

Land Management Committee Agenda



Diversion Authority Land Management Committee

July 23, 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 May 21, 2025
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. OINs 2366Y, 2367Y & 8852Y Sale of Excess Land Recommendation
[Attachment 02.00] (Pg. 4)
5. OIN 7004 Sale of Excess Land Recommendation
[Attachment 03.00] (Pg. 16)
6. OIN 9347 Sale of Excess Land Recommendation
[Attachment 04.00] (Pg. 26)
7. OIN 1834 Sale of Excess Land Recommendation
[Attachment 05.00] (Pg. 34)
8. OIN 7249 Sale of Excess Land Recommendation
[Attachment 06.00] (Pg. 42)
9. Other Business
10. Next Meeting: To Be Determined
11. Adjournment

MEDIA AND PUBLIC PARTICIPATION INFORMATION

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

- View the Meeting on Fargo TV or at www.TVFargo.com
- View the Meeting on the City of Fargo's Facebook.

Metro Flood Diversion Authority Land Management Committee Meeting Minutes

3:00 PM – May 21, 2025

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on May 21, 2025. The following members were present: 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; Tim Flakoll, Cass County Commissioner and Kevin Campbell, Clay County Commissioner.

Member(s) absent: Nathan Boerboom, Fargo Division Engineer.

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 MARCH 2025 MEETING

MOTION PASSED

Ms. White moved to approve the minutes from March 2025, and Mr. Flakoll seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

Mr. Campbell moved to approve the order of the agenda as presented and Ms. White seconded the motion. On a voice vote, the motion carried.

4. OIN 858 SALE OF EXCESS LAND RECOMMENDATION

Mr. Dodds introduced OIN 858 and asked for approval to sell the parcel per the Excess Lands Policy. 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. The new owner will need to seek an access easement from the neighboring property owner or seek approval from the County to install a new field approach. The proposed sale price is \$20,000.

MOTION PASSED

Mr. Campbell moved to recommend approval of the sale of OIN 858 to the MFDA Board per the Excess Lands Policy and Mr. Zimmerman seconded the motion. On a roll call vote, the motion carried.

5. OINs 7234B, 7234C and 7234D SALE OF EXCESS LAND UPDATE

Mr. Dodds provided an update on OINs 7234B, 7234C and 7234D. Letters were sent to 28 adjacent landowners, and we have received Notice of Intent to Purchase forms from nearly all landowners.

Based on this feedback, 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 these properties 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.

MOTION PASSED

Mr. Stamness moved to proceed with the sale of OINs 7234B, 7234C and 7234D, per the Excess Lands Policy and Ms. White seconded the motion. Ms. Mongeau asked that the motion include parcel D-14 to be offered to the City of Horace and if they decline purchase, that it is offered to the owner of parcel D-2. The motion and the second agreed with this revision. On a roll call vote, the revised motion carried.

6. PUBLIC COMMENT

Mr. Breitling opened the meeting for public comment at 3:12 PM; it was closed at 3:13 PM.

7. OTHER BUSINESS

There was no additional business to discuss.

8. NEXT MEETING

Tentative June 25, 2025.

9. ADJOURNMENT

The meeting adjourned at 3:15 PM.

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: July 23, 2025
Re: OINs 2366Y, 2367Y, and 8852Y Excess Land

RECOMMENDATION/ACTIONS NEEDED:

Approve the sale price of \$730,000 for excess land parcels OIN 2366Y, 2367Y, and 8852Y.

Background/Key Points:

In November 2024 an excess land recommendation for OINs 2366Y, 2367Y, and 8852Y was presented at the MFDA Land Committee, the CCJWRD Board, and the MFDA Board meetings. The recommendation included a market value of \$767,000 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. During the Adjacent Owner step, interest was received, but agreement was not reached for the listed price. As such, these excess land parcels were made available for public sale. The same interested party has come forward with a proposed purchase price of \$730,000. In addition, the interested buyer requests use of the existing field access points along 27th Street SE, which requires an access easement across the road right-of-way owned by CCJWRD, which was acquired for potential roadway changes. Additionally, the buyer is requesting rights to maintain field drainage for this property, which currently necessitates crossing project-owned land. In 2024 the Project paid \$1,043 in property taxes for these properties. In efforts to dispose of this excess land, we recommend and request approval to proceed with the sale for \$730,000.

ATTACHMENTS:

- Approved Memo – Excess Lands recommendation – OINs 2366Y, 2367Y, and 8852Y



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: October 30, 2024

RE: Excess Lands Recommendation – OINs 2366Y, 2367Y, and 8852Y

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 OINs 2366Y, 2367Y, and 852Y as Excess Land and begin the process to dispose of these properties as one sale following the Policy.

2. Pertinent Facts Regarding OINs 2366Y, 2367Y, and 8852Y

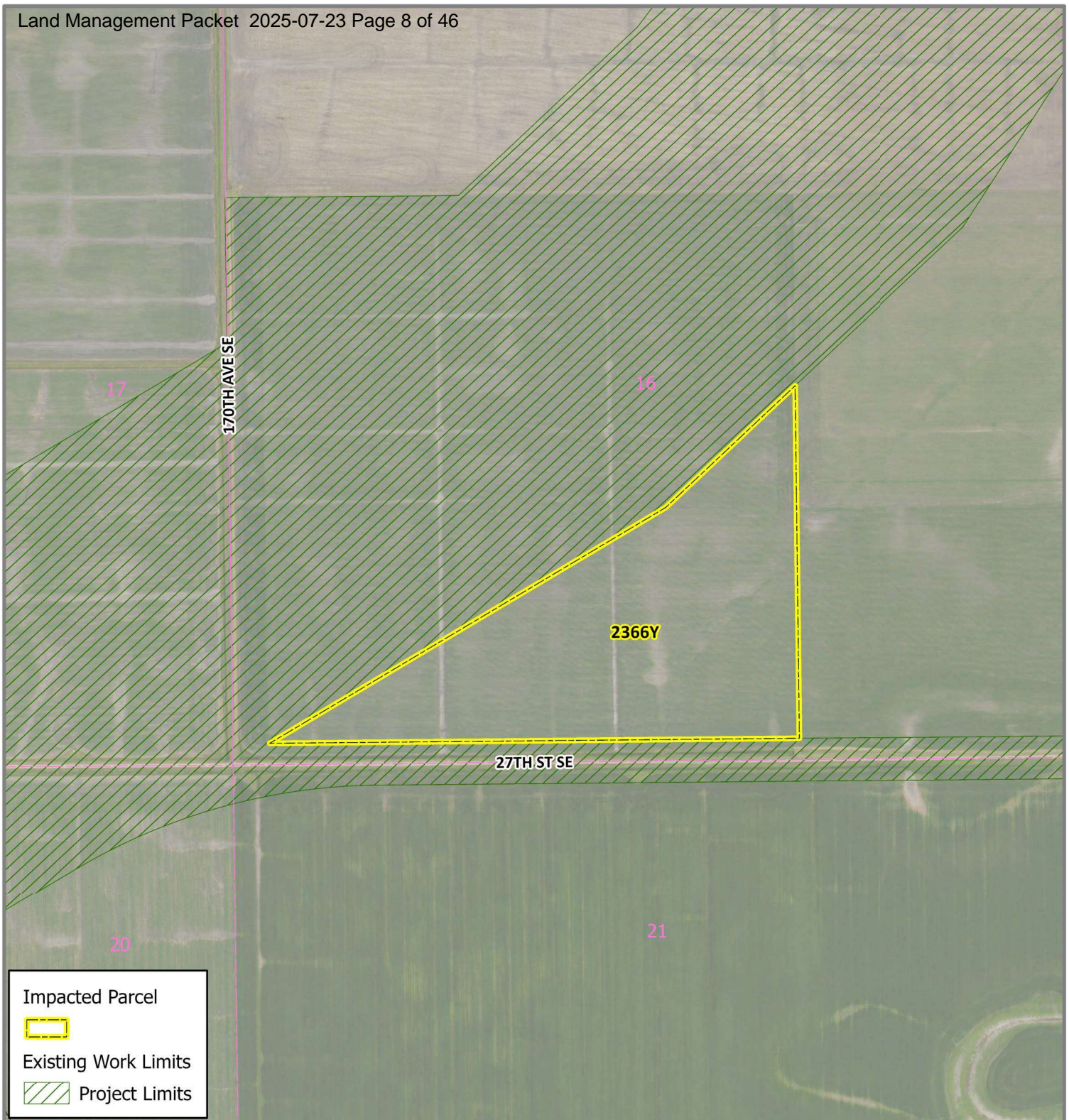
Description of Parcel(s)	See Exhibit A for a map showing the parcels recommended as excess land.
Legal Description	See Exhibit B for the legal descriptions of the parcels recommended as excess land.
Asset Parcel(s) Size	OIN 2366Y: 42.3 acres OIN 2367Y: 47.42 acres OIN 8852Y: 0.82 acres TOTAL = 90.54 acres

Narrative Description of Parcel(s)	OINs 2366Y, 2367Y, and 8852Y are located along the south side of the Diversion Channel, northeast of I29.
Purchase Date	OIN 2366 & 2367: March 8, 2017 OIN 8852: April 4, 2017
Purchase Price	OIN 2366 & 2367: \$1,315,000, which equates to approximately \$6,000/acre OIN 8852: \$5,000, which equates to approximately \$5,000/acre
Proposed Sale Price	OIN 2366Y, 2367Y, and 8852Y: \$767,000 <ul style="list-style-type: none"> Based on \$8,500/acre
Former Owner	OIN 2366Y & 2367Y: City of Fargo OIN 8852Y: Edwin & Margaret Ployhart
Adjacent Owners	OIN 2366Y & 2367Y: Ordean & Helen Nygren (OIN 2367X) OIN 8852Y: Ordean & Helen Nygren (OIN 2367X) / Herman Rabanus (OIN 9053X)
Property Management Approach	OIN 2366Y: Pifer's Land Management since 2019 OIN 2367Y: Pifer's Land Management since 2019 OIN 8852Y: Pifer's Land Management since 2019
Property Taxes	There is no recorded property tax data for these parcels.
Relation to Construction	The OINs in this recommendation are located along the south side of the Diversion Channel northeast of I29. These parcels are no longer needed or impacted by construction of the Project.
Right of First Refusal	OIN 2366Y: No OIN 2367Y: No OIN 8852Y: No

3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OINs 2366Y, 2367Y, and 8852Y as "Excess Land" and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

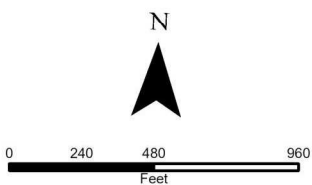
Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



Any reliance upon this map is at user's own risk. AE25 does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.

All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.

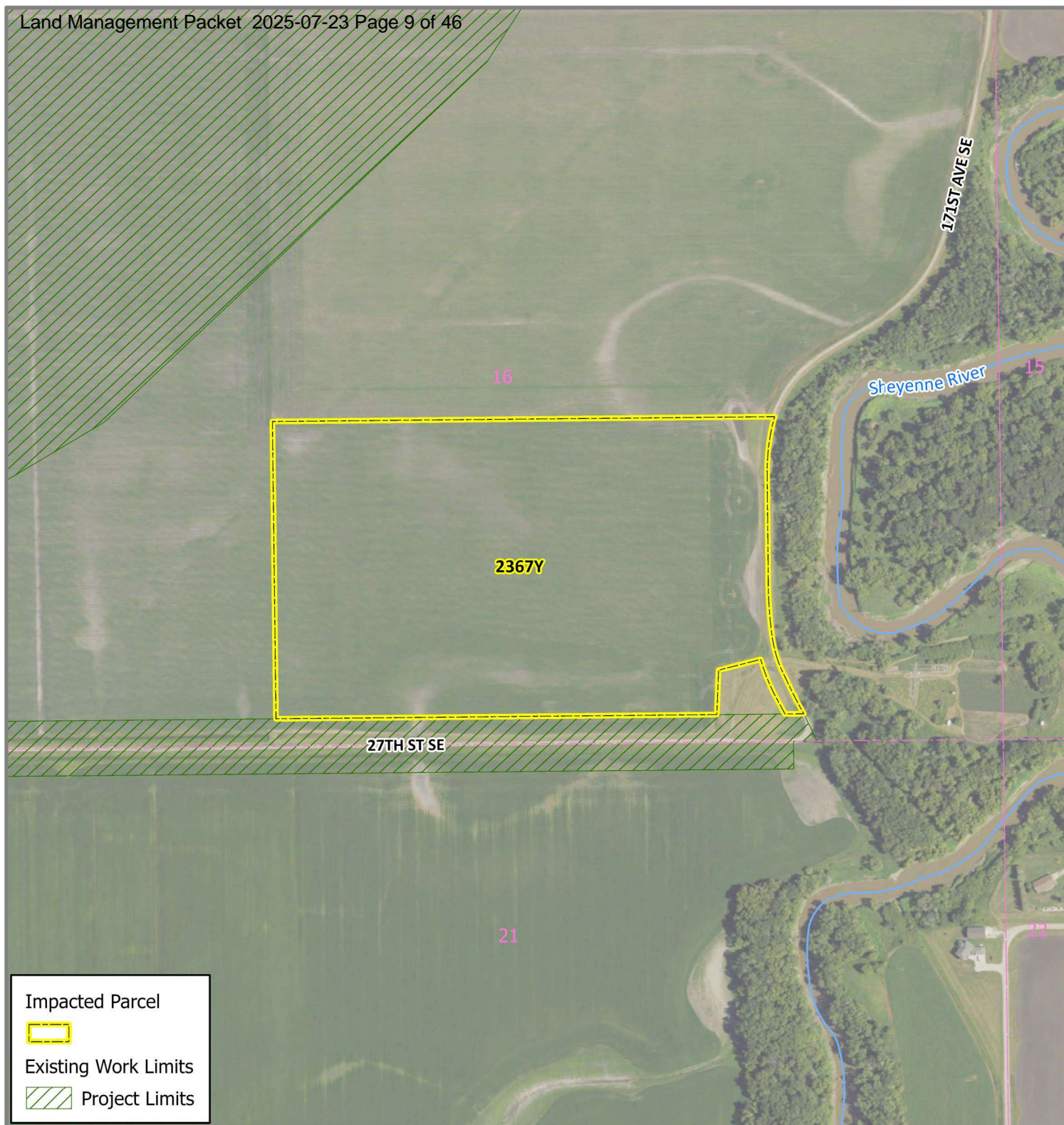
Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: CLidenberg | C:\Data\Projects\GIS Projects\FM Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



OIN: 2366Y
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 44-0000-00610-010
Cass County, ND

FM AREA DIVERSION
 Map Date: 10/10/2024

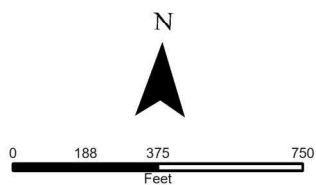




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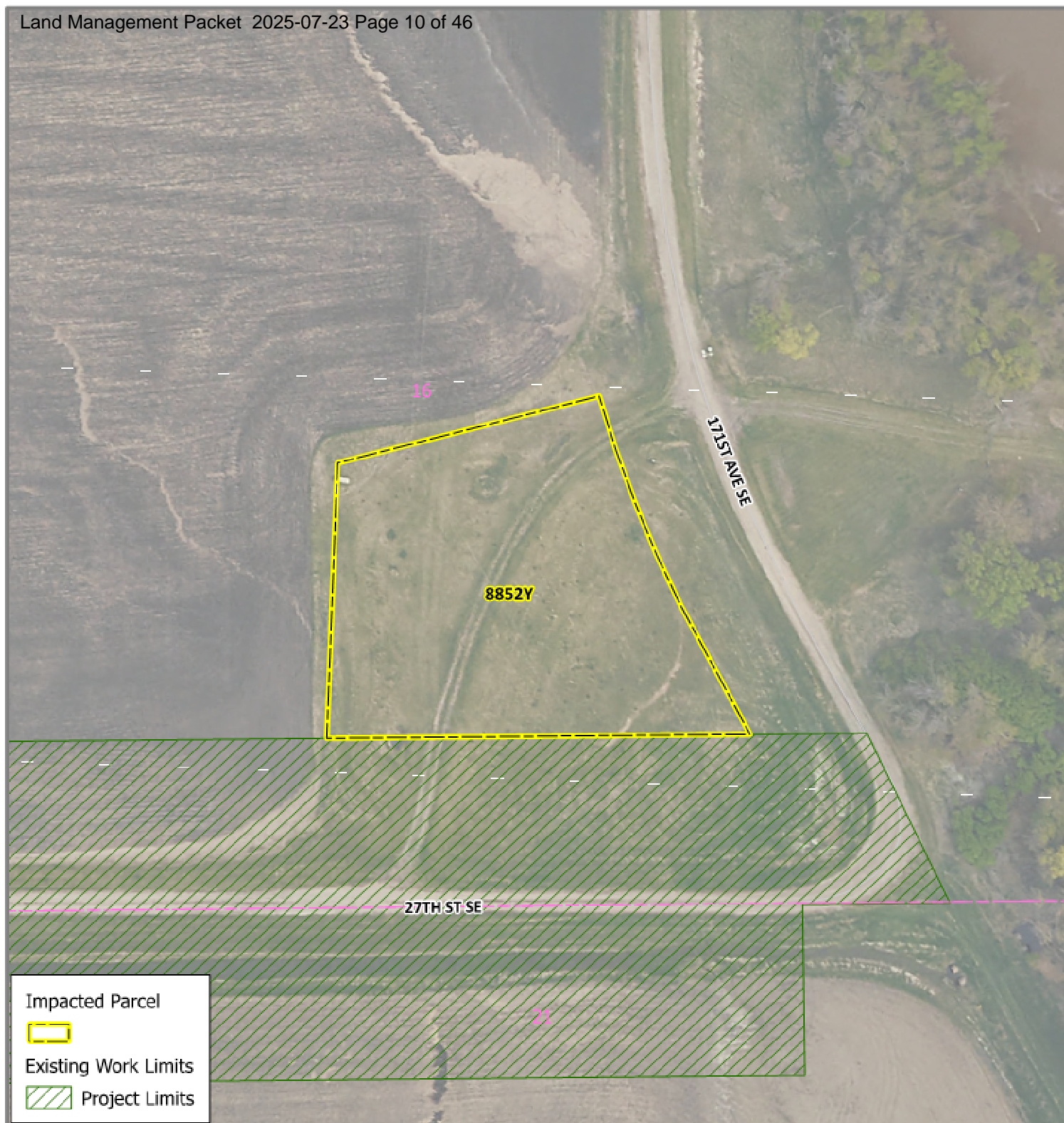
Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: CLidenberg | C:\Data\Projects\GIS Projects\FM Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



OIN: 2367Y
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 44-0000-00620-050
Cass County, ND

FM AREA DIVERSION
 Map Date: 10/10/2024

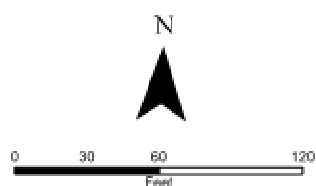




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Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: CLidenberg | C:\Data\Projects\GIS Projects\FM Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



OIN: 8852Y
CASS COUNTY JOINT WATER RESOURCE
DISTRICT
Parcel ID: 44-0000-00620-060
Cass County, ND

FM AREA DIVERSION
 Map Date: 10/10/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

OIN 2366Y

That part of the Southwest Quarter (SW1/4) of Section 16, Township 141 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southeast Corner of the Southwest Quarter (SW1/4) of said Section 16; thence North 02 degrees 41 minutes 46 seconds West on the east line of said SW1/4 a distance of 100.00 feet to the easterly line of Lot 1, Block 6, FMD-Harwood Subdivision in Sections 1-3, 9-10, 16-17, 19-21 & 30, T141N, R49W, 5th P.M., Cass County, North Dakota being the Point of Beginning; thence South 87 degrees 27 minutes 11 seconds West parallel with, and 100.00 feet north, of the south line of said SW1/4, and on said easterly line of Lot 1 a distance of 2,474.12 feet to a corner of said Lot 1; thence North 57 degrees 13 minutes 38 seconds East on said easterly line of Lot 1 a distance of 2,152.96 feet to a corner of said Lot 1; thence North 44 degrees 43 minutes 16 seconds East on said easterly line of Lot 1 a distance of 829.87 feet to the east line of said SW1/4; thence South 02 degrees 41 minutes 46 seconds East on said east line of the SW1/4 a distance of 1,646.95 feet to the Point of Beginning.

Said parcel contains 42.33 acres, more or less.

OIN 2367Y

That part of the Southeast Quarter (SE1/4) of Section 16, Township 141 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southwest Corner of the Southeast Quarter (SE1/4) of Section 16; thence North 02 degrees 41 minutes 46 seconds West on the west line of said SE1/4 a distance of 100.00 feet to the easterly line of Lot 1, Block 6, FMD-Harwood Subdivision in Sections 1-3, 9-10, 16-17, 19-21 & 30, T141N, R49W, 5th P.M., Cass County, North Dakota being the Point of Beginning; thence continuing North 02 degrees 41 minutes 46 seconds West on said west line of the SE1/4 of Section 16 a distance of 1,080.73 feet; thence North 87 degrees 27 minutes 15 seconds East a distance of 1,825.22 feet to the centerline of the township road as currently located in said SE1/4 of Section 16; thence, on said township road centerline, 151.74 feet on the arc of a non-tangential curve, concave to the southeast, having a radius of 450.00 feet, a central angle of 19 degrees 19 minutes 15 seconds, and a long chord length of 151.03 feet bearing South 07 degrees 21 minutes 09 seconds West; thence, continuing on said township road centerline, South 02 degrees 18 minutes 28 seconds East, tangent to the preceding curve, a distance of 494.12 feet; thence, continuing on said township road centerline, 387.83 feet on the arc of a tangential curve, concave to the northeast, having a radius of 800.00 feet, a central angle of 27 degrees 46 minutes 35 seconds, and a long chord length of 384.04 feet bearing South 16 degrees 11 minutes 46 seconds East; thence, continuing on said township road centerline, South 30 degrees 05 minutes 03 seconds East a distance of 72.89 feet to a corner of said Lot 1; thence South 87 degrees 27 minutes 15 seconds West parallel with, and 100.00 feet north of, the south line of said SE1/4 of Section 16, and on the easterly line of said Lot 1 a distance of 68.73 feet; thence North 30 degrees 16 minutes 22 seconds West a distance of 84.58 feet; thence 131.74 feet on the arc of a non-tangential curve, concave to the northeast, having a radius of 710.49 feet, a central angle of 10 degrees 37 minutes 26 seconds, and a long chord length of 131.55 feet bearing North 23 degrees 15 minutes 02 seconds West; thence South 73 degrees 40 minutes 35 seconds West a distance of 157.93 feet; thence South 00 degrees 15 minutes 17 seconds West a distance of 160.50 feet to the easterly line of said Lot 1; thence South 87 degrees 27 minutes 15 seconds West parallel with, and 100.00 feet north of, the south line of said SE1/4, and on said easterly line of Lot 1 a distance of 1,602.89 feet to the Point of Beginning.

Said parcel contains 44.19 acres, more or less.

OIN 8852Y

That part of the Southeast Quarter (SE1/4) of Section 16, Township 141 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southeast Corner of the Southeast Quarter (SE1/4) of Section 16; thence South 87 degrees 27 minutes 15 seconds West on the south line of said SE1/4 a distance of 796.45 feet; thence North 02 degrees 32 minutes 45 seconds West perpendicular to said south line a distance of 100.00 feet to the easterly line of Lot 1, Block 6, FMD-Harwood Subdivision in Sections 1-3, 9-10, 16-17, 19-21 & 30, T141N, R49W, 5th P.M., Cass County, North Dakota being the Point of Beginning; thence South 87 degrees 27 minutes 15 seconds West parallel with, and 100.00 feet north of, said south line of the SE1/4, and on said easterly line of Lot 1 a distance of 247.09 feet; thence North 00 degrees 15 minutes 17 seconds East a distance of 160.50; thence North 73 degrees 40 minutes 35 seconds East a distance of 157.93 feet; thence 131.74 feet on the arc of a non-tangential curve, concave to the northeast, having a radius of 710.49 feet, a central angle of 10 degrees 37 minutes 26 seconds, and a long chord length of 131.55 feet bearing South 23 degrees 15 minutes 02 seconds East; thence South 30 degrees 16 minutes 22 seconds East a distance of 84.58 feet to the Point of Beginning; Said parcel contains 0.82 acres, more or less.

Exhibit C: Declaration of Excess Land Form

I hearby declare that OINs 2366Y, 2367Y, and 8852Y 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

Robert Wilson
Co-Executive Director

10/30/2024

Date

Michael Redlinger

Michael Redlinger
Co-Executive Director

10/30/2024

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: July 23, 2025
Re: OIN 7004 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 7004 (7.96 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 7004



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: July 10, 2025

RE: Excess Lands Recommendation – OIN 7004, subject to a Flowage Easement

1. Introduction

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

This Memorandum serves as a recommendation for the Executive Director to declare OIN 7004 as Excess Land and begin the process to dispose of the property following the Policy. Note that the parcel is in the Upstream Mitigation Area (UMA) and therefore the Authority (via the Cass County Joint Water Resource District (CCJWRD)) shall reserve a flowage easement on this property as part of a sale.

2. Pertinent Facts Regarding OIN 7004

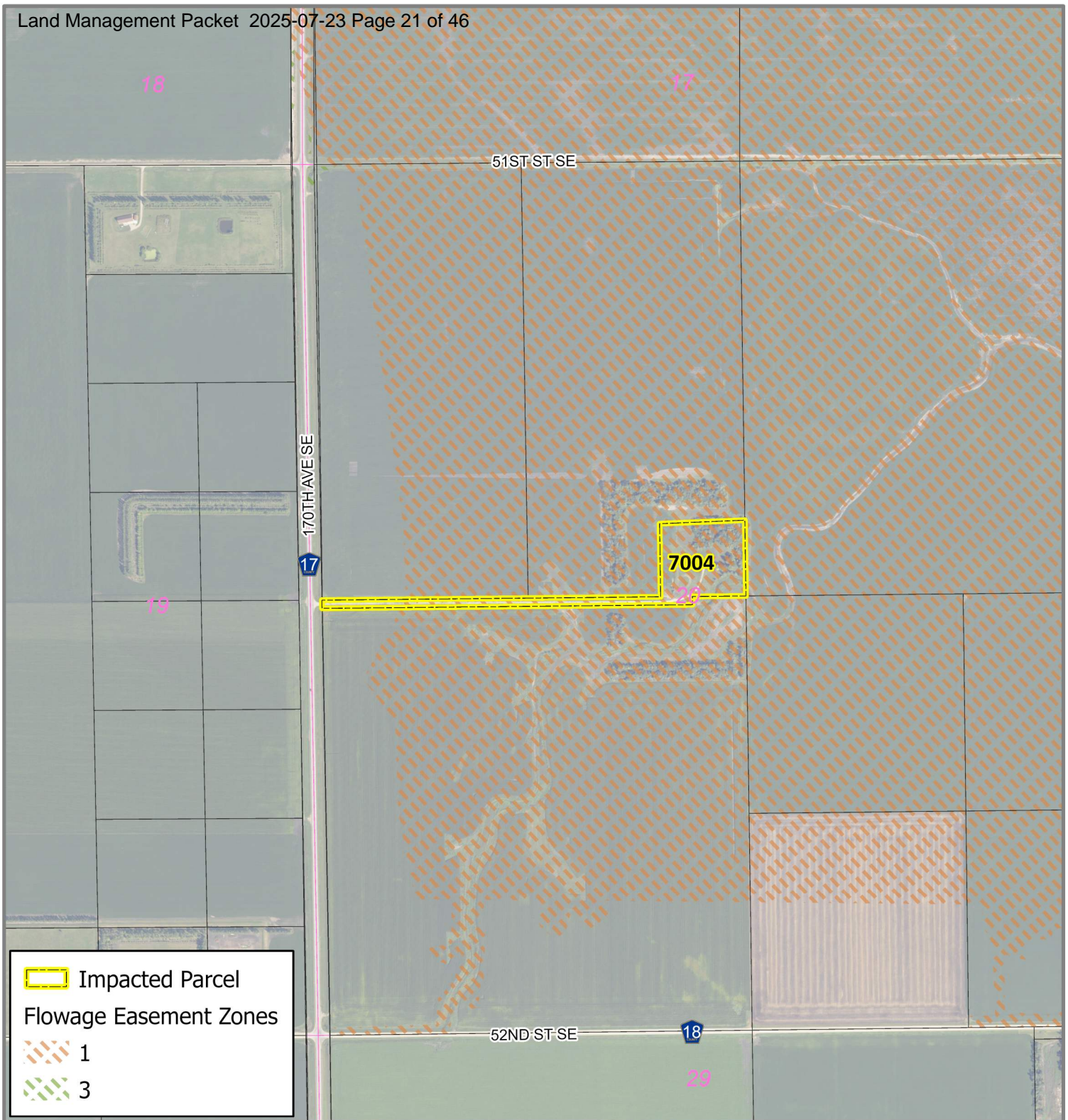
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	7.96 acres

Narrative Description of Parcel(s)	OIN 7004 is located off of 170 th Ave SE (CR 17) in the Upstream Mitigation Area associated with the project. This former residential property has had all structures removed from the property as part of the project.
Purchase Date	November 25, 2019
Purchase Price	\$850,852 (for the lot and structures that have now been removed from property)
Proposed Sale Price	\$40,000 Based on \$5,000 per acre
Former Owner	Brian & Emily Potter
Adjacent Owners	OIN 855 and 1961 – Michael Staber OIN 854 – David & Barbara Beliveau OIN 1954 – Sandra K. Nipstad
Property Management Approach	This parcel has been maintained through a weed control and mowing contract with JT Lawn Services since 2022.
Property Taxes	The 2024 property taxes were \$0.
Relation to Construction	Parcel is in the UMA, and not impacted by construction of the Comprehensive Project. The former owner desired a full buyout of the property. The former buildings on the parcel have been removed 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 had a ROFO that expired on November 25 th , 2024.

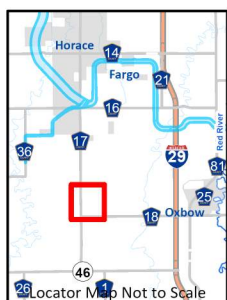
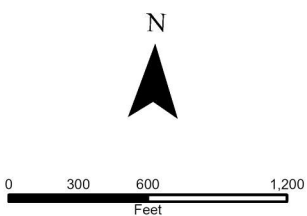
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 7004 as “Excess Land” and proceed with the process outlined in the Policy. If you agree with this recommendation, please sign the attached declaration form for our records (Exhibit C).

Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.
 All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: hrecords | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | IndividualLayout



OIN: 7004
CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Parcel ID: 57-0000-10335-090
 Cass County, ND

FM AREA DIVERSION
 Map Date: 2/13/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands



1578085

Page: 1 of 4
11/27/2019 10:00 AM
WD \$20.00



TITLE CO

RECORDER'S OFFICE, CASS COUNTY, ND
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
DEBORAH A. MOELLER, COUNTY RECORDER

by Shena Garcia Deputy

1578085

WARRANTY DEED

238172

THIS INDENTURE, made this 26 day of NOV-, 2019, between Brian Potter and Emily Potter, husband and wife, GRANTORS, and the Cass County Joint Water Resource District, a North Dakota political subdivision, GRANTEE, whose post office address is 1201 Main Avenue West, West Fargo, North Dakota 58078.

WITNESSETH, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, GRANTORS do hereby GRANT, BARGAIN, SELL, AND CONVEY unto the GRANTEE all of the following real property lying and being in Cass County, North Dakota, and described as follows:

All that part of the Southeast Quarter of the Northwest Quarter of Section Twenty, in Township One Hundred Thirty-seven North of Range Forty-nine West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota, described as follows: Commencing at the West Quarter Corner of said Section Twenty (North Dakota Land Survey Monument Record No. 645); thence on an assumed bearing of South 89°32'41" East on and along the South line of said Northwest Quarter of Section Twenty a distance of 2127.36 feet to the Point of Beginning; thence North 00°12'57" East a distance of 444.00 feet; thence North 88°39'35" East a distance of 518.36 feet to the East line of said Northwest Quarter of Section Twenty; thence South 00°12'57" West on and along said East line of the Northwest Quarter of Section Twenty a distance of 460.25 feet to the Center of Section Corner (North Dakota Land Survey Monument Record No. 646); thence North 89°32'41" West on and along said South line of the Northwest Quarter of Section Twenty, a distance of 518.18 feet to the point of beginning.

57-0000-10335-000

2 Title Co.



1578085

Page: 2 of 4

11/27/2019 10:00 AM

TITLE CO

WD \$20.00

The above property may also be described as Auditor's Lot 1 part of the Northwest Quarter of Section 20, in Township 137, Range Forty-nine West of the Fifth Principal Meridian, Cass County, North Dakota.

AND

The North 50 feet of the West 2320 feet of the Southwest Quarter of Section Twenty, in Township One Hundred Thirty-seven North of Range Forty-nine West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota.

The GRANTORS for themselves, their heirs, personal representatives, and administrators, do covenant with the GRANTEE that they are well seized in fee of the land and premises aforesaid and have good right to sell and convey the same in manner and form aforesaid; that the same are free from all encumbrances, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the above granted lands and premises in the quiet and peaceable possession of the GRANTEE, against all persons lawfully claiming or to claim the whole or any part thereof, the GRANTORS will warrant and defend.

(Signatures on the following pages.)

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 7004 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.



Executive Director

7/15/25

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: July 23, 2025
Re: OIN 9347 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 9347 (3 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 9347



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: July 10, 2025

RE: Excess Lands Recommendation – OIN 9347, 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 9347 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 9347

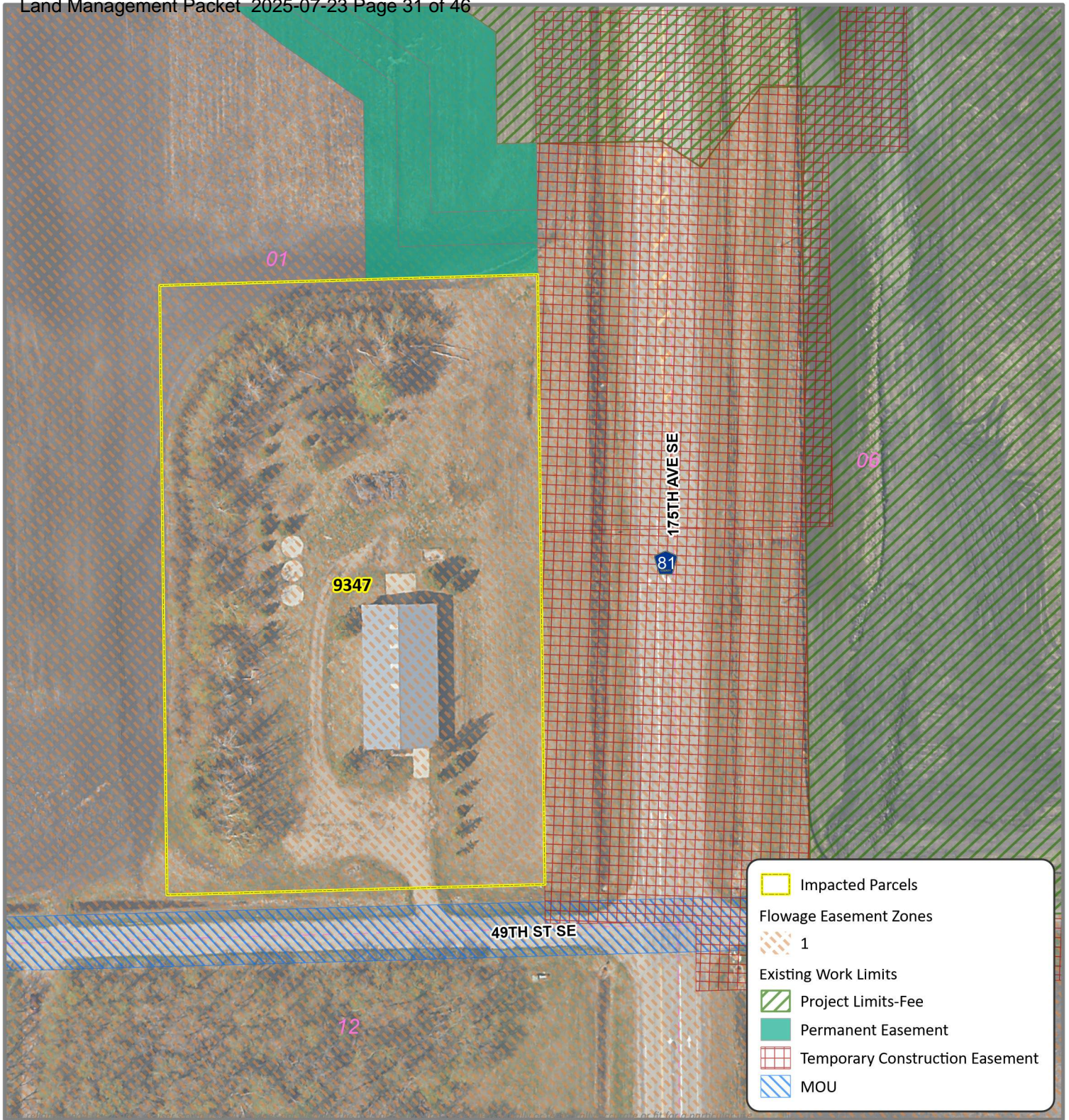
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	3.00 acres

Narrative Description of Parcel(s)	OIN 9347 is located in North Dakota on the corner of 49 th St SE and 175 th Ave SE in the Upstream Mitigation Area associated with the Comprehensive Project.
Purchase Date	August 22, 2024
Purchase Price	\$550,000
Proposed Sale Price	<p>\$15,000</p> <p>Based on \$5,000/acre for flowage easement encumbered recreational land. This is a reduced valuation of recreational land due to it not being along the Red River and its isolated location that may limit the appetite of this parcel for hunting use.</p>
Former Owner	Vincent Ulstad, KLF LLP
Adjacent Owners	<p>OIN 8919X – Vincent Ulstad RLT</p> <p>OIN 9993 & 9994 – Larry Brandt RLT</p> <p>OIN 809X – Karen Offutt Trust</p>
Property Management Approach	To date no maintenance has been needed on this property. The site will soon be fully mitigated and seeded.
Property Taxes	For 2024 this property had an annual of \$50 in property taxes.
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.

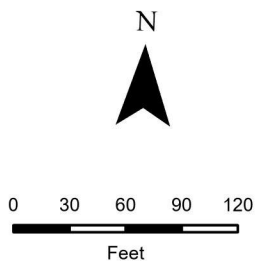
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 9347 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



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: cwickheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | Not Data Driven Layout



OIN: 9347

Owner: CCJWRD
Parcel ID: 57-0375-00010-000

Cass County, ND

FM AREA DIVERSION
Map Date: 5/20/2025




Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the Purchase Agreement dated August 23, 2024.

Lot 1, Block 1, of Callies Run Subdivision being a plat of part of the E1/2 of the SE1/4 of Section 1, Township 137 North, Range 49 West, Fifth Principal Meridian, Cass County, North Dakota.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9347 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

7/15/25

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: July 23, 2025
Re: OIN 1834 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 1834 (9.53 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 1834



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: July 11, 2025

RE: Excess Lands Recommendation – OIN 1834, 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 1834 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 1834

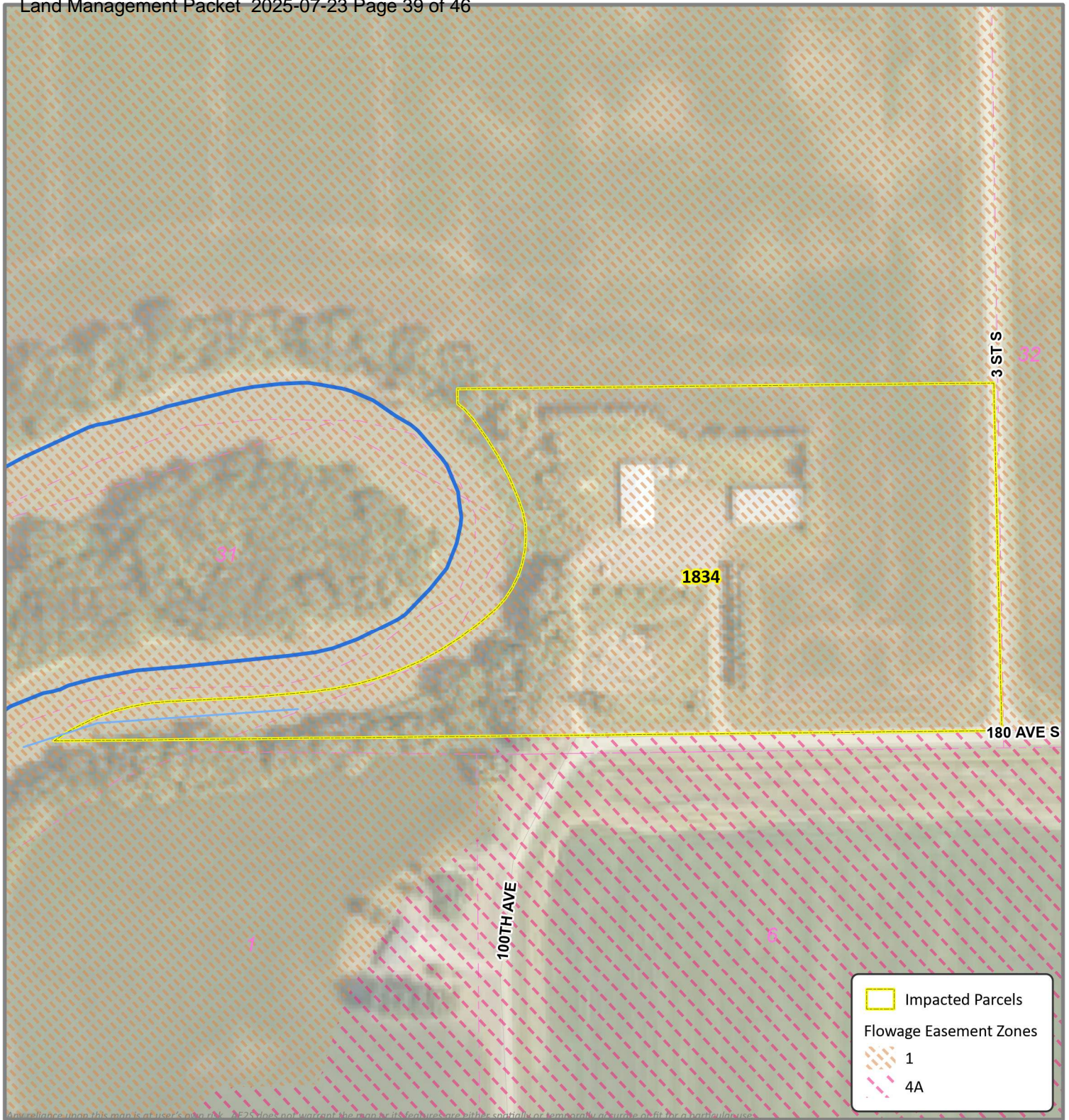
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	9.53 acres

Narrative Description of Parcel(s)	OIN 1834 is located in Minnesota on the corner of 180 th Ave South and 37 th St South in the Upstream Mitigation Area associated with the Comprehensive Project. There are approximately 3 acres of irregularly shaped tillable land as part of this parcel
Purchase Date	November 14, 2021
Purchase Price	\$620,800
Proposed Sale Price	\$52,000 Based on \$5,500/acre for flowage easement encumbered recreational land, considering the tillable acres on this parcel are small and irregularly shaped.
Former Owner	Micki Barnard
Adjacent Owners	OIN 1827 & 1833X – Ness Family Farm LLP OIN 1252 & 1824X – Keith & Norma Kragerud OIN 1250X – Paul & James Quinnild OIN 1670X – Larry & Judith Ness, LLLP
Property Management Approach	The farmstead portion of this parcel has been maintained through a weed control and mowing contract with JT Lawn Services and a Farmland Lease on the tillable acres.
Property Taxes	For 2024 this property had an annual of \$3,662 in property taxes and \$46 so far for 2025.
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.

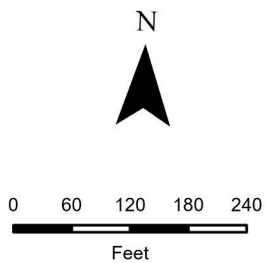
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 1834 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



All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.
Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps - General Inquiry\ArcPro General Individual Layout.aprx | Not Data Driven Layout



OIN: 1834
Owner: MCCJPA
Parcel ID: 15.031.4401

Clay County, MN
FM AREA DIVERSION
Map Date: 5/20/2025



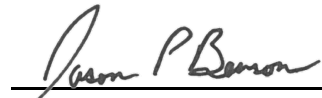
Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the Purchase Agreement dated October 19, 2021.

The South 507 feet of that part of Government Lot Six and the Northeast Quarter of the Southeast Quarter of Section Thirty-one, Township One Hundred Thirty seven North of Range Forty-eight West of the Fifth Principal Meridian, Clay County, Minnesota, which is included within the following metes and bounds description: Beginning at the Southeast corner of Section Thirty-one, Township One Hundred Thirty-seven North of Range Forty-eight West of the Fifth Principal Meridian, Clay County, Minnesota; thence North 00°00'00" West along the East line of said Section Thirty-one, a distance of 1,743.82 feet; thence South 89°50'40" West a distance of 760.61 feet; thence South 00°17'38" West a distance of 1,324 feet, more or less, to a Point of Intersection with the East Bank of the Red River of the North; thence Southerly and Southwesterly along said East River Bank to the Point of Intersection with the South line of said Section Thirty-one; thence South 89°23'43" East along said South Section line a distance of 1,429 feet, more or less, to the point of beginning.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 1834 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

7/14/2025

Date

Memorandum



To: MFDA Land Management Committee
From: Jason Benson
Cc: Jodi Smith, Justin Fisher
Date: 07/23/2025
Re: Excess Land Disposal Update for OIN 7249 (part of the former Horace rail corridor)

REQUESTED ACTION:

Approve the recommended options outlined below for disposing of OIN 7249.

BACKGROUND:

The MFDA approved a recommendation to declare OIN 7249 as Excess Land in April 2024. Since that time, staff and consultants have been working to notify the appropriate parties as outlined in the Policy of the Disposition and Management of Comprehensive Project Lands (Policy). With no interest from the Member Entities or Prior Owner, we notified the Adjacent Owners, as noted in section 5.4 of the Policy. We received an intent to purchase from all adjacent landowners and then proceeded to prepare a plat to subdivide the property, along purchase agreements, quit claim deeds, and other documents to subdivide and sell the property to the 11 adjacent owners on the north side and one adjacent landowner on the south side of the property. Subsequently, the adjacent landowner south of the property has backed out of their intent to purchase the property, citing the approved sale price of \$0.50 per square foot. We then contacted the 11 north-side adjacent landowners asking if they would be interested in purchasing a larger, full-width portion of the property. After some discussion and feedback with the north-side adjacent landowners, they have indicated interest in purchasing the property, but at a reduced price (see attached email). Staff are not in favor of selling the property at a discounted price.

RECOMMENDATION


Staff and consultant teams have reviewed this situation and recommend proceeding with the following two options:

1. Continue with sale of north $\frac{1}{2}$ of the property at \$0.50/sf.
 - a. If the landowners agree with this option, we would need to replat the property and redo purchase agreements and closing documents. We would ask the buyers to put 10% earnest money down as a non-refundable deposit for this process.
 - b. The south $\frac{1}{2}$ of the property would be moved to the “public sale” step following our policy. We could entertain bids on the south $\frac{1}{2}$ of the property and take any bids to a future land management committee, following the policy.

2. Move the entire property into the public sale step of our policy
 - a. If the north-side landowners are not in favor of Option 1, we would then move the entire property (OIN 7249) into the public sale step of the process.
 - b. Under this scenario, we would sell the property as one parcel and we would not complete the platting or subdividing of the property, unless the buyers also agreed to a \$300 platting fee per portion of the subdivided parcel.

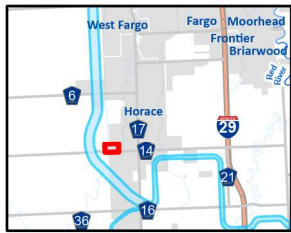
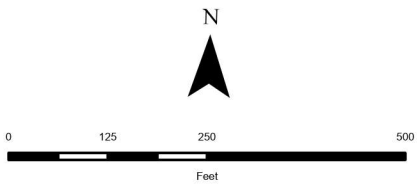
ATTACHMENTS:

- Map Exhibit for OIN 7249, Potential parcel subdivision, and Adjacent Landowners
- Email from north-side adjacent landowners

-  Railroad Parcel
-  Adjacent Owner
-  Railroad Property, Square Feet Available
-  Railroad Property - Road ROW



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.
 All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser | C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\DCA\Horace Railroad\HoraceRailroad.aprx | Horace Railroad_AdjacentOwners_OINs



Locator Map Not to Scale

Railroad Corridor near Horace, ND Adjacent Owners, Adjacent Square Feet OIN 7249

FM AREA DIVERSION
 Map Date: 7/16/2025



Eric Dodds

From: poo2fer@aol.com
Sent: Tuesday, July 15, 2025 12:07 PM
To: jacob.s.merritt@gmail.com; loraschiltz@gmail.com; millerkevin1201@gmail.com; samjohnson509@gmail.com; ahron.walter@gmail.com; blongmire@aol.com; sjzeien@aol.com; nikkisolem93@hotmail.com; casey.r.ressler@gmail.com; kfraase@lane-enterprises.com; Eric Dodds
Subject: Re: Purchase of Rail Corridor Update for OIN 7249 -Neighborhood Response

Eric,

After we learned the southern landowner backed out of the agreement to purchase the railroad land, we met together as a neighborhood community to discuss the situation. We are interested in purchasing both the north and south sides adjacent to our properties, but not at 50 cents per square foot. The land cannot be used for any material purpose and is overpriced. We also have questions and concerns that need to be addressed.

We would like a meeting with you to discuss. Please provide evening options when you can meet with us. If you are not the individual who has the power to negotiate pricing, please ensure that person(s) is also available to speak with us.

Thank you.

Sincerely,


River Bend Neighborhood Members:
Jacob Merritt & Mattie Merritt
Samuel Johnson & Ashley Johnson
Michael Walter
Bryan Longmire & Beverly Longmire
Jonathan Zeien & Stephanie Zeien
Nicole Solem
Richard Ohlgren & Vanita Vik-Ohlgren
Casey Ressler & Stephanie Ressler
Keith Fraase & Susanne Fraase
Lora Schiltz

On Tuesday, June 24, 2025 at 02:24:24 PM CDT, Eric Dodds <eric.dodds@ae2s.com> wrote:

River Bend neighborhood,

Please be informed that the landowner on the south side of the rail property has decided to forgo purchasing their portion of the rail property. This is disappointing news at this step in the process as know several of you have already reached out to The Title Company to process your paperwork. Given this, we are now wondering if the landowners on the north side of the rail corridor would be willing/interested in expanding your purchase to include the full-width of the rail corridor? I have attached an updated property split map showing a revised concept for selling the rail property to the north-side landowners. As a reminder, the sale price is \$0.50 per square foot. Please let us know if you are interested in this approach, or if you have any questions.

Thank you!

 **Eric Dodds, PE**
Program Manager
Mobile: (701) 793-7354

From: Eric Dodds
Sent: Thursday, June 12, 2025 6:17 PM
To: Billy Longmire <blongmire@aol.com>; garretttrochman@financialguide.com; sjzeien@aol.com; poo2fer@aol.com; kfraase@lane-enterprises.com; ahron.walter@gmail.com; nikkisolem93@hotmail.com; jacob.s.merritt@gmail.com; samjohnson509@gmail.com; loraschiltz@gmail.com; millerkevin1201@gmail.com; artweidner@yahoo.com
Cc: Sabrina Tusa <Sabrina.Tusa@AE2S.com>; Jodi Smith <smithj@fmdiversion.gov>; Lukas D. Andrud <landrud@ohnstadlaw.com>; Tiffany J. Findlay <tfindlay@ohnstadlaw.com>; Anna Lindberg <anna@thetitlecompany.com>
Subject: RE: Purchase of Rail Corridor Update for OIN 7249

River Bend neighborhood,

Good evening and thank you again for your continued patience as we work to sell you the abandoned rail corridor adjacent to your property. As you have probably noticed, the ballast removal project has been completed along the railbed property in your area, and we received the attached approval letter from ND Department of Environmental Quality.

Given this, we are ready to proceed with the signing documents to complete the process. As noted in previous correspondence, we will need all adjacent landowners to:

1. Sign your purchase agreements and closing documents.
2. Make payment for your purchase to The Title Company.
3. Sign the plat, which will be held in trust at The Title Company along with the quit claim deeds until closings with all the owners have been completed.