

August 22, 2025

VIA CERTIFIED MAIL

KLF LLP
705 118th Ave S
Horace, ND 58047

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

Dear KLF LLP:

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 9347 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 9347 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
9347	\$15,000

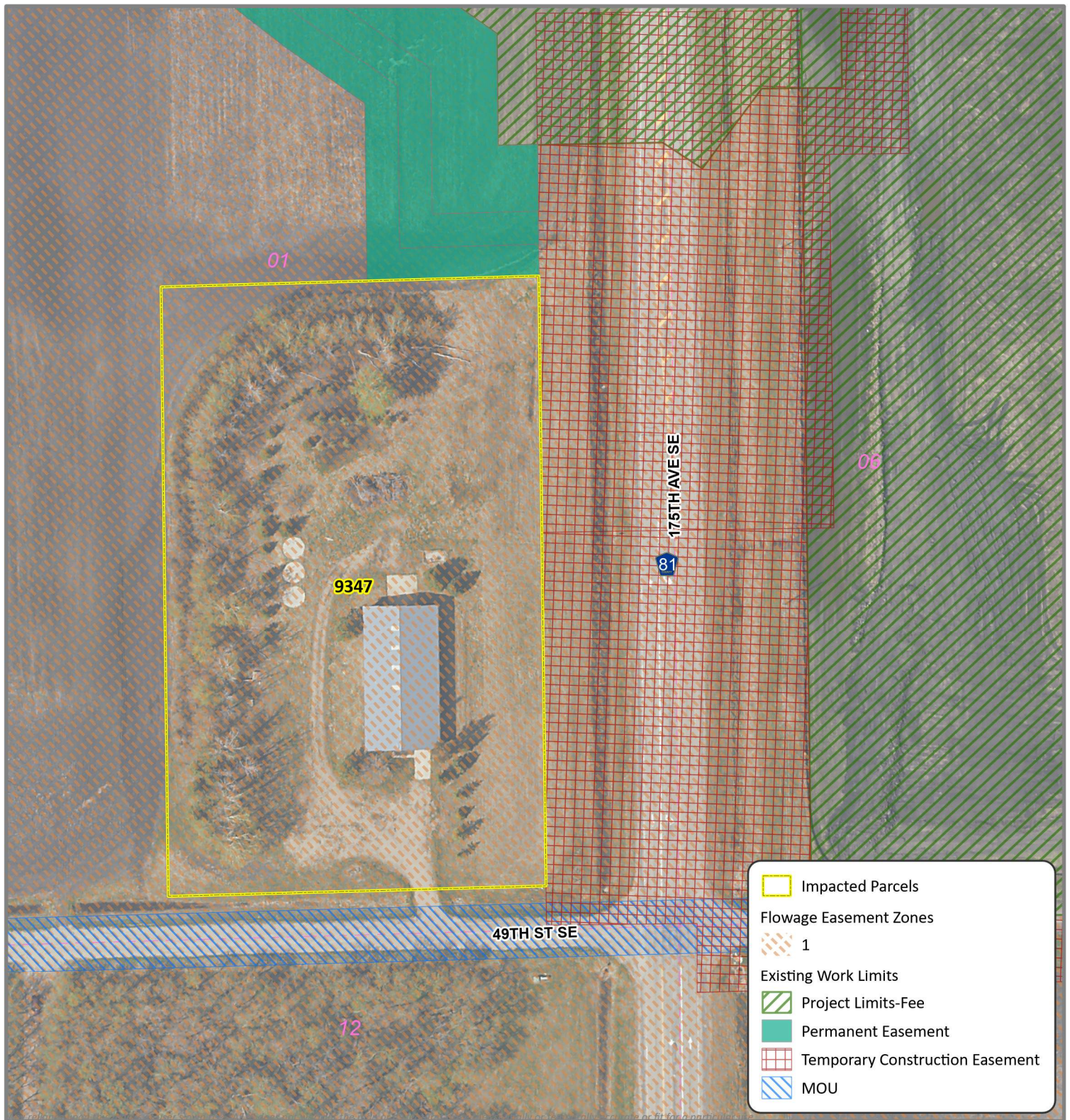
If an intent to purchase is not received within thirty (30) days, the policy dictates that the adjacent landowner(s) be given next preference, followed by a public sale.

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

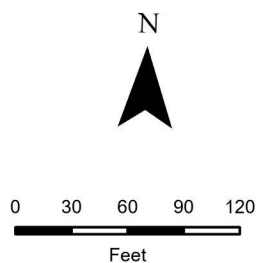
Sincerely,

Justin Fisher

Justin Fisher
Director of Lands and Compliance



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: 9347

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

Cass County, ND

FM AREA DIVERSION
 Map Date: 5/20/2025





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

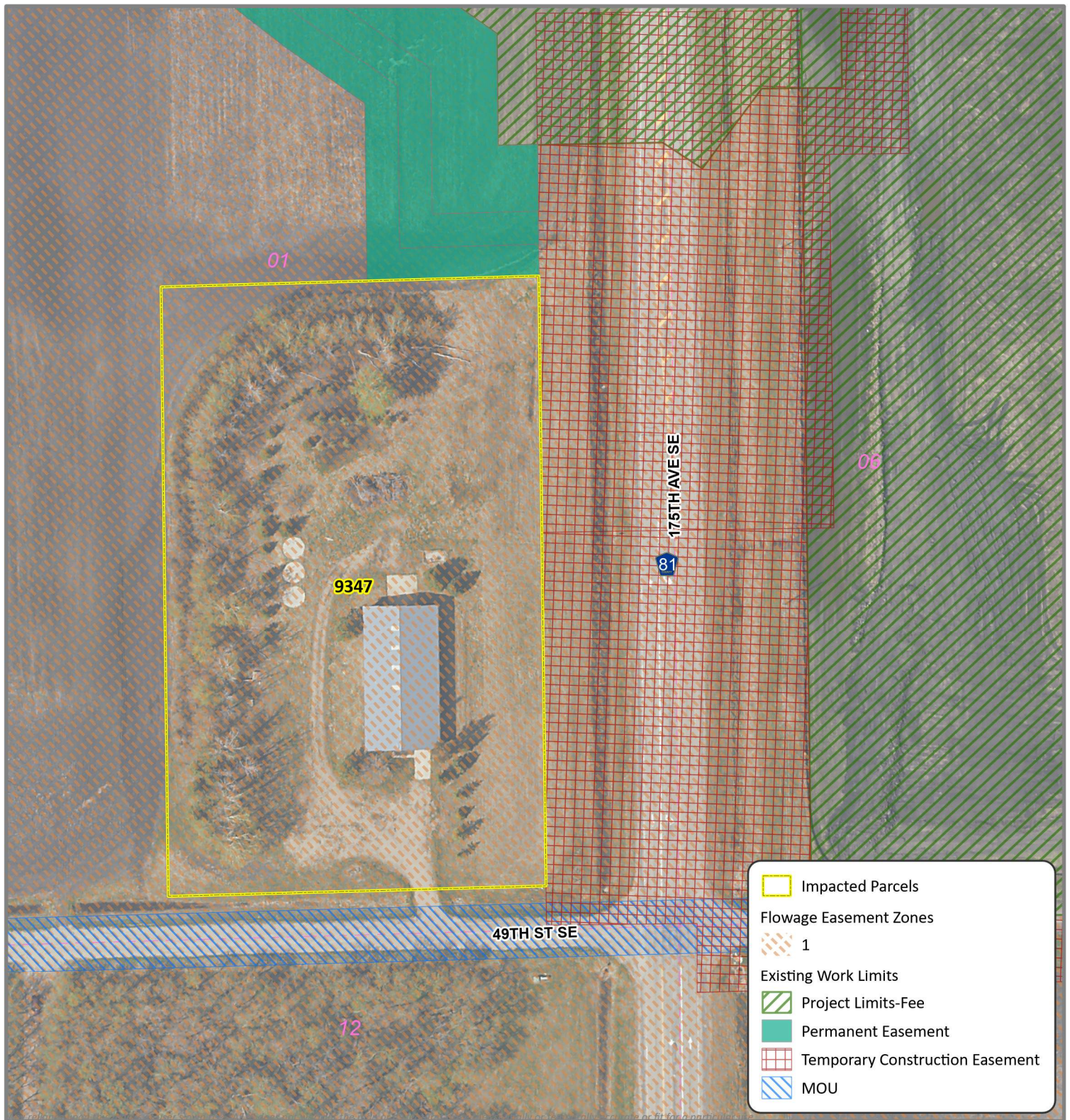
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	3.00 acres

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.

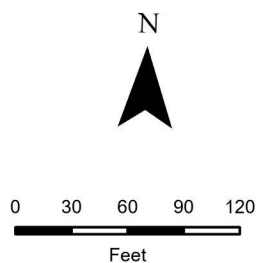
3. Conclusion and Recommendation

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.
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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