



Diversion Authority Land Management Committee

October 23, 2024 @ 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 July 24, 2024
[Attachment 00.01] (Pg. 2)
3. Approve Order of Agenda
4. RIMP Update
[Attachment 01.00] (Pg. 4)
5. Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA
[Attachment 02.00] (Pg. 18)
6. OIN 1080Y and OIN 1926 Sale of Excess Land Recommendation
[Attachment 03.00] (Pg. 33)
7. OIN 837 Sale of Excess Land Recommendation
[Attachment 04.00] (Pg. 47)
8. OIN 2185 Sale of Excess Land Recommendation
[Attachment 05.00] (Pg. 55)
9. Other Business
10. Next Meeting: To Be Determined
11. 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 or Twitter feed.



Metro Flood Diversion Authority Land Management Committee Meeting Minutes

3:00 PM – July 24, 2024

City of Fargo Commission Chambers

A meeting of the Metro Flood Diversion Authority Land Management Committee was held on July 24, 2024. The following members were present: Mary Scherling, Cass County Commissioner; Nathan Boerboom, Fargo Division Engineer; Matt Stamness, Cass County Engineer; Michelle Turnberg, Fargo City Commissioner; Brenda Derrig, Assistant Administrator, City of Fargo; Jenny Mongeau, Clay County Commissioner; Kevin Campbell, Clay County Commissioner; Chuck Hendrickson, Moorhead City Council and Duane Breitling, Cass County Commissioner.

Member(s) absent: Bob Zimmerman, Moorhead City Engineer and Rodger Olson, Cass County Joint Water Resource District.

1. INTRODUCTION

Mrs. Scherling called the meeting to order at 3:00 PM. Roll call was taken, and a quorum was present.

2. APPROVE MEETING MINUTES FROM THE JUNE 2024 MEETING

MOTION PASSED

Mr. Hendrickson moved to approve the minutes from June 26, 2024, and Mr. Stamness seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF AGENDA

MOTION PASSED

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

4.&5. OINs 7249, 7247 AND 7248 EXCESS LAND RECOMMENDATIONS

Ms. Smith introduced the above-referenced OINs and asked for approval to sell the parcels per the Excess Lands Policy.

OIN 7249: The Metro Flood Diversion Authority (MFDA) Co-Executive Directors recommended that OIN 7249 be declared as Excess Land on April 17th, 2024. The MFDA Land Management Committee, Cass County Joint Water Resources District (CCJWRD) Board, and MFDA Board approved the recommendation on April 24th and 25th, 2024. Since that approval, staff have been working to notify the appropriate parties as outlined in the Policy of the Disposition and Management of Comprehensive Project Lands (Policy). With no interest from the Member Entities or Prior Owner, we notified the Adjacent Owners, as noted in section 5.4 of the Policy. To date we have received an intent to purchase from all notified parties and we have prepared a map exhibit depicting our recommended approach for splitting and selling OIN 7249 to the Adjacent Owners.

OINs 7347 AND 7248: The Metro Flood Diversion Authority (MFDA) Co-Executive Directors recommended that OINs 7247 and 7248 be declared as Excess Land on April 17th, 2024. The MFDA Land Management Committee, Cass County Joint Water Resources District (CCJWRD) Board, and MFDA Board approved the recommendation on April 24th and 25th, 2024. Since that approval, staff have been working to notify the appropriate parties as outlined in the Policy of the Disposition and Management of Comprehensive Project Lands (Policy). With no interest from the Member Entities or Prior Owner, we notified the Adjacent Owners, as noted in section 5.4 of the Policy. To date we have received an intent to purchase from all notified parties. Additionally, we have received interest from one property owner to purchase all of 7248 and the entire 7247 corridor.

MOTION PASSED

Mr. Breitling moved to approve the sale of OINs 7249, 7247 and 7248 per the Excess Land Policy and Mr. Campbell seconded the motion. On a roll call vote, the motion carried.

6. OINs 7234A AND 7234B VARIANCE TO THE EXCESS LAND POLICY

The MFDA Land Management Committee, at its June 28th meeting recommended development of a variance to the Policy of Disposition and Management of Comprehensive Project Lands (Policy) to use a public sale for disposal of specific parcels associated with the old elevator and abandoned railroad corridor in Horace, ND. This variance to the Policy means that the potential sale will bypass the sequential notification to the Member Entities, Prior Owners, and Adjacent Owners, and start with a public sale.

MOTION PASSED

Mr. Breitling moved to approve the disposal of OINs 7234A and 7234B per the variance to the Excess Land Policy and Mr. Stamness seconded the motion. On a roll call vote, the motion carried.

7. OIN 858 EXCESS LAND RECOMMENDATION

Excess land was purchased in the upstream mitigation area. The former owner desired a full-take buyout of the property. The former buildings on the parcel have been demoed and the site has been restored. Per the Policy, the Co-Executive Directors have declared these lands as Excess Land.

MOTION PASSED

Mr. Stamness moved to approve OIN 858 (11.79 acres), subject to a flowage easement, to begin the process to dispose of the excess land per the policy on the Disposition and Management of Comprehensive Project Lands and Mr. Breitling seconded the motion. On a roll call vote, the motion carried.

8. OTHER BUSINESS

There was no additional business to discuss.

9. NEXT MEETING

To be determined.

10. ADJOURNMENT

Mr. Breitling moved to adjourn, and Mr. Campbell seconded the motion. The meeting adjourned at 3:29 PM.



Rural Impact Mitigation Program (RIMP) Update

Jodi Smith

MFDA Land Committee and Board Meetings

October 2024



Outline

Overview & Background
Eligibility & Process
Budget Status
Loan Properties

RIMP Overview



The Need: The FM Area Diversion requires displacing ~12 farmsteads.



The Challenge: The federal Uniform Relocation Act (URA) provides relocation payments for select displaced property, such as residential properties, but not for farmsteads or businesses.



The Solution: The Rural Impact Mitigation Program (RIMP) provides financial assistance to relocate and re-establish farmsteads (as well as rural businesses and nonprofit organizations) affected by the FM Area Diversion Project.

RIMP Overview



- One goal of the RIMP is to ensure that construction of the FM Area Diversion will not harm the economic vitality of the local farm and rural business community.
- The RIMP is for situations where a suitable replacement farmstead is not available for the displaced farm business to relocate.
- Eligible farmsteads receive a forgivable loan to assist with covering the "gap" between the cost of rebuilding a comparable farmstead and the depreciated value of the existing farmstead.

RIMP Overview



Property owner(s) must operate a business, farm, or nonprofit from the displacement site to be eligible for RIMP payment



The RIMP payment is a forgivable loan. The owners of the displaced farm are required to spend the RIMP payments on re-establishment of their operations and continue operating for 10 years after the loan is made to receive full loan forgiveness.



The RIMP loan is fixed at full-value for 5 years, then reduced 20% per year for the next 5 years.

Eligibility & Process

Eligibility

- 1) The farmstead or rural business must be displaced by the comprehensive project; and
- 2) A suitable replacement farmstead or business is not available for the displaced farmstead or rural business, as determined by the acquiring agency; and
- 3) The property owner must operate a farmstead or business from the displacement site, and;
- 4) The replacement site must be constructed on a site in the vicinity of the comprehensive project, generally considered within the counties of Cass, Richland, Barnes or Traill counties in North Dakota and Clay, Wilkin, Becker or Norman counties in Minnesota.

27-Step Process

Includes:

- appraisers
- land agents
- management consultant
- MFDA staff
- Legal counsel
- CCWRJD and MCCJPA boards

Process Summary



- 1) Board Approval of Eligibility
- 2) Board Approval of RIMP Loan Report
- 3) Board Approval of Settlement (includes acquisition of property rights necessary for FM Area Diversion construction/operation)
- 4) Mortgage, Promissory Note, Escrow Agreement
- 5) Closing and Fund Disbursement
- 6) Reimbursement Payments from Escrow Fund
- 7) Construction Confirmation

RIMP By The Numbers



RIMP Loan Budget Summary

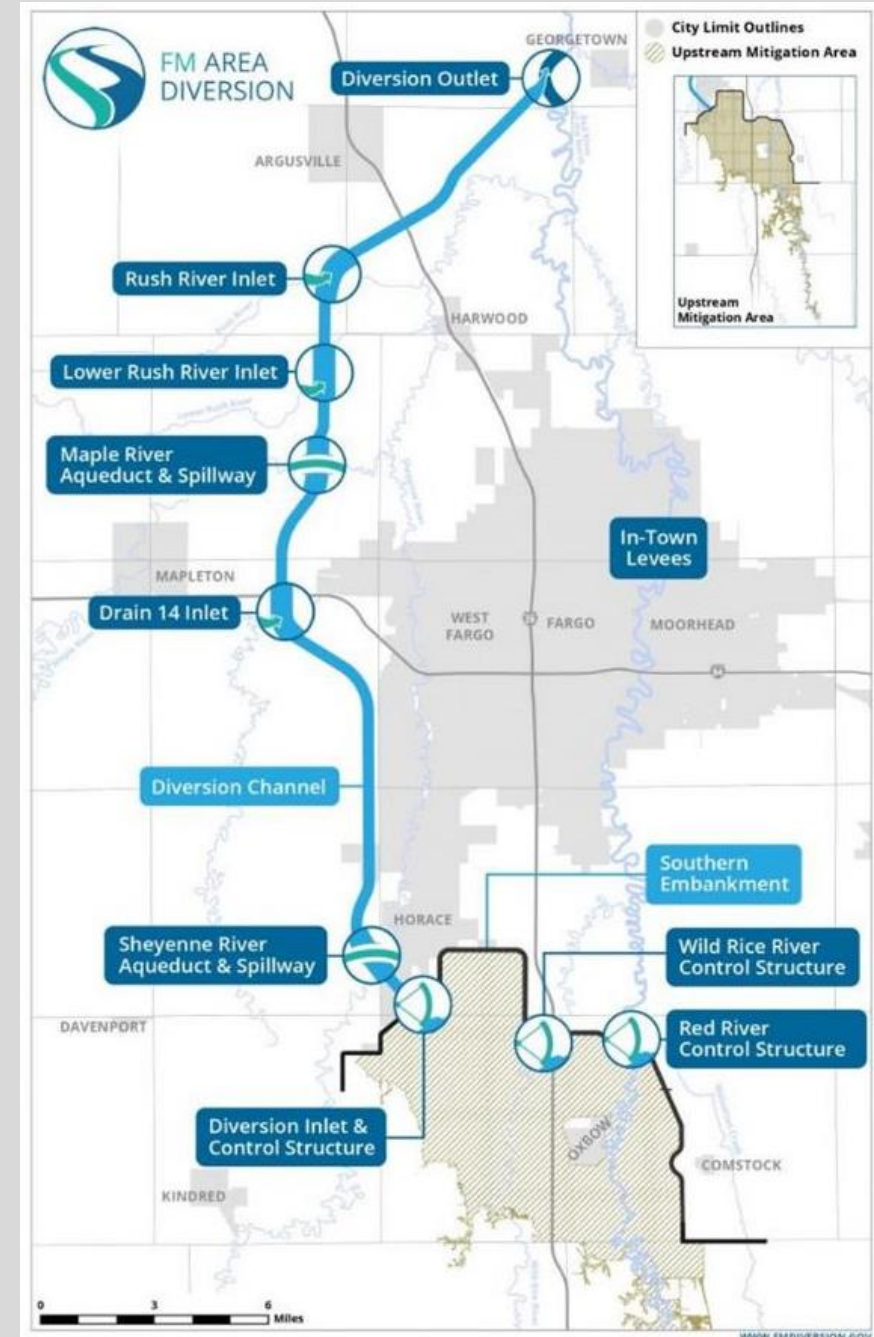
- Overall budget of \$20 million for RIMP Loans
- \$12,325,119 accounted for in closed out and active loans
- \$2,952,170 accounted for in offered but not yet accepted loans
- \$3,553,456 in future loan estimates
- \$1,169,255 remaining in budget for other eligible participants

Program Participants to Date

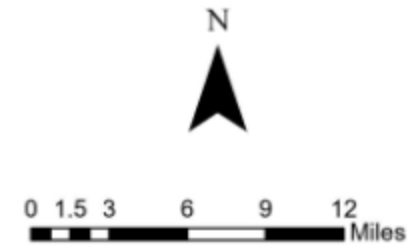
- 6 Active Loans
- 6 Loans have been fulfilled and closed out
- 4 have been deemed eligible and are moving through the process

Loan Usage by Geography

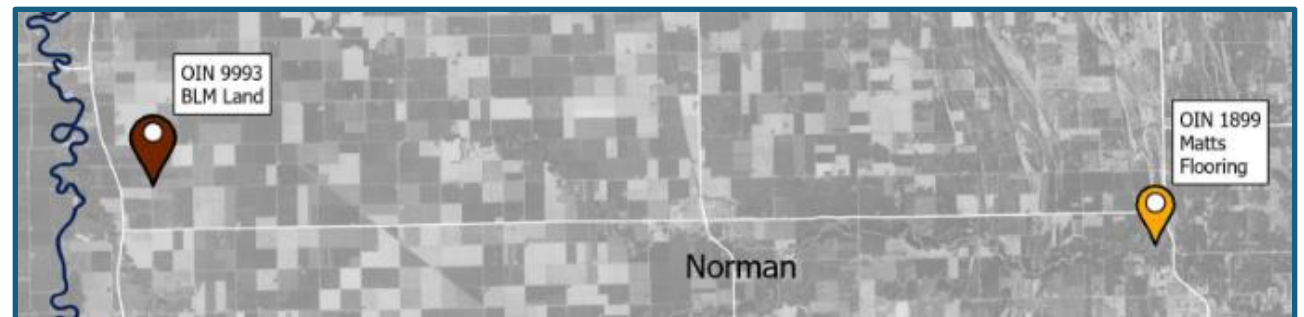
- 2 Business Relocations in the Drain 27 Wetland Project
- 3 Business Relocations in the Diversion Channel
- 7 Business Relocations in the Upstream Mitigation Area



RIMP Sites & Relocations



| Original Locations | New Locations | Other Locations |
|--------------------|-------------------------------------|---|
| ● OIN 220 | ● OIN 220 Prairie Scale | ● OINs 1916 and 818 Larry and Susan Richard |
| ● OIN 1093 | ● OIN 220 Prairie Storage | ● OIN 2014 Odegaard Farm Headquarters |
| ● OINs 1112 & 1113 | ● OIN 1093 Richard Farm Enterprises | ● OIN 2016 Nipstad Farms Inc. |
| ● OIN 1899 | ● OIN 1112 and 1113 Sauvageau Farms | ● OIN 8385 Score Brothers Construction |
| ● OINs 1916 & 818 | ● OIN 1899 Matts Flooring | ● OIN 8386 Westby |
| ● OIN 2014 | | ● OIN 9754 Schmitz and Brennan LLC |
| ● OIN 2016 | | |
| ● OIN 8385 | | |
| ● OIN 8386 | | |
| ● OIN 9754 | | |
| ● OIN 9993 | | ● OIN 9993 BLM Land |



Specific Loan Properties: 6G Farms



Specific Loan Properties: Nipstad



Specific Loan Properties: Odeggaard



Specific Loan Properties: Sauvageau





www.FMDiversion.gov



Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Michael Redlinger, Co-Director
Robert Wilson, Co-Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 24, 2024
Re: Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

RECOMMENDATION/ACTIONS NEEDED:

Approve the Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

BACKGROUND/KEY POINTS:

The MFDA, via the Cass County Joint Water Resource District (CCJWRD) and the Moorhead Clay County Joint Powers Authority (MCCJPA) is required to acquire flowage easements and mitigate structures in the Upstream Mitigation Area (UMA) of the comprehensive FM Area Diversion project in accordance with the permit conditions established by US Army Corps of Engineers (USACE), Minnesota Department of Natural Resources (MDNR), North Dakota Department of Water Resources (NDDWR), the Buffalo Red River Watershed District (BRRWD), and in accordance with floodplain administration rules by the Federal Emergency Management Agency (FEMA).

In addition, the Settlement Agreement states, “If requested by a landowner as an alternative to an acquisition of property rights, the Metro Flood Diversion Authority (the “Authority”) will use its best efforts to fund, and may approve, flexible compensation/mitigation efforts within the staging area to compensate landowners for, or prevent water damage to, their properties.”

In consideration of the Settlement Agreement and the permit conditions, the MFDA worked to establish additional guidance for mitigating impacts to properties within the UMA. The attached Guidance Document was prepared to help define “flexible compensation/mitigation” and the overarching implementation process for mitigating private properties in conjunction with the Property Rights Acquisition and Mitigation Plan (PRAM). It is recognized that each property is unique and will require a customized mitigation solution. The Guidance Document focuses on existing Private Structure Sites on parcels impacted by Mitigation Zones 2, 3, and 4 since these structures may be allowed to remain in place under certain conditions, whereas all structures in Mitigation Zone 1 must be removed.

Approval of the Guidance Document is requested by the MFDA’s Land Management Committee, the CCJWRD board, the MCCJPA board, and the MFDA board.

ATTACHMENTS:

- Guidance Document for Mitigation of Impacted Private Structure Sites in the Upstream Mitigation Area



METRO
FLOOD
DIVERSION
AUTHORITY

Guidance Document for
Mitigation of Impacted Private
Structure Sites in the
Upstream Mitigation Area

October 1, 2024

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

INTRODUCTION

The Settlement Agreement, dated February 1, 2021, states, “If requested by a landowner as an alternative to an acquisition of property rights, the Metro Flood Diversion Authority (the “Authority”) will use its best efforts to fund, and may approve, flexible compensation/mitigation efforts within the Staging Area to compensate landowners for, or prevent water damage to, their properties.”

In conjunction with the Settlement Agreement, the United States Army Corps of Engineers (“USACE”), Federal Emergency Management Agency (“FEMA”), North Dakota Department of Water Resources (“NDDWR”), formally known as the North Dakota Office of the State Engineer, and the Minnesota Department of Natural Resources (“MDNR”), collaboratively established requirements for mitigating impacts to properties within the Upstream Mitigation Area (“UMA”).

This document is intended to help define “flexible compensation/mitigation” and the overarching implementation process for mitigating private properties in conjunction with the Property Rights Acquisition and Mitigation Plan (“PRAM”). It is recognized that each property is unique and will require a customized mitigation solution. This document focuses on existing private Structure Sites on parcels impacted by Mitigation Zones 2, 3, and 4 (see Table 1 for a list of impacted private Structure Sites) since these Structures may be allowed to remain in place under certain conditions.

Whereas all Structures in Mitigation Zone 1 are required to be removed, there are a number of private Structure Sites that have been approved to be “mapped out” of Mitigation Zone 1 and placed into either Mitigation Zone 2 or Mitigation Zone 4 (see Table 2 for a list of the Mitigation Zone 1 Map-Out Sites). The mitigation of Structures on the private Structure Sites that have been mapped out of Mitigation Zone 1 shall follow the procedures outlined within this guidance document.

DEFINITIONS

100-Year Flood Event: means a flood event that has a one percent (1%) probability of occurring in any year. The 100-year flood event is used to establish the regulatory floodplain boundary for the Comprehensive Project. The regulatory floodplain boundary will be updated when the Comprehensive Project is completed within an area referred to as the Revision Reach.

500-Year Flood Event: means a flood event that has a two-tenths percent (0.2%) probability of occurring in any year.

Authority: means the Metro Flood Diversion Authority, a North Dakota political subdivision created by the Joint Powers Agreement.

Base Flood Elevation (BFE): means the water surface elevation corresponding to the 100-year flood event.

Cass County: means Cass County, a North Dakota home rule county and political subdivision of the State of North Dakota.

Clay County: means Clay County, a Minnesota county and political subdivision of the State of Minnesota.

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

Comprehensive Project: means construction of a stormwater diversion channel through North Dakota that conveys twenty thousand (20,000) cubic feet per second of floodwater at the one percent (1%) chance of a one hundred (100)-year event and is approximately thirty (30) miles long with tie-back embankments, a staging area, a Diversion Inlet Structure, a six (6)-mile connecting channel, a control structure on each of the Red and Wild Rice Rivers, an aqueduct hydraulic structure on each of the Maple and Sheyenne Rivers, a drop structure on each of the Rush and Lower Rush Rivers, three (3) railroad bridges, in-town work, community ring levees, and environmental mitigation, as generally described in the Final Feasibility Report and Environmental Impact Statement, Fargo-Moorhead Metropolitan Area Flood Risk Management Project, dated July 2011, and approved by the Chief of Engineers on December 19, 2011, as amended by the Supplemental Environment Assessment, Fargo-Moorhead Metropolitan Area Flood Risk Management Project, dated September 2013, and approved by District Engineer, St. Paul District, on September 19, 2013, and the Final Supplemental Environmental Assessment #2, Fargo-Moorhead Metropolitan Area Flood Risk Management Project, dated February 2019, and approved by the District Engineer, St. Paul District, on February 28, 2019.

Conditional Letter of Map Revision (CLOMR): means the CLOMR issued by FEMA for the Comprehensive Project in September 2020 under Case Number 19-08-0683R. The CLOMR describes how the floodplain will change as a result of the Comprehensive Project if constructed as planned.

Coordination Plan: means the FEMA/USACE Coordination Plan, dated April 14, 2015, and updated June 26, 2018.

Hydraulic Effects: means a modeled change in water surface elevation from the Comprehensive Project, including the definition of Impact, for the purposes of the Property Rights Acquisition and Mitigation Plan. Hydraulic Effect is based on the model approved by FEMA for definition of the CLOMR. The CLOMR-approved model is used to determine the floodwater depth under existing conditions as well as 100-year flood event conditions with the Comprehensive Project.

Impact: means a modeled increase of floodwater elevation from existing conditions to with-Comprehensive Project conditions. USACE considers increases of one (1) foot or more an Impact. The North Dakota Department of Water Resources (NDDWR) considers increases of one-half (0.5) foot or more at the 100-year flood an impact. The Minnesota Department of Natural Resources considers increases of one-tenth (0.1) foot or more from the 20-year, 50-year, 100-year, 500-year, or the PMF flood event an impact.

Land Agent: means a land agent consultant working for the Authority or its member entities.

Minnesota or **State of Minnesota:** means the State of Minnesota.

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

MITIGATION ZONES:

USACE defined two (2) mitigation zones in the Final Supplemental Environmental Assessment #2, dated February 2019. In summary, the federal mitigation zones are based on the following criteria:

Federal Mitigation Zone 1: encompasses land that will experience a depth difference of one (1) foot or greater for 100-year or 500-year flood events (whichever is greater) within Cass and Clay Counties and along the Red River corridor within Richland and Wilkin Counties. It defines the operating pool or floodwater storage volume required to ensure the planned operation of the federal project, which includes minimizing downstream impacts.

Federal Mitigation Zone 2: encompasses land that will experience a depth difference of one (1) foot or greater for the 100-year or 500-year flood events (whichever is greater) within Richland and Wilkin Counties, excluding the Federal Mitigation Zone 1 areas along the Red River corridor. Limited placement of fill will be allowed in Federal Mitigation Zone 2, within terms and conditions of the flowage easement and in accordance with state and federal regulations.

Mitigation Zone 3: an area in North Dakota beyond Federal Mitigation Zone 1 and Mitigation Zone 2 where the Comprehensive Project causes a Hydraulic Effect of 0.5-feet or more at a 100-year flood event.

Mitigation Zone 4: an area in Minnesota beyond Federal Mitigation Zone 1 and Mitigation Zone 2 where the Comprehensive Project causes a Hydraulic Effect of 0.1-feet or more from flood events up to and including the PMF flood event. Mitigation Zone 4 is divided into three (3) sub-zones reflecting the flood event that defines the boundary of impacts.

- **Zone 4A:** an area in Minnesota beyond Federal Mitigation Zone 1 and Zone 2 where the Comprehensive Project causes a Hydraulic Effect of 0.1-foot or more at the PMF flood event.
- **Zone 4B:** an area in Minnesota beyond Federal Mitigation Zone 1 and Zone 2 where the Comprehensive Project causes a Hydraulic Effect of 0.1-feet or more at the 500-year flood event.
- **Zone 4C:** an area in Minnesota beyond Federal Mitigation Zone 1 and Zone 2 where the Comprehensive Project causes a Hydraulic Effect of 0.1-feet or more at the 100-year flood event.

MITIGATION ZONE DEVELOPMENT REQUIREMENTS:

- Mitigation Zone 1
 - Development will not be allowed within Federal Mitigation Zone 1. Placement of fill will not be allowed within Federal Mitigation Zone 1 without approval from USACE.
- Mitigation Zone 2
 - Existing residential Structures must be at least one (1) foot above the 100-year flood event and protected to the 500-year flood event elevation.
 - Existing non-residential Structures must be above the 100-year flood event and protected to the 500-year flood event elevation.
- Mitigation Zone 3

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

- Existing residential Structures must be at least one (1) foot above the 100-year flood event elevation.
- Existing non-residential Structures must be protected to at least one (1) foot above the 100-year flood event elevation.
- Mitigation Zone 4A
 - Existing residential Structures must be at least one (1) foot above the 100-year flood event and protected to the PMF flood elevation.
 - Existing non-residential Structures must be above the 100-year flood event and protected to the PMF flood elevation.
- Mitigation Zone 4B
 - Existing residential Structures must be at least one (1) foot above the 100-year flood event and protected to the 500-year flood event elevation.
 - Existing non-residential Structures must be above the 100-year flood event and protected to the 500-year flood event elevation.
- Mitigation Zone 4C
 - Existing residential Structures must be at least one (1) foot above the 100-year flood event elevation.
 - Existing non-residential Structures must be protected to at least one (1) foot above the 100-year flood event elevation.

The controlling elevation for mitigation requirements noted above shall be the lowest opening elevation, unless there is a situation where the lowest opening is higher than the Lowest Adjacent Grade (LAG), then the LAG shall be the controlling protection elevation level.

- For example, the lowest opening, such as an egress window, may be below the 100-year flood event elevation, however, if the LAG elevation is above the 100-year flood event elevation, mitigation would not be required because the floodwater would not be able to reach the egress window at the 100-year flood event.

North Dakota or **State of North Dakota**: means the State of North Dakota.

Pleasant Township: means Pleasant Township, a township of the State of North Dakota.

Private Structure: means a privately owned residential or non-residential Structure. Excluded Structures are those owned by the following:

- A public entity
- An entity that is regulated by the Public Service Commission
- An entity that is regulated by the Public Utility Commission
- An entity that is regulated by the Federal Communication Commission
- A cemetery

Probable Maximum Flood (PMF): means the probable maximum flood event used for dam-safety purposes. The PMF event is nearly seven (7) times larger than the 2009 flood of record and has a recurrence interval of approximately one hundred seventy-five thousand (175,000) years.

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

Red River: means the Red River of the North.

Revision Reach: means the area defined in the USACE/FEMA Coordination Plan as, “The extents defined by an effective tie-in at the upstream and downstream limits for each flooding source. An effective tie-in is obtained when the revised base flood elevations from the post-project conditions model are within 0.5 foot of the pre-project conditions model at both the upstream and downstream limits.”

Richland County: means Richland County, a North Dakota county and political subdivision of the State of North Dakota.

Southern Embankment and Associated Infrastructure (SEAI): encompasses the Diversion Inlet Structure, Wild Rice Structure, Red River Structure, associated road raises, and a 22-mile earthen embankment commencing south and east of the City of Horace, proceeding east, and terminating in Minnesota by the Wolverton Creek.

Staging Area: means the area upstream of the SEAI, Diversion Inlet Structure, Red River Structure and the Wild Rice River Structure that will be used to store floodwater when the Comprehensive Project is fully operational. The Staging Area includes an approximately 28,500-acre land management area immediately upstream of the SEAI designed to store floodwaters. The Staging Area includes an area where the Comprehensive Project will increase the 100-year or 500-year floodwater surface elevation by one (1) foot or more over existing (that is, pre-Comprehensive Project) conditions.

Stanley Township: means Stanley Township, a township of the State of North Dakota.

Structure: means a structure with two (2) or more outside rigid walls and a fully secured roof; or a manufactured home (also known as a mobile home) that is built on a permanent chassis and transported to its site in one or more sections; or a travel trailer without wheels that’s built on a chassis that is regulated under the community’s floodplain management and building ordinances or laws. It does not mean a gas or liquid storage tank or a recreational vehicle, park trailer, or other smaller vehicle.

Upstream Mitigation Area (UMA): means the area upstream of the SEAI where the Authority is required to obtain property rights for the temporary storage of floodwaters during Comprehensive Project operations, as shown in Exhibit 1.

Vehicular Access: refers to the ability of emergency vehicles to access a site via roadways or private driveways that have no more than one (1) foot of water during the 100-year flood event.

Wilkin County: means Wilkin County, a Minnesota county and political subdivision of the State of Minnesota.

With Comprehensive Project 100-Year Floodplain: means the 100-year floodplain resulting from FEMA’s accreditation after completion of the Comprehensive Project.

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

PROCESS

Only Structures that have an Impact, as defined above, are required to be purchased or mitigated. A list of anticipated Structure types that will require mitigation is presented in Table 3.

Step 1: Identify existing private Structures impacted by the Comprehensive Project 100-year flood event.

- If a Structure is within the Comprehensive Project 100-year Floodplain, it must be mitigated whether it is within a Mitigation Zone or not. Structures on OINs 1485, 1543, 8466, and 9258 are examples.
- A Structure in a Mitigation Zone and NOT located in the Comprehensive Project 100-year Floodplain shall be mitigated to meet the requirements of the Mitigation Zone.
- A map of the UMA and Mitigation Zones is presented in Exhibit 1.

Step 2: Obtain a topographic survey of all the impacted private Structures and compare the Structure elevations to the governing flood-level events.

- Conduct a topographic survey of the building corners, the lowest opening, and the adjacent ground elevation. The Mitigation Zones are based on LiDAR mapping and hydraulic modeling. In some cases, a mapped Mitigation Zone may clip a corner of a Structure. A survey may provide more precise information so the whole Structure can be mapped out of the with Comprehensive Project 100-year Floodplain and subsequently the Mitigation Zone.
- If the Impacted private Structure meets the elevation requirements of the Mitigation Zone and has Vehicular Access, that Structure does not need to be mitigated.
- If the Impacted private Structure does not meet the elevation requirements of the Mitigation Zone and/or does not have Vehicular Access, the Structure needs to be mitigated.

Step 3: Identify whether the Structure site will have Vehicular Access (see Table 1 for a list of Structure sites identified as not having vehicular access).

- Structure sites that do not have Vehicular Access will be offered a buyout or a road raise.
- A landowner does not need to accept a buyout if the landowner accepts the access impacts and the Structure(s) meet the Mitigation Zone requirements or are planned to be mitigated to meet the Mitigation Zone requirements.
- A road raise will be considered if the estimated cost of the road raise is less than the value of the Structure(s) and/or Structure site(s).
- Prior to a road being raised, approval of the road raise must be provided from the township or roadway authority.
- Approved road raises will be raised to six (6) inches above the with-Comprehensive Project BFE.
- Structure sites with driveways impacted by the Comprehensive Project 100-year flood event will be compensated for the impact by the cost-to-cure amount in the appraisal report.
- A hydraulic analysis will be conducted before the road/driveway raise to determine any impacts the road raise may have to adjacent properties. Coordination with the Authority and USACE will take place to determine the Hydraulic Effect of raising the road.

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

- Maps are available indicating roadway inundation of one (1)-foot or greater during the Comprehensive Project 100-year flood event.
- Raising one strategically placed road may provide Vehicle Access to multiple parcels.
 - Coordinate with the Authority to estimate the cost of raising the affected road.
 - If the estimated cost of raising the road is less than the estimated cost of buying and removing the impacted Structure(s), raise the road for mitigation.
 - If the estimated cost of raising the road is more than the estimated cost of buying and removing the impacted Structures(s) but still considered a feasible mitigation approach based on engineering judgement, gather input from the Authority for acceptance to finalize mitigation approach.

Step 4: Prepare Structure mitigation matrices to determine Structure mitigation options.

- Review the topographic surveys and compare the impacted private Structure's elevations to the different Mitigation Zone flood levels and determine the possible appropriate mitigation options for the site and Structures.
- Prepare cost estimates for each evaluated mitigation option and prepare a mitigation matrix.
- After the Structure mitigation matrices are prepared and approved by the Authority, provide the approved mitigation matrix to the appraiser for consideration in the appraisal report.

Step 5: Obtain a before and after project appraisal of each impacted parcel identified above as well as the value of each Structure/building on the impacted Structure site.

- The appraiser shall consider the mitigation matrix in their valuation of damages. The appraisal report is prepared, reviewed, and approved following the standard practice.

Step 6: Meet with the landowner to present the offer and discuss options.

Step 7: Offer to buy any impacted private Structure(s) or Structure site(s).

- If the offer based on the appraisal is accepted, the Structure(s) would be removed by a contractor hired by the Authority.

Step 8: If the landowner would prefer to keep the Structure, then mitigation options would be reviewed.

- Review preferred mitigation options and present feasible mitigation options to the Authority staff for review and input.
 - Overall mitigation costs should be less than the overall estimated cost of a Structure buyout, relocation costs, Structure removal costs, and site clean-up/restoration costs.
 - Mitigation on each parcel will be unique as well as the associated costs.
 - Earthen levee will likely be the most common and desired form of mitigation. Coordinate with the Authority to design and estimate the cost of a levee.
 - Work with a contractor that specializes in elevating Structures/houses, moving Structures/houses, or performs dry-/wet-proofing to determine costs.

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

POTENTIAL MITIGATION ACTIONS

The FEMA/USACE Coordination Plan, dated April 14, 2015, and updated June 26, 2018, states, “The impacts caused by the Comprehensive Project on all insurable Structures within the revision reach will be mitigated through agreed methods consistent with those specified by the National Flood Insurance Program (NFIP).” Mitigation shall be performed in accordance with FEMA guidance and may include the following:

1. Buyout – The Authority (via member entities Cass County Joint Water Resource District (CCJWRD) or Moorhead-Clay Count Joint Powers Authority (MCCJPA)) will offer to buy out any impacted private Structure that are in or touched by Mitigation Zones 2, 3, or 4.
2. Wet floodproofing (wet-proofing) – Allows floodwaters to enter the Structure in such a way that damage to the Structure and its contents is minimized. Post-flood cleanup will be required. Wet floodproofing must require automatic entry of floodwaters into Structures without human intervention. (Refer to FEMA’s Paragraph 1.3.4 of “ENGINEERING PRINCIPLES AND PRACTICES for Retrofitting Flood-Prone Residential Structures”)
 - Wet-proofing will only be considered for non-residential Structures outside the 100-year floodplain.
 - Wet-proofing shall only be used in Mitigation Zones 2, 4A, and 4B as a mitigation option for the 500-year and PMF flood events.
 - Flood opening requirements as described for the 100-year flood event in FEMA’s NFIP Technical Bulletin 1 shall be adopted to the 500-year and PMF flood elevations.
 - Structures being protected shall mitigate the Structure in accordance with FEMA’s “Engineering Principles and Practices for Retrofitting Flood-Prone Residential Structures”.
3. Dry floodproofing (dry-proofing) – A portion of the Structure that is below the 100-year flood event plus one (1)-foot elevation is sealed to make it watertight and substantially impermeable to floodwaters. Dry floodproofing is listed in the Coordination Plan as an approved means of mitigation for non-residential Structures. (Refer to Paragraph 1.3.3 of “ENGINEERING PRINCIPLES AND PRACTICES for Retrofitting Flood-Prone Residential Structures”)
 - In practice, dry floodproofing will most likely only consist of concrete retaining walls.
 - Dry floodproofing basements requires an engineer-stamped design.
 - Dry floodproofing typically only applies to non-residential Structures unless a residential basement exception by FEMA has been adopted by the governmental entity jurisdiction. Dry floodproofing may then be allowed, but it is typically only used for new construction.
 - Clay County has a residential basement exception that allows a basement floor below the BFE if the basement is designed to be floodproof. Wilkin County does not have a basement exception. Pleasant Township and Stanley Township in Cass County are listed as having basement exceptions. None of the Richland County townships are listed as having basement exceptions.
4. Elevating – Elevating a Structure involves either raising it on fill or on stilts to provide flood protection.

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

- An elevation certificate is required for the Structure if the Structure is being elevated on fill to remove the Structure from the proposed or existing floodplain.
 - Elevating a Structure on stilts is only allowed when a Structure is outside the floodplain and needs to be protected to either the 500-year or PMF flood event.
 - The point where the stilt meets the ground shall be outside of the floodplain.
 - Elevating on stilts is not allowed to provide protection from the 100-year flood event.
 - Any Structure being elevated on stilts shall have a stamped design by a professional engineer.
 - Any Structure being elevated on stilts shall mitigate the Structure in accordance with FEMA's "Homeowner's Guide to Retrofitting" and FEMA'S "Engineering Principles And Practices for Retrofitting Flood-Prone Residential Structures".
5. Uncertified or Non-Accredited Earthen Levees
- 8-foot top width (minimum)
 - 4:1 side slopes (maximum)
 - Levee impervious fill top elevation at 500-year flood level plus earthen settlement factor for Zones 2 and 4B
 - Levee impervious fill top elevation at PMF flood level plus earthen settlement factor for Zone 4A.
 - The levee shall be designed and signed by a professional engineer and be constructed according to applicable federal and state criteria.
 - Landowner shall be responsible for maintenance, including mowing and weed control, exercising/turning valves, and pump maintenance/operation, and repair of the earthen levee after completion of earthen levee construction.
 - Landowner will retain sole ownership and responsibility of the earthen levee after completion of levee construction.
 - Landowner will need to construct the levee or provide the Authority temporary access to the property to construct the levee.
6. Relocation (to dry area onsite, if available, or another parcel location)

PRIVATE UTILITIES

If any of the private utilities on the impacted private Structure sites listed below is impacted, it will be mitigated per FEMA, NFIP, and local public health official guidance since they directly affect the function and livability of the associated Structure.

- Septic
 - Septic tank
 - Holding tank
 - Drain field
- Tanks
 - Fuel
 - Underground storage tanks

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

- Propane
- Well
- Solar panels

Table 1 – Structure Sites Impacted by Zones 2, 3, 4A, 4B, and 4C

| # | OIN (State) | Impacted Residential Structure | Impacted Non-Residential Structure | No Vehicular Access | Impacting Zone |
|----|-------------|--------------------------------|------------------------------------|---------------------|----------------|
| 1 | 176 (ND) | | | X | 3 |
| 2 | 867 (ND) | 1 | 5 | | 3 |
| 3 | 1237 (MN) | 1 | 6 | | 4A |
| 4 | 1238 (MN) | 1 | 10 | | 4A |
| 5 | 1252 (MN) | 1 | 1 | | 4A |
| 6 | 1267 (MN) | 1 | 4 | | 4A |
| 7 | 1294 (MN) | 1 | 6 | | 2 & 4C |
| 8 | 1305 (MN) | 1 | 2 | X | 2 & 4C |
| 9 | 1307 (MN) | | 2 | X | 2 & 4C |
| 10 | 1318 (MN) | | 2 | | 4C |
| 11 | 1328 (ND) | | | X | 3 |
| 12 | 1329 (ND) | | | X | 3 |
| 13 | 1349 (ND) | | 4 | | 3 |
| 14 | 1356 (ND) | | 2 | | 3 |
| 15 | 1411 (ND) | | 5 | X | 2 & 3 |
| 16 | 1473 (ND) | 1 | 1 | X | 2 |
| 17 | 1485 (ND) | | 1 | X | 3 |
| 18 | 1542 (ND) | | 2 | X | 2 & 3 |
| 19 | 1544 (ND) | | 1 | X | 2 & 3 |
| 20 | 1545 (ND) | | | X | 2 & 3 |
| 21 | 1548 (ND) | | 2 | | 3 |
| 22 | 1583 (ND) | | 2 | | 2 & 3 |
| 23 | 2024 (ND) | | | X | 3 |
| 24 | 2033 (ND) | | 1 | X | 3 |
| 25 | 7102 (MN) | | 2 | | 4C |
| 26 | 8360 (ND) | | 7 | X | 3 |
| 27 | 8466 (ND) | | 2 | | 3 |
| 28 | 8528 (MN) | 1 | 4 | | 4A |
| 29 | 8786 (ND) | 1 | | | 3 |
| 30 | 8798 (MN) | 1 | 8 | | 4C |
| 31 | 9258 (ND) | 1 | 3 | X | 2 & 3 |

Guidance Document for Mitigation of Impacted Private Structure Sites in the UMA

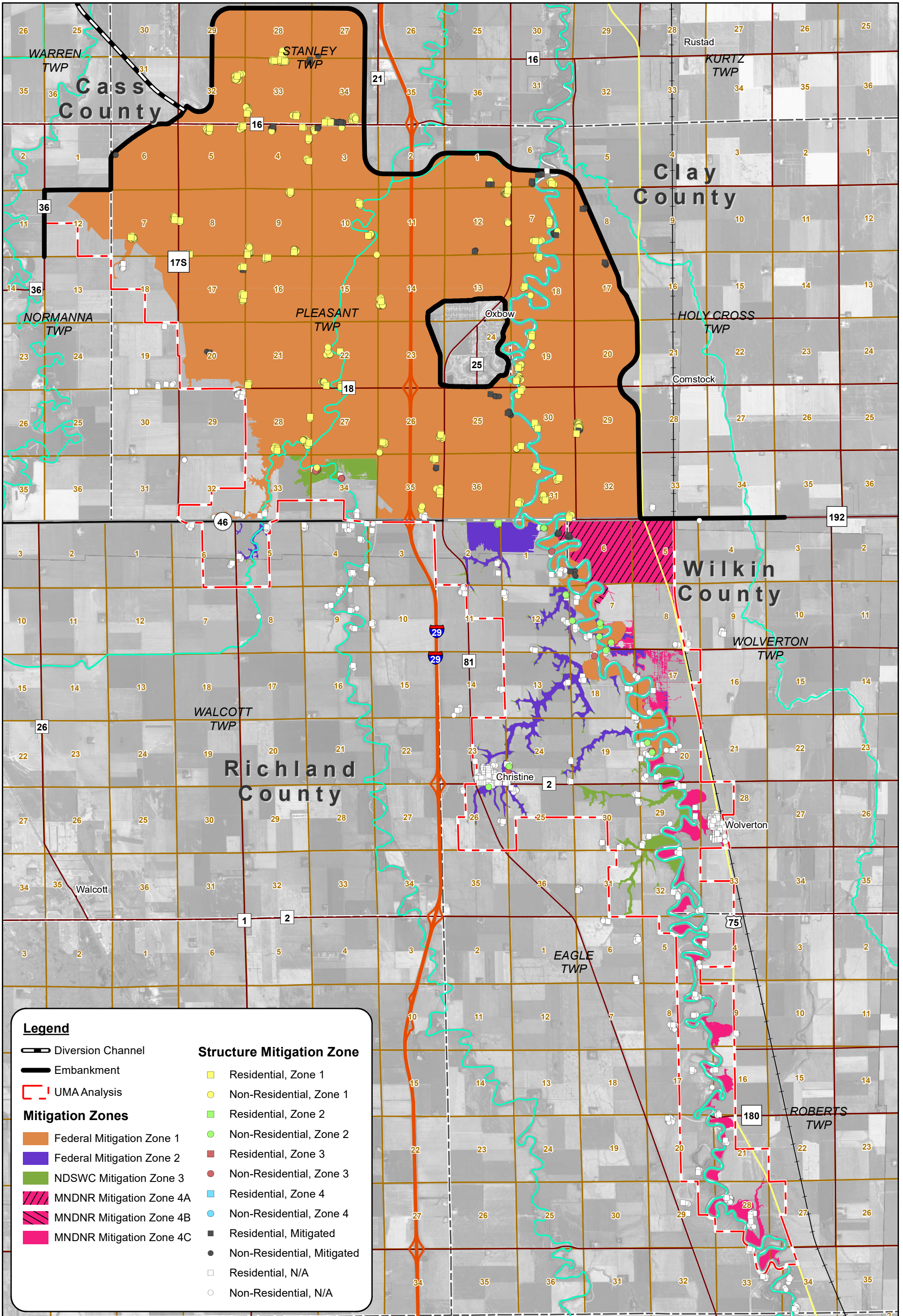
Table 2 – Zone 1 Private Structure Map-Out Sites

| | OIN | Parcel Type | Landowner |
|---|------------------|-------------|--------------------|
| 1 | 1826 | Farmstead | Ness |
| 2 | 1968 | RES | Boyer |
| 3 | 2044 & 2045 | COM and RES | Cose |
| 4 | 2046, 2183, 2184 | RES and COM | Luecke and Carlson |
| 5 | 5028 | RES | Turner |

Table 3 – Anticipated Structure Types to Receive Mitigation

| Structure Types | |
|------------------------|---|
| Residential | <ul style="list-style-type: none"> • Slab-on-grade houses • Split-level homes • House with full basement • House with attached garage • Trailer homes |
| Non-Residential | <ul style="list-style-type: none"> • Barns • Sheds • Storage Buildings • Shops • Pole-type buildings • Detached garages • Lean-to for hay/wood (might not be an insurable Structure.) • Grain bins (considered personal property; under this designation, the owners of the grain bins will be reimbursed for the lesser of the cost to move the existing grain bin or the cost to purchase new grain bins. Refer to the PRAM for further details.) • Other agricultural Structure types |

Exhibit 1 – UMA and Mitigation Zones Map



Legend

- Diversion Channel
- Embankment
- UMA Analysis

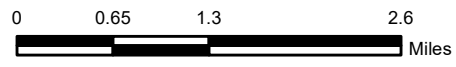
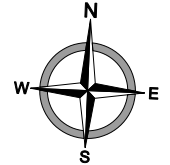
Mitigation Zones

- Federal Mitigation Zone 1
- Federal Mitigation Zone 2
- NDSWC Mitigation Zone 3
- MNDNR Mitigation Zone 4A
- MNDNR Mitigation Zone 4B
- MNDNR Mitigation Zone 4C

Structure Mitigation Zone

- Residential, Zone 1
- Non-Residential, Zone 1
- Residential, Zone 2
- Non-Residential, Zone 2
- Residential, Zone 3
- Non-Residential, Zone 3
- Residential, Zone 4
- Non-Residential, Zone 4
- Residential, Mitigated
- Non-Residential, Mitigated
- Residential, N/A
- Non-Residential, N/A

**FM AREA DIVERSION
UPSTREAM MITIGATION AREA &
MITIGATION ZONES**



Created By: KJV Date Created: 06/18/18 Date Saved: 05/26/21 Date Exported: 05/26/21
 Plotted By: kyle.volk Parcel Date: Varies Aerial Image: N/A Elevation Data: 2008 Lidar
 Horizontal Datum: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet Vertical Datum: NAVD1988
 T:\Projects\19100\19116\2021_UMA_PRAM_@CLOMRS_UMA_Zones_Map_2021_05_19_Sub_Zone4.mxd

Source: CLOMR FEMA Case Number 19-08-0683R

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Michael Redlinger, Co-Director
Robert Wilson, Co-Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 24, 2024
Re: OIN 1080Y and 1926 Excess Land Recommendation

RECOMMENDATION/ACTIONS NEEDED:

Approve OIN 1080Y (7.877 acres) and OIN 1926 (11.95) 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:

- Approved Memo – Excess Lands Recommendation – OIN 1080Y
- Approved Memo – Excess Lands Recommendation – OIN 1926



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: September 16, 2024

RE: Excess Lands Recommendation – OIN 1080Y, Subject to a Flowage Easement and Temporary Construction 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 1080Y as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 1080Y

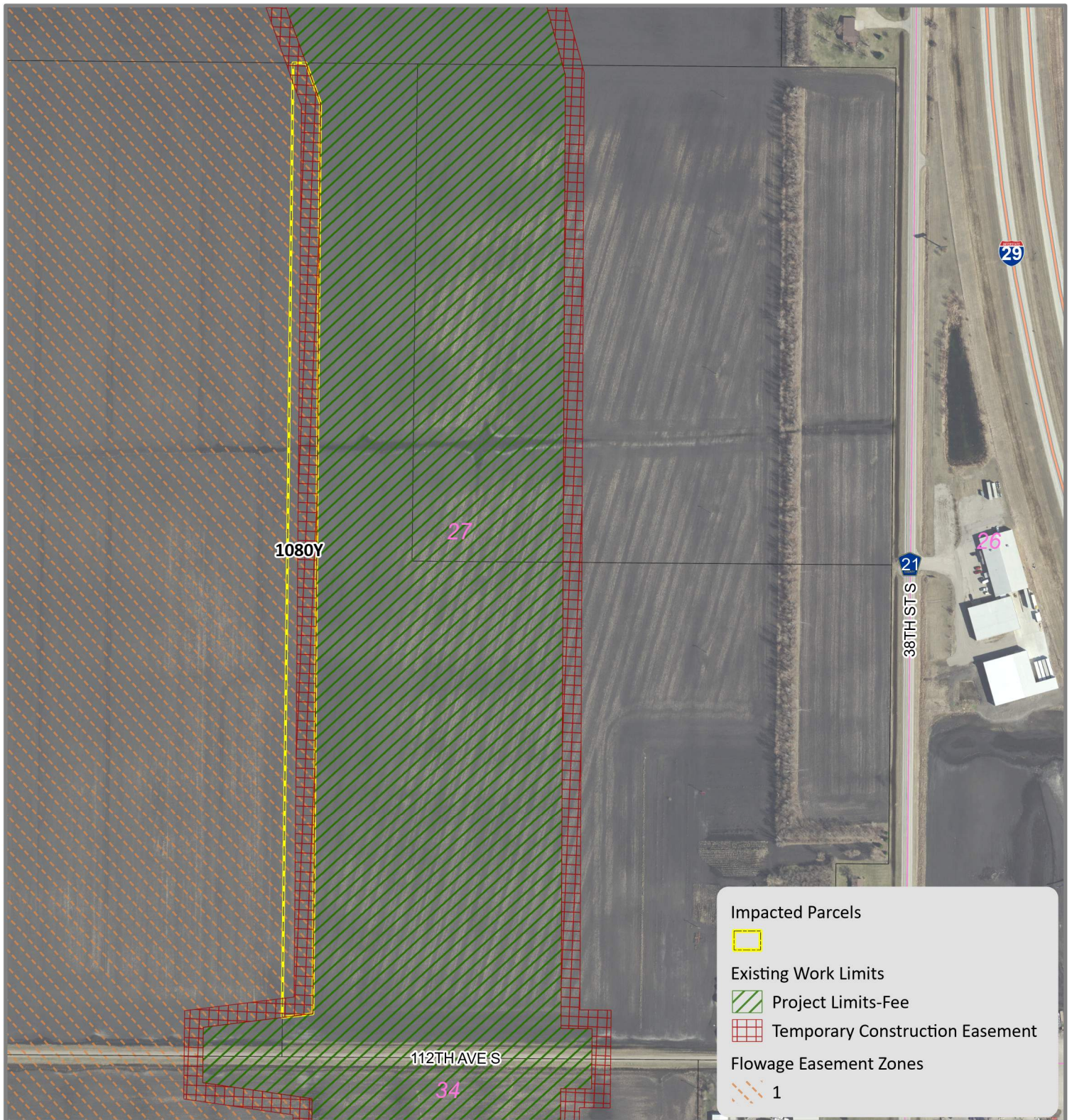
| | |
|--------------------------|---|
| Description of Parcel(s) | See Exhibit A for a map showing the parcel recommended as excess land. |
| Legal Description | See Exhibit B for legal description for the parcel recommended as excess land. |
| Asset Parcel(s) Size | 7.877 (GIS acres) *Note that 2.96 acres of this parcel are impacted by a Temporary Construction Easement (TCE) for the next three (3) years. |

| | |
|------------------------------------|--|
| Narrative Description of Parcel(s) | OIN 1080Y is located on the unprotected side of the SE-2B area associated with the Comprehensive Project. A flowage easement and a TCE will need to be reserved on this parcel. |
| Purchase Date | June 13, 2024 |
| Purchase Price | \$1,970,654 *for all of OINs 1080 and 1081 |
| Proposed Sale Price | \$53,000 *Based on roughly \$6,700/acre for encumbered tillable farmland with a TCE. |
| Former Owner | Rosella Bellemare |
| Adjacent Owners | OIN 1079X – David Germanson |
| Property Management Approach | This parcel was acquired only a few months ago and therefore no property management has been needed to date. |
| Property Taxes | The 2023 property taxes were \$882.50 |
| Relation to Construction | This entire parcel (OIN 1080) was purchased for the construction of SE-2B. OIN 1080Y is a strip of tillable farmland along the western edge of the property that is not impacted by construction of the Comprehensive Project. OIN 1080Y will be subject to a flowage easement as well as a TCE needed for the next three (3) years. |
| Right of First Refusal | The prior landowner is not entitled to a ROFO. |

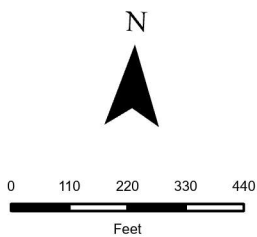
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 1080Y 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



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.
 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



Locator Map Not to Scale

OIN: 1080Y
Owner: CASS COUNTY JOINT WATER
RESOURCE DISTRICT
PIN: 64-0000-02500-060
Cass County, ND
 FM AREA DIVERSION
 Map Date: 8/30/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

OIN 1080Y – Description – Fee Title Parcel:

That part of the West Half of the Southeast Quarter of Section 27, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°55'52" West, along the southerly line of said Southeast Quarter, for a distance of 1668.15 feet to the southeast corner of the West 60.00 acres of said Southeast Quarter; thence North 01°50'40" West, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 103.45 feet to the true point of beginning; thence North 80°23'36" East for a distance of 90.00 feet; thence North 02°01'23" West for a distance of 2424.70 feet; thence North 22°21'24" West for a distance of 114.61 feet to a point of intersection with the northerly line of said Southeast Quarter; thence South 87°57'08" West, along the northerly line of said Southeast Quarter, for a distance of 41.45 feet to the northeast corner of the West 60.00 acres of said Southeast Quarter; thence South 01°50'40" East, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 2544.04 feet to the true point of beginning

Said tract contains 4.917 acres, more or less, and is subject to easements as may be of record.

OIN 1080Y – Description – TCE (Temporary Construction Easement):

That part of the West Half of the Southeast Quarter of Section 27, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A strip of land 50.00 feet wide, lying westerly of and being coincident with the following described line:

Commencing at the southeast corner of said Southeast Quarter; thence South 87°55'52" West, along the southerly line of said Southeast Quarter, for a distance of 1668.15 feet to the southeast corner of the West 60.00 acres of said Southeast Quarter; thence North 01°50'40" West, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 103.45 feet to the true point of beginning of the line to be described; thence North 80°23'36" East for a distance of 90.00 feet; thence North 02°01'23" West for a distance of 2424.70 feet; thence North 22°21'24" West for a distance of 114.61 feet to a point of intersection with the northerly line of said Southeast Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of the West 60.00 acres of said Southeast Quarter on the west and to intersect the northerly line of said Southeast Quarter on the north.

Said tract contains 2.960 acres, more or less.

OIN 1080Y – Description – Flowage Easement (Zone 1):

That part of the West Half of the Southeast Quarter of Section 27, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence South $87^{\circ}55'52''$ West, along the southerly line of said Southeast Quarter, for a distance of 1668.15 feet to the southeast corner of the West 60.00 acres of said Southeast Quarter; thence North $01^{\circ}50'40''$ West, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 103.45 feet to the true point of beginning; thence North $80^{\circ}23'36''$ East for a distance of 90.00 feet; thence North $02^{\circ}01'23''$ West for a distance of 2424.70 feet; thence North $22^{\circ}21'24''$ West for a distance of 114.61 feet to a point of intersection with the northerly line of said Southeast Quarter; thence South $87^{\circ}57'08''$ West, along the northerly line of said Southeast Quarter, for a distance of 41.45 feet to the northeast corner of the West 60.00 acres of said Southeast Quarter; thence South $01^{\circ}50'40''$ East, along the easterly line of the West 60.00 acres of said Southeast Quarter, for a distance of 2544.04 feet to the true point of beginning

Said tract contains 4.917 acres, more or less.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 1080Y 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.

Robert W. Wilson

Robert Wilson
Co-Executive Director

09/16/2024

Date

Michael Redlinger

Michael Redlinger
Co-Executive Director

09/16/2024

Date



Memorandum

TO: Robert Wilson & Michael Redlinger

FROM: Jodi A. Smith

DATE: August 30, 2024

RE: Excess Lands Recommendation – OIN 1926, 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 1926 as Excess Land and begin the process to dispose of the property following the Policy.

2. Pertinent Facts Regarding OIN 1926

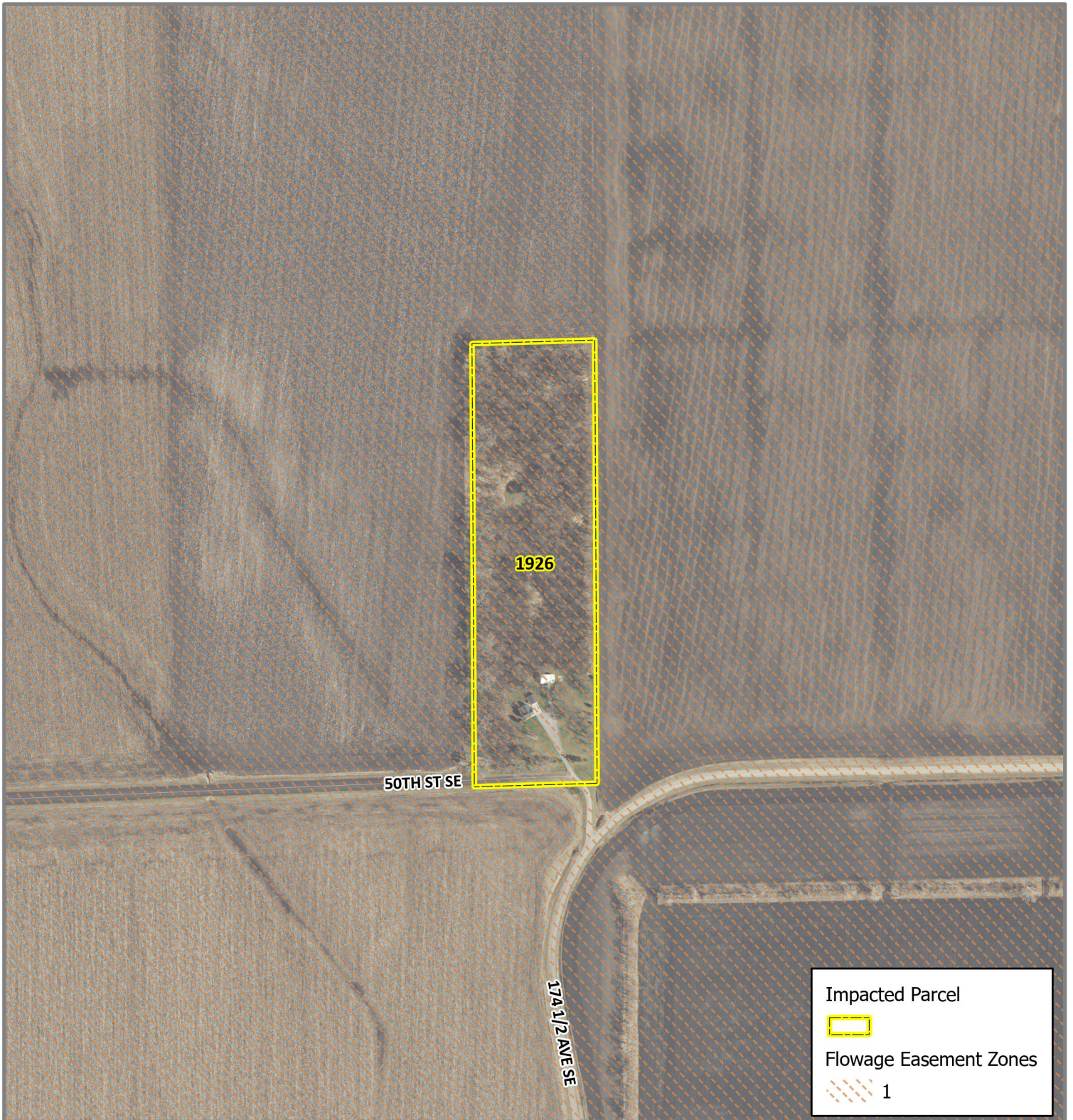
| | |
|--------------------------|--|
| Description of Parcel(s) | See Exhibit A for a map showing the parcel recommended as excess land. |
| Legal Description | See Exhibit B for legal description for the parcel recommended as excess land. |
| Asset Parcel(s) Size | 11.95 acres |

| | |
|------------------------------------|--|
| Narrative Description of Parcel(s) | OIN 1926 is located on 50 th St SE approximately one mile east of I-29 in the Upstream Mitigation Area associated with the Comprehensive Project. |
| Purchase Date | August 31, 2017 |
| Purchase Price | \$400,000 |
| Proposed Sale Price | \$65,700 Based on \$5,500/acre for flowage easement encumbered recreational land. |
| Former Owner | Scott Young |
| Adjacent Owners | OIN 1924 – Jordan Young OIN 1925 – Annette Clemedtson OIN 1927 – Theresa Nelson GST Trust (In Eminent Domain) OIN 1929 – Brodshaug Cass County Farms LLLP |
| Property Management Approach | This parcel has been maintained through a weed control and mowing contract with JT Lawn Services. |
| Property Taxes | There have been no recorded property taxes on this parcel since 2020, which came in at \$2,033.06. |
| 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. This sale will also need to reserve the right to enter the property for removals of trees needed for other parts of the 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 OIN 1926 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).

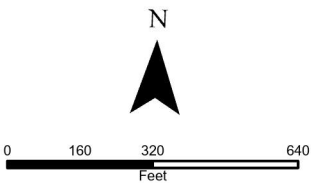
Exhibit A: Map Exhibit of Parcel Recommended as Excess Lands



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.

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 | IndividualLayout



OIN: 1926
CASS COUNTY JOINT WATER RESOURCE DISTRICT
 Parcel ID: 57-0000-10289-030
 Cass County, ND

FM AREA DIVERSION
 Map Date: 8/30/2024



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The following legal description is from the Warranty Deed dated September 1, 2017

Auditor's Lot One, of the Southwest Quarter of Section Twelve, in Township One Hundred Thirty-seven North of Range Forty-nine West of the Fifth Principal Meridian, situate in the County of Cass and the State of North Dakota.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 1926 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.

Robert W. Wilson

Robert Wilson
Co-Executive Director

08/30/2024

Date

Michael Redlinger

Michael Redlinger
Co-Executive Director

08/30/2024

Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Michael Redlinger, Co-Director
Robert Wilson, Co-Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 24, 2024
Re: OIN 837 Excess Land

RECOMMENDATION/ACTIONS NEEDED:

Approve the sale price of \$4,500 for excess land parcel OIN 837

BACKGROUND/KEY POINTS:

In February 2024 an excess land recommendation for OIN 837 was presented at the MFDA Land Committee, the CCJWRD Board, and the MFDA Board meetings. The recommendation included a market value of \$7,500 and was unanimously approved at each of the three meetings. Since those approvals, and in accordance with the Policy on Disposition of Excess Lands, the notice of this sale was sent to the Member Entities, the Prior Landowner, and the Adjacent Landowners. Throughout those efforts no interest was received, and the parcel was made available for public sale. A few interested parties came forward but ultimately decided the purchase was not a good fit for them. A new interested party has come forward but is proposing the purchase of the property for \$4,500, which is lower than the original approved value of \$7,500. In efforts to dispose of this property we are requesting that approval to proceed with this sale for \$4,500.

Current expenses associated with the property are mowing and weeding for \$1,768 annually

ATTACHMENTS:

- Approved Memo – Excess Lands recommendation – OIN 837



Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: January 29, 2024

RE: Excess Lands Recommendation – OIN 837, 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 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 837 as Excess Land and begin the process to dispose of the property following the Policy. Note that the parcel is in the Upstream Mitigation Area (UMA) and therefore the Authority (via the Cass County Joint Water Resource District (CCJWRD)) shall reserve a flowage easement on this property as part of a sale.

2. Pertinent Facts Regarding OIN 837

| | |
|--------------------------|--|
| 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 | 1.66 acres |

| | |
|----------------------------------|--|
| Narrative Description of Parcels | OIN 837 is located along the east side of Cass County Hwy 17 between 49 th Street SE and 50 th Street SE. The parcel is in the UMA. The former structures on this parcel have been removed. |
| Purchase Date | November 18, 2021 |
| Purchase Price | \$217,000 (for the lot and structures that have now been removed from property) Land appraised for \$98,000 in the “before” condition and \$4,300 in the “after” condition (i.e., subject to the flowage easement). |
| Proposed Sale Price | \$7,500 Based on a \$4,500 per acre rate. |
| Former Owner | Dennis & Mary Jane Hanson |
| Adjacent Owners | OIN 835 – Rosemarie Duval OIN 5023 – Cindy Norberg OIN 838 – Theresa Nelson GST Trust |
| Property Management Approach | OIN 837 gets mowed four (4) times during the growing season, with spring and fall weed spraying. |
| Property Taxes | The 2022 property taxes were \$0 The 2021 property taxes were \$1,343.69 |
| Relation to Construction | 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 demoed 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. |

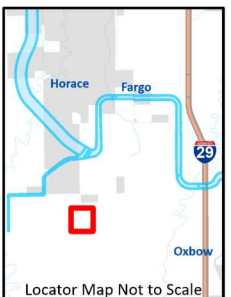
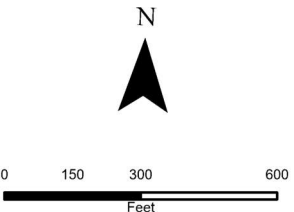
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 837 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



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.
 Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: Clidenberg | 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 | IndividualLayout



OIN: 837
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 57-0000-10264-000
Cass County, ND

FM AREA DIVERSION
 Map Date: 12/15/2023



Exhibit B: Legal Descriptions for Parcel Recommended as Excess Lands

The legal description for the parcel is described in a Warranty Deed dated November 15, 2021:

WARRANTY DEED

THIS INDENTURE, made this 15 day of November, 2021, between Mary Jane Hanson, an unmarried person, GRANTOR, and the Cass County Joint Water Resource District, a North Dakota political subdivision, GRANTEE, whose post office address is 1201 Main Avenue West, West Fargo, North Dakota 58078.

WITNESSETH, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, GRANTOR does hereby GRANT, BARGAIN, SELL, AND CONVEY unto GRANTEE all of the following real property lying and being in Cass County, North Dakota, and described as follows:

A tract of land described as follows, to-wit: Commencing at the Southwest corner of the NW¼ of Section 8, in Township 137 North, of Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, thence East 278 feet, thence North 340 feet, thence West 278 feet, and thence South to the Point of Beginning a distance of 340 feet, more or less.

(the "Property")

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 837 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.

Joel Paulsen
Executive Director

February 9, 2024
Date

Memorandum



To: Metro Flood Diversion Authority Lands Committee
From: Michael Redlinger, Co-Director
Robert Wilson, Co-Director
Cc: John Shockley, MFDA Legal Counsel
Date: October 24, 2024
Re: OIN 2185 Excess Land

RECOMMENDATION/ACTIONS NEEDED:

Approve the sale price of \$4,000 for excess land parcel OIN 2185.

Background/Key Points:

In February 2024 an excess land recommendation for OIN 2185 was presented at the MFDA Land Committee, the CCJWRD Board, and the MFDA Board meetings. The recommendation included a market value of \$10,500 and was unanimously approved at each of the three meetings. Since those approvals, and in accordance with the Policy on Disposition of Excess Lands, the notice of this sale was sent to the Member Entities, the Prior Landowner, and the Adjacent Landowners. Throughout those efforts no interest was received, and the parcel was made available for public sale. One interested party came forward but ultimately decided the purchase was not a good fit for them. A new interested party has come forward but is proposing the purchase of the property for \$4,000, which is lower than the original approved value of \$10,500. In efforts to dispose of this property we are requesting that approval to proceed with this sale for \$4,000. Current expenses associated with the property are mowing and weeding for \$2,392 annually.

ATTACHMENTS:

- Approved Memo – Excess Lands recommendation – OIN 2185



Memorandum

TO: Joel Paulsen

FROM: Jodi A. Smith

DATE: January 29, 2024

RE: Excess Lands Recommendation – OIN 2185, 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 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 2185 as Excess Land and begin the process to dispose of the property following the Policy. Note that the parcel is in the Upstream Mitigation Area (UMA) and therefore the Authority (via the Cass County Joint Water Resource District (CCJWRD)) shall reserve a flowage easement on this property as part of a sale.

2. Pertinent Facts Regarding OIN 2185

| | |
|--------------------------|--|
| 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 | 2.44 acres |

| | |
|----------------------------------|--|
| Narrative Description of Parcels | OIN 2185 is located off of 50 th St SE in the Upstream Mitigation Area associated with the project. This former residential property has had all structures removed from the property as part of the project. |
| Purchase Date | September 9, 2021 |
| Purchase Price | \$148,500 (for the lot and structures that have now been removed from property) Land appraised for \$80,000 in the “before” condition and \$7,000 in the “after” condition (i.e., subject to the flowage easement). |
| Proposed Sale Price | \$10,500 Based on a \$4,500 per acre rate. |
| Former Owner | Duane & Donna Siebels |
| Adjacent Owners | OIN 850 – Richard Revocable Trust OIN 838 – Theresa Nelson GST Trust |
| Property Management Approach | No property management approach has been taken to date. |
| Property Taxes | The 2021 property taxes were \$1,176.36 |
| Relation to Construction | 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 demoed 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. |

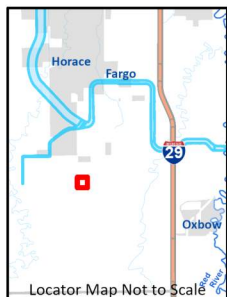
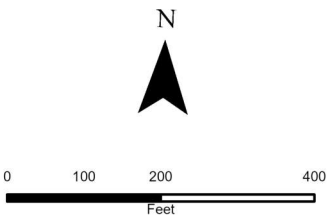
3. Conclusion and Recommendation

Based on the pertinent facts presented above, it is recommended to declare OIN 2185 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



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. Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Edited by: CLidenberg | 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 | IndividualLayout



OIN: 2185
CASS COUNTY JOINT WATER RESOURCE DISTRICT
Parcel ID: 57-0000-10266-000
Cass County, ND

FM AREA DIVERSION
 Map Date: 12/15/2023



Exhibit B: Legal Description for Parcel Recommended as Excess Lands

The legal description for the parcel is described in a Warranty Deed dated September 10, 2021:

WARRANTY DEED

THIS INDENTURE, made this 10th day of September, 2021, between Duane A. Siebels and Donna Siebels, husband and wife, GRANTORS, and the Cass County Joint Water Resource District, a North Dakota political subdivision, GRANTEE, whose post office address is 1201 Main Avenue West, West Fargo, North Dakota 58078.

WITNESSETH, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, GRANTORS do hereby GRANT, BARGAIN, SELL, AND CONVEY unto the GRANTEE all of the following real property lying and being in Cass County, North Dakota, and described as follows:

Auditor's Lot Number 2 of the Southwest Quarter of Section Eight, Township One Hundred Thirty-seven North, Range Forty-nine West, Cass County, North Dakota, said Auditor's Lot is described as follows:

Commencing at a point which is 720 feet East of the Southwest corner of the Southwest Quarter of Section Eight, Township One Hundred Thirty-seven North, Range Forty-nine West, Pleasant Township, Cass County, North Dakota, and said point is the true point of beginning of Auditors Lot 2 hereinafter described; thence East and along the South Section line of said Southwest Quarter for a distance of 380 feet; thence North and parallel to the West Section line of said Southwest Quarter for a distance of 280 feet; thence West and parallel to said South Section line for a distance of 380 feet; thence South and parallel to said West Section line for a distance of 280 feet to the point of beginning.

Exhibit C: Declaration of Excess Land Form

I hereby declare that OIN 2185 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.

Joel Paulsen

Executive Director

February 9, 2024

Date