

FM AREA DIVERSION PROJECT

Property Owner Information Packet for Cass County Commission

August 17th, 2020

PROPERTY OWNER: Bruce Cossette

LAND AGENT: Lisa Kilde with SRF

OIN: 722 723



FM AREA
DIVERSION
PROJECT

TABLE OF CONTENTS

| | |
|---|----|
| WRITTEN CORRESPONDENCE TIMELINE..... | 1 |
| L.R.E.D CHECKLIST FOR COMPLIANCE WITH N.D. CENTURY CODE | 2 |
| NEGOTIATING SUMMARY | 4 |
| PARCEL EXHIBIT | 5 |
| OFFER TO PURCHASE | 6 |
| <i>Proof of Delivery</i> | 8 |
| FORMAL NEGOTIATIONS AND WRITTEN OFFER OF JUST COMPENSATION | 12 |
| <i>Proof of Delivery</i> | 15 |
| REQUEST FOR MEETING..... | 16 |
| <i>Proof of Delivery</i> | 18 |
| NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY | 19 |
| <i>Proof of Delivery</i> | 20 |
| REQUEST FOR APPROVAL TO TAKE POSSESSION OF NECESSARY RIGHT OF WAY AND TEMPORARY EASEMENT | 22 |
| INVITATION TO ATTEND PUBLIC MEETING..... | 26 |
| <i>Proof of Delivery</i> | 32 |
| AFFIDAVIT OF LAND AGENT | 33 |
| <i>Contact Log</i> | 37 |
| AFFIDAVIT OF DAN JACOBSON FOR CASS COUNTY COMMISSION..... | 38 |

Written Correspondence Timeline – Bruce Cossette

| OIN 722, 723 | Sent | Received |
|---|------------------|------------|
| Offer to Purchase | 7/8/2019 | 7/8/2019 |
| Formal Negotiations and Written Offer of Just Compensation | 11/15/2019 | 11/29/2019 |
| Request for Meeting | 1/30/2020 | 2/4/2020 |
| Notice of Intent to Take Possession of Right-of-Way | 6/5/2020 | 6/8/2020 |
| Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement | 7/9/2020 | 7/9/2020 |
| 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: Bruce Cossette and Sandra Cossette
2. Land Agent: Lisa Kilde
3. Parcel No.: 53-0000-09132-010, 53-0000-09132-020
4. OIN No.: 722, 723

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

August 1, 2020

| | |
|--------------------------|---|
| Owner | Bruce Cossette |
| Mailing Address | 3831 17 th St S, Fargo, ND 58104 |
| Property Location | Diversion Channel |
| Property Type | Agriculture |
| OIN | 722 723 |
| Land Agent | Lisa Kilde - SRF |
| Landowner Representative | Nick Delaney – Rinke Noonan |

Property Need

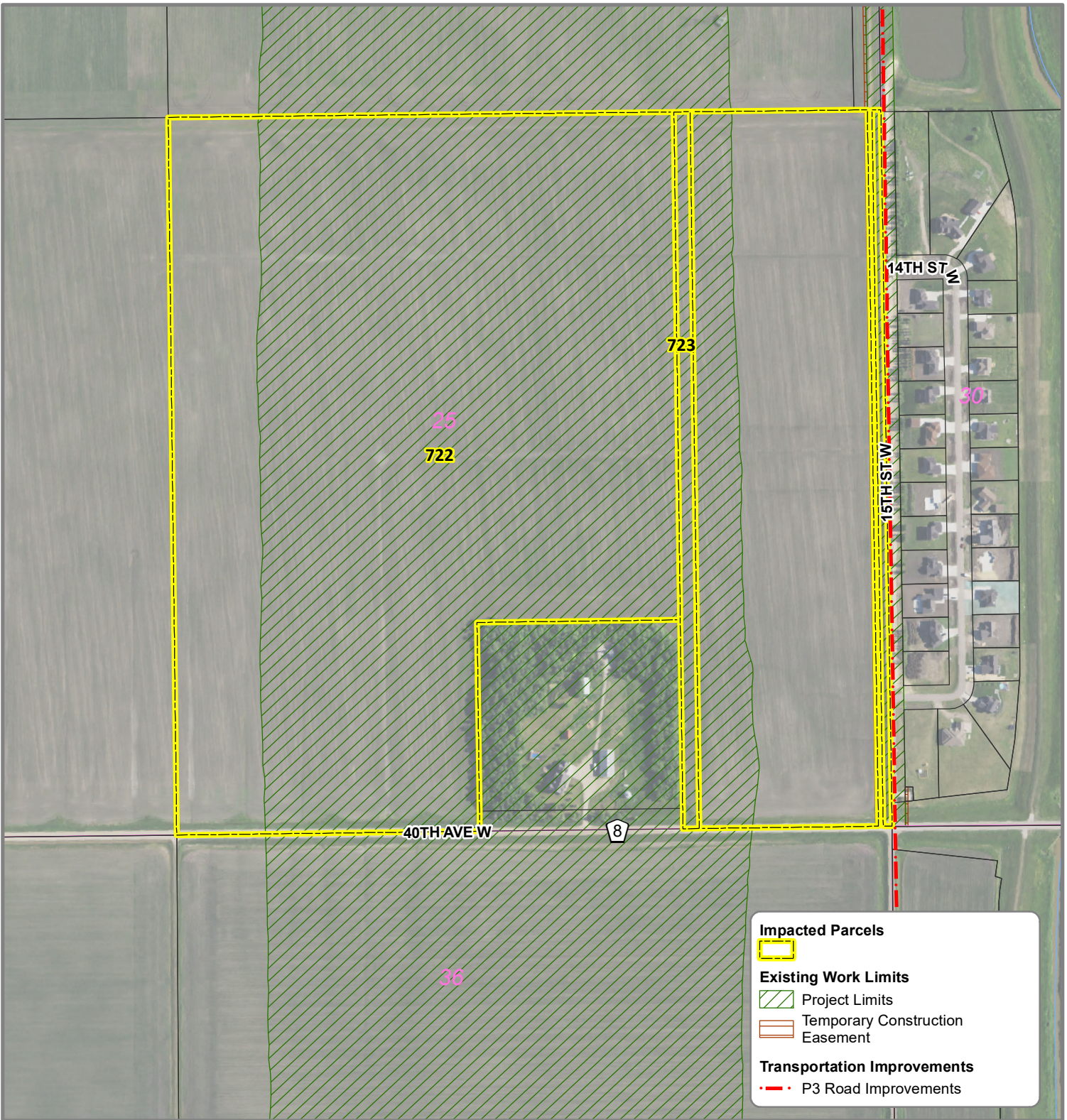
The parcels are located within the Diversion Channel area associated with the Project. The Diversion Authority is required to obtain a portion of the parcels for the Diversion Channel.

Valuation and Negotiation Summary:

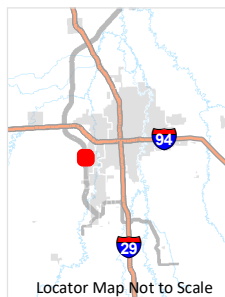
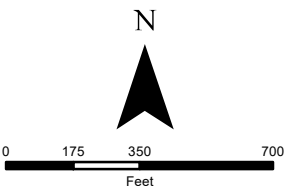
| | |
|------------------------|--|
| Appraisal Value / Date | \$965,290 – 6/8/2019 100.64 acres Land/site taking \$9,000/acre – \$905,760 Remainder/severance - \$59,370 |
| Counteroffer | \$25,000/acre – \$2,516,000 |

Negotiation Notes

- SRF Land agent, Lisa Kilde, has had contact with landowner regarding the offer to purchase approximately 7 times.
- Bruce consistently has provided a counteroffer of \$25,000/acre, same as the acquisition summary presented to CCJWRD Board on 8/8/2019 and denied.
- Formal Offer letter sent on 11/15/19.
- Lisa spoke with Bruce on 02/12/20 regarding the formal documentation he has received and again talked a different price per acre to present to CCJWRD, Bruce still is at \$25,000 and is thinking about getting an appraisal.
- Landowner has hired an attorney and is in the process of getting an appraisal.



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\Individual\Layout8x10v105notdatadriven.mxd



Bruce Cossette

OIN: 722
PIN: 53-0000-09132-010

OIN: 723
PIN: 53-0000-09132-020

FM AREA DIVERSION
Map Date: 2/19/2020



July 8, 2019

Bruce and Sandra Cossette
3831 17th Street South
Fargo, ND 58104

RE: **Letter Conveying Offer to Purchase**
Project Parcel ID: 722 & 723

Property Legal Description: That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southwest Corner of the SE1/4; thence N87°17'51"E on the south line of said SE1/4 a distance of 325.00 feet to the Point of Beginning; thence N2°40'35"W parallel with, and 325 feet east of, the west line of said SE1/4 a distance of 2,652.61 feet to the north line of said SE1/4; thence N87°24'00"E on said north line a distance of 1,545.30 feet to the west line of the parcel described in Doc. No. 768859, records of Cass County; thence S2°42'09"E on said west parcel line a distance of 1,877.85 feet to the northeast corner of McDougall 1st Subdivision, records of Cass County; thence S87°17'51"W on the north line of said McDougall 1st Sub. a distance of 751.00 feet to the northwest corner of said McDougall 1st Sub.; thence S2°42'09"E on the west line of said McDougall 1st Sub. a distance of 772.00 feet to said south line of the SE1/4; thence S87°17'51"W on said south line a distance of 795.51 feet to the Point of Beginning.

Said parcel contains 80.78 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southeast Corner of the SE1/4; thence S87°17'51"W on the south line of said SE1/4 a distance of 475.00 feet to the Point of Beginning; thence continuing S87°17'51"W on said south line a distance of 238.00 feet to the east line of the parcel described in Doc. No. 768859, records of Cass County; thence N2°42'09"W on said east parcel line a distance of 2,649.74 feet to the north line of said SE1/4; thence N87°24'00"E on said north line a distance of 228.85 feet; thence S2°54'01"E parallel with, and 475 feet west of, the east line of said SE1/4 a distance of 2,649.34 feet to the Point of Beginning.

Said parcel contains 14.20 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The East 33.00 feet of the Southeast Quarter (SE1/4)

Said Parcel contains 2.01 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southeast Corner of the SE1/4; thence S87°17'51"W on the south line of said SE1/4 a distance of 713.00 feet, to the Point of Beginning; thence N2°42'09" W 2649.74' feet to the north line of said SE1/4; thence N87°24'00"W on said north line a distance of 60.00 feet ; thence S2°42'09"E a distance of 2649.74 feet ; thence S87°17'51"E 60.00 feet to the Point of Beginning.

Said Parcel contains 3.65 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record

100.64 Acres M/L

Project Title: Fargo Flood Diversion

PID: 53-0000-09132-010 and 53-0000-09132-020

Dear Mr. and Mrs. Cossette;

The Cass County Joint Water Resource District (CCJWRD) and other partners are constructing a flood control improvement project in the area which includes land owned by you. The CCJWRD has hired Ulteig Engineers, Inc. to aid in the acquisition of right-of-way for the project. You are receiving this letter as the owner of the 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 (Parcel Sketch), 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, Ulteig, under contract to the CCJWRD, retained the services of the independent property appraisal firm, COMPASS Land Consultants, Inc.. The appraiser has determined that the market value of the interests being purchased is \$965,130.00 as of in June 13, 2019. 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 accompanying this letter and provided to you. A summary of the appraisal is provided on Exhibit A (Appraisal Summary). 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.

The Cass County Joint Water Resource District hereby offers to pay Bruce and Sandra Cossette \$965,130.00 as Just Compensation for the property interests it must acquire from you.

Once we agree on the basic terms of an agreement for you to sell, and the CCJWRD to buy the property interests describe 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 Gail J. Moe and the CCJWRD.

If you have any questions about the acquisition or relocation process, please contact the representative listed below. The representative is here to help you understand the process and to assist in negotiating a fair direct purchase of the Parcel, however, he does not represent you.

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

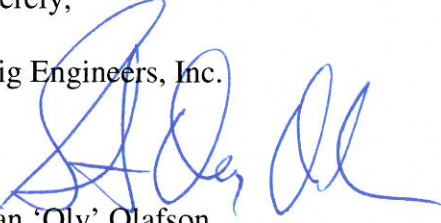
- Copy of the appraisal for Parcels 722 and 723 by Compass Land Consultants, Inc. and
- Exhibits A (Acquisition Summary) and (Appraisal Summary), and B (Parcel sketch)

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) or have the value of your interests determined through eminent domain proceedings.

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,

Ulteig Engineers, Inc.



Stefan 'Oly' Olafson
Senior Right of Way Specialist
701-280-8628
oly.olafson@ulteig.com

I acknowledge that on July 8, 2019, I received this letter and all documents listed above.

By: 

Bruce Cossette

By: 

Sandra Cossette

cc: Cass County Joint Water Resource District

EXHIBIT A**ACQUISITION SUMMARY
Fargo Flood Diversion – Voluntary Buyout****Letter Conveying Offer to Purchase****Project Parcel ID: 722 & 723**

Parcel Legal Description: Property Legal Description: That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southwest Corner of the SE1/4; thence N87°17'51"E on the south line of said SE1/4 a distance of 325.00 feet to the Point of Beginning; thence N2°40'35"W parallel with, and 325 feet east of, the west line of said SE1/4 a distance of 2,652.61 feet to the north line of said SE1/4; thence N87°24'00"E on said north line a distance of 1,545.30 feet to the west line of the parcel described in Doc. No. 768859, records of Cass County; thence S2°42'09"E on said west parcel line a distance of 1,877.85 feet to the northeast corner of McDougall 1st Subdivision, records of Cass County; thence S87°17'51"W on the north line of said McDougall 1st Sub. a distance of 751.00 feet to the northwest corner of said McDougall 1st Sub.; thence S2°42'09"E on the west line of said McDougall 1st Sub. a distance of 772.00 feet to said south line of the SE1/4; thence S87°17'51"W on said south line a distance of 795.51 feet to the Point of Beginning.

Said parcel contains 80.78 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southeast Corner of the SE1/4; thence S87°17'51"W on the south line of said SE1/4 a distance of 475.00 feet to the Point of Beginning; thence continuing S87°17'51"W on said south line a distance of 238.00 feet to the east line of the parcel described in Doc. No. 768859, records of Cass County; thence N2°42'09"W on said east parcel line a distance of 2,649.74 feet to the north line of said SE1/4; thence N87°24'00"E on said north line a distance of 228.85 feet; thence S2°54'01"E parallel with, and 475 feet west of, the east line of said SE1/4 a distance of 2,649.34 feet to the Point of Beginning.

Said parcel contains 14.20 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The East 33.00 feet of the Southeast Quarter (SE1/4)

Said Parcel contains 2.01 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southeast Corner of the SE1/4; thence S87°17'51"W on the south line of said SE1/4 a distance of 713.00 feet, to the Point of Beginning; thence N2°42'09" W 2649.74' feet to the north line of said SE1/4; thence N87°24'00"W on said north line a distance of 60.00 feet ; thence S2°42'09"E a distance of 2649.74 feet ; thence S87°17'51"E 60.00 feet to the Point of Beginning.

Said Parcel contains 3.65 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record

100.64 Acres M/L

Project Title: Fargo Flood Diversion

PID: 53-0000-09132-010 and 53-0000-09132-020

Recorded Fee Owner: Bruce and Sandra Cossette

Other Interests or Encumbrances: None

Description of Property Interests to be Acquired*:

Please see Exhibit B

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.

APPRAISAL SUMMARY

| Type of Interest | Amount | Per Unit | Indicated Value |
|--------------------------|------------|----------|---------------------|
| Fee Simple | \$9,000.00 | Acre | \$905,760.00 |
| Net Damages to Remainder | N/A | N/A | \$59,370.00 |
| Temporary Easement | N/A | N/A | N/A |
| Total | | | \$965,130.00 |

EXHIBIT B

Aerial Map





CERTIFIED MAIL – RETURN RECEIPT REQUESTED – HAND DELIVERY

November 15, 2019

**Cass County
Joint Water
Resource
District**

Bruce and Sandra Cossette
3831 17th Street S
Fargo, ND 58104
Certified No. 7018 0040 0000 5525 6656

Greetings:

**RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Formal Negotiations and Written Offer of Just Compensation
OINs: 722, 723
Parcel No.: 53-0000-09132-010, 53-0000-09132-020**

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

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 53-0000-09132-010 and 53-0000-09132-020. The legal descriptions of the property to be acquired are:

OIN 722

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows: Commencing at the Southwest Corner of the SE1/4; thence N87°17'51"E on the south line of said SE1/4 a distance of 325.00 feet to the Point of Beginning; thence N2°40'35"W parallel with, and 325 feet east of, the west line of said SE1/4 a distance of 2,652.61 feet to the north line of said SE1/4; thence N87°24'00"E on said north line a distance of 1,545.30 feet to the west line of the parcel described in Doc. No. 768859, records of Cass County; thence S2°42'09"E on said west parcel line a distance of 1,877.85 feet to the northeast corner of McDougall 1st Subdivision, records of Cass County; thence S87°17'51"W on the north line of said McDougall 1st Sub. a distance of 751.00 feet to the northwest corner of said McDougall 1st Sub.; thence S2°42'09"E on the west line of said McDougall 1st Sub. a distance of 772.00 feet to said south line of the SE1/4; thence

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrđ@casscountynđ.gov
casscountynđ.gov

S87°17'51"W on said south line a distance of 795.51 feet to the Point of Beginning. Said parcel contains 80.78 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows: Commencing at the Southeast Corner of the SE1/4; thence S87°17'51"W on the south line of said SE1/4 a distance of 475.00 feet to the Point of Beginning; thence continuing S87°17'51"W on said south line a distance of 238.00 feet to the east line of the parcel described in Doc. No. 768859, records of Cass County; thence N2°42'09"W on said east parcel line a distance of 2,649.74 feet to the north line of said SE1/4; thence N87°24'00"E on said north line a distance of 228.85 feet; thence S2°54'01"E parallel with, and 475 feet west of, the east line of said SE1/4 a distance of 2,649.34 feet to the Point of Beginning. Said parcel contains 14.20 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows: The East 33.00 feet of the Southeast Quarter (SE1/4). Said parcel contains 2.01 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

OIN 723

A part of the Southeast Quarter (SE¼) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota, described as follows, to-wit: Commencing at a point on the South Section line of said Section 25 which point is 713 feet West of the Southeast corner of said Section 25, and said point is the true point of beginning; thence West and along the South Section line of said Section 25 for a distance of 60 feet; thence North and at a Right Angle with said South Section line for a distance of 2,650 feet to a point on the North line of said Southeast Quarter (SE¼) of Section 25; thence East and along the North line of said Southeast Quarter (SE¼) for a distance of 60 feet; thence South and at a Right Angle with said South Section line for a distance of 2,650 feet, more or less, to the point of beginning. Said described tract containing 3.6 acres, more or less, and said described tract is located entirely within a portion of Auditor's Lot No. One (1) of the Southeast Quarter (SE¼) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota.

Bruce and Sandra Cossette
November 15, 2019
Page 3

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 \$965,290.00. The District approved the appraisal and this letter is the District's offer to you in the amount of \$965,290.00 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.

You are encouraged to maintain contact with the land agent assigned to your property. **Lisa Kilde** of SRF Consulting Group, Inc. can be reached at **(701) 893-7437** or **lkilde@srfconsulting.com**. Lisa 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@casscountynd.gov

Enclosures

cc: Lisa Kilde, 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 THIS SECTION ON DELIVERY | | | | | | | | | | | | | | | | |
|--|---|--|---|--|---|---|--|---|---|--|--|--|---|---------------------------------------|--|--|--|
| <ul style="list-style-type: none"> ■ 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. | <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>X Sandra Cossette</i></p> <p>B. Received by (<i>Printed Name</i>)</p> <p>C. Date of Delivery 11/29/19</p> | | | | | | | | | | | | | | | | |
| <p>1. Article Addressed to: BRUCE & SANDRA COSSETTE 3831 17TH STREET S FARGO ND 58104</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 1535 77</p> | <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) | |
| <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) | | | | | | | | | | | | | | | | | |
| <p>2. Article Number (<i>Transfer from service label</i>)</p> <p>7018 0040 0000 5525 6656</p> | <p>Domestic Return Receipt</p> | | | | | | | | | | | | | | | | |

PS Form 3811, July 2015 PSN 7530-02-000-9053



CERTIFIED MAIL – RETURN RECEIPT REQUESTED – HAND DELIVERY

Cass County
Joint Water
Resource
District

January 30, 2020

Bruce and Sandra Cossette
3831 17th Street S
Fargo, ND 58104
Certified No. 7018 0040 0000 5525 7110

Dan Jacobson
Chairman
West Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Ken Loughheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Keith Weston
Manager
Fargo, North Dakota

Greetings:

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Request for Meeting
OINs: 722, 723
Parcel No.: 53-0000-09132-010, 53-0000-09132-020

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 November 15, 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.

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.

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.

Please continue to maintain contact and negotiate with the land agent assigned to your property. **Lisa Kilde** of SRF Consulting Group, Inc. is your point of contact for getting answers to any questions you have about the Project. Lisa can be reached at **(701) 893-7437** or lkilde@srfconsulting.com.

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrđ@casscountynđ.gov
casscountynđ.gov

Bruce and Sandra Cossette
OINs 722, 723
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: Lisa Kilde, 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 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:
 BRUCE AND SANDRA COSETTE
 3831 17TH STREET S
 FARGO ND 58104



9590 9402 3806 8032 1531 02

2. Article Number (Transfer from service label)
 7018 0040 0000 5525 7110

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 2-4-2020

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

Domestic Return Receipt



VIA UPS DELIVERY

Cass County
Joint Water
Resource
District

June 5, 2020

Bruce and Sandra Cossette
3831 17th Street S
Fargo, ND 58104

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

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY
OINs: 722, 723
Parcel Nos.: 53-0000-09132-010, 53-0000-09132-020

Dear Bruce and Sandra:

On May 22, 2020, the enclosed letter regarding property you own in Cass County, North Dakota was sent to you. The return receipt for the May 22, 2020, letter was returned blank to our office.

As the enclosed letter indicates, you are encouraged to maintain contact with the land agent assigned to your property. Lisa Kilde of SRF Consulting Group, Inc. can be reached at (701) 893-7437 or lkilde@srfconsulting.com.

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

Carol Harbeke Lewis
Secretary-Treasurer
1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrđ@casscountynd.gov
casscountynd.gov

Enclosures



Quick Start ▾

Tracking Details

< [Back to Results](#)

1ZY93E24A815920081

Delivered

Delivered On

Monday
06/08/2020

Send Updates

File a Claim

Proof of Delivery



Dear Customer,

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

Tracking Number

1ZY93E24A815920081

Weight

1.00 LBS

Service

UPS Ground

Shipped / Billed On

06/05/2020

Additional Information

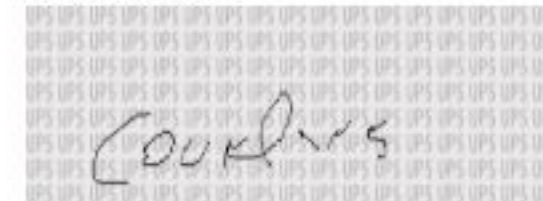
Adult Signature Required

Delivered On

06/08/2020 2:24 P.M.

Received By

SIG ON FILE



Delivered To

3831 17TH ST S
FARGO, ND, 58104, US

Left At

Residential

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: 06/09/2020 3:44 P.M. EST

[Print this page](#)



Hello, your package has been delivered.

Delivery Date: Monday, 06/08/2020

Delivery Time: 02:24 PM

Left At: RESIDENTIAL



[Set Delivery Instructions](#)

[Manage Preferences](#)

[View Delivery Planner](#)

CASS WATER RESOURCE DISTRICT

Tracking Number:

[1ZY93E24A815920081](#)

Ship To:

BRUCE AND SANDRA COSSETTE
3831 17TH STREET S
FARGO, ND 58104
US

Number of Packages:

1

UPS Service:

UPS Ground

Package Weight:

1.0 LBS

Page 21 of 41

08/17/2020



SENT VIA EMAIL wilsonro@casscountynd.gov

July 9, 2020

Cass County
Joint Water
Resource
District

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

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
wrld@casscountynd.gov
casscountynd.gov

Greetings:

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Request for Approval to Take Possession of Necessary Right of Way and
Temporary Easement
OINs: 722, 723
Parcel Nos. 53-0000-09132-010, 53-0000-09132-020

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 and temporary easement from Bruce and Sandra Cossette (the "Landowner"):

- Letter dated November 15, 2019, enclosing the District's appraisal for the acquisition of the right of way and temporary easement from the Landowner and a proposed Purchase Agreement;
- Letters dated January 30, 2020, and February 19, 2020, inviting the Landowner to meet with the District for purposes of negotiating compensation for the right of way and temporary easement to be acquired; and
- Letters dated May 22, 2020, and June 5, 2020, notifying the Landowner the District planned to submit a request to the Cass County Commission seeking immediate possession of the right of way and temporary easement 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 and temporary easement over, across, and through certain property owned by the Landowner in Cass County, North Dakota. The legal description of the necessary right of way and temporary easement is as follows:

Right of Way Easement:

OIN 722

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southwest Corner of the SE1/4; thence N87°17'51"E on the south line of said SE1/4 a distance of 325.00 feet to the Point of Beginning; thence N2°40'35"W parallel with, and 325 feet east of, the west line of said SE1/4 a distance of 2,652.61 feet to the north line of said SE1/4; thence N87°24'00"E on said north line a distance of 1,545.30 feet to the west line of the parcel described in Doc. No. 768859, records of Cass County; thence S2°42'09"E on said west parcel line a distance of 1,877.85 feet to the northeast corner of McDougall 1st Subdivision, records of Cass County; thence S87°17'51"W on the north line of said McDougall 1st Sub. a distance of 751.00 feet to the northwest corner of said McDougall 1st Sub.; thence S2°42'09"E on the west line of said McDougall 1st Sub. a distance of 772.00 feet to said south line of the SE1/4; thence S87°17'51"W on said south line a distance of 795.51 feet to the Point of Beginning.

Said parcel contains 80.78 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southeast Corner of the SE1/4; thence S87°17'51"W on the south line of said SE1/4 a distance of 475.00 feet to the Point of Beginning; thence continuing S87°17'51"W on said south line a distance of 238.00 feet to the east line of the parcel described in Doc. No. 768859, records of Cass County; thence N2°42'09"W on said east parcel line a distance of 2,649.74 feet to the north line of said SE1/4; thence N87°24'00"E on said north line a distance of 228.85 feet; thence S2°54'01"E parallel with, and 475 feet west of, the east line of said SE1/4 a distance of 2,649.34 feet to the Point of Beginning.

Said parcel contains 14.20 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The East 33.00 feet of the Southeast Quarter (SE1/4).

Said parcel contains 2.01 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

OIN 723

A part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota, described as follows, to-wit: Commencing at a point on the South Section line of said Section 25 which point is 713 feet West of the Southeast corner of said Section 25, and said point is the true point of beginning; thence West and along the South Section line of said Section 25 for a distance of 60 feet; thence North and at a Right Angle with said South Section line for a distance of 2,650 feet to a point on the North line of said Southeast Quarter (SE $\frac{1}{4}$) of Section 25; thence East and along the North line of said Southeast Quarter (SE $\frac{1}{4}$) for a distance of 60 feet; thence South and at a Right Angle with said South Section line for a distance of 2,650 feet, more or less, to the point of beginning. Said described tract containing 3.6 acres, more or less, and said described tract is located entirely within a portion of Auditor's Lot No. One (1) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota.

Temporary Easement:

A temporary construction easement across that part of the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The West 10.00 feet of the East 60.00 feet of the Southeast Quarter (SE $\frac{1}{4}$).

Said easement contains 0.61 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

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 and temporary easement 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, Lisa Kilde, 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.

Robert Wilson
July 9, 2020
Page 4

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 and temporary easement necessary for the Project, and construction of the Project will not be possible without acquiring the right of way and temporary easement 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 and temporary easement.

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 and temporary easement 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 and temporary easement 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.

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: Lisa Kilde, Land Agent
Chris McShane, Ohnstad Twichell, P.C.
Birch Burdick, Cass County State's Attorney
Joel Paulsen, Executive Director, Diversion Authority
Eric Dodds, AE2S Program Manager
Sharon Oliver, ROW Acquisition Coordinator, Ohnstad Twichell, P.C.
Heather Worden, Administrative Assistant, Cass County Commission



July 13, 2020

VIA UPS – DELIVERY CONFIRMATION

Bruce and Sandra Cossette
3831 – 17th Street South
Fargo, ND 58104

**County
Administrator**

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

Re: Cass County Commission
Fargo-Moorhead Area Diversion Project
Invitation to Attend Public Meeting
OIN: 722, 723
Parcel No. 53-0000-09132-010, 53-0000-09132-020
UPS Tracking No. 1Z RT8 7R1 25 3963 5060

Greetings Mr. and Mrs. Cossette:

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 and temporary easement 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 January 30, 2020, enclosing the District's appraisal for the acquisition of the right of way and temporary easement from you, along with a proposed Purchase Agreement;
- Letters dated January 30, 2020 and February 19, 2020, inviting you to meet with the District for purposes of negotiating compensation for the right of way and temporary easement to be acquired; and
- Letter dated June 5, 2020, notifying you the District planned to submit a request to the Commission seeking immediate possession of the right of way and temporary easement necessary for the Project.

The District informed the Commission that you and the District have not reached a mutually acceptable agreement, and have not signed a

Box 2806
211 Ninth Street South
Fargo, North Dakota 58103

www.casscountynd.gov

purchase agreement, regarding the right of way and temporary easement 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 and temporary easement the District must acquire from you. The legal description of the necessary right of way and temporary easement is as follows:

Right of Way Easement:

OIN 722

That part of the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southwest Corner of the SE $\frac{1}{4}$;
thence N87°17'51"E on the south line of said SE $\frac{1}{4}$ a distance of 325.00 feet to the Point of Beginning;
thence N2°40'35"W parallel with, and 325 feet east of, the west line of said SE $\frac{1}{4}$ a distance of 2,652.61 feet to the north line of said SE $\frac{1}{4}$;
thence N87°24'00"E on said north line a distance of 1,545.30 feet to the west line of the parcel described in Doc. No. 768859, records of Cass County;
thence S2°42'09"E on said west parcel line a distance of 1,877.85 feet to the northeast corner of McDougall 1st Subdivision, records of Cass County;
thence S87°17'51"W on the north line of said McDougall 1st Sub. a distance of 751.00 feet to the northwest corner of said McDougall 1st Sub.;
thence S2°42'09"E on the west line of said McDougall 1st Sub. a distance of 772.00 feet to said south line of the SE $\frac{1}{4}$;
thence S87°17'51"W on said south line a distance of 795.51 feet to the Point of Beginning.

Said parcel contains 80.78 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southeast Corner of the SE $\frac{1}{4}$;
thence S87°17'51"W on the south line of said SE $\frac{1}{4}$ a distance of 475.00 feet to the Point of Beginning;

thence continuing S87°17'51"W on said south line a distance of 238.00 feet to the east line of the parcel described in Doc. No. 768859, records of Cass County;
thence N2°42'09"W on said east parcel line a distance of 2,649.74 feet to the north line of said SE¼;
thence N87°24'00"E on said north line a distance of 228.85 feet;
thence S2°54'01"E parallel with, and 475 feet west of, the east line of said SE¼ a distance of 2,649.34 feet to the Point of Beginning.

Said parcel contains 14.20 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE¼) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The East 33.00 feet of the Southeast Quarter (SE¼).

Said parcel contains 2.01 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

OIN 723

A part of the Southeast Quarter (SE¼) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota, described as follows, to-wit: Commencing at a point on the South Section line of said Section 25 which point is 713 feet West of the Southeast corner of said Section 25, and said point is the true point of beginning; thence West and along the South Section line of said Section 25 for a distance of 60 feet; thence North and at a Right Angle with said South Section line for a distance of 2,650 feet to a point on the North line of said Southeast Quarter (SE¼) of Section 25; thence East and along the North line of said Southeast Quarter (SE¼) for a distance of 60 feet; thence South and at a Right Angle with said South Section line for a distance of 2,650 feet, more or less, to the point of beginning. Said described tract containing 3.6 acres, more or less, and said described tract is located entirely within a portion of Auditor's Lot No. One (1) of the Southeast Quarter (SE¼) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota.

Temporary Easement:

A temporary construction easement across that part of the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The West 10.00 feet of the East 60.00 feet of the Southeast Quarter (SE $\frac{1}{4}$).

Said easement contains 0.61 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

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, Lisa Kilde, 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 and temporary 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 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 and temporary easement necessary for the Project. In fact, the Commission and the District encourage you to maintain contact with Lisa Kilde and to continue discussions about the Project. Lisa Kilde of SRF Consulting Group, Inc. is your point of contact regarding the Project. You can reach Lisa Kilde at (701) 893-7437 or lkilde@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.

Cossette
OIN 722, 723
July 13, 2020
Page 5

Sincerely,

CASS COUNTY COMMISSION



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

cc: Lisa Kilde, Land Agent
Birch Burdick, Cass County State's Attorney
Joel Paulsen, Executive Director, Diversion Authority
Chris McShane, Ohnstad Twichell, P.C.
Eric Dodds, AE2S Program Manager
Sharon Oliver, Ohnstad Twichell, P.C.
Heather Worden, Administrative Assistant, Cass County Commission

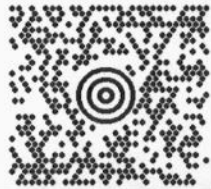
CASS COUNTY GOVERNMENT
7012415609
211 9TH ST S
FARGO ND 581082806

0.1 LBS LTR

1 OF 1

SHIP TO:

BRUCE & SANDRA COSSETTE
3831 17TH ST S
FARGO ND 58104-6339



ND 581 9-02



UPS NEXT DAY AIR

1

TRACKING #: 1Z RT8 7R1 25 3963 5060



BILLING: P/P

UIS 22.0.11. WNTINV50 28.0A 04/2020



Proof of Delivery

Dear Customer,

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

Tracking Number

1ZRT87R12539635060

*Bruce + Sandra Cossella***Weight**

0.10 LBS

Service

UPS Next Day Air®

Shipped / Billed On

07/13/2020

Delivered On

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

Delivered To

FARGO, ND, US

Left At

Front Door

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 3:29 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 Bruce Cossette and Sandra Cossette (“Landowner”) for construction, operation, and maintenance of the Project.

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

Right of Way
OIN 722

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southwest Corner of the SE1/4;
thence N87°17'51"E on the south line of said SE1/4 a distance of 325.00 feet to the Point of Beginning;
thence N2°40'35"W parallel with, and 325 feet east of, the west line of said SE1/4 a distance of 2,652.61 feet to the north line of said SE1/4;
thence N87°24'00"E on said north line a distance of 1,545.30 feet to the west line of the parcel described in Doc. No. 768859, records of Cass County;
thence S2°42'09"E on said west parcel line a distance of 1,877.85 feet to the northeast corner of McDougall 1st Subdivision, records of Cass County;
thence S87°17'51"W on the north line of said McDougall 1st Sub. a distance of 751.00 feet to the northwest corner of said McDougall 1st Sub.;
thence S2°42'09"E on the west line of said McDougall 1st Sub. a distance of 772.00 feet to said south line of the SE1/4;

thence S87°17'51"W on said south line a distance of 795.51 feet to the Point of Beginning.

Said parcel contains 80.78 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southeast Corner of the SE1/4;
thence S87°17'51"W on the south line of said SE1/4 a distance of 475.00 feet to the Point of Beginning;
thence continuing S87°17'51"W on said south line a distance of 238.00 feet to the east line of the parcel described in Doc. No. 768859, records of Cass County;
thence N2°42'09"W on said east parcel line a distance of 2,649.74 feet to the north line of said SE1/4;
thence N87°24'00"E on said north line a distance of 228.85 feet;
thence S2°54'01"E parallel with, and 475 feet west of, the east line of said SE1/4 a distance of 2,649.34 feet to the Point of Beginning.

Said parcel contains 14.20 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The East 33.00 feet of the Southeast Quarter (SE1/4).

Said parcel contains 2.01 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record

Right of Way

OIN 723

A part of the Southeast Quarter (SE1/4) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota, described as follows, to-wit: Commencing at a point on the South Section line of said Section 25 which point is 713 feet West of the Southeast corner of said Section 25, and said point is the true point of beginning; thence West and along the South Section line of said Section 25 for a distance of 60 feet; thence North and at a Right Angle with said South Section line for a distance of 2,650 feet to a point on

the North line of said Southeast Quarter (SE¼) of Section 25; thence East and along the North line of said Southeast Quarter (SE¼) for a distance of 60 feet; thence South and at a Right Angle with said South Section line for a distance of 2,650 feet, more or less, to the point of beginning. Said described tract containing 3.6 acres, more or less, and said described tract is located entirely within a portion of Auditor's Lot No. One (1) of the Southeast Quarter (SE¼) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota.

AND

Temporary Easement
OIN 722, 723

A temporary construction easement across that part of the Southeast Quarter (SE¼) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The West 10.00 feet of the East 60.00 feet of the Southeast Quarter (SE¼).

Said easement contains 0.61 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

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.

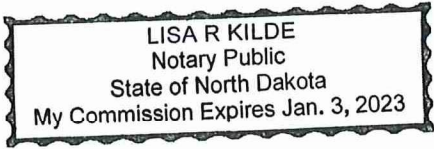
[¶8] I verify to the best of my knowledge, as Principal/Land Agent of SRF Consulting Group, Inc., nobody from SRF Consulting Group, Inc. has referenced, mentioned, or threatened quick take eminent domain to Landowner during negotiations since August 1, 2017.

Dated this 3 day of August, 2020.

[Handwritten signature]

Ken Helvey
SRF Consulting Group, Inc.

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



[Handwritten signature]

Notary Public, County of Cass

State of North Dakota

My Commission Expires: _____

(SEAL)

OIN 722 723 - Cossette Contact Attempts

| Date | Note |
|-------------|---|
| 7/8/2019 | Appraisal and offer letter sent/received |
| 10/23/2019 | Bruce cossette called and left a message wondering status of counteroffer. Lisa called back |
| 10/24/2019 | Lisa talked with Bruce regarding his counteroffer again |
| 11/8/2019 | Lisa called Bruce and left a message to call back when available |
| 11/11/2019 | Bruce returned Lisa's call and discussed his counteroffer again |
| 11/15/2019 | Formal offer letter sent |
| 11/26/2019 | Lisa called Bruce and left a message to call back when available |
| 11/27/2019 | Bruce called back - Lisa talked about whether he had another counteroffer to bring to the Board |
| 11/29/2020 | Formal offer letter received by all owners |
| 1/30/2020 | CCJWRD invite sent |
| 2/4/2020 | CCJWRD invite received |
| 2/12/2020 | Bruce called to say he had received the formal CCJWRD board invite and asked if his tenant could attend |
| 2/24/2020 | Lisa called Bruce and left a message to call back when available |
| 2/26/2020 | Lisa called Bruce and left a message to call back when available |
| 4/1/2020 | Lisa called Bruce and left a message to call back when available |
| 4/16/2020 | Lisa called Bruce and left a message to call back when available |
| 4/29/2019 | Lisa called Bruce and left a message to call back when available |
| 5/8/2020 | Lisa called and left Bruce a message to call back when available |
| 5/15/2020 | Lisa called Bruce to discuss status of any counteroffer - Bruce stated he'd talked with an appraiser |
| 5/15/2020 | Lisa emailed Bruce regarding information for landowner appraisals |
| 5/22/2020 | Possession Intent letter sent |
| 6/8/2020 | Possession Intent letter received |
| 7/15/2020 | Lisa called and left Bruce a message to call back when available |
| 7/16/2020 | Talked to Rinke Noonan about status, still working on numbers, waiting on appraisal |
| 7/20/2020 | Lisa received email from Rinke Noonan regarding representation by their office |
| 7/21/2020 | Bruce called Lisa to let him know he was represented by Rinke Noonan and was still waiting on appraisal |

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 a Right of Way and Temporary Easement in and to real property owned by Bruce Cossette and Sandra Cossette (“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 and Temporary Easement 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 722

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southwest Corner of the SE1/4;
thence N87°17'51"E on the south line of said SE1/4 a distance of 325.00 feet to the Point of Beginning;
thence N2°40'35"W parallel with, and 325 feet east of, the west line of said SE1/4 a distance of 2,652.61 feet to the north line of said SE1/4;
thence N87°24'00"E on said north line a distance of 1,545.30 feet to the west line of the parcel described in Doc. No. 768859, records of Cass County;
thence S2°42'09"E on said west parcel line a distance of 1,877.85 feet to the northeast corner of McDougall 1st Subdivision, records of Cass County;

thence S87°17'51"W on the north line of said McDougall 1st Sub. a distance of 751.00 feet to the northwest corner of said McDougall 1st Sub.;

thence S2°42'09"E on the west line of said McDougall 1st Sub. a distance of 772.00 feet to said south line of the SE1/4;

thence S87°17'51"W on said south line a distance of 795.51 feet to the Point of Beginning.

Said parcel contains 80.78 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Southeast Corner of the SE1/4;

thence S87°17'51"W on the south line of said SE1/4 a distance of 475.00 feet to the Point of Beginning;

thence continuing S87°17'51"W on said south line a distance of 238.00 feet to the east line of the parcel described in Doc. No. 768859, records of Cass County;

thence N2°42'09"W on said east parcel line a distance of 2,649.74 feet to the north line of said SE1/4;

thence N87°24'00"E on said north line a distance of 228.85 feet;

thence S2°54'01"E parallel with, and 475 feet west of, the east line of said SE1/4 a distance of 2,649.34 feet to the Point of Beginning.

Said parcel contains 14.20 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

That part of the Southeast Quarter (SE1/4) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The East 33.00 feet of the Southeast Quarter (SE1/4).

Said parcel contains 2.01 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record

OIN 723

A part of the Southeast Quarter (SE1/4) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota, described as follows, to-wit: Commencing at a point on the South Section line of said Section 25 which point is 713 feet West of the Southeast corner of said

Section 25, and said point is the true point of beginning; thence West and along the South Section line of said Section 25 for a distance of 60 feet; thence North and at a Right Angle with said South Section line for a distance of 2,650 feet to a point on the North line of said Southeast Quarter (SE¹/₄) of Section 25; thence East and along the North line of said Southeast Quarter (SE¹/₄) for a distance of 60 feet; thence South and at a Right Angle with said South Section line for a distance of 2,650 feet, more or less, to the point of beginning. Said described tract containing 3.6 acres, more or less, and said described tract is located entirely within a portion of Auditor's Lot No. One (1) of the Southeast Quarter (SE¹/₄) of Section Twenty-five (25), Township One Hundred Thirty-nine (139) North, Range Fifty (50) West, Cass County, North Dakota.

AND

Temporary Easement
OIN 722, 723

A temporary construction easement across that part of the Southeast Quarter (SE¹/₄) of Section 25, Township 139 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

The West 10.00 feet of the East 60.00 feet of the Southeast Quarter (SE¹/₄).

Said easement contains 0.61 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

[¶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 of just compensation to Landowner by certified mail, along with an appraisal and purchase agreement, on November 15, 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**.

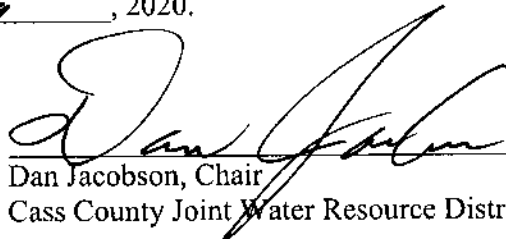
[¶10] The District and Landowner have not reached an agreement regarding compensation, and more than thirty days have passed since Landowner's receipt of the request for a meeting.

[¶11] On May 22, 2020 and June 5, 2020, the District sent Landowner a written notice of intent to take possession of the Right of Way and Temporary Easement, by certified mail and via UPS respectively. A copy of the notice of intent letters are 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.

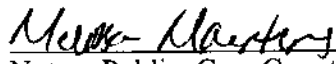
Dated this 5th day of Aug, 2020.


Dan Jacobson, Chair
Cass County Joint Water Resource District

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

MELISSA MAERTENS
Notary Public
State of North Dakota
My Commission Expires July 3, 2024

(SEAL)


Notary Public, Cass County, State of North Dakota