



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 7234C = \$107,151 7234D = \$272,290 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

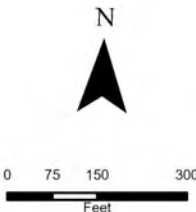
Based on the pertinent facts presented above, it is recommended to declare OINs 7234B, 7234C, and 7234D as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit D).

Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



 Impacted Parcel

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

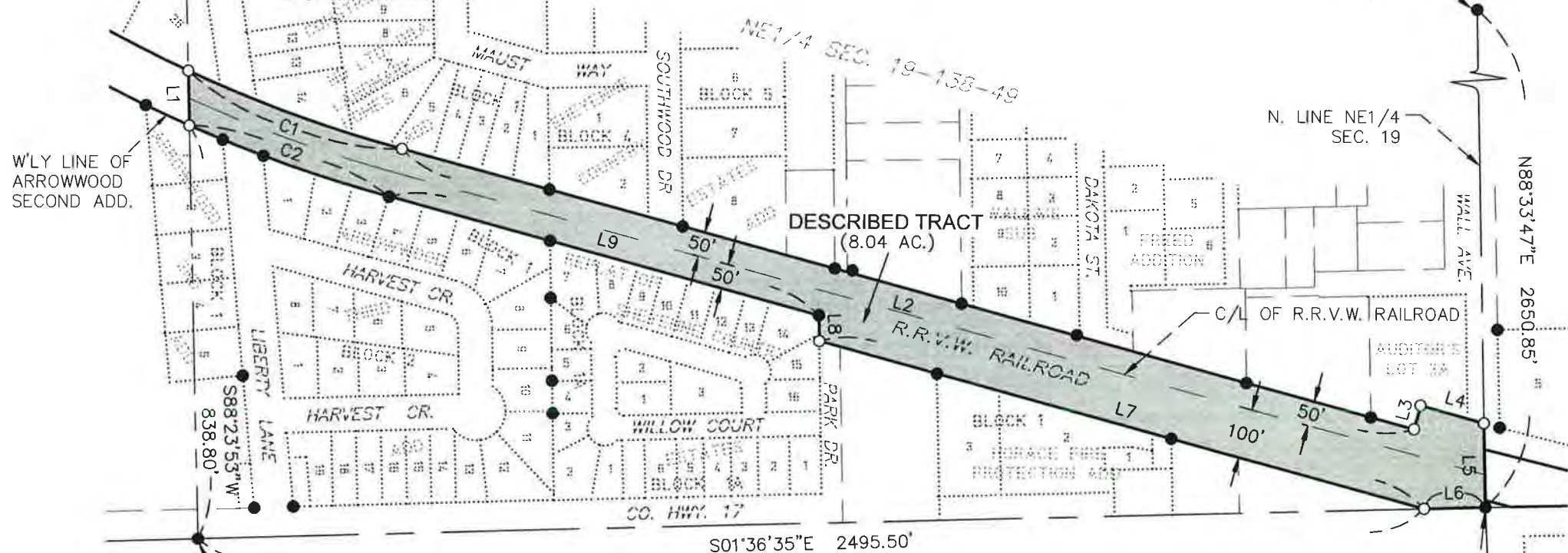
The legal description for OIN 7234 can be found in the attached Certificate of Survey. Note that this recommendation only includes the 5.33 acres associated with sections B, C, and D of the corridor.

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



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



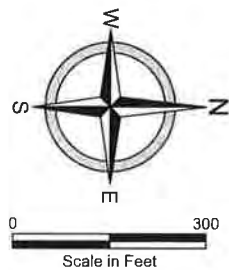
LEGEND

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

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. 19
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

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: AJ5
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

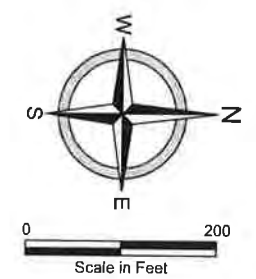
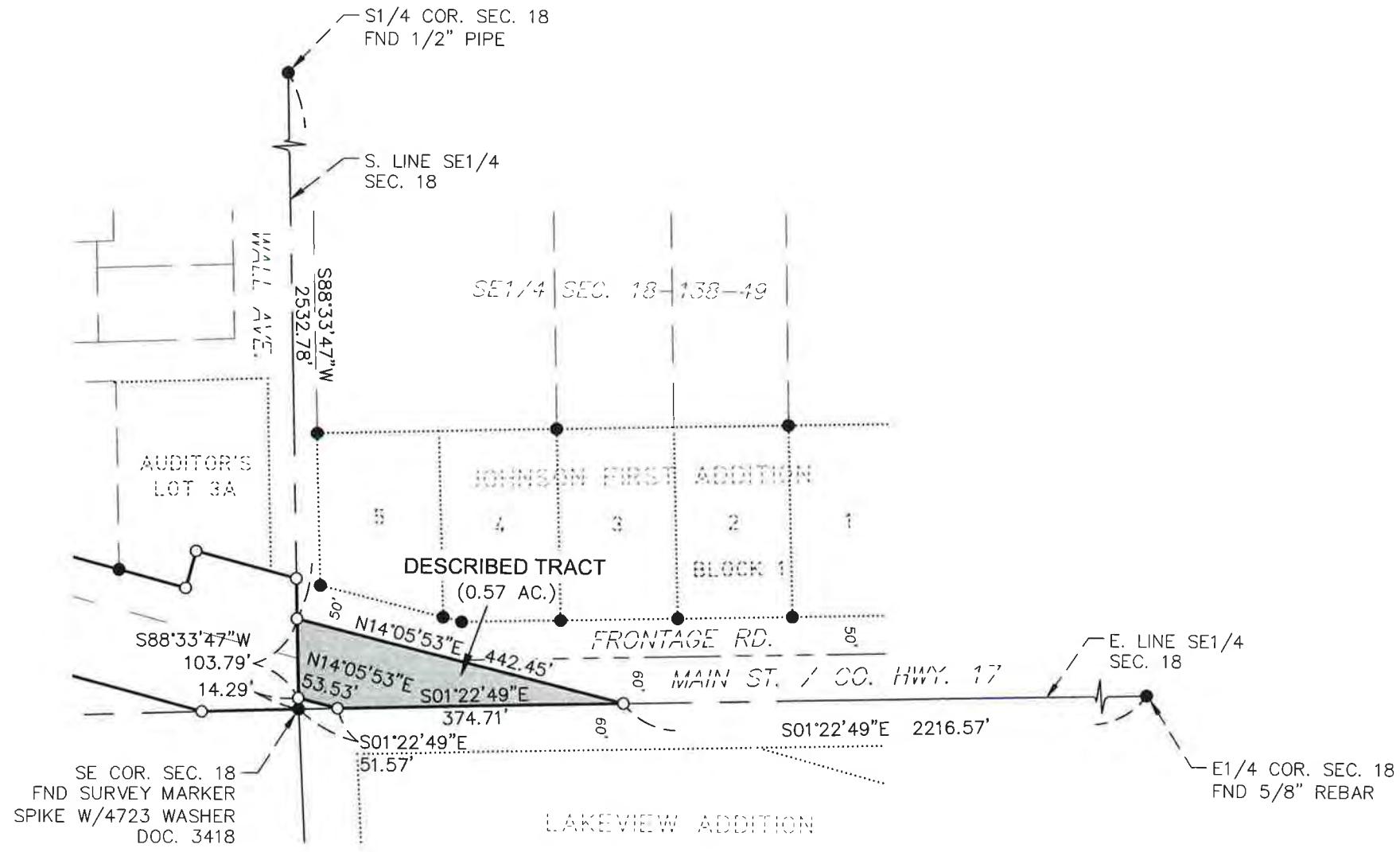
Part of the SE1/4 of Section 18, T.138N., R.49W., and
Part of the NE1/4 of Section 19, T.138N., R.49W.,
Cass County, North Dakota

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



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CERTIFICATE OF SURVEY
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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

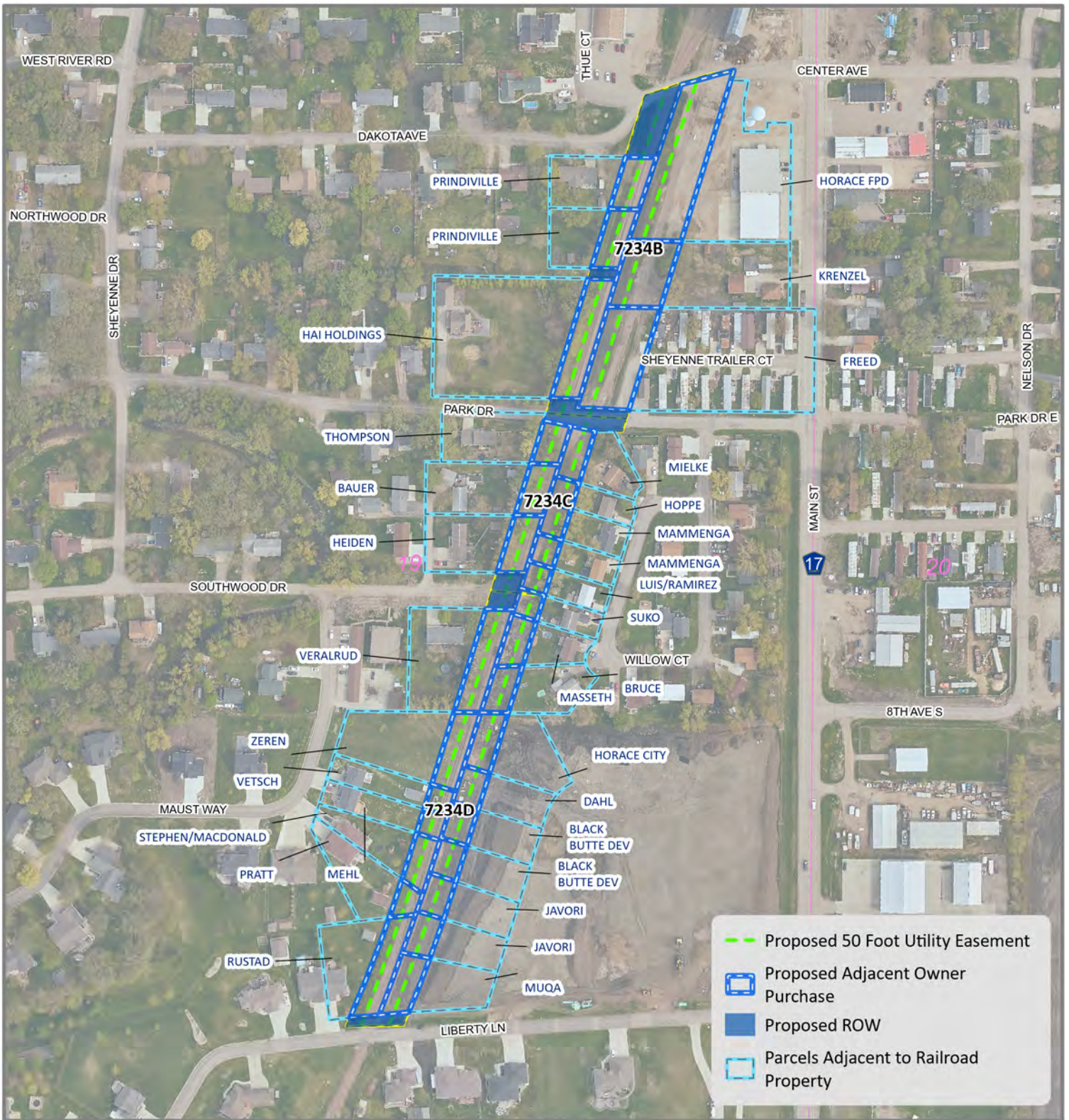
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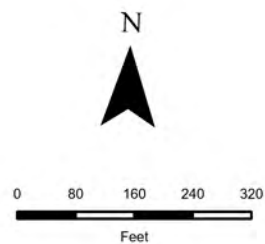
Exhibit C: Adjacent Owners for Parcels Recommended as Excess Lands



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Locator Map Not to Scale

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