

August 22, 2025

VIA CERTIFIED MAIL

Brian & Emily Potter
5150 170th Ave SE
Kindred, ND 58051

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

Dear Brian & Emily Potter:

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 OIN 7004 has been deemed as excess land and I am authorizing the disposal of this land. Per Section 5.3 of the Policy, Prior Owners are given second preference to acquire the excess land at market value. Please find attached memorandum related to this parcel, and the declaration of excess lands.

This letter serves as the MFDA's formal notice of intent to sell, subject to any conditions in the original acquisition of the excess land. Notice of intent to purchase OIN 7004 must be provided to the MFDA within thirty (30) calendar days from receipt of this letter. All ownership and management of the excess land will be transferred to you upon receipt of funds equal to or greater than the property's market value, as established by the MFDA. For the parcel noted above, the MFDA has established the following market value:

| Parcel/OIN | Market Value |
|------------|--------------|
| 7004 | \$40,000 |

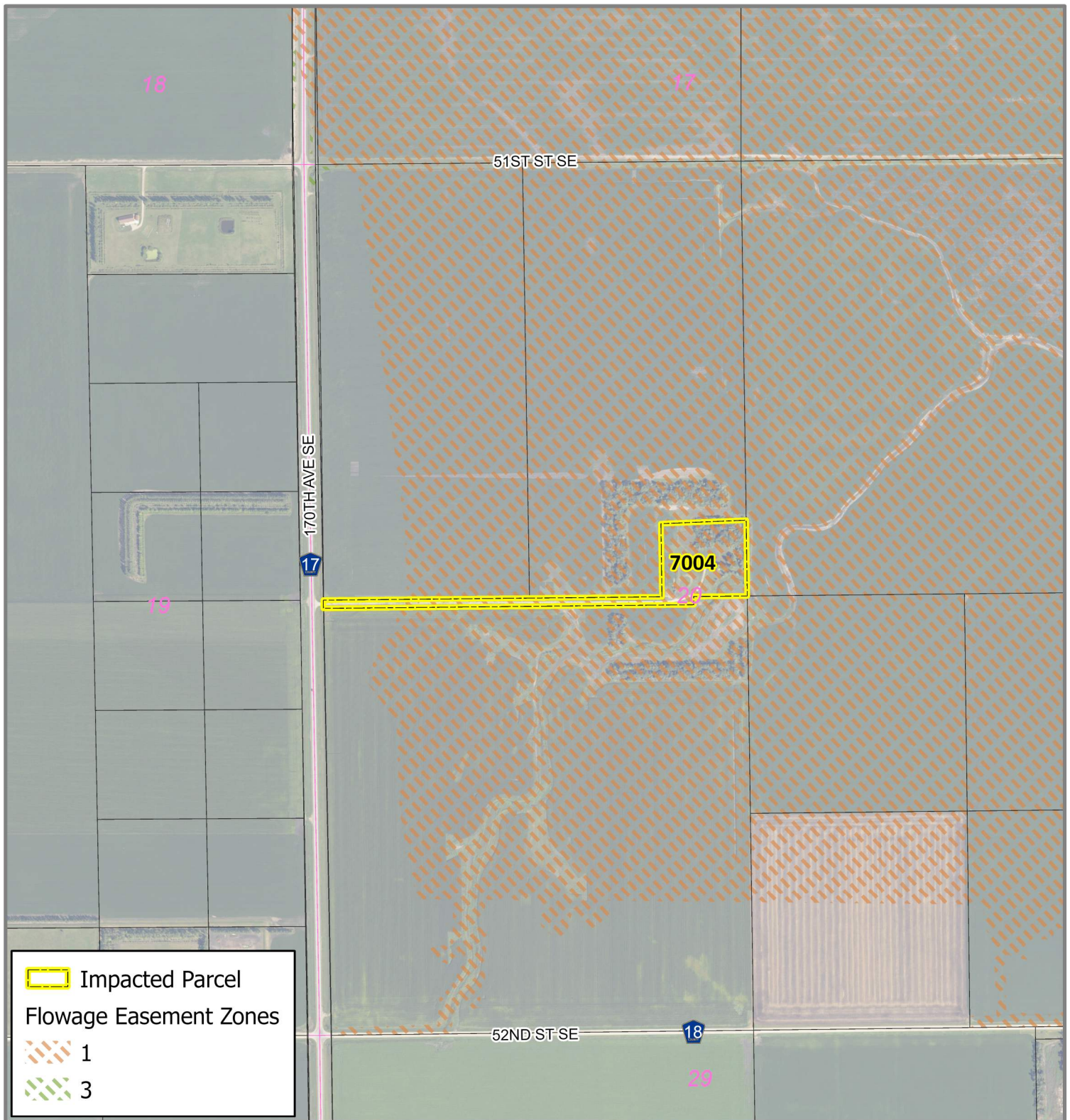
If an intent to purchase is not received within thirty (30) days, the policy dictates that the adjacent landowner(s) be given next preference, followed by a public sale.

If you have any questions, please contact Jodi Smith, director of lands and compliance, at smithj@fmdiversion.gov.

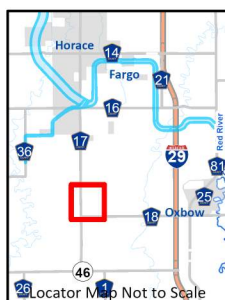
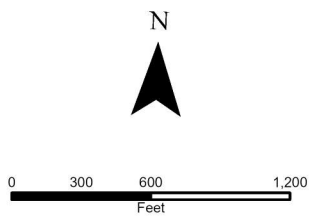
Sincerely,

Justin Fisher

Justin Fisher
Director of Lands and Compliance



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





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

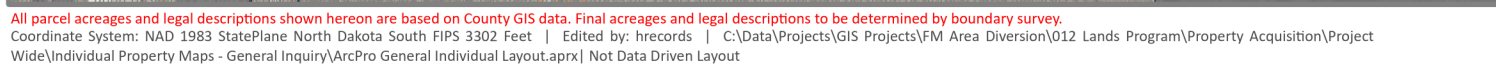
| | |
|--------------------------|--|
| Description of Parcel(s) | See Exhibit A for a map showing the parcel recommended as excess land. |
| Legal Description | See Exhibit B for legal description for the parcel recommended as excess land. |
| Asset Parcel(s) Size | 7.96 acres |

| | |
|------------------------------------|---|
| 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



FM AREA
DIVERSION

FM AREA DIVERSION
Map Date: 8/5/2025

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