

FM AREA DIVERSION PROJECT

# Property Owner Information Packet for Cass County Commission

August 17<sup>th</sup>, 2020

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PROPERTY OWNER: Verden Anderson

LAND AGENT: Ken Helvey with SRF

OIN: 220



FM AREA  
**DIVERSION**  
PROJECT

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## Written Correspondence Timeline – Verden Anderson

OIN 220	Sent	Received
Offer to Purchase	7/31/2019	8/2/2019
Formal Negotiations and Written Offer of Just Compensation	12/2/2019	12/5/2019
Request for Meeting	1/30/2020	2/3/2020
Notice of Intent to Take Possession of Right-of-Way	5/22/2020	5/26/2020
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	7/8/2020	7/8/2020
Invitation to Attend Public Meeting	7/13/2020	7/14/2020
Commission Meeting Date	8/17/2020	

**CASS COUNTY COMMISSION**  
**CHECKLIST — COMPLIANCE WITH N.D. CENT. CODE § 61-16.1-09(2)**  
**FARGO-MOORHEAD AREA DIVERSION PROJECT**

A. Subject Property Information:

1. Landowner: Verden O. Anderson
2. Land Agent: Ken Helvey
3. Parcel No.: 15-0000-02641-000
4. OIN No.: 220

B. Verification:

1. NDCC § 61-16.1-09(2)(b)(1)(a) requires the Cass County Joint Water Resource District (“CCJWRD”) to conduct 60 days of informal negotiations.
  - Did CCJWRD verify at least 60 days of informal negotiations with Landowner:  
\_\_\_\_\_
2. NDCC § 61-16.1-09(2)(b)(1)(b)[1] requires CCJWRD to send the landowner an appraisal and written offer for just compensation by certified mail or commercial delivery requiring a signed receipt or other evidence of constructive notice.
  - Did CCJWRD verify it sent Landowner an appraisal and written offer for just compensation: \_\_\_\_\_
  - Did CCJWRD verify service of the appraisal and offer by certified mail or commercial delivery, and that Landowner either signed for them or had constructive notice: \_\_\_\_\_
3. NDCC § 61-16.1-09(2)(b)(1)(b)[2] requires CCJWRD to send Landowner a written request for a meeting by certified mail or commercial delivery requiring a signed receipt [if the parties have not come to an agreement within 15 days of Landowner’s receipt or notice of CCJWRD’s offer].
  - Did CCJWRD verify it sent Landowner a written request for a meeting by certified mail or commercial delivery, and that Landowner either signed for the notice or had constructive notice: \_\_\_\_\_

4. NDCC § 61-16.1-09(2)(b)(1)(b)[3] requires CCJWRD to send Landowner a written notice of intent to take possession of the right of way, by certified mail or commercial delivery requiring a signed receipt [if the parties have not come to an agreement within 30 days of Landowner's receipt or notice of CCJWRD's invitation to a meeting].
  - Did CCJWRD verify it sent a written notice of intent to take possession of right away by certified mail or commercial delivery, and that Landowner either signed for the notice or had constructive notice: \_\_\_\_\_
5. NDCC § 61-16.1-09(2)(b)(2) requires all written communications to Landowner to include contact information for responding to CCJWRD and a description of the required negotiation timeline.
  - Did CCJWRD verify that all written communications to Landowner included contact information for responding to CCJWRD and a description of the required negotiation timeline: \_\_\_\_\_
6. NDCC § 61-16.1-09(2)(b)(3) prohibits a district from including or utilizing any reference to quick take eminent domain during negotiations.
  - Did CCJWRD verify it did not include or utilize any reference to quick take eminent domain during negotiations: \_\_\_\_\_

If the Commission answers in the affirmative to the above questions,  
**RECOMMENDED MOTION:**

- I move to authorize the Cass County Joint Water Resource District to utilize quick take eminent domain under Section 61-16-1.09(2) of the North Dakota Century Code to take an easement for a right of way, and temporary easement (if any), regarding the OIN described above in A.4.

# FM Area Diversion Project

## Property Negotiation Summary

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August 7, 2020

Owner	Verden Anderson
Mailing Address	7805 112 <sup>th</sup> Ave S, P.O. Box 69, Horace, ND 58047-0069
Property Location	Diversion Channel
Property Type	Commercial/Buildings
OIN	220
Land Agent	Ken Helvey - SRF
Landowner Representative	Nick Delaney/ Igor Lenzner

### Property Need

The parcel is located within the Diversion Channel area associated with the Project. The Diversion Authority is required to obtain the entire parcel for the Diversion Channel .

### Valuation and Negotiation Summary:

Appraisal Value / Date	\$1,100,000 – 12/2/19 4.67 acres and improvements – \$1,100,000	
<b>FACTS</b>	<b>Value</b>	<b>Comment</b>
Offer to acquire to Vern Anderson	\$ 1,100,000.00	Land and buildings per appraisal
Cost to Reestablishment build site in kind	\$ 1,468,900.00	Based on SRF estimate
Land value in appraisal	\$ 224,000.00	
Estimated actual cost of new land	\$ 606,000.00	
Depreciated Building	\$ 824,622.00	Per appraisal
RCN Buildings	\$ 1,388,685.00	Per appraisal
RCN Building - DEP	\$ 824,622.00	Per appraisal
Reestablishment - Vern Anderson	\$ 50,000.00	Spend to get
Reestablishment- Prairie Scale	\$ 50,000.00	Spend to get
Reestablishment- Prairie Storage	\$ 50,000.00	Spend to get
Moving Costs- Prairie Scale		Actual costs
Moving Costs- Prairie Storage		Actual costs
Moving Costs- Storage Tenants		Actual costs

### Counter Offer Proposal

Offer to acquire	\$ 1,320,000.00	Land and buildings per appraisal plus 20%
Reestablishment - Vern Anderson	\$ -	Spend to get (up to \$50,000)
Reestablishment- Prairie Scale	\$ -	Spend to get (up to \$50,000)

Reestablishment- Prairie Storage	\$ -	Spend to get (up to \$50,000)
Moving Costs- Prairie Scale	\$ -	Actual costs
Moving Costs- Prairie Storage	\$ -	Actual costs
Moving Costs- Storage Tenants	\$ -	Actual costs
	\$ 1,320,000.00	

OR

**Counter Offer and RIMP Loan Proposal**

Like kind replacement estimate	\$ 1,468,900.00	
Plus new land (per owner)	\$ 606,000.00	
Sub Total	\$ 2,074,900.00	
minus Lot Betterment	\$ (382,000.00)	Lot betterment. Difference between new land and appraised value of land (\$606,000- \$224,000)
LIKE KIND TOTAL	\$ 1,692,900.00	

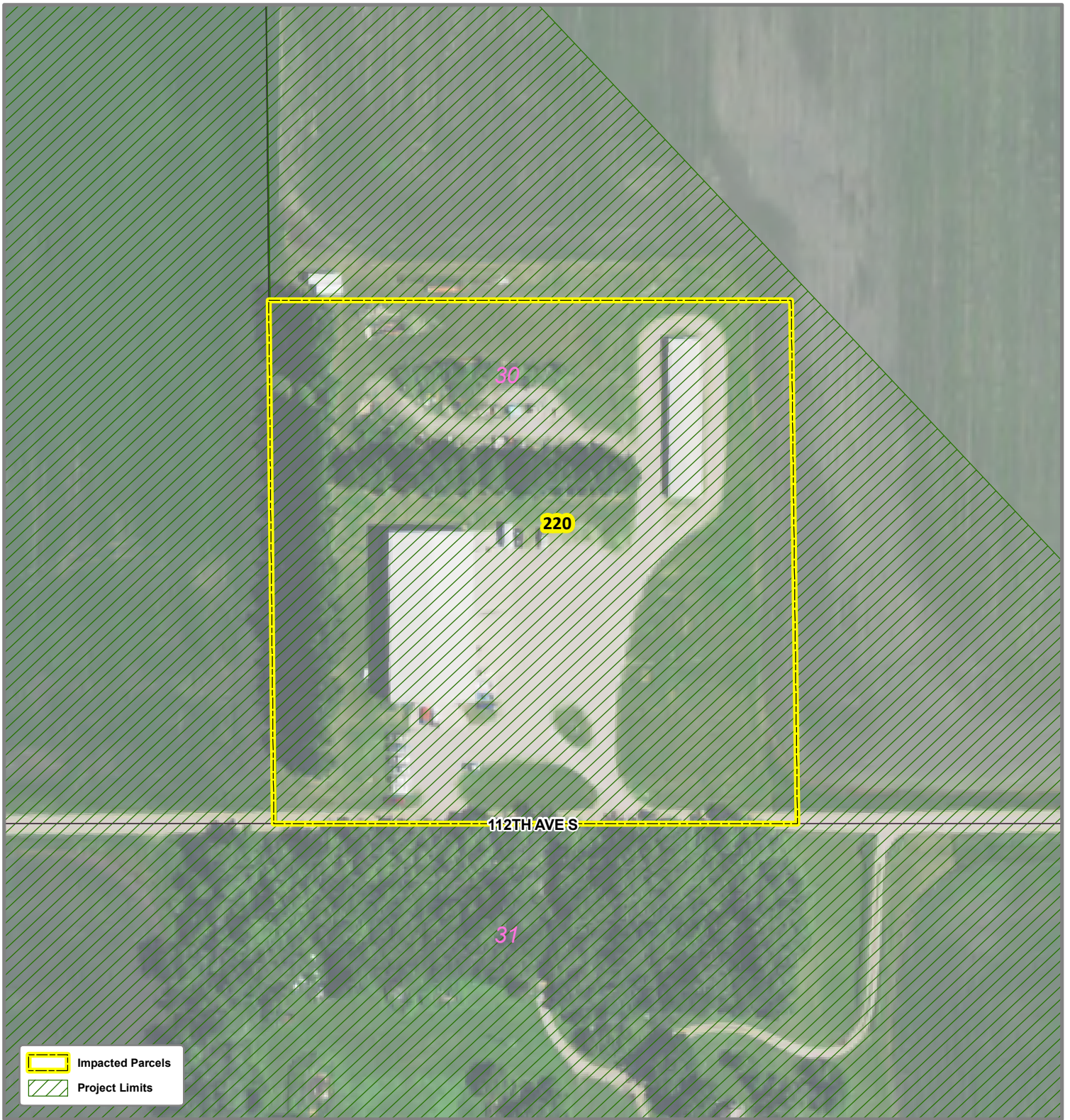
<b>Proposed Counter Offer</b>		
Revised Offer	\$ 1,320,000.00	Appraised Value plus 10% (Cash)
RIMP Payment (forgivable loan allowance)	\$ 482,900.00	difference between Like Kind Total and Revised Offer (Loan)
<b>Total</b>	\$ 1,802,900.00	

And Relocation Benefits as described below

Reestablishment - Vern Anderson	\$ -	Spend to get (up to \$50,000)
Reestablishment- Prairie Scale	\$ -	Spend to get (up to \$50,000)
Reestablishment- Prairie Storage	\$ -	Spend to get (up to \$50,000)
Moving Costs- Prairie Scale	\$ -	Actual costs
Moving Costs- Prairie Storage	\$ -	Actual costs
Moving Costs- Storage Tenants	\$ -	Actual costs

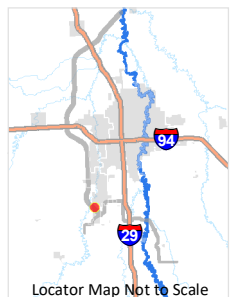
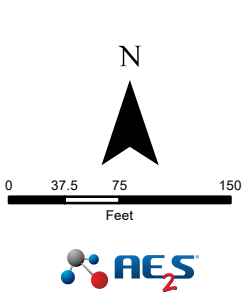
**Negotiation Notes**

- We are working with the owner to reach a settlement. Numbers for their new site are being considered and a RIMP has been offered.



*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 |  
 C:\Data\Projects\GIS Projects\FM Area Diversion\Projects\Land Acquisition\Project Work Package\IProject Wide\Individual Property Maps - General Inquiry\IndividualLayout8x10v105.mxd



**OIN: 220**  
**VERDEN O ANDERSON**  
**Parcel ID: 15-0000-02641-000**  
**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 3/4/2020







July 31, 2019

Verden O. Anderson  
P.O. Box 69  
Horace, ND 58047-0069

RE: **Offer to Purchase**  
**Parcel ID:** OIN 220  
**Project Title:** Fargo Moorhead Diversion  
**PID:** 15-0000-02641-000

Dear Mr. Anderson,

The Cass County Joint Water Resource District (CCJWRD) and other partners are constructing a flood control improvement project in your area. The CCJWRD has hired the HMG Group to aid in the acquisition of right-of-way for the project. You are receiving this letter as the owner of property that must be acquired for the project. This letter conveys CCJWRD's offer to purchase all interests in the real property that are necessary for the project. The interests being purchased (the "Parcel") are listed on Exhibit A (Acquisition Summary) and shown on Exhibit B (Certificate of Survey), and the amount stated in this letter as the purchase amount is for all of those interests. If the Parcel includes interests that another person or entity may own (for example a mortgage lender or easement holder), the CCJWRD's offer is contingent on all parties with interest agreeing to the amount and allocation of the purchase funds.

To determine market value of the interest being acquired, CCJWRD retained the services of the independent property appraisal firm, Patchin Messner Valuation Counselors. The appraiser has determined that the market value of the interests being purchased is **\$1,100,000.00**. The CCJWRD has used the market value set forth in the appraisal as the basis for determining Just Compensation for the property interests being acquired from you. A copy of the appraisal is attached to this letter and provided to you. If the purchase amount is based on any conditions or exceptions (such as terms of the transfer of possession or retention of any interest); they will be included in Exhibit A. A summary of the appraisal is provided on Exhibit A (Appraisal Summary).

**The Cass County Joint Water Resource District hereby offers to pay you \$1,100,000.00 as Just Compensation for the property interests it must acquire from you.**

Separate from this agreement are relocation benefits provided as a part of the acquisition of your property.

Once we agree on the basic terms of an agreement for you to sell, and the CCJWRD to buy the property interests described in this letter, a Purchase Agreement will be drafted and presented to you for approval. The Purchase Agreement will contain all of the pertinent terms and conditions of this offer, as well as several standard legal, property acquisition terms. The Purchase Agreement will be between you and the CCJWRD.

We appreciate your willingness to negotiate with the CCJWRD. We request counteroffers or acceptance of this offer within 30 days from the date of this letter. CCJWRD has flexibility regarding closing, rent and/or leaseback options. We also support 1031-1033 tax exchanges.

If you have any questions about the acquisition process, please contact the representative at 763-249-6785. The representative is here to help you understand the process and to assist in negotiating a fair direct purchase of the Parcel, however, we do not represent you. We are willing to meet with you in person as well as set up a time to discuss questions on the phone.

Upon receipt of this letter, please sign below. Your signature indicates only that you have received this Offer to Purchase, and the following documents:

- Copy of the appraisal for Parcel ID OIN 220 by Patchin Messner Valuation Counselors.
- Exhibit A (Acquisition Summary)

Your signature DOES NOT indicate your acceptance or rejection of the offered amount. Nor does it affect your right to continue to negotiate with the CCJWRD.

On behalf of CCJWRD, we wish to thank you for your cooperation and assistance, and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,



Ken Helvey  
Principal

I acknowledge that on \_\_\_\_\_, 20 \_\_\_\_, I received this letter and all documents listed above.

\_\_\_\_\_  
Verden O. Anderson

Enclosures: Appraisal Report, Exhibit A, Exhibit B

**EXHIBIT A**

**ACQUISITION SUMMARY  
Fargo Moorhead Diversion**

**Offer to Purchase**

**Parcel ID:** OIN 220

**Project Title:** Fargo Moorhead Diversion

**PID:** 15-0000-02641-000

**Property Address:** 7805 113th Avenue South, Horace, ND

Recorded Fee Owner: Verden O. Anderson

Property Legal Description:

SEE ATTACHED APPRAISAL

Description of Property Interests to be Acquired: Fee Simple

Noted and Waived Exceptions, Reservations or Encumbrances: None

\*Unless otherwise noted, any offer to purchase is contingent on the following:


1. Demonstration of marketable title,
2. Conveyance of all interests identified, unless waived in writing by the Cass County Joint Water Resource District,
3. Execution of a purchase agreement signed by the Cass County Joint Water Resource District, or its designee.

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**APPRAISAL SUMMARY**

<b>Parcel Value</b>	<b>Area Size/ Description</b>	<b>Indicated Value</b>
<b>Land/Site Taking</b>	4.67 Acres + Improvements	\$ 1,100,000.00
<b>TOTAL (rounded)</b>		<b>\$ 1,100,000.00</b>

Anderson 220 URK

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>VERN ANDERSON</u></p> <p>C. Date of Delivery <u>8-2-19</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p>VERDEN O. ANDERSON PO BOX 69 HORACE ND 58047-0069</p> </div>																	
 9590 9402 1494 5329 8101 63	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label)</p> <div style="border: 1px solid black; padding: 2px;"> <p>7015 1520 0001 9715 8154</p> </div>																	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt																

Anderson 220 URK

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

HORACE ND 58047

OFFICIAL USE

<table border="0"> <tr> <td>Certified Mail Fee</td> <td style="text-align: right;">\$3.50</td> </tr> <tr> <td>Extra Services &amp; Fees (check box, add fee as appropriate)</td> <td style="text-align: right;">\$2.80</td> </tr> <tr> <td><input checked="" type="checkbox"/> Return Receipt (hardcopy)</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td><input type="checkbox"/> Return Receipt (electronic)</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Required</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td style="text-align: right;">\$0.00</td> </tr> </table>	Certified Mail Fee	\$3.50	Extra Services & Fees (check box, add fee as appropriate)	\$2.80	<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$0.00	<input type="checkbox"/> Return Receipt (electronic)	\$0.00	<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	<input type="checkbox"/> Adult Signature Required	\$0.00	<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	<p style="text-align: center;">0560 05</p> <p style="text-align: center;">Postmark Here</p> <p style="text-align: center;">08/01/2019</p>
Certified Mail Fee	\$3.50														
Extra Services & Fees (check box, add fee as appropriate)	\$2.80														
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00														
Postage	\$2.35														
<b>Total Postage and Fees</b>	<b>\$8.65</b>														

VERDEN O. ANDERSON  
PO BOX 69  
HORACE ND 58047-0069

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1520 0001 9715 8154



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED – HAND DELIVERY**

Cass County  
Joint Water  
Resource  
District

December 2, 2019

Verden O. Anderson  
C/O Prairie Scale Systems, Inc.  
PO Box 69  
Horace, ND 58047  
**Certified No. 7018 0040 0000 5525 6731**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Greetings:

Rodger Olson  
Manager  
Leonard, North Dakota

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Formal Negotiations and Written Offer of Just Compensation  
OIN: 220  
Parcel No.: 15-0000-02641-000

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

The Cass County Joint Water Resource District (the "District") is in the process of acquiring property interests necessary for the Fargo-Moorhead Area Diversion Project (the "Project"), and the District has been in discussions with you regarding right of way the District must acquire from you to accommodate the Project. The District directed me to provide you this letter as the District's formal offer to purchase right of way from you. More specifically, to accommodate the Project, the District must acquire right of way from you over property located in Cass County and identified as Parcel Identification Number 15-0000-02641-000. The legal description of the property to be acquired is:

Keith Weston  
Manager  
Fargo, North Dakota

Auditor's Lot 3 of the Southwest Quarter (SW¼), Section 30,  
Township 138N, Range 49W.

Carol Harbeke Lewis  
Secretary-Treasurer  
  
1201 Main Avenue West  
West Fargo, ND 58078-1301  
  
701-298-2381  
FAX 701-298-2397  
[wrđ@casscountynđ.gov](mailto:wrđ@casscountynđ.gov)  
[casscountynđ.gov](http://casscountynđ.gov)

Enclosed is an appraisal regarding the value of the right of way the District must acquire from you, as determined by a licensed North Dakota appraiser. As you can see from the appraisal, the appraiser indicated the value of the right of way the District must acquire from you is \$1,100,000.00. The District approved the appraisal and this letter is the District's offer to you in the amount of \$1,100,000.00 as just compensation to purchase right of way from you for the Project. If you are willing to accept the District's offer, please sign the enclosed *Purchase Agreement* and return it to the District in the enclosed self-addressed, stamped envelope.

Verden O. Anderson  
December 2, 2019  
Page 2

You are encouraged to maintain contact with the land agent assigned to your property. **Ken Helvey** of SRF Consulting Group, Inc. can be reached at **(763) 249-6785** or **khelvey@srfconsulting.com**. Ken is your point of contact for getting answers to any questions you have about the Project and acquisition of right of way from you for the Project.

For your information, North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way. If you do not accept the District's offer of just compensation and do not return a signed purchase agreement within fifteen (15) days, the District will send you a written request to discuss the Project and required right of way to be acquired at an upcoming Cass County Joint Water Resource District meeting. Ultimately, the District must conclude all negotiations and complete all acquisitions by Fall 2020.

We look forward to reaching a mutually acceptable agreement to resolve this matter. Thank you for your consideration.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078  
(701) 298-2381  
Lewisc@casscountynynd.gov

Enclosures

cc: Ken Helvey, Land Agent  
Eric Dodds, Program Manager, AE2S  
Chris McShane, Ohnstad Twichell, P.C.  
Mary Scherling, Cass County Commission Chair  
Robert Wilson, Cass County Administrator  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 VERDEN O. ANDERSON  
 410 PRAIRIE SCALE SYSTEMS INC  
 PO BOX 69  
 HORACE ND 58047



9590 9402 3806 8032 1534 92

2. Article Number (Transfer from service label)  
 7018 0040 0000 5525 6731

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee  
 X *[Signature]*

B. Received by (Printed Name) C. Date of Delivery  
 VERN 10-5-19

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED – HAND DELIVERY**

January 30, 2020

Cass County  
Joint Water  
Resource  
District

Verden O. Anderson  
c/o Prairie Scale Systems, Inc.  
PO Box 69  
Horace, ND 58047  
**Certified No. 7018 0040 0000 5525 7066**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Greetings:

Rodger Olson  
Manager  
Leonard, North Dakota

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Request for Meeting  
OIN: 220  
Parcel No.: 15-0000-02641-000

Ken Lougheed  
Manager  
Gardner, North Dakota

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). The District previously provided you a letter dated December 2, 2019; a copy of the District's appraisal for your right of way; and a Purchase Agreement as the District's offer of just compensation to purchase right of way from you. The District's letter specifically described the right of way the District must acquire from you for the Project. We have not received a signed Purchase Agreement from you, and we have not otherwise arrived at mutually acceptable terms regarding the District's purchase of right of way from you to accommodate the Project.

Jacob Gust  
Manager  
Fargo, North Dakota

The District requests your attendance at a meeting to discuss the District's offer to purchase right of way from you. The District is meeting at the Cass County Highway Department, 1201 Main Avenue West in West Fargo, North Dakota, on February 13, 2020, and February 27, 2020, at 8:00 a.m.

Keith Weston  
Manager  
Fargo, North Dakota

The District hopes you will attend one of the above meetings to discuss the Project and the right of way the District must acquire from you to accommodate the Project.

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

Please continue to maintain contact and negotiate with the land agent assigned to your property. **Ken Helvey** of SRF Consulting Group, Inc. is your point of contact for getting answers to any questions you have about the Project. Ken can be reached at (763) 249-6785 or [khelvey@srfconsulting.com](mailto:khelvey@srfconsulting.com).

701-298-2381  
FAX 701-298-2397  
[wrld@casscountynd.gov](mailto:wrld@casscountynd.gov)  
[casscountynd.gov](http://casscountynd.gov)



Verden O. Anderson  
OIN 220  
January 30, 2020  
Page 2

North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way. The District must conclude all negotiations and complete the acquisition of right of way necessary for construction of Project components on your property by Fall of 2020.

The District hopes you will attend one of the upcoming District meetings to discuss the Project and the required right of way. The District looks forward to meeting with you.


Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078  
(701) 298-2381  
lewisc@casscountynd.gov

cc: Ken Helvey, Land Agent  
Eric Dodds, Program Manager, AE2S  
Chris McShane, Ohnstad Twichell, P.C.  
Chad Peterson, Chair, Cass County Commission Chair  
Robert Wilson, Cass County Administrator  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</span></p> <p>X </p>
<p>1. Article Addressed to:</p> <p>VERDEN O. ANDERSON C/O PRAIRIE SCALE SYSTEMS INC. PO BOX 69 HORACE ND 58047</p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p>VERN ANDERSON <span style="float: right;">12-3-17</span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
 <p>9590 9402 3806 8032 1531 57</p>	<p>3. Service Type <span style="float: right;"><input type="checkbox"/> Priority Mail Express®</span></p> <p><input type="checkbox"/> Adult Signature <span style="float: right;"><input type="checkbox"/> Registered Mail™</span></p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <span style="float: right;"><input type="checkbox"/> Registered Mail Restricted Delivery</span></p> <p><input checked="" type="checkbox"/> Certified Mail® <span style="float: right;"><input type="checkbox"/> Return Receipt for Merchandise</span></p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <span style="float: right;"><input type="checkbox"/> Signature Confirmation™</span></p> <p><input type="checkbox"/> Collect on Delivery <span style="float: right;"><input type="checkbox"/> Signature Confirmation Restricted Delivery</span></p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <span style="float: right;"><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</span></p> <p><input type="checkbox"/> Insured Mail</p>
<p>2. Article Number (Transfer from service label)</p> <p>7018 0040 0000 5525 7066</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Cass County  
Joint Water  
Resource  
District

May 22, 2020

Verden O. Anderson (Prairie Scale, Inc.)  
c/o Prairie Scale Systems, Inc.  
7805 112th Avenue S  
Horace, ND 58047  
**Certified No. 7019 1640 0002 0398 8583**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Greetings:

Rodger Olson  
Manager  
Leonard, North Dakota

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY  
OIN: 220  
Parcel No. 15-0000-02641-000

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). On behalf of the District, I previously provided you a letter dated December 2, 2019, a copy of the District's appraisal for your right of way, and a Purchase Agreement as the District's offer of just compensation to purchase the right of way from you. In addition, I also provided you a letter dated January 30, 2020, to invite you to meet with the District for purposes of discussing the acquisition of your land. The parties have conducted the informal and formal negotiation procedures required by law but, unfortunately, the parties have not yet reached a mutually-acceptable agreement regarding compensation for the District's purchase of the right of way from you to accommodate the Project.

Keith Weston  
Manager  
Fargo, North Dakota

This letter is the District's NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY. If we do not have an agreement, the District will be requesting approval from the Cass County Commission to take possession of a right of way easement over your property. Cass County will provide you with at least 30 days' notice of a public meeting, and will invite you to the meeting to discuss the District's request.

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

This NOTICE does not preclude the parties from continuing negotiations. The District still hopes the parties can arrive at a mutually-acceptable agreement.

701-298-2381  
FAX 701-298-2397  
[wrđ@casscountynđ.gov](mailto:wrđ@casscountynđ.gov)  
[casscountynđ.gov](http://casscountynđ.gov)

Verden O. Anderson  
OIN 220  
May 22, 2020  
Page 2

You are encouraged to maintain contact with the land agent assigned to your property. **Ken Helvey** of **SRF Consulting Group, Inc.** can be reached at **(763) 249-6785** or **khelvey@srfconsulting.com**. Ken is your point of contact for getting answers to any questions you have about the Project and acquisition of right of way from you for the Project.

North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way. Ultimately, the District must conclude all negotiations and complete all acquisitions by Fall 2020.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078  
(701) 298-2381  
[lewisc@casscountynd.gov](mailto:lewisc@casscountynd.gov)

cc: Ken Helvey, Land Agent  
Rob Stefonowicz, Larkin Hoffman Daly & Lindgren Ltd.  
Chad Peterson, Chair, Cass County Commission  
Robert Wilson, Cass County Administrator  
Birch Burdick, Cass County State's Attorney  
Eric Dodds, Program Manager, AE2S  
Joel Paulsen, Executive Director, Diversion Authority

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

VERDEN O ANDERSON  
 610 PRADIE SCALE SYSTEMS INC  
 7805 112TH AVENUE S  
 HORACE ND 58047



9590 9402 3806 8032 1541 85

2. Article Number (Transfer from service label)

7019 1640 0002 0398 8583

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Vern Anderson*

- Agent
- Addressee

B. Received by (Printed Name)

VERN ANDERSON

C. Date of Delivery

5/26/20

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery



SENT VIA EMAIL [wilsonro@casscountynd.gov](mailto:wilsonro@casscountynd.gov)

July 8, 2020

Cass County  
Joint Water  
Resource  
District

Robert Wilson  
Cass County Administrator  
Cass County Commission  
211 9th Street S  
Fargo, ND 58103

Greetings:

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Request for Approval to Take Possession of Necessary Right of Way  
OIN: 220  
Parcel No. 15-0000-02641-000

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Keith Weston  
Manager  
Fargo, North Dakota

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

701-298-2381  
FAX 701-298-2397  
[wrđ@casscountynd.gov](mailto:wrđ@casscountynd.gov)  
[casscountynd.gov](http://casscountynd.gov)

As you know, the Cass County Joint Water Resource District (the "District") is in the process of acquiring the right of way necessary for the Fargo Moorhead Diversion Area Project ("Project"). I previously copied you on the following three letters whereby the District sought to negotiate the acquisition of the right of way from Verden O. Anderson (the "Landowner"):

- Letter dated December 2, 2019, enclosing the District's appraisal for the acquisition of the right of way from the Landowner and a proposed Purchase Agreement;
- Letter dated January 30, 2020, inviting the Landowner to meet with the District for purposes of negotiating compensation for the right of way to be acquired; and
- Letter dated May 22, 2020, notifying the Landowner the District planned to submit a request to the Cass County Commission seeking immediate possession of the right of way necessary for the Project.

The District has conducted months of negotiations with the Landowner to arrive at a mutually acceptable agreement for the District's purchase. More specifically, the District engaged in both informal and formal negotiations with the Landowner, as required under N.D. Cent. Code § 61-16.1-09(2)(b), in an effort to reach agreement regarding fair compensation to the Landowner for the acquisition of the necessary right of way over, across, and through certain property owned by the Landowner in Cass County, North Dakota. The legal description of the necessary right of way is as follows:

Robert Wilson  
July 8, 2020  
Page 2

Right of Way Easement:

Auditor's Lot 3 of the Southwest Quarter (SW¼), Section 30, Township 138N,  
Range 49W.

As you may recall, in 2017, the North Dakota Legislature modified the process for water resource districts to acquire immediate possession of right of way necessary for water projects; the new process is set forth in Section 61-16.1-09(2)(b). The District has followed all of the necessary steps under the statute, but the parties have not reached a mutually acceptable agreement. Under the new acquisition process enumerated in Section 61-16.1-09(2)(b)(3), the District must next seek the County Commission's approval to proceed further, and to ultimately utilize quick take eminent domain to take possession of the right of way above to commence the Project.

More specifically, Section 61-16.1-09(2)(b)(3) requires the County Commission to hold a public meeting and to provide the Landowner no less than thirty days' notice of the meeting. The District will also attend the meeting, along with the land agent, Ken Helvey, who was the Landowner's main point of contact throughout the negotiation process. Prior to the public meeting, the land agent and the District will verify neither the District nor any of its agents referenced or threatened quick take eminent domain during the informal and formal negotiation process.

While the District takes all landowners' rights very seriously, the District also has an obligation, as a member of the Metro Flood Diversion Authority, to acquire the right of way necessary for the Project, and construction of the Project will not be possible without acquiring the right of way identified above. As the District will explain and verify for the Commission in more detail through this process, the District provided the Landowner with the District's appraisal as the starting point for negotiations, then attempted to negotiate further with the Landowner over the course of several months. This step is not one the District takes lightly; quick take eminent domain is a serious undertaking, and the District has negotiated in good-faith with the Landowner to avoid this process. Despite the District's efforts to be fair, friendly, and flexible in both the informal and formal negotiations with the Landowner, unfortunately, the parties have not reached a mutually acceptable agreement for the acquisition of the right of way.

The District respectfully requests that the Cass County Commission proceed with the public meeting process under Section 61-16.1-09(2)(b)(3) regarding the Landowner and the right of way identified in this letter. Further, the District respectfully requests that the Cass County Commission ultimately approve the District's use of quick take eminent domain to take possession of the right of way identified above by quick take eminent domain so the Project may proceed. For your information, while the County conducts the process under Section 61-16.1-09(2)(b)(3), the District still hopes the parties can arrive at a mutually-acceptable agreement.

Robert Wilson  
July 8, 2020  
Page 3

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



Carol Harbeke Lewis  
Secretary-Treasurer  
1201 Main Avenue West  
West Fargo, ND 58078  
(701) 298-2381  
[lewisc@casscountynd.gov](mailto:lewisc@casscountynd.gov)

cc: Ken Helvey, Land Agent  
Rob Stefonowicz, Larkin Hoffman Daly & Lindgren Ltd.  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority  
Eric Dodds, AE2S Program Manager  
Heather Worden, Administrative Assistant, Cass County Commission





July 13, 2020

**VIA UPS – DELIVERY CONFIRMATION**

**County  
Administrator**

Robert Wilson  
701-241-5770  
wilsonro@casscountynd.gov

Verden O. Anderson  
c/o Prairie Scale Systems, Inc.  
7805 112th Avenue South  
Horace, North Dakota 58047

Re: Cass County Commission  
Fargo-Moorhead Area Diversion Project  
Invitation to Attend Public Meeting  
OIN: 220  
Parcel No. 15-0000-02641-000  
UPS Tracking No. 1Z RT8 7R1 25 3307 1644

Greetings Mr. Verden Anderson:

As you know, the METRO FLOOD DIVERSION BOARD OF AUTHORITY (the "Authority") is proceeding with the Fargo Moorhead Area Diversion Project ("Project"); the Cass County Commission (the "Commission") is a member of the Authority. The Cass County Joint Water Resource District (the "District") is also a member of the Authority, and the Authority previously directed the District to obtain the North Dakota right of way necessary to accommodate the Project. You have been in negotiations with the District and its agents regarding right of way the District must acquire from you for the Project. The District copied the Commission on the following three letters the District sent to you regarding the District's negotiations with you:

- Letter dated December 2, 2019, enclosing the District's appraisal for the acquisition of the right of way from you, along with a proposed Purchase Agreement;
- Letter dated January 30, 2020, inviting you to meet with the District for purposes of negotiating compensation for the right of way to be acquired; and
- Letter dated May 22, 2020, notifying you the District planned to submit a request to the Commission seeking immediate possession of the right of way necessary for the Project.

Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58103

www.casscountynd.gov

Anderson  
OIN 220  
July 13, 2020  
Page 2

The District informed the Commission that you and the District have not reached a mutually-acceptable agreement, and have not signed a purchase agreement, regarding the right of way the District must purchase from you to accommodate the Project. With that in mind, the District recently requested approval from the Commission to utilize quick take eminent domain to take possession of the right of way the District must acquire from you. The legal description of the necessary right of way is as follows:

Right of Way Easement:

Auditor's Lot 3 of the Southwest Quarter (SW¼), Section 30, Township 138N, Range 49W

The Commission invites you to attend the Commission's meeting on August 17, 2020 at 3:30 p.m. The District will also participate in the meeting, along with the District's land agent, Ken Helvey, who was your primary point of contact throughout the negotiation process. At the meeting, the Commission will ask the District to verify the District's compliance with Section 61-16.1-09(2) of the North Dakota Century Code. The Commission will ultimately vote on whether to approve the District's use of quick take eminent domain to take a right of way easement over your property.

If you wish to participate in the Commission's August 17, 2020 public meeting via conference call or Microsoft Teams, please contact Heather Worden at (701) 241-5609 or [wordenh@casscountynd.gov](mailto:wordenh@casscountynd.gov) as soon as possible so Ms. Worden can assist you with the necessary arrangements.

This Notice does not preclude you from continuing to work with the District regarding the right of way easement necessary for the Project. In fact, the Commission and the District encourage you to maintain contact with Ken Helvey and to continue discussions about the Project. Ken Helvey of SRF Consulting Group, Inc. is your point of contact regarding the Project. You can reach Ken Helvey at (763) 249-6785 or [khelvey@srfconsulting.com](mailto:khelvey@srfconsulting.com).

Finally, North Dakota law requires the Commission to provide you with a description of the District's timeline regarding your right of way. The District must complete the acquisition of right of way necessary for construction of Project components on your property by Fall of 2020.

Anderson  
OIN 220  
July 13, 2020  
Page 3

Sincerely,

CASS COUNTY COMMISSION



Robert Wilson, Cass County Administrator  
Cass County Commission  
211 Ninth Street South  
Fargo, ND 58103  
(701) 241-5609

cc: Ken Helvey, Land Agent  
Birch Burdick, Cass County State's Attorney  
Joel Paulsen, Executive Director, Diversion Authority  
Rob Stefonowicz, Larkin Hoffman Daly & Lindgren Ltd.  
Eric Dodds, AE2S Program Manager  
Heather Worden, Administrative Assistant, Cass County Commission

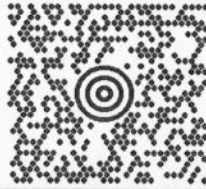
CASS COUNTY GOVERNMENT  
7012415609  
211 9TH ST S  
FARGO ND 581082806

0.1 LBS LTR

1 OF 1

**SHIP TO:**

VERDEN O. ANDERSON  
PRAIRIE SCALE SYSTEMS, INC.  
7805 112TH AVE S  
**HORACE ND 58047-9564**



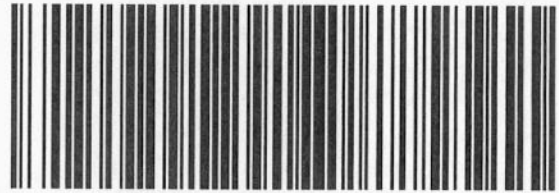
**ND 581 9-02**



**UPS NEXT DAY AIR**

TRACKING #: 1Z RT8 7R1 25 3307 1644

**1**



BILLING: P/P

UIS 22.0.11. WNTINV50 28.OA 04/2020



# Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number**

1ZRT87R12533071644

*Verden O. Anderson C/o Prairie State Systems Inc.***Weight**

0.10 LBS

**Service**

UPS Next Day Air®

**Shipped / Billed On**

07/13/2020

**Delivered On**

07/14/2020 10:12 A.M.

**Delivered To**

HORACE, ND, US

**Received By**

BEILKE

**Left At**

Reception

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 07/14/2020 3:39 P.M. EST

**AFFIDAVIT OF LAND AGENT**

STATE OF NORTH DAKOTA )  
 ) ss.  
COUNTY OF CASS )

[¶1] I, Ken Helvey, do hereby state on oath:

[¶2] I am employed by SRF Consulting Group, Inc. as Principal/Land Agent. The Cass County Joint Water Resource District (“the District”) hired SRF Consulting Group, Inc. to negotiate and acquire the necessary right of way for the Fargo-Moorhead Area Diversion Project (the “Project”).

[¶3] The District must acquire certain interests in real property from Verden O. Anderson (“Landowner”) for construction, operation, and maintenance of the Project.

[¶4] Landowner’s real property where the District must acquire a Right of Way for the Project located in Cass County, North Dakota, is more fully described as follows:

Right of Way

OIN 220

Auditor’s Lot 3 of the Southwest Quarter (SW¼), Section 30, Township 138N, Range 49W.

The property described above is the “Necessary Property.”

[¶5] Affiant is familiar with the records maintained by SRF Consulting Group, Inc. with respect to the Necessary Property and has reviewed all such records prior to executing this affidavit.

[¶6] SRF Consulting Group, Inc. has attempted to negotiate with Landowner to acquire the Necessary Property. Attached as **Exhibit A** is a log of all contacts SRF Consulting Group, Inc. has had with Landowner.

[¶7] The District has instructed SRF Consulting Group, Inc. to refrain from referencing, mentioning, or threatening quick take eminent domain during negotiations since August 1, 2017.

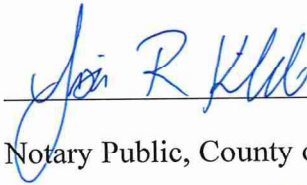
[¶8] I verify to the best of my knowledge, as Principal/Land Agent of SRF Consulting Group, Inc., nobody from SRF Consulting Group, Inc. has referenced, mentioned, or threatened quick take eminent domain to Landowner during negotiations since August 1, 2017.

Dated this 3 day of August, 2020.



Ken Helvey  
SRF Consulting Group, Inc.

Subscribed to and sworn to before me this 3 day of August, 2020.



Notary Public, County of Cass

State of North Dakota

My Commission Expires: \_\_\_\_\_



(SEAL)

## OIN 220 - Verden Anderson Contact Attempts

<b>Date</b>	<b>Note</b>
8/18/2016	Dave DuToit and Ken Helvey, SRF, met with Vern Anderson, owner, and Cooper Anderson, son and future owner. Dave and Ken introduced themselves and informed Vern and Cooper of the FM Diversion acquisition process.
1/9/2017	Dave called Vern and informed him of the proposed soil boring efforts taking place this week and next. Vern inquired about the offer for his property.
1/13/2017	Dave mailed and emailed the offer packet to Vern.
1/18/2017	Vern emailed Dave confirming he received the offer.
1/18/2017	Dave responded to Vern's email and asked if he could help Dave understand where the appraiser is undervaluing his property
3/17/2017	Dave spoke to Vern via phone conversation. Vern inquired about a few items regarding the appraisal and acquisition process
3/28/2017	Dave responded to Vern's request via email. Dave forwarded an updated purchase agreement with the update to Section 22
4/10/2017	Dave emailed Vern to let him know he and Ken Helvey would be in Fargo on Wednesday, 4/12 and would be available to meet to further discuss the offer and the acquisition
4/11/2017	Vern emailed Dave to let him know he was not available to meet this week.
4/12/2017	Vern emailed Dave regarding meeting on the 19th, Dave responded
4/17/2020	Vern emailed Dave regarding meeting at a different location, Dave responded
4/19/2017	Dave, Joe and Ken met with Vern, Cooper and Jonathan at the Garaas Law Firm
4/26/2017	Vern emailed Dave - still waiting for info he requested, also questioned about the income approach on appraisal
4/28/2017	Dave emailed the group to inform Vern that Joe is gathering information from other impacted commercial/industrial properties to send. Dave again sent the appraiser's reasoning as to why the income approach wasn't used.
5/4/2017	Vern emailed Dave, Ken and Joe inquiring about the information on the other buyouts
5/5/2017	Dave followed-up with Vern to let him know Onstad Twichell was putting together a summary of sorts of final documents
7/31/2019	Ken sent email to Vern regarding the acquisition of his property
10/31/2019	Ken meet with Vern and Cooper to discuss project and offer
4/24/2019	Ken left voice message for Vern and Cooper
4/29/2019	Vern called Ken and left a message. Ken returned his call and left a message
4/30/2019	Ken left telephone message and gave cell phone number too. Ken talked to Vern and Vern doesn't want another appraisal until board commits in writing to 24.7 304 D-1 Waiver.
5/16/2019	Ken emailed Vern regarding the waiver and re-explained regarding benefits- Vern replied with additional questions
5/20/20109	Ken emailed reply explaining Waivers and construction timing and appraisal request
5/22/2019	Vern emailed regarding the Board saying no to a Waiver- said to contact him about appraisal time- Ken confirmed
5/24/2019	Vern emailed about appraisal appointment and asked form more information about Waiver- Ken replied and mentioned Reestablishment
5/28/2019	Email to Vern regarding Waiver denial.
5/31/2019	Vern confirmed appraisal meeting
6/3/2019	Met with Vern, Cooper and appraiser for inspection
6/17/2019	Ken talked with Vern about Oxbow - he wants a copy of the negotiations there
8/1/2019	Appraisal and offer letter sent via certified mail
8/25/2019	Email to Vern about meeting to discuss settlement
8/26/2019	Vern replied he is not available.
8/26/2019	Emailed Vern that we were gathering information about other buyouts to send to him
9/5/20109	Emailed Vern to update on document delivery
9/10/2019	Vern emailed that he had some info and was waiting on more from us. Will meet once that is received.
9/11/2019	Emailed Vern all of the info we have about other buyouts that he requested
9/13/2019	Vern emailed that he can't meet until October
10/9/2019	Emailed Vern regarding administrative settlement and meeting- Vern emailed back that it will be a week or so before we can meet
10/28/2019	Email exchange setting up meeting



10/31/2019 Meeting to discuss offer and settlement. Offer amount \$1,100,000. Land Portion \$224,000. Mini Storage Building RCN- \$130,755 (\$15,000.00 deposit) City of Horace requirements-what would they require. outline of possible costs, A. B. C.

11/6/2019 Sent a spreadsheet that outlined how to identify costs

11/18/2019 Vern emailed that they have been too busy to address the offer

12/2/2019 Formal offer letter sent

12/4/2019 Emailed that the Formal Offer was forthcoming if they hadn't already received it

12/5/2020 Formal offer letter received by all owners

1/2/2020 Emailed asking if they had assembled any numbers

1/22/2020 Emailed asking if they had assembled any numbers

1/23/2020 Vern emailed that he will be gone until February 3rd

1/30/2020 CCJWRD invite sent

2/3/2020 CCJWRD invite received

2/4/2020 Eligibility Notices sent to Prairie Scale and Prairie Storage

2/13/2020 CCJWRD meeting - owner attended

2/17/2020 Emailed to set up meeting- Cooper confirmed meeting on 19th

2/19/2020 Meeting to discuss offer and settlement. They reviewed some of the estimated costs to build new.

4/1/2020 Emailed to see if they had assembled costs - they have and they City of Horace is working on issues with them. Also sent a map of possible site for storage

4/23/2020 Emailed to check on status

5/1/2020 Received numbers/ Counter from Vern.

5/22/2020 Possession intent letter sent

5/26/2020 Possession intent letter received

5/28/2020 Emailed Vern a spreadsheet of his items broken down into categories of eligibility (or not)

5/29/2020 Phone call with Vern and Cooper regarding offer, RIMP Program and calculations  
Performed RIMP analysis

6/9/2020 Emailed outline of RIMP Program

6/12/2020 Emailed Vern our RIMP analysis information and counter offer to his counter offer

6/15/2020 Emailed Vern breakdown of relocation classifications

7/17/2020 Call with Vern. Discussed RIMP and counter offer.

7/20/2020 Call to arrange meeting and discussed numbers

7/24/2020 Meeting with Vern, Cooper, Ken and Eric Dodds. Discussed vacate dates and Temp costs

**AFFIDAVIT OF DAN JACOBSON FOR CASS COUNTY COMMISSION**

STATE OF NORTH DAKOTA         )  
  ) ss.  
COUNTY OF CASS                             )

[¶1] I, Dan Jacobson, do hereby state on oath:

[¶2] I serve as Chair of the Cass County Joint Water Resource District (“the District”).

[¶3] As a member of the FM Diversion Board of Authority, the District is responsible for acquiring the Right of Way in North Dakota necessary to accommodate the Fargo-Moorhead Area Diversion Project (the “Project”).

[¶4] The District has concluded acquisition of certain right of way owned by Verden O. Anderson (“Landowner”) is necessary for the Project.

[¶5] State and federal funds have been made available for the Project.

[¶6] The real property owned by Landowner where a Right of Way must be acquired by the District for the Project is located in Cass County, North Dakota, more fully described as follows:

Right of Way  
OIN 220

Auditor’s Lot 3 of the Southwest Quarter (SW¼), Section 30, Township 138N,  
Range 49W.

[¶7] The District has fulfilled the required negotiation steps in accordance with subsection 2 of section 61-16.1-09 of the North Dakota Century Code.

[¶8] The District sent a written offer for just compensation to the landowner by certified mail, along with an appraisal and purchase agreement, on December 2, 2019. A copy of the offer (without the appraisal that was included) is attached as **Exhibit 1**.

[¶9] On January 30, 2020, the District sent Landowner a written request for a meeting, by certified mail; the District and Landowner have not reached an agreement regarding

compensation, and more than fifteen days have passed since Landowner's receipt of the offer. A copy of the written request for a meeting with the landowner is attached as **Exhibit 2**.

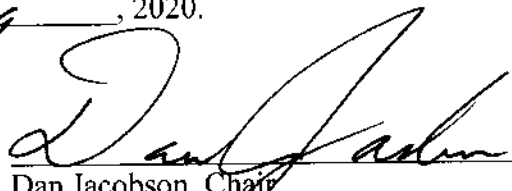
[¶10] The District and Landowner have not reached an agreement regarding compensation, and more than thirty days have passed since Landowner's receipt of the request for a meeting.

[¶11] On May 22, 2020 the District sent Landowner a written notice of intent to take possession of the Right of Way, by certified mail. A copy of the notice of intent is attached as **Exhibit 3**.

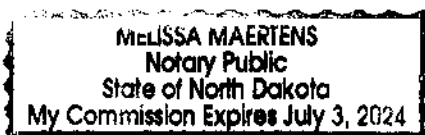
[¶12] The District has retained land agents who are in direct contact with Landowner. The District instructed our land agents not to reference, mention, or threaten quick take eminent domain during negotiations. The land agents have verified they have not referenced, mentioned, or threatened quick take eminent domain during the course of negotiations with Landowner since August 1, 2017.

[¶13] I verify there have been no references, mention, or threats of quick take eminent domain by the District during negotiations since August 1, 2017.

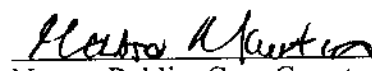
Dated this 5<sup>th</sup> day of Aug, 2020.

  
\_\_\_\_\_  
Dan Jacobson, Chair  
Cass County Joint Water Resource District

Subscribed to and sworn to before me this 5 day of August, 2020.



(SEAL)

  
\_\_\_\_\_  
Notary Public, Cass County, State of North Dakota