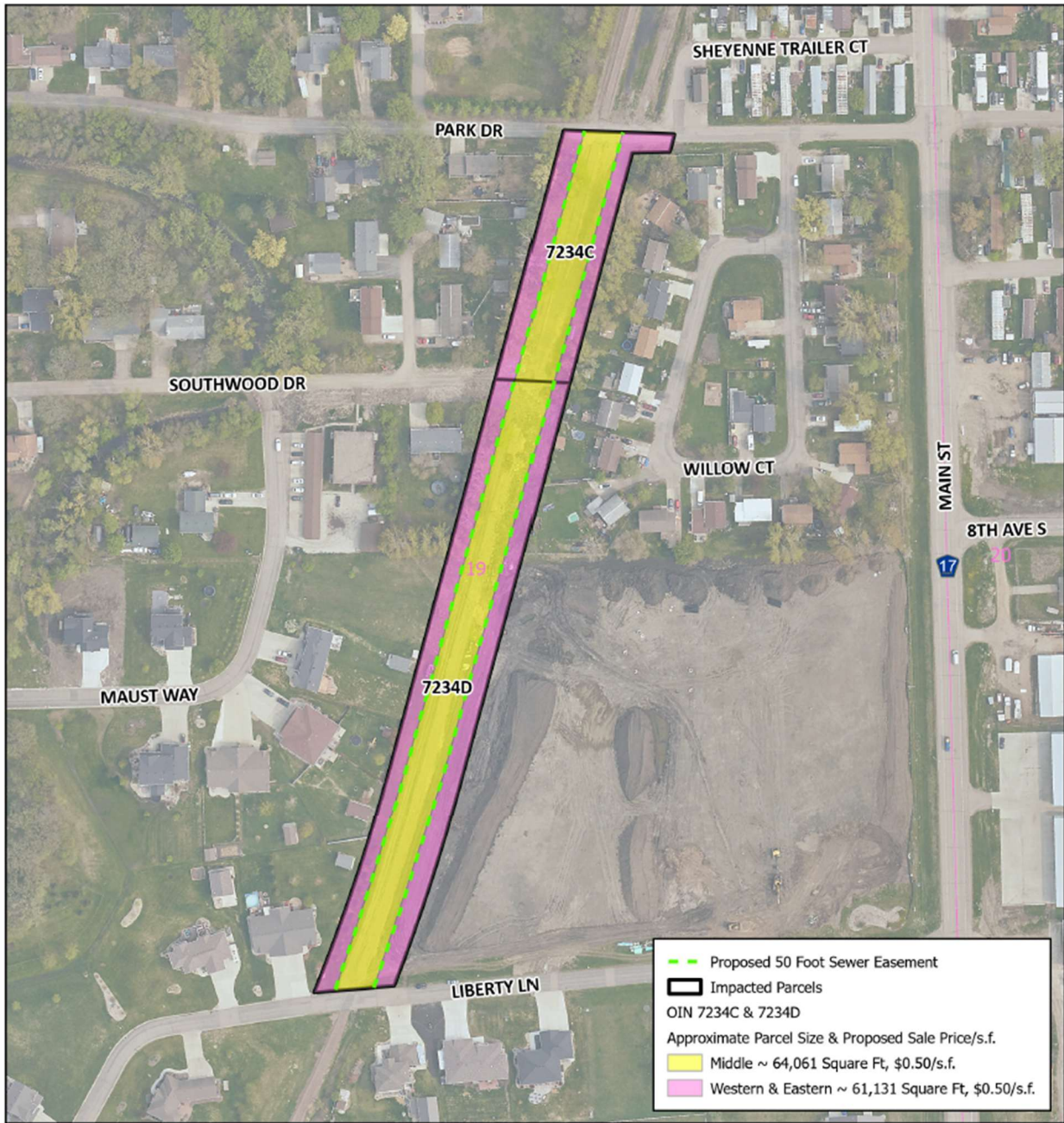
OIN 7234C & 7234D

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.”

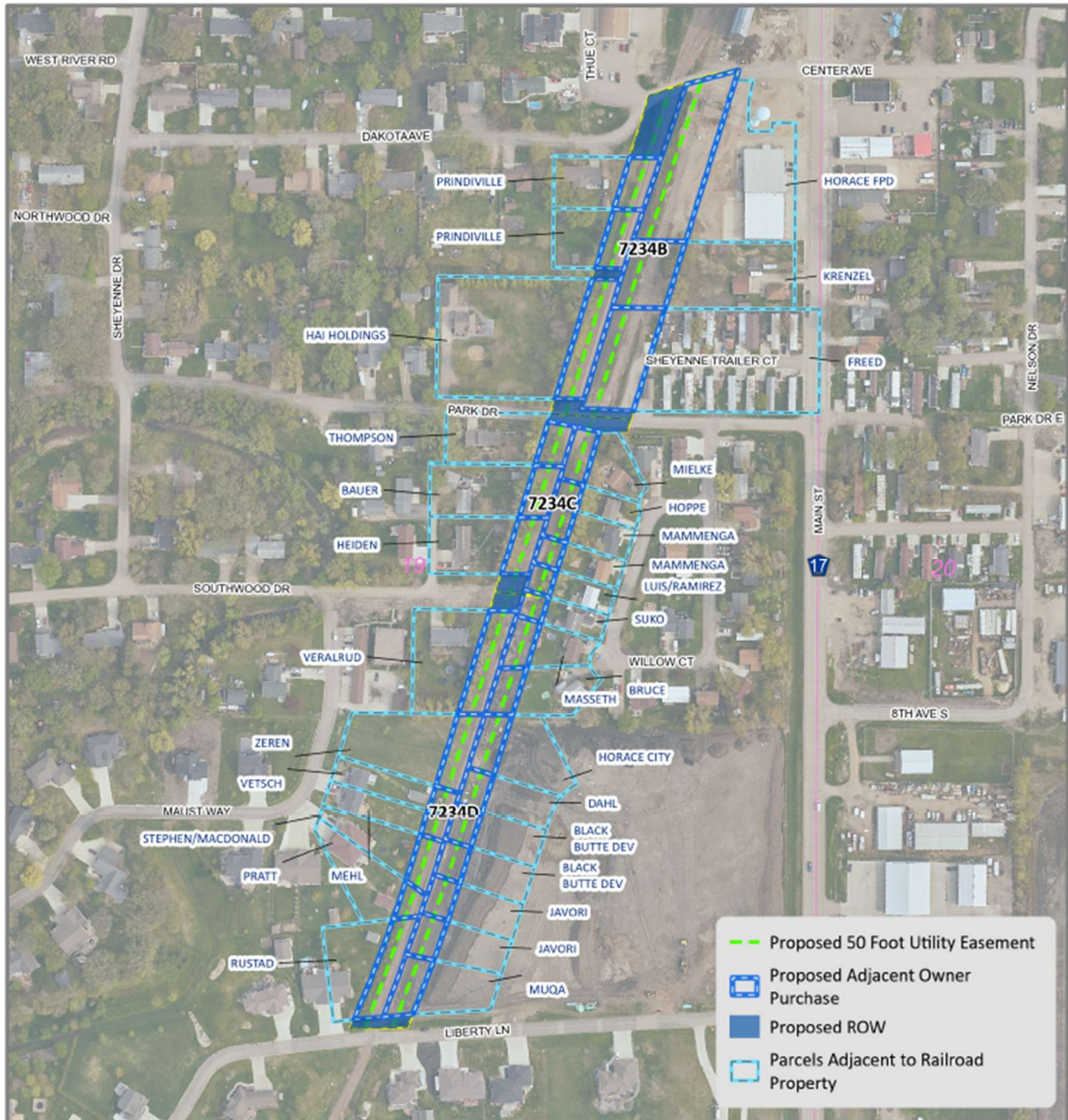
Proposal from Horace

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: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: March 26, 2025
Re: OIN 1899 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 1899 (52.76 acres) to begin the process to dispose of the Excess Land per the Policy on the Disposition and Management of Comprehensive Project Lands.

Background/Key Points:

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.

ATTACHMENTS:

- Excess Lands Recommendation – OIN 1899



Memorandum

TO: Jason Benson

FROM: Jodi A. Smith

DATE: March 18, 2025

RE: Excess Lands Recommendation – OIN 1899, subject to 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 1899 as Excess Land, subject to a flowage easement, and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 1899

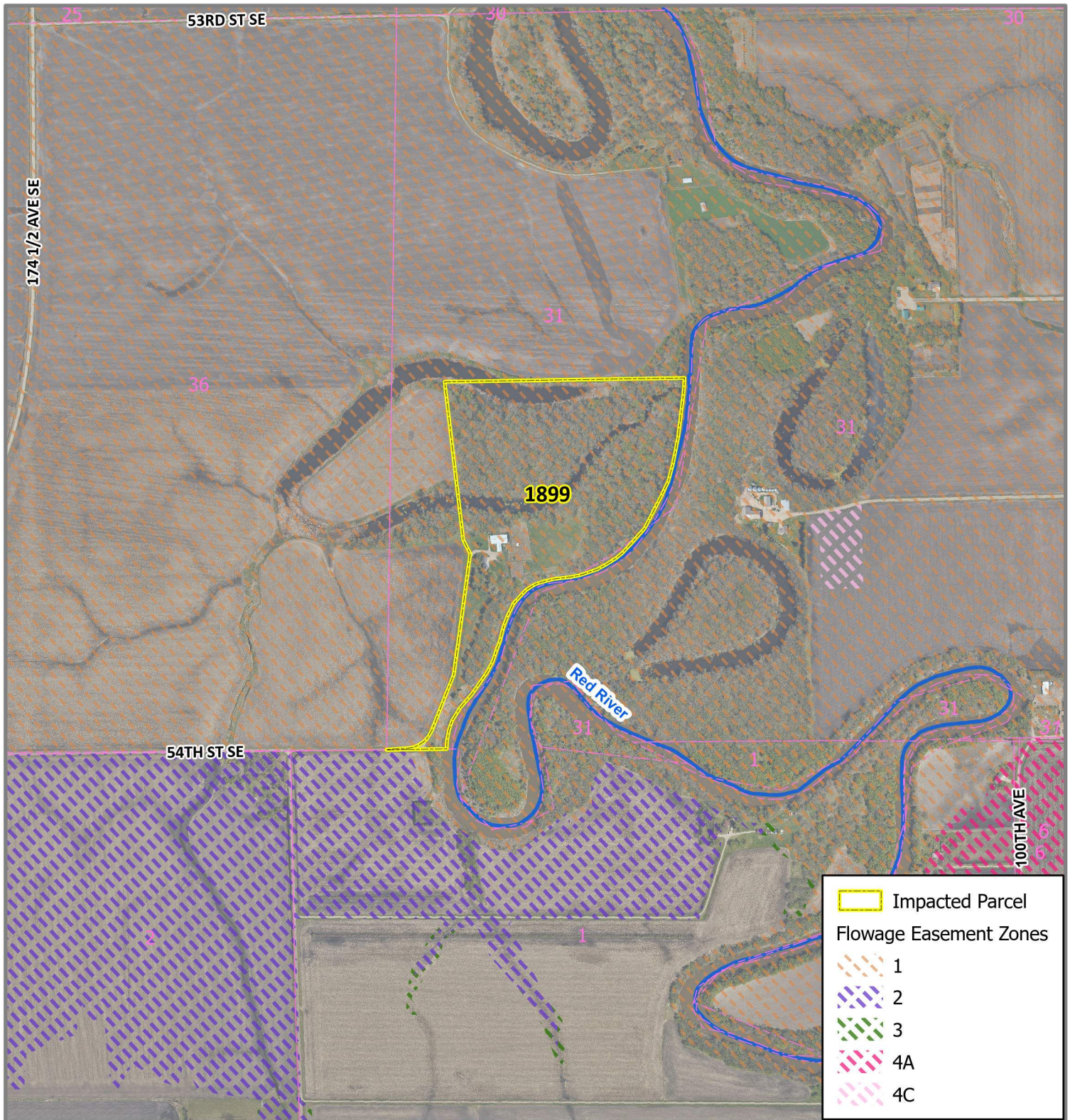
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	52.76 acres

Narrative Description of Parcel(s)	<p>OIN 1899 is a heavily wooded parcel located along the Red River in the southeast corner of Cass County. The parcel has access from 54th St SE and the parcel boundary aligns with the center line of the driveway as described in Exhibit B. This parcel is in the Upstream Mitigation Area, Mitigation Zone 1.</p> <p>When acquired, the property had a rural residence, a large horse barn, several other outbuildings, and was home to multiple businesses that have been relocated.</p>
Purchase Date	December 15, 2022
Purchase Price	\$1,115,000
Proposed Sale Price	<p>\$275,000</p> <p>Based on roughly \$5,300/acre for flowage easement encumbered recreational land.</p>
Former Owner	Matthew & Kerri Longtine
Adjacent Owners	<p>OIN 1896 – Stanley & Terri Anderson (In Eminent Domain)</p> <p>OIN 1897 – Irene Backlund</p> <p>OIN 1830 – Richard Willem</p> <p>OIN 1451 – Stuart & Laverna Ystebo LLLP (In Eminent Domain)</p> <p>OIN 1826 – Larry & Judith Ness</p>
Property Management Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	The property taxes on OIN 1899 for 2024 were \$5,541.78
Relation to Construction	This 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 removed from the site, and the site has been restored. Any future sale will need to reserve a Zone 1 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 1899 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

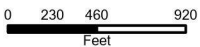


Impacted Parcel

Flowage Easement Zones

- 1
- 2
- 3
- 4A
- 4C

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: 1899
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 57-0000-10219-020
Cass County, ND

FM AREA DIVERSION
 Map Date: 3/18/2025



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the O&E Report dated July 6, 2020

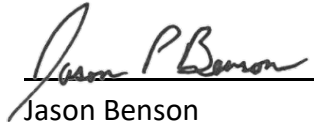
Legal Description:

All of Government Lot 7 and that part of Government Lots 3 and 4 lying East of the following described line, in Section 31, Township 137 North of Range 48 West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota, said line is described as follows:

From the Southwest corner, existing iron monument, of Section 36, Township 137 North of Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, bear North 90°00'00" East (assumed bearing along the South Line of said Section 36 for a distance of 5286.44 feet to the Southeast corner of said Section 36 also the Southwest corner of Section 31, an iron Monument, Township 137 North of Range 48 West of the Fifth Principal Meridian, Cass County, North Dakota; thence bear North 90°00'00" East for a distance of 157.91 feet to an iron monument the Point of Beginning of the line herein described, said Point of Beginning is also the point of curvature of a circular curve of radius 197.95 feet and delta angle 66°35'09"; thence easterly and northeasterly along said circular curve, the approximate centerline of the existing access road, for a distance of 230.05 feet to an iron monument the point of tangency with a line that has a bearing of North 23°24'51" East; thence North 23°24'51" East along said line, the approximate centerline of the existing access road for a distance of 240.03 feet to an iron monument, the point of curvature of a circular curve of radius 886.69 feet and delta angle of 14°46'46"; thence northeasterly along said circular curve, the approximate centerline of existing access road for a distance of 228.72 feet to an iron monument the point of tangency of a line having a bearing of North 08°38'05" East; thence North 08°38'05" East along said line, the approximate centerline of the existing access road, for a distance of 901.97 feet to an iron monument; thence North 25°49'58" West for a distance of 112.49 feet to an iron monument; thence North 05°58'44" West for a distance of 396.47 feet to an iron monument; thence North 06°34'44" West for a distance of 705 feet, more or less, to the North line of said Government Lot 3 and there terminating.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 1899 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
Executive Director

03/18/2025
Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: March 27, 2025
Re: Public Sale of Excess Lands – Pifer’s Auction and Realty Services

RECOMMENDATION/ACTIONS NEEDED:

No action is needed, this is for informational purposes only.

Background/Key Points:

The Metro Flood Diversion Authority (Authority) adopted the Policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Since the approval of the Policy, project staff have periodically reviewed the inventory of real property to determine if Project land ownership exceeds foreseeable need for the Project and declare it excess. The Policy requires preference be provided to the Member Entities, Prior Owner, and Adjacent Owners, if they express no interest, then the excess land shall be sold at public sale.

Sections 2.17, 4.2, and 5.5.1 of the Policy relate to public sales of excess land:

2.17. “Public Sale” means a sale of Excess Land that is advertised for a minimum of 30 days by (i) publishing a notice of intent to sell or issue a request for proposals; (ii) a classified advertisement published once a week for three (3) consecutive weeks in a local newspaper of general circulation; or (iii) other commercially reasonable means of publicly marketing the specific Excess Land being sold.

4.2. Land Sold Via Public Sale/Real Estate Listing/RFP. It is the Authority’s intent that the sale of Excess Lands, subject to the preferences set forth herein, shall be done via public sale or in the case of Excess Land that is located inside of the geographical boundaries and extraterritorial zoning jurisdiction of the City of Fargo and the City of Moorhead, by listing Excess Land with a licensed real estate agent or through a public RFP process such that there is transparent and abundant opportunity for all buyers to purchase the property.

5.5.1. Public Sales will be subject to a reserve price that is calculated based on current Market Value. If the Excess Land cannot be sold for the Market Value, the Executive Director will make a recommendation to 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.

To date, 39 parcels (684.22 acres) have been deemed as excess land with 10 parcels advancing thru the Policy to the public sale step. Of the 10 parcels that have advanced to the public sale step, five (5) have been approved for sale to a public buyer and five (5) parcels remain at the public sale step. To advance the sale of these parcels, and potentially other future parcels that reach this step, Pifer's will conduct land auctions.

Since 2014, Pifer's has been under contract with CCJWRD and MCCJPA for farmland leasing and management services. Additional services under this contract are auction and realty services. Pifer's has provided the attached detailed approach for providing the requested auction and realty services.

ATTACHMENTS:

- Pifer's Land Auction Proposal for Metro Flood Diversion Authority

Land Auction Proposal For Metro Flood Diversion Authority

Multiple Parcels in
Cass County, ND & Clay County, MN

Steve Link | Broker
701.361.9985
stlink@pifers.com



Pifer's

Pifer's Auction & Realty
1506 29th Ave. S • Moorhead, MN 56560
701.361.9985 • info@pifers.com

Metro Flood Diversion Authority Land Auction Proposal

Introduction

Pifer's is pleased to present this proposal to the Metro Flood Diversion Authority for the sale of excess land assets. As a premier auction company specializing in land sales across the region, we understand the unique nature of selling properties with diverse valuations and characteristics. Our comprehensive online-only auction platform is ideally suited to market and efficiently sell such parcels, maximizing visibility and value for the Metro Flood Diversion Authority.

Services Offered

We propose a structured auction service tailored to your needs, focusing on maximizing outreach, efficiency, and return for each auction event. Our approach involves:

- **Online-Only Auction Platform:** Utilization of Pifer's proprietary online auction platform to ensure broad and accessible visibility for potential buyers.
- **Extensive Marketing Campaign:** A 45-day targeted marketing plan, leveraging multiple channels to reach relevant audiences.

Fee Structure

To support the successful execution of each auction event, Pifer's proposes the following fee structure:

1. **Retainer Fee:** A \$5,000 retainer fee per auction event. This fee secures our services for the duration of each auction cycle and will be deducted from the final commission.
2. **Marketing Costs:**
 - **First Parcel:** \$3,500
 - **Each Additional Parcel in Same Event:** \$1,000Marketing includes comprehensive digital and regional advertising, social media promotions, email campaigns, and industry-specific outreach to ensure that each parcel receives targeted exposure.
3. **Commission:** 6% of the final sale price, less the retainer fee. This competitive rate includes our professional services in listing, marketing, and conducting each auction event.



Metro Flood Diversion Authority Land Auction Proposal

Benefits to the Metro Flood Diversion Authority

By partnering with Pifer's, the Metro Flood Diversion Authority will benefit from:

- **Experienced Land Auctioneers:** Our team's extensive experience in land sales uniquely positions us to manage properties with varying valuation profiles effectively.
- **Maximized Sale Potential:** Our marketing strategy and online auction format are designed to attract both local and national interest, broadening the potential buyer pool.
- **Efficient Sales Process:** Our online-only format ensures a streamlined, efficient sale process, reducing logistical complexities for both sellers and buyers.

Next Steps

We would be pleased to discuss this proposal further and address any questions. Our team is committed to aligning with the Metro Flood Diversion Authority's goals to ensure a successful, transparent, and efficient sale of your land assets.

Thank you for considering Pifer's Auction & Realty as your trusted partner for this endeavor.



A handwritten signature in black ink, appearing to read "Steve Link".

Steve Link | Broker
701.361.9985
stlink@pifers.com

Pifer's Digital Marketing

Pifer's offers exclusive digital marketing by utilizing Facebook, Instagram, LinkedIn, YouTube and The America's Land Auctioneer Podcast to market its land auctions.

**Live & Streamed on
Apple & Spotify**



Each Pifer's land auction has their own specific digital campaign by "boosting" their posts to get further reach. Boosting is a paid campaign that allows Pifer's to target specific buyers, demographics and geographic locations that best suit each land auction.

PICTURE BOOSTED POST EXAMPLE

Pifer's Auction
Sponsored · 🌐

LAND & FARMSTEAD AUCTION
553.88 +/- Acres - Golden Valley County, ND
Wednesday, March 29, 2023 - 11:30 a.m.
Auction Location: Beach Community Center · Beach, ND

This property south of Beach in Golden Valley County features 553.88 +/- acres with farmstead and highly productive crop, pasture, and hunting land. Cropland has a strong cropping history with fantastic cropland soils throughout with much of the Soil Productivity Indexes (SPI) ranging between 67 and 86 SPI. Pasture has excellent grazing with stock ponds and the Bullion Creek supplying water. Parcel 2 includes a farmstead with a beautiful home, outbuildings, and grain bins. This property has prime hunting habitat for pheasants, mule & whitetail deer, small game, with buttes, water sources and the Bullion Creek running through. This multi-use property has qualities that will appeal to farmers, ranchers, hunters, and investors. Crop and pastureland available for 2023 crop year! This is a live auction with internet bidding available.

Contact Bob Pifer at 701.371.8538 or Ali Pierce at 701.206.1046 for more information and a complete catalog.

Learn more and register to bid online here:
<https://www.pifers.com/.../55388-acres-golden-valley...>

- Duration:** 18 Days
- Budget:** \$300.00
- Audience Reach:** 26,000+ Individuals
- Engagements:** 4,000+ (People Liking, Sharing, Commenting)
- Links Clicked:** 360+ (Redirects to Pifer's Website)
- Demographics**
 - Men & Women 18-65+ Age
 - 50+ Mile Radius
 - Glendive, MT
 - Sentinel Butte, ND
 - Minot, ND
 - Bismarck, ND
 - Dickinson, ND
 - Audience Interests & Keywords in Searches
 - Commercial Property
 - Property Finder
 - Land
 - Real Estate Investing
 - Estate (Land)
 - Real Estate Development
 - Investment
 - Home
 - Investor

Pifer's Digital Marketing

Pifer's also offers custom drone videos for land auctions. The added benefit of the aerial footage gives potential buyers a clear view of the property. Pifer's incorporates Google Earth to zoom into the property to show nearby cities/towns and other landmarks. Pifer's custom drone videos also add text over the video clips to highlight the selling points of the property.

VIDEO BOOSTED POST EXAMPLE

Pifer's Auction
Sponsored · 🌐

115 +/- Acre Land Auction · Ransom County, ND
Tuesday, August 2, 2022 · 11:00 a.m. (CT)
Auction Location: Valley City Eagles Club · Valley City, ND

The best way to say it, this Ransom County land offering is a dream property! Mature pine trees, a freshwater dam, breathtaking views of the Sheyenne River Valley and a heavily wooded terrain with steep draws make this property a hunter's or sportsperson's paradise. The property has seen some unbelievable trophy bucks, along with an abundance of upland game, including turkeys. There is also a cabin nestled in the heart of the property that is equipped with electricity. This is an extremely rare opportunity to purchase some of the most scenic property North Dakota has to offer. This property is sure to awe you from every view, so do not miss this chance!

Contact Darin Peterson at 701.220.5396 or Pifer's Auction & Realty at 701.475.7653 for more information and for a complete catalog.

Learn more and register to bid online here:
<https://www.pifers.com/listing/115-acres-ransom-county-nd>

Pifer's
LAND AUCTIONS

0:01 / 1:05

PIFERS.COM
115 +/- Acre Land Auction · Ransom County, ND [Learn more](#)

Duration: 20 Days
Budget: \$300.00
Audience Reach: 53,000+ Individuals
ThruPlays: 12,641+ (People Watching Over 15 Seconds)
Links Clicked: 126+ (Redirects to Pifer's Website)

Demographics

- Men & Women 18-65+ Age
- North Dakota & Minnesota
- Audience Interests & Keywords in Searches
 - Land Lot
 - Commercial Property
 - Property Finder
 - Land
 - Real Estate Investing
 - Estate (Land)
 - Real Estate Development
 - Investment
 - Home
 - Residential Area
 - Real Estate Investing
 - Building
 - Home Construction
 - Real Estate
 - House Hunting

Pifer's Background

Respondent Information:

The Pifer Group, Inc.
dba Pifer's Auction & Realty and Pifer's Land Management

Year Incorporated:

2000

Statement of Firm:

Pifer's has been identified as the largest land auction company in The Great Plains by *The Land Report Magazine* and the 4th largest Land Auction Company in America. Pifer's is the largest independently owned land management company in the region.

Pifer's has 59 full-time employees which includes real estate agents, land managers, and auctioneers throughout North Dakota, South Dakota, Minnesota, Montana, Wisconsin & Nebraska.

Pifer's Structure:

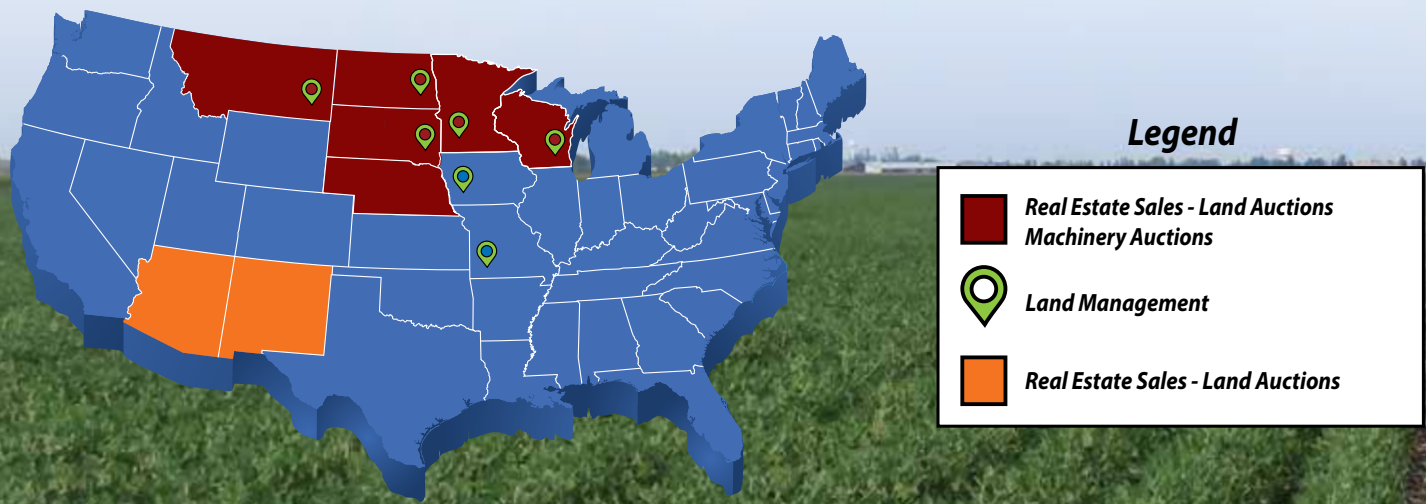
The Pifer Group, Inc. an S-Corporation domiciled in North Dakota with its Corporate Office in Moorhead, Minnesota, is Pifer's legal entity.

Primary Contact:

Steve Link, Broker
701.361.9985
stlink@pifers.com

Pifer's Auction & Realty and Pifer's Land Management is a North Dakota Corporation (The Pifer Group, Inc.) with its Corporate Office in Moorhead, Minnesota. Pifer's specializes in Farmland Auctions, Farmland Management, Farmland Sales, Machinery and Equipment Auctions.

Pifer's has been named one of the largest land auction company in America for the past 5 years, which includes North Dakota and Minnesota, by *The Land Report Magazine*. What's more, Pifer's is the largest independently owned Farmland Management Company in the region with most of its farmland portfolio in North Dakota and Minnesota.



Pifer's Experience

Pifer's has sold nearly 800,000 +/- acres of farmland since 2000. In the Past five years Pifer's has been the region's foremost land auction company with sales of \$400 million. In addition, Pifer's currently manages over 230,000 acres of farmland in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa and Missouri. Within this footprint, Pifer's oversees agricultural land that produces corn, soybeans, sugar beets, wheat, barley, canola, sunflower, peas, edible beans, pastureland, CRP, irrigation land and hunting land.

Currently, Pifer's has six farmland managers and agents dedicated to land management and a strong accounting department which is a vital part of Pifer's organization. These individuals are dedicated to Pifer's clients to make sure their goals and objectives are achieved. Projects and farmland management accounts are based on a team approach which consistently provides Pifer's clients with exceptional results.

The hallmark of Pifer's is its strong commitment to its clients. Pifer's has a professional team of Land Auctioneers, Farmland Managers and Sales Agents with extensive experience in Farmland Management, Farmland Sales and Acquisition, Production Agriculture, Agricultural Policy, Finance, Water Management, 1031 Tax Exchanges of Property and Marketing.

Pifer's portfolio consists of the following profile of clients:



- Individual Land Owners
- Investors
- Trusts
- Trust Companies
- Farmers
- Partnerships
- Investment firms



- Universities & Colleges
- Investment firms
- Fortune 500 Companies
- Banks, National & Regional
- Lenders, Mortgage Companies
- ND and MN School Districts
- Bankruptcy Trustee (s)



- 1031/721 QIs
- Qualified Intermediaries)
- National, Regional and Local
- Non-Profit Organizations
- City of Fargo
- Buffalo-Red River Watershed District
- Law Firms, Attorneys

Pifer's

