

FM AREA DIVERSION PROJECT

# Property Owner Information Packet for Cass County Commission

October 19<sup>th</sup>, 2020

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PROPERTY OWNER: Cheryl Evert Etal

LAND AGENT: Jamie Wark with SRF

OIN: 5016



FM AREA  
**DIVERSION**  
PROJECT

# TABLE OF CONTENTS

WRITTEN CORRESPONDENCE TIMELINE.....	1
L.R.E.D CHECKLIST FOR COMPLIANCE WITH N.D. CENTURY CODE .....	2
NEGOTIATING SUMMARY .....	4
PARCEL EXHIBIT .....	5
OFFER TO PURCHASE .....	6
<i>Proof of Delivery</i> .....	12
FORMAL NEGOTIATIONS AND WRITTEN OFFER OF JUST COMPENSATION .....	14
<i>Proof of Delivery</i> .....	20
REQUEST FOR MEETING.....	21
<i>Proof of Delivery</i> .....	25
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY .....	26
<i>Proof of Delivery</i> .....	30
REQUEST FOR APPROVAL TO TAKE POSSESSION OF NECESSARY RIGHT OF WAY AND TEMPORARY EASEMENT .....	31
INVITATION TO ATTEND PUBLIC MEETING.....	35
<i>Proof of Delivery</i> .....	41
AFFIDAVIT OF LAND AGENT .....	42
<i>Contact Log</i> .....	45
AFFIDAVIT OF DAN JACOBSON FOR CASS COUNTY COMMISSION.....	46

## Written Correspondence Timeline – Cheryl Evert Etal

OIN 5016	Sent	Received
Offer to Purchase	12/20/2019	12/24/2019
Formal Negotiations and Written Offer of Just Compensation	4/6/2020	5/21/2020
Request for Meeting	6/17/2020	6/22/2020
Notice of Intent to Take Possession of Right-of-Way	7/27/2020	8/3/2020
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	9/2/2020	9/2/2020
Invitation to Attend Public Meeting	9/11/2020	9/14/2020
Commission Meeting Date	<b>10/19/2020</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: Cheryl Evert, Mary Nerby, and Beverly Wolf
2. Land Agent: Jamie Wark
3. Parcel No.: 55-0000-09662-010
4. OIN No: 5016

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 OIN 5016.

# FM Area Diversion Project

## Property Negotiation Summary

---

October 12, 2020

Owner	Cheryl Evert, Mary Nerby, Beverly Wolf
Mailing Address	23168 Oak Leaf Lane, Battle Lake, MN 56515
Property Location	SE Embankment
Property Type	Agricultural
OIN	5016
Land Agent	Jamie Wark – SRF
Landowner Representative	N/A

### Property Need

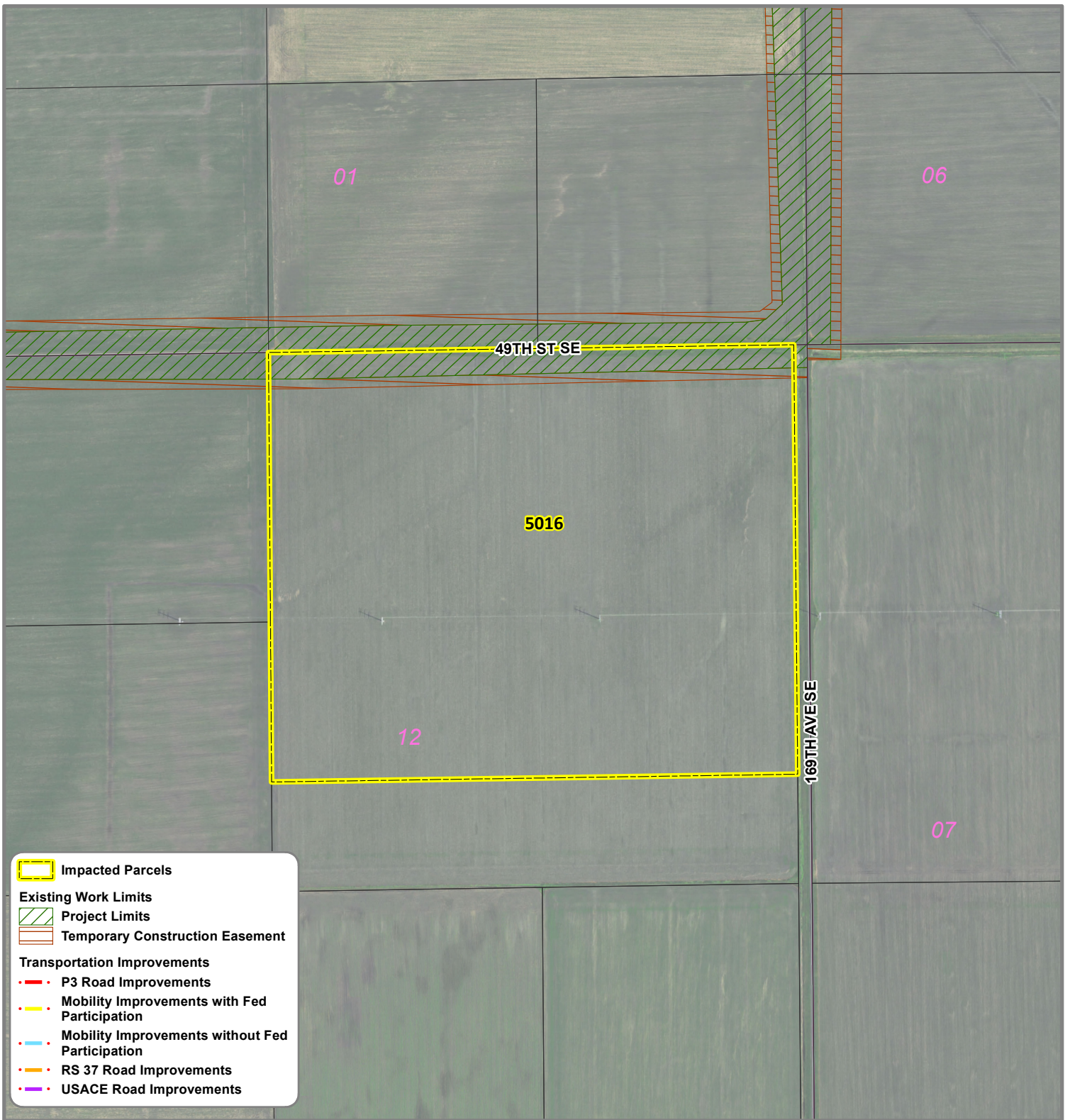
The parcel is within the Southern Embankment area associated with the Project. The Diversion Authority is required to obtain a part of the parcel for the embankment.

### Appraisal Summary:

Appraisal Value / Date	\$44,500 (rd) – 12/10/2019 7.53 acres land/site taking at \$5,500/acre – \$41,415 2.96 acres TCE at \$200/5years - \$2,960
Counteroffer	<b>\$56,000 (rd)</b>

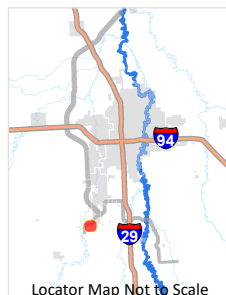
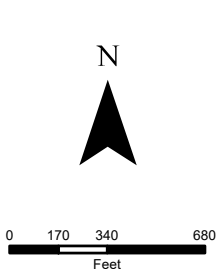
### Miscellaneous Provisions

- Land agent Jamie Wark, SRF, has offered the landowners 10% above appraised value for the required acres however the landowner did not accept.
- Landowner then provided a counteroffer in the amount of \$10,000/acre (82% increase)
- Landowner feels there are too many unknowns about the project to accept the appraised value, or the 10% increase offer for the 7.53 acres.
- Landowner is very concerned over how their property will be affected by the storage of water on their property due to the embankment.
- Landowner has agreed to a revised offer of \$7,000/acre for a rounded total of \$56,000 (21% increase).
- CCJWRD Board approved the landowner’s counteroffer of \$56,000 and the Purchase Agreement has been forwarded to the landowners for their signature.



*Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.*

Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Produced by: hrecords - AE2S, Inc. |  
 C:\Data\Projects\GIS Projects\FM Area Diversion\Projects\Land Acquisition\Project Work Package\!Project Wide\Individual Property Maps - General Inquiry\IndividualLayout8x10v105.mxd



**OIN: 5016**  
**CHERYL EVERT ETAL**  
**Parcel ID: 55-0000-09662-010**  
**Cass County, ND**

FM AREA DIVERSION  
 Map Date: 6/18/2020





December 20, 2019

Cheryl Evert  
23168 Oak Leaf Lane  
Battle Lake, MN 56515

Mary Nerby  
PO Box 553  
Riverdale, ND 58565

Beverly Wolf  
PO Box 293  
Lake Nebagamon, WI 54849

RE: **Offer to Purchase**  
**Parcel ID:** OIN 5016  
**Project Title:** Fargo Moorhead Diversion  
**PID:** 55-0000-09662-010

Dear Ms. Evert, Mrs. Nerby, and Mrs. Wolf,

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 **\$44,500.00**. The CCJWRD has used the market value set forth in the appraisal as the basis for determining Just Compensation for the property interests being acquired from you. A copy of the appraisal is attached to this letter and provided to you. If the purchase amount is based on any conditions or exceptions (such as terms of the transfer of possession or retention of any interest); they will be included in Exhibit A. A summary of the appraisal is provided on Exhibit A (Appraisal Summary).

**The Cass County Joint Water Resource District hereby offers to pay you \$44,500.00 as Just Compensation for the property interests it must acquire from you.**

Once we agree on the basic terms of an agreement for you to sell, and the CCJWRD to buy the property interests 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 701-893-7437 or by email at lkilde@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 5016 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,



Lisa Kilde  
Senior Right of Way Specialist  
Direct # 701-893-7437  
lkilde@srfconsulting.com  
One North Second Street, Fargo, ND 58102

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

\_\_\_\_\_  
Cheryl Evert

\_\_\_\_\_  
Mary Nerby

\_\_\_\_\_  
Beverly Wolf

*Required Notice: For your information the contact information for Cass County Joint Water Resource District (CCJWRD) is Carol Harbeke-Lewis, Secretary-Treasurer, at 701-298-2381. The property, that is the subject of this written communication, must be acquired by CCJWRD before September 2020.*

Enclosures: Appraisal Report, Exhibit A, Exhibit B

**EXHIBIT A**

**ACQUISITION SUMMARY  
Fargo Moorhead Diversion**

**Offer to Purchase**

**Parcel ID:** OIN 5016

**Project Title:** Fargo Moorhead Diversion

**PID:** 55-0000-09662-010

Recorded Fee Owner: Cheryl Evert, Mary Nerby, Beverly Wolf

Property Legal Description:

SEE ATTACHED SURVEY

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.

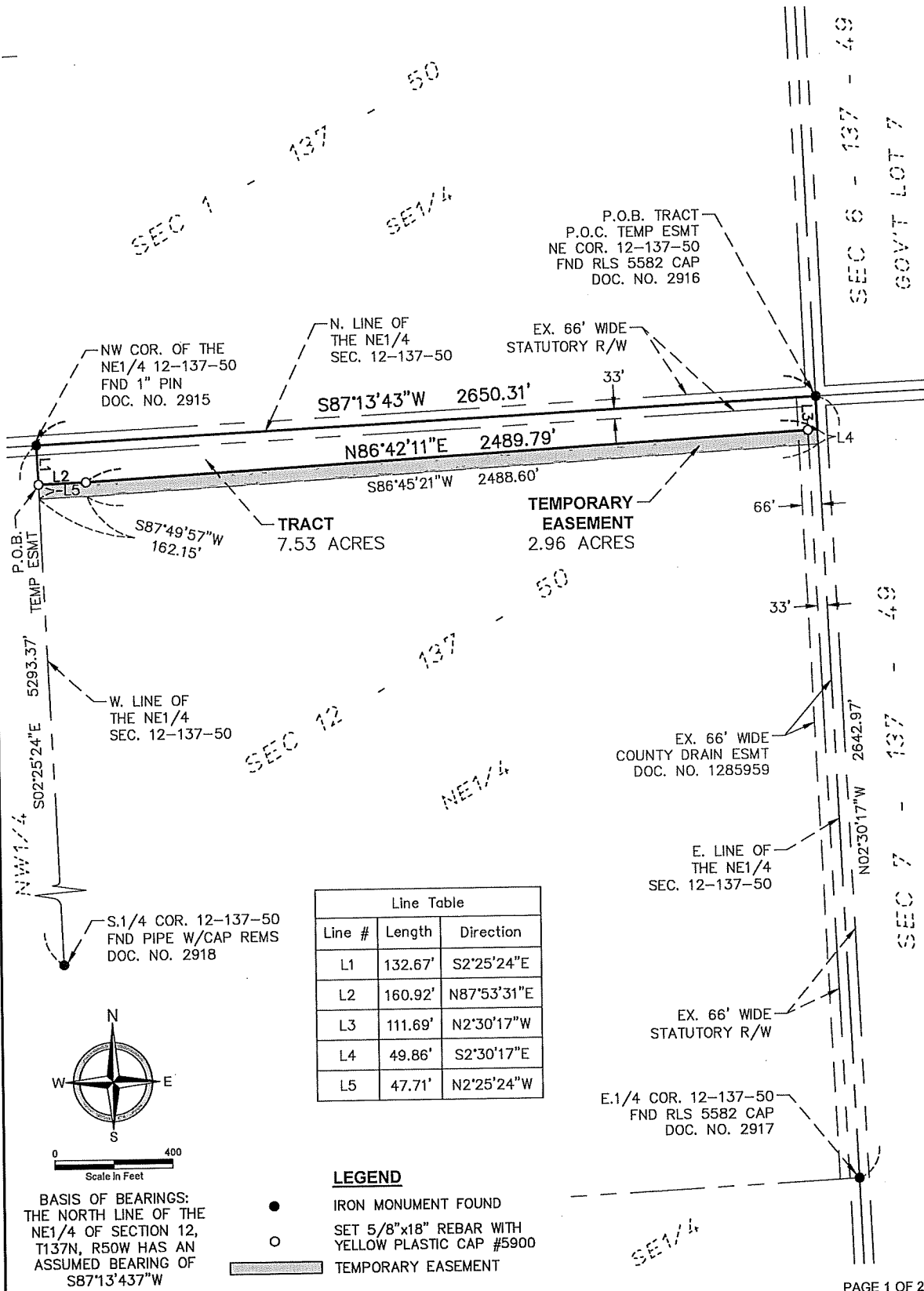
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**APPRAISAL SUMMARY**

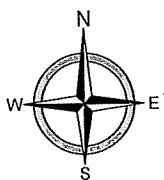
<b>Parcel Value</b>	<b>Area Size/ Description</b>	<b>Per Unit</b>	<b>Indicated Value</b>
<b>Land/Site Taking</b>	7.53 Acres	\$ 5,500	\$ 41,415.00
<b>Temporary Easement</b>	2.96 Acres	\$ 200 (x 5 years)	\$ 2,960.00
<b>TOTAL (rounded)</b>			<b>\$ 44,500.00</b>

# CERTIFICATE OF SURVEY

PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 137 NORTH, RANGE  
50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA



Line Table		
Line #	Length	Direction
L1	132.67'	S2°25'24"E
L2	160.92'	N87°53'31"E
L3	111.89'	N2°30'17"W
L4	49.86'	S2°30'17"E
L5	47.71'	N2°25'24"W



0  400  
Scale in Feet

BASIS OF BEARINGS:  
THE NORTH LINE OF THE  
NE1/4 OF SECTION 12,  
T137N, R50W HAS AN  
ASSUMED BEARING OF  
S87°13'437"W

**LEGEND**

- IRON MONUMENT FOUND
- SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #5900
- TEMPORARY EASEMENT

**Certificate of Survey - OIN 5016**

Cheryl Evert Etal  
Part of NE1/4, Sec. 12-137-50  
Cass County, North Dakota

PROJECT No. 20395  
DATE: 11.7.19  
REVISED: -  
DRAFTER: SMT  
REVIEWER: CDH



# CERTIFICATE OF SURVEY

PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 137 NORTH, RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA

## DESCRIPTION-TRACT

That part of the Northeast Quarter of Section 12, 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 northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of 2489.79 feet to the east line of said Northeast Quarter; thence North 02 degrees 30 minutes 17 seconds West along the east line of said Northeast Quarter for a distance of 111.69 feet to the point of beginning.

Said tract contains 7.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

## DESCRIPTION-TEMPORARY EASEMENT

That part of the Northeast Quarter of Section 12, 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 northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet to the point of beginning; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of 2489.79 feet to the east line of said Northeast Quarter; thence South 02 degrees 30 minutes 17 seconds East along the east line of said Northeast Quarter for a distance of 49.86 feet; thence South 86 degrees 45 minutes 21 seconds West for a distance of 2488.60 feet; thence South 87 degrees 49 minutes 57 seconds West for a distance of 162.15 feet to the west line of said Northeast Quarter; thence North 02 degrees 25 minutes 24 seconds West along the west line of said Northeast Quarter for a distance of 47.71 feet to the point of beginning.

Said tract contains 2.96 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

## CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota.

Shawn M. Thomasson, R.L.S.  
N.D. License No. LS-5900

Date: \_\_\_\_\_

State of North Dakota )  
County of Cass )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, a Notary Public in and for said county and state, personally appeared Shawn M. Thomasson, Registered Land Surveyor, known to me to be the person described in and who executed the foregoing certificate and acknowledged to me that he executed the same as his free act and deed.

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

PAGE 2 OF 2

Certificate of Survey - OIN 5016

Cheryl Evert Etal  
Part of NE1/4, Sec. 12-137-50  
Cass County, North Dakota

Page 10 of 48

PROJECT No.	20385
DATE:	11.7.19
REVISED:	-
DRAFTER:	SMT
REVIEWER:	CDH



10/19/2020

**Track Another Package +**

5016

**Tracking Number:** 9505511429339354241360

[Remove X](#)

Your item was delivered in or at the mailbox at 11:00 am on December 21, 2019 in BATTLE LAKE, MN 56515.

## **Delivered**

December 21, 2019 at 11:00 am  
Delivered, In/At Mailbox  
BATTLE LAKE, MN 56515

Feedback

**Get Updates** 

---

**Text & Email Updates** 

---

**Tracking History** 

---

**Product Information** 

---

**See Less** 

## Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

**Track Another Package +**

5016

**Tracking Number:** 9505511429339354241353

[Remove X](#)

Your item was delivered to a parcel locker at 12:39 pm on December 23, 2019 in RIVERDALE, ND 58565.

## **Delivered**

December 23, 2019 at 12:39 pm  
Delivered, Parcel Locker  
RIVERDALE, ND 58565

Feedback

**Get Updates** 

---

**Text & Email Updates** 

---

**Tracking History** 

---

**Product Information** 

---

**See Less** 

## **Can't find what you're looking for?**

Go to our [FAQs](#) section to find answers to your tracking questions.



[FAQs >](#)

**Track Another Package +**

5016

**Tracking Number:** 9505511429339354241339

[Remove X](#)

Your item was picked up at the post office at 10:05 am on December 24, 2019 in LAKE NEBAGAMON, WI 54849.

**Delivered**

December 24, 2019 at 10:05 am  
Delivered, Individual Picked Up at Post Office  
LAKE NEBAGAMON, WI 54849

[Get Updates](#) ✓

Feedback

---

**Text & Email Updates** ✓

---

**Tracking History** ✓

---

**Product Information** ✓

---

[See Less](#) ^

## Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.



**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Cass County  
Joint Water  
Resource  
District

April 6, 2020

Cheryl Evert  
23168 Oak Leaf Lane  
Battle Lake, MN 56515  
**Certified No. 7019 1640 0002 0398 8002**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Mary Nerby  
P.O. Box 553  
Riverdale, ND 58565  
**Certified No. 7019 1640 0002 0398 8019**

Rodger Olson  
Manager  
Leonard, North Dakota

Beverly Wolf  
P.O. Box 293  
Lake Nebagamon, WI 54849  
**Certified No. 7019 1640 0002 0398 8026**

Ken Lougheed  
Manager  
Gardner, North Dakota

Greetings:

Jacob Gust  
Manager  
Fargo, North Dakota

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Formal Negotiations and Written Offer of Just Compensation  
OIN: 5016  
Parcel No.: 55-0000-09662-010

Keith Weston  
Manager  
Fargo, North Dakota

The Cass County Joint Water Resource District (the "District") is in the process of acquiring property interests necessary for the Fargo-Moorhead Area Diversion Project (the "Project"), and the District has been in discussions with you regarding right of way 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 Number 55-0000-09662-010. The legal description of the property to be acquired is:

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

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

Right of Way:

That part of the Northeast Quarter of Section 12, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:



Cheryl Evert  
Mary Nerby  
Beverly Wolf  
April 6, 2020  
Page 2

Beginning at a found iron monument which designates the northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of 2489.79 feet to the east line of said Northeast Quarter; thence North 02 degrees 30 minutes 17 seconds West along the east line of said Northeast Quarter for a distance of 111.69 feet to the point of beginning.

Said tract contains 7.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

That part of the Northeast Quarter of Section 12, 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 northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet to the point of beginning; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of 2489.79 feet to the east line of said Northeast Quarter; thence South 02 degrees 30 minutes 17 seconds East along the east line of said Northeast Quarter for a distance of 49.86 feet; thence South 86 degrees 45 minutes 21 seconds West for a distance of 2488.60 feet; thence South 87 degrees 49 minutes 57 seconds West for a distance of 162.15 feet to the west line of said Northeast Quarter; thence North 02 degrees 25 minutes 24 seconds West along the west line of said Northeast Quarter for a distance of 47.71 feet to the point of beginning. Said tract contains 2.96 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Cheryl Evert  
Mary Nerby  
Beverly Wolf  
April 6, 2020  
Page 3

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 \$41,415.00, and the temporary easement is \$2,960.00, for a total purchase price of \$44,375.00, rounded to \$44,500.00. The District approved the appraisal and this letter is the District's offer to you in the amount of \$44,500.00 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.

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

Cheryl Evert  
Mary Nerby  
Beverly Wolf  
April 6, 2020  
Page 4

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@casscountynnd.gov

Enclosures

cc: Lisa Kilde, 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:

CHERYL EVERT  
 23168 OAK LEAF LANE  
 BATTLE LAKE MN 56515



9590 9402 3806 8032 1549 01

2. Article Number (Transfer from service label)

7019 1640 0002 0398 8002

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X. *[Handwritten Signature]* 6/19

- Agent
- Addressee

B. Received by (Printed Name)

*[Handwritten Name]* 6/19

C. Date of Delivery

*[Handwritten Date]* 6/19

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

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

**SENDER: COMPLETE THIS SECTION**

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- 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:

BEVERLY WOLF  
PO BOX 293  
LAKE NEBAGAMON WI 54849



9590 9402 3806 8032 1545 29

2. Article Number (Transfer from service label)

7019 1640 0002 0398 8415

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X Beverly D. Wolf

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

5/15/2020

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

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

Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARY NERBY  
 PO BOX 553  
 RIVERDALE ND 58565



9590 9402 3806 8032 1545 12

2. Article Number (Transfer from service label)

7019 1640 0002 0398 8422

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Mary Nerby*

- Agent
- Addressee

B. Received by (Printed Name)

MARY NERBY

C. Date of Delivery

5/21/2020

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

3. Service Type

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

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

Domestic Return Receipt



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

June 17, 2020

**Cass County  
Joint Water  
Resource  
District**

Cheryl Evert  
23168 Oak Leaf Lane  
Battle Lake, MN 56515  
**Certified No. 7020 0090 0000 7648 2553**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Mary Nerby  
410 3rd Street  
PO Box 553  
Riverdale, ND 58565  
**Certified No. 7020 0090 0000 7648 2560**

Rodger Olson  
Manager  
Leonard, North Dakota

Beverly Wolf  
11615 East County Road B  
PO Box 293  
Lake Nebagamon, WI 54849  
**Certified No. 7020 0090 0000 7648 2577**

Ken Lougheed  
Manager  
Gardner, North Dakota

Greetings:

Jacob Gust  
Manager  
Fargo, North Dakota

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Request for Meeting  
OIN: 5016  
Parcel No.: 55-0000-09662-010

Keith Weston  
Manager  
Fargo, North Dakota

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). The District previously provided you a letter dated April 6, 2020; a copy of the District's appraisal for the right of way and temporary easement 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.

Carol Harbeke Lewis  
Secretary-Treasurer

1201 Main Avenue West  
West Fargo, ND 58078-1301

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 June 25, 2020, and July 9, 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.

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

Cheryl Evert  
Mary Nerby  
Beverly Wolf  
OIN 5016  
June 17, 2020  
Page 2

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.

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

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



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>X <i>MA 02 019</i></p>																
<p>1. Article Addressed to:</p> <p><i>CHERYL EVERT 23168 DAK LEAF LANE BATTLE LAKE MN 56515</i></p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>GS 02 019</i> <span style="float: right;"><i>6/18/10</i></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
 <p>9590 9402 5989 0062 9068 15</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
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<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2 Article Number (Transfer from service label)</p> <p><i>7020 0090 0000 7648 2553</i></p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>																

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1. Article Addressed to:  
**BEVERLY WOLF**  
**PO Box 293**  
**LAKE NEBAGAMON WI 54849**



9590 9402 5989 0062 9067 92

2. Article Number (Transfer from service label)  
**7020 0090 0000 7648 2577**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Beverly D. Wolf*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 6/19/2020

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

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

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

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- 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:  
**MARY NERBY**  
**PO BOX 553**  
**RIVERDALE ND 58565**



9590 9402 5989 0062 9068 08

2. Article Number (Transfer from service label)  
**7020 0090 0000 7648 2560**

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X** *Mary Nerby*  Agent  
 Addressee

B. Received by (Printed Name) **MARY NERBY** C. Date of Delivery **6/22/20**

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

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt



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

**Cass County  
Joint Water  
Resource  
District**

July 27, 2020

Cheryl Evert  
23168 Oak Leaf Lane  
Battle Lake, MN 56515  
**Certified No. 7020 0090 0000 7648 3437**

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Mary Nerby  
410 3rd Street  
PO Box 553  
Riverdale, ND 58565  
**Certified No. 7020 0090 0000 7648 3444**

Rodger Olson  
Manager  
Leonard, North Dakota

Ken Loughheed  
Manager  
Gardner, North Dakota

Beverly Wolf  
11615 East County Road B  
PO Box 293  
Lake Nebagamon, WI 54849  
**Certified No. 7020 0090 0000 7648 3451**

Jacob Gust  
Manager  
Fargo, North Dakota

Greetings:

Keith Weston  
Manager  
Fargo, North Dakota

**RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY  
OIN: 5016  
Parcel No. 55-0000-09662-010**

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

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

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). On behalf of the District, I previously provided you a letter dated April 6, 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 June 17, 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.

Cheryl Evert  
Mary Nerby  
Beverly Wolf  
OIN 5016  
July 27, 2020  
Page 2

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.

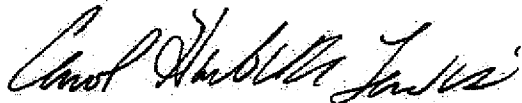
This NOTICE does not preclude the parties from continuing negotiations. The District still hopes the parties can arrive at a mutually-acceptable agreement.

You are encouraged to maintain contact with the land agent assigned to your property. **Jamie Wark** of **SRF Consulting Group, Inc.** can be reached at **(701) 893-7435** or **[jwark@srfconsulting.com](mailto:jwark@srfconsulting.com)**. Jamie 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.

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: Jamie Wark, 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 THIS SECTION ON DELIVERY																
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<p>1. Article Addressed to:  <b>CHERYL EVERT</b>  <b>23168 OAK LEAF LANE</b>  <b>BATTLE LAKE MN 56515</b></p>	<p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span>  <b>6515 P002</b> <span style="float: right;"><b>7-29-2020</b></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No    <b>CV-19</b></p>																
 9590 9402 5989 0062 9065 87	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
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<p>2. Article Number (Transfer from service label)  <b>7020 0090 0000 7648 3437</b></p>																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>																	

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- 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:  
**BEVERLY WOLF**  
**PO BOX 293**  
**LAKE NEBAGAMON WI 54849**



9590 9402 5989 0062 9065 63

2. Article Number (Transfer from service label)  
**7020 0090 0000 7648 3451**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 **Beverly Wolf**  Agent  
 Addressee

B. Received by (Printed Name)  C. Date of Delivery  
 11/29/2020

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

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

**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:  
**MARY NERBY**  
**PO BOX 553**  
**RIVERDALE ND 58565**



9590 9402 5989 0062 9065 70

2. Article Number. (Transfer from service label)

**7020 0090 0000 7648 3444**

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

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Mary Nerby*  
 Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery  
**8-3-2020**

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

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

Domestic Return Receipt





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

Cass County  
Joint Water  
Resource  
District

September 2, 2020

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

Dan Jacobson  
Chairman  
West Fargo, North Dakota

Rodger Olson  
Manager  
Leonard, North Dakota

Ken Lougheed  
Manager  
Gardner, North Dakota

Jacob Gust  
Manager  
Fargo, North Dakota

Keith Weston  
Manager  
Fargo, North Dakota

Greetings:

RE: Cass County Joint Water Resource District  
Fargo-Moorhead Area Diversion Project  
Request for Approval to Take Possession of Necessary Right of Way and  
Temporary Easement  
OIN: 5016  
Parcel No.: 55-0000-09662-010

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 Cheryl Evert, Mary Nerby and Beverly Wolf (the "Landowners"):

- Letters dated April 6, 2020, and May 12, 2020, enclosing the District's appraisal for the acquisition of the right of way and temporary easement from the Landowners and a proposed Purchase Agreement;
- Letter dated June 17, 2020, inviting the Landowners 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 27, 2020, notifying the Landowners 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 Landowners 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 Landowners, as required under N.D. Cent. Code § 61-16.1-09(2)(b), in an effort to reach agreement regarding fair compensation to the Landowners for the acquisition of the necessary right of way and temporary easement in, on, over, across, and through certain property owned by the Landowners 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 5016

That part of the Northeast Quarter of Section 12, 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 northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of 2489.79 feet to the east line of said Northeast Quarter; thence North 02 degrees 30 minutes 17 seconds West along the east line of said Northeast Quarter for a distance of 111.69 feet to the point of beginning.

Said tract contains 7.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 5016

That part of the Northeast Quarter of Section 12, 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 northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet to the point of beginning; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of

2489.79 feet to the east line of said Northeast Quarter; thence South 02 degrees 30 minutes 17 seconds East along the east line of said Northeast Quarter for a distance of 49.86 feet; thence South 86 degrees 45 minutes 21 seconds West for a distance of 2488.60 feet; thence South 87 degrees 49 minutes 57 seconds West for a distance of 162.15 feet to the west line of said Northeast Quarter; thence North 02 degrees 25 minutes 24 seconds West along the west line of said Northeast Quarter for a distance of 47.71 feet to the point of beginning.

Said tract contains 2.96 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 Landowners no less than thirty days' notice of the meeting. The District will also attend the meeting, along with a representative of the land firm which was the Landowners' main point of contact throughout the negotiation process. Prior to the public meeting, the land firm representative and the District will verify neither the District nor any of its agents referenced or threatened quick take eminent domain during the informal and formal negotiation process.

While the District takes all landowners' rights very seriously, the District also has an obligation, as a member of the Metro Flood Diversion Authority, to acquire the right of way 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 Landowners with the District's appraisal as the starting point for negotiations, then attempted to negotiate further with the Landowners 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 Landowners to avoid this process. Despite the District's efforts to be fair, friendly, and flexible in both the informal and formal negotiations with the Landowners, unfortunately, the parties have not reached a mutually acceptable agreement for the acquisition of the right of way and temporary easement.

Robert Wilson  
September 2, 2020  
Page 4

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



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

cc: Jamie Wark, 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



September 11, 2020

**VIA UPS – DELIVERY CONFIRMATION**

**Board of County  
Commissioners**

Cheryl Evert  
23168 Oak Leaf Lane  
Battle Lake, MN 56515  
**UPS Tracking No. 1Z RT8 7R1 25 2033 1726**

Chad M. Peterson  
Fargo, North Dakota

Mary Nerby  
410 3<sup>rd</sup> Street  
PO Box 553  
Riverdale, ND 58565  
**UPS Tracking No. 1Z RT8 7R1 25 2023 5938**

Rick Steen  
Fargo, North Dakota

Ken Pawluk  
Fargo, North Dakota

Beverly Wolf  
11615 East County Road B  
PO Box 293  
Lake Nebagamon, WI 54849  
**UPS Tracking No. 1Z RT8 7R1 25 0354 0943**

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  
OIN: 5016  
Parcel No: 55-0000-09662-010

Greetings:

As you know, the METRO FLOOD DIVERSION 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 easements 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 letters the District sent to you regarding the District's negotiations with you:

- Letters dated April 6, 2020 and May 12, 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;

Heather Worden  
Commission Assistant

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

Cheryl Evert  
Mary Nerby  
Beverly Wolf  
September 11, 2020  
Page 2

- Letter dated June 17, 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 27, 2020, notifying you the District planned to submit a request to the Commission seeking immediate possession of the right of way and temporary easement necessary for the Project.

The District informed the Commission that you and the District have not reached a mutually-acceptable agreement, and have not signed a 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 5016

That part of the Northeast Quarter of Section 12, 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 northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of 2489.79 feet to the east line of said Northeast Quarter; thence North 02 degrees 30 minutes 17 seconds West along the east line of said Northeast Quarter for a distance of 111.69 feet to the point of beginning.

Said tract contains 7.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any;

AND

Cheryl Evert  
Mary Nerby  
Beverly Wolf  
September 11, 2020  
Page 3

Temporary Easement:  
OIN 5016

That part of the Northeast Quarter of Section 12, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

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Said tract contains 2.96 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 19, 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 19, 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 and temporary easement necessary for the Project. In fact, the Commission and the District encourage you to maintain contact with **Jamie Wark** and to continue

Cheryl Evert  
Mary Nerby  
Beverly Wolf  
September 11, 2020  
Page 4

discussions about the Project. **Jamie Wark** of **SRF Consulting Group, Inc.** is your point of contact regarding the Project. You can reach **Jamie Wark** at **(701) 893-7435** or **[jwark@srfconsulting.com](mailto:jwark@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.

Sincerely,

CASS COUNTY COMMISSION



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

cc: Jamie Wark, 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**

1ZRT87R12520235938

**Weight**

1.00 LBS

**Service**

UPS Next Day Air®  
with UPS Carbon Neutral 

**Shipped / Billed On**

09/10/2020

**Delivered On**

09/14/2020 3:33 P.M.

**Delivered To**

410 3RD ST  
RIVERDALE, ND, 58565, 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: 09/15/2020 9:38 A.M. EST

# Proof of Delivery

Dear Customer,

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


**Tracking Number**

1ZRT87R12503540943

**Weight**

1.00 LBS

**Service**

UPS Next Day Air®  
with UPS Carbon Neutral 

**Shipped / Billed On**

09/10/2020

**Delivered On**

09/14/2020 1:36 P.M.

**Delivered To**

11615 E COUNTY ROAD B  
LAKE NEBAGAMON, WI, 54849, 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: 09/15/2020 9:39 A.M. EST

# Proof of Delivery

Dear Customer,

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

**Tracking Number**

1ZRT87R12520331726

**Weight**

1.00 LBS

**Service**

UPS Next Day Air®  
with UPS Carbon Neutral 

**Shipped / Billed On**

09/10/2020

**Delivered On**

09/14/2020 11:45 A.M.

**Delivered To**

23168 OAK LEAF LN  
BATTLE LAKE, MN, 56515, US

**Received By**

DRIVER RELEASE

**Left At**

Met Customer Man

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: 09/15/2020 9:37 A.M. EST

AFFIDAVIT OF LAND AGENT

STATE OF Minnesota )  
 ) ss.  
COUNTY OF Hennepin )

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

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

[¶3] The District must acquire certain interests in real property from Cheryl Evert, Mary Nerby and Beverly Wolf (“Landowners”) for construction, operation, and maintenance of the Project.

[¶4] Landowners’ 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 5016

That part of the Northeast Quarter of Section 12, 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 northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of 2489.79 feet to the east line of said Northeast Quarter; thence North 02 degrees 30 minutes 17 seconds West along the east line of said Northeast Quarter for a distance of 111.69 feet to the point of beginning.

Said tract contains 7.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

Temporary Easement  
OIN 5016

That part of the Northeast Quarter of Section 12, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

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Said tract contains 2.96 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

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 Landowners to acquire the Necessary Property. Attached as **Exhibit A** is a log of all contacts SRF Consulting Group, Inc. has had with Landowners.

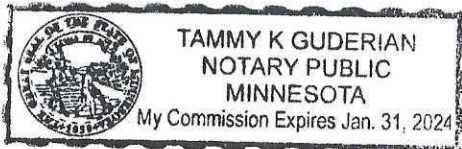
[¶7] The District has instructed SRF Consulting Group, Inc. to refrain from referencing, mentioning, or threatening quick take eminent domain during negotiations since August 1, 2017.

[¶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 Landowners during negotiations since August 1, 2017.

Dated this 8<sup>th</sup> day of October, 2020.

  
\_\_\_\_\_  
Ken Helvey  
SRF Consulting Group, Inc.

Subscribed to and sworn to before me this 8<sup>th</sup> day of October, 2020.



TAMMY GUDERIAN  
\_\_\_\_\_  
Notary Public, County of Hennepin  
State of Minnesota  
My Commission Expires: 1/31/2024

(SEAL)

**OIN 5016 - Evert Contact Attempts**

<b>Date</b>	<b>Note</b>
12/20/2019	Appraisal and offer letter sent
3/12/2020	Spoke to Cheryl. Asked to call back end of the month
4/1/2020	Spoke to Cheryl. Asked to call back following week
4/6/2020	Called and LM
4/6/2020	Formal offer sent
4/14/2020	Spoke to Cheryl & Chuck (husband). Questions about height of road, drainage, impact to renter
4/23/2020	Jamie called Cheryl and informed her he would be providing a revised offer for her property
4/29/2020	Jamie called Cheryl and left a message to call back
4/30/2020	Cheryl returned Jamie's call. She had numerous questions about the project
5/12/2020	Jamie called and left a message for Cheryl
5/26/2020	Jamie called Cheryl and Chuck and they had more questions about the negotiations
6/10/2020	Spoke to Cheryl about setting up a call to include Lisa Kilde
6/12/2020	Lisa and Jamie called Cheryl to discuss their questions as to the flowage easement and drainage on their proper
6/17/2020	CCJWRD invite sent
6/22/2020	CCJWRD invite received
6/30/2020	Called and LM
7/2/2020	Missed a call from Everts.
7/17/2020	Spoke to Cheryl briefly. Cheryl still at \$10k/acre
7/22/2020	Spoke with Cheryl and her husband Chuck. Discussed flowage easement with the idea that we could come to a agreement on both the SE-1 property and flowage easement.
8/5/2020	Spoke to Chuck. Cheryl was gone. Informed Chuck I would be presenting a new offer. Will try to check back in August 17
9/3/2020	Spoke to Cheryl. Provided new offer of \$7k/acre contingent on CCJWRD approval. She will discuss with sisters an answer in a timely manner
9/14/2020	Spoke to Cheryl. Informed her offer of \$7k/acre was accepted by CCJWRD. She will check with sisters to verify agreement on the price. Informed Cheryl a purchase agreement will be mailed to each property owner (3 siste given the go ahead by Cheryl
9/15/2020	mailed purchase agreement to Cheryl, Beverly & Mary
9/29/2020	Spoke to Cheryl. Property owner costs discussed. Language to remove responsibility of property owner remov purchase agreement. Discussion on right of first offer language.
10/1/2020	Spoke to Cheryl. Worried about restoration of temporary construction easement property back to farmable co provide additional language in purchase agreement to satisfy her concerns.
10/7/2020	Spoke to Cheryl. Explained revisions to purchase agreement. Will resent revised purchase agreement later in t

**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 Cheryl Evert, Mary Nerby and Beverley Wolf (“Landowners”) is necessary for the Project.

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

[¶6] The real property owned by Landowners 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 5016

That part of the Northeast Quarter of Section 12, 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 northeast corner of said Section 12; thence South 87 degrees 13 minutes 43 seconds West on an assumed bearing along the north line of said Northeast Quarter for a distance of 2650.31 feet to the northwest corner of said Northeast Quarter; thence South 02 degrees 25 minutes 24 seconds East along the west line of said Northeast Quarter for a distance of 132.67 feet; thence North 87 degrees 53 minutes 31 seconds East for a distance of 160.92 feet; thence North 86 degrees 42 minutes 11 seconds East for a distance of 2489.79 feet to the east line of said Northeast Quarter; thence North 02 degrees 30 minutes 17 seconds West along the east line of said Northeast Quarter for a distance of 111.69 feet to the point of beginning.



Said tract contains 7.53 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

AND

Temporary Easement

OIN 5016

That part of the Northeast Quarter of Section 12, Township 137 North, Range 50 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

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Said tract contains 2.96 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 Landowners by certified mail, along with an appraisal and purchase agreement, on April 6, 2020 and May 12, 2020. A copy of the offer (without the appraisal that was included) is attached as **Exhibit 1**.

[¶9] On June 17, 2020, the District sent Landowners a written request for a meeting, by certified mail and commercial delivery; the District and Landowners have not reached an agreement regarding compensation, and more than fifteen days have passed since Landowners'

receipt of the offer. A copy of the written request for a meeting with the landowners is attached as **Exhibit 2**.

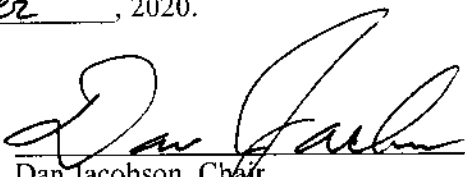
[¶10] The District and Landowners have not reached an agreement regarding compensation, and more than thirty days have passed since Landowners' receipt of the request for a meeting.

[¶11] On July 27, 2020, the District sent Landowners a written notice of intent to take possession of the Right of Way and Temporary Easement, by certified mail and commercial delivery. 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 Landowners. 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 Landowners since August 1, 2017.

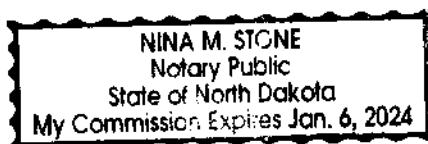
[¶13] I verify there have been no references, mention, or threats of quick take eminent domain by the District during negotiations since August 1, 2017.

Dated this 8th day of October, 2020.

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

Subscribed to and sworn to before me this 8th day of October, 2020.

(SEAL)



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