

FM AREA DIVERSION PROJECT

Property Owner Information Packet for Cass County Commission

October 18th, 2021

PROPERTY OWNER: Leo & Shirley Richard

LAND AGENT: Oly Olafson with HDR

OIN: 27 1083



FM AREA
DIVERSION
PROJECT

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Written Correspondence Timeline – Leo & Shirley Richard

OIN 27 1083	Sent	Received
Offer to Purchase	02/10/2021	02/10/2021
Formal Negotiations and Written Offer of Just Compensation	04/28/2021	04/30/2021
Request for Meeting	05/20/2021	06/01/2021
Notice of Intent to Take Possession of Right-of-Way	07/20/2021	07/22/2021
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	09/03/2021	09/03/2021
Invitation to Attend Public Meeting	09/08/2021	09/09/2021
Commission Meeting Date	10/18/2021	

**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: Leo A. Richard and Shirley J. Richard
2. Land Agent: Stefan “Oly” Olafson
3. Parcel Nos.: 01-3514-00010-000, 64-0000-02550-020
4. OIN Nos.: 27, 1083

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; addendum to appraisal; and written offer for just compensation: _____
 - Did CCJWRD verify service of the appraisal; addendum to 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 easement and easement for term of years, 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 the right of way 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 easement for term of years regarding OINs 27, 1083.

FM Area Diversion Project Negotiation Summary

October 11, 2021

OIN	27 & 1083
Property Owner	Leo and Shirley Richard
Mailing Address	5921 Wildflower Drive South, Fargo ND 58104
Property Location	Southern Embankment/Wetland Restoration Project
Property Type	Agricultural Land
Land Agent	Oly Olafson

Property Need

Drain 27 Wetland Restoration Project & Southern Embankment

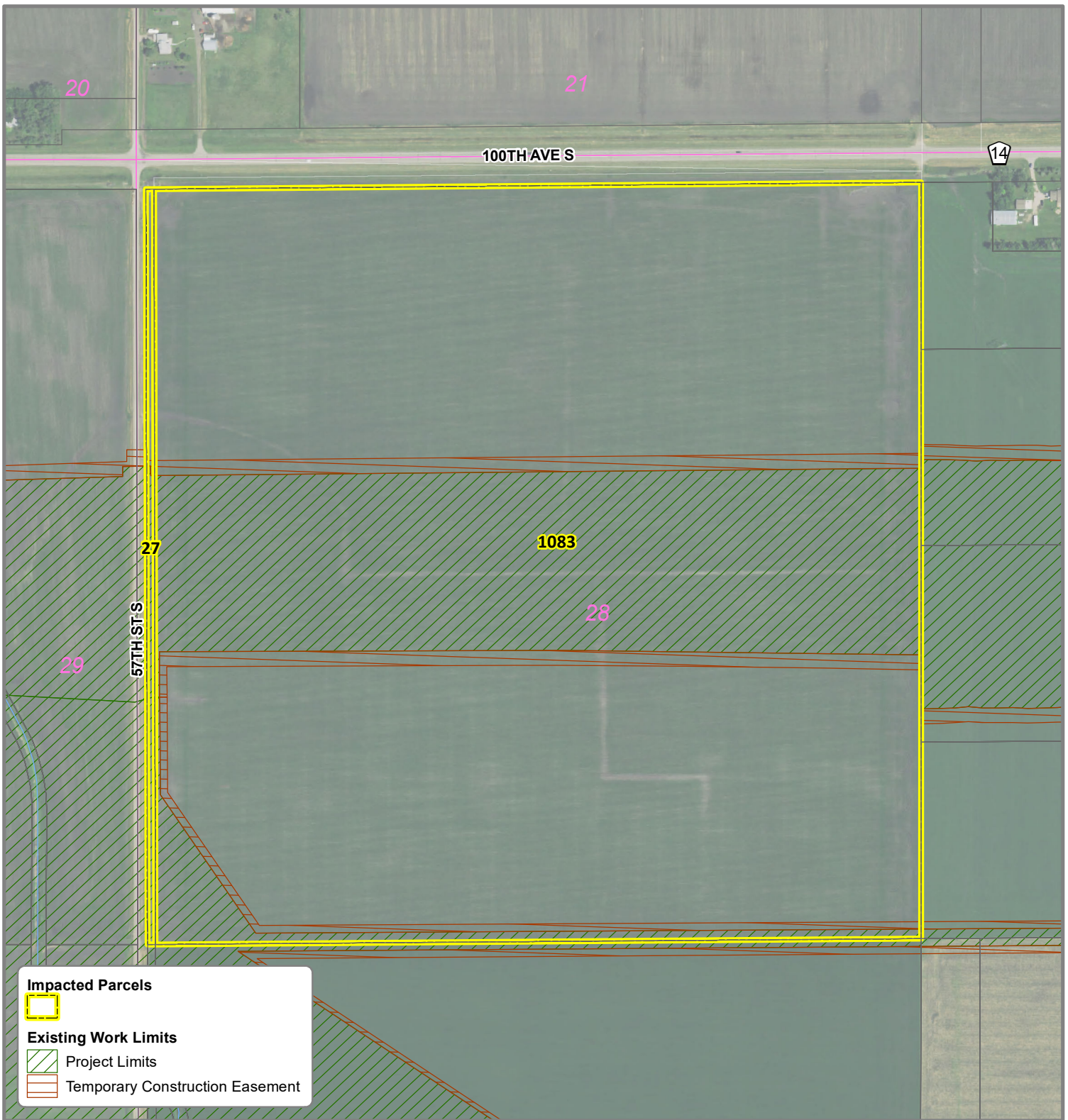
Valuation and Negotiation Summary

Appraised Value / Date	\$1,152,300.00 / October 23, 2020
Max RHDP Approved / Date	N/A
Relocation	N/A
Property Owner Counteroffer	\$2,906,703.00 / July 22, 2021
Proposed Purchase Agreement Value	\$2,906,703.00

Miscellaneous Provisions

- Lynn Mesteth, Leo and Shirley Richard have proposed a counteroffer. They believe the market value of the land, based on their research, is \$32,000/Acre (before the acquisition).
- Just Compensation = \$2,906,703
- Leo & Shirley believe the placement of the Southern Embankment across the approximate middle of their property will reduce the market value to the area South of the Embankment from \$32,000/Acre to \$3,000/Acre. This is a combination of flowage easement value and loss of development rights.

October 11, 2021

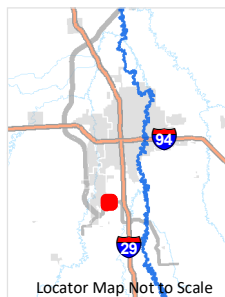
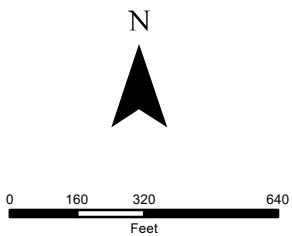


Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use.

All parcel acreages and legal descriptions shown hereon are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey.

Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Produced by: dlee - AE2S, Inc. |

C:\Data\Projects\GIS Projects\FM Area Diversion\Projects\Land Acquisition\Project Work Package\IProject Wide\Individual Property Maps - General Inquiry\Individual\Layout8x10_ForDanielle_Notdatadriven.mxd



Leo A & Shirley J Richard

OINs: 27, 1083

Parcel ID's: 01-3514-00010-000, 64-0000-02550-020

Cass County, ND

FM AREA DIVERSION
Map Date: 11/5/2020



February ¹⁰~~8~~, 2021

Hand Delivered

Leo A. and Shirley J. Richard
5921 Wildflower Drive South
Fargo, ND 58104

RE: **Letter Conveying Offer to Purchase
Project Parcel ID's: 27 & 1083**

Property Legal Description:

OIN 27 – OIN 27 - Description – Right-of-Way: The South 1610.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota

OIN 1083 – Description – Right-of-Way: The Northwest Quarter (NW1/4) of Section 28, Township 138 North, Range 49 West of the 5th P.M., Cass County, North Dakota, EXCEPTING THEREFROM the South 67 feet of the North 100 feet of the Northwest Quarter (NW1/4) of Section 28, township 138 North, Range 49 West of the 5th P.M., except the West 33 feet thereof.

Project Title: Fargo Flood Diversion – Drain 27 Wetland Restoration Project

PID: 01.3514.00010.000 and 64.0000.02550.020

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, Patchin Messner Valuation Counselors. The appraiser has determined that the recommended compensation of the interests being purchased is \$686,800 as of October 23, 2020. 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 addendum 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 Leo A. & Shirley J. Richard Six Hundred Eighty Six Thousand Eight Hundred Dollars (\$686,800) as Just Compensation for the property interests it must acquire.

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 Leo A. and Shirley J. Richard 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.

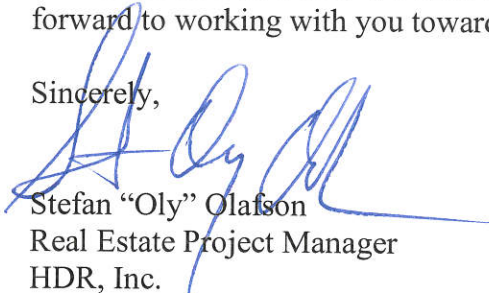
Upon receipt of this letter, please sign below. Your signature indicates only that you have received this Offer to Purchase, and the following documents:

- Copy of the appraisal addendum for Parcels 27 & 1083 completed by Patchin Messner Valuation Consultants 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 Feb 10, 2021, I received this letter and all documents listed above.

By: Leo A. Richard
Leo A. Richard

By: Shirley J. Richard
Shirley J. Richard

cc: Cass County Joint Water Resource District

EXHIBIT A**ACQUISITION SUMMARY****Fargo Flood Diversion – Fargo Flood Diversion – Drain 27 Wetland Restoration Project
Letter Conveying Offer to Purchase****Project Parcel ID's: 27 & 1083****Parcel Legal Description: 42.081 Right-of-Way, 7.822 Acres Temporary Construction Easement Acres
as described;****OIN 27 - Description - TCE 1 (Temporary Construction Easement):**

The North 55.00 feet of the South 1665.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota Said tract contains 0.076 acres, more or less.

OIN 1083 – Description – Right-of-Way Parcel:

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter, said point being the true point of beginning; thence continue North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2575.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 627.09 feet; thence South 87°29'04" West for a distance of 2579.26 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence South 02°06'41" East, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning.

Said tract contains 42.081 acres, more or less, and is subject to easements as may be of record.

OIN 1083 – Description – TCE 1 (Temporary Construction Easement):

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 25.00 foot wide strip of land, lying northerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2635.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter, said point being the true point of beginning of the line to be described; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet to a point which will hereafter be referred to as point A, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of said Northwest Quarter on the east, and to intersect a line bearing North 87°47'49" East from the point of termination on the north.

Together with

A 50.00 foot wide strip of land, lying southerly of and being coincident with the following described line:

Beginning at the above described Point A; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect a line bearing South 02°06'41" East from the point of beginning on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 4.785 acres, more or less.

OIN 1083 – Description – TCE 2 (Temporary Construction Easement):

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00 foot wide strip of land, lying northerly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence North 02°06'41" West, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning of the line to be described; thence North 87°29'04" East for a distance of 2579.26 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of the West 60.00 feet of said Northwest Quarter on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 2.961 acres, more or less.

Project Title: Fargo Flood Diversion - Drain 27 Wetland Restoration Project
PID: 01.3514.00010.000 and 64.0000.02550.020
Recorded Fee Owner: Leo A. & Shirley J. Richard
Other Interests or Encumbrances: None

Description of Property Interests to be Acquired*:

Please see Exhibit B

Noted and Waived Exceptions, Reservations or Encumbrances: None

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

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

APPRAISAL SUMMARY

Type of Interest	Amount	Per Unit	Indicated Value
Right-of-Way	42.081 Acres	\$15,000 (Rd)	\$631,215.00
Net Damages to Remainder	N/A	N/A	\$48,685.00
Temporary Easement	7.822 Acres	\$150/A/5Yrs	\$6,900.00
Total			\$686,800.00



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

April 28, 2021

Cass County
Joint Water
Resource
District

Leo A. Richard
Shirley J. Richard
5921 Wildflower Drive South
Fargo, ND 58104
Certified No. 7020 1290 0001 0393 6092

Greetings:

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Formal Negotiations and Written Offer of Just Compensation
OINs: 27, 1083
Parcel Nos.: 01-3514-00010-000, 64-0000-02550-020

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

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 a right of way easement and easement for term of years from you. More specifically, to accommodate the Project, the District must acquire a right of way easement and an easement for term of years from you over property located in Cass County and identified as Parcel Identification Numbers 01-3514-00010-000 and 64-0000-02550-020. The legal description of the property to be acquired is:

Right of Way Easement

OIN 27

The South 1610.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota.

Said tract contains 2.218 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth 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
wrд@casscountynд.gov
casscountynд.gov

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Shirley J. Richard
April 28, 2021
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Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter, said point being the true point of beginning; thence continue North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2575.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 627.09 feet; thence South 87°29'04" West for a distance of 2579.26 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence South 02°06'41" East, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning.

Said tract contains 39.863 acres, more or less, and is subject to easements as may be of record.

Easement for Term of Years

OIN 27

The North 55.00 feet of the South 1665.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota

Said tract contains 0.076 acres, more or less.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 25.00 foot wide strip of land, lying northerly and easterly of and being coincident with the following described line:

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Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2635.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter, said point being the true point of beginning of the line to be described; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet to a point which will hereafter be referred to as point A, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of said Northwest Quarter on the east, and to intersect a line bearing North 87°47'49" East from the point of termination on the north.

Together with a 50.00 foot wide strip of land, lying southerly of and being coincident with the following described line:

Beginning at the above described Point A; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect a line bearing South 02°06'41" East from the point of beginning on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 4.785 acres, more or less.

AND

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00 foot wide strip of land, lying northerly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence North 02°06'41" West, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of

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1578.72 feet to the true point of beginning of the line to be described; thence North 87°29'04" East for a distance of 2579.26 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of the West 60.00 feet of said Northwest Quarter on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 2.961 acres, more or less.

Enclosed is an appraisal and addendum to appraisal regarding the value of the right of way easement and an easement for term of years the District must acquire from you, as determined by a licensed North Dakota appraiser. As you can see from the appraisal and addendum, the appraiser indicated the value of the right of way easement the District must acquire from you is \$631,215.00, the easement for term of years is \$6,900.00, plus severance damages to the remainder of your property in the amount of \$48,685.00, for a total purchase price of \$686,800.00. The District approved the appraisal and the addendum, and this letter is the District's offer to you in the amount of \$686,800.00 as just compensation to purchase the right of way easement and the easement for term of years 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. **Stefan "Oly" Olafson** of HDR, Inc. can be reached at **(701) 404-6463** 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 required right of way easement and easement for term of years from you for the Project.

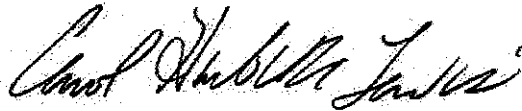
For your information, North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way easement and easement for term of years. If you do not accept the District's offer of just compensation and do not return a signed Purchase Agreement within fifteen (15) days, the District will send you a written request to discuss the Project and required right of way easement and easement for term of years 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 2021.

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Shirley J. Richard
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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: Lynn Mesteth, Dwyer Law Office, PLLC
Stefan "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:
 LEO A RICHARD
 SHIRLEY J RICHARD
 5211 WILDFLOWER DRIVE SOUTH
 FAIRGO ND 58104



9590 9402 6141 0209 1910 86

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6092

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

COMPLETE THIS SECTION ON DELIVERY

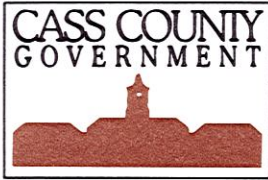
A. Signature
 X **ZR R30** Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
H-30

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

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

Domestic Return Receipt



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

May 20, 2021

Leo A. Richard
Shirley J. Richard
5921 Wildflower Drive South
Fargo, ND 58104
Certified No. 7020 1290 0001 0393 6269

Dan Jacobson
Chairman
West Fargo, North Dakota

Greetings:

Rodger Olson
Manager
Leonard, North Dakota

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Request for Meeting
OINs: 27, 1083
Parcel Nos.: 01-3514-00010-000, 64-0000-02550-020

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Keith Weston
Manager
Fargo, North Dakota

As you know, the Cass County Joint Water Resource District (the “District”) is in the process of developing the Fargo-Moorhead Area Diversion Project (the “Project”). The District previously provided you a letter dated April 28, 2021; a copy of the District’s appraisal and addendum to appraisal for the right of way easement and an easement for term of years; and a Purchase Agreement as the District’s offer of just compensation to purchase the right of way easement and easement for term of years from you. The District’s letter specifically described the right of way easement and the easement for term of years 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 the right of way easement and easement for term of years from you to accommodate the Project.

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

The District would like to discuss the District’s offer to purchase the right of way easement and the easement for term of years from you at an upcoming meeting. The District requests your participation either at its meeting on May 27, 2021, or at its meeting on June 10, 2021; both meetings begin at 8:00 a.m. These will be virtual meetings so you can participate by Microsoft Teams or by telephone. The District is required by law to offer a physical location where the District will have a speakerphone or computer available for members of the public to view or participate in the meeting; with that in mind, if you prefer to utilize the District’s speakerphone or computer to participate, you can do so at the District’s office at 1201 Main Avenue West in West Fargo.

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

Leo A. Richard
Shirley J. Richard
OINs 27, 1083
May 20, 2021
Page 2

The District hopes you will attend one of the above-mentioned meetings to discuss the Project and the right of way easement and easement for term of years the District must acquire from you to accommodate the Project. If you would like to attend either meeting by Microsoft Teams or telephone, 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. **Stefan "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) 404-6463** 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 easement and easement for term of years. The District must conclude all negotiations and complete the acquisition of the right of way easement and the easement for term of years necessary for construction of Project components on your property by Fall of 2021.

The District hopes you will attend one of the upcoming District meetings to discuss the Project and the required right of way easement and easement for term of years. The District looks forward to meeting with you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



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

cc: Lynn Mesteth, Dwyer Law Office, PLLC
Stefan "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 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:
 LEO A RICHARD
 SHIRLEY J RICHARD
 5921 WILDFLOWER DRIVE SOUTH
 FARGO ND 58104



9590 9402 6380 0303 3972 20

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6269

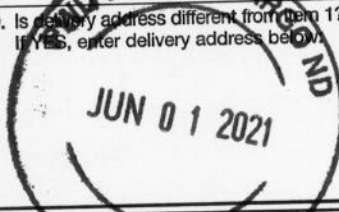
PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 X *Shirley Richard* Addressee

B. Received by (Printed Name) C. Date of Delivery
 Shirley J Richard 06-01-2021

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
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 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
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 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 20, 2021

Cass County
Joint Water
Resource
District

Leo A. Richard
Shirley J. Richard
5921 Wildflower Drive South
Fargo, ND 58104
Certified No. 7020 1290 0001 0393 6597

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
NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY AND
EASEMENT FOR TERM OF YEARS
OINs: 27, 1083
Parcel Nos. 01-3514-00010-000, 64-0000-02550-020

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Keith Weston
Manager
Fargo, North Dakota

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). On behalf of the District, I previously provided you a letter dated April 28, 2021, a copy of the District's appraisal and addendum to appraisal for your right of way easement and an easement for term of years, and a Purchase Agreement as the District's offer of just compensation to purchase the right of way easement and easement for term of years from you. In addition, I also provided you a letter dated May 20, 2021, to invite you to meet with the District for purposes of discussing the acquisition of the right of way easement and easement for term of years in and to your property. The parties have conducted the informal and formal negotiation procedures required by law but, unfortunately, the parties have not yet reached a mutually-acceptable agreement regarding compensation for the District's purchase of the right of way easement and easement for term of years 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
wrđ@casscountynđ.gov
casscountynđ.gov

This letter is the District's NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY AND EASEMENT FOR TERM OF YEARS. 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 easement and easement for term of years in and to 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.

Leo A. Richard
Shirley J. Richard
OINs 27, 1083
July 20, 2021
Page 2

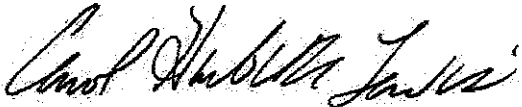
This NOTICE does not preclude the parties from continuing negotiations. The District still hopes the parties can arrive at a mutually-acceptable agreement.

You are encouraged to maintain contact with the land agent assigned to your property. **Stefan "Oly" Olafson** of **HDR, Inc.** can be reached at **(701) 404-6463** 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 easement and an easement for term of years 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 easement and easement for term of years. Ultimately, the District must conclude all negotiations and complete all acquisitions by Fall 2021.

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: Lynn Mesteth, Dwyer Law Office, PLLC
Stefan "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 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. 	A. Signature XZR R90 <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee																	
1. Article Addressed to: LEO A RICHARD SHIRLEY J RICHARD 5921 WILDFLOWER DRIVE SOUTH FARGO ND 58104	B. Received by (Printed Name)	C. Date of Delivery 7-22																
 9590 9402 6380 0303 3969 02	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No																	
2. Article Number (Transfer from service label) 7020 1290 0001 0393 6597	3. Service Type <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt																



SENT VIA EMAIL wilsonro@casscountynd.gov

Cass County
Joint Water
Resource
District

September 3, 2021

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
Easement and Easement for Term of Years
OINs: 27, 1083
Parcel Nos.: 01-3514-00010-000, 64-0000-02550-020

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
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 easement and easement for term of years from Leo A. Richard and Shirley J. Richard (the "Landowner"):

Keith Weston
Manager
Fargo, North Dakota

- Letter dated April 28, 2021, enclosing the District's appraisal and addendum to appraisal for the acquisition of the right of way easement and easement for term of years from the Landowner and a proposed Purchase Agreement;
- Letter dated May 20, 2021, inviting the Landowner to meet with the District for purposes of negotiating compensation for the right of way easement and easement for term of years to be acquired; and
- Letter dated July 20, 2021, notifying the Landowner the District planned to submit a request to the Cass County Commission seeking immediate possession of the right of way easement and easement for term of years 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 easement and easement for term of years 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 easement and easement for term of years is as follows:

Right of Way Easement:

OIN 27

The South 1610.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota

Said tract contains 2.218 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter, said point being the true point of beginning; thence continue North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2575.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter; thence North 01°58'02" West,

along the easterly line of said Northwest Quarter for a distance of 627.09 feet; thence South 87°29'04" West for a distance of 2579.26 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence South 02°06'41" East, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning.

Said tract contains 39.863 acres, more or less, and is subject to easements as may be of record.

Easement for Term of Years:

OIN 27

The North 55.00 feet of the South 1665.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota

Said tract contains 0.076 acres, more or less.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 25.00 foot wide strip of land, lying northerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2635.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter, said point being the true point of beginning of the line to be described; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet to a point which will hereafter be referred to as point A, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of said Northwest

Quarter on the east, and to intersect a line bearing North 87°47'49" East from the point of termination on the north.

Together with a 50.00 foot wide strip of land, lying southerly of and being coincident with the following described line:

Beginning at the above described Point A; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect a line bearing South 02°06'41" East from the point of beginning on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 4.785 acres, more or less.

AND

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00 foot wide strip of land, lying northerly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence North 02°06'41" West, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning of the line to be described; thence North 87°29'04" East for a distance of 2579.26 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of the West 60.00 feet of said Northwest Quarter on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 2.961 acres, more or less.

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 easement and easement for term of years above to commence the Project.

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

While the District takes all landowners' rights very seriously, the District also has an obligation, as a member of the Metro Flood Diversion Authority, to acquire the right of way easement and easement for term of years necessary for the Project, and construction of the Project will not be possible without acquiring the right of way easement and easement for term of years 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 easement and easement for term of years.

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 easement and easement for term of years 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 easement and easement for term of years identified above so the Project may proceed. For your information, while the County conducts the process under Section 61-16.1-09(2)(b)(3), the District still hopes the parties can arrive at a mutually-acceptable agreement.

Robert Wilson
September 3, 2021
Page 6

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: Stefan "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
Taylor Albrecht, Administrative Assistant, Cass County Commission



September 8, 2021

VIA UPS – DELIVERY CONFIRMATION

Board of County Commissioners

Chad M. Peterson
Fargo, North Dakota

Rick Steen
Fargo, North Dakota

Jim Kapitan
Fargo, North Dakota

Duane Breitling
West Fargo, North Dakota

Mary Scherling
Stanley Township, North Dakota

Leo A. Richard
Shirley J. Richard
5921 Wildflower Drive South
Fargo, ND 58104

Re: Cass County Commission
Fargo-Moorhead Area Diversion Project
Invitation to Attend Public Meeting
OINs: 27, 1083
Parcel Nos.: 01-3514-00010-000, 64-0000-02550-020
UPS Tracking No.: 1Z271KTW4320025214

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 easement and easement for term of years easements necessary to accommodate the Project. You have been in negotiations with the District and its agents regarding the right of way easement and easement for term of years 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 April 28, 2021, enclosing the District's appraisal and addendum to appraisal for the acquisition of the right of way and easement for term of years easement from you, along with a proposed Purchase Agreement;
- Letter dated May 20, 2021, inviting you to meet with the District for purposes of negotiating compensation for the right of way easement and easement for term of years to be acquired; and
- Letter dated July 20, 2021, notifying you the District planned to submit a request to the Commission seeking immediate possession of the right of way easement and easement for term of years necessary for the Project.

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

Richard
OIN 27, 1083
September 8, 2021
Page 2

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 easement and easement for term of years 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 easement and easement for term of years the District must acquire from you. The legal description of the necessary right of way easement and easement for term of years is as follows:

Right of Way Easement:

OIN 27

The South 1610.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota

Said tract contains 2.218 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter, said point being the true point of beginning; thence continue North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2575.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 627.09 feet; thence South 87°29'04" West for a distance of 2579.26 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence South 02°06'41" East, along the easterly

line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning.

Said tract contains 39.863 acres, more or less, and is subject to easements as may be of record.

Easement for Term of Years:
OIN 27

The North 55.00 feet of the South 1665.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota
Said tract contains 0.076 acres, more or less.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 25.00 foot wide strip of land, lying northerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2635.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter, said point being the true point of beginning of the line to be described; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet to a point which will hereafter be referred to as point A, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of said Northwest Quarter on the east, and to intersect a line bearing North 87°47'49" East from the point of termination on the north.

Together with a 50.00 foot wide strip of land, lying southerly of and being coincident with the following described line:

Beginning at the above described Point A; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter, said

Richard
OIN 27, 1083
September 8, 2021
Page 4

line there terminating. Said strip shall be lengthened or shortened as necessary to intersect a line bearing South 02°06'41" East from the point of beginning on the west, and to intersect the easterly line of said Northwest Quarter on the east. Said tract contains 4.785 acres, more or less.

AND

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00 foot wide strip of land, lying northerly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence North 02°06'41" West, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning of the line to be described; thence North 87°29'04" East for a distance of 2579.26 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of the West 60.00 feet of said Northwest Quarter on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 2.961 acres, more or less.

The Commission invites you to attend the Commission's meeting on October 18, 2021 at 3:30 p.m. The District will also participate in the meeting, along with a representative of the land firm which was your primary point of contact throughout the negotiation process. At the meeting, the Commission will ask the District to verify the District's compliance with Section 61-16.1-09(2) of the North Dakota Century Code. The Commission will ultimately vote on whether to approve the District's use of quick take eminent domain to take a right of way easement and easement for term of years in and to your property.

If you wish to participate in the Commission's October 18, 2021 public meeting via conference call or Microsoft Teams, please contact Taylor Albrecht at (701) 241-5609 or albrecht@casscountynd.gov as soon as possible so Ms. Albrecht can assist you with the necessary arrangements.

This Notice does not preclude you from continuing to work with the District regarding the right of way easement and easement for term of years necessary for the Project. In fact, the Commission and the District encourage you to maintain contact with

Richard
OIN 27, 1083
September 8, 2021
Page 5

Stefan “Oly” Olafson and to continue discussions about the Project. **Stefan “Oly” Olafson** of **HDR, Inc.** is your point of contact regarding the Project. You can reach **Stefan “Oly” Olafson** at **(701) 404-6463** or **oly.olafson@hdrinc.com**.

Finally, North Dakota law requires the Commission to provide you with a description of the District’s timeline regarding your right of way easement and easement for term of years easement. The District must complete the acquisition of right of way necessary for construction of Project components on your property by Fall of 2021.

Sincerely,

CASS COUNTY COMMISSION



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

cc: Stefan “Oly” Olafson, Land Agent
Lynn Mesteth, Dwyer Law Office, PLLC
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.
Taylor Albrecht, Administrative Assistant, Cass County Commission

Proof of Delivery

Dear Customer,

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

Tracking Number

1Z271KTW4320025214

Weight

1.00 LBS

Service

UPS Ground

Shipped / Billed On

09/08/2021

Delivered On

09/09/2021 2:36 P.M.

Delivered To

5921 WILDFLOWER DR S
FARGO, ND, 58104, US

Received By

DRIVER RELEASE

Left At

Front Door

Reference Number(s)

271KTW9GYF4

Thank you for giving us this opportunity to serve you. Details are only available for shipments delivered within the last 120 days. Please print for your records if you require this information after 120 days.

Sincerely,

UPS

Tracking results provided by UPS: 09/10/2021 10:06 A.M. EST

a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 627.09 feet; thence South 87°29'04" West for a distance of 2579.26 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence South 02°06'41" East, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning.

Said tract contains 39.863 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years

OIN 27

The North 55.00 feet of the South 1665.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota

Said tract contains 0.076 acres, more or less.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 25.00 foot wide strip of land, lying northerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2635.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter, said point being the true point of beginning of the line to be described; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet to a point which will hereafter be referred to as point A, said line there terminating. Said strip shall be lengthened or shortened as necessary to

intersect the easterly line of said Northwest Quarter on the east, and to intersect a line bearing North 87°47'49" East from the point of termination on the north.

Together with a 50.00 foot wide strip of land, lying southerly of and being coincident with the following described line:

Beginning at the above described Point A; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect a line bearing South 02°06'41" East from the point of beginning on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 4.785 acres, more or less.

AND

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

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Said tract contains 2.961 acres, more or less.

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.

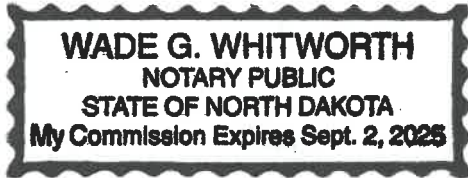
[¶7] The District has instructed HDR, Inc., to refrain from referencing, mentioning, or threatening quick take eminent domain during negotiations since August 1, 2017.


[¶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 5 day of October, 2021.


Stefan "Oly" Olafson
Land Agent

Subscribed to and sworn to before me this 5th day of October, 2021.




Notary Public, County of Cass
State of North Dakota
My Commission Expires: September, 2 2025

(SEAL)

EXHIBIT A

OIN 27 1083 Leo & Shirley Richard Contacts

OIN	Land Owner	Land Agent/PMC	Type of Contact	Comments	Date & Time Observed
1083	Leo and Shirley Richard	Stefan "Oly" Olafson	In Person	<p>Met Leo at the farm on Jan 8. Discussed the flowage easement study, farm relocation plan, the purchase agreement for the house on the farmstead, and the acreage needed for the Southern Embankment.</p> <p>Leo does plan to retire from farming in a few years. He has 3 different groups of grain storage. 20kbu in older butler bins that he'd probably sell; 24Kbu of bins similar to the butlers, and 56k of Brock bins built in 2001.</p> <p>Also picked up a signed agreement for purchase of the empty residence. Agreement to include up to \$2k for reroute of the well from the home into the shop.</p> <p>Leo feels strongly that the flowage easement payment should be one-time on the development restrictions... and pay as you go on the induced flooding.</p>	1/9/2019, 12:26 PM
1083	LEO A & SHIRLEY J RICHARD	Stefan(Oly)Olafson	InPerson	<p>Agent met with Leo Richard at his shop to discuss the remnant land below the Southern Embankment that will remain once the Embankment is built. Dean had asked the agent to find out if Leo had any intention of keeping that piece of ground. The landowner does not wish to keep the land.</p>	6/11/2020, 10:00 AM

1083	LEO A & SHIRLEY J RICHARD Stefan(Oly)Olafson	Other	Leo & Shirley Richard, 5921 Wildflower Drive South, Fargo ND 58104 - 701-238-9989 - Agent is in weekly contact with Leo and Shirley. They received the mailing and are asking questions.	10/22/2020, 11:15 PM
1083	LEO A & SHIRLEY J RICHARD Stefan(Oly)Olafson	InPerson	Agent met with Dean to discuss Leo and Shirley's proposal. He suggested Leo approach Pifers and negotiate the best price he can for the 80 acres. If agreeable, create a PA with that price that is subject to the Joint Board working with them on the land necessary for the project.	12/23/2020, 1:07 PM

1083	LEO A & SHIRLEY J RICHARD Stefan(Oly)Olafson	InPerson	<p>Agent met with Landowners, Leo and Shirley at their South Fargo home. Agent provided update on the December 17th Joint Board meeting. Agent explained that they are not purchasing land outside of what is needed. Leo countered that they have purchased other lands. Agent pointed out those were acres owned by the party that they were already acquiring land from and contiguous to the land necessary for the project. Agent suggested the landowners negotiate the best deal he could on the 80 acre parcel. Leo stated he wasn't interested in doing that. Discussion was had about the methodology agent used with the Joint Board. Leo stated he would like to acquire the land adjacent (Dry side of SE-1) to the East that the Project owns as well as the land adjacent to that to the East (also on the dry side of SE-1). He would like to use \$18,000 as the value to negotiate the acres necessary for the project. Landowner questioned the flowage easement payment. Agent explained the NDSU research has determined to the best of their ability that the project will operate only once every</p>	12/23/2020, 1:03 PM
1083	LEO A & SHIRLEY J RICHARD Stefan(Oly)Olafson	InPerson	<p>Agent met with Leo and Shirley to discuss the project, specifically OIN 27 and 1083. As suggested by Dean in a conversation before the new year, agent suggested a settlement and sale at 10% above the</p>	1/6/2021, 9:00 AM

1083

LEO A & SHIRLEY J RICHARD Stefan(Oly)Olafson InPerson

Agent discussed with Dean the Leo and Shi 1/8/2021, 10:00 AM

OIN	Land Owner	Land Agent/PMC	Type of Contact	Comments	Date & Time Observed
1083	Leo and Shirley Richard	Stefan "Oly" Olafson	In Person	<p>Met Leo at the farm on Jan 8. Discussed the flowage easement study, farm relocation plan, the purchase agreement for the house on the farmstead, and the acreage needed for the Southern Embankment.</p> <p>Leo does plan to retire from farming in a few years. He has 3 different groups of grain storage. 20kbu in older butler bins that he'd probably sell; 24Kbu of bins similar to the butlers, and 56k of Brock bins built in 2001.</p> <p>Also picked up a signed agreement for purchase of the empty residence. Agreement to include up to \$2k for reroute of the well from the home into the shop.</p> <p>Leo feels strongly that the flowage easement payment should be one-time on the development restrictions... and pay as you go on the induced flooding.</p>	1/9/2019, 12:26 PM
1083	LEO A & SHIRLEY J RICHARD	Stefan(Oly)Olafson	InPerson	<p>Agent met with Leo Richard at his shop to discuss the remnant land below the Southern Embankment that will remain once the Embankment is built. Dean had asked the agent to find out if Leo had any intention of keeping that piece of ground. The landowner does not wish to keep the land.</p>	6/11/2020, 10:00 AM

1083	LEO A & SHIRLEY J RICHARD Stefan(Oly)Olafson	InPerson	<p>Agent met with Landowners, Leo and Shirley at their South Fargo home. Agent provided update on the December 17th Joint Board meeting. Agent explained that they are not purchasing land outside of what is needed. Leo countered that they have purchased other lands. Agent pointed out those were acres owned by the party that they were already acquiring land from and contiguous to the land necessary for the project. Agent suggested the landowners negotiate the best deal he could on the 80 acre parcel. Leo stated he wasn't interested in doing that. Discussion was had about the methodology agent used with the Joint Board. Leo stated he would like to acquire the land adjacent (Dry side of SE-1) to the East that the Project owns as well as the land adjacent to that to the East (also on the dry side of SE-1). He would like to use \$18,000 as the value to negotiate the acres necessary for the project. Landowner questioned the flowage easement payment. Agent explained the NDSU research has determined to the best of their ability that the project will operate only once every</p>	12/23/2020, 1:03 PM
1083	LEO A & SHIRLEY J RICHARD Stefan(Oly)Olafson	InPerson	<p>Agent met with Leo and Shirley to discuss the project, specifically OIN 27 and 1083. As suggested by Dean in a conversation before the new year, agent suggested a settlement and sale at 10% above the</p>	1/6/2021, 9:00 AM

OIN	Associate (Land Owner	Land Agent/PMC	Comments
27	1083 LEO A & SHIRLEY J RICHARD	Stefan(Oly)Olafson	Leo & Shirley Richard, 5921 Wildflower Drive South, Fargo ND 58104 - 701-238-9989 - Agent is in weekly contact with Leo and Shirley. They received the mailing and are asking questions.
27	1083 LEO A & SHIRLEY J RICHARD	Stefan(Oly)Olafson	Agents stopped at the Richard shop and spoke to Leo and Joe Savageau. Agent Wade Whitworth was introduced. Leo asked about the Crooks property and what the actual purchase price was. Agent would find out and get back to him with answer.

Olafson, Oly

From: Olafson, Oly
Sent: Thursday, May 20, 2021 3:05 PM
To: Irichard4387@gmail.com; Alex Richard; Leo Richard
Subject: FW: Flowage Easement Website - FINAL

Larry, Alex, and Leo,

I just got this today and thought I'd share it with you folks.

We have finalized the flowage easement website and it is now ready to share. The link is: <https://fmdiversion.gov/flowageeasements/>

A special page on the Project website has been created to focus on flowage easement information. The page (<https://fmdiversion.gov/flowageeasements/>) includes the following items.

- Overview of Flowage Easements – this section is adapted from the Mitigation Plan, and it includes some basic Q&A on flowage easements.
- Educational Video on Flowage Easement Valuation process – the Crown appraisal team explains the process that they are using to establish values of flowage easements
- The presentation used in the video
- Sample Flowage Easement – the actual easement that will be customized and recorded for each property
- Upstream Mitigation Area map showing the different zones, including a link to the interactive web map
- Appraiser bios and contact info
- Land Agent contact info
- Links to sign-up for a meeting with the appraiser
- Opportunity to submit questions

Flowage Easement Background Information and Development – this section includes links to the Phase 1 and 1B study info

Thanks, when you have questions, please feel free to reach out to me.

Oly

Stefan "Oly" Olafson,
Right of Way Project Manager

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

hdrinc.com/follow-us

•

Olafson, Oly

From: Olafson, Oly
Sent: Wednesday, July 7, 2021 2:31 PM
To: Lynn Mesteth; leoarichard@Gmail.com
Subject: Meeting Today

Lynn, Leo and Shirley,

Thanks for the meeting this morning. I appreciate you bringing me up to speed on the plans for tomorrow's meeting. I look forward to seeing the information you are compiling to send to me, I will review it and get it to the right people to assist in making a decision.

As I stated a few times, I'm the person in the middle, not a proponent of the Richard position, but not a detractor from that position. I'm just the middle man who moved information from one set of folks to the other set.

Oly

Stefan "Oly" Olafson
Real Estate Project Manager
HDR

51 North Broadway, Suite 550
Fargo, ND 58102
M 701-205-8855 M 701-404-6463 D 701-353-6106
oly.olafson@hdrinc.com

hdrinc.com/follow-us

Olafson, Oly

From: Olafson, Oly
Sent: Thursday, July 29, 2021 9:43 AM
To: leoarichard@Gmail.com
Subject: Presentation at Hickson last week
Attachments: 20210729091613323.pdf

Leo,

Attached is the presentation and handouts from last weeks meetings in Hickson. If you need further information please let me know.

Oly

Stefan "Oly" Olafson
Real Estate Project Manager

HDR

51 North Broadway, Suite 550

Fargo, ND 58102

M 701-205-8855 **M** 701-404-6463 **D** 701-353-6106

oly.olafson@hdrinc.com

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Olafson, Oly

From: Olafson, Oly
Sent: Wednesday, August 11, 2021 9:47 AM
To: leoarichard@Gmail.com
Subject: FW: 08.12.2021 CCJWRD FINAL Packet
Attachments: CCJWRD Board Meeting Packet 08.12.2021_reduced.pdf

As promised Leo, attached is the Meeting Packet for tomorrow. We will be re-visiting your counter-offer as one item on the agenda. I wasn't sure the Joint Board were understanding that this was your counter-offer or not. They tend to like to see appraisals as a starting point and I know you did not have your guy complete the appraisal on this land.

I would like for them to offer something back to you as a counter-offer but am afraid they will probably say we should continue to talk.

Oly

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Attached please find the CCJWRD Board Meeting Packet for tomorrow. The packet can also be accessed via SharePoint using the link below.

<https://jacobsengineering.sharepoint.com/:f:/r/sites/688414/WIP%20LANDOUTREACH/Land%20Coord-CCJWRD-MCCJPA-CCC/CCJWRD%20Board%20Meetings?csf=1&web=1&e=B13df0>

Sincerely,



Think Big. Go Beyond.

Advanced Engineering and
Environmental Services, LLC

www.ae2s.com



Sabrina Tusa
Project Coordinator

Sabrina.Tusa@ae2s.com

Office: 701.364.9111
Mobile: 701.729.5161

4170 28th Avenue S.
Fargo, ND 58104

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This e-mail message and any documents included hereto may contain confidential information for the sole use of the intended recipient(s). If the reader of this message is not the intended recipient (or a delegate authorized to receive for the recipient), you are hereby notified that any review, retaining, dissemination, copying, or use of content by you or others is strictly prohibited. Please immediately notify the sender and delete this message if you have received it in error.

Olafson, Oly

From: Olafson, Oly
Sent: Tuesday, August 24, 2021 4:23 PM
To: leoarichard@Gmail.com
Subject: Martin Johnson Land
Attachments: OIN 227 & 228 Preliminary Certificate of Survey.pdf

Leo,

OIN 227 & 228 are the Marty Johnson land. The Diversion Authority purchased 112.96 acres necessary for the Diversion Project, they paid \$14,750/Acre for that acreage.

The remainder acres in the half section is 220.63 acres, those acres they Diversion Authority paid \$10,800/Acre. I got these figures from Nick Delaney who handled the sale for Marty Johnson and his family.

Obviously the information I received, the map I gave you is more than likely not up to date and correct.

Any others you want verified, just let me know.

Oly

Stefan "Oly" Olafson
Real Estate Project Manager
HDR

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M 701-205-8855 M 701-404-6463 D 701-353-6106
oly.olafson@hdrinc.com

[hdrinc.com/follow-us](https://www.hdrinc.com/follow-us)

Olafson, Oly

From: Olafson, Oly
Sent: Tuesday, August 24, 2021 4:29 PM
To: leoarichard@Gmail.com
Subject: OIN 221/222 - Payment Breakdown

OIN 221 was a full take – 44.38 acres x \$13,000/Acre = \$576,940 PLUS \$4,250 damages = \$581,190

OIN 222 was a full take – 44.37 acres x \$13,000/Acre = \$576,810 PLUS \$4,250 in additional PA costs = \$581,060

Also paid to J. Marie Smith \$4,411.27 and Viola J. Holmgren \$1,588.73 as reimbursement for the appraisal obtained by the Seller. Additionally the District paid \$2,500 to J. Marie Smith for a culvert she had to have installed.

Does that help?

Oly

Stefan “Oly” Olafson
Real Estate Project Manager
HDR

51 North Broadway, Suite 550

Fargo, ND 58102

M 701-205-8855 M 701-404-6463 D 701-353-6106

oly.olafson@hdrinc.com

hdrinc.com/follow-us

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 Easement and Easement for Term of Years in and to real property owned by Leo A. Richard and Shirley J. Richard (“Landowner”) is necessary for the Project.

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

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

Right of Way Easement

OIN 27

The South 1610.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota

Said tract contains 2.218 acres, more or less, and is subject to easements as may be of record.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter, said point being the true point of beginning; thence continue North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2575.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of 627.09 feet; thence South 87°29'04" West for a distance of 2579.26 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence South 02°06'41" East, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning.

Said tract contains 39.863 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years

OIN 27

The North 55.00 feet of the South 1665.00 feet of the West 60.00 feet of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, in the City of Fargo, Cass County, North Dakota

Said tract contains 0.076 acres, more or less.

AND

OIN 1083

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 25.00 foot wide strip of land, lying northerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 2635.25 feet to the southeast corner of said Northwest Quarter; thence North 01°58'02" West, along the easterly line of said Northwest Quarter for a distance of

33.00 feet to a point of intersection with the northerly line of the South 33.00 feet of said Northwest Quarter, said point being the true point of beginning of the line to be described; thence South 87°34'17" West, along the northerly line of the South 33.00 feet of said Northwest Quarter, for a distance of 2236.82 feet; thence North 36°34'49" West for a distance of 568.08 feet; thence North 02°06'41" West for a distance of 481.58 feet to a point which will hereafter be referred to as point A, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of said Northwest Quarter on the east, and to intersect a line bearing North 87°47'49" East from the point of termination on the north.

Together with a 50.00 foot wide strip of land, lying southerly of and being coincident with the following described line:

Beginning at the above described Point A; thence North 87°47'49" East for a distance of 1500.62 feet; thence North 88°49'40" East for a distance of 1060.14 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect a line bearing South 02°06'41" East from the point of beginning on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 4.785 acres, more or less.

AND

That part of the Northwest Quarter of Section 28, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 50.00 foot wide strip of land, lying northerly of and being coincident with the following described line:

Commencing at the southwest corner of said Northwest Quarter; thence North 87°34'17" East, along the southerly line of said Northwest Quarter, for a distance of 60.00 feet to a point of intersection with the easterly line of the West 60.00 feet of said Northwest Quarter; thence North 02°06'41" West, along the easterly line of the West 60.00 feet of said Northwest Quarter, for a distance of 1578.72 feet to the true point of beginning of the line to be described; thence North 87°29'04" East for a distance of 2579.26 feet to a point of intersection with the easterly line of said Northwest Quarter, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the easterly line of the West 60.00 feet of said Northwest Quarter on the west, and to intersect the easterly line of said Northwest Quarter on the east.

Said tract contains 2.961 acres, more or less.

The property described above is the "Necessary Property."

[¶7] The District has fulfilled the required negotiation steps in accordance with subsection 2 of section 61-16.1-09 of the North Dakota Century Code.

[¶8] The District sent a written offer of just compensation to Landowner by certified mail, along with an appraisal and purchase agreement, on April 28, 2021. A copy of the offer (without the appraisal that was included) is attached as **Exhibit 1**.

[¶9] On May 20, 2021, 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**.

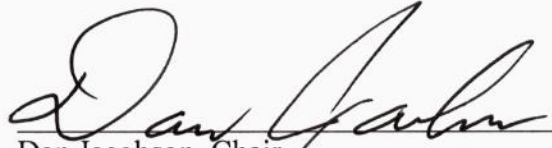
[¶10] The District and Landowner have not reached an agreement regarding compensation, and more than thirty days have passed since Landowner's receipt of the request for a meeting.

[¶11] On July 20, 2021, the District sent Landowner a written notice of intent to take possession of the Right of Way Easement and Easement for Term of Years, 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.

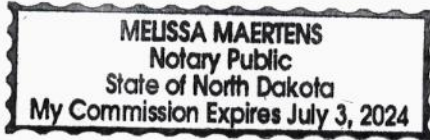
[¶13] I verify there have been no references, mention, or threats of quick take eminent domain by the District during negotiations since August 1, 2017.

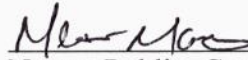
Dated this 8th day of October, 2021.



Dan Jacobson, Chair
Cass County Joint Water Resource District

Subscribed to and sworn to before me this 8th day of October, 2021.





Notary Public, Cass County, State of North Dakota

(SEAL)