



# Memorandum

TO: Jason Benson, Executive Director

FROM: Justin Fisher, Director of Lands and Compliance

DATE: July 13, 2026

RE: Excess Lands Recommendation – OINs 9053N and 9992Y

## 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 OINs 9053N and 9992Y as Excess Land and begin the process to dispose of the property following the Policy.

## 2. Pertinent Facts Regarding OINs 9053N and 9992Y

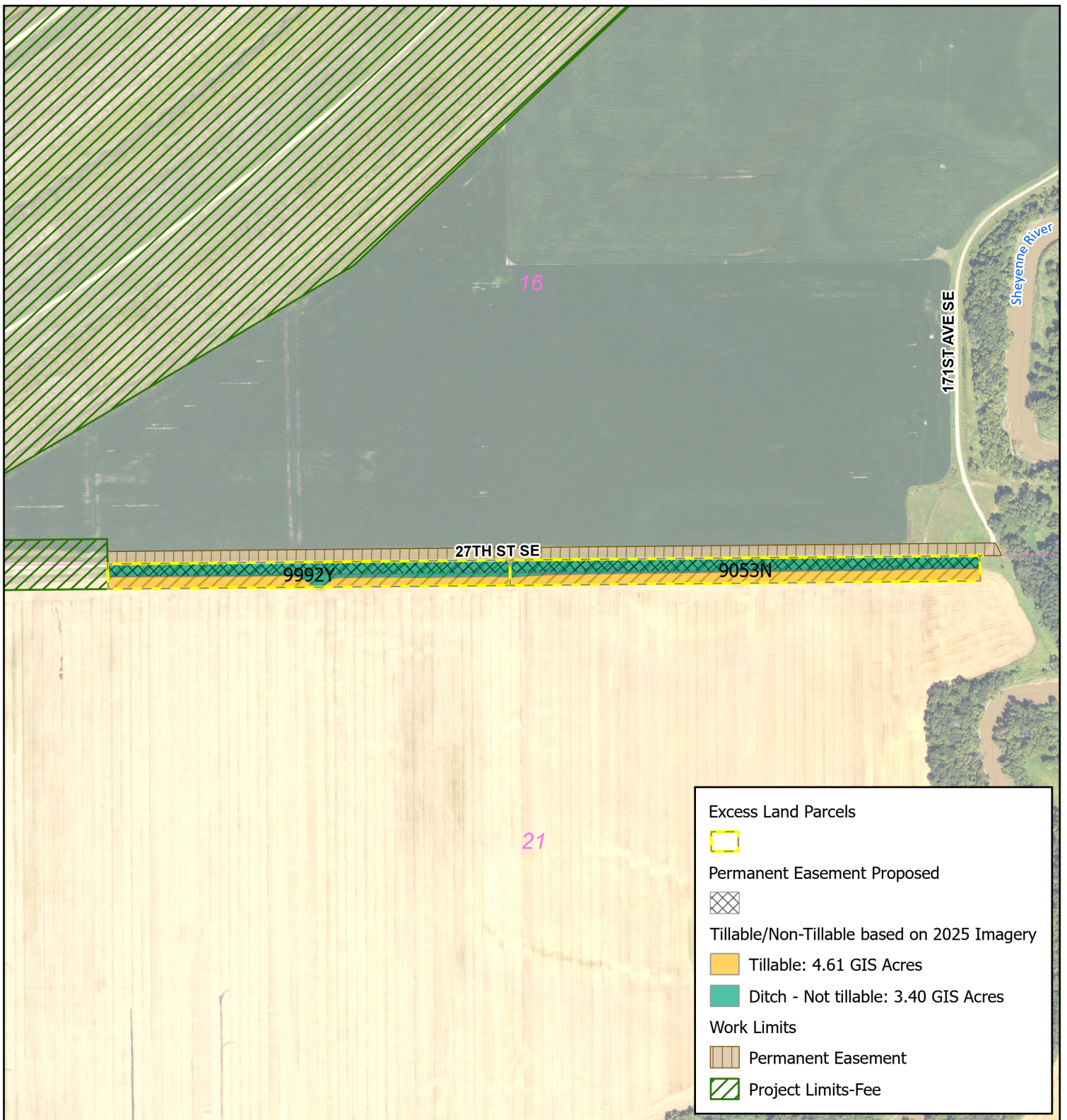
|                          |                                                                                |
|--------------------------|--------------------------------------------------------------------------------|
| Description of Parcel(s) | See Exhibit A for a map showing the parcel recommended as excess land.         |
| Legal Description        | See Exhibit B for legal description for the parcel recommended as excess land. |
| Asset Parcel(s)<br>Size  | OIN 9053N = 4.32 acres<br>OIN 9992Y = 3.69 acres<br><b>Total = 8.01 acres</b>  |

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Narrative Description of Parcel(s) | OINs 9053N and 9992Y are narrow strips of land located north of Harwood, North Dakota along the south side of 27 <sup>th</sup> St SE. These properties were originally purchased to accommodate roadway improvements extending from the Diversion Channel, but the actual roadway connection was accomplished without affecting these properties.                                                                                       |
| Purchase Date                      | August 13, 2020                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Purchase Price                     | <p>\$282,620</p> <p>*Purchase price includes the Fee Title and TCE acreage associated with OINs 2364, 9053, and 9992. This breaks down to approximately \$6,600/acre for the Fee Title and \$250/acre for 5 years on the TCE acreage.</p>                                                                                                                                                                                               |
| Proposed Sale Price                | <p>\$20,000</p> <p>Based on \$5,000 per tillable acre</p>                                                                                                                                                                                                                                                                                                                                                                               |
| Former Owner                       | Herman Rabanus                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Adjacent Owners                    | <p>OINs 9053X and 9992X – Rhoda Rabanus</p> <p>OINs 2366X and 2367X – Lars and Helen Nygren</p>                                                                                                                                                                                                                                                                                                                                         |
| Property Management Approach       | <p>These two parcels have been part of the Diversion Channel work limits with property management handled by the P3 Developer.</p> <p>These parcels were recently released from the P3 Developer's work limits via an Authority Change Request (ACR).</p>                                                                                                                                                                               |
| Property Taxes                     | There were no property taxes associated with these parcels in 2025.                                                                                                                                                                                                                                                                                                                                                                     |
| Relation to Construction           | These parcels are located right along the Diversion Channel, in close proximity to where the Channel crosses I-29. Since the time of purchase these parcels have been maintained by the P3 Developer. Recent conversations have determined these land rights are no longer needed and therefore a release of these work limits was issued. The parcels are no longer needed for the Diversion Channel or for the Comprehensive Project. |
| 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 OINs 9053N and 9992Y 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).

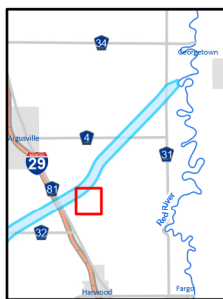
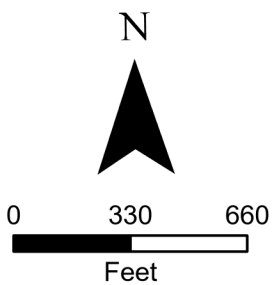
## Exhibit A: Map Exhibit of Parcels Recommended as Excess Lands



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.

Path: C:\Data\Projects\GIS Projects\FM Area Diversion\012 Lands Program\Property Acquisition\Project Wide\Special Exhibits.aprx | OIN 9053N 9992Y Excess Land | Edited by: cwickenheiser



Locator Map Not to Scale

**Excess Land**  
**OINs: 9053N, 9992Y**  
**Owner: Cass County Joint Water Resource District**  
**Harwood Township Section 21**  
**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 6/2/2026



## Exhibit B: Legal Description for Parcel Recommended as Excess Lands

**9053N** \*Sourced from the legal description dated February 4, 2020

That part of the Northeast Quarter (NE1/4) of Section 21, Township 141 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

The West 1879.88 feet of the North 100.00 feet of the NE1/4.

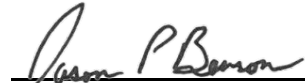
Said parcel contains 4.32 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

**9992Y** \*Sourced from the Cass County GIS Database

FMD-HARWOOD SUB LT 1 BLK 8 \*\*5-29-24 PLATTED PER DOC# 1711509 FOR 2024

## Exhibit C: Declaration of Excess Land Form

I hearby declare that OINs 9053N and 9992Y 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

July 14, 2026

Date