



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

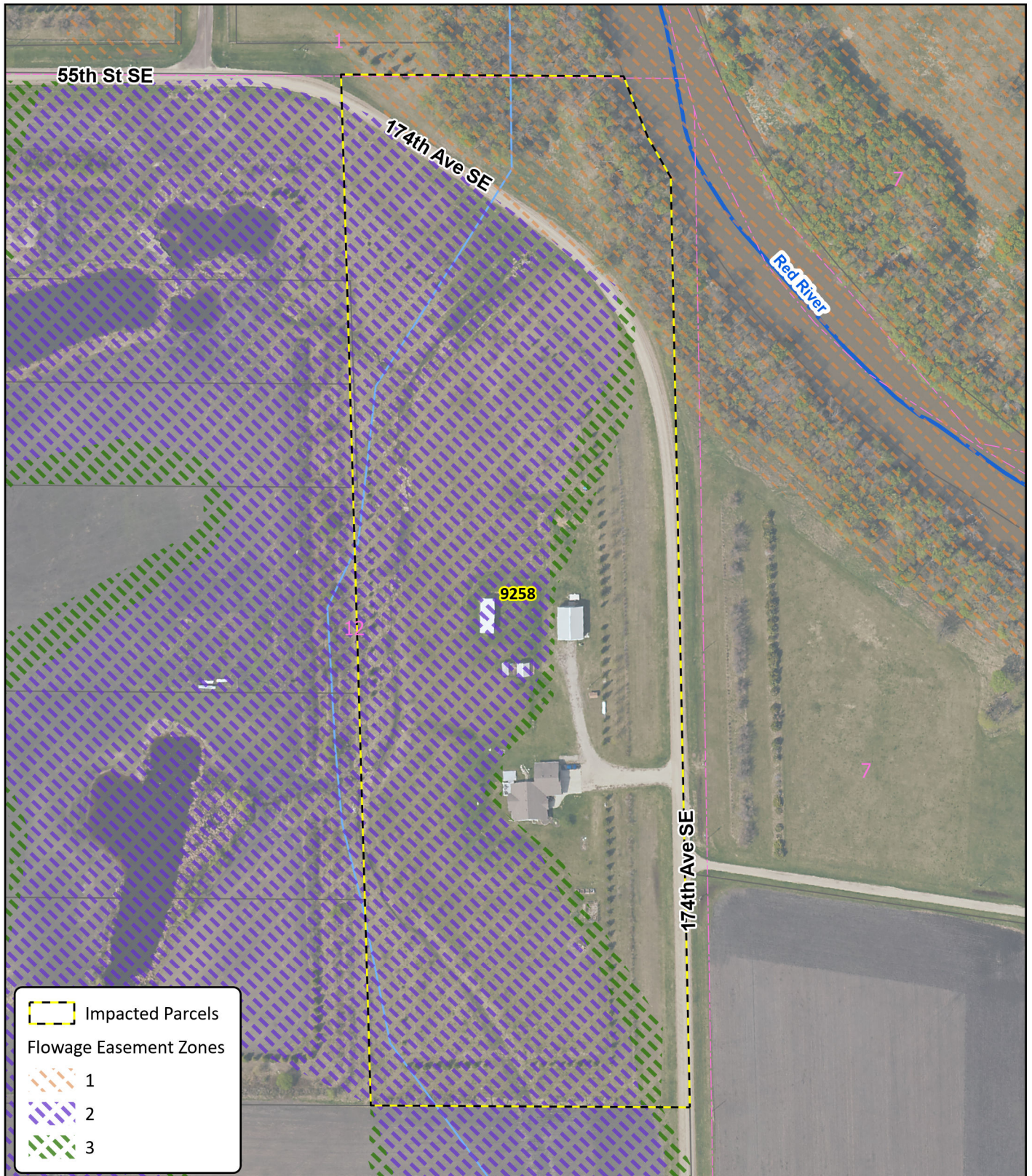
Description of Parcel(s)	See Exhibit A for a map showing the parcel recommended as excess land.
Legal Description	See Exhibit B for legal description for the parcel recommended as excess land.
Asset Parcel(s) Size	12.37 acres

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

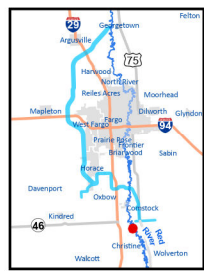
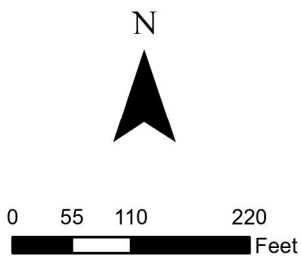


Impacted Parcels

Flowage Easement Zones

- 1
- 2
- 3

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



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

Richland County, ND

FM AREA DIVERSION

Date: 10/1/2025



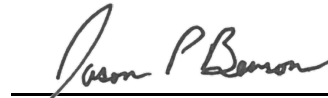
Exhibit B: Legal Description for Parcel Recommended as Excess Lands

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

All of Government Lot 1 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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