



Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: October 13, 2025

RE: Excess Lands Recommendation – OINs 1665, 1792, 1793, and 1802, 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 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 OINs 1665, 1792, 1793, and 1802 as Excess Land and begin the process to dispose of these properties following the Policy. Note that these parcels are in the Upstream Mitigation Area (UMA) and therefore the Authority (via the Moorhead Clay County Joint Powers Authority (MCCJPA)) shall reserve a flowage easement on these parcels as part of the sale.

2. Pertinent Facts Regarding OINs 1665, 1792, 1793, and 1802

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| Description of Parcel(s) | See Exhibit A for a map showing the parcels recommended as excess land. |
| Legal Description | See Exhibit B for legal descriptions for the parcels recommended as excess land. |
| Asset Parcel(s) Size | OIN 1665: 2.35 acres OIN 1792: 5.86 acres OIN 1793: 9.64 acres |

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| | <p>OIN 1802: 4.52 acres</p> <p>TOTAL = 22.37</p> |
| Narrative Description of Parcel(s) | <p>OINs 1665, 1792, 1793, and 1802 are located west of Southern Embankment Reach 4 (SE-4) in the UMA Mitigation Zone 1, in Section 29 of Holy Cross Twp. These parcels have access from 3rd Street South.</p> |
| Purchase Date | <p>OIN 1665: July 27, 2023</p> <p>OIN 1792: December 14, 2023</p> <p>OIN 1793: October 6, 2022</p> <p>OIN 1802: March 21, 2017</p> |
| Purchase Price | <p>OIN 1665: \$2,100,000 *for all of OINs 1635 & 1665</p> <p>OIN 1792: \$202,200</p> <p>OIN 1793: \$1,517,500</p> <p>OIN 1802: \$214,000</p> |
| Proposed Sale Price | <p>\$111,000</p> <p>*Based on a \$5,000/acre rate for the sale of all four (4) parcels</p> |
| Former Owner | <p>OIN 1665: David Dobis and Morgan Buth</p> <p>OIN 1792: Jean Anderson Trustee</p> <p>OIN 1793: Thomas & Laurie Livdahl</p> <p>OIN 1802: Robert & Judith Anderson</p> |
| Adjacent Owners | <p>OIN 1665: Richard Willem (OIN 1794) / Larry & Judith Ness (OIN 1796)</p> <p>OIN 1792: Larry & Judith Ness (OIN 1796) / Richard Willem (1861X1) / Blessingsbe (1783X) / Larry & Aj Dahlstrom Trust (1791X)</p> <p>OIN 1793: Richard Willem (OIN 1794 & 1861X1) / Larry & Judith Ness (OIN 1796)</p> <p>OIN 1802: Richard Willem (OIN 1794) / Larry & Judith Ness (OIN 1796)</p> |
| Property Management Approach | <p>OIN 1665: This parcel has not had any property management needed to date but efforts will start if not disposed of in a timely fashion.</p> <p>OIN 1792: There has been no property management to date.</p> <p>OIN 1793: Haying Agreement with the Livdahls</p> <p>OIN 1802: Mowing and Weed Control with JT Lawn Service</p> |
| Property Taxes | <p>OIN 1665: \$3,184 in 2024</p> <p>OIN 1792: \$496 in 2024</p> <p>OIN 1793: \$1,770 in 2024</p> <p>OIN 1802: \$77.76 in 2024</p> |
| Relation to Construction | <p>The Comprehensive Project does not have any construction impacts on these parcels.</p> <p>OINs 1665, 1792, 1793, and 1802 are fully encumbered by a Flowage Easement and the Prior Owners did not wish to retain the underlying land. A gazebo still remains on the site but is under contract to be removed in the near future.</p> |

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| | Notice of this sale will not be sent until the Project has confirmed the gazebo has been removed. The Project wishes to sell these parcels as one with a Flowage Easement retained. |
| Right of First Refusal | OIN 1665: No OIN 1792: No OIN 1793: No OIN 1802: No |

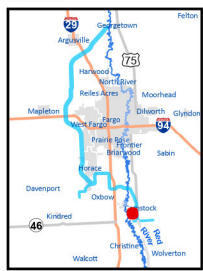
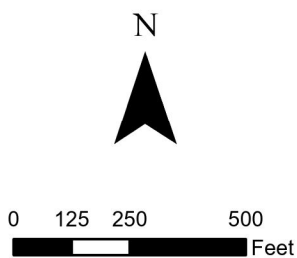
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OINs 1665, 1792, 1793, and 1802 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 Diversion\012 Lands Program\Property Acquisition\Project Wide\Individual Property Maps.aprx | Individual Layout Not Data Driven



OINs: 1665, 1792, 1793, 1802
 Owner: MCCJPA
 Parcel IDs: 15.029.3002, 15.029.3004,
 15.029.3003, 15.029.3001

Clay County, MN

FM AREA DIVERSION

Date: 10/1/2025



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

OIN 1665 – From Title Opinion dated May 9, 2023

That part of the SW¼ of Section 29, in Township 137 North of Range 48 West of the 5th P.M., Clay County, Minnesota, described as follows: From the Southwest corner, existing iron monument, of said Section 29 bear North 00°00'00" East (assumed bearing) along the West line of said Section 29 for a distance of 1,465.56 feet to the point of beginning; thence North 00°00'00" East along said West Section line for a distance of 145.40 feet; thence North 90°00'00" East for a distance of 659.15 feet; thence South 27°13'50" East for a distance of 167.93 feet; thence North 89°41'42" West for a distance of 736.00 feet, more or less, to the point of beginning.

1792 – From Title Opinion dated January 23, 2024

That part of the SW¼ of Section 29, Township 137, Range 48, described as follows, to wit: From the Southwest corner, existing iron monument, of Section 29, Township 137, Range 48 West of the 5th P.M., Clay County, Minnesota, bear North 00°00'00" East (assumed bearing) along the West line of said Section 29 for a distance of 2,637.13 feet, more or less, to an existing iron monument, the Northwest corner of said SW¼; thence South 89°49'46" East along the North line of said SW¼ for a distance of 509.18 feet to an existing iron monument, the Point of Beginning of the tract of land herein described; thence South 89°49'46" East along the North line of said SW¼ for a distance of 2,119.84 feet to an iron monument, the Northeast corner of said SW¼; thence South 00°01'59" East along the East line of said SW¼ for a distance of 121.65 feet to an iron monument; thence North 89°49'46" West along a line that is parallel with the North line of said SW¼ for a distance of 2,077.15 feet; thence North 19°19'21" West for a distance of 129.09 feet, more or less, to the Point of Beginning.

1793 – From Title Opinion dated April 5, 2022

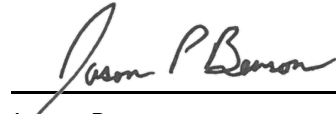
That part of the NW¼SW¼ of Section 29, Township 137, Range 48, Clay County, Minnesota, described as follows: From the Southwest corner existing iron monument, of Section 29, Township 137, Range 48, bear North 00°00'00" East (assumed bearing) along the West line of Section 29 for a distance of 1918.43 feet to an existing monument, the Point of Beginning of the tract of land herein described; thence North 90°00'00" East for a distance of 623.89 feet to an existing iron monument; thence North 04°53'21" West for a distance of 517.78 feet to an iron monument; thence North 19°19'21" West for a distance of 213.31 feet, more or less, to a point on the North line of said SW¼ in said Section 29; thence North 89°49'46" West along said North line for a distance of 509.18 feet, more or less, to an existing iron monument, the Northwest corner of said SW¼; thence South 00°00'00" West along the West line of said Section 29 for a distance of 718.70 feet, more or less to the Point of Beginning.

1802 – From Title Opinion dated April 28, 2017

That part of the Southwest Quarter of Section Twenty-nine, in Township One Hundred Thirty-seven North of Range Forty-eight West of the Fifth Principal Meridian, situate in the County of Clay and the State of Minnesota, described as follows: From the Southwest Corner, existing iron monument, of Section Twenty-nine, Township One Hundred Thirty-seven North of Range Forty-eight West of the Fifth Principal Meridian, Clay County, Minnesota, bear North 00°00'00" East (assumed bearing) along the West line of said Section Twenty-nine for a distance of 1610.96 feet to an iron monument, the point of beginning of the tract of land herein described; thence North 00°00'00" East along said West section line for a distance of 307.47 feet to an iron monument; thence North 90°00'00" East for a distance of 623.89 feet to an iron monument; thence South 06°32'34" East for a distance of 309.49 feet to an iron monument; thence North 90°00'00" West for a distance of 659.15 feet, more or less, to the point of beginning; subject to road and utilities easements along the West line and any other easements of record.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OINs 1665, 1792, 1793, and 1802 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.

A handwritten signature in black ink, appearing to read "Jason P. Benson", is written over a horizontal line.

Jason Benson
Executive Director

10/14/2025

Date