

FM AREA DIVERSION PROJECT

# Property Owner Information Packet for Cass County Commission

October 5<sup>th</sup>, 2020

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PROPERTY OWNER: David Germanson

LAND AGENT: Ken Helvey with SRF

OIN: 5004 5009 5010 5011 5012 9054 9055 9056



FM AREA  
**DIVERSION**  
PROJECT

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## Written Correspondence Timeline – David Germanson

OIN 5004 5009 5010 5011 5012 9054 9055 9056	Sent	Received
Offer to Purchase	2/16/2019	2/19/2019
Formal Negotiations and Written Offer of Just Compensation	4/22/2020	4/25/2020
Request for Meeting	5/18/2020	5/30/2020
Notice of Intent to Take Possession of Right-of-Way	7/8/2020	7/9/2020
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	8/21/2020	8/21/2020
Invitation to Attend Public Meeting	8/26/2020	8/27/2020
Commission Meeting Date	<b>10/5/2020</b>	

**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: David Germanson
2. Land Agent: Ken Helvey
3. Parcel Nos.: 15-0000-10070-000; 15-0000-10090-000; 15-0000-10030-000;  
15-0000-10040-000; 15-0000-10100-000; 15-0000-10050-000;  
15-0000-10060-000; and 15-0000-10080-000
4. OIN Nos.: 5004; 5009; 5010; 5011; 5012; 9054; 9055; and 9056

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 and temporary easement, 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, regarding OINS 5004; 5009; 5010; 5011; 5012; 9054; 9055; and 9056.

# FM Area Diversion Project

## Property Negotiation Summary

September 28, 2020

Owner	David Germanson, ETAL
Mailing Address	7806 124 <sup>th</sup> Avenue South, Davenport, ND 58021
Property Location	SE-1 and Upstream Mitigation
Property Type	Agricultural
OIN	5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056 SE-1 1079, 1105 Upstream
Land Agent	Ken Helvey – SRF
Landowner Representative	Jonathan Garaas

### Property Need

The parcels are within the SE-1 and UMA areas associated with the Project. The CCJWRD is required to obtain partial acquisitions for these parcels.

### Appraisal Summary:

Appraisal Value / Date	\$440,600 (rd) – November 27, 2019		
Parcel Value	Area Size/ Description	Per Unit	Indicated Value
Fee: 5004 5009 5012 9054 9055	35.43 Acres	\$ 6,000	\$ 212,580
TCE: 5004 5009 5012 9054	8.36 Acres	\$ 200 (x 5 years)	\$ 8,360
Severance: 5004 5009 5012 9054	40.50 Acres		\$ 38,388
Fee: 9056	12.06 Acres	\$7,500.00	\$90,450
TCE: 9056	7.77 Acres	\$200 (x 5 years)	\$7,770
Severance: 9056	5.55 Acres	\$3,250	\$18,037
Fee: 5010 5011	11.10 Acres	\$5,500	\$61,050
TCE: 5010 5011	4.03 Acres	\$200 (x 5 years)	\$4,030
<b>APPRAISAL TOTAL (rd)</b>			<b>\$ 440,600.00</b>
Previous Counteroffer	<b>\$7,816,815</b> - see chart below		

### Negotiation Notes

- Landowner has stated that if he is to be forced out of farming, he would like to be totally out of farming, and for all his land to be purchased. Therefore, he had included parcels OIN 1105 and 1079, which were not necessary for the diversion project, however, are part of the Upstream Mitigation area. His revised counteroffer does not include these parcels (see chart below).

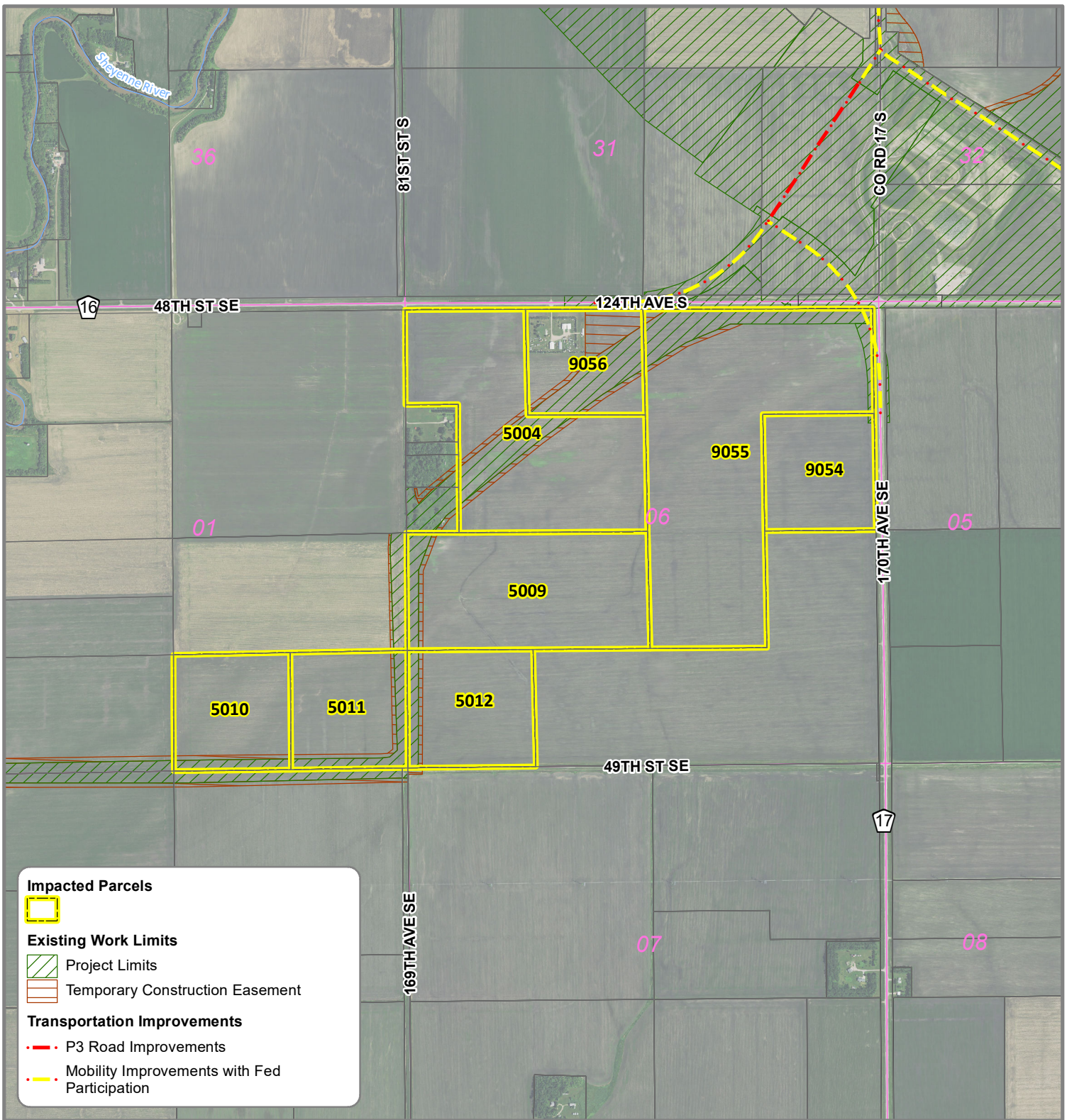
Parcel Value	Area Size/ Description	Per Unit	Counteroffer
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September 28, 2020

Fee: OIN 5004 (less 2.85 acres) 5009 5012 9054 9055 9056	431.5 Acres	\$14,750	\$6,364,625
TCE: OIN 9056	6.68 Acres	\$200 (x5 years)	\$6,680
Fee: 5010 5011	11.10 Acres	\$6,050	\$67,155
TCE: OIN 5010 5011	4.03 Acres	\$200 (x 5 years)	\$4,030
Fee: OIN 1105	40.05 Acres	\$14,700	\$588,735
Fee: OIN 1079	60.43 Acres	\$13,000	\$785,590
<b>1<sup>st</sup> COUNTEROFFER TOTAL (rd)</b>			<b>\$7,816,815</b>

<b>Parcel Value</b>	<b>Area Size/ Description</b>	<b>Per Unit</b>	<b>Counteroffer</b>
Fee: OIN 5004 (less 2.85 acres) 5009 5012 9054 9055 9056	431.5 Acres	\$14,750	\$6,364,625
TCE: OIN 9056	6.68 Acres	\$200 (x5 years)	\$6,680
Fee: 5010 5011	11.10 Acres	\$6,050	\$67,155
TCE: OIN 5010 5011	4.03 Acres	\$200 (x 5 years)	\$4,030
<b>2<sup>nd</sup> COUNTEROFFER TOTAL (rd)</b>			<b>\$6,442,490</b>

- Both options above were rejected by the CCJWRD on September 24, 2020. The demand to buy all the farmland was too much for land not needed for the project.



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\OIN 5004 et al Germanson .mxd

David Germanson

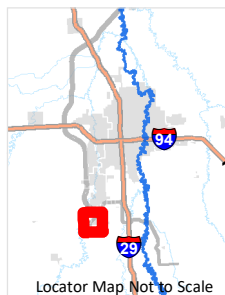
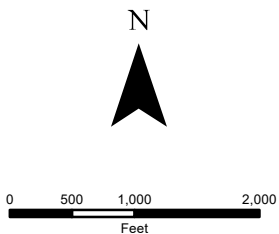
OINs: 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056

Parcel ID's: 15-0000-10070-000,  
 15-0000-10090-000, 15-0000-10030-000,  
 15-0000-10040-000, 15-0000-10100-000, 15-0000-10050-000  
 15-0000-10060-000, 15-0000-10080-000

Cass County, ND

FM AREA DIVERSION

Map Date: 5/19/2020







February 16, 2020

David Germanson  
7806 124th Ave S  
Davenport, ND 58021

RE: **Offer to Purchase**

**Parcel ID:** OIN 5004, 5009, 5010, 5011, 5012,  
9054, 9055, 9056

**Project Title:** Fargo Moorhead Diversion

**PID:** 15-0000-10070-000, 15-0000-10090-000, 15-0000-10030-000, 15-0000-10040-000, 15-0000-10100-000, 15-0000-10050-000, 15-0000-10060-000, 15-0000-10080-000

Dear Mr. Germanson,

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, Compass Land Consultants, Inc. The appraiser has determined that the market value of the interests being purchased is **\$440,600.00**. 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) and a summary of the offer is provided on Exhibit A (Offer Summary).

**The Cass County Joint Water Resource District hereby offers to pay you \$440,600.00 as Just Compensation for the property interests it must acquire from you.**

David Germanson  
Offer to Purchase

OIN 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056

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 at 763-249-6785 or by email at [khelvey@srfconsulting.com](mailto:khelvey@srfconsulting.com). 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. We are willing to meet with you in person as well as set up a time to discuss questions on the phone.

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

- Copy of the appraisal for Parcel ID OIN 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056 by Compass Land Consultants, Inc.
- 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,



Ken Helvey  
Principal  
Direct # 763-249-6785  
[khelvey@srfconsulting.com](mailto:khelvey@srfconsulting.com)  
One North Second Street, Fargo, ND 58102

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

\_\_\_\_\_  
David Germanson

Schedule and Cass County Joint Board Information can be found at: <https://fmdiversion.gov/lands-schedule/>

Enclosures: Appraisal Report, Exhibit A, Exhibit B

I:\Projects\7715-18\RW\_Parcels\5004\_5009\_5010\_5011\_5012\_9054\_9055\_9056 - Germanson\OIN 5004 5009 5010 5011 5012 9054 9055 9056 Germanson - Offer Letter.docx

**EXHIBIT A**

**ACQUISITION SUMMARY  
Fargo Moorhead Diversion**

**Offer to Purchase**

**Parcel ID:** OIN 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056

**Project Title:** Fargo Moorhead Diversion

**PID:** 15-0000-10070-000, 15-0000-10090-000, 15-0000-10030-000, 15-0000-10040-000, 15-0000-10100-000, 15-0000-10050-000, 15-0000-10060-000, 15-0000-10080-000

**Property Address:** OIN 9056: 16930 48 Street S., Horace, ND 58047 \_ Remaining OIN's: unassigned

Recorded Fee Owner: David Germanson

Property Legal Description:

SEE ATTACHED SURVEYS

Description of Property Interests to be Acquired: Fee Simple and Temporary Easement

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**

Parcel Value	Area Size/ Description	Per Unit	Indicated Value
<b>Land/Site Taking: 5004 5009 5012 9054 9055</b>	35.43 Acres	\$ 6,000	\$ 212,580.00
<b>Temporary Construction Easement: 5004 5009 5012 9054</b>	8.36 Acres	\$ 200 (x 5 years)	\$ 8,360.00
<b>Severance: 5004 5009 5012 9054</b>	40.50 Acres		\$ 38,388.00
<b>Land/Site Taking: 9056</b>	12.06 Acres	\$7,500.00	\$90,450.00
<b>Temporary Construction Easement: 9056</b>	7.77 Acres	\$200 (x 5 years)	\$7,770.00
<b>Severance: 9056</b>	5.55 Acres	\$3,250	\$18,037.50
<b>Land/Site Taking: 5010 5011</b>	11.10 Acres	\$5,500	\$61,050.00
<b>Temporary Construction Easement: 5010 5011</b>	4.03 Acres	\$200 (x 5 years)	\$4,030.00
<b>TOTAL (rounded)</b>			<b>\$ 440,600.00</b>



FAQs >

Track Another Package +

5004 ETAL  
Germanson

Tracking Number: 9505511429320049395130

Remove X

Your item was delivered in or at the mailbox at 10:48 am on February 19, 2020 in FARGO, ND 58104.

USPS Premium Tracking™ Available ▾

**Delivered**

February 19, 2020 at 10:48 am  
Delivered, In/At Mailbox  
FARGO, ND 58104

Feedback

Get Updates ▾

- Text & Email Updates** ▾
- Tracking History** ▾
- Premium Tracking** ▾
- Product Information** ▾

See Less ^



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

April 22, 2020

**Cass County  
Joint Water  
Resource  
District**

David Germanson  
5202 34th Street S  
Fargo, ND 58104  
**Certified No. 7019 1640 0002 0398 8255**

Greetings:

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Keith Weston  
Manager  
Fargo, North Dakota

RE: **Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Formal Negotiations and Written Offer of Just Compensation  
OINs: 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056  
Parcel Nos.: 15-0000-10070-000; 15-0000-10090-000; 15-0000-10030-000;  
15-0000-10040-000; 15-0000-10100-000; 15-0000-10050-000; 15-0000-  
10060-000; and 15-0000-10080-000**

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 and temporary easement 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 and a temporary easement from you. More specifically, to accommodate the Project, the District must acquire right of way and a temporary easement from you over property located in Cass County and identified as Parcel Identification Numbers 15-0000-10070-000; 15-0000-10090-000; 15-0000-10030-000; 15-0000-10040-000; 15-0000-10100-000; 15-0000-10050-000; 15-0000-10060-000; and 15-0000-10080-000. The legal description of the property to be acquired is:

Right of Way:  
OIN 5004

That part of the Southeast Quarter of the Northwest Quarter, that part of Government Lot 4 and that part of Government Lot 5, All in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet;

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)

thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3; thence South 88 degrees 20 minutes 29 seconds West along the south line of said Government Lot 3 for a distance of 499.64 feet to the southwest corner of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 39.39 feet to the point of beginning.

Said tract contains 9.80 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87 degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence South 87 degrees 37 minutes 10 seconds West along the north line of the Southwest Quarter of said Section 6 for a distance of 308.75 feet to the point of beginning.

Said tract contains 4.88 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West

along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southeast Quarter; thence South 02 degrees 14 minutes 25 seconds East along the west line of said Southeast Quarter for a distance of 120.70 feet to the point of beginning.

Said tract contains 3.70 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

That part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 119.54 feet to southwest corner thereof; thence North 87 degrees 13 minutes 43 seconds East along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.16 feet to the point of beginning.

Said tract contains 7.40 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet; thence South 01 degree 49

minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6; thence South 87 degrees 25 minutes 16 seconds West along the south line of the Southwest Quarter of said Section 6 for a distance of 115.78 feet to the point of beginning.

Said tract contains 3.72 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9054

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East on an assumed bearing along the east line of said Section 6 for a distance of 1290.90 feet to the northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.16 feet; thence South 02 degrees 51 minutes 24 seconds East for a distance of 81.71 feet; thence North 87 degrees 08 minutes 36 seconds East for a distance of 70.15 feet to the west line of said east 70.00 feet of Section 6; thence North 02 degrees 51 minutes 23 seconds West along the west line of said east 70.00 feet for a distance of 81.02 feet to the point of beginning.

Said tract contains 0.13 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 1 and that part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of said Government Lot 1; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the south line of



said Government Lot 1 for a distance of 70.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 225.38 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 20.10 feet to the south line of the north 80.00 feet of said Section 6, as measured at a right angle to and parallel with the north line of said Section 6; thence North 87 degrees 47 minutes 33 seconds East along the south line of said north 80.00 feet for a distance of 2579.03 feet to the west line of said east 70.00 feet of Section 6; thence South 02 degrees 51 minutes 23 seconds East along the west line of said east 70.00 feet for a distance of 1211.00 feet to the point of beginning.

Said tract contains 16.90 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet to the point of beginning; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3; thence North 02 degrees 57 minutes 54 seconds West along the east line of said Government Lot 3 for a distance of 490.46 feet to the point of beginning.

Said tract contains 11.67 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 75.01 feet to the south line of the north 75.00 feet of said Government Lot 3, said north 75.00 feet is measured at a right angle to and parallel with the north line of said Government Lot 3, the point of beginning; thence continuing South 02 degrees 57 minutes 54 seconds East along the east line of said Government Lot 3 for a distance of 25.10 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 669.94 feet; thence North 02 degrees 12 minutes 33 seconds West for a distance of 25.26 feet to the south line of said north 75.00 feet; thence North 87 degrees 48 minutes 19 seconds East along the south line of said north 75.00 feet for a distance of 669.61 feet to the point of beginning.

Said tract contains 0.39 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 5004

That part of Government Lot 4 and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning of said line; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5, said line there terminates. The northwesterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot 5.

Said tract contains 1.15 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of the Southeast Quarter of the Northwest Quarter and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet to the point of beginning of said line; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3, said line there terminates. The Southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot.

Said tract contains 1.93 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 4 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northwest corner of said Government Lot 4; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of said Government Lot 4 for a distance of 20.53 feet to the point of beginning; thence continuing South 02 degrees 22 minutes 11 seconds East along the west line of said Government Lot 4 for a distance of 1128.17 feet to the northwest corner of Auditor's Lot 1 according to Document No. 671909 on file and of record in the office of the Recorder, said Cass County; thence North 87 degrees 37 minutes 49 seconds East along the north line

of said Auditor's Lot 1 for a distance of 33.00 feet; thence North 02 degrees 22 minutes 11 seconds West, parallel with the west line of said Government Lot 4 for a distance of 1127.45 feet; thence South 88 degrees 52 minutes 17 seconds West for a distance of 33.01 feet to the point of beginning.

Said tract contains 0.85 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87 degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet to the point of beginning; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence North 87 degrees 37 minutes 10 seconds East along the north line of the Southwest Quarter of said Section 6 for a distance of 62.60 feet; thence South 34 degrees 36 minutes 27 seconds West for a distance of 52.09 feet; thence South 19 degrees 07 minutes 04 seconds West for a distance of 418.56 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 897.82 feet to the south line of said Government Lot 6; thence South 87 degrees 31 minutes 11 seconds West along the south line of said Government Lot 6 for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.57 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet to the point of beginning; thence South 87 degrees 28

minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 14 minutes 25 seconds West along the west line of said Southwest Quarter of the Southeast Quarter for a distance of 51.20 feet; thence North 87 degrees 06 minutes 18 seconds East for a distance of 516.22 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 808.73 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet to the point of beginning; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 50.01 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 1022.38 feet; thence North 85 degrees 24 minutes 46 seconds East for a distance of 71.69 feet; thence North 51 degrees 39 minutes 15 seconds East for a distance of 74.61 feet; thence North 03 degrees 18 minutes 47 seconds West for distance of 1117.55 feet to the north line of said Southeast Quarter of the Southeast Quarter; thence North 86 degrees 59 minutes 43 seconds East along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 38.01 feet to the point of beginning.

Said tract contains 2.50 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the left of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet to the point of beginning of said line; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north line of said Government Lot 7 and on the south line of the Southwest Quarter of said Section 6.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying southeasterly of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet to the point of beginning of said line; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2 said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 2 and on a line that bears North 87 degrees 48 minutes 04 seconds East from the point of beginning.

Said tract contains 1.33 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet to the point of beginning; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 225.38 feet to the west line of said Government Lot 2; thence South 02 degrees 57 minutes 54 seconds East along the west line of said Government Lot 2 for a distance of 147.36 feet to the point of beginning.

Said tract contains 0.38 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 100.11 feet to the point of beginning; thence continuing South 02 degrees 57 minutes 54 seconds East along the east line of said Government Lot 3 for a distance of 147.36 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said

Government Lot 3 for a distance of 61.47 feet; thence North 51 degrees 13 minutes 24 seconds East for a distance of 531.77 feet; thence North 41 degrees 45 minutes 57 seconds East for a distance of 323.96 feet; thence North 02 degrees 04 minutes 28 seconds West for a distance of 531.07 feet; thence North 87 degrees 47 minutes 27 seconds East for a distance of 669.94 feet to the point of beginning.

Said tract contains 6.68 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet to the point of beginning of said line; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3, said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south and east lines of said Government Lot 3.

Said tract contains 1.09 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Enclosed is an appraisal regarding the value of the right of way and temporary easement 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 \$364,080.00, and the temporary easement is \$20,160.00, and the damages to the remainder of your property is \$56,425.50 for a total purchase price of \$440,600.00. The District approved the appraisal and this letter is the District's offer to you in the amount of \$440,600.00 as just compensation to purchase right of way and a temporary easement 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.



David Germanson  
April 22, 2020  
Page 13

You are encouraged to maintain contact with the land agent assigned to your property. **Ken Helvey** of SRF Consulting Group, Inc. can be reached at **(763) 249-6785** or **khelvey@srfconsulting.com**. Ken is your point of contact for getting answers to any questions you have about the Project and acquisition of right of way and a temporary easement 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 and temporary easement. 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 and temporary easement to be acquired at an upcoming Cass County Joint Water Resource District meeting. Ultimately, the District must conclude all negotiations and complete all acquisitions by Fall 2020.

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



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

Enclosures

cc: Ken Helvey, 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:  
 DAVID GERMANSON  
 5202 34TH STREET S  
 FARGO ND 58104



9590 9402 3806 8032 1546 80

2. Article Number (Transfer from service label)

7019 1640 0002 0398 8255

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

*David Germanson*  Agent  
 Addressee

B. Received by (Printed Name)

DAVID GERMANSON 4/25/18

C. Date of Delivery

D. Is delivery address different from item?  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



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

May 18, 2020

**Cass County  
Joint Water  
Resource  
District**

David Germanson  
5202 34th Street S  
Fargo, ND 58104  
**Certified No. 7019 1640 0002 0398 8477**

Greetings:

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Ken Loughheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Keith Weston  
Manager  
Fargo, North Dakota

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Request for Meeting  
OINs: 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056  
Parcel Nos.: 15-0000-10070-000, 15-0000-10090-000,  
15-0000-10030-000, 15-0000-10040-000, 15-0000-10100-000,  
15-0000-10050-000, 15-0000-10060-000, 15-0000-10080-000

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 and temporary easement from you. The District's letter specifically described the right of way and temporary easement 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 and temporary easement 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 and temporary easement from you. The District is meeting at 8:00 a.m. on 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 and temporary easement 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 at least 24 hours in advance of the meeting so the necessary arrangements can be made and the call-in information provided to you.

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)

David Germanson  
OINs 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056  
May 18, 2020  
Page 2

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

North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way and temporary easement. The District must conclude all negotiations and complete the acquisition of right of way and temporary easement 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 and temporary easement. 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](mailto:lewisc@casscountynd.gov)

cc: Jonathan Garaas, Garaas Law Firm  
Ken Helvey, 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 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:

DAVID GERMANSON  
 5202 34TH STREET S  
 FARGO ND 58104



9590 9402 3806 8032 1543 76

2. Article Number (Transfer from service label)

7019 1640 0002 0398 8477

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Handwritten Signature]*  Agent  
 Addressee

B. Received by (Printed Name)

*[Handwritten Name]*

C. Date of Delivery

*[Handwritten Date]*

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

3. Service Type

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



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

July 8, 2020

Cass County  
Joint Water  
Resource  
District

David Germanson  
5202 34th Street S  
Fargo, ND 58104  
**Certified No. 7020 0090 0000 7648 3420**

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  
OINs: 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056  
Parcel Nos. 15-0000-10070-000, 15-0000-10090-000,  
15-0000-10030-000, 15-0000-10040-000,  
15-0000-10100-000, 15-0000-10050-000,  
15-0000-10060-000, 15-0000-10080-000**

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 temporary easement, and a Purchase Agreement as the District's offer of just compensation to purchase the right of way and temporary easement from you. In addition, I also provided you a letter dated May 18, 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 and temporary easement 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 and temporary 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  
[wrld@casscountynnd.gov](mailto:wrld@casscountynnd.gov)  
[casscountynnd.gov](http://casscountynnd.gov)

David Germanson

OINs 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056

July 8, 2020

Page 2

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

DAVID GERMANSON  
5202 34TH STREET S  
FARGO ND 58104



9590 9402 5989 0062 9065 94

2. Article Number (Transfer from service label)

7020 0090 0000 7648 3420

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*David Germanson*

- Agent
- Addressee

B. Received by (Printed Name)

DAVID GERMANSON

C. Date of Delivery

7/9/20

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)

August 21, 2020

**Cass County  
Joint Water  
Resource  
District**

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

Greetings:

Dan Jacobson  
Chairman  
West Fargo, 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 and  
 Temporary Easement  
 OINs: 5004, 5009, 5010, 5011, 5012, 9054, 9055, 9056  
 Parcel Nos. 15-0000-10070-000, 15-0000-10090-000,  
 15-0000-10030-000, 15-10040-000, 15-0000-10100-000,  
 15-0000-10050-000, 15-10060-000, 15-0000-10080-000

Rodger Olson  
Manager  
Leonard, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Keith Weston  
Manager  
Fargo, North Dakota

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

- Letter dated April 22, 2020, enclosing the District's appraisal for the acquisition of the right of way and temporary easement from the Landowner and a proposed Purchase Agreement;
- Letter dated May 18, 2020, inviting the Landowner to meet with the District for purposes of negotiating compensation for the right of way and temporary easement to be acquired; and
- Letter dated July 8, 2020, notifying the Landowner the District planned to submit a request to the Cass County Commission seeking immediate possession of the right of way and temporary easement necessary for the Project.

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)

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

Right of Way Easement:

OIN 5004

That part of the Southeast Quarter of the Northwest Quarter, that part of Government Lot 4 and that part of Government Lot 5, All in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3; thence South 88 degrees 20 minutes 29 seconds West along the south line of said Government Lot 3 for a distance of 499.64 feet to the southwest corner of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 39.39 feet to the point of beginning.

Said tract contains 9.80 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87 degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence South 87 degrees 37 minutes 10 seconds West along the north line of the Southwest Quarter of said Section 6 for a distance of 308.75 feet to the point of beginning.

Said tract contains 4.88 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southeast Quarter; thence South 02 degrees 14 minutes 25 seconds East along the west line of said Southeast Quarter for a distance of 120.70 feet to the point of beginning.

Said tract contains 3.70 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

That part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 119.54 feet to southwest corner thereof; thence North 87 degrees 13 minutes 43 seconds East along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.16 feet to the point of beginning.

Said tract contains 7.40 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6; thence South 87 degrees 25 minutes 16 seconds West along the south line of the Southwest Quarter of said Section 6 for a distance of 115.78 feet to the point of beginning.

Said tract contains 3.72 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9054

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East on an assumed bearing along the east line of said Section 6 for a distance of 1290.90 feet to the northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.16 feet; thence South 02 degrees 51 minutes 24 seconds East for a distance of 81.71 feet; thence North 87 degrees 08 minutes 36 seconds East for a distance of 70.15 feet to the west line of said east 70.00 feet of Section 6; thence North 02 degrees 51 minutes 23 seconds West along the west line of said east 70.00 feet for a distance of 81.02 feet to the point of beginning.

Said tract contains 0.13 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 1 and that part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of said Government Lot 1; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 225.38 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 20.10 feet to the south line of the north 80.00 feet of said Section 6, as measured at a right angle to and parallel with the north line of said Section 6; thence North 87 degrees 47 minutes 33 seconds East along the south line of said north 80.00 feet for a distance of 2579.03 feet to the west line of said east 70.00 feet of Section 6; thence South 02 degrees 51 minutes 23 seconds East along the west line of said east 70.00 feet for a distance of 1211.00 feet to the point of beginning.

Said tract contains 16.90 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet to the point of beginning; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes

57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3; thence North 02 degrees 57 minutes 54 seconds West along the east line of said Government Lot 3 for a distance of 490.46 feet to the point of beginning.

Said tract contains 11.67 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 75.01 feet to the south line of the north 75.00 feet of said Government Lot 3, said north 75.00 feet is measured at a right angle to and parallel with the north line of said Government Lot 3, the point of beginning; thence continuing South 02 degrees 57 minutes 54 seconds East along the east line of said Government Lot 3 for a distance of 25.10 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 669.94 feet; thence North 02 degrees 12 minutes 33 seconds West for a distance of 25.26 feet to the south line of said north 75.00 feet; thence North 87 degrees 48 minutes 19 seconds East along the south line of said north 75.00 feet for a distance of 669.61 feet to the point of beginning.

Said tract contains 0.39 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 5004

That part of Government Lot 4 and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an

assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning of said line; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5, said line there terminates. The northwesterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot 5.

Said tract contains 1.15 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of the Southeast Quarter of the Northwest Quarter and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet to the point of beginning of said line; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3, said line there terminates. The Southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot.

Said tract contains 1.93 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 4 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northwest corner of said Government Lot 4; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of said Government Lot 4 for a distance of 20.53 feet to the point of beginning; thence continuing South 02 degrees 22 minutes 11 seconds East along the west line of said Government Lot 4 for a distance of 1128.17 feet to the northwest corner of Auditor's Lot 1 according to Document No. 671909 on file and of record in the office of the Recorder, said Cass County; thence North 87 degrees 37 minutes 49 seconds East along the north line of said Auditor's Lot 1 for a distance of 33.00 feet; thence North 02 degrees 22 minutes 11 seconds West, parallel with the west line of said Government Lot 4 for a distance of 1127.45 feet; thence South 88 degrees 52 minutes 17 seconds West for a distance of 33.01 feet to the point of beginning.

Said tract contains 0.85 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87 degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet to the point of beginning; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence North 87 degrees 37 minutes 10 seconds East along the north line of the Southwest Quarter of said Section 6 for a distance of 62.60 feet; thence South 34 degrees 36 minutes 27 seconds West for a distance of 52.09 feet; thence South 19 degrees 07 minutes 04 seconds West for a distance of 418.56 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 897.82 feet to the south line of said Government Lot 6; thence South 87 degrees 31 minutes 11 seconds West along the south line of said Government Lot 6 for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.57 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.



OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet to the point of beginning; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 14 minutes 25 seconds West along the west line of said Southwest Quarter of the Southeast Quarter for a distance of 51.20 feet; thence North 87 degrees 06 minutes 18 seconds East for a distance of 516.22 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 808.73 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet to the point of beginning; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 50.01 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 1022.38 feet; thence North 85 degrees 24 minutes 46 seconds East for a distance of 71.69 feet; thence North

51 degrees 39 minutes 15 seconds East for a distance of 74.61 feet; thence North 03 degrees 18 minutes 47 seconds West for distance of 1117.55 feet to the north line of said Southeast Quarter of the Southeast Quarter; thence North 86 degrees 59 minutes 43 seconds East along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 38.01 feet to the point of beginning.

Said tract contains 2.50 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the left of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet to the point of beginning of said line; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north line of said Government Lot 7 and on the south line of the Southwest Quarter of said Section 6.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying southeasterly of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet to the point of

beginning of said line; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2 said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 2 and on a line that bears North 87 degrees 48 minutes 04 seconds East from the point of beginning.

Said tract contains 1.33 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet to the point of beginning; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 225.38 feet to the west line of said Government Lot 2; thence South 02 degrees 57 minutes 54 seconds East along the west line of said Government Lot 2 for a distance of 147.36 feet to the point of beginning.

Said tract contains 0.38 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance

of 100.11 feet to the point of beginning; thence continuing South 02 degrees 57 minutes 54 seconds East along the east line of said Government Lot 3 for a distance of 147.36 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 61.47 feet; thence North 51 degrees 13 minutes 24 seconds East for a distance of 531.77 feet; thence North 41 degrees 45 minutes 57 seconds East for a distance of 323.96 feet; thence North 02 degrees 04 minutes 28 seconds West for a distance of 531.07 feet; thence North 87 degrees 47 minutes 27 seconds East for a distance of 669.94 feet to the point of beginning.

Said tract contains 6.68 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet to the point of beginning of said line; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3, said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south and east lines of said Government Lot 3.

Said tract contains 1.09 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

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

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

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

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

Robert Wilson  
August 21, 2020  
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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)

cc: Ken Helvey, 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 26, 2020

**VIA UPS – DELIVERY CONFIRMATION**

**Board of County  
Commissioners**

David Germanson  
5202 - 34<sup>th</sup> Street South  
Fargo, North Dakota 58104

Chad M. Peterson  
Fargo, North Dakota

Rick Steen  
Fargo, North Dakota

Ken Pawluk  
Fargo, North Dakota

Duane Breitling  
West Fargo, North Dakota

Mary Scherling  
Stanley Township, North Dakota

Re: Cass County Commission  
Fargo-Moorhead Area Diversion Project  
Invitation to Attend Public Meeting  
OINs: 5004; 5009; 5010; 5011; 5012; 9054; 9055; 9056  
Parcel Nos.: 15-0000-10070-000; 15-0000-10090-000;  
15-0000-10030-000; 15-0000-10040-000; 15-0000-10100-000;  
15-0000-10050-000; 15-0000-10060-000; and  
15-0000-10080-000  
UPS Tracking No. 1Z F51 82Y 30 9214 1775

**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 and temporary easement necessary to accommodate the Project. You have been in negotiations with the District and its agents regarding the right of way and temporary easement the District must acquire from you for the Project. The District copied the Commission on the following three letters the District sent to you regarding the District’s negotiations with you:

- Letter dated April 22, 2020, enclosing the District’s appraisal for the acquisition of the right of way and temporary easement from you, along with a proposed Purchase Agreement;
- Letter dated May 18, 2020, inviting you to meet with the District for purposes of negotiating compensation for the right of way and temporary easement to be acquired; and
- Letter dated July 8, 2020, notifying you the District planned to submit a request to the Commission seeking immediate possession of the right of way and temporary easement necessary for the Project.

Heather Worden  
Commission Assistant

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

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 and temporary easement the District must purchase from you to accommodate the Project. With that in mind, the District recently requested approval from the Commission to utilize quick take eminent domain to take possession of the right of way and temporary easement the District must acquire from you. The legal description of the necessary right of way and temporary easement is as follows:

Right of Way Easement:  
OIN 5004

That part of the Southeast Quarter of the Northwest Quarter, that part of Government Lot 4 and that part of Government Lot 5, All in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3; thence South 88 degrees 20 minutes 29 seconds West along the south line of said Government Lot 3 for a distance of 499.64 feet to the southwest corner of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 39.39 feet to the point of beginning.

Said tract contains 9.80 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:



Beginning at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87 degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence South 87 degrees 37 minutes 10 seconds West along the north line of the Southwest Quarter of said Section 6 for a distance of 308.75 feet to the point of beginning.

Said tract contains 4.88 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southeast Quarter; thence South 02 degrees 14 minutes 25 seconds East along the west line of said Southeast Quarter for a distance of 120.70 feet to the point of beginning.

Said tract contains 3.70 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

That part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on

an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 119.54 feet to southwest corner thereof; thence North 87 degrees 13 minutes 43 seconds East along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.16 feet to the point of beginning.

Said tract contains 7.40 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6; thence South 87 degrees 25 minutes 16 seconds West along the south line of the Southwest Quarter of said Section 6 for a distance of 115.78 feet to the point of beginning.

Said tract contains 3.72 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9054

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East on an assumed bearing along the east line of said Section 6 for a distance of 1290.90 feet to the northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.16 feet; thence South 02 degrees 51 minutes 24 seconds East for a distance of 81.71 feet; thence North 87 degrees 08 minutes 36 seconds East for a distance of 70.15 feet to the west line of said east 70.00 feet of Section 6; thence North 02 degrees 51 minutes 23 seconds West along the west line of said east 70.00 feet for a distance of 81.02 feet to the point of beginning.

Said tract contains 0.13 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 1 and that part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of said Government Lot 1; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence

South 87 degrees 47 minutes 27 seconds West for a distance of 225.38 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 20.10 feet to the south line of the north 80.00 feet of said Section 6, as measured at a right angle to and parallel with the north line of said Section 6; thence North 87 degrees 47 minutes 33 seconds East along the south line of said north 80.00 feet for a distance of 2579.03 feet to the west line of said east 70.00 feet of Section 6; thence South 02 degrees 51 minutes 23 seconds East along the west line of said east 70.00 feet for a distance of 1211.00 feet to the point of beginning.

Said tract contains 16.90 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet to the point of beginning; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3; thence North 02 degrees 57 minutes 54 seconds West along the east line of said Government Lot 3 for a distance of 490.46 feet to the point of beginning.

Said tract contains 11.67 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 75.01 feet to the south line of the north 75.00 feet of said Government Lot 3, said north 75.00 feet is measured at a right angle to and parallel with the north line of said Government Lot 3, the point of beginning; thence continuing South 02 degrees 57 minutes 54 seconds East along the east line of said Government Lot 3 for a distance of 25.10 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 669.94 feet; thence North 02 degrees 12 minutes 33 seconds West for a distance of 25.26 feet to the south line of said north 75.00 feet; thence North 87 degrees 48 minutes 19 seconds East along the south line of said north 75.00 feet for a distance of 669.61 feet to the point of beginning.

Said tract contains 0.39 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 5004

That part of Government Lot 4 and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning of said line; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5, said line there terminates. The northwesterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot 5.

Said tract contains 1.15 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of the Southeast Quarter of the Northwest Quarter and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet to the point of beginning of said line; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3, said line there terminates. The Southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot.

Said tract contains 1.93 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 4 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northwest corner of said Government Lot 4; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of said Government Lot 4 for a distance of 20.53 feet to the point of beginning; thence continuing South 02 degrees 22 minutes 11 seconds East along the west line of said Government Lot 4 for a distance of 1128.17 feet to the northwest corner of Auditor's Lot 1 according to Document No. 671909 on file and of record in the office of the Recorder, said Cass County; thence North 87 degrees 37 minutes 49 seconds East along the north line of said Auditor's

Lot 1 for a distance of 33.00 feet; thence North 02 degrees 22 minutes 1 seconds West, parallel with the west line of said Government Lot 4 for a distance of 1127.45 feet; thence South 88 degrees 52 minutes 17 seconds West for a distance of 33.01 feet to the point of beginning.

Said tract contains 0.85 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87 degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet to the point of beginning; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence North 87 degrees 37 minutes 10 seconds East along the north line of the Southwest Quarter of said Section 6 for a distance of 62.60 feet; thence South 34 degrees 36 minutes 27 seconds West for a distance of 52.09 feet; thence South 19 degrees 07 minutes 04 seconds West for a distance of 418.56 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 897.82 feet to the south line of said Government Lot 6; thence South 87 degrees 31 minutes 11 seconds West along the south line of said Government Lot 6 for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.57 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said

Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet to the point of beginning; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 14 minutes 25 seconds West along the west line of said Southwest Quarter of the Southeast Quarter for a distance of 51.20 feet; thence North 87 degrees 06 minutes 18 seconds East for a distance of 516.22 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 808.73 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet to the point of beginning; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 50.01 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 1022.38 feet; thence North 85 degrees 24 minutes 46 seconds East for a distance of 71.69 feet; thence North 51 degrees 39 minutes 15 seconds East for a distance of 74.61 feet; thence North 03 degrees 18 minutes 47 seconds West for distance of 1117.55 feet to the north line of said Southeast Quarter of the Southeast Quarter; thence North 86 degrees 59 minutes 43 seconds East along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 38.01 feet to the point of beginning.



Said tract contains 2.50 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the left of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet to the point of beginning of said line; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north line of said Government Lot 7 and on the south line of the Southwest Quarter of said Section 6.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying southeasterly of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet to the point of beginning of said line; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet

to the west line of said Government Lot 2 said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 2 and on a line that bears North 87 degrees 48 minutes 04 seconds East from the point of beginning.

Said tract contains 1.33 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet to the point of beginning; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 225.38 feet to the west line of said Government Lot 2; thence South 02 degrees 57 minutes 54 seconds East along the west line of said Government Lot 2 for a distance of 147.36 feet to the point of beginning.

Said tract contains 0.38 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 100.11 feet to the point of beginning; thence continuing South 02 degrees 57 minutes 54 seconds East along the east line of said Government Lot 3 for a distance of 147.36 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 61.47 feet; thence North 51 degrees 13 minutes 24 seconds East for a distance of 531.77 feet; thence North 41 degrees 45 minutes 57 seconds East for a distance of 323.96 feet; thence North 02 degrees 04 minutes 28 seconds West for a distance of 531.07 feet; thence North 87 degrees 47 minutes 27 seconds East for a distance of 669.94 feet to the point of beginning.

Said tract contains 6.68 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet to the point of beginning of said line; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3, said line there terminates. The southeasterly sideline of said strip shall be lengthened

or shortened as necessary to terminate on the south and east lines of said Government Lot 3.

Said tract contains 1.09 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

The Commission invites you to attend the Commission's meeting on October 5, 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 and temporary easement over your property

If you wish to participate in the Commission's October 5, 2020 public meeting via conference call or Microsoft Teams, please contact Heather Worden at (701) 241-5609 or [wordenh@casscountynd.gov](mailto:wordenh@casscountynd.gov) as soon as possible so Ms. Worden can assist you with the necessary arrangements.

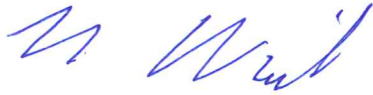
This Notice does not preclude you from continuing to work with the District regarding the right of way easement and temporary easement necessary for the Project. In fact, the Commission and the District encourage you to maintain contact with **Ken Helvey** and to continue discussions about the Project.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

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

Germanson  
August 26, 2020  
Page 15

Sincerely,

CASS COUNTY COMMISSION



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

cc: Jonathan Garaas, Garaas Law Firm  
Ken Helvey, 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**

1ZF5182Y3092141775

**Weight**

0.00 LBS

**Service**

UPS Next Day Air Saver®  
with UPS Carbon Neutral 

**Shipped / Billed On**

08/25/2020

**Delivered On**

08/27/2020 12:54 P.M.

**Delivered To**

5202 34TH ST S  
FARGO, ND, 58104, US

**Received By**

DRIVER RELEASE

**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: 08/31/2020 4:37 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 interest in real property from David Germanson (“Landowner”) for construction, operation, and maintenance of the Project.

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

Right of Way  
OIN 5004

That part of the Southeast Quarter of the Northwest Quarter, that part of Government Lot 4 and that part of Government Lot 5, All in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3;

thence South 88 degrees 20 minutes 29 seconds West along the south line of said Government Lot 3 for a distance of 499.64 feet to the southwest corner of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 39.39 feet to the point of beginning.

Said tract contains 9.80 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87 degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence South 87 degrees 37 minutes 10 seconds West along the north line of the Southwest Quarter of said Section 6 for a distance of 308.75 feet to the point of beginning.

Said tract contains 4.88 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southeast Quarter; thence South 02 degrees 14 minutes 25 seconds East along the west line of said Southeast Quarter for a distance of 120.70 feet to the point of beginning.

Said tract contains 3.70 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.



OIN 5011

That part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 119.54 feet to southwest corner thereof; thence North 87 degrees 13 minutes 43 seconds East along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.16 feet to the point of beginning.

Said tract contains 7.40 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6; thence South 87 degrees 25 minutes 16 seconds West along the south line of the Southwest Quarter of said Section 6 for a distance of 115.78 feet to the point of beginning.

Said tract contains 3.72 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9054

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East on an assumed bearing along the east line of said Section 6 for a distance of 1290.90 feet to the northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.16 feet; thence South 02 degrees 51 minutes 24 seconds East for a distance of 81.71 feet; thence North 87 degrees 08 minutes 36 seconds East for a distance of 70.15 feet to the west line of said east 70.00 feet of Section 6; thence North 02 degrees 51 minutes 23 seconds West along the west line of said east 70.00 feet for a distance of 81.02 feet to the point of beginning.

Said tract contains 0.13 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 1 and that part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of said Government Lot 1; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a

distance of 225.38 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 20.10 feet to the south line of the north 80.00 feet of said Section 6, as measured at a right angle to and parallel with the north line of said Section 6; thence North 87 degrees 47 minutes 33 seconds East along the south line of said north 80.00 feet for a distance of 2579.03 feet to the west line of said east 70.00 feet of Section 6; thence South 02 degrees 51 minutes 23 seconds East along the west line of said east 70.00 feet for a distance of 1211.00 feet to the point of beginning.

Said tract contains 16.90 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet to the point of beginning; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3; thence North 02 degrees 57 minutes 54 seconds West along the east line of said Government Lot 3 for a distance of 490.46 feet to the point of beginning.

Said tract contains 11.67 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 75.01 feet to the south line of the north 75.00 feet of said Government Lot 3, said north 75.00 feet is measured at a right angle to and parallel with the north line of said Government Lot 3, the point of beginning; thence continuing South 02 degrees 57 minutes 54

seconds East along the east line of said Government Lot 3 for a distance of 25.10 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 669.94 feet; thence North 02 degrees 12 minutes 33 seconds West for a distance of 25.26 feet to the south line of said north 75.00 feet; thence North 87 degrees 48 minutes 19 seconds East along the south line of said north 75.00 feet for a distance of 669.61 feet to the point of beginning.

Said tract contains 0.39 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:  
OIN 5004

That part of Government Lot 4 and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning of said line; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5, said line there terminates. The northwesterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot 5.

Said tract contains 1.15 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of the Southeast Quarter of the Northwest Quarter and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03

degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet to the point of beginning of said line; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3, said line there terminates. The Southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot.

Said tract contains 1.93 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 4 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northwest corner of said Government Lot 4; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of said Government Lot 4 for a distance of 20.53 feet to the point of beginning; thence continuing South 02 degrees 22 minutes 11 seconds East along the west line of said Government Lot 4 for a distance of 1128.17 feet to the northwest corner of Auditor's Lot 1 according to Document No. 671909 on file and of record in the office of the Recorder, said Cass County; thence North 87 degrees 37 minutes 49 seconds East along the north line of said Auditor's Lot 1 for a distance of 33.00 feet; thence North 02 degrees 22 minutes 11 seconds West, parallel with the west line of said Government Lot 4 for a distance of 1127.45 feet; thence South 88 degrees 52 minutes 17 seconds West for a distance of 33.01 feet to the point of beginning.

Said tract contains 0.85 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87

degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet to the point of beginning; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence North 87 degrees 37 minutes 10 seconds East along the north line of the Southwest Quarter of said Section 6 for a distance of 62.60 feet; thence South 34 degrees 36 minutes 27 seconds West for a distance of 52.09 feet; thence South 19 degrees 07 minutes 04 seconds West for a distance of 418.56 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 897.82 feet to the south line of said Government Lot 6; thence South 87 degrees 31 minutes 11 seconds West along the south line of said Government Lot 6 for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.57 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet to the point of beginning; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 14 minutes 25 seconds West along the west line of said Southwest Quarter of the Southeast Quarter for a distance of 51.20 feet; thence North 87 degrees 06 minutes 18 seconds East for a distance of 516.22 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 808.73 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet to the point of beginning; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 50.01 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 1022.38 feet; thence North 85 degrees 24 minutes 46 seconds East for a distance of 71.69 feet; thence North 51 degrees 39 minutes 15 seconds East for a distance of 74.61 feet; thence North 03 degrees 18 minutes 47 seconds West for distance of 1117.55 feet to the north line of said Southeast Quarter of the Southeast Quarter; thence North 86 degrees 59 minutes 43 seconds East along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 38.01 feet to the point of beginning.

Said tract contains 2.50 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the left of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet to the point of beginning of said line; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north line of said Government Lot 7 and on the south line of the Southwest Quarter of said Section 6.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying southeasterly of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet to the point of beginning of said line; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2 said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 2 and on a line that bears North 87 degrees 48 minutes 04 seconds East from the point of beginning.

Said tract contains 1.33 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02



degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet to the point of beginning; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 225.38 feet to the west line of said Government Lot 2; thence South 02 degrees 57 minutes 54 seconds East along the west line of said Government Lot 2 for a distance of 147.36 feet to the point of beginning.

Said tract contains 0.38 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 100.11 feet to the point of beginning; thence continuing South 02 degrees 57 minutes 54 seconds East along the east line of said Government Lot 3 for a distance of 147.36 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 61.47 feet; thence North 51 degrees 13 minutes 24 seconds East for a distance of 531.77 feet; thence North 41 degrees 45 minutes 57 seconds East for a distance of 323.96 feet; thence North 02 degrees 04 minutes 28 seconds West for a distance of 531.07 feet; thence North 87 degrees 47 minutes 27 seconds East for a distance of 669.94 feet to the point of beginning.

Said tract contains 6.68 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49

feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet to the point of beginning of said line; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3, said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south and east lines of said Government Lot 3.

The property described above is the "Necessary Property."

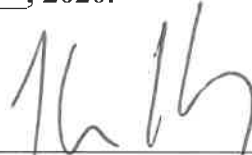
[¶5] Affiant is familiar with the records maintained by SRF Consulting Group, Inc. with respect to the Necessary Property and has reviewed all such records prior to executing this affidavit.

[¶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.

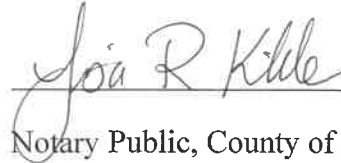
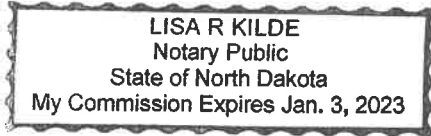
[¶8] I verify to the best of my knowledge, as Principal/land Agent of SRF Consulting Group, Inc., nobody from SRF Consulting Group, Inc. has referenced, mentioned, or threatened quick take eminent domain to Landowner during negotiations since August 1, 2017.

Dated this 23 day of September, 2020.



\_\_\_\_\_  
Ken Helvey  
Principal/land Agent

Subscribed to and sworn to before me this 23 day of September, 2020.



\_\_\_\_\_  
Notary Public, County of Cass

State of North Dakota

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

(SEAL)

"Exhibit A"

**OIN 5004 5009 5010 5011 5012 9054 9055 9056 - Germanson Contact Attempts**

<b>Date</b>	<b>Note</b>
2/17/2020	Appraisal and offer letter sent
4/22/2020	Formal offer letter sent
5/18/2020	CCJWRD invite sent
5/30/2020	CCJWRD invite received
6/3/2020	Owner working on a settlement with Garaas. Issues are in valuation
6/29/2020	Call with J. Garaas re: counter offer and other sales in the area.
7/14/2020	Call with Garaas to arrange a call or meeting
7/16/2020	Call with J. Garaas regarding counter offers and Board consideration
7/30/2020	Emailed J. Garaas that Board didn't accept counter and what we think might work
8/24/2020	Emailed possible proposed settlement to attorney
9/1/2020	Email follow up to 8/24 email
9/10/2020	Received letter from attorney with new counter offer. This will be presented to Board on 9/24/2020
9/10/2020	Email with Garaas regarding letter and restated out counter proposal

**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 Metro Flood Diversion Authority, the District is responsible for acquiring the right of way in North Dakota necessary to accommodate the Fargo-Moorhead Area Diversion Project (the “Project”).

[¶4] The District has concluded acquisition of a Right of Way and Temporary Easement in and to real property owned by David Germanson (“Landowner”) is necessary for the Project.

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

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

Right of Way  
OIN 5004

That part of the Southeast Quarter of the Northwest Quarter, that part of Government Lot 4 and that part of Government Lot 5, All in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet; thence North 49 degrees 00 minutes 15

seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3; thence South 88 degrees 20 minutes 29 seconds West along the south line of said Government Lot 3 for a distance of 499.64 feet to the southwest corner of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 39.39 feet to the point of beginning.

Said tract contains 9.80 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87 degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence South 87 degrees 37 minutes 10 seconds West along the north line of the Southwest Quarter of said Section 6 for a distance of 308.75 feet to the point of beginning.

Said tract contains 4.88 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southeast Quarter; thence South 02 degrees 14 minutes 25 seconds East along the west line of said Southeast Quarter for a distance of 120.70 feet to the point of beginning.

Said tract contains 3.70 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

That part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 119.54 feet to southwest corner thereof; thence North 87 degrees 13 minutes 43 seconds East along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.16 feet to the point of beginning.

Said tract contains 7.40 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6; thence South 87 degrees 25 minutes 16 seconds West along the south line of the Southwest Quarter of said Section 6 for a distance of 115.78 feet to the point of beginning.

Said tract contains 3.72 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9054

That part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East on an assumed bearing along the east line of said Section 6 for a distance of 1290.90 feet to the northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the north line of said Southeast Quarter of the Northeast Quarter for a distance of 70.16 feet; thence South 02 degrees 51 minutes 24 seconds East for a distance of 81.71 feet; thence North 87 degrees 08 minutes 36 seconds East for a distance of 70.15 feet to the west line of said east 70.00 feet of Section 6; thence North 02 degrees 51 minutes 23 seconds West along the west line of said east 70.00 feet for a distance of 81.02 feet to the point of beginning.

Said tract contains 0.13 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 1 and that part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of said Government Lot 1; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.00 feet to the west line of the east 70.00 feet of said Section 6, as measured at a right angle to and parallel with the east line of said Section 6, the point of beginning; thence continuing South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 70.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a



distance of 225.38 feet to the west line of said Government Lot 2; thence North 02 degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 20.10 feet to the south line of the north 80.00 feet of said Section 6, as measured at a right angle to and parallel with the north line of said Section 6; thence North 87 degrees 47 minutes 33 seconds East along the south line of said north 80.00 feet for a distance of 2579.03 feet to the west line of said east 70.00 feet of Section 6; thence South 02 degrees 51 minutes 23 seconds East along the west line of said east 70.00 feet for a distance of 1211.00 feet to the point of beginning.

Said tract contains 16.90 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet to the point of beginning; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3; thence North 02 degrees 57 minutes 54 seconds West along the east line of said Government Lot 3 for a distance of 490.46 feet to the point of beginning.

Said tract contains 11.67 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 75.01 feet to the south line of the north 75.00 feet of said Government Lot 3, said north 75.00 feet is measured at a right angle to and parallel with the north line of said Government Lot 3, the point of beginning; thence continuing South 02 degrees 57 minutes 54

seconds East along the east line of said Government Lot 3 for a distance of 25.10 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 669.94 feet; thence North 02 degrees 12 minutes 33 seconds West for a distance of 25.26 feet to the south line of said north 75.00 feet; thence North 87 degrees 48 minutes 19 seconds East along the south line of said north 75.00 feet for a distance of 669.61 feet to the point of beginning.

Said tract contains 0.39 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 5004

That part of Government Lot 4 and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet to the point of beginning of said line; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5, said line there terminates. The northwesterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot 5.

Said tract contains 1.15 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of the Southeast Quarter of the Northwest Quarter and that part of Government Lot 5 in Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the north quarter corner of said Section 6; thence South 87 degrees 48 minutes 19 seconds West on an assumed bearing along the north line of Government Lot 3 of said Section 6 for a distance of 1342.67 feet to the northwest corner of said Government Lot 3; thence South 03

degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 1243.10 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 250.63 feet; thence South 48 degrees 39 minutes 54 seconds West for a distance of 755.13 feet to a point on a line 595.00 feet east of, as measured at a right angle to and parallel with the west line of said Government Lot 5; thence South 02 degrees 22 minutes 11 seconds East along said parallel line for a distance of 422.16 feet to the point of beginning of said line; thence North 49 degrees 00 minutes 15 seconds East for a distance of 1177.31 feet; thence North 51 degrees 56 minutes 16 seconds East for a distance of 454.68 feet to the south line of said Government Lot 3, said line there terminates. The Southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south line of said Government Lot 3 and on said parallel line 595.00 feet east of the west line of said Government Lot.

Said tract contains 1.93 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 4 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northwest corner of said Government Lot 4; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of said Government Lot 4 for a distance of 20.53 feet to the point of beginning; thence continuing South 02 degrees 22 minutes 11 seconds East along the west line of said Government Lot 4 for a distance of 1128.17 feet to the northwest corner of Auditor's Lot 1 according to Document No. 671909 on file and of record in the office of the Recorder, said Cass County; thence North 87 degrees 37 minutes 49 seconds East along the north line of said Auditor's Lot 1 for a distance of 33.00 feet; thence North 02 degrees 22 minutes 11 seconds West, parallel with the west line of said Government Lot 4 for a distance of 1127.45 feet; thence South 88 degrees 52 minutes 17 seconds West for a distance of 33.01 feet to the point of beginning.

Said tract contains 0.85 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5009

That part of Government Lot 6 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the west quarter corner of said Section 6; thence South 02 degrees 22 minutes 11 seconds East on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.14 feet to the southwest corner of said Government Lot 6; thence North 87

degrees 31 minutes 11 seconds East along the south line of said Government Lot 6 for a distance of 128.26 feet to the point of beginning; thence North 01 degree 49 minutes 53 seconds West for a distance of 907.59 feet; thence North 19 degrees 01 minute 09 seconds East for a distance of 432.03 feet; thence North 34 degrees 36 minutes 27 seconds East for a distance of 23.95 feet to the north line of the Southwest Quarter of said Section 6; thence North 87 degrees 37 minutes 10 seconds East along the north line of the Southwest Quarter of said Section 6 for a distance of 62.60 feet; thence South 34 degrees 36 minutes 27 seconds West for a distance of 52.09 feet; thence South 19 degrees 07 minutes 04 seconds West for a distance of 418.56 feet; thence South 01 degree 49 minutes 53 seconds East for a distance of 897.82 feet to the south line of said Government Lot 6; thence South 87 degrees 31 minutes 11 seconds West along the south line of said Government Lot 6 for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.57 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5010

That part of the Southwest Quarter of the Southeast Quarter of Section 1, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the south quarter corner of said Section 1; thence North 87 degrees 13 minutes 43 seconds East on an assumed bearing along the south line of the Southeast Quarter of said Section 1 for a distance of 1325.15 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 119.54 feet to the point of beginning; thence South 87 degrees 28 minutes 26 seconds West for a distance of 808.16 feet; thence South 86 degrees 58 minutes 25 seconds West for a distance of 516.86 feet to the west line of said Southwest Quarter of the Southeast Quarter; thence North 02 degrees 14 minutes 25 seconds West along the west line of said Southwest Quarter of the Southeast Quarter for a distance of 51.20 feet; thence North 87 degrees 06 minutes 18 seconds East for a distance of 516.22 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 808.73 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence South 02 degrees 18 minutes 19 seconds East along the east line of said Southwest Quarter of the Southeast Quarter for a distance of 50.01 feet to the point of beginning.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5011

West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the southeast corner of said Section 1; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the east line of the Southeast Quarter of said Section 1 for a distance of 1329.15 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 86 degrees 59 minutes 43 seconds West along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 150.95 feet to the point of beginning; thence South 03 degrees 57 minutes 28 seconds East for a distance of 1127.20 feet; thence South 45 degrees 46 minutes 01 second West for a distance of 112.63 feet; thence South 80 degrees 23 minutes 03 seconds West for a distance of 99.10 feet; thence South 87 degrees 28 minutes 26 seconds West for a distance of 1023.11 feet to the west line of said Southeast Quarter of the Southeast Quarter; thence North 02 degrees 18 minutes 19 seconds West along the west line of said Southeast Quarter of the Southeast Quarter for a distance of 50.01 feet; thence North 87 degrees 28 minutes 26 seconds East for a distance of 1022.38 feet; thence North 85 degrees 24 minutes 46 seconds East for a distance of 71.69 feet; thence North 51 degrees 39 minutes 15 seconds East for a distance of 74.61 feet; thence North 03 degrees 18 minutes 47 seconds West for distance of 1117.55 feet to the north line of said Southeast Quarter of the Southeast Quarter; thence North 86 degrees 59 minutes 43 seconds East along the north line of said Southeast Quarter of the Southeast Quarter for a distance of 38.01 feet to the point of beginning.

Said tract contains 2.50 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 5012

That part of Government Lot 7 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the left of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the southwest corner of said Section 6; thence North 02 degrees 22 minutes 11 seconds West on an assumed bearing along the west line of the Southwest Quarter of said Section 6 for a distance of 1329.15 feet to the northwest corner of said Government Lot 7; thence North 87 degrees 31 minutes 11 seconds East along the north line of said Government Lot 7 for a distance of 128.26 feet to the point of beginning of said line; thence South 01 degree 49 minutes 53 seconds East for a distance of 1329.03 feet to the south line of the Southwest Quarter of said Section 6, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north line of said Government Lot 7 and on the south line of the Southwest Quarter of said Section 6.

Said tract contains 1.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9055

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying southeasterly of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet to the point of beginning of said line; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2 said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the west line of said Government Lot 2 and on a line that bears North 87 degrees 48 minutes 04 seconds East from the point of beginning.

Said tract contains 1.33 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 2, Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Section 6; thence South 02 degrees 51 minutes 23 seconds East along the east line of said Section 6 for a distance of 1290.90 feet to the southeast corner of Government Lot 1 of said Section 6; thence South 87 degrees 42 minutes 22 seconds West along the south line of said Government Lot 1 for a distance of 140.16 feet; thence North 02 degrees 51 minutes 23 seconds West for a distance of 373.04 feet; thence northwesterly along a tangential curve concave to the west, having a radius of 1750.20 feet and a central angle of 22 degrees 29 minutes 27 seconds for an arc distance of 687.02 feet; thence South 87 degrees 48 minutes 04 seconds West for a distance of 1405.33 feet; thence South 65 degrees 37 minutes 48 seconds West for a distance of 545.86 feet; thence South 56 degrees 10 minutes 03 seconds West for a distance of 537.99 feet to the west line of said Government Lot 2; thence North 02

degrees 57 minutes 54 seconds West along the west line of said Government Lot 2 for a distance of 490.46 feet to the point of beginning; thence North 54 degrees 23 minutes 16 seconds East for a distance of 267.64 feet; thence South 87 degrees 47 minutes 27 seconds West for a distance of 225.38 feet to the west line of said Government Lot 2; thence South 02 degrees 57 minutes 54 seconds East along the west line of said Government Lot 2 for a distance of 147.36 feet to the point of beginning.

Said tract contains 0.38 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 9056

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 100.11 feet to the point of beginning; thence continuing South 02 degrees 57 minutes 54 seconds East along the east line of said Government Lot 3 for a distance of 147.36 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49 feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence North 03 degrees 12 minutes 57 seconds West along the west line of said Government Lot 3 for a distance of 61.47 feet; thence North 51 degrees 13 minutes 24 seconds East for a distance of 531.77 feet; thence North 41 degrees 45 minutes 57 seconds East for a distance of 323.96 feet; thence North 02 degrees 04 minutes 28 seconds West for a distance of 531.07 feet; thence North 87 degrees 47 minutes 27 seconds East for a distance of 669.94 feet to the point of beginning.

Said tract contains 6.68 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

That part of Government Lot 3 of Section 6, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 50.00 feet wide, lying to the right of, as measured at a right angle to and parallel with a line described as follows:

Commencing at a found iron monument which designates the northeast corner of said Government Lot 3; thence South 02 degrees 57 minutes 54 seconds East on an assumed bearing along the east line of said Government Lot 3 for a distance of 247.47 feet; thence South 54 degrees 23 minutes 16 seconds West for a distance of 768.72 feet; thence South 41 degrees 45 minutes 57 seconds West for a distance of 321.49

feet; thence South 51 degrees 13 minutes 24 seconds West for a distance of 571.65 feet to the west line of said Government Lot 3; thence South 03 degrees 12 minutes 57 seconds East along the west line of said Government Lot 3 for a distance of 39.39 feet to the southwest corner thereof; thence North 88 degrees 20 minutes 29 seconds East along the south line of said Government Lot 3 for a distance of 499.64 feet to the point of beginning of said line; thence North 51 degrees 56 minutes 16 seconds East for a distance of 434.71 feet; thence North 56 degrees 10 minutes 03 seconds East for a distance of 561.25 feet to the east line of said Government Lot 3, said line there terminates. The southeasterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south and east lines of said Government Lot 3.

Said tract contains 1.09 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

[¶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 18, 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.

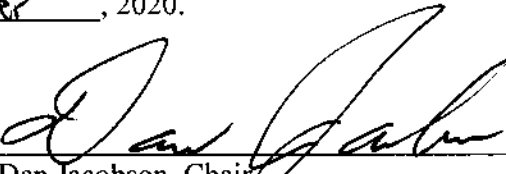
[¶11] On July 8, 2020, the District sent Landowner a written notice of intent to take possession of the Right of Way and Temporary Easement, by certified mail. A copy of the notice of intent is attached as **Exhibit 3**.



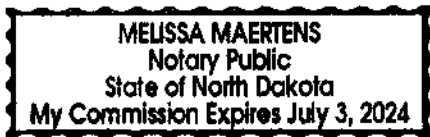
[¶12] The District has retained land agents who are in direct contact with Landowner. The District instructed our land agents not to reference, mention, or threaten quick take eminent domain during negotiations. The land agents have verified they have not referenced, mentioned, or threatened quick take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

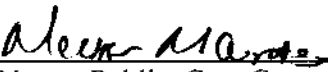
Dated this 25 day of September, 2020.

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

Subscribed to and sworn to before me this 25 day of September, 2020.



(SEAL)

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