

Land Management Committee Agenda



Diversion Authority Land Management Committee

October 22, 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 August 27, 2025
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. OIN 831 Sale of Excess Land Recommendation
[Attachment 02.00] (Pg. 4)
5. OIN 9258 Sale of Excess Land Recommendation
[Attachment 03.00] (Pg. 11)
6. OIN 9182Y Sale of Excess Land Recommendation
[Attachment 04.00] (Pg. 19)
7. Horace Elevator Site Update
8. Other Business
9. Next Meeting: To Be Determined
10. 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 August 27, 2025

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on August 27, 2025. The following members were present: Duane Breitling, Cass County Commissioner; Matt Stamness, Cass County Engineer; Brenda Derrig, Assistant Administrator, City of Fargo; Bob Zimmerman, Moorhead City Engineer; Jake Gust, Cass County Joint Water Resource District; Jenny Mongeau, Clay County Commissioner; Deb White, Moorhead City Council; Kevin Campbell, Clay County Commissioner and Nathan Boerboom, Fargo Division Engineer.

Member(s) absent: Michelle Turnberg, Fargo City Commissioner and Tim Flakoll, Cass County Commissioner.

1. CALL TO ORDER

Mr. Breitling called the meeting to order at 3 PM and made opening comments that the Land Management Committee does not have the authority to make any final decisions; they only have the authority to recommend action(s) to the Board of Authority for final determination.

Mr. Breitling also noted that two letters were received in relation to the auction results and asked for a motion to receive and file said correspondence in our records.

MOTION PASSED

Mr. Gust moved to receive and file the correspondence that was received, and Ms. Mongeau seconded the motion. On a voice vote, the motion carried.

Roll call was taken, and a quorum was present.

2. APPROVE THE MEETING MINUTES FROM THE JULY 2025 MEETING

MOTION PASSED

Mr. Stamness moved to approve the minutes from July 2025, and Mr. Campbell seconded the motion. On a voice vote, the motion carried.

3. APPROVE THE ORDER OF THE AGENDA

MOTION PASSED

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

4. EXCESS LAND AUCTION RESULTS AND UPDATE

Mr. Fisher reported that a public auction was held, and six properties were up for bid. The reserved pricing on each of the properties is approximately 50% of the appraised value and four of the six properties met the criteria for acceptable bid awards.

Parcel 1926 had a reserve price of \$35,000; a bid of \$31,525, was received and Mr. Fisher recommended that the bid be accepted.

The Horace Elevator bid was received for \$99,500, and the reserve price is \$550,000; Mr. Fisher recommended that the bid be rejected.

MOTION PASSED

Mr. Gust moved to approve the bid/sale of OIN 1926 at \$31,525, and to reject the \$99,500, bid for the Horace Elevator. Mr. Stamness seconded the motion and on a roll call vote, the motion carried.

5. HORACE RAIL CORRIDOR OIN 7249

Mr. Fisher reported that the next step is to deem the parcel as excess land per the policy and go to public sale. Of the adjacent property owners, approximately 80% have committed to purchase but there is not 100% buy-in at the \$.50 per square foot.

6. OTHER BUSINESS

There was no other business.

7. NEXT MEETING

To be determined.

8. ADJOURNMENT

Mr. Campbell moved to adjourn, and Ms. Derrig seconded the motion. The meeting adjourned at 3:22 PM.

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 22, 2025
Re: OIN 831 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 831 (8.40 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 831



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: October 10, 2025

RE: Excess Lands Recommendation – OIN 831, 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 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 831 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 831

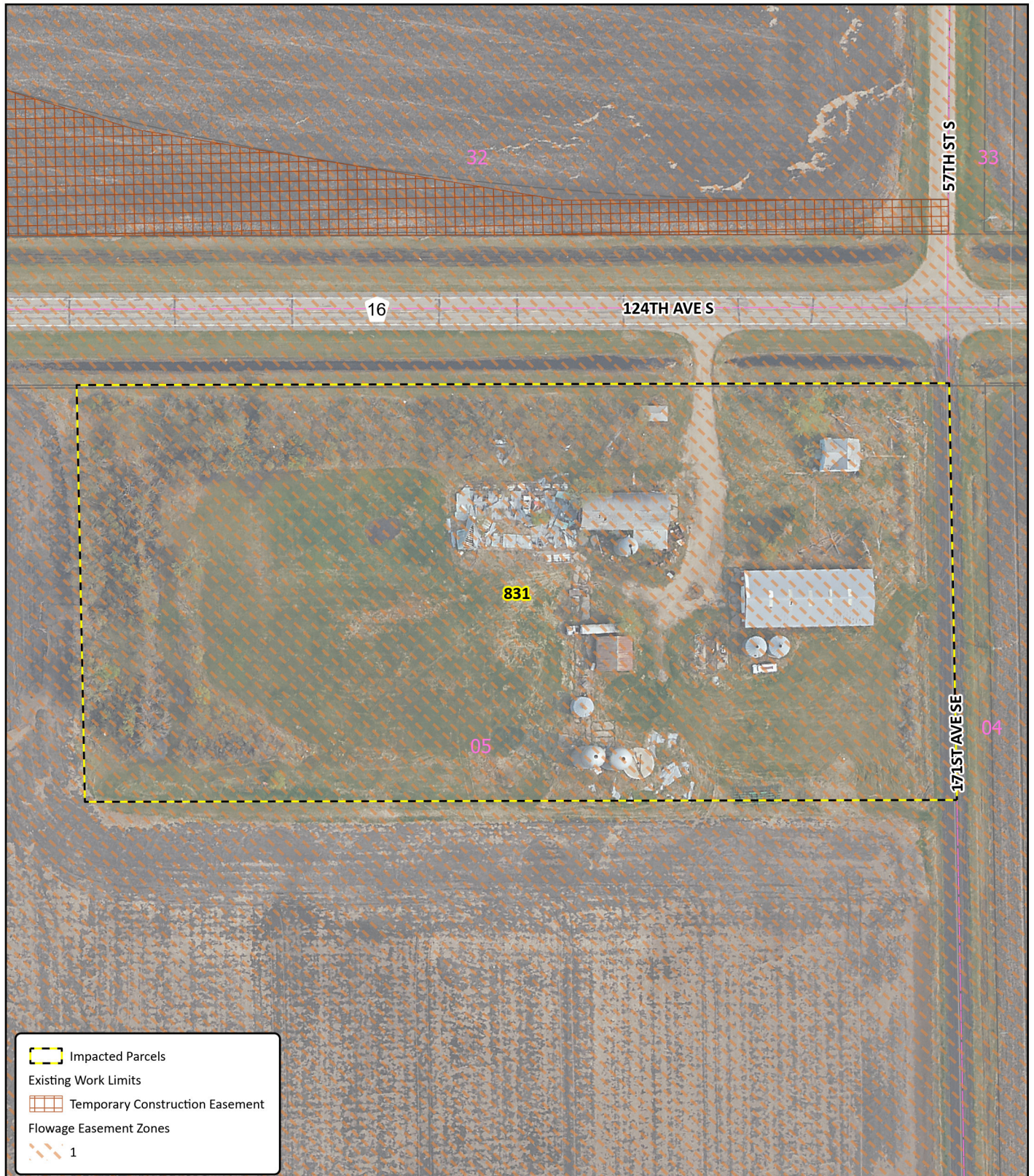
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	8.40 acres

Narrative Description of Parcel(s)	OIN 831 is located in North Dakota on the corner of County Road 16 and 171 st Ave SE in the Upstream Mitigation Area associated with the Comprehensive Project.
Purchase Date	December 19, 2024
Purchase Price	\$400,000
Proposed Sale Price	\$42,000 Based on \$5,000/acre for flowage easement encumbered recreational land.
Former Owner	John Loffelmacher
Adjacent Owners	OIN 830 – Karen Offutt Trust OIN 827, 1112, & 1099X – Terry & Kristie Sauvageau
Property Management Approach	This property has been maintained through a weed control and mowing contract with JT Lawn Services.
Property Taxes	In 2024 this property had \$1,957.36 in 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 to ensure no future development.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

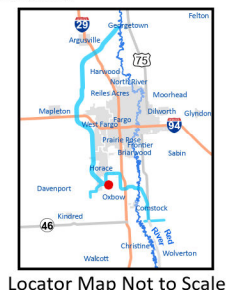
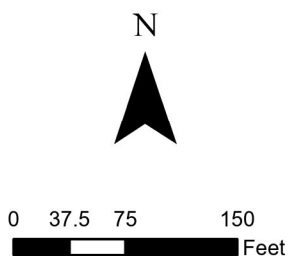
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 831 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



Information depicted may include data unverified by AE2S. Any reliance upon such data is at the user's own risk. AE2S does not warrant this map or its features are either spatially or temporally accurate.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: cwickenheiser, AE2S, LLC | C:\Data\Projects\GIS Projects\FM Area Division\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps.aprx | Individual Layout Not Data Driven



OIN: 831
Owner: CASS COUNTY JOINT
WATER RESOURCE DISTRICT
Parcel ID: 57-0000-10245-010

Cass County, ND
FM AREA DIVERSION
Date: 10/1/2025



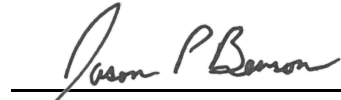
Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the Purchase Agreement dated December 19, 2024.

That part of the NE¼ of Section 5 in Township 137 North of Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, included within the following metes and bounds description: Beginning at the Northeast corner of Section 5 in Township 137 North of Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota; thence Westerly along the North line of said Section 5, a distance of 800.00 feet; thence Southerly along a line which is parallel with the East line of said Section 5, a distance of 455.00 feet; thence Easterly along a line which is parallel with the aforementioned North Section line a distance of 800.00 feet more or less, to a point of intersection with the aforementioned East Section line; thence Northerly along said East Section line a distance of 455.00 feet, more or less, to the Point of Beginning.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 831 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

10/14/2025

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 22, 2025
Re: OIN 9258 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 9258 (12.37 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 9258



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: October 10, 2025

RE: Excess Lands Recommendation – OIN 9258, 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 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 9258 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 9258

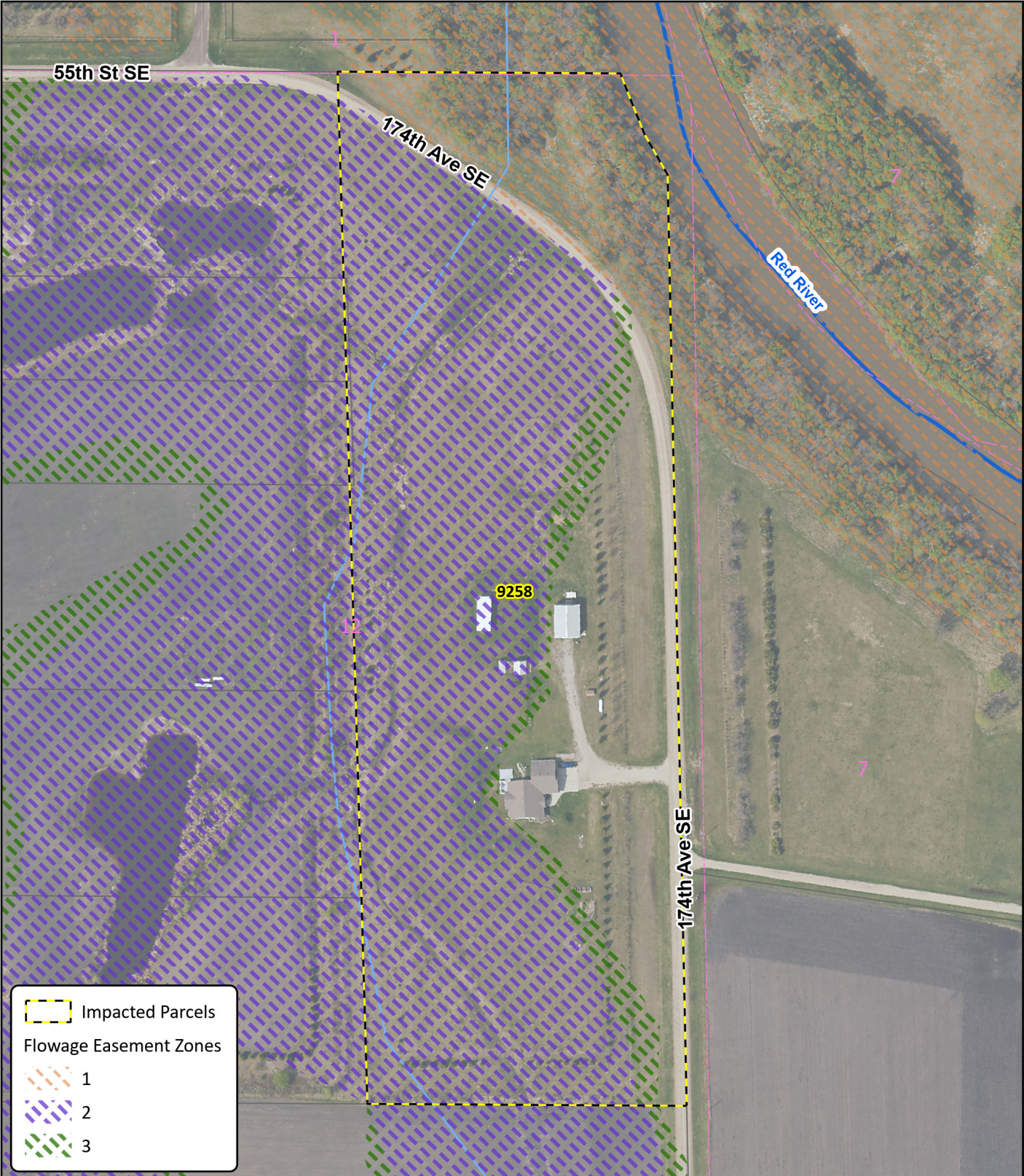
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	12.37 acres

Narrative Description of Parcel(s)	OIN 9258 is located in North Dakota along 174 th Ave SE right at the section where it merges with 55 th St SE in the Upstream Mitigation Area associated with the Comprehensive Project.
Purchase Date	January 11, 2024
Purchase Price	\$940,000
Proposed Sale Price	\$180,000 Based on recent sales in the area.
Former Owner	Thomas & Penny Cirks
Adjacent Owners	OIN 7206 – Cody & Sara Ernst OIN 7208 – Troy & Toni Deberg OIN 7209 & 7210 – Zachary & Heidi Pfingsten OIN 176 – High Plains Properties LLC OIN 1585 – Ness family Farm, LLP OIN 9257 – Sheyenne Stables LLC
Property Management Approach	To date there has been no maintenance on the property as it was recently demoed and mitigated.
Property Taxes	For 2024 this property had roughly \$4,000 in taxes, which was due to the structures on site that have since been removed.
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 over 9.58 acres to ensure no future development.
Right of First Refusal	The prior landowner is not entitled to a ROFO.

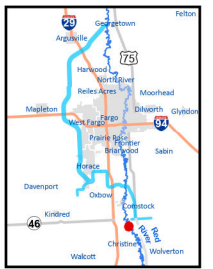
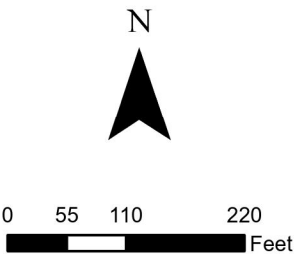
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 9258 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



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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.aprx | Individual Layout Not Data Driven



OIN: 9258
Owner: CASS COUNTY JOINT
WATER RESOURCE DISTRICT
Parcel ID: 01-0000-00088.100

Richland County, ND
FM AREA DIVERSION
Date: 10/1/2025



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the Title Opinion dated February 21, 2024.

All of Government Lot 1 and the NW¼NE¼ EXCEPT the Westerly 2,265.94 feet thereof, all in Section 12 of Township 136 North, of Range 49, West of the Fifth Principal Meridian, Richland County, North Dakota.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9258 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

10/14/2025

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Jason Benson, Executive Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 22, 2025
Re: OIN 9182Y Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 9182Y (0.56 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.

The Prior Owner of OIN 9182Y is entitled to a Right of First Refusal (ROFO). Upon approval of this recommendation Project staff will check with the Prior Owner on whether or not that want to utilize that (ROFO) before following the steps outlined in the Policy.

ATTACHMENTS:

- Excess Lands Recommendation – OIN 9182Y



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: October 14, 2025

RE: Excess Lands Recommendation – OIN 9182Y

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 9182Y as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 9182Y

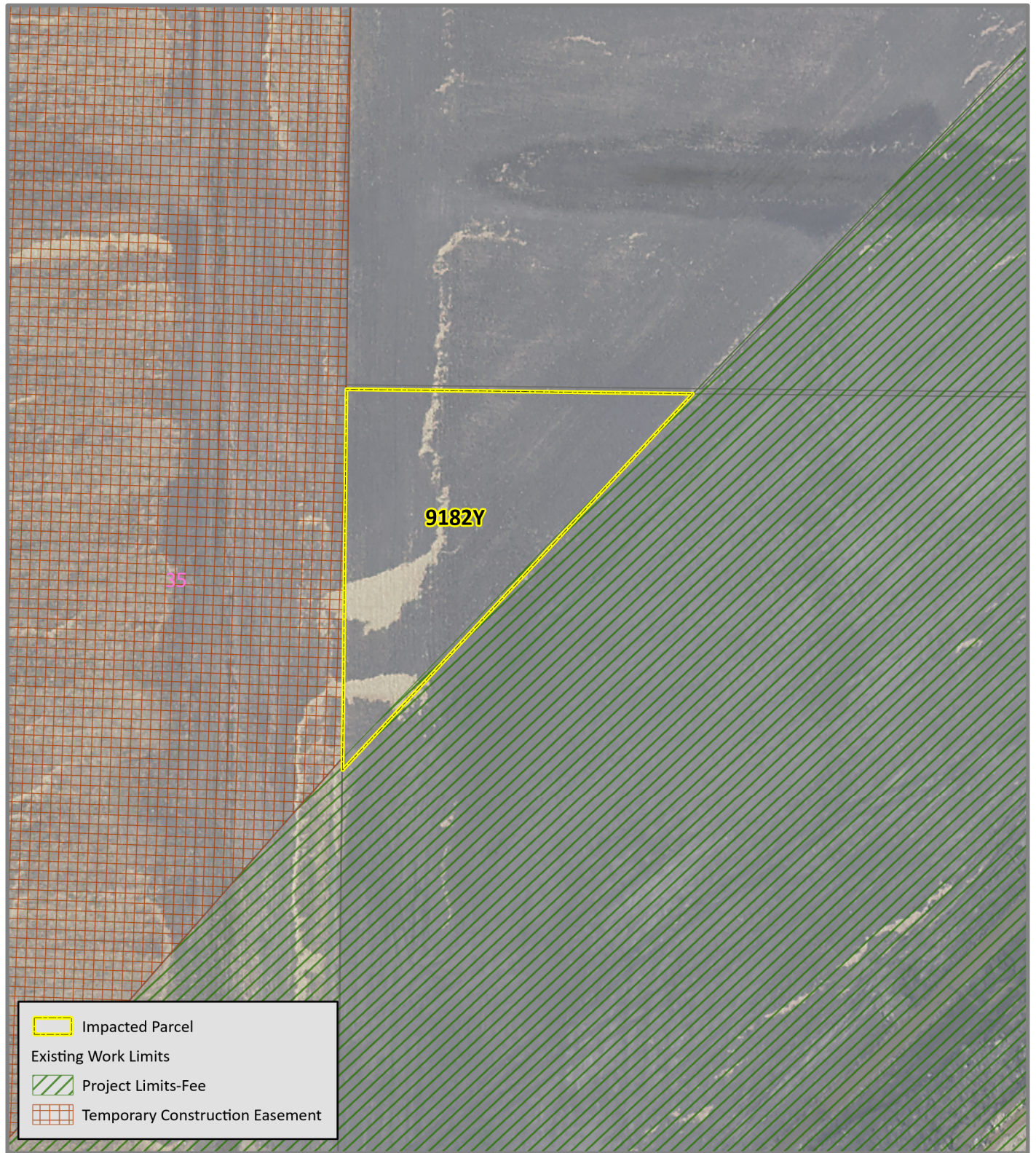
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	0.56 acres

Narrative Description of Parcel(s)	OIN 9182Y is located along the Diversion Channel and Associated Infrastructure (DCAI) roughly 1 mile from the northern most portion of the DCAI where flood waters would flow back into the Red River. The former owner desired a full buyout of OINs 9182 and 1220.
Purchase Date	August 4, 2017
Purchase Price	\$399,000 For the full 74.94 acres associated with OIN 9182.
Proposed Sale Price	\$3,000 Based on roughly \$5,300/acre due to the irregular parcel shape and limited buyer pool.
Former Owner	Kevin Heiden
Adjacent Owners	OIN 1218X – Donna Burley OIN 9183X – Heiden Family, LLLP
Property Management Approach	This property has been maintained through a farmland lease with Pifer’s Land Management since 2018.
Property Taxes	In 2024 this property had \$120.51 in taxes.
Relation to Construction	OIN 9182Y is located on the northern most edge of the DCAI. This parcel is a remnant of larger parcel OIN 9182 which was directly impacted by construction. This remnant is not impacted by construction and is no longer needed by the Project.
Right of First Refusal	The prior landowner has a ROFO through August 3, 2027.

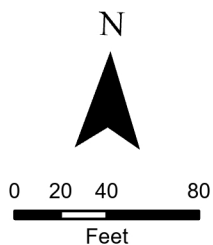
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 9182Y 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



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 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.aprx | Individual Layout



Locator Map Not to Scale

OIN: 9182Y
CASS COUNTY JOINT WATER RESOURCE
DISTRICT
Parcel ID: 70-0300-00010-000
Cass County, ND
 FM AREA DIVERSION
 Date: 10/13/2025



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

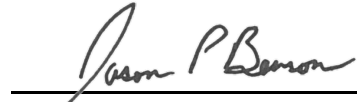
The following legal description is from the warranty deed dated August 4, 2017. This description is specific to the larger parcel OIN 9182, which was apart of the Wiser Subdivision Plat. The area associated with OIN 9182Y is subject to survey.

That part of the Southeast Quarter of Section 35, Township 142 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: Beginning at the southeast corner of said Southeast Quarter; thence North 01 degree 16 minutes 54 seconds West along the east line of said Southeast Quarter a distance of 1235.20 feet; thence South 88 degrees 32 minutes 35 seconds West parallel with the south line of said Southeast Quarter a distance of 2643.62 feet to a point on the west line of said Southeast Quarter; thence South 01 degree 21 minutes 38 seconds East along the west line of said Southeast Quarter a distance of 1235.19 feet to the southwest corner of said Southeast Quarter; thence North 88 degrees 32 minutes 35 seconds East along the south line of said Southeast Quarter a distance of 2641.92 feet to the point of beginning.

Subject to easements, reservations, restrictions, and rights-of-way of record, if any.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 9182Y 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

10/14/2025

Date