

FM AREA DIVERSION PROJECT

Property Owner Information Packet for Cass County Commission

November 16th, 2020

PROPERTY OWNER: Orten & Sandra Brodshaug Revocable Living
Trust Etal

LAND AGENT: Oly Olafson with HDR

OIN: 1930 1932 1940 1941 8517 8518

A stylized blue river logo consisting of a thick, flowing blue line that curves into a large 'S' shape, enclosed within a thin blue circular border.

FM AREA
DIVERSION
PROJECT

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Written Correspondence Timeline – Orten & Sandra Brodshaug
Revocable Living Trust Etal

OIN 1930 1932 1940 1941 8517 8518	Sent	Received
Offer to Purchase	4/17/2020	4/17/2020
Formal Negotiations and Written Offer of Just Compensation	7/2/2020	7/3/2020
Request for Meeting	7/21/2020	7/23/2020
Notice of Intent to Take Possession of Right-of-Way	8/26/2020	8/27/2020
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	10/2/2020	10/2/2020
Invitation to Attend Public Meeting	10/9/2020	10/13/2020
Commission Meeting Date	11/16/2020	

CASS COUNTY COMMISSION
CHECKLIST — COMPLIANCE WITH N.D. CENT. CODE § 61-16.1-09(2)
FARGO-MOORHEAD AREA DIVERSION PROJECT

A. Subject Property Information:

1. Landowner: Bell Bank, as Successor Trustee of the Orten B. Brodshaug Revocable Living Trust Agreement dated December 28, 2011

And

Bell Bank, as Successor Trustee of the Sandra A. Brodshaug Revocable Living Trust Agreement dated December 28, 2011
2. Land Agent: Oly Olafson
3. Parcel Nos.: 57-0000-10294-020; 57-0000-10297-000; 57-0000-10301-040;
57-0000-10302-020; 78-0000-10294-030; and 78-0000-10302-050
4. OIN Nos.: 1930; 1932; 1940; 1941; 8517; and 8518

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 of 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 1930; 1932; 1940; 1941; 8517; and 8518.

FM Area Diversion Project

Property Negotiation Summary

Friday, November 6, 2020

Owner	Orten and Sandra Brodshaug Revocable Living Trust
Address	17219 52 nd Street SE, Horace ND 58047
Property Type	I-29 Road Raise, OHB Ring Dike, Farmland
Original Identification Number	1930, 1932, 1940, 1941, 8517, 8518 & 8521
Land Agent	Oly Olafson - HDR

Property Need – I-29 Road Raise and OHB Ring Dike

Valuation and Negotiation Summary:

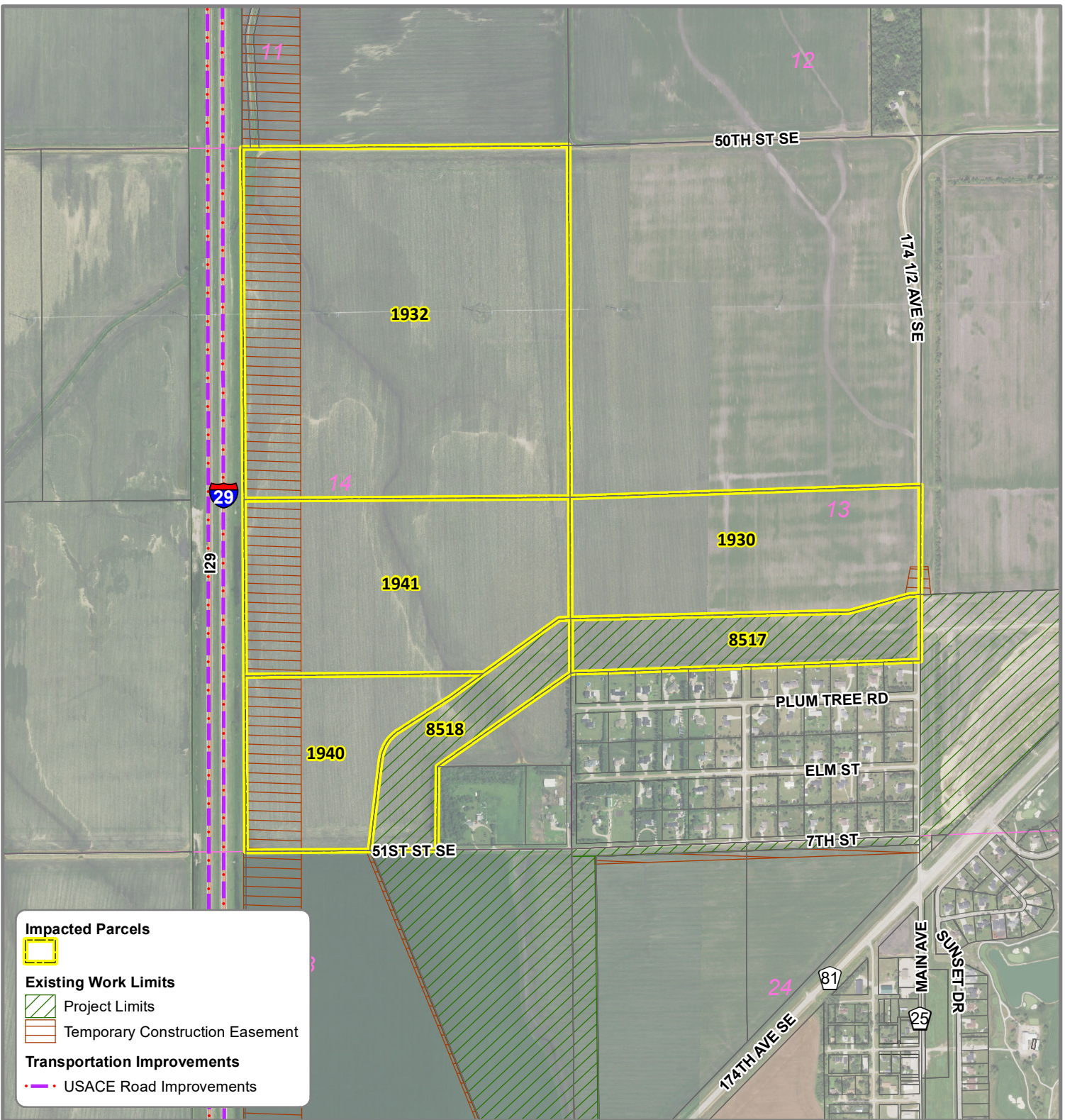
Appraisal Value / Date	\$2,706,551/February 21, 2020
Purchase Agreement Value	\$2,706,551 or \$322,466
Replacement Housing Differential Payment	N/A
Incidental Expenses/ Increased Mortgage Interest/ Moving Costs/ etc....	TBD

Miscellaneous Provisions

- A letter of Just Compensation was sent to Orten and Sandra on April 17, 2020 through the Trustee of the Trust Bell Bank.
- The Just Compensation Offer was brought to the Joint Board and approved. The offer then was sent to the Trustee, Stephanie Strand at Bell Bank. Because of COVID-19 it has been difficult to set up meetings with Bell Bank to discuss the project and the needs of the project from the Brodshaug Trust.
- We have had two formal meetings after an initial meeting with Eric, Chris, and myself in attendance. The first meeting was a fact gathering meeting for the Trustees. We just finished our second meeting on Aug 6, 2020. I met at Bell Bank with Stephanie, Sherri, and Scott and we had a far-ranging discussion for over an hour and a half.
 - We discussed the need soon for the I-29 road raise TCE and the Fee and TCE interest on OIN 5008. They would like to know the timeline for each, we discussed around the topic of ED and Quick Take but they are aware of the possibility of that happening in the near future.
 - We looked over my suggested solution for the land near Hickson and the I-29 Road Raise. They had reviewed the letter I sent along with the map. I explained if Orten and

Sandra were interested in selling, in fee, their interest in OIN 1930, 1932, 1940, 1941, 8517, & 8518 the Project would pay them the appraised value of \$2,706,551 and agree to continue negotiating to arrive at a settlement or if that proves impossible the 'next step'.

- I did not provide them with; appraised value for the TCE acres of \$43,300 for the I-29 Road Raise and \$2,400 for the TCE necessary to construct the OHB Ring Dike. There also are 44.20 acres necessary to purchase in fee for the OHB ring dike @ \$5,300/Acre (Appraised Value) which totals 234,260 and also a Severance Payment for OIN 8521 of \$42,506 for a total of \$322,466. (I have now in an email).
 - They did not 'show their hand' so to say, I don't know if they are there yet. I encouraged them to find a competent appraiser if they think they need one, and if so I'd provide that appraiser with the information we are requiring in their report.
- If there is a mock-up of the flowage easement I'd like to get that to them if at all possible shortly. I explained that the Project would provide owners or operators with private crop insurance tailored after Federal Crop.
 - I encouraged all three to keep the lines of communication open, that I would be available at most any time if they would like to meet. I told them to flood my phone or email with questions and I'd get them answered. Sherri suggested we meet again week after next to continue negotiations.
 - There have been no further negotiations at this point, Rinke Noonan has hired CBRE (an appraisal company out of Minneapolis) to complete a landowner appraisal on the Brodshaug property. I have requested a copy of that when completed.

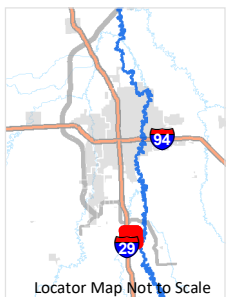
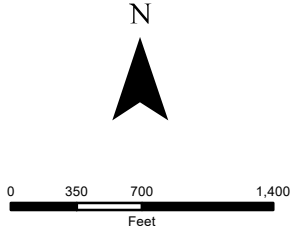


Impacted Parcels

Existing Work Limits
 Project Limits
 Temporary Construction Easement

Transportation Improvements
 USACE Road Improvements

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 herein 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 Division\Projects\Land Acquisition\Project Work Package\IProject Wide\Individual Property Maps - General Inquiry\IndividualLayout8x10v105notdatadriven.mxd



Orten B. Brodshaug

OINs: 1930, 1932, 1940, 1941, 8517, 8518

Parcel ID's: 57-0000-10294-020, 57-0000-10297-000, 57-0000-10301-040, 57-0000-10302-020, 78-0000-10294-030, 78-0000-10302-050

Cass County, ND
 FM AREA DIVERSION
 Map Date: 7/30/2020



April 17, 2020

Hand Delivered

Orten B. and Sandra A. Brodshaug Revocable Living Trust
C/O Stephanie Strand, Vice President
Bell Bank Wealth Management
15 North Broadway
Fargo, ND 58102

RE: **Letter Conveying Offer to Purchase**

Project Parcel ID's: 1930, 1932, 1940, 1941, 8517, and 8518

Property Legal Description: 44.21 Fee Acres, 55.71 Temporary Construction Easement Acres and 8.02 acres of Severance Damages as described;

OIN 1930 -That part of the North Half of the Southwest Quarter in Section 13, 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 southeast corner of said Southwest Quarter; thence North 01 degree 59 minutes 04 seconds West on an assumed bearing along the east line of said Southwest Quarter for a distance of 1813.35 feet to the point of beginning; thence South 85 degrees 56 minutes 57 seconds West for a distance of 81.75 feet; thence South 72 degrees 17 minutes 38 seconds West for a distance of 469.73 feet; thence South 86 degrees 36 minutes 01 second West for a distance of 2118.31 feet to the west line of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West along said west line for a distance of 20.01 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2115.33 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 430.19 feet; thence North 08 degrees 31 minutes 18 seconds East for a distance of 208.21 feet; thence North 87 degrees 21 minutes 30 seconds East for a distance of 84.80 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along said east line for a distance of 211.97 feet to the point of beginning.

Said tract contains 1.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1932 - That part of the Northeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 14; thence North 87 degrees 36 minutes 43 seconds East on an assumed bearing along the north line of said Northeast Quarter for a distance of 189.70 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence South 02 degrees 05 minutes 05 seconds East along said easterly right of way line for a distance of 2647.24 feet to the south line of said Northeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said Northeast Quarter.

Said tract contains 26.43 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1940 - DESCRIPTION-TEMPORARY EASEMENT A

That part of the South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 193.15 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 13.22 acres, more or less, and is subject to all easements, restrictions, reservations, and rights of way of record, if any.

DESCRIPTION-TEMPORARY EASEMENT B

That part of the South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying westerly and 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter, the point of beginning of said line; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The westerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 0.79 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1941 - DESCRIPTION-TEMPORARY EASEMENT A

That part of the North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 00 degrees 02 minutes 51 seconds West on an assumed bearing along the north-south quarter line of said Section 14 for a distance of 1323.84 feet to the southwest corner of said North Half of the Southeast Quarter; thence North 87 degrees 25 minutes 22 seconds East along the south line of said North Half of the Southeast Quarter for a distance of 192.29 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said North Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said North Half of the Southeast Quarter.

Said tract contains 13.22 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

DESCRIPTION-TEMPORARY EASEMENT B

That part of the North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying northerly and 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 south quarter corner of said Section 14, from which the north-south quarter line of said Section 14 bears North 02 degrees 02 minutes 51 seconds West on an assumed bearing; thence North 87 degrees 21 minutes 35 seconds East along the south line of the South Half of said Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the south line of said North Half of the Southeast Quarter, the point of beginning of said line; thence continuing North 52 degrees 09 minutes 07 seconds East for a distance of 698.39 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 70.55 feet to the east line of said North Half of the Southeast Quarter, said line there terminates. The northerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south and east lines of said North Half of the Southeast Quarter.

Said tract contains 0.36 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 8517 – That part of the Southwest Quarter in Section 13, 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 southwest corner of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the west line of said Southwest Quarter for a distance of 1320.93 feet to the northwest corner of ELMER BAKKE SECOND SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the west line of said Southwest Quarter for a distance of 404.31 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2118.31 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 469.73 feet; thence North 85 degrees 56 minutes 57 seconds East for a distance of 81.75 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along the east line of said Southwest Quarter for a distance of 497.06 feet to the easterly extension of the north line of ELMER BAKKE SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of said Recorder; thence South 86 degrees 04 minutes 32 seconds West along the north line of said ELMER BAKKE SUBDIVISION and the easterly extension thereof and along the north line of said ELMER BAKKE SECOND SUBDIVISION for a distance of 2652.56 feet to the point of beginning. Said tract contains 24.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 8518 - That part of the Southeast Quarter of Section 14, 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 southeast corner of said Southeast Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the east line of said Southeast

Quarter for a distance of 1320.93 feet to an iron monument at the northeast corner of the South Half of said Southeast Quarter, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the east line of said Southeast Quarter for a distance of 404.31 feet to an iron monument; thence South 86 degrees 36 minutes 01 second West for a distance of 70.55 feet to an iron monument; thence South 52 degrees 09 minutes 07 seconds West for a distance of 997.88 feet to an iron monument; thence South 55 degrees 07 minutes 36 seconds West for a distance of 477.90 feet to an iron monument; thence 262.89 feet southwesterly on a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds to an iron monument; thence South 04 degrees 55 minutes 05 seconds West for a distance of 685.64 feet to an iron monument on the south line of said Southeast Quarter; thence North 87 degrees 21 minutes 35 seconds East along the south line of said Southeast Quarter for a distance of 488.03 feet to an iron monument on the west line of DREWELow SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence North 02 degrees 03 minutes 09 seconds West along the west line of said DREWELow SUBDIVISION for a distance of 624.33 feet to a found iron monument at the northwest corner of said DREWELow SUBDIVISION; thence North 53 degrees 00 minutes 27 seconds East for a distance of 1234.42 feet to the point of beginning. Said tract contains 19.51 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

P#: 57.0000.010301.030 – Severance Damages – A tract in the S1/2SE1/4 (Less R/W & Less the Following; Commencing at the SE corner of the SE1/4, West 1012', thence North 627', thence East 1013', thence South 627' to the Point of Beginning; and Less that part annexed into Oxbow City for 2016 and Less that part annexed into Oxbow city for 2017 in 14-137N-49W. 8.02 Acres M/L.

Project Title: Fargo Flood Diversion – I-29 Road Raise, OHB Ring Dike

PID: 57.0000.10294.020, 57.0000.0297.000, 57.0000.10301.040, 57.0000.10302.020, 57.0000.10293.000, 57.0000-10301.030, 78.0000.10294.030, and 78.0000.10302.050

Orten B. & Sandra A. Brodshaug Revocable Living Trust, C/O Bell Bank Wealth Management, Trustee;

The Cass County Joint Water Resource District (CCJWRD) and other partners are constructing a flood control improvement project in the area which includes land owned by you. The CCJWRD has hired HDR, Inc. to aid in the acquisition of right-of-way for the project. You are receiving this letter as the owner/trustee of the property that must be acquired for the project. This letter conveys CCJWRD's offer to purchase all interests in the real property that are necessary for the project. The interests being purchased (the "Parcels") are listed on Exhibit A (Acquisition Summary) and shown on Exhibit B (Parcel Sketch), and the amount stated in this letter as the purchase amount is for all of those interests. If the Parcel includes interests that another person or entity may own (for example a mortgage lender or easement holder), the CCJWRD's offer is contingent on all parties with interest agreeing to the amount and allocation of the purchase funds.

To determine market value of the interest being acquired, HDR, under contract to the CCJWRD, retained the services of the independent property appraisal firm, Tinjum Appraisal Company, Inc. The appraiser has determined that the market value of the interests being purchased is \$234,260 and the market value of the Temporary Easements necessary is \$45,700, and the Severance Damages are \$42,506 of February 21, 2020, totaling \$322,466.00. 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 accompanying this letter and provided to you. A summary of the appraisal is provided on Exhibit A (Appraisal Summary). If the purchase amount is based on any conditions or exceptions (such as terms of the transfer of possession or retention of any interest); they will be included in Exhibit A.

The Cass County Joint Water Resource District hereby offers to pay the Orten B. & Sandra A. Revocable Living Trust \$322,466.00 as Just Compensation for the property interests it must acquire from the Trust.

Once we agree on the basic terms of an agreement for you to sell, and the CCJWRD to buy the property interests describe in this letter, a Purchase Agreement will be drafted and presented to you for approval. The Purchase Agreement will contain all of the pertinent terms and conditions of this

offer, as well as several standard legal, property acquisition terms. The Purchase Agreement will be between the Orten B. & Sandra A. Brodshaug Revocable Living Trust through Bell Bank Trust and the CCJWRD.

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


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

- Copy of the appraisal for Parcels 1930, 1932, 1940, 1941, 8517, and 8518 completed by Tinjum Appraisal Company, Inc. and
- Exhibits A (Acquisition Summary) and (Appraisal Summary), and B (Parcel sketch)

Your signature DOES NOT indicate your acceptance or rejection of the offered amount. Nor does it affect your right to continue to negotiate with the (CCJWRD) or have the value of your interests determined through eminent domain proceedings.


On behalf of CCJWRD, we wish to thank you for your cooperation and assistance, and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,


Stefan "Oly" Olafson
Real Estate Project Manager
HDR, Inc.

51 North Broadway, Suite 550
Fargo, ND 58102-4970
701-404-6463/701-205-8855
Oly.Olafson@hdrinc.com

I acknowledge that on 4/17, 2020, I received this letter and all documents listed above.

By: 
Stephanie Strand, VP Bell Bank Wealth Management for the Orten B. & Sandra A. Brodshaug Revocable Living Trust

cc: Cass County Joint Water Resource District

EXHIBIT A

**ACQUISITION SUMMARY
 Fargo Flood Diversion – Western Tie Back**

Letter Conveying Offer to Purchase

Project Parcel ID's: 1930, 1932, 1940, 1941, 8517, and 8518

Parcel Legal Description: 44.20 Fee Acres, 55.71 Temporary Construction Easement Acres and 8.02 acres of Severance Damages as described on pages 1, 2, and 3 of this document.

Project Title: Fargo Flood Diversion – I-29 Road Raise and OHB Ring Dike

PID: 57.0000.10294.020, 57.0000.0297.000, 57.0000.10301.040, 57.0000.10302.020, 57.0000.10293.000, 57.0000-10301.030, 78.0000.10294.030, and 78.0000.10302.050

Recorded Fee Owner: Orten B. & Sandra A. Brodshaug Revocable Living Trust

Other Interests or Encumbrances: None

Description of Property Interests to be Acquired*:

Please see Exhibit B

Noted and Waived Exceptions, Reservations or Encumbrances: None

*Unless otherwise noted, any offer to purchase is contingent on the following:

1. Demonstration of marketable title,
2. Conveyance of all interests identified, unless waived in writing by the Cass County Joint Water Resource District,
3. Execution of a purchase agreement signed by the Cass County Joint Water Resource District, or its designee.

APPRAISAL SUMMARY

Type of Interest	Amount	Per Acre	Indicated Value
Fee Simple	44.20 Acres	\$5,300	\$234,260
Severance Damages	8.02 Acres	\$5,300	\$42,506
Temporary Construction Easement – I-29	52.87	\$160.00	\$43,300
Temporary Easement – OHB	2.84	\$170.00	\$2,400
Total			\$322,466

General Information

City/Township:	Pleasant Township
Taxpayer Name:	ORTEN B & SANDRA A BRODSHAUG REVOCABLE LIVING TRUSTs ETAL
Property Address:	N/A
Section:	14
Subdivision:	Southeast Quarter
Extra Territorial Area:	
Lot:	0
Legal Description:	14-137-49 DESC TRACT: S 1/2 OF SE 1/4 LESS R/W & LESS THE FOLL, COMM AT SE COR OF SE 1/4, W 1012', N 627', E 1012', S 627' TO PT OF BEG; & LESS THAT PT ANNEXED INTO OXBOW CITY FOR 2016 & LESS THAT PT ANNEXED INTO OXBOW CITY FOR 2017. **2-1-17 SPL FRM 57-0000-10301-020 PER ANNEXATION PLAT DOG#1500979 FOR 2017-SEE AREA B
Lot Area:	0
Frontage Length:	
Depth Factor:	
Recorded Acres:	8.02025

District Information

School District:	S002 (Kindred Public School District #2)
Water District:	W060 (Southeast Water Resource District)
Fire District:	F011 (Horace Rural Fire)



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**Cass County
Joint Water
Resource
District**

July 2, 2020

Bell Bank, as Successor Trustee of the Orten B. Brodshaug Revocable Living Trust Agreement dated December 28, 2011

Attn: Stephanie Strand

PO Box 9798

Fargo, ND 58106-9798

Certified No. 7020 0090 0000 7648 4090

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

Bell Bank, as Successor Trustee of the Sandra A. Brodshaug Revocable Living Trust Agreement dated December 28, 2011

Attn: Stephanie Strand

PO Box 9798

Fargo, ND 58106-9798

Certified No. 7020 0090 0000 7648 4106

Greetings:

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project

Formal Negotiations and Written Offer of Just Compensation

OINs: 1930, 1932, 1940, 1941, 8517, 8518

Parcel Nos.: 57-0000-10294-020, 57-0000-10297-000, 57-0000-10301-040,
57-0000-10302-020, 78-0000-10294-030, 78-0000-10302-050

The Cass County Joint Water Resource District (the "District") is in the process of acquiring property interests necessary for the Fargo-Moorhead Area Diversion Project (the "Project"), and the District has been in discussions with you regarding right of way the District must acquire from you to accommodate the Project. The District directed me to provide you this letter as the District's formal offer to purchase right of way 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 57-0000-10294-020, 57-0000-10297-000, 57-0000-10301-040, 57-0000-10302-020, 78-0000-10294-030 and 78-0000-10302-050. The legal description of the property to be acquired is:

Right of Way

OIN 8517

That part of the Southwest Quarter in Section 13, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, described as follows:

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

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

Commencing at a found iron monument which designates the southwest corner of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the west line of said Southwest Quarter for a distance of 1320.93 feet to the northwest corner of ELMER BAKKE SECOND SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the west line of said Southwest Quarter for a distance of 404.31 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2118.31 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 469.73 feet; thence North 85 degrees 56 minutes 57 seconds East for a distance of 81.75 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along the east line of said Southwest Quarter for a distance of 497.06 feet to the easterly extension of the north line of ELMER BAKKE SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of said Recorder; thence South 86 degrees 04 minutes 32 seconds West along the north line of said ELMER BAKKE SUBDIVISION and the easterly extension thereof and along the north line of said ELMER BAKKE SECOND SUBDIVISION for a distance of 2652.56 feet to the point of beginning.

Said tract contains 24.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 8518

That part of the Southeast Quarter of Section 14, 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 southeast corner of said Southeast Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the east line of said Southeast Quarter for a distance of 1320.93 feet to an iron monument at the northeast corner of the South Half of said Southeast Quarter, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the east line of said Southeast Quarter for a distance of 404.31 feet to an iron monument; thence South 86 degrees 36 minutes 01 second West for a distance of 70.55 feet to an iron monument; thence South 52 degrees 09 minutes 07 seconds West for a distance of 997.88 feet to an iron monument; thence South 55 degrees 07 minutes 36 seconds West for a distance of 477.90 feet to an iron monument; thence 262.89 feet southwesterly on a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds to an iron monument; thence South 04 degrees 55 minutes 05 seconds West for a distance of 685.64 feet to an iron monument on the south line of said Southeast Quarter; thence North 87 degrees 21 minutes 35 seconds East along the south line of said Southeast Quarter for a distance of 488.03 feet to an iron monument on the west line of

DREWELow SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence North 02 degrees 03 minutes 09 seconds West along the west line of said DREWELow SUBDIVISION for a distance of 624.33 feet to a found iron monument at the northwest corner of said DREWELow SUBDIVISION; thence North 53 degrees 00 minutes 27 seconds East for a distance of 1234.42 feet to the point of beginning.

Said tract contains 19.51 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement

OIN 1930

That part of the North Half of the Southwest Quarter in Section 13, 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 southeast corner of said Southwest Quarter; thence North 01 degree 59 minutes 04 seconds West on an assumed bearing along the east line of said Southwest Quarter for a distance of 1813.35 feet to the point of beginning; thence South 85 degrees 56 minutes 57 seconds West for a distance of 81.75 feet; thence South 72 degrees 17 minutes 38 seconds West for a distance of 469.73 feet; thence South 86 degrees 36 minutes 01 second West for a distance of 2118.31 feet to the west line of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West along said west line for a distance of 20.01 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2115.33 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 430.19 feet; thence North 08 degrees 31 minutes 18 seconds East for a distance of 208.21 feet; thence North 87 degrees 21 minutes 30 seconds East for a distance of 84.80 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along said east line for a distance of 211.97 feet to the point of beginning.

Said tract contains 1.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1932

That part of the Northeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 14; thence North 87 degrees 36 minutes 43 seconds East on an assumed bearing along the north line of said Northeast Quarter for a distance of

189.70 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence South 02 degrees 05 minutes 05 seconds East along said easterly right of way line for a distance of 2647.24 feet to the south line of said Northeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said Northeast Quarter.

Said tract contains 26.43 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1940

That part of the South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 193.15 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 13.22 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 South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying westerly and 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter, the point of beginning of said line; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a

central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The westerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 0.79 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1941

That part of the North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 00 degrees 02 minutes 51 seconds West on an assumed bearing along the north-south quarter line of said Section 14 for a distance of 1323.84 feet to the southwest corner of said North Half of the Southeast Quarter; thence North 87 degrees 25 minutes 22 seconds East along the south line of said North Half of the Southeast Quarter for a distance of 192.29 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said North Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said North Half of the Southeast Quarter.

Said tract contains 13.22 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 North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying northerly and 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 south quarter corner of said Section 14, from which the north-south quarter line of said Section 14 bears North 02 degrees 02 minutes 51 seconds West on an assumed bearing; thence North 87 degrees 21 minutes 35 seconds East along the south line of the South Half of said Southeast Quarter for a distance of 1148.94 feet to a point on the south

line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the south line of said North Half of the Southeast Quarter, the point of beginning of said line; thence continuing North 52 degrees 09 minutes 07 seconds East for a distance of 698.39 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 70.55 feet to the east line of said North Half of the Southeast Quarter, said line there terminates. The northerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south and east lines of said North Half of the Southeast Quarter.

Said tract contains 0.36 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 \$234,260.00, the temporary easement is \$45,700.00, and the amount for severance damages is \$42,506.00 for a total purchase price of \$322,466.00. The District approved the appraisal and this letter is the District's offer to you in the amount of \$322,466.00 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. **Oly Olafson** of HDR, Inc. can be reached at **(701) 205-8855** or **Oly.Olafson@hdrinc.com**. Oly is your point of contact for getting answers to any questions you have about the Project and acquisition of right of way and 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 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.

Brodshaug
July 2, 2020
Page 7

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BELL BANK
 SUCCESSOR TRUSTEE OF ORTEN B
 BRODTHANG REVOCABLE LIVING TRUST
 PO BOX 9798
 FARCO ND 58106 - 9798



9590 9402 5989 0062 9060 13

2. Article Number (Transfer from service label)

7020 0090 0000 7648 4090

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- Agent
- Addressee

B. Received by (Printed Name)

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1. Article Addressed to:

BELL BANK
 SUCCESSOR TRUSTEE OF SANDRA A
 BRODSHAUG REVOCABLE LIVING TRUST
 PO BOX 9798
 FARGO ND 58106-9798



9590 9402 5989 0062 9060 06

2. Article Number (Transfer from service label)

7020 0090 0000 7648 4106

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

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- Addressee

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C. Date of Delivery

7-3-20

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- 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

July 21, 2020

**Cass County
Joint Water
Resource
District**

Bell Bank, as Successor Trustee of the Orten B. Brodshaug Revocable Living Trust Agreement dated December 28, 2011
Attn: Stephanie Strand
PO Box 9798
Fargo, ND 58106-9798
Certified No. 7020 0090 0000 7648 4342

Dan Jacobson
Chairman
West Fargo, North Dakota

Bell Bank, as Successor Trustee of the Sandra A. Brodshaug Revocable Living Trust Agreement dated December 28, 2011
Attn: Stephanie Strand
PO Box 9798
Fargo, ND 58106-9798
Certified No. 7020 0090 0000 7648 4359

Rodger Olson
Manager
Leonard, North Dakota

Greetings:

Ken Lougheed
Manager
Gardner, North Dakota

**RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Request for Meeting
OINs: 1930, 1932, 1940, 1941, 8517, 8518
Parcel Nos.: 57-0000-10294-020, 57-0000-10297-000,
57-0000-10301-040, 57-0000-10302-020,
78-0000-10294-030, 78-0000-10302-050**

Jacob Gust
Manager
Fargo, North Dakota

Keith Weston
Manager
Fargo, North Dakota

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). The District previously provided you a letter dated July 2, 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

701-298-2381
FAX 701-298-2397
wrд@casscountynд.gov
casscountynд.gov

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 August 13, 2020, and August 27, 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.

Brodshaug
OINs 1930, 1932, 1940, 1941, 8517, 8518
July 21, 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. **Oly Olafson** of HDR, Inc. is your point of contact for getting answers to any questions you have about the Project. Oly can be reached at **(701) 205-8855** or **Oly.Olafson@hdrinc.com**.

North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way 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@casscountynnd.gov

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X  7-23-20</p>
<p>1. Article Addressed to:</p> <p>BELL BANK SUCCESSOR TRUSTEE OF ORTEN B LUG REVOCABLE LIVING TRUST ATTN: STEPHANIE STRAND PO BOX 9798 FARGO ND 58106-9798</p>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p> 7-23-20</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>
 9590 9402 5989 0062 9057 64	<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label)</p> <p>7020 0090 0000 7648 4342</p>	<p>Domestic Return Receipt</p>

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

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- Complete items 1, 2, and 3.
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1. Article Addressed to:
 BELL BANK
 SUCCESSOR TRUSTEE OF SANDRA A
 BRODHAUS REVOCABLE LIVING TRUST
 ATTN: STEPHANIE STRAND
 PO BOX 9798
 FARGO ND 58106-9798



9590 9402 5989 0062 9057 57

2. Article Number (Transfer from service label)
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PS Form 3811, July 2015 PSN 7530-02-000-9053

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A. Signature
 X *[Signature]* Agent Addressee

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 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**Cass County
Joint Water
Resource
District**

August 26, 2020

Bell Bank, as Successor Trustee of the Orten B. Brodshaug Revocable Living Trust Agreement dated December 28, 2011
Attn: Stephanie Strand
PO Box 9798
Fargo, ND 58106-9798
Certified No. 7020 0090 0000 7648 4595

Dan Jacobson
Chairman
West Fargo, North Dakota

Bell Bank, as Successor Trustee of the Sandra A. Brodshaug Revocable Living Trust Agreement dated December 28, 2011
Attn: Stephanie Strand
PO Box 9798
Fargo, ND 58106-9798
Certified No. 7020 0090 0000 7648 4601

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 AND
TEMPORARY EASEMENT
OINs: 1930, 1932, 1940, 1941, 8517, 8518
Parcel Nos. 57-0000-10294-020, 57-0000-10297-000,
57-0000-10301-040, 57-0000-10302-020
78-0000-10294-030, 78-0000-10302-050

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

701-298-2381
FAX 701-298-2397
wrld@casscountynnd.gov
casscountynnd.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 July 2, 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 July 21, 2020, to invite you to meet with the District for purposes of discussing the acquisition the right of way and temporary easement in and to 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 right of way and temporary easement from you to accommodate the Project.

Brodshaug
OINs 1930, 1932, 1940, 1941, 8517, 8518
August 26, 2020
Page 2

This letter is the District's NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY AND TEMPORARY EASEMENT. If we do not have an agreement, the District will be requesting approval from the Cass County Commission to take possession of the right of way 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. **Oly Olafson** of **HDR, Inc.** can be reached at **(701) 205-8855** or **Oly.Olafson@hdrinc.com**. Oly is your point of contact for getting answers to any questions you have about the Project and acquisition of the 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

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BELL BANK
 SUCCESSOR TRUSTEE OF SANDRA A
 BRIDSTADT REVOCABLE LIVING TRUST
 ATTN STEPHANIE STRAND
 PO BOX 9798
 FARGO ND 58106-9798



9590 9402 5989 0062 9053 51

2. Article Number (Transfer from service label)

7020 0090 0000 7648 4601

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

Veri Ell

C. Date of Delivery

8-27-20

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

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

Domestic Return Receipt

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:

BELL BANK
 SUCCESSOR TRUSTEE OF ORTEN B
 BRIDSWAUG REVOCABLE LIVING TRUST
 ATTN STEPHANIE STRAND
 PO BOX 4798
 FARGO ND 58106-9798



9590 9402 5989 0062 9053 44

2. Article Number (Transfer from service label)

7020 0090 0000 7648 4595

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X  Agent
 Addressee

B. Received by (Printed Name)

Lori Ell

C. Date of Delivery

8-27-20

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



SENT VIA EMAIL wilsonro@casscountynd.gov

Cass County
Joint Water
Resource
District

October 2, 2020

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

Dan Jacobson
Chairman
West Fargo, North Dakota

Greetings:

Rodger Olson
Manager
Leonard, North Dakota

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Request for Approval to Take Possession of Necessary Right of Way and
Temporary Easement
OINs: 1930, 1932, 1940, 1941, 8517, 8518
Parcel Nos.: 57-0000-10294-020, 57-0000-10297-000, 57-0000-10301-040,
57-0000-10302-020, 78-0000-10294-030, 78-0000-10302-050

Ken Loughheed
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 Bell Bank, as Successor Trustee of the Orten B. Brodshaug Revocable Living Trust Agreement dated December 28, 2011, and Bell Bank, as Successor Trustee of the Sandra A. Brodshaug Revocable Living Trust Agreement dated December 28, 2011 (the "Landowner"):

- Letter dated July 2, 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 July 21, 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 August 26, 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
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 8517

That part of the Southwest Quarter in Section 13, 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 southwest corner of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the west line of said Southwest Quarter for a distance of 1320.93 feet to the northwest corner of ELMER BAKKE SECOND SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the west line of said Southwest Quarter for a distance of 404.31 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2118.31 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 469.73 feet; thence North 85 degrees 56 minutes 57 seconds East for a distance of 81.75 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along the east line of said Southwest Quarter for a distance of 497.06 feet to the easterly extension of the north line of ELMER BAKKE SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of said Recorder; thence South 86 degrees 04 minutes 32 seconds West along the north line of said ELMER BAKKE SUBIVISION and the easterly extension thereof and along the north line of said ELMER BAKKE SECOND SUBDIVISION for a distance of 2652.56 feet to the point of beginning.

Said tract contains 24.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 8518

That part of the Southeast Quarter of Section 14, 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 southeast corner of said Southeast Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the east line of said Southeast Quarter for a distance of 1320.93 feet to an iron monument at the northeast corner of the South Half of said Southeast Quarter, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the east line of said Southeast Quarter for a distance of 404.31 feet to an iron monument; thence South 86 degrees 36 minutes 01 second West for a distance of 70.55 feet to an iron monument; thence South 52 degrees 09 minutes 07 seconds West for a distance of 997.88 feet to an iron monument; thence South 55 degrees 07 minutes 36 seconds West for a distance of 477.90 feet to an iron monument; thence 262.89 feet southwesterly on a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds to an iron monument; thence South 04 degrees 55 minutes 05 seconds West for a distance of 685.64 feet to an iron monument on the south line of said Southeast Quarter; thence North 87 degrees 21 minutes 35 seconds East along the south line of said Southeast Quarter for a distance of 488.03 feet to an iron monument on the west line of DREWELOW SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence North 02 degrees 03 minutes 09 seconds West along the west line of said DREWELOW SUBDIVISION for a distance of 624.33 feet to a found iron monument at the northwest corner of said DREWELOW SUBDIVISION; thence North 53 degrees 00 minutes 27 seconds East for a distance of 1234.42 feet to the point of beginning.

Said tract contains 19.51 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 1930

That part of the North Half of the Southwest Quarter in Section 13, 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 southeast corner of said Southwest Quarter; thence North 01 degree 59 minutes 04 seconds West on an assumed bearing along the east line of said Southwest Quarter for a distance of 1813.35 feet to the point of beginning; thence South 85 degrees 56 minutes 57 seconds West for a distance of 81.75 feet; thence South 72 degrees 17 minutes 38 seconds West for a distance of 469.73 feet; thence South 86 degrees 36 minutes 01 second West for a distance of 2118.31 feet to the west line of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West along said west line for a distance of 20.01 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2115.33 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 430.19 feet; thence North 08 degrees 31 minutes 18 seconds East for a distance of 208.21 feet; thence North 87 degrees 21 minutes

30 seconds East for a distance of 84.80 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along said east line for a distance of 211.97 feet to the point of beginning.

Said tract contains 1.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1932

That part of the Northeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 14; thence North 87 degrees 36 minutes 43 seconds East on an assumed bearing along the north line of said Northeast Quarter for a distance of 189.70 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence South 02 degrees 05 minutes 05 seconds East along said easterly right of way line for a distance of 2647.24 feet to the south line of said Northeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said Northeast Quarter.

Said tract contains 26.43 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1940

That part of the South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 193.15 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 13.22 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 South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying westerly and 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter, the point of beginning of said line; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The westerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 0.79 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1941

That part of the North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 00 degrees 02 minutes 51 seconds West on an assumed bearing along the north-south quarter line of said Section 14 for a distance of 1323.84 feet to the southwest corner of said North Half of the Southeast Quarter; thence North 87 degrees 25 minutes 22 seconds East along the south line of said North Half of the Southeast Quarter for a distance of 192.29 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said North Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said North Half of the Southeast Quarter.

Said tract contains 13.22 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 North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying northerly and 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 south quarter corner of said Section 14, from which the north-south quarter line of said Section 14 bears North 02 degrees 02 minutes 51 seconds West on an assumed bearing; thence North 87 degrees 21 minutes 35 seconds East along the south line of the South Half of said Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the south line of said North Half of the Southeast Quarter, the point of beginning of said line; thence continuing North 52 degrees 09 minutes 07 seconds East for a distance of 698.39 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 70.55 feet to the east line of said North Half of the Southeast Quarter, said line there terminates. The northerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south and east lines of said North Half of the Southeast Quarter.

Said tract contains 0.36 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 a representative of the land firm which was the Landowner's main point of contact throughout the negotiation process. Prior to the public

Robert Wilson
October 2, 2020
Page 7

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 Landowner with the District's appraisal as the starting point for negotiations, then attempted to negotiate further with the Landowner over the course of several months. This step is not one the District takes lightly; quick take eminent domain is a serious undertaking, and the District has negotiated in good-faith with the Landowner to avoid this process. Despite the District's efforts to be fair, friendly, and flexible in both the informal and formal negotiations with the Landowner, unfortunately, the parties have not reached a mutually acceptable agreement for the acquisition of the right of way and temporary easement.

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



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

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



October 9, 2020

Board of County Commissioners

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

Bell Bank, as Successor Trustee of the Orten B. Brodshaug Revocable Living Trust Agreement dated December 28, 2011

Attn: Stephanie Strand

PO Box 9798

Fargo, ND 58106

Certified No. 7020 0640 0000 1512 6516

Bell Bank, as Successor Trustee of the Sandra A. Brodshaug Revocable Living Trust Agreement dated December 28, 2011

Attn: Stephanie Strand

PO Box 9798

Fargo, ND 58106

Certified No. 7020 0640 0000 1512 6523

Re: Cass County Commission

Fargo-Moorhead Area Diversion Project

Invitation to Attend Public Meeting

OINs: 1930; 1932; 1940, 1941; 8517; 8518

Parcel Nos.: 57-0000-10294-020; 57-0000-10297-000;

57-0000-10301-040; 57-0000-10302-020; 78-0000-10294-030;

78-0000-10302-050

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:

- Letter dated July 2, 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

- Letter dated July 21, 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 August 26, 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:

OIN 8517

That part of the Southwest Quarter in Section 13, 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 southwest corner of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the west line of said Southwest Quarter for a distance of 1320.93 feet to the northwest corner of ELMER BAKKE SECOND SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the west line of said Southwest Quarter for a distance of 404.31 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2118.31 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 469.73 feet; thence North 85 degrees 56 minutes 57 seconds East for a distance of 81.75 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along the east line of said Southwest Quarter for a distance of 497.06 feet to the easterly extension of the north line of ELMER BAKKE SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of said Recorder; thence South 86 degrees 04 minutes 32 seconds West along the north line of said ELMER BAKKE SUBDIVISION and the easterly extension thereof and along the north line of said ELMER BAKKE SECOND SUBDIVISION for a distance of 2652.56 feet to the point of beginning.

Said tract contains 24.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 8518

That part of the Southeast Quarter of Section 14, 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 southeast corner of said Southeast Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the east line of said Southeast Quarter for a distance of 1320.93 feet to an iron monument at the northeast corner of the South Half of said Southeast Quarter, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the east line of said Southeast Quarter for a distance of 404.31 feet to an iron monument; thence South 86 degrees 36 minutes 01 second West for a distance of 70.55 feet to an iron monument; thence South 52 degrees 09 minutes 07 seconds West for a distance of 997.88 feet to an iron monument; thence South 55 degrees 07 minutes 36 seconds West for a distance of 477.90 feet to an iron monument; thence 262.89 feet southwesterly on a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds to an iron monument; thence South 04 degrees 55 minutes 05 seconds West for a distance of 685.64 feet to an iron monument on the south line of said Southeast Quarter; thence North 87 degrees 21 minutes 35 seconds East along the south line of said Southeast Quarter for a distance of 488.03 feet to an iron monument on the west line of DREWELow SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence North 02 degrees 03 minutes 09 seconds West along the west line of said DREWELow SUBDIVISION for a distance of 624.33 feet to a found iron monument at the northwest corner of said DREWELow SUBDIVISION; thence North 53 degrees 00 minutes 27 seconds East for a distance of 1234.42 feet to the point of beginning.

Said tract contains 19.51 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 1930

That part of the North Half of the Southwest Quarter in Section 13, 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 southeast corner of said Southwest Quarter; thence North 01 degree 59 minutes 04 seconds West on an assumed bearing along the east line of said Southwest Quarter for a distance of 1813.35 feet to the point of beginning; thence South 85 degrees 56 minutes 57 seconds West for a distance of 81.75 feet; thence South 72 degrees 17 minutes 38 seconds West for a distance of 469.73 feet; thence South 86 degrees 36 minutes 01 second West for a distance of 2118.31 feet to the west line of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West along said west line for a distance of 20.01 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2115.33 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 430.19 feet; thence North 08 degrees 31 minutes 18 seconds East for a distance of 208.21 feet; thence North 87 degrees 21 minutes 30 seconds East for a distance of 84.80 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along said east line for a distance of 211.97 feet to the point of beginning.

Said tract contains 1.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1932

That part of the Northeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 14; thence North 87 degrees 36 minutes 43 seconds East on an assumed bearing along the north line of said Northeast Quarter for a distance of 189.70 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence South 02 degrees 05 minutes 05 seconds East along said easterly right of way line for a distance of 2647.24 feet to the south line of said Northeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said Northeast Quarter.

Said tract contains 26.43 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1940

That part of the South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly

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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 193.15 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 13.22 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 South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying westerly and 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter, the point of beginning of said line; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The westerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 0.79 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1941

That part of the North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 00 degrees 02 minutes 51 seconds West on an assumed bearing along the north-south quarter line of said Section 14 for a distance of 1323.84 feet to the southwest corner of said North Half of the Southeast Quarter; thence North 87 degrees 25 minutes 22 seconds East along the south line of said North Half of the Southeast Quarter for a distance of 192.29 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said North Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said North Half of the Southeast Quarter.

Said tract contains 13.22 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 North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying northerly and 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 south quarter corner of said Section 14, from which the north-south quarter line of said Section 14 bears North 02 degrees 02 minutes 51 seconds West on an assumed bearing; thence North 87 degrees 21 minutes 35 seconds East along the south line of the South Half of said Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the south line of said North Half of the Southeast Quarter, the point of beginning of said line; thence continuing North

52 degrees 09 minutes 07 seconds East for a distance of 698.39 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 70.55 feet to the east line of said North Half of the Southeast Quarter, said line there terminates. The northerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the south and east lines of said North Half of the Southeast Quarter.

Said tract contains 0.36 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 November 16, 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 November 16, 2020 public meeting via conference call or Microsoft Teams, please contact Heather Worden at (701) 241-5609 or wordenh@casscountynd.gov as soon as possible so Ms. Worden can assist you with the necessary arrangements.

This Notice does not preclude you from continuing to work with the District regarding the right of way and temporary easement necessary for the Project. In fact, the Commission and the District encourage you to maintain contact with **Oly Olafson** and to continue discussions about the Project. **Oly Olafson** of **HDR, Inc.** is your point of contact regarding the Project. You can reach **Oly Olafson** at **(701) 205-8855** or **oly.olafson@hdrinc.co**.

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.

Brodshaug
October 9, 2020
Page 8


Sincerely,


CASS COUNTY COMMISSION



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

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

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to: 01N 1930 etal Bell Bank, Trustee Orten B. Brodsham Living Trust Attn: Stephanie Strand PO Box 9798 Fargo, ND 58106-9798</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>
 9590 9402 5717 9346 3143 10	<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label) 7020 0640 0000 1512 6514</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to: 01N 1930 etal Bell Bank, Trustee Sandra A. Brodsham Living Trust Attn: Stephanie Strand PO Box 9798 Fargo, ND 58106-9798</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>
 9590 9402 5717 9346 3143 03	<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label) 7020 0640 0000 1512 6523</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

South 01 degree 59 minutes 04 seconds East along the east line of said Southwest Quarter for a distance of 497.06 feet to the easterly extension of the north line of ELMER BAKKE SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of said Recorder; thence South 86 degrees 04 minutes 32 seconds West along the north line of said ELMER BAKKE SUBIVISION and the easterly extension thereof and along the north line of said ELMER BAKKE SECOND SUBDIVISION for a distance of 2652.56 feet to the point of beginning.

Said tract contains 24.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 8518

That part of the Southeast Quarter of Section 14, 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 southeast corner of said Southeast Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the east line of said Southeast Quarter for a distance of 1320.93 feet to an iron monument at the northeast corner of the South Half of said Southeast Quarter, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the east line of said Southeast Quarter for a distance of 404.31 feet to an iron monument; thence South 86 degrees 36 minutes 01 second West for a distance of 70.55 feet to an iron monument; thence South 52 degrees 09 minutes 07 seconds West for a distance of 997.88 feet to an iron monument; thence South 55 degrees 07 minutes 36 seconds West for a distance of 477.90 feet to an iron monument; thence 262.89 feet southwesterly on a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds to an iron monument; thence South 04 degrees 55 minutes 05 seconds West for a distance of 685.64 feet to an iron monument on the south line of said Southeast Quarter; thence North 87 degrees 21 minutes 35 seconds East along the south line of said Southeast Quarter for a distance of 488.03 feet to an iron monument on the west line of DREWELow SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence North 02 degrees 03 minutes 09 seconds West along the west line of said DREWELow SUBDIVISION for a distance of 624.33 feet to a found iron monument at the northwest corner of said DREWELow SUBDIVISION; thence North 53 degrees 00 minutes 27 seconds East for a distance of 1234.42 feet to the point of beginning.

Said tract contains 19.51 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 1930

That part of the North Half of the Southwest Quarter in Section 13, 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 southeast corner of said Southwest Quarter; thence North 01 degree 59 minutes 04 seconds West on an assumed bearing along the east line of said Southwest Quarter for a distance of 1813.35 feet to the point of beginning; thence South 85 degrees 56 minutes 57 seconds West for a distance of 81.75 feet; thence South 72 degrees 17 minutes 38 seconds West for a distance of 469.73 feet; thence South 86 degrees 36 minutes 01 second West for a distance of 2118.31 feet to the west line of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West along said west line for a distance of 20.01 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2115.33 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 430.19 feet; thence North 08 degrees 31 minutes 18 seconds East for a distance of 208.21 feet; thence North 87 degrees 21 minutes 30 seconds East for a distance of 84.80 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along said east line for a distance of 211.97 feet to the point of beginning.

Said tract contains 1.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1932

That part of the Northeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 14; thence North 87 degrees 36 minutes 43 seconds East on an assumed bearing along the north line of said Northeast Quarter for a distance of 189.70 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence South 02 degrees 05 minutes 05 seconds East along said easterly right of way line for a distance of 2647.24 feet to the south line of said Northeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said Northeast Quarter.

Said tract contains 26.43 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1940

That part of the South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 193.15 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 13.22 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 South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying westerly and 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter, the point of beginning of said line; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The westerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 0.79 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1941

That part of the North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 00 degrees 02 minutes 51 seconds West on an assumed bearing along the north-south quarter line of said Section 14 for a distance of 1323.84 feet to the southwest corner of said North Half of the Southeast Quarter; thence North 87 degrees 25 minutes 22 seconds East along the south line of said North Half of the Southeast Quarter for a distance of 192.29 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said North Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said North Half of the Southeast Quarter.

Said tract contains 13.22 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 North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying northerly and 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 south quarter corner of said Section 14, from which the north-south quarter line of said Section 14 bears North 02 degrees 02 minutes 51 seconds West on an assumed bearing; thence North 87 degrees 21 minutes 35 seconds East along the south line of the South Half of said Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the south line of said North Half of the Southeast Quarter, the point of beginning of said line; thence continuing North 52 degrees 09 minutes 07 seconds East for a distance of 698.39 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 70.55 feet to the east line of said North Half of the Southeast Quarter, said line there terminates. The northerly sideline of said strip shall be lengthened or shortened as

necessary to terminate on the south and east lines of said North Half of the Southeast Quarter.

Said tract contains 0.36 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 HDR, Inc. with respect to the Necessary Property and has reviewed all such records prior to executing this affidavit.

[¶6] HDR, Inc. has attempted to negotiate with Landowner to acquire the Necessary Property. Attached as **Exhibit A** is a log of all contacts HDR, Inc. has had with Landowner.

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

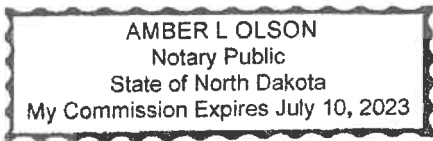
[¶8] I verify to the best of my knowledge, as Land Agent of HDR, Inc., nobody from HDR, Inc. has referenced, mentioned, or threatened quick take eminent domain to Landowner during negotiations since August 1, 2017.

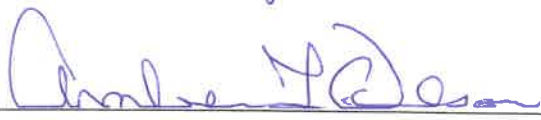
Dated this 21 day of September, 2020.



Oly Olafson
Land Agent

Subscribed to and sworn to before me this 21st day of September, 2020.





Notary Public, County of Cass
State of North Dakota
My Commission Expires: 7-10-2023

(SEAL)

Exhibit A

6/12/2014 – Call to Orten Brodshaug – He hung up

6/12/2014 – Letter to Orten Brodshaug introducing myself as Acquisition Agent

6/16/2014 – Email from William Taylor, attorney or Orten

6/17/2014 – Email to William Taylor introducing me as the land agent

12/3/2014 – Email from William Taylor acknowledging receipt of Letter Conveying Offer to Purchase OIN 1930, 1940, and 1941

12/3/2014 – Email to Mr. Taylor acknowledging receipt of Letter of Just Compensation.

2/2/2015 – Letter to Mr. Taylor, relaying recent and best offer.

10/29/2019 – Phone call to Mr. Brodshaug – Notice of surveyors on OIN 5008

10/29/2019 – Letter to Orten seeking tenant name for OIN 5008

3/6/2020 – Initial meeting with Bell Bank, Trustee for Orten and Sandra Brodshaug

4/10/2020 – Email from Chris McShane to Bell Bank with correspondence attached

4/17/2020 – Delivered informal offer and appraisal on OIN Orten I-29 Parcels, 1930, 1932, 1940, 1941, 8517, & 8518

4/28/2020 – Delivered informal offer and appraisal to Bell Bank for OIN 5008

5/5/2020 – Email with questions from Scott Huether

5/7/2020 – Meeting with Bell Bank Representatives to further negotiations.

7/17/2020 – Email to Bell Bank regarding CC Electric need to access I-29 properties, forwarded it on to Bell.

7/23/2020 – Email to Bell Bank regarding representing Orten at Joint Board meeting letter sent.

8/6/2020 – Meeting with Bell Bank to further negotiations

8/10/2020 – Email to Bell Bank with suggested settlement numbers and answers to latest questions

8/17/2020 – Email to Bell Bank to attempt to continue discussion, time is of the essence.

8/20/2020 – Email to Bell Bank with suggested settlement numbers and request for meeting early the next week.

8/27/2020 – Email requesting meeting

8/27/2020 – Email from Bell Bank, they are engaging outside counsel and will schedule meeting with me shortly

9/16/2020 – Meeting with Bell Bank and attorneys Igor Lezner and Nick Delaney. Sent Acquisition Summary for OIN 5008 to AE2S for inclusion in meetings week of 9/21.

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 from Bell Bank, as Successor Trustee of the Orten B. Brodshaug Revocable Living Trust Agreement dated December 28, 2011 and Bell Bank, as Successor Trustee of the Sandra A. Brodshaug Revocable Living Trust Agreement dated December 28, 2011 (“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 8517

That part of the Southwest Quarter in Section 13, 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 southwest corner of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the west line of said Southwest Quarter for a distance of 1320.93 feet to the northwest corner of ELMER BAKKE SECOND SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said County, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the west line of said Southwest

Quarter for a distance of 404.31 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2118.31 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 469.73 feet; thence North 85 degrees 56 minutes 57 seconds East for a distance of 81.75 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along the east line of said Southwest Quarter for a distance of 497.06 feet to the easterly extension of the north line of ELMER BAKKE SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of said Recorder; thence South 86 degrees 04 minutes 32 seconds West along the north line of said ELMER BAKKE SUBDIVISION and the easterly extension thereof and along the north line of said ELMER BAKKE SECOND SUBDIVISION for a distance of 2652.56 feet to the point of beginning.

Said tract contains 24.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 8518

That part of the Southeast Quarter of Section 14, 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 southeast corner of said Southeast Quarter; thence North 02 degrees 03 minutes 09 seconds West on an assumed bearing along the east line of said Southeast Quarter for a distance of 1320.93 feet to an iron monument at the northeast corner of the South Half of said Southeast Quarter, the point of beginning; thence continuing North 02 degrees 03 minutes 09 seconds West along the east line of said Southeast Quarter for a distance of 404.31 feet to an iron monument; thence South 86 degrees 36 minutes 01 second West for a distance of 70.55 feet to an iron monument; thence South 52 degrees 09 minutes 07 seconds West for a distance of 997.88 feet to an iron monument; thence South 55 degrees 07 minutes 36 seconds West for a distance of 477.90 feet to an iron monument; thence 262.89 feet southwesterly on a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds to an iron monument; thence South 04 degrees 55 minutes 05 seconds West for a distance of 685.64 feet to an iron monument on the south line of said Southeast Quarter; thence North 87 degrees 21 minutes 35 seconds East along the south line of said Southeast Quarter for a distance of 488.03 feet to an iron monument on the west line of DREWELow SUBDIVISION, according to the recorded plat thereof, on file and of record in the office of the Recorder, said Cass County; thence North 02 degrees 03 minutes 09 seconds West along the west line of said DREWELow SUBDIVISION for a distance of 624.33 feet to a found iron monument at the northwest corner of said DREWELow SUBDIVISION; thence North 53 degrees 00 minutes 27 seconds East for a distance of 1234.42 feet to the point of beginning.

Said tract contains 19.51 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

Temporary Easement:

OIN 1930

That part of the North Half of the Southwest Quarter in Section 13, 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 southeast corner of said Southwest Quarter; thence North 01 degree 59 minutes 04 seconds West on an assumed bearing along the east line of said Southwest Quarter for a distance of 1813.35 feet to the point of beginning; thence South 85 degrees 56 minutes 57 seconds West for a distance of 81.75 feet; thence South 72 degrees 17 minutes 38 seconds West for a distance of 469.73 feet; thence South 86 degrees 36 minutes 01 second West for a distance of 2118.31 feet to the west line of said Southwest Quarter; thence North 02 degrees 03 minutes 09 seconds West along said west line for a distance of 20.01 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 2115.33 feet; thence North 72 degrees 17 minutes 38 seconds East for a distance of 430.19 feet; thence North 08 degrees 31 minutes 18 seconds East for a distance of 208.21 feet; thence North 87 degrees 21 minutes 30 seconds East for a distance of 84.80 feet to the east line of said Southwest Quarter; thence South 01 degree 59 minutes 04 seconds East along said east line for a distance of 211.97 feet to the point of beginning.

Said tract contains 1.69 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1932

That part of the Northeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 14; thence North 87 degrees 36 minutes 43 seconds East on an assumed bearing along the north line of said Northeast Quarter for a distance of 189.70 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence South 02 degrees 05 minutes 05 seconds East along said easterly right of way line for a distance of 2647.24 feet to the south line of said Northeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said Northeast Quarter.

Said tract contains 26.43 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

OIN 1940

That part of the South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 193.15 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 13.22 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 South Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying westerly and 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 south quarter corner of said Section 14; thence North 87 degrees 21 minutes 35 seconds East on an assumed bearing along the south line of said South Half of the Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter, the point of beginning of said line; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the north line of said South Half of the Southeast Quarter, said line there terminates. The westerly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said South Half of the Southeast Quarter.

Said tract contains 0.79 acres, more or less, and is subject to all easements, restrictions, reservations and rights of way of record, if any.

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That part of the North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 435.00 feet wide, lying easterly 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 south quarter corner of said Section 14; thence North 00 degrees 02 minutes 51 seconds West on an assumed bearing along the north-south quarter line of said Section 14 for a distance of 1323.84 feet to the southwest corner of said North Half of the Southeast Quarter; thence North 87 degrees 25 minutes 22 seconds East along the south line of said North Half of the Southeast Quarter for a distance of 192.29 feet to the easterly right of way line of Interstate Highway No. 29, the point of beginning of said line; thence North 02 degrees 05 minutes 05 seconds West along said easterly right of way line for a distance of 1323.62 feet to the north line of said North Half of the Southeast Quarter, said line there terminates. The easterly sideline of said strip shall be lengthened or shortened as necessary to terminate on the north and south lines of said North Half of the Southeast Quarter.

Said tract contains 13.22 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 North Half of the Southeast Quarter of Section 14, Township 137 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, being a strip 20.00 feet wide, lying northerly and 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 south quarter corner of said Section 14, from which the north-south quarter line of said Section 14 bears North 02 degrees 02 minutes 51 seconds West on an assumed bearing; thence North 87 degrees 21 minutes 35 seconds East along the south line of the South Half of said Southeast Quarter for a distance of 1148.94 feet to a point on the south line of said South Half of the Southeast Quarter 1500.00 feet westerly of the southeast corner of said Southeast Quarter; thence North 04 degrees 55 minutes 05 seconds East for a distance of 685.64 feet; thence northeasterly along a tangential curve concave to the southeast, having a radius of 300.00 feet and a central angle of 50 degrees 12 minutes 31 seconds for an arc distance of 262.89 feet; thence North 55 degrees 07 minutes 36 seconds East for a distance of 477.90 feet; thence North 52 degrees 09 minutes 07 seconds East for a distance of 299.48 feet to the south line of said North Half of the Southeast Quarter, the point of beginning of said line; thence continuing North 52 degrees 09 minutes 07 seconds East for a distance of 698.39 feet; thence North 86 degrees 36 minutes 01 second East for a distance of 70.55 feet to the east line of said North Half of the Southeast Quarter, said line there terminates. The northerly sideline of said strip shall be lengthened or shortened as

necessary to terminate on the south and east lines of said North Half of the Southeast Quarter.

Said tract contains 0.36 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 July 2, 2020. A copy of the offer (without the appraisal that was included) is attached as **Exhibit 1**.

[¶9] On July 21, 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 Landowner is attached as **Exhibit 2**.

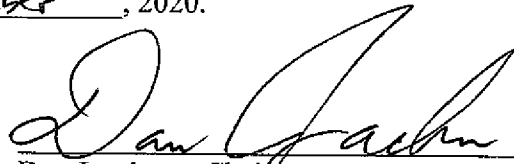
[¶10] The District and Landowner have not reached an agreement regarding compensation, and more than thirty days have passed since Landowner's receipt of the request for a meeting.

[¶11] On August 26, 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.

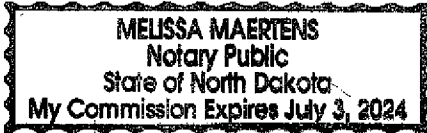
[¶13] I verify there have been no references, mention, or threats of quick take eminent domain by the District during negotiations since August 1, 2017.


Dated this 2nd day of November, 2020.



Dan Jacobson, Chair
Cass County Joint Water Resource District

Subscribed to and sworn to before me this 2nd day of November, 2020.





Notary Public, Cass County, State of North Dakota

(SEAL)