

FM AREA DIVERSION PROJECT

Property Owner Information Packet for Cass County Commission

September 21st, 2020

PROPERTY OWNER: Jeremy Holck

LAND AGENT: Oly Olafson with HDR

OIN: 9383



FM AREA
DIVERSION
PROJECT

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Written Correspondence Timeline – Jeremy Holck

OIN 9383	Sent	Received
Offer to Purchase	2/4/2020	2/4/2020
Formal Negotiations and Written Offer of Just Compensation	4/22/2020	4/23/2020
Request for Meeting	5/12/2020	5/15/2020
Notice of Intent to Take Possession of Right-of-Way	6/17/2020	6/21/2020
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	7/30/2020	7/30/2020
Invitation to Attend Public Meeting	8/6/2020	8/7/2020
Commission Meeting Date	9/21/2020	

**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: Jeremy D. Holck
2. Land Agent: Oly Olafson
3. Parcel No.: 57-0500-00030-000
4. OIN No.: 9383

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

Tuesday, September 8, 2020

Owner	Jeremy & Nichole Holck
Address	17556 Pfiffer Drive, Horace ND 58047
Property Type	Residential Dwelling
Original Identification Number	9383
Land Agent	Oly Olafson - HDR

Property Need – Home is in the Red River Control Structure on the Red River of the North.

Valuation and Negotiation Summary:

Just Compensation Offer	\$397,500/July 10, 2015 \$480,000/September 23, 2019 \$480,000/April 23, 2020
Counteroffer	\$1,013,400 1/15/2019
Replacement Housing Differential Payment	\$185,390.55 /10/12/2015 \$60,000 2/10/2020 \$185,572 4/23/2020

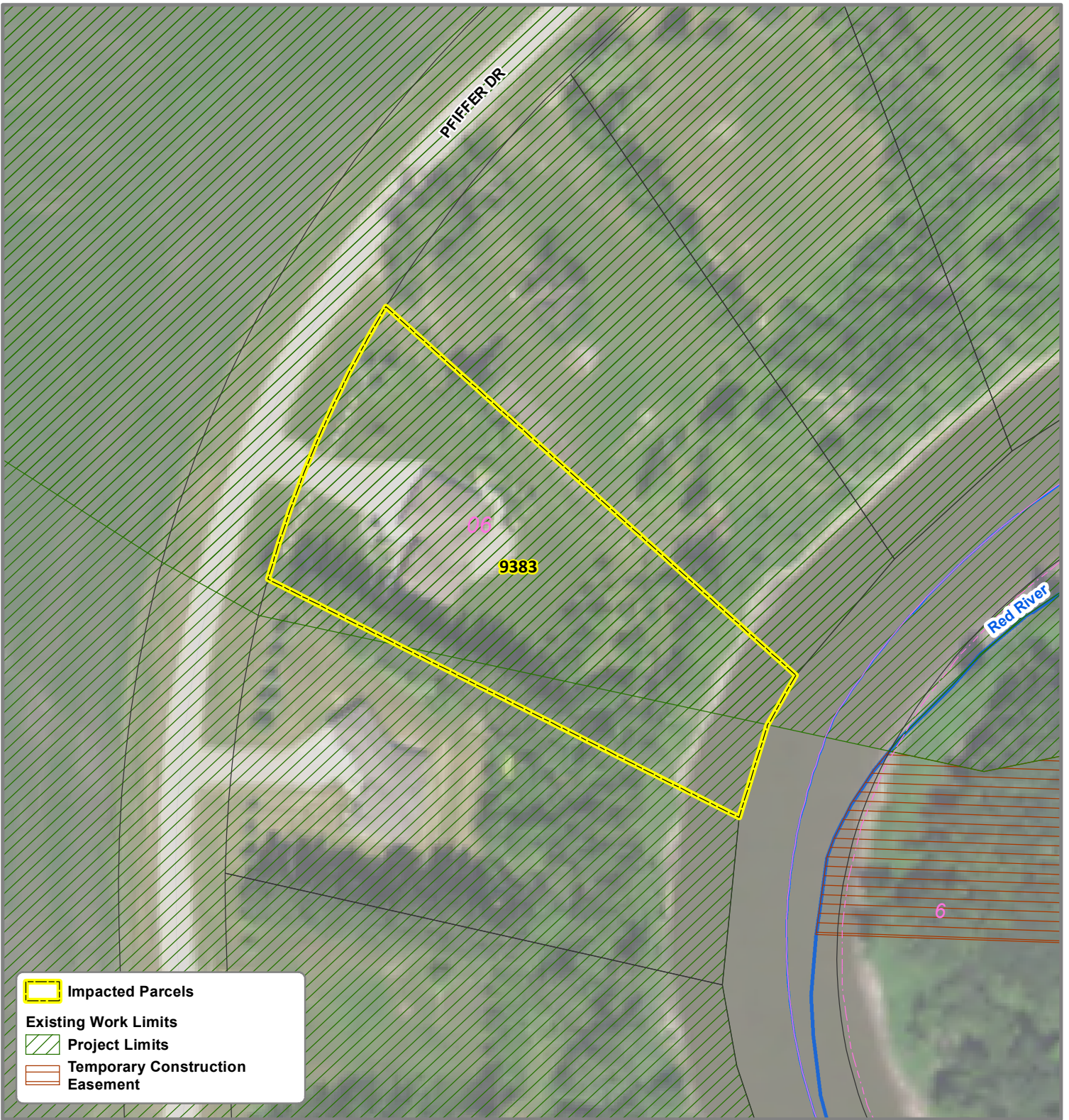
A letter of Just Compensation was sent to Jeremy and Nichole Holck originally on July 10, 2015 based on the original appraised value. On September 23, 2019 a second letter of Just Compensation was provided to Jeremy and Nichole Holck. On April 23, 2020 a Notice of Relocation Eligibility was sent to Jeremy and Nichole Holck which included the Just Compensation Value. The offers to purchase were for the fee interest in the property located at 17556 Pfiffer Drive, Horace, ND.

Offers

The original Offer with the RHDP was presented 10/12/2015, \$397,500 (Fee Simple Interest) + \$185,390 (RHDP) = \$582,890

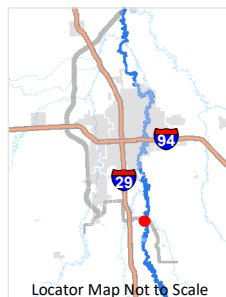
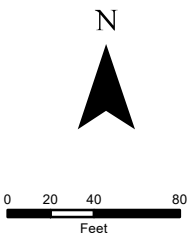
The second Offer with the RHDP was presented 2/10/2020, \$480,000 (Fee Simple Interest) + \$60,000 (RHDP) = \$540,000

The Final Offer/Notice of Relocation Eligibility was presented 4/23/202, \$480,000 (Fee Simple Interest) + \$185,572 (RHDP) = \$665,572



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 | Produced by: hrecords - AE2S, Inc. |
 C:\Data\Projects\GIS Projects\FM Area Diversion\Projects\Land Acquisition\Project Work Package\!Project Wide\Individual Property Maps - General Inquiry\IndividualLayout8x10v105.mxd



OIN: 9383
JEREMY D HOLCK
Parcel ID: 57-0500-00030-000
Cass County, ND

FM AREA DIVERSION
 Map Date: 7/7/2020



February 4, 2020

Hand Delivered

Jeremy D. Holck
17556 Pfiffer Drive
Horace, ND 58047

RE: Letter Conveying Offer to Purchase
Project Parcel ID: 9383
Property Legal Description: Lot 3 Block 1, Butch-R-Block Subdivision, situate in the County of Cass and the State of North Dakota.
Project Title: Fargo Flood Diversion
PID: 57-0500-00030-000

Dear Mr. Holck;

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 HDR, 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, HDR, under contract to the CCJWRD, retained the services of the independent property appraisal firm, GE Bock Real Estate, LLC and Triebwasser Appraisal Service, LLC. The appraisers have determined that the market value of the interests being purchased is \$480,000 as of September 23, 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 Jeremy Holck \$480,000.00 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 Jeremy Holck 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 Parcel 9383 completed by GE Bock Real Estate, LLC and Triebwasser Appraisal Service, LLC 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,

HDR, Inc.

Stefan 'Oly' Olafson
 Real Estate Project Manager
 HDR, Inc.
 701-353-6106 – Office
 701-404-6364 – Cell
 701-205-8855 - Cell
 Oly.Olafson@hdrinc.com

I acknowledge that on 2/4, 2020, I received this letter and all documents listed above.

By:
 Jeremy Holck

By:

cc: Cass County Joint Water Resource District

EXHIBIT A**ACQUISITION SUMMARY
Fargo Flood Diversion – Voluntary Buyout****Letter Conveying Offer to Purchase****Project Parcel ID:** 9383**Property Legal Description:** Lot 3 Block 1, Butch-R-Block Subdivision, situate in the County of Cass and the State of North Dakota.**Project Title:** Fargo Flood Diversion**PID:** 57-0500-00030-000**Recorded Fee Owner:** Jeremy Holck**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	\$480,000.00	Parcel	\$480,000.00
Net Damages to Remainder	N/A	N/A	N/A
Temporary Easement	N/A	N/A	N/A
Total			\$480,000.00

EXHIBIT B

Building Sketch of House and Garage (Drawings are not scaled)

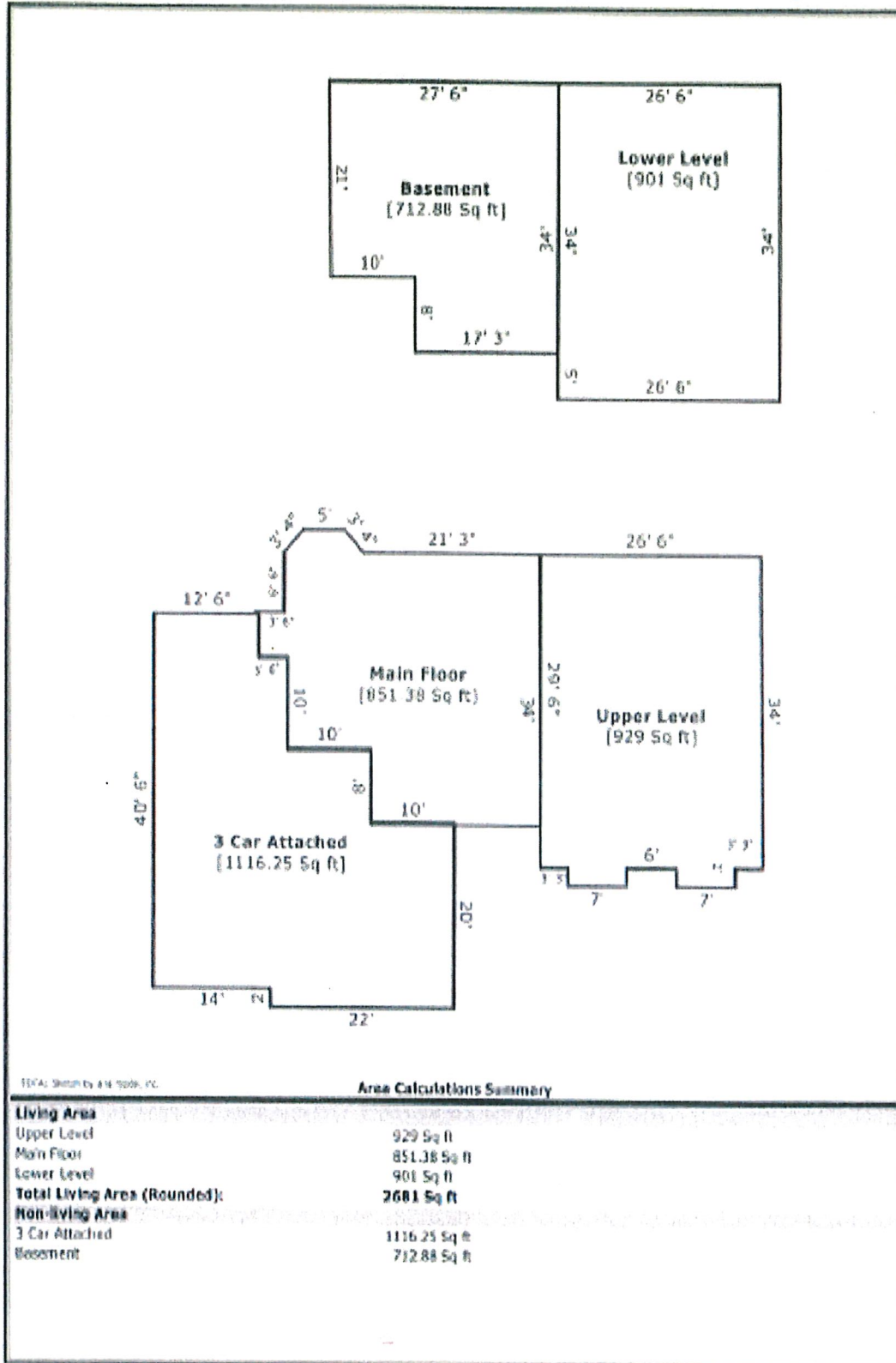


EXHIBIT B

Aerial View – Subject Property





CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

April 22, 2020

Jeremy D. Holck
17556 Pfiffer Drive
Horace, ND 58047
Certified No. 7019 1640 0002 0398 8361

Dan Jacobson
Chairman
West Fargo, North Dakota

Greetings:

Rodger Olson
Manager
Leonard, North Dakota

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Formal Negotiations and Written Offer of Just Compensation
OIN: 9383
Parcel No.: 57-0500-00030-000

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

The Cass County Joint Water Resource District (the "District") is in the process of acquiring property interests necessary for the Fargo-Moorhead Area Diversion Project (the "Project"), and the District has been in discussions with you regarding right of way the District must acquire from you to accommodate the Project. The District directed me to provide you this letter as the District's formal offer to purchase right of way from you. More specifically, to accommodate the Project, the District must acquire right of way from you over property located in Cass County and identified as Parcel Identification Number 57-0500-00030-000. The legal description of the property to be acquired is:

Keith Weston
Manager
Fargo, North Dakota

Lot 3, in Block 1, of Butch-R-Block Subdivision, situate in the County of Cass and the state of North Dakota, according to the certified plat thereof.

Carol Harbeke Lewis
Secretary-Treasurer

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 \$480,000.00, for a total purchase price of \$480,000.00. The District approved the appraisal and this letter is the District's offer to you in the amount of \$480,000.00 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.

1201 Main Avenue West
West Fargo, ND 58078-1301

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

Jeremy D. Holck
April 22, 2020
Page 2

You are encouraged to maintain contact with the land agent assigned to your property. **Oly Olafson** of HDR, Inc. can be reached at **(701) 205-8844** or **oly.olafson@hdrinc.com**. Oly is your point of contact for getting answers to any questions you have about the Project and acquisition of right of way from you for the Project.

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

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



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

Enclosures

cc: Oly Olafson, Land Agent
Eric Dodds, Program Manager, AE2S
Chris McShane, Ohnstad Twichell, P.C.
Chad Peterson, 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:

JEREMY D HOLCK
17556 PFIFFER DRIVE
HORACE ND 58047



9590 9402 3806 8032 1545 74

2. Article Number (Transfer from service label)

7019 1640 0002 0398 8361

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Jeremy Holck

- Agent
- Addressee

B. Received by (Printed Name)

RW RR#1 CoVid19

C. Date of Delivery

4-23-20

D. Is delivery address different from item 1?

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



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**Cass County
Joint Water
Resource
District**

May 12, 2020

Jeremy D. Holck
17556 Pfiffer Drive
Horace, ND 58047
Certified No. 7019 1640 0002 0398 8408

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 Meeting
OIN: 9383
Parcel No.: 57-0500-00030-000**

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"). The District previously provided you a letter dated April 22, 2020; a copy of the District's appraisal for the right of way needed from you; and a Purchase Agreement as the District's offer of just compensation to purchase the 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 8:00 a.m. on May 14, 2020, May 28, 2020, and June 11, 2020. Over the next several months, District meetings will be conducted via conference call and District board members will not be attending in person. The requirements that a meeting room be available to the public and that a speakerphone or monitor be provided at a physical location under NDCC § 44-04-19 have been suspended indefinitely pursuant to Governor Burgum's Executive Order 2020-16; therefore, we request your attendance by telephone.

The District hopes you will attend one of the above-mentioned meetings to discuss the Project and the right of way the District must acquire from you to accommodate the Project. If you would like to attend one of the meetings by phone, please contact me or Melissa Maertens at (701) 298-2381 24 hours in advance of the meeting so the necessary arrangements can be made and the call-in information provided to you.

Jeremy D. Holck
OIN 9383
May 12, 2020
Page 2

Please continue to maintain contact and negotiate with the land agent assigned to your property. **Oly Olafson** of HDR, Inc. is your point of contact for getting answers to any questions you have about the Project. Oly can be reached at **(701) 205-8855** or **Oly.Olafson@hdrinc.com**.

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: Oly Olafson, Land Agent
Eric Dodds, Program Manager, AE2S
Chris McShane, Ohnstad Twichell, P.C.
Chad Peterson, Chair, Cass County Commission
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 checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p>JEREMY D. HOLCK 17556 PFIFFER DRIVE HORACE ND 58047</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
 <p>9590 9402 3806 8032 1545 36</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery 	
<p>2. Article Number (Transfer from service label)</p> <p>7019 1640 0002 0398 8408</p>		
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

June 17, 2020

Jeremy D. Holck
17556 Pfiffer Drive
Horace, ND 58047
Certified No. 7020 0090 0000 7648 2584

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

Greetings:

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY
OIN: 9383
Parcel No. 57-0500-00030-000

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 April 22, 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 May 12, 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.

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrd@casscountynnd.gov
casscountynnd.gov

Jeremy D. Holck
OIN 9383
June 17, 2020
Page 2

You are encouraged to maintain contact with the land agent assigned to your property. **Oly Olafson** of **HDR, Inc.** can be reached at **(701) 205-8855** or **Oly.Olafson@hdrinc.com**. Oly 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

cc: Oly Olafson, 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:

JEREMY D HOLCK
 17556 PFIFFER DRIVE
 NDRAPE ND 58047



9590 9402 5989 0062 9067 85

2. Article Number (Transfer from service label)

7020 0090 0000 7648 2584

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Jeremy Holck Agent
 Addressee

B. Received by (Printed Name)

RW RR#1 C19

C. Date of Delivery

6-21-20

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) | |

Domestic Return Receipt



SENT VIA EMAIL wilsonro@casscountynd.gov

Cass County
Joint Water
Resource
District

July 30, 2020

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

Greetings:

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Request for Approval to Take Possession of Necessary Right of Way
OIN: 9383
Parcel No. 57-0500-00030-000

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 Jeremy D. Holck (the "Landowner"):

- Letter dated April 22, 2020, enclosing the District's appraisal for the acquisition of the right of way from the Landowner and a proposed Purchase Agreement;
- Letter dated May 12, 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 June 17, 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.

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

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 in, on, 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:

Right of Way Easement:

Lot 3, in Block 1, of Butch-R-Block Subdivision, situate in the County of Cass and the state of North Dakota, according to the certified plat thereof.

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 a representative of the land firm which was the Landowner's main point of contact throughout the negotiation process. Prior to the public meeting, the land firm representative and the District will verify neither the District nor any of its agents referenced or threatened quick take eminent domain during the informal and formal negotiation process.

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

Robert Wilson
July 30, 2020
Page 3

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@casscountynynd.gov

cc: Oly Olafson, 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, Ohnstad Twichell, P.C.
Heather Worden, Administrative Assistant, Cass County Commission



August 6, 2020

VIA UPS – DELIVERY CONFIRMATION

**Board of County
Commissioners**

Jeremy D. Holck
17556 Pfiffer Drive
Horace, ND 58047

Chad M. Peterson
Fargo, North Dakota

Re: Cass County Commission
Fargo-Moorhead Area Diversion Project
Invitation to Attend Public Meeting
OIN: 9383
Parcel No.: 57-0500-00030-000
UPS Tracking No. 1Z RT8 7R1 25 2328 4111

Rick Steen
Fargo, North Dakota

Ken Pawluk
Fargo, North Dakota

Duane Breitling
West Fargo, North Dakota

Mary Scherling
Stanley Township, North Dakota

Greetings:

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 easement necessary to accommodate the Project. You have been in negotiations with the District and its agents regarding the right of way 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 April 22, 2020, enclosing the District's appraisal for the acquisition of the right of way from you, along with a proposed Purchase Agreement;
- Letter dated May 12, 2020, inviting you to meet with the District for purposes of negotiating compensation for the right of way to be acquired; and
- Letter dated June 17, 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. 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:

Lot 3, in Block 1, of Butch-R-Block Subdivision, situate in the County of Cass and the state of North Dakota, according to the certified plat thereof.

Heather Worden
Commission Assistant

P.O. Box 2806
211 9th Street South
Fargo, North Dakota 58108
701-241-5609
www.casscountynd.gov

Holck
August 6, 2020
Page 2

The Commission invites you to attend the Commission's meeting on September 21, 2020 at 3:30 p.m. The District will also participate in the meeting, along with a representative of the land firm which 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 September 21, 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 necessary for the Project. In fact, the Commission and the District encourage you to maintain contact with **Oly Olafson** and to continue discussions about the Project. **Oly Olafson** of **HDR, Inc.** is your point of contact regarding the Project. You can reach **Oly Olafson** at oly.olafson@hdrinc.com or **(701) 205-8844**.

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: Oly Olafson, 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

Proof of Delivery

Dear Customer,

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

Tracking Number

1ZRT87R12523284111

Weight

0.00 LBS

Service

UPS Next Day Air®

Shipped / Billed On

08/05/2020

Delivered On

08/07/2020 10:21 A.M.

Delivered To

HORACE, ND, US

Received By

DRIVER RELEASE

Left At

Garage

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: 08/13/2020 11:54 A.M. EST



Tracking Details

1ZRT87R12523284111

Updated: 08/13/2020 11:53 A.M. EST

Delivered



Delivered On

Friday
08/07/2020

Delivery Time

at 10:21 A.M.

Delivered To

HORACE, ND, US

Left At: Garage

Received By: DRIVER RELEASE

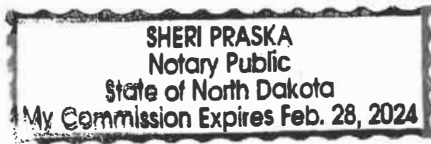
[Proof of Delivery](#)

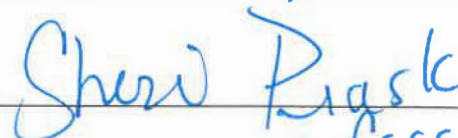
Ask UPS

Dated this 17 day of August, 2020.


Stefan "Oly" Olafson
HDR, Inc.

Subscribed to and sworn to before me this 17 day of August, 2020.




Notary Public, County of Cass
State of North Dakota
My Commission Expires: Feb 28, 2024

(SEAL)

EXHIBIT A

OIN	Land Owner	Land Agency/PMC Organization	Land Agent/PMC	Type of Contact	Date & Time Observed	Comments
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly)Olafson	USPS	6/16/2015	Notice of Intent to Acquire Letter sent
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly) Olafson	n Person	7/10/2015	Met with Jeremy and Nichole and Gary Bock [Appraiser] (Initial Appraisal)
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly) Olafson	In Person	10/12/2015	Letter Conveying Offer to Purchase delivered to Jeremy Holck
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly) Olafson	In Person	4/20/2017	Gave Jeremy and Nichole initial Offer to Purchase (based on initial appraisal)
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly)Olafson	USPS/UPS/FedEx	1/7/2019, 4:10 PM	I sent Jeremy and Nichole a registered letter on January 7th requesting they set up a time to meet so we can re-start the conversation on the acquisition of their property.
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly)Olafson	PhoneCall	1/11/2019, 10:11 AM	Jeremy received the letter and called. We have an appointment set for January 15th at their home in the Butcher Block neighborhood
	Jeremy & Nichole Holck	Land Agency - Ulteig	Stefan (Oly)Olafson	In Person	1/15/2019, 5:00 PM	<p>I met with Jeremy and Nichole to re-start negotiations on the acquisition of their home and property for the Diversion Project. We had an amicable conversation, I explained that we were beginning to acquire the necessary parcels for the project now that the MN DNR has approved a permit. I explained their property is located at the location where the Control Structure will be built, they said they already knew that.</p> <p>We reviewed what we have talked about in the past and where we are now at. I explained we are still working with an appraisal completed in 2015, they acknowledged that they understood that. Jeremy and Nichole back in 2016 had three contractors through their property to get an idea of what it would cost to rebuild it with similar finishes, the consensus of those builders was \$860,000 for the house and garage, an estimate was received from a landscaping contractor, to replicate the landscaping at a new location the estimate was \$105,000. These were received in 2016 and since then contractors have stated that building costs have increased approximately 15%.</p> <p>The property is located on the Red River with no backyard neighbors except deer, they feel they should be compensated to be able to build anew on a River Lot.</p> <p>In our conversation Jeremy said they have been contacted by a number of attorneys who would like to handle their transaction, the Holck's would prefer to settle with the Joint Board/Diversion Authority without including outside counsel. Below is a synopsis of what they would like:</p> <p>Replacement of River Lot - 8350 Memory Lane, Horace, ND \$214,400 + \$45,000 Specials = \$286,400 2016 Builders Estimate to Replicate Home on New Lot - \$687,000 Replace Landscaping - 2016 Bid - \$105,000 Total to Replace Existing Property - \$1,078,400.00 Less: Depreciation \$ 65,000.00 Replacement Cost \$1,013,400.00</p> <p>I thanked the Holck's for their time and the information they provided. I told them I would be meeting with some decision makers and would get back to them.</p>
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly)Olafson	Email	1/25/2019, 4:01 AM	<p>I presented the information I shared with you regarding your property at the Land Coordination Committee meeting Tuesday afternoon. After quite a bit of discussion the group has decided to wait until the appraisal RFP's have been awarded and proceed with a new appraisal on your property. Once that is complete I'll have our relocation folks complete a new RHDP and see if we can come to an agreement after that.</p> <p>I'll keep you informed as we get nearer to that date.</p>
						Attached is an informational exhibit for you. I took a look at homes out in your neighborhood and gathered some information for you.
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly) Olafson	Email	1/29/2019, 8:41 AM	<p>I will be in contact with you when the appraisers are assigned in the coming weeks. The best step forward for both you and the Joint Board is to establish a current market value through an appraisal. Once that is complete we'll have a relocation specialist take another look at what is available on the market, homes similar to yours and create a new RHDP.</p> <p>That will give us a more clear basis to get towards a solution for you two.</p>
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly)Olafson	Email	1/30/2019, 3:16 PM	<p>In response to your email on Friday I reached out to Designer Homes who is holding the last lot on the river West of Horace. As you are aware the lot price is \$241,400 + \$45,000 for water and sewer specials. If we were able to purchase a lot, we would be required to build with designer homes or pay a \$10,000 penalty on the purchase price of the lot. I have included Designer Homes building prices. As you can see the lowest price houses are from \$643, 800 to \$853,000. The price that we were quoted to rebuild our house was \$687,756. We are also aware of a few other river lots that are not listed, however they are much more expensive. Jeremy is holding strong to the idea a replacement dwelling needs to be on a River Lot and the only one currently available has a price tag of \$286,400. In my last email with Jeremy I told him that a new appraisal, with a value based on 2019 rather than 2015 will be completed shortly after the appraisers are chosen. Once they are chosen a new relocation study will be done. The value applicable to them will be based on replacement dwellings available at the time of the study.</p>
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly) Olafson	Email	5/28/2019	<p>Received an email from Jeremy regarding when the new appraisal would be scheduled and completed. I emailed back letting them know the approximate date of completion of the appraisal was August 30th, 2019. I told them I would get them a copy when I received it. I let them know we could resume negotiations after they have the new appraisal. I sent them information on the Relocation process and replacement housing</p>
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly)Olafson	PhoneCall	7/22/2019	I called Jeremy requesting a Right to Enter for USACE surveys (Message Left)
9383	JEREMY D HOLCK	Land Agency - Ulteig	Stefan (Oly) Olafson	PhoneCall	7/24/2020	Jeremy called me back and refused to allow a Right of Entry for USACE Surveys.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	In Person	10/25/2019	The 2nd Appraisal was completed and submitted to USACE for review. (Inspection was 9/23/2019)
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	USPS	1/23/2020	Notice of Relocation Eligibility sent to the Holcks.

					<p>Maria (Relocation Agent) and Oly Olafson (Acquisition Agent) met with Jeremy and Nichole Holck at the HDR office to give them the latest appraisal on their home, the RHDP which Maria worked up, and a letter of Just Compensation.</p> <p>We had a fairly good discussion. We explained the Replacement Housing payment has decreased some because the value of their home has increased. They were initially notified of their need to be relocated in 2009, so this is year number eleven waiting for the relocation. They have a very nice home with what they say is about \$100,000 invested in their landscaping. They live on a river lot on the Red River which has never experienced flooding. In December of 2018 an Acquisition Summary was presented to the Joint Board requesting approval of \$960,000 based on verified costs to replace their home on a similar lot (river lot) with an RHDP of \$10,390.55 PLUS \$175,000 for the replacement river lot, a total of \$185,390.55. The appraisal completed in 2015 and utilized in the December 2018 Acquisition Summary pegged the value of the home at \$397,500. The appraisal completed in September of 2019 valued the property at \$480,000, an increase of 17% or \$82,500. Unfortunately the market value of the property does not come close to allowing the Holck's to relocate to a similar home on a river lot in a similar area. Of the three comparable listings used in the RHDP only one, 7145 Woodland Circle is located on a river lot. That property is 44 years old versus 14 years old for the Holck property. The homes are of similar size but the Holck home was built with top end amenities, the basement was built flood-proof with 12" walls and I believe 10" floors, the construction is 2" x 6" with spray foam insulation throughout instead of batt insulation. The garage is insulated, finished, with in floor heat. The Holck's enjoy their outdoors, with landscaping throughout the property, they have planted trees, installed a sprinkler system and have extensive paver patios.</p> <p>They have been diligent in their homework, having compiled written bids to replace their home from three reputable home builders in 2016. At that time the cost per square foot for the Gross Living Area ranged from \$189.92/sq ft to \$197.98/sq ft. In the past 3 1/2 years the cost to build has increased beyond that. The Holck's went to a couple of landscape firms to get costs to replace the landscaping at a new location and the average of those quotes was \$125,080. Current asking prices for river lots run from around \$200,000 to \$275,000. These lots are located on the Sheyenne River, not the Red River and are located in areas of denser development. Jeremy and Nichole have put together a buyout/relocation with the following items and values; House - \$662,818.00/\$189.91 sq ft, Lot - \$233,739.00, Landscape - \$62,540 (1/2 of quote price), which totals \$959,097.00.</p> <p>They are ready, willing, and able to move forward with the buyout and relocation. Time is of the essence as a 60% design on the Red River Control Structure will be ready in September of 2021, at which time the project should move forward with construction of this structure. The Holck's would live in the house at an agreed upon rent during the construction of their new home.</p>	
9383	JEREMY D HOLCK	HMG_HDR	Stefan(Oly)Olafson	InPerson	2/4/2020, 4:15 PM	
9383	JEREMY D HOLCK	HMG_HDR	Stefan(Oly)Olafson	PhoneCall	1/27/2020, 2:55 PM	Agent called and left a message for Jeremy Holck to call me to set up a time to deliver the Appraisal, Letter of Just Compensation, RHDP paperwork, and the required brochure.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly)Olafson	InPerson	2/10/2020, 1:30 AM	I presented the Acquisition Summary for this OIN. Jeremy and Nichole are pretty adamant that the Joint Board provide them with enough money to build a new home on a river lot on the Sheyenne River. The appraisal on their home, completed in 2019 came in at \$480,000, the RHDP completed by HDR's relocation expert came in at \$60,000, providing the Holck's a minimum of \$540,000 to acquire replacement housing. If the 10% above appraisal were included, the amount rises to \$588,000. They have done their homework, according to them there are really no comparable homes in comparable locations listed for sale at this time. Back in 2016 they had builders prepare cost estimates, based on their existing floorplan, those estimates ranged from a low of \$662,818 and \$690,945 in 2016 building costs. (house only) Their preference is to build and live on the river, lots range in cost from around \$200,000 to a high of close to \$300,000, they are looking at a lot cost of \$233,739. They have estimates on the landscaping they have completed on their existing home, the average quote was \$125,080. So to build new they are looking at approximately \$959,097, approximately 63% above the amount offered. One solution would be to appeal the RHDP, I have suggested that to the Holck's.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	2/11/2020	I let Jeremy know the Board took no action on the RHDP
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	2/12/2020	Jeremy let me know his disappointment and why they think they are right on the value.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	2/13/2020	Asked what next steps they would like to take
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	2/17/2020	Hadn't heard so asked again
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	2/19/2020	Jeremy emailed asking if their RHDP was rejected.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	2/20/2020	I let Jeremy know the Board would not provide a formal written response, but will review the Summary and provide me with their thoughts. I let him know his BEST BET would be a fresh appraisal.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly)Olafson	Email from Jeremy	2/20/2020	I received an email from Jeremy Holck questioning if the acquisition summary of 2/13 was rejected.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	2/20/2020	Jeremy informed me that because of the inconsistency of the buyout process, he and Nichole have decided to seek legal advice.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	3/4/2020	Email informing me 3/6 would be a good day for a meeting.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	3/4/2020	email trying to set up meeting.
9383	JEREMY D HOLCK	HMG_HDR	Stefan(Oly) Olafson	Email from Jeremy	3/4/2020	Note from the Holck's asking for a meeting after meeting with their attorney.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly)Olafson	In Person	3/6/2020	Meeting with the Holck's at HDR to discuss value and RHDP
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly)Olafson	Email	3/24/2020, 11:00 AM	I spent some time looking at available property similar to the Holck property, made some changes to the RHDP and then changes to the Acquisition Summary. I sent these changes to Sabrina for inclusion in the packet for the Joint Board meeting.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	4/2/2020	I notified the Holck's that the previous RHDP was not appropriate, based on the value of their home. I provided them an updated RHDP.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	4/2/2020	Information reiterating their acquisition price from the March 6th meeting.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	4/2/2020	Request for details of the condemnation process. (I sent this on to Chris McShane.)
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	4/7/2020	I let Jeremy and Nichole I was working on a response to their request for a timeline on condemnation. I requested an email requesting an appeal to either the appraised value or the RHDP amount.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	4/7/2020	Information on what they would appeal. Listed discrepancies.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	4/8/2020	Information regarding info published on FM Diversion Website regarding other homes purchased
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	4/9/2020	Correction to information sent previously regarding 17554
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	USPS	4/23/2020	Notice of Relocation Eligibility sent to the Holcks as well as the RHDP
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	5/5/2020	Jeremy let me know that he and Nichole sent an appeal to the CCJWRD on their appraised value of the home.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	5/18/2020	I provided Jeremy and Nichole a breakdown on what was paid to the Campbell brothers and to the Kutbers.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	5/19/2020	Jeremy thanked me for trying to find a solution workable for both the Project and for he and Nichole. His thoughts is the information provided March 6th was their last effort to come to an agreement.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email	5/27/2020	Notice AECOM would be on their property for a few minutes on either the 2nd or 3rd of June.
9383	JEREMY D HOLCK	HMG_HDR	Stefan (Oly) Olafson	Email from Jeremy	5/27/2020	Jeremy requested the Archaeology Survey folks call prior to arriving for their survey.

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 Jeremy D. Holck (“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 9383

Lot 3, in Block 1, of Butch-R-Block Subdivision, situate in the County of Cass and the state of North Dakota, according to the certified plat thereof.

[¶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 April 22, 2020. A copy of the offer (without the appraisal that was included) is attached as **Exhibit 1**.

[¶9] On May 12, 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**.

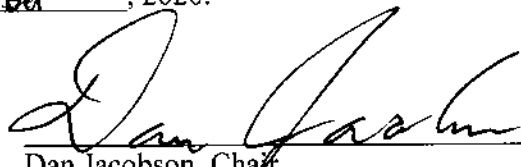
[¶10] The District and Landowner have not reached an agreement regarding compensation, and more than thirty days have passed since Landowner's receipt of the request for a meeting.

[¶11] On June 17, 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.

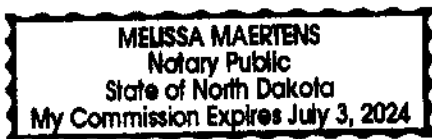
[¶13] I verify there have been no references, mention, or threats of quick take eminent domain by the District during negotiations since August 1, 2017.

Dated this 14 day of September, 2020.

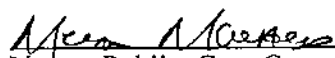


Dan Jacobson, Chair
Cass County Joint Water Resource District

Subscribed to and sworn to before me this 14 day of September, 2020.



(SEAL)



Notary Public, Cass County, State of North Dakota