

Land Management Committee Agenda



Diversion Authority Land Management Committee

May 21, 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 March 26, 2025
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. OIN 858 Sale of Excess Land Recommendation
[Attachment 02.00] (Pg. 4)
5. OINs 7234B, 7234C and 7234D Sale of Excess Land Update
[Attachment 03.00] (Pg. 12)
6. Other Business
7. Next Meeting: To Be Determined
8. 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 – March 26, 2025

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on March 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; Jenny Mongeau, Clay County Commissioner; Deb White, Moorhead City Council; Michelle Turnberg, Fargo City Commissioner and Tim Flakoll, Cass County Commissioner.

Member(s) absent: Kevin Campbell, Clay County Commissioner.

1. CALL TO ORDER

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 FEBRUARY 2025 MEETING

MOTION PASSED

Mr. Boerboom moved to approve the minutes from February 26, 2025, and Mr. Zimmerman seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mr. Flakoll moved to approve the order of the agenda as amended, moving item 6., up to item 5., and Mr. Gust seconded the motion. On a voice vote, the motion carried.

4. OIN 1899 SALE OF EXCESS LAND RECOMMENDATION

Mr. Dodds introduced OIN 1899 and asked for approval to sell the parcel per the Excess Lands Policy. 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. This parcel is in the Upstream Mitigation Area, Mitigation Zone 1. 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. The proposed sale price is \$275,000.

MOTION PASSED

Ms. Derrig moved to approve the sale of OIN 1899 per the Excess Lands Policy and Ms. Mongeau seconded the motion. On a roll call vote, the motion carried.

5. PIFER'S AUCTION AND REALTY SERVICES-PUBLIC SALE OF EXCESS LANDS

Mr. Dodds provided an overview and summary of the Land Auction Proposal that was submitted by Pifer's Auction and Realty Services.

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. Mr. Dodds recommended that the MFDA retain Pifer's Auction and Realty Services to auction the excess parcels that have not been liquidated.

MOTION PASSED

Mr. Flakoll moved to retain Pifer's Auction and Realty Services for the liquidation of excess lands and Mr. Stamness seconded the motion. On a roll call vote, the motion carried.

6. OINS 7234B, 7234C AND 7234D SALE OF EXCESS LAND RECOMMENDATION

Mr. Benson introduced the above-referenced parcels and noted that they are part of the abandoned rail corridor parcels. The parcels are not needed for the project and the Authority would like to have them deemed as excess lands and sell them so that we no longer have to maintain them. The Excess Land Policy offers first back to the prior property owner (BNSF) which they have declined, second to any member entities, third to adjacent property owners, and finally for public sale. The City of Horace had expressed interest in either an easement or purchasing the parcels. Mr. Benson attended a meeting with adjacent property owners on March 12, 2025 and some of the adjacent property owners attended and spoke at the March 26, 2025 Land Committee Meeting. The adjacent property owners expressed interest in purchasing the excess land adjacent to their respective properties and requested that the Excess Land Policy be followed in offering them the next opportunity to purchase the adjacent parcels. Mr. Benson noted that the challenge is that there are many adjacent property owners and the Authority or CCJWRD cannot end up with a landlocked parcel with no access to maintain. The proposal laid out the steps that MFDA staff will take to reach out and work with the adjacent property owners. However, in no situation will we proceed with leaving the parcels with a patchwork of inaccessible project owned land. If no solution can be reached, the sale of the property would then proceed to the public sale step of the Excess Land Policy.

Mr. Benson requested that the referenced parcels be deemed Excess Lands and stated that the Excess Lands Policy will be followed and the MFDA staff will contact each of the adjacent property owners as the next step in the policy.

MOTION PASSED

Mr. Gust moved to declare the above-referenced parcels as excess lands and Mr. Stamness seconded the motion. On a roll call vote, the motion carried.

7. OTHER BUSINESS

Mr. Benson reported that a partial RIMP mortgage release has occurred involving OINs 816Y1 and 817Y1.

8. NEXT MEETING

To be determined.

9. ADJOURNMENT

The meeting adjourned at 3:43 PM.

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: May 12, 2025
Re: OIN 858 Excess Land

RECOMMENDATION/ACTIONS NEEDED:

Approve the sale price of \$20,000 for excess land parcel OIN 858.

Background/Key Points:

In July 2024 an excess land recommendation for OIN 858 was presented at the MFDA Land Committee, the CCJWRD Board, and the MFDA Board meetings. The recommendation included a market value of \$57,970 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 \$20,000, which is lower than the original approved value of \$57,970. In 2024 the Project paid an annual \$2,493.86 in property taxes and executed a haying lease to help maintain the property. In efforts to dispose of this property we are requesting that approval to proceed with this sale for \$20,000.

This recommendation is similar to the sale adjustments that were made for the interested buyers of OINs 837 and 2185, see table below.

Parcel/OIN	Original Sale Price	Revised Sale Price
837	\$7,500	\$4,500
2185	\$10,500	\$4,000

ATTACHMENTS:

- Approved Memo – Excess Lands recommendation – OIN 858



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: August 9, 2024

RE: Excess Lands Recommendation – OIN 858, 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 Co-Executive Directors may be made available for sale, lease, or exchange in accordance with this Policy.

This Memorandum serves as a recommendation for the Co-Executive Directors to declare OIN 858 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 858

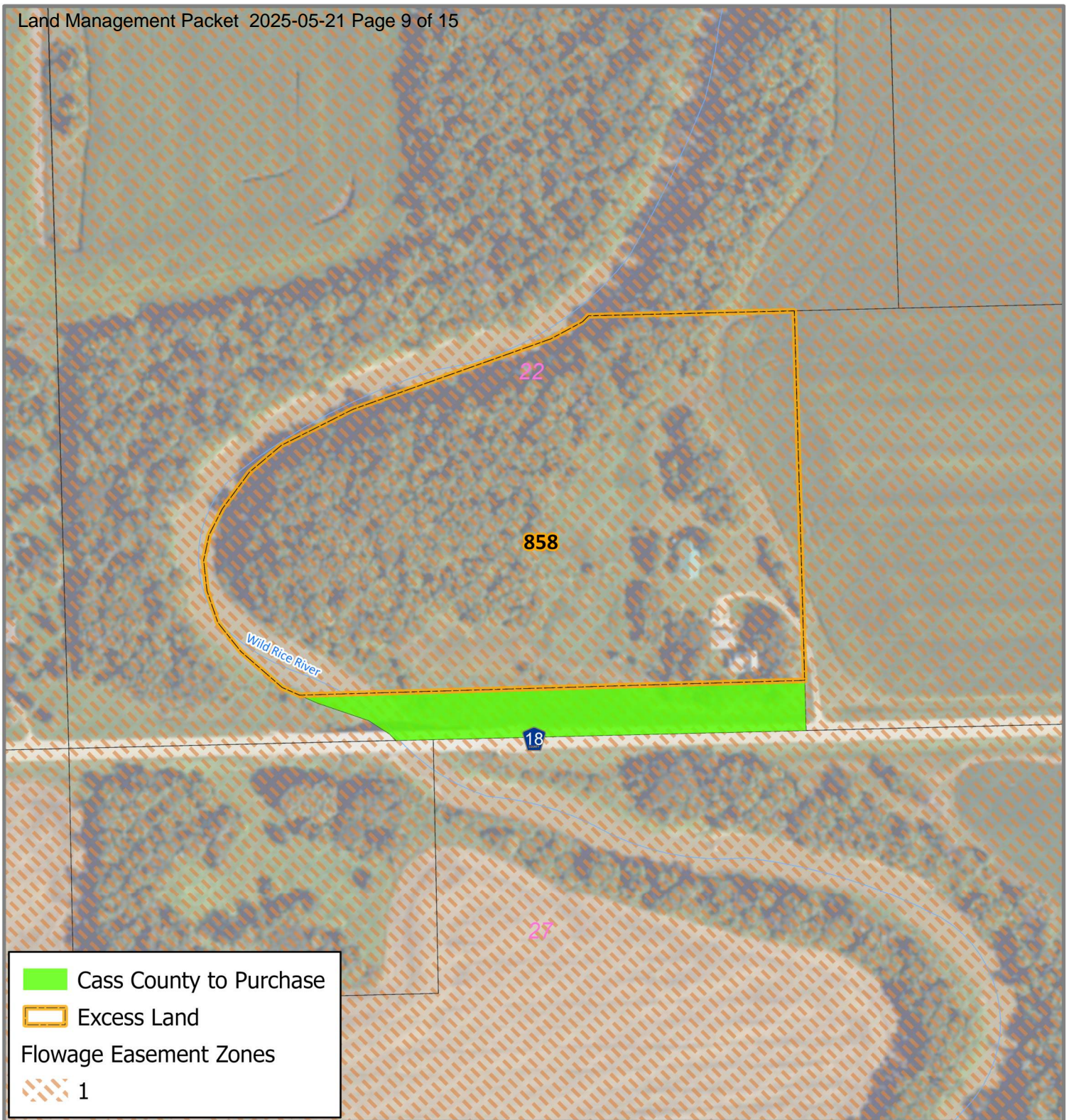
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	10.54 acres

Narrative Description of Parcel(s)	<p>OIN 858 is located on the north side of Cass County Road 18 (52nd Street SE) approximately one mile west of I-29 in the Upstream Mitigation Area associated with the Comprehensive Project.</p> <p>New owner will need to seek access easement from neighboring property owner or seek approval from the County to install a new field approach.</p>
Purchase Date	August 4, 2022
Purchase Price	\$522,000, inclusive of a home, detached garage, and storage building, which have been removed from the parcel.
Proposed Sale Price	<p>\$57,970</p> <p>Based on \$5,500/acre for flowage easement encumbered recreational land.</p>
Former Owner	LeLonnie & William Graham
Adjacent Owners	<p>OIN 857 & 1973 – Brodshaug Cass County Farms LLLP</p> <p>OIN 859 – Irene Backlund</p>
Property Management Approach	This parcel has been maintained through a haying agreement with Schmidt and Sons since 2023.
Property Taxes	The 2023 property taxes were \$2,419.95
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 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 858 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).

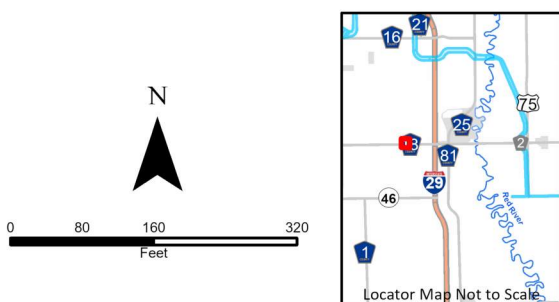
Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



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 UTM Zone 14N | 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 | OIN 858



OIN: 858
CCJWRD
Parcel ID: 57-0000-10350-017
Cass County, ND

FM AREA DIVERSION
Map Date: 8/7/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the O & E Report dated June 28, 2021. This sale excludes the south 75' being purchased by Cass County.

Legal Description:

That part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 137 North of Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:
Commencing at the Southeast corner of the Southwest Quarter of said Section 22; thence West along the South line of said Section 22 a distance of 10 rods to the point of beginning; thence North parallel to the West line of said Section 22, 40 rods; thence West parallel to the South line of said Section 22 to the center of the Wild Rice River; thence left upstream along the center line of the Wild Rice River to a point of intersection with the South line of said Section 22; thence along the South line of said Section 22 to the point of beginning.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 858 as noted in Exhibit A (the parcel) is deemed Excess Land and authorize the disposal of the parcel in accordance with the Policy on the Disposition and Management of Comprehensive Project Lands.

**Robert W.
Wilson**

Digitally signed by
Robert W. Wilson
Date: 2024.08.15
15:13:44 -05'00'

Robert Wilson
Co-Executive Director

08/09/2024

Date

**Michael
Redlinger**

Digitally signed by
Michael Redlinger
Date: 2024.08.12
12:05:41 -05'00'

Michael Redlinger
Co-Executive Director

08/09/2024

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee

From: Jason Benson, Executive Director

Cc: Jodi Smith

Date: May 22, 2025

Re: Excess Land Update – Horace Rail Property (OIN 7234B, 7234C, and 7234D)

BACKGROUND & UPDATE:

The MFDA declared OINs 7234B, 7234C, and 7234D as Excess Land in March 2025, and direct staff to follow the MFDA's Policy on the Disposition and Management of Comprehensive Project Lands (Policy). Subsequent to the March Land Management Committee meeting, letters were sent to the landowners adjacent to the OINs 7234B, 7234C, and 7234D informing them that the land has been deemed as excess land and per the policy, the adjacent owners are given preference to acquire the excess land at market value. See attached sample letter, which included a request that landowners return a Notice of Intent to Purchase by May 12.

Letters were sent to 28 adjacent landowners and we are pleased to report that we have received Notice of Intent to Purchase forms from nearly all adjacent landowners. A map exhibit showing the conceptual approach for splitting OINs 7234B, 7234C, and 7234D into many parcels aligning with the adjoining parcels is attached. The map exhibit also indicates the intent to purchase status.

Based on this overwhelming feedback and interest in purchasing a portion of the property, the MFDA staff and consulting team intend to proceed with surveying the property, preparing purchase agreements for each adjacent landowner, preparing a plat to subdivide the property and join the subdivided lots with the existing adjacent parcels, and rezone the subdivided lots to match the zoning of the existing adjacent parcels. The platting will be reviewed with the adjacent landowners and the City of Horace to confirm future parcel boundaries and right-of-way dedications. The platting and rezoning will be subject to approval by the City of Horace. This work is expected to take several months. The sale of this property will include a small administration fee charged to each adjacent landowner to offset a portion of the costs associated with preparing the plat and closing documents.

ATTACHMENTS:

1. Excess Land Letter to Adjacent Landowner (sample)
2. OIN 7234BCD Intent to Purchase Tracking Exhibit



April 4, 2025

VIA CERTIFIED MAIL and EMAIL

{Property Owner}
 {Address Line 1
 {Address Line 2}

Re: Notice of Intent to Sell Fargo Moorhead Area Diversion Project Excess Lands

Dear {Property Owner}:

The Metro Flood Diversion Authority (MFDA) adopted a policy on the Disposition and Management of Comprehensive Project Lands (Policy) in March 2021. Per the Policy preamble, the MFDA will periodically review its inventory of real property to determine if its ownership exceeds its foreseeable need for the Fargo-Moorhead Area Flood Diversion Project. Land that is no longer needed or not expected to be needed, will be declared “excess land” by the MFDA executive director and may be made available for sale, lease, or exchange in accordance with this Policy.

Pursuant to section 5.1 of the Policy, I am sending this letter to inform you that the old railroad corridor between Center Avenue and Liberty Lane (known as OIN 7234BCD) has been deemed as excess land. Per Section 5.4 of the Policy, the Adjacent Owners are now given preference to acquire the excess land at market value. The MFDA has established a market value of \$192,777 for OIN 7234BCD.

In recognition that there are many existing landowners adjacent to OIN 7234 BCD, the MFDA has developed a conceptual approach for splitting OIN 7234BCD into many parcels aligning with the adjoining parcels (see attached OIN 7234BCD property split exhibit). Based on the conceptual property split, the portion of OIN 7234BCD adjacent to your property, Lot X is XXXX square feet and a sale price of \$XXXX per square foot, for a purchase price of \$XXXXX. In addition, the MFDA will charge an administrative fee of \$XXX to cover a portion of the expenses associated with surveying, platting, and administering the property sale.

Lot	Lot Size (SF)*	Sale Price per	Sale Price	Admin Fee	Total
	SF	\$ / SF	\$	\$	\$

*Final Square Footage will be based on survey

If you are interested in purchasing the portion of OIN 7234BCD adjacent to your property, please sign and submit the attached Notice of Intent to Purchase to the MFDA by May 12, 2025. If you have questions or comments about the conceptual property split or the purchase process, please contact Eric Dodds at eric.dodds@ae2s.com. In addition, Eric Dodds will be available for in-person discussions at the Horace Fire Hall from 4pm to 6pm on April 29 and May 1.

If a Notice of Intent to Purchase (see attached form) is received from all adjacent landowners, the MFDA will proceed with surveying the property, preparing purchase agreements for each adjacent landowner, preparing a plat to subdivide the property and join the subdivided lots with your existing parcels, and rezone the subdivided lots to match the zoning of your existing parcels. The platting and rezoning will be subject to approval by the City of Horace. Also please note that the MFDA is required to and will be removing the ballast rock material from OIN 7234BCD this summer, and upon completion of the ballast removal a report and letter of approval will be provided by the North Dakota Department of Environmental Quality. In addition, note that the sale of OIN 7234BCD will



be subject to a deed restriction (see attached). Upon completion of the sale, all ownership and management of the property will be transferred to you.

If a Notice of Intent to Purchase is not received within thirty (30) days from all adjacent landowners, the MFDA will proceed to sell OIN 7234BCD via a public sale (the fourth step in the process), per the policy.

If you have any questions, please contact Eric Dodds at eric.dodds@ae2s.com.

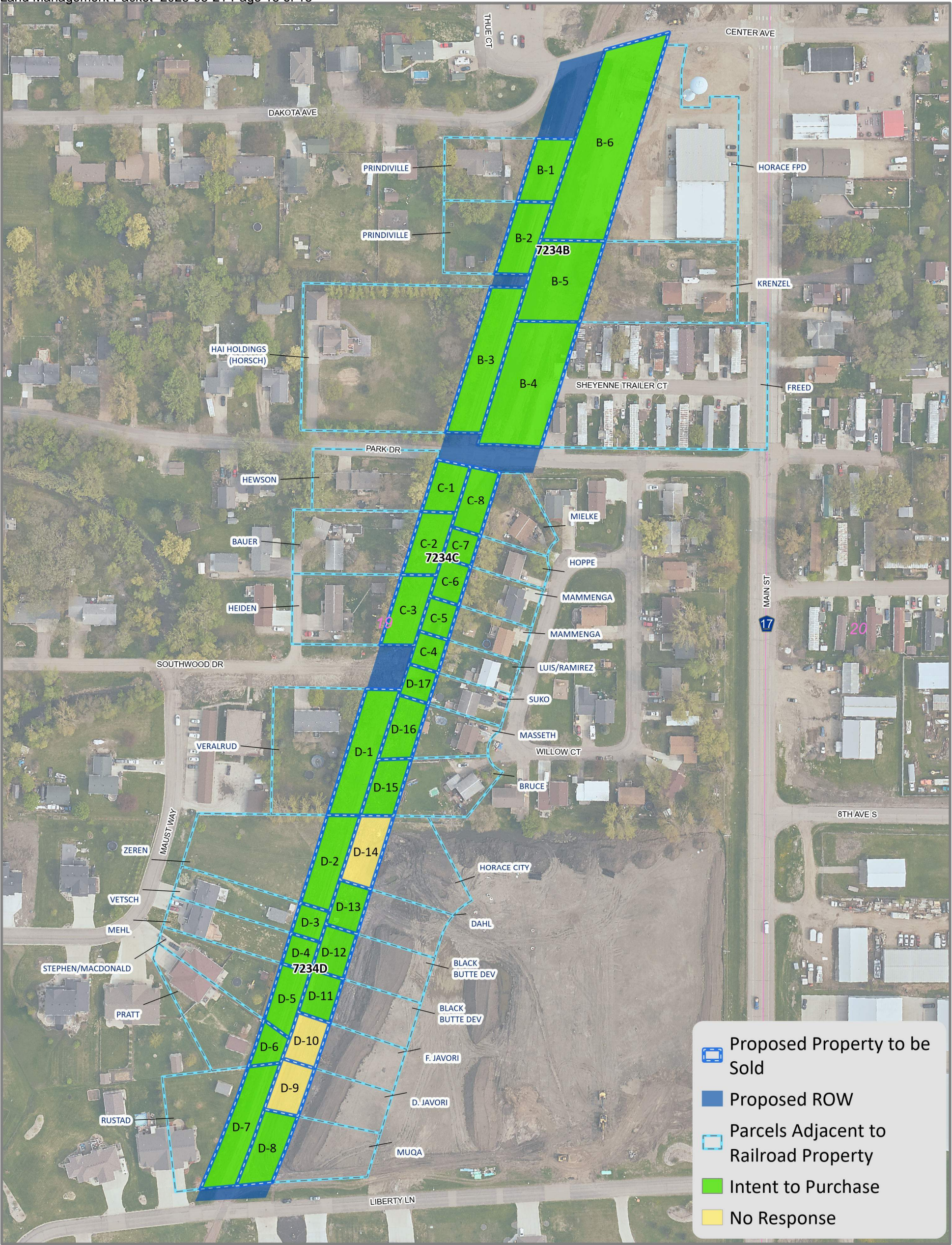
Sincerely,

Jason Benson

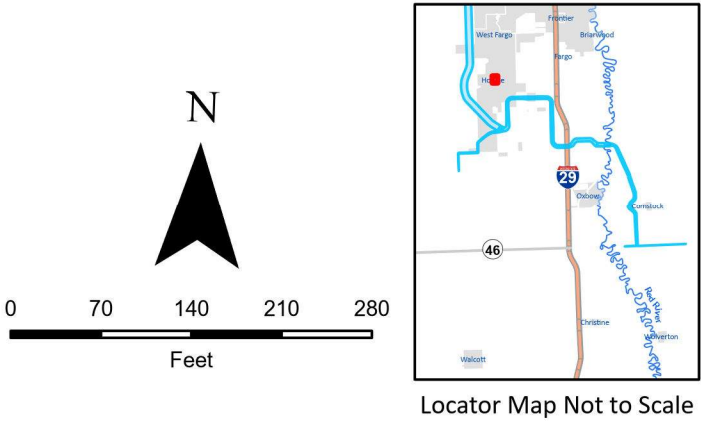
Jason Benson
Executive Director

Attachments

- OIN 7234BCD property split exhibit
- Notice of Intent to Purchase form
- Deed restriction



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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\DCAI\Horace Railroad\HoraceRailroad.aprx | Horace RR 7234BCD w Adjacent owners_11x17



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

Cass County, ND
FM AREA DIVERSION
Map Date: 5/14/2025

