

FM AREA DIVERSION PROJECT

# Property Owner Information Packet for Cass County Commission

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

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PROPERTY OWNER: Jon & Julie Larson

LAND AGENT: Lisa Kilde with SRF

OIN: 1199



FM AREA  
**DIVERSION**  
PROJECT

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## Written Correspondence Timeline – Jon & Julie Larson

OIN 1199	Sent	Received
Offer to Purchase	8/26/2019	8/29/2019
Formal Negotiations and Written Offer of Just Compensation	1/7/2020	1/13/2020
Request for Meeting	2/25/2020	2/26/2020
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: Jon D. Larson and Julie B. Larson
2. Land Agent: Lisa Kilde
3. Parcel No.: 67-0000-12717-000
4. OIN No.: 1199

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 10, 2020

Owner	Jon D. and Julie B Larson
Mailing Address	2111 Memory Lane, Detroit Lakes, MN 56501
Property Location	Diversion Channel
Property Type	Agriculture
OIN	1199
Land Agent	Lisa Kilde - SRF
Landowner Representative	Steven Quam

### Property Need

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

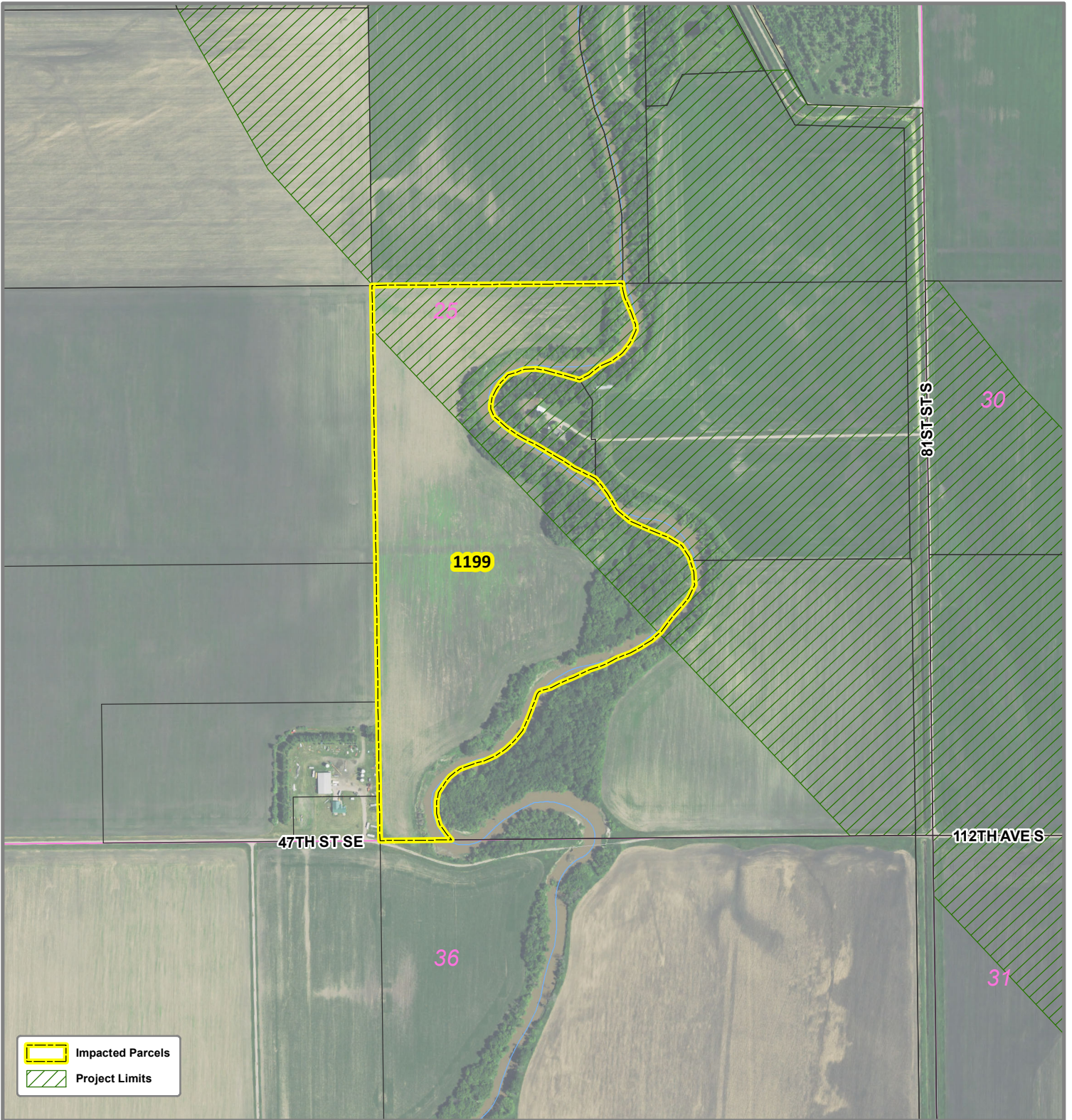
### Valuation and Negotiation Summary:

Appraisal Value / Date	\$232,000 – July 18, 2020 20.52 acres land/site taking at \$9,500/acre – \$195,000 37.23 acres remainder/severance at \$1,000/acre - \$37,000
Counteroffer	<b>\$475,140</b>

### Negotiation Notes

- SRF Land agent, Lisa Kilde, has had contact with landowner regarding the offer to purchase multiple times.
- Landowners Jon and Julie Larson have not provided a counteroffer, they have continually said they are working on it and would get back to land agent.
- Formal Offer letter sent on 01/07/20
- Lisa called Jon and Julie on 02/25/20 regarding the formal documentation, no answer and left message.
- Lisa spoke with Steve Quam on multiple occasions regarding counteroffer to present to the Board. Steve emailed counteroffer on 8/6/2020 in the amount of \$475,140:
  - \$14,500/acre fee simple 20.52 acres = \$297,540
  - \$4,800/acre severance 37 acres = \$177,600
  - Non-monetary requests:
    - Right of First Offer
    - Larson’s retain exclusive hunting rights until the land is no longer usable due to construction

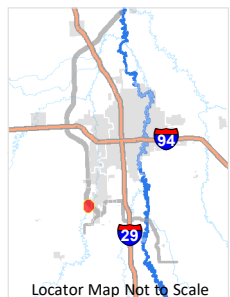
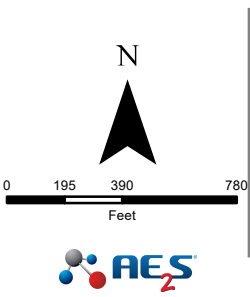




*Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined 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\!Project Wide\Individual Property Maps - General Inquiry\IndividualLayout8x10v105.mxd



OIN: 1199  
**JON D & JULIE B LARSON**  
 Parcel ID: 67-0000-12717-000  
 Cass County, ND

FM AREA DIVERSION  
 Map Date: 2/26/2020





August 26, 2019

Jon D. and Julie B. Larson  
2111 Memory Lane  
Detroit Lakes, MN 56501

RE: **Offer to Purchase**  
**Parcel ID:** OIN 1199  
**Project Title:** Fargo Moorhead Diversion  
**PID:** 67-0000-12715-000

Dear Mr. and Mrs. Larson,

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 **\$232,000.00**. 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 \$232,000.00 as Just Compensation for the property interests it must acquire from you.**

Please note, at the time this appraisal was completed the Cass County Joint Water Resource District was proposing to purchase Temporary Construction Easement (TCE) for the project and therefore the appraisal and Certificate of Survey include TCE acres. However, the CCJWRD has determined not to proceed with purchasing TCE and therefore your Just Compensation and Exhibit A do not include the TCE values.



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 me. We are 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. I am 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, attached is a separate copy with an enclosed envelope. Your signature indicates only that you have received this Offer to Purchase, and the following documents:

- Copy of the appraisal for Parcel ID OIN 1199 by Patchin Messner Valuation Counselors.
- Exhibit A (Acquisition Summary), and Exhibit B (Certificate of Survey)

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,  
  
Lisa Kilde  
Senior Right of Way Specialist  
(701) 893-7437  
[lkilde@srfconsulting.com](mailto:lkilde@srfconsulting.com)

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

\_\_\_\_\_  
Jon D. Larson

\_\_\_\_\_  
Julie B. Larson

Enclosures: Appraisal Report, Exhibit A, Exhibit B

**EXHIBIT A**

**ACQUISITION SUMMARY  
Fargo Moorhead Diversion**

**Offer to Purchase**

**Parcel ID:** OIN 1199

**Project Title:** Fargo Moorhead Diversion

**PID:** 67-0000-12715-000

**Property Address:** North side of 47th Street Southeast

Recorded Fee Owner: Jon D. and Julie B. Larson

Property Legal Description:

SEE ATTACHED SURVEY

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.

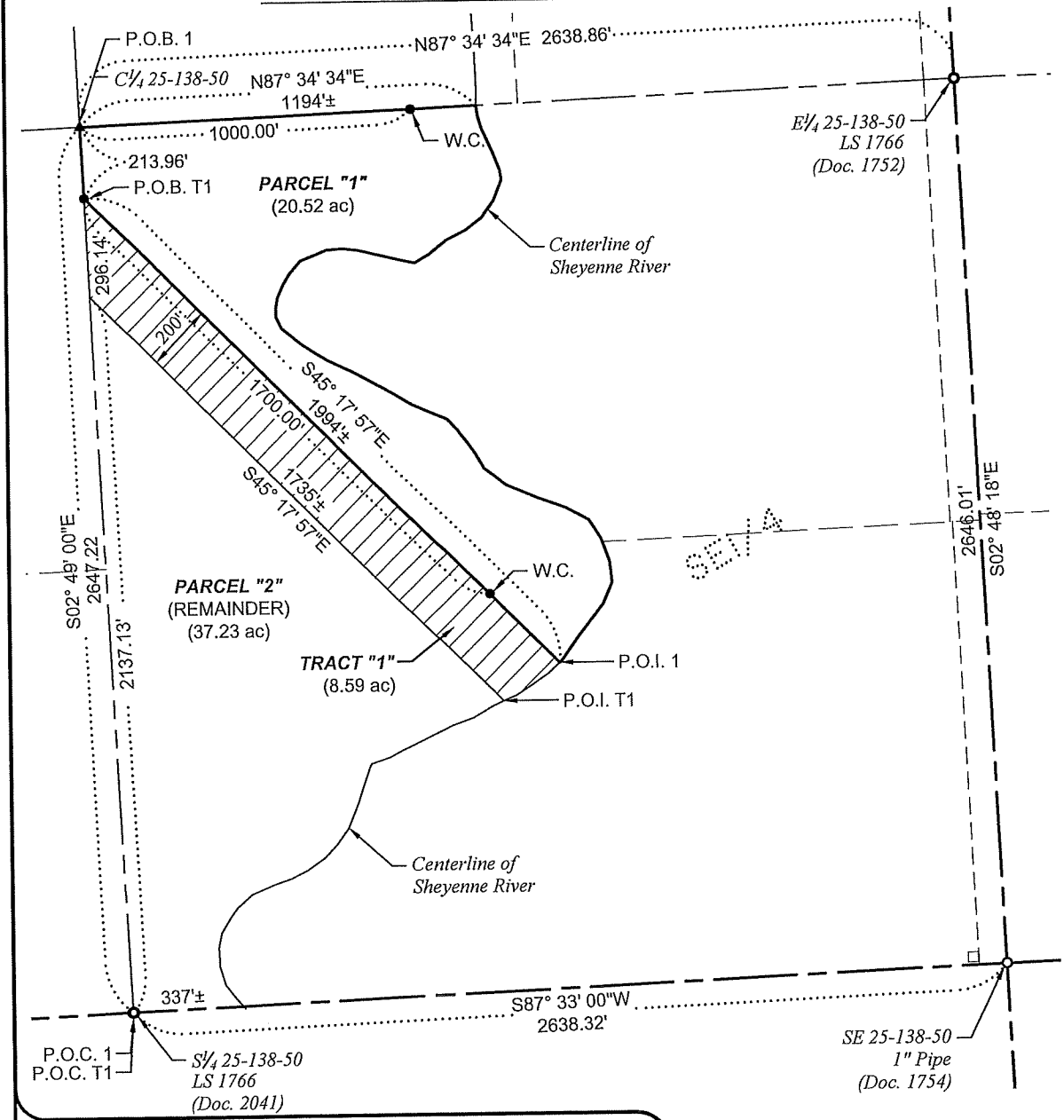
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**APPRAISAL SUMMARY**

<b>Parcel Value</b>	<b>Area Size/ Description</b>	<b>Per Unit</b>	<b>Indicated Value</b>
<b>Land/Site Taking</b>	20.52 Acres	\$ 9,500	\$ 195,000.00
<b>Severance</b>	37.23 Acres	\$ 1,000	\$ 37,000.00
<b>TOTAL (rounded)</b>			<b>\$ 232,000.00</b>

EXHIBIT B

CERTIFICATE OF SURVEY



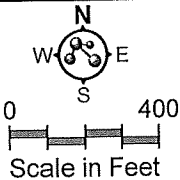
**BASIS OF BEARING**

**COORDINATE SYSTEM:**  
ND STATE PLANE - SOUTH ZONE  
**HORIZONTAL DATUM:**  
NAD83 (Conus)  
**VERTICAL DATUM:**  
NAVD 88 (GEOID 09)

**DISTANCES:**  
MEASURED ON THE GROUND IN  
U.S. SURVEY FEET  
**BASIS OF BEARINGS:**  
GRID NORTH

Notes:

- 1) Centerline of the Sheyenne River shown per Cass County GIS.
- 2) All areas & measurements taken to the centerline of the Sheyenne River.
- 3) W.C. = Witness Corner



BEARINGS AND DISTANCES  
MAY VARY FROM PREVIOUS  
SURVEYS DUE TO DIFFERENT  
METHODS OF MEASUREMENT.

**LEGEND**

- SECTION LINE
- - - 1/4 LINE
- - - 1/4 - 1/4 LINE
- - - EXIST. PARCEL LINE
- - - EXIST. EASE.
- NEW PARCEL LINE
- ▭ NEW DIVERSION PARCEL
- ▨ TEMP. CONST. EASE.

- FND ORIGINAL MON.
- ▲ FND IRON MON. W/ ALUM. CAP
- FND IRON MON. W/ PLASTIC CAP
- FND IRON MON.
- SET IRON MON. W/ PLASTIC CAP LS-8218
- ▲ SET IRON MON. W/ ALUM. CAP LS-8218
- (M) MEASURED
- (R) PREVIOUSLY RECORDED

**PRELIMINARY**

**JON D. & JULIE B. LARSON**

Part of the Southeast Quarter (SE1/4),  
Section 25, T48N, R50W, Cass County, ND

DRAWING TYPE COS	DATE Oct. 19, 2016
PROJECT NUMBER P10733-2-100	DATE 08/17/2020
PREPARED BY TML	DRAWING 1

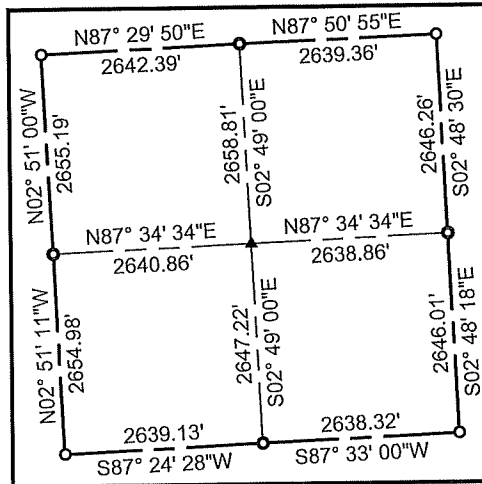


CERTIFICATE OF SURVEY

# CERTIFICATE OF SURVEY

Part of Southeast Quarter (SE1/4) of Section 25, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota.

## SECTION 25



**PARENT PARCEL - WARRANTY DEED DOC. NO. 845545**

OWNER: JON D. & JULIE B. LARSON

That part of the Southeast Quarter (SE1/4) of Section 25, Township 138 North, Range 50 West, Cass County, North Dakota, lying west of the Sheyenne River, containing 49 acres, more or less.

**PARCEL "1" - LEGAL DESCRIPTION**

That part Southeast Quarter (SE1/4) of Section 25, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southwest Corner of the Southeast Quarter (SE1/4) of said Section 25; thence North 02° 49' 00" West on the west line of said SE1/4 a distance of 2647.22 feet to the Northwest Corner of said SE1/4, said point being the Point of Beginning;

From said Point of Beginning, the following describes the northerly and easterly parcel boundaries:  
 thence North 87° 34' 34" East on the north line of said SE1/4 a distance of 1194 feet, more or less, to the centerline of the Sheyenne River;  
 thence southerly, and upstream, on said centerline to the Point of Intersection with a line described in the final call of the following westerly and southerly parcel boundary:

From said Point of Beginning, the following describes the westerly and southerly parcel boundaries:  
 thence South 02° 49' 00" East on said west line of the SE1/4 a distance of 213.96 feet;  
 thence South 45° 17' 57" East a distance of 1994 feet, more or less, to the Point of Intersection on said centerline of the Sheyenne River.

Said parcel contains 20.52 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.



**JON D. & JULIE B. LARSON**  
 Part of the Southeast Quarter (SE1/4),  
 Section 25, T138N, R50W, Cass County, ND

CERTIFICATE OF SURVEY

DRAWING TYPE COS	DATE Oct. 19, 2016
PROJECT NUMBER P10763-2016-0001	SHEET 2
PREPARED BY TML	DRAWING 2


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08/17/2020





1199 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"/> <i>Julie B Larson</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)   C. Date of Delivery  <i>Julie B Larson</i>   <i>8/29/19</i></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 style="text-align: center; color: red; font-weight: bold;">AUG 29</p>																
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>JON D AND JULIE LARSON            2111 MEMORY LANE            DETROIT LAKES, MN 56501</p> </div>  <p style="text-align: center;">9590 9402 4522 8278 7725 23</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 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 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 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 (Transfer from service label)</p> <p style="font-size: 1.2em; font-weight: bold;">7015 1520 0001 9715 8253</p>																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>																	

1199 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)®.

DETROIT LAKES, MN 56501

OFFICIAL USE

Certified Mail Fee \$ <span style="font-size: 1.2em;">\$3.50</span>	0102 09 
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ <span style="font-size: 1.2em;">\$0.00</span> <input type="checkbox"/> Return Receipt (electronic) \$ <span style="font-size: 1.2em;">\$0.00</span> <input type="checkbox"/> Certified Mail Restricted Delivery \$ <span style="font-size: 1.2em;">\$0.00</span> <input type="checkbox"/> Adult Signature Required \$ <span style="font-size: 1.2em;">\$0.00</span> <input type="checkbox"/> Adult Signature Restricted Delivery \$ <span style="font-size: 1.2em;">\$0.00</span>	
Postage \$ <span style="font-size: 1.2em;">\$2.35</span>	
Total Postage and Fees \$ <span style="font-size: 1.2em;">\$8.65</span>	
JON D AND JULIE LARSON 2111 MEMORY LANE DETROIT LAKES, MN 56501	

7015 1520 0001 9715 8253

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



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

January 7, 2020

**Cass County  
Joint Water  
Resource  
District**

Jon D. and Julie B. Larson  
2111 Memory Lane  
Detroit Lakes, MN 56501  
**Certified No. 7018 0040 0000 5525 6946**

Greetings:

Dan Jacobson  
Chairman  
West Fargo, North Dakota

**RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Formal Negotiations and Written Offer of Just Compensation  
OIN: 1199  
Parcel No.: 67-0000-12717-000**

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 67-0000-12717-000. The legal description of the property to be acquired is:

That part Southeast Quarter (SE¼) of Section 25, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southwest Corner of the Southeast Quarter (SE¼) of said Section 25; thence North 02° 49' 00" West on the west line of said SE¼ a distance of 2647.22 feet to the Northwest Corner of said SE¼, said point being the Point of Beginning;

From said Point of Beginning, the following describes the northerly and easterly parcel boundaries:

Thence North 87° 34' 34" East on the north line of said SE¼ a distance of 1194 feet, more or less, to the centerline of the Sheyenne River; thence southerly, and upstream, on said

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)

centerline to the Point of Intersection with a line described in the final call of the following westerly and southerly parcel boundary:

From said Point of Beginning, the following describes the westerly and southerly parcel boundaries:

Thence South 02° 49' 00" East on said west line of the SE¼ a distance of 213.96 feet; thence South 45° 17' 57" East a distance of 1994 feet, more or less, to the Point of Intersection on said centerline of the Sheyenne River.

Said parcel contains 20.52 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

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 \$195,000.00, plus severance damages to remainder of the property in the amount of \$37,000, for a total purchase price of \$232,000.00. The District approved the appraisal and this letter is the District's offer to you in the amount of \$232,000.00 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.

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.

Jon D. and Julie B. Larson  
January 7, 2020  
Page 3

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](mailto:Lewisc@casscountynynd.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 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:  
 JON D AND JULIE B LARSON  
 2111 MEMORY LANE  
 DETROIT LAKES MN 56501



9590 9402 3806 8032 1532 70

2. Article Number (Transfer from service label)

7018 0040 0000 5525 6946

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Jon D Larson*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 JON LARSON 7-13-20

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

3. Service Type
- |  |   |
|--|---|
| <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) |   |





VIA HAND DELIVERY

Cass County  
Joint Water  
Resource  
District

February 25, 2020

Jon D. and Julie B. Larson  
2111 Memory Lane  
Detroit Lakes, MN 56501

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: 1199  
Parcel No.: 67-0000-12717-000

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Keith Weston  
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"). The District previously provided you a letter dated January 7, 2020; 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 27, 2020, March 12, 2020, and March 26, 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](mailto:lkilde@srfconsulting.com).

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

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

Jon D. and Julie B. Larson  
OIN 1199  
February 25, 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@casscountynnd.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



# BECKER COUNTY SHERIFF'S OFFICE

P.O. Box 702 • Detroit Lakes, MN 56502-0702  
218-847-2661 • Fax 218-847-1604

website: www.co.becker.mn.us

DISTRICT

Return # 13692  
Process # C202000310  
Docket #  
Reference #

STATE OF MINNESOTA }  
COUNTY OF BECKER }

CASS COUNTY JOINT WATER RESOURCE }  
DISTRICT }


Plaintiff, } RETURN OF SERVICE  
- vs - }  
JON DAVID LARSON }  
Defendant }

I hereby certify that on the **26th day of February, 2020**, a **Letter**, in the above entitled action, came into my hand for service. That on the **26th day of February, 2020** at **8:50 PM**, in said county, **I did serve the documents on JON DAVID LARSON**.  
By then and there delivering to and leaving with: **LARSON, JON DAVID** at **2111 MEMORY LANE, DETROIT LAKES, MN 56501**

### Comments

Date Returned **2/26/20**

Signed

  
Deputy Sheriff Matthew Gerving  
Becker County Sheriff's Office  
925 LAKE AVE  
DETROIT LAKES, MN 56501  
Phone: (218) 847-2661

Date 2-26-2020



# BECKER COUNTY SHERIFF'S OFFICE

P.O. Box 702 • Detroit Lakes, MN 56502-0702  
218-847-2661 • Fax 218-847-1604

website: www.co.becker.mn.us

DISTRICT

Return # 13696  
Process # C202000311  
Docket #  
Reference #

STATE OF MINNESOTA }  
COUNTY OF BECKER }

CASS COUNTY JOINT WATER RESOURCE }  
DISTRICT }

Plaintiff, } RETURN OF SERVICE  
- VS - }  
JULIE BREEN LARSON }  
Defendant }

I hereby certify that on the **26th day of February, 2020**, a **Letter**, in the above entitled action, came into my hand for service. That on the **26th day of February, 2020** at **8:50 PM**, in said county, **I did serve the documents on JULIE BREEN LARSON**.

By then and there delivering to and leaving with: **LARSON, JON DAVID** at **2111 MEMORY LN, DETROIT LAKES, MN 56501**

### Comments

I SERVED JULIE B LARSON BY SERVING JON D LARSON AT THEIR PLACE OF ABODE

**Date Returned 2/26/20**

**Signed**

  
Deputy Sheriff Matthew Gerving  
Becker County Sheriff's Office  
925 LAKE AVE  
DETROIT LAKES, MN 56501  
Phone: (218) 847-2661

**Date**





**CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND UPS DELIVERY**

May 22, 2020

Cass County  
Joint Water  
Resource  
District

Jon D. and Julie B. Larson  
2111 Memory Lane  
Detroit Lakes, MN 56501  
**Certified No. 7019 1640 0002 0398 8729**

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@casscountynđ.gov](mailto:wrđ@casscountynđ.gov)  
[casscountynđ.gov](http://casscountynđ.gov)

Greetings:

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY  
OIN: 1199  
Parcel No. 67-0000-12717-000

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 January 7, 2020, 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 February 25, 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.

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.

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



Jon D. and Julie B. Larson  
OIN 1199  
May 22, 2020  
Page 2

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.

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: Lisa Kilde, Land Agent  
Chris McShane, Ohnstad Twichell, P.C.  
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:  
 JON D AND JULIE B LARSON  
 2111 MEMORY LANE  
 DETROIT LAKES MN 56501



9590 9402 3806 8032 1544 20

2. Article Number (Transfer from service label)  
 7019 1640 0002 0398 8729

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *[Handwritten Signature]*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 5/26/20

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



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

Cass County  
Joint Water  
Resource  
District

July 8, 2020

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

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 Approval to Take Possession of Necessary Right of Way  
OIN: 1199  
Parcel No. 67-0000-12717-000

Ken Lougheed  
Manager  
Gardner, North Dakota

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 Jon D. and Julie B. Larson (the "Landowner"):

Jacob Gust  
Manager  
Fargo, North Dakota

- Letter dated January 7, 2020, enclosing the District's appraisal for the acquisition of the right of way from the Landowner and a proposed Purchase Agreement;
- Letter dated February 25, 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.

Keith Weston  
Manager  
Fargo, North Dakota

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:

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)

Jon D. and Julie B. Larson  
OIN 1199  
May 22, 2020  
Page 2

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.

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: Lisa Kilde, Land Agent  
Chris McShane, Ohnstad Twichell, P.C.  
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

Right of Way Easement:

That part Southeast Quarter (SE¼) of Section 25, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southwest Corner of the Southeast Quarter (SE¼) of said Section 25; thence North 02° 49' 00" West on the west line of said SE¼ a distance of 2647.22 feet to the Northwest Corner of said SE¼, said point being the Point of Beginning;

From said Point of Beginning, the following describes the northerly and easterly parcel boundaries:

thence North 87° 34' 34" East on the north line of said SE¼ a distance of 1194 feet, more or less, to the centerline of the Sheyenne River; thence southerly, and upstream, on said centerline to the Point of Intersection with a line described in the final call of the following westerly and southerly parcel boundary:

From said Point of Beginning, the following describes the westerly and southerly parcel boundaries:

thence South 02° 49' 00" East on said west line of the SE¼ a distance of 213.96 feet; thence South 45° 17' 57" East a distance of 1994 feet, more or less, to the Point of Intersection on said centerline of the Sheyenne River.

Said parcel contains 20.52 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 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 8, 2020  
Page 3

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.

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: 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**

Jon D. Larson and Julie B. Larson  
2111 Memory Lane  
Detroit Lakes, MN 56501

**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: 1199  
Parcel No. 67-0000-12717-000  
UPS Tracking No. 1Z RT8 7R1 25 2937 4692

Greetings Mr. and Mrs. Larson:

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 January 7, 2020, enclosing the District's appraisal for the acquisition of the right of way from you, along with a proposed Purchase Agreement;
- Letter dated February 25, 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.

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.

Box 2806  
211 Ninth Street South  
Fargo, North Dakota 58103

www.casscountynd.gov

Larson  
OIN 1199  
July 13, 2020  
Page 2

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:

That part Southeast Quarter (SE $\frac{1}{4}$ ) of Section 25, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southwest Corner of the Southeast Quarter (SE $\frac{1}{4}$ ) of said Section 25; thence North 02° 49' 00" West on the west line of said SE $\frac{1}{4}$  a distance of 2647.22 feet to the Northwest Corner of said SE $\frac{1}{4}$ , said point being the Point of Beginning;

From said Point of Beginning, the following describes the northerly and easterly parcel boundaries:

thence North 87° 34' 34" East on the north line of said SE $\frac{1}{4}$  a distance of 1194 feet, more or less, to the centerline of the Sheyenne River; thence southerly, and upstream, on said centerline to the Point of Intersection with a line described in the final call of the following westerly and southerly parcel boundary:

From said Point of Beginning, the following describes the westerly and southerly parcel boundaries:

thence South 02° 49' 00" East on said west line of the SE $\frac{1}{4}$  a distance of 213.96 feet; thence South 45° 17' 57" East a distance of 1994 feet, more or less, to the Point of Intersection on said centerline of the Sheyenne River.

Said parcel contains 20.52 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 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.

Larson  
OIN 1199  
July 13, 2020  
Page 3

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 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.

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

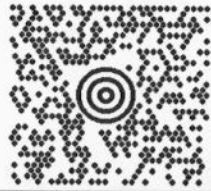
CASS COUNTY GOVERNMENT  
7012415609  
211 9TH ST S  
FARGO ND 581082806

0.1 LBS LTR

1 OF 1

**SHIP TO:**

JON D. & JULIE B. LARSON  
2111 MEMORY LANE  
DETROIT LAKES MN 56501-4828



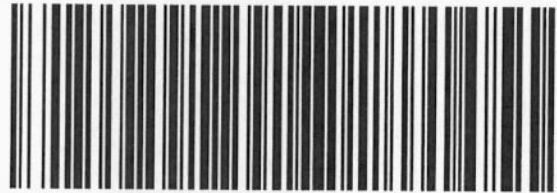
**MN 565 3-01**



**UPS NEXT DAY AIR**

**1**

TRACKING #: 1Z RT8 7R1 25 2937 4692



BILLING: P/P

UIS 22.0.11. WNTNV50 28.0A 04/2020



# Proof of Delivery

---

Dear Customer,

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

**Tracking Number**

1ZRT87R12529374692

Jon + Julie Larson

**Weight**

0.10 LBS

**Service**

UPS Next Day Air®

**Shipped / Billed On**

07/13/2020

**Delivered On**

07/14/2020 10:16 A.M.

**Delivered To**

DETROIT LAKES, MN, 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 3:47 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 Jon D. Larson and Julie B. Larson (“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 1199

That part Southeast Quarter (SE¼) of Section 25, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southwest Corner of the Southeast Quarter (SE¼) of said Section 25; thence North 02° 49' 00" West on the west line of said SE¼ a distance of 2647.22 feet to the Northwest Corner of said SE¼, said point being the Point of Beginning;

From said Point of Beginning, the following describes the northerly and easterly parcel boundaries:

thence North 87° 34' 34" East on the north line of said SE¼ a distance of 1194 feet, more or less, to the centerline of the Sheyenne River; thence southerly, and upstream, on said centerline to the Point of Intersection with a line described in the final call of the following westerly and southerly parcel boundary:

From said Point of Beginning, the following describes the westerly and southerly parcel boundaries:

thence South 02° 49' 00" East on said west line of the SE¼ a distance of 213.96 feet; thence South 45° 17' 57" East a distance of 1994 feet, more or less, to the Point of Intersection on said centerline of the Sheyenne River.

Said parcel contains 20.52 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.

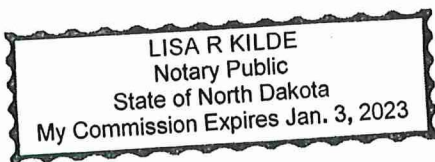
Ken Helvey  
SRF Consulting Group, Inc.

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 1199 - Larson Contact Attempts

<b>Date</b>	<b>Note</b>
11/15/2016	Unable to contact letter sent
2/15/2017	Dave called Jon Larson to request the ROE for soil borings.
2/28/2017	Dave called and left a voicemail offering to meet in Detroit Lakes and pick up signed ROE
3/1/2017	Dave received an email from Jon requesting the terms of the ROE be changed to 6/1/17
3/3/2017	Dave emailed Jon to inform him the ROE term has been changed to 6/1/17
3/15/2017	Dave called Jon to inform him SRF was mailing the offer packet via certified mail.
3/16/2017	SRF mailed Jon and Julie Larson the offer packet via certified mail
3/22/2017	Dave left a voicemail regarding the offer
3/26/2017	Jon emailed Dave the signed acknowledgement letter.
3/29/2017	Dave called Jon's cell and left a message requesting a meeting to discuss the offer.
4/6/2017	Dave emailed Jon to request a meeting to go over the documents and acquisition
4/7/2017	Jon emailed Dave to let him know he'd be in Fargo 4/13 and could meet
4/7/2017	After numerous emails back and forth, Jon and Dave decided to meet at the Village Inn in Moorhead at 4:10 PM on 4/13
4/13/2017	Dave met with Jon at the Village Inn in Moorhead, MN to talk about the project and acquisition
4/14/2017	Dave forwarded Jon listings of recreational land
4/21/2017	Dave reached out to Jon and inquired about ruts left by the soil boring crew
5/1/2019	Mike called Jon and left a voicemail informing him he is the new RW specialist and the appraiser should be contacting him soon
8/26/2019	Appraisal and offer letter sent
8/26/2019	Lisa called and someone picked up the phone, but no one answered. Called back later and left a VM
10/24/2019	Lisa called Jon and they discussed the offer letter and appraisal. He is working on a counteroffer
11/26/2019	Lisa called Jon to follow up from their previous conversation. He is still working on a counter
1/7/2020	Formal offer letter sent
1/10/2020	Lisa called Jon to discuss the Environmental monitoring easement
1/13/2020	Formal offer letter received by all property owners
2/25/2020	CCJWRD Invite letter sent
2/25/2020	Lisa called Jon and left a VM to call when he was available
2/26/2020	CCJWRD Invite letter received by all property owners
4/1/2020	Lisa called Jon and left a message to call when he was available to get a counter to the board
4/8/2020	Lisa called Jon and left a VM to call when he was available
4/16/2020	Lisa called Jon, he said he still didn't have a counteroffer ready
5/8/2020	Lisa called Jon and left a VM to call when he was available
5/15/2020	Lisa called Jon and left a VM to call when he was available
5/22/2020	Possession intent letter sent
5/26/2020	Possession intent letter received
6/2/2020	Lisa called Jon and left a VM to call when he was available
6/10/2020	Jon called to let Lisa know he has been in touch with a few different firms and will know by next week who he will go with

**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 Easement in and to real property owned by Jon D. Larson and Julie B. Larson (“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 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 1199

That part Southeast Quarter (SE¼) of Section 25, Township 138 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Commencing at the Southwest Corner of the Southeast Quarter (SE¼) of said Section 25; thence North 02° 49' 00" West on the west line of said SE¼ a distance of 2647.22 feet to the Northwest Corner of said SE¼, said point being the Point of Beginning;

From said Point of Beginning, the following describes the northerly and easterly parcel boundaries:

thence North 87° 34' 34" East on the north line of said SE¼ a distance of 1194 feet, more or less, to the centerline of the Sheyenne River; thence southerly, and upstream, on said centerline to the Point of Intersection with a line described in the final call of the following westerly and southerly parcel boundary:

From said Point of Beginning, the following describes the westerly and southerly parcel boundaries:

thence South 02° 49' 00" East on said west line of the SE¼ a distance of 213.96 feet; thence South 45° 17' 57" East a distance of 1994 feet, more or less, to the Point of Intersection on said centerline of the Sheyenne River.

Said parcel contains 20.52 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 January 7, 2020. A copy of the offer (without the appraisal that was included) is attached as **Exhibit 1**.

[¶9] On February 25, 2020, the District sent Landowner a written request for a meeting, and caused the written request for a meeting to be personally served upon Landowners by the Becker County Sheriff's Office; 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.

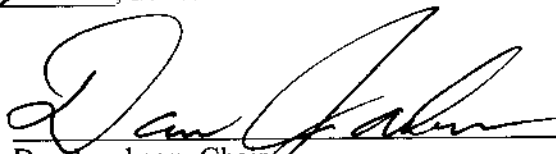
[¶11] On May 22, 2020, the District sent Landowner a written notice of intent to take possession of the Right of Way Easement, by certified mail. A copy of the notice of intent is attached as **Exhibit 3**.

[¶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,

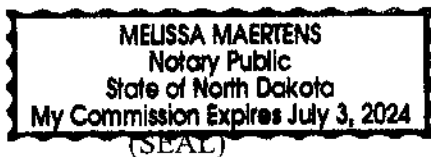
or threatened quick take eminent domain during the course of negotiations with Landowner since August 1, 2017.

[¶]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.



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