

FM AREA DIVERSION PROJECT

Property Owner Information Packet for Cass County Commission

November 15th, 2021

PROPERTY OWNER: Karen Offutt

LAND AGENT: Ken Helvey with SRF

OIN: 809 1883



FM AREA
DIVERSION
PROJECT

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Written Correspondence Timeline – Karen Offutt

OIN 809 1883	Sent	Received
Offer to Purchase	03/04/2021	03/16/2021
Formal Negotiations and Written Offer of Just Compensation	06/28/2021	06/29/2021
Request for Meeting	07/22/2021	07/26/2021
Notice of Intent to Take Possession of Right-of-Way	08/25/2021	08/27/2021
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	09/28/2021	09/28/2021
Invitation to Attend Public Meeting	09/30/2021	10/01/2021
Commission Meeting Date	11/15/2021	

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: Karen G. Offutt
2. Land Agent: Ken Helvey
3. Parcel Nos.: 57-0000-10208-000, 57-0000-10209-000
4. OIN Nos.: 809, 1883

B. Verification:

1. NDCC § 61-16.1-09(2)(b)(1)(a) requires the Cass County Joint Water Resource District (“CCJWRD”) to conduct 60 days of informal negotiations.
 - Did CCJWRD verify at least 60 days of informal negotiations with Landowner:

2. NDCC § 61-16.1-09(2)(b)(1)(b)[1] requires CCJWRD to send the landowner an appraisal and written offer for just compensation by certified mail or commercial delivery requiring a signed receipt or other evidence of constructive notice.
 - Did CCJWRD verify it sent Landowner an appraisal; and written offer for just compensation: _____
 - Did CCJWRD verify service of the appraisal; and offer by certified mail or commercial delivery, and that Landowner either signed for them or had constructive notice: _____
3. NDCC § 61-16.1-09(2)(b)(1)(b)[2] requires CCJWRD to send Landowner a written request for a meeting by certified mail or commercial delivery requiring a signed receipt [if the parties have not come to an agreement within 15 days of Landowner’s receipt of notice of CCJWRD’s offer].
 - Did CCJWRD verify it sent Landowner a written request for a meeting by certified mail or commercial delivery, and that Landowner either signed for the notice or had constructive notice: _____

4. NDCC § 61-16.1-09(2)(b)(1)(b)[3] requires CCJWRD to send Landowner a written notice of intent to take possession of the right of way 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 809, 1883.

FM Area Diversion Project Negotiation Summary

November 8, 2021

OIN	809 and 1883
Property Owner	Karen Offutt
Mailing Address	401 Harwood Drive, Horace, ND
Property Location	Red River Control Structure
Property Type	Agriculture
Land Agent	Ken Helvey - SRF
Landowner Representative	Nick Delaney- Rinke Noonan

Property Need

The parcels are within the Red River Control Structure area associated with the Project. The Diversion Authority is required to obtain a portion of the parcels for the Drain 27 Wetland Restoration. Landowner is requesting a sale of both parcels in their entirety.

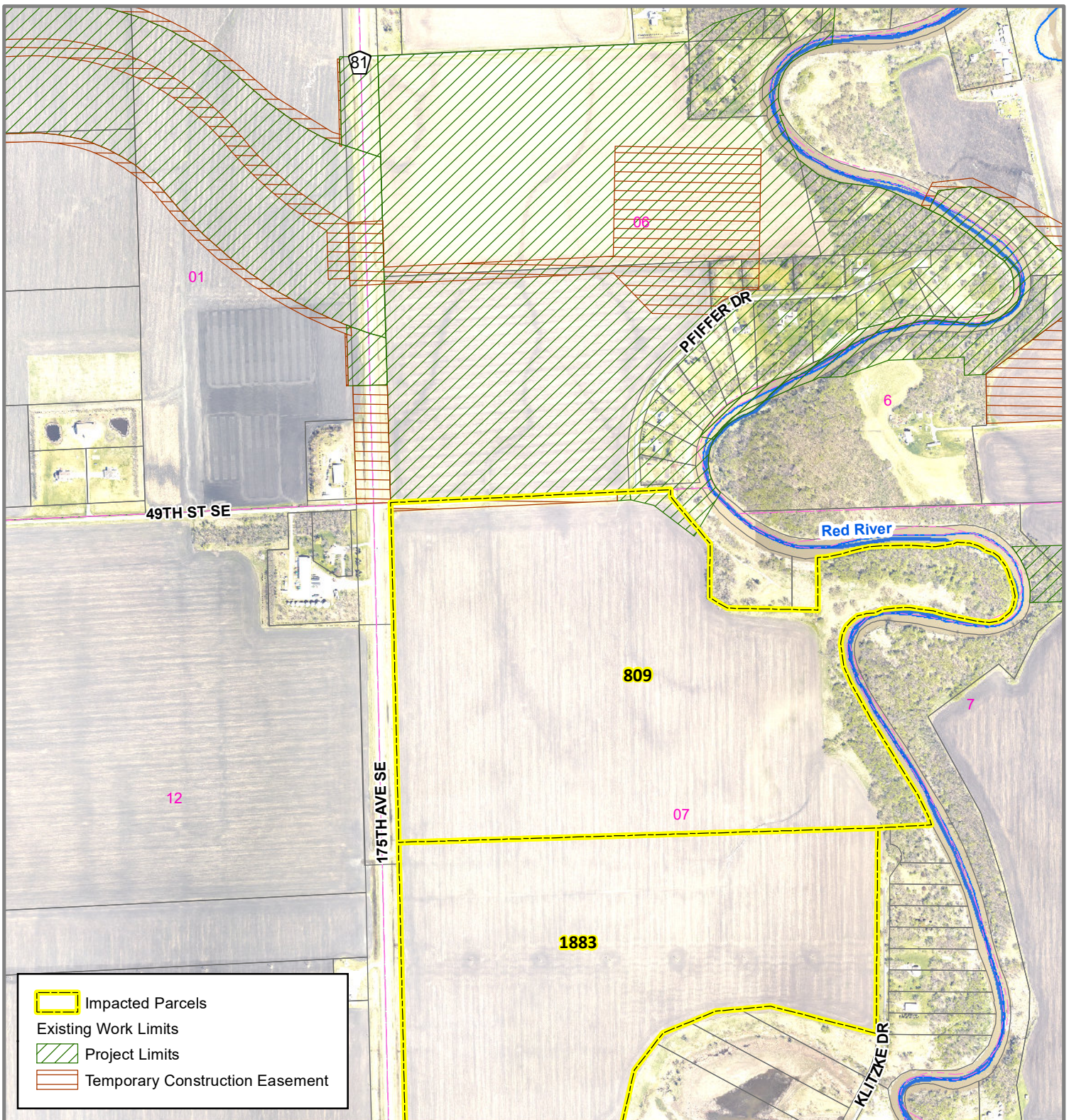
Valuation and Negotiation Summary:

Appraisal Value Date of Value Opinion	\$485,550 – December 9, 2020 .89 Acres in fee at \$6,500 per acre = \$5,785 Severance due to shape - 281 acres @ \$1,700 per acres= \$477,915 TCE- 1.63 acres at \$150 per acres for 8 years= \$1,850
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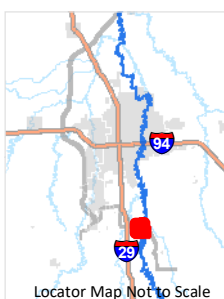
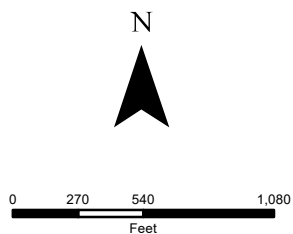
Discussion:

There has never been a counteroffer provided by the owner. They were only interested in selling whole parcels and all holdings that will be impacted.

Ohnstad Twichell is working with the owner's legal counsel to reach a stipulation agreement to proceed.



Any reliance upon this map is at user's own risk. AE2S does not warrant the map or its features are either spatially or temporally accurate or fit for a particular use. All parcel acreages and legal descriptions shown herein are based on County GIS data. Final acreages and legal descriptions to be determined by boundary survey. Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Produced by: cwickenheiser - AE2S, LLC | C:\Data\Projects\GIS Projects\FM Area Diversion\Projects\Land Acquisition\Project Work Package\WP35-Red River Control Structure\OIN 809 Offutt\OIN 809 Offutt Parcel Exhibit.mxd



OINs: 809, 1883

**Parcel ID: 57-0000-10208-000,
57-0000-10209-000**

**Owner: Karen Offutt
Clay County, ND**

FM AREA DIVERSION
Map Date: 2/24/2021





March 4, 2021

SRF No. 13783.00

Karen Offutt
401 Harwood Drive
Fargo, ND 58104

RE: **Offer to Purchase**
Parcel ID: OIN 809 1883
Project Title: Fargo Moorhead Diversion
PID: 57-0000-10208-000 (809) 57-0000-10209-000 (1883)

Dear Ms. Offutt,

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

To determine market value of the interest being acquired, CCJWRD retained the services of the independent property appraisal firm, Patchin Messner Valuation Counselors. The appraiser has determined that the market value of the interests being purchased is **\$485,550**. The CCJWRD has used the market value set forth in the appraisal as the basis for determining Just Compensation for the property interests being acquired from you. A copy of the appraisal is attached to this letter and provided to you. If the purchase amount is based on any conditions or exceptions (such as terms of the transfer of possession or retention of any interest); they will be included in the Acquisition Summary. A summary of the appraisal is provided on the Appraisal Summary. At the time of this appraisal, the appraiser did not have the exact acreage of property being acquired from the Certificate of Survey, therefore the Appraisal Summary and Offer Summary vary slightly.

The Cass County Joint Water Resource District hereby offers to pay you \$485,550 as Just Compensation for the property interests it must acquire from you.

www.srfconsulting.com

Case Plaza, One North Second Street, Suite 226 | Fargo, ND 58102-4801 | 701.237.0010 Fax: 1.866.440.6364

Equal Employment Opportunity / Affirmative Action Employer

Once we agree on the basic terms of an agreement for you to sell, and the CCJWRD to buy the property interests described in this letter, a Purchase Agreement will be drafted and presented to you for approval. The Purchase Agreement will contain all of the pertinent terms and conditions of this offer, as well as several standard legal, property acquisition terms. The Purchase Agreement will be between you and the CCJWRD.

We appreciate your willingness to negotiate with the CCJWRD. We request counteroffers or acceptance of this offer within 30 days from the date of this letter. CCJWRD has flexibility regarding closing, rent and/or leaseback options. We also support 1031-1033 tax exchanges.

If you have any questions about the acquisition process, please contact me at 763-249-6785 or by email at khelvey@srfconsulting.com. We are here to help you understand the process and to assist in negotiating a fair direct purchase of the Parcel, however, we do not represent you. We are willing to meet with you in person as well as set up a time to discuss questions on the phone.

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

- Copy of the appraisal for Parcel ID OIN 809 1883 by Patchin Messner Valuation Counselors.
- Acquisition Summary
- Certificate of Survey

Your signature DOES NOT indicate your acceptance or rejection of the offered amount. Nor does it affect your right to continue to negotiate with the CCJWRD.

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

Sincerely,



Ken Helvey
Principal
Direct # 763-249-6785
khelvey@srfconsulting.com

I acknowledge that on _____, 20 ____, I received this letter and all documents listed above.

Karen Offutt

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

Enclosures: Appraisal Report, Acquisition Summary, Certificate of Survey

I:\Projects\7715-18\RW_Parcels\809_830_1883 - Karen Offutt\OIN 809 1883 Offutt - Offer Letter (Reduced) v2.docx

ACQUISITION SUMMARY
Fargo Moorhead Diversion

Offer to Purchase

Parcel ID: OIN 809 1883

Project Title: Fargo Moorhead Diversion

PID: 57-0000-10208-000 (809) 57-0000-10209-000 (1883)

Property Address: East Side of County Road 81, between 49th Street SE and 50th Street SE, Pleasant Township, Cass County, North Dakota

Recorded Fee Owner: Karen Offutt

Property Legal Description:

SEE ATTACHED SURVEY

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

Noted and Waived Exceptions, Reservations or Encumbrances: None

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

1. Demonstration of marketable title;
2. Conveyance of all interests identified, unless waived in writing by the CCJWRD; and
3. Execution of a purchase agreement signed by the CCJWRD, or its designee.

APPRAISAL SUMMARY

Parcel Value	Area Size/ Description	Per Unit	Indicated Value
Land/Site Taking	0.89 Acres	\$ 6,500	\$ 5,785
Temporary Easement	1.63 Acres	\$ 141 (x 8 years)	\$ 1,850
Severance	282 Acres	\$ 1,700	\$ 477,915
TOTAL (rounded)			\$ 485,550

CERTIFICATE OF SURVEY

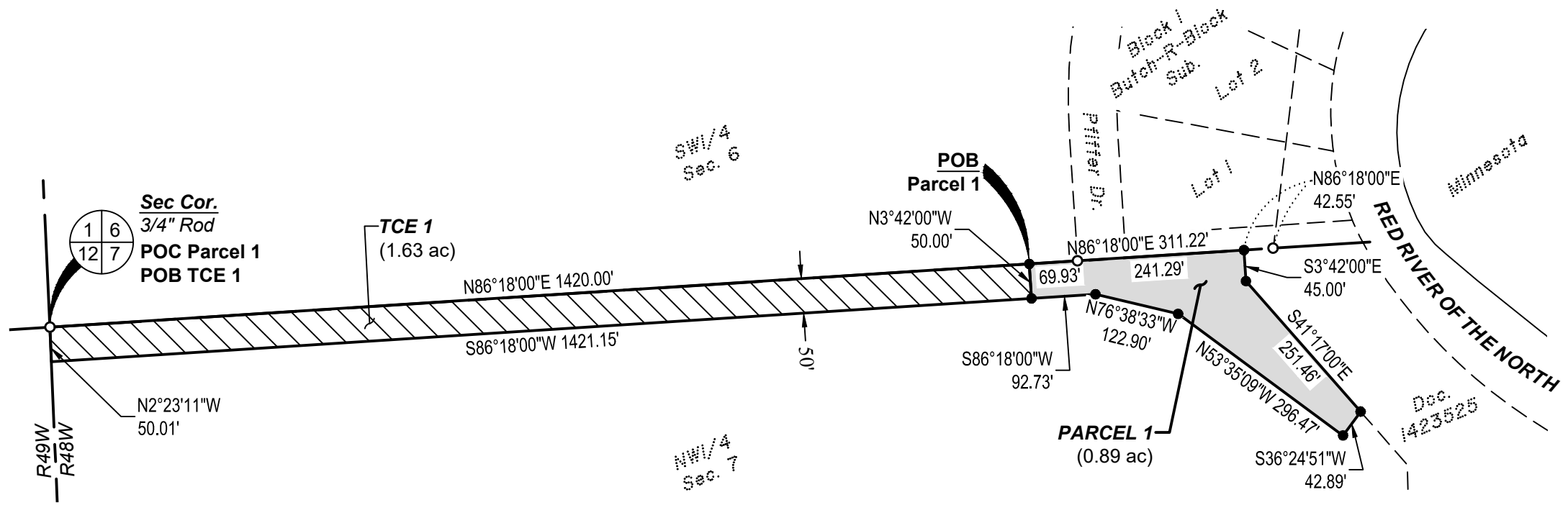
Part of the NW1/4 of Section 7, T137N, R48W, Cass County, ND



KAREN G. OFFUTT
Part of the Northwest Quarter (NW1/4),
Section 7, T137N, R48W, Cass County, ND

DRAWING TYPE
COS
P10841-2020-001
012 02
PREPARED BY
TL
DATE OF SURVEY
Nov. 2018
SHEET
1 of 2
PROJECT ON
809

Prepared By: Nick Stralman Date: Wednesday, February 3, 2021
File: W:\0201\2020\11-18-2018\Survey\Support\Survey Data\Drawing\T137N R48W\Section 7\010841-2020-001.dwg



BASIS OF BEARING

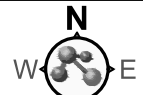
COORDINATE SYSTEM:
ND STATE PLANE - SOUTH ZONE

HORIZONTAL DATUM:
NAD83 (Conus)

VERTICAL DATUM:
NAVD 88 (GEOID 09)

DISTANCES:
MEASURED ON THE GROUND IN U.S. SURVEY FEET

BASIS OF BEARINGS:
GRID NORTH



0 200
Scale in Feet

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS SURVEYS DUE TO DIFFERENT METHODS OF MEASUREMENT.

LEGEND

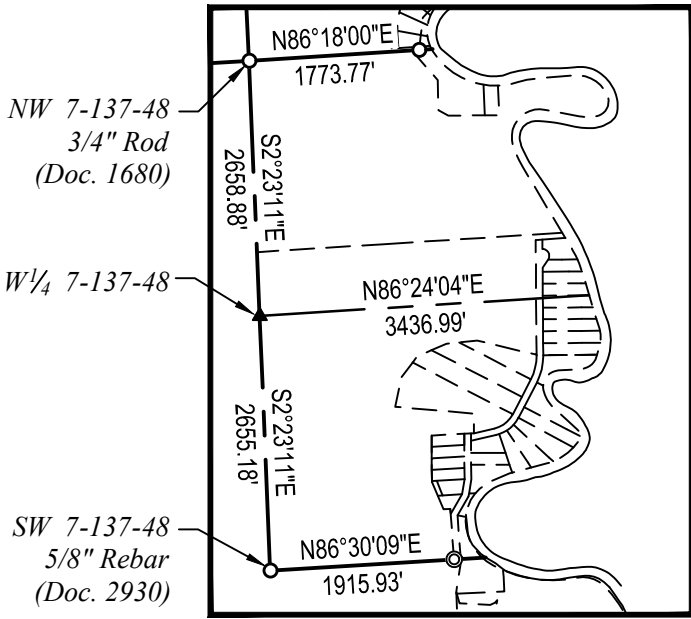
———	SECTION LINE	■	FND ORIGINAL MON.
———	1/4 LINE	△	FND IRON MON. W/ ALUM. CAP
———	1/4 -1/4 LINE	⊙	FND IRON MON. W/ PLASTIC CAP
---	EXIST. PARCEL LINE	○	FND IRON MON.
---	EXIST. EASE.	●	SET IRON MON. W/ PLASTIC CAP LS-8218
———	NEW PARCEL LINE	▲	SET IRON MON. W/ ALUM. CAP LS-8218
▨	NEW DIVERSION PARCEL	●	SET NAIL MONUMENT
▩	TEMP. CONST. EASE. (TCE)	(M)	MEASURED
▧	DEEDED RIGHT-OF-WAY	(R)	PREVIOUSLY RECORDED

PRELIMINARY

CERTIFICATE OF SURVEY

Part of the NW1/4 of Section 7, T137N, R48W, Cass County, ND

SECTION 7



PARENT PARCEL - QUIT CLAIM DEED DOC. NO. 698953
OWNER: KAREN G. OFFUTT

TCE "1" - TEMPORARY CONSTRUCTION EASEMENT
DESCRIPTION

That part of the Northwest Quarter (NW1/4) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Northwest Corner of Section 7;
 thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00;
 thence S03°42'00"E perpendicular to said north line a distance of 50.00 feet;
 thence S86°18'00"W parallel with, and 50.00 feet south of, said north line a distance of 1421.15 feet to the west line of said Section 7;
 thence N02°23'11"W on said west line a distance of 50.01 feet to the Point of Beginning.

Said easement contains 1.63 acre, more or less.

PARCEL "1" - LEGAL DESCRIPTION

That part of the Northwest Quarter (NW1/4) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Northwest Corner of Section 7;
 thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00 feet to the Point of Beginning;
 thence continuing on said north line N86°18'00"E a distance of 311.22 feet to the westerly line of the parcel described in Doc. No. 1423525, records of Cass County;
 thence S03°42'00"E on said westerly parcel line a distance of 45.00 feet;
 thence S41°17'00"E on said westerly parcel line a distance of 251.46 feet;
 thence S36°24'51"W a distance of 42.89 feet;
 thence N53°35'09"W a distance of 296.47 feet;
 thence N76°38'33"W a distance of 122.90 feet;
 thence S86°18'00"W parallel with said north line of Section 7 a distance of 92.73 feet;
 thence N03°42'00"W perpendicular to said north line a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 0.89 acre, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

CERTIFICATE OF SURVEYOR

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of North Dakota. All distances and measurements are true and correct to the best of my knowledge and belief, and all monuments shall be placed in the ground as shown.

 Nicholas R. Stattelmann
 N.D. Registration No. LS-8218
 Date: _____

STATE OF NORTH DAKOTA)
) ss.
 COUNTY OF _____)

On this ____ day of _____, in the year 20____, before me a notary public in and for said county and state, personally appeared Nicholas R. Stattelmann, known to me to be the person(s) described in, and who executed the within instrument and acknowledged to me that he/she executed the same.

 Notary Public:
 State of North Dakota
 My commission expires: _____

KAREN G. OFFUTT

Part of the Northwest Quarter (NW1/4),
 Section 7, T137N, R48W, Cass County, ND

DRAWING TYPE	COS	DATE OF SURVEY	Nov. 2018
PROJECT NUMBER	P10841-2020-001 012.02	SHEET	2 of 2
PREPARED BY	KAREN G. OFFUTT	PROJECT OIN	809



Track Another Package +

Tracking Number: 70202450000189601379

Remove X

Your item was delivered to an individual at the address at 4:02 pm on March 16, 2021 in PARADISE VALLEY, AZ 85253.

Delivered, Left with Individual

March 16, 2021 at 4:02 pm
PARADISE VALLEY, AZ 85253

Feedback

Get Updates v

Text & Email Updates



Tracking History



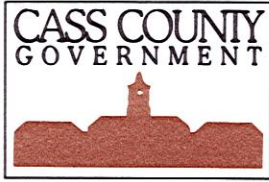
Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.



VIA UPS DELIVERY

Cass County
Joint Water
Resource
District

June 28, 2021

Karen G. Offutt
401 Harwood Drive
Fargo, ND 58104

Dan Jacobson
Chairman
West Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Keith Weston
Manager
Fargo, North Dakota

Greetings:

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Formal Negotiations and Written Offer of Just Compensation
OINs: 809, 1883
Parcel Nos.: 57-0000-10208-000, 57-0000-10209-000

The Cass County Joint Water Resource District (the "District") is in the process of acquiring property interests necessary for the Fargo-Moorhead Area Diversion Project (the "Project"), and the District has been in discussions with you regarding right of way 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 57-0000-10208-000 and 57-0000-10209-000. The legal descriptions of the property to be acquired are:

OIN 809

Right of Way Easement:

That part of the Northwest Quarter (NW¼) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00 feet to the Point of Beginning; thence continuing on said north line N86°18'00"E a distance of 311.22 feet to the westerly line of the parcel described in Doc. No. 1423525, records of Cass County; thence S03°42'00"E on said westerly parcel line a distance of 45.00 feet; thence S41°17'00"E on said westerly parcel line a distance of 251.46 feet; thence S36°24'51"W a

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

Karen G. Offutt
June 28, 2021
Page 2

distance of 42.89 feet; thence N53°35'09"W a distance of 296.47 feet; thence N76°38'33"W a distance of 122.90 feet; thence S86°18'00"W parallel with said north line of Section 7 a distance of 92.73 feet; thence N03°42'00"W perpendicular to said north line a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 0.89 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

OIN 809

Easement for Term of Years

That part of the Northwest Quarter (NW1/4) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00; thence S03°42'00"E perpendicular to said north line a distance of 50.00 feet; thence S86°18'00"W parallel with, and 50.00 feet south of, said north line a distance of 1421.15 feet to the west line of said Section 7; thence N02°23'11"W on said west line a distance of 50.01 feet to the Point of Beginning.

Said easement contains 1.63 acres, more or less.

Enclosed is an 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, the appraiser indicated the value of the right of way easement the District must acquire from you is \$5,785.00, and the easement for term of years is \$1,850.00 plus severance damages to the remainder of your property in the amount of \$477,915.00, for a total purchase price of \$485,550.00. The District approved the appraisal, and this letter is the District's offer to you in the amount of \$485,550.00 as just compensation to purchase the right of way easement and easement of term for 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.

Karen G. Offutt
June 28, 2021
Page 3

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

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



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

Enclosures

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

Proof of Delivery



Dear Customer,

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

Tracking Number

1ZY93E24A806207315

Service

UPS Ground

Additional Information

Adult Signature Required

Delivered On

06/29/2021 4:52 P.M.

Delivered To

401 HARWOOD DR S
FARGO, ND, 58104, US

Weight

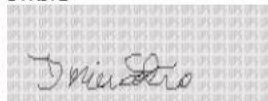
1.00 LBS

Shipped / Billed On

06/28/2021

Received By

STRIYE

**Left At**

Residential

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: 06/30/2021 4:19 P.M. EST

[Print this page](#)



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

July 22, 2021

Karen G. Offutt
401 Harwood Drive
Fargo, ND 58104
Certified No. 7020 1290 0001 0393 6696

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: 809, 1883
Parcel Nos.: 57-0000-10208-000, 57-0000-10209-000

Ken Loughheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Keith Weston
Manager
Fargo, North Dakota

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). The District previously provided you a letter dated June 28, 2021; a copy of the District's appraisal for the right of way easement and 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 the 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 the easement for term of years from you to accommodate the Project.

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 August 12, 2021, or at its meeting on August 26, 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.

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

Karen G. Offutt
OINs 809, 1883
July 22, 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. **Ken Helvey** of SRF Consulting Group, Inc. is your point of contact for getting answers to any questions you have about the Project. Ken can be reached at **(763) 249-6785** or **khelvey@srfconsulting.com**.

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 right of way 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: Nicholas R. Delaney, Rinke Noonan
Ken Helvey, Land Agent
Eric Dodds, Program Manager, AE2S
Chris McShane, Ohnstad Twichell, P.C.
Chad Peterson, Chair, Cass County Commission
Robert Wilson, Cass County Administrator
Birch Burdick, Cass County State's Attorney
Joel Paulsen, Executive Director, Diversion Authority

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

KAREN G OFFUTT
 401 HARWOOD DRIVE
 FARGO ND 58104



9590 9402 6380 0303 3967 97

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6696

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

- Agent
- Addressee

B. Received by (Printed Name)

[Handwritten Name]

C. Date of Delivery

[Handwritten Date]

D. Is delivery address different from item 1? If YES, enter delivery address below:

- Yes
- No

3. Service Type

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



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

August 25, 2021

Karen G. Offutt
401 Harwood Drive
Fargo, ND 58104
Certified No. 7020 1290 0001 0393 6788

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 EASEMENT
AND EASEMENT FOR TERM OF YEARS
OINs: 809, 1883
Parcel Nos.: 57-0000-10208-000, 57-0000-10209-000

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 developing the Fargo-Moorhead Area Diversion Project (the "Project"). On behalf of the District, I previously provided you letters dated June 10, 2021, and June 28, 2021, a copy of the District's 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 July 22, 2021, to invite you to meet with the District for purpose 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
wrд@casscountynд.gov
casscountynд.gov

This letter is the District's NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY EASEMENT 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.

Karen G. Offutt
OINs 809, 1883
August 25, 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. **Ken Helvey** of **SRF Consulting Group, Inc.** can be reached at **(763) 249-6785** or **khelvey@srfconsulting.com**. Ken is your point of contact for getting answers to any questions you have about the Project and acquisition of the right of way easement and 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: Nicholas R. Delaney, Rinke Noonan
Ken Helvey, Land Agent
Chris McShane, Ohnstad Twichell, P.C.
Chad Peterson, Chair, Cass County Commission
Robert Wilson, Cass County Administrator
Birch Burdick, Cass County State's Attorney
Eric Dodds, Program Manager, AE2S
Joel Paulsen, Executive Director, Diversion Authority

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
 KAREN G OFFUTT
 400 HARWOOD DRIVE
 FARGO ND 58104



9590 9402 6380 0303 3964 45

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6788

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Nancy Falck Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 Nancy Falck 8-27-2021

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
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



SENT VIA EMAIL wilsonro@casscountynd.gov

Cass County
Joint Water
Resource
District

September 28, 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: 809, 1883
Parcel Nos.: 57-0000-10208-000, 57-0000-10209-000

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 Karen G. Offutt (the "Landowner"):

Keith Weston
Manager
Fargo, North Dakota

- Letters dated June 10 and June 28, 2021, enclosing the District's 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 July 22, 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 August 25, 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
wrld@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 809

That part of the Northwest Quarter (NW¼) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00 feet to the Point of Beginning; thence continuing on said north line N86°18'00"E a distance of 311.22 feet to the westerly line of the parcel described in Doc. No. 1423525, records of Cass County; thence S03°42'00"E on said westerly parcel line a distance of 45.00 feet; thence S41°17'00"E on said westerly parcel line a distance of 251.46 feet; thence S36°24'51"W a distance of 42.89 feet; thence N53°35'09"W a distance of 296.47 feet; thence N76°38'33"W a distance of 122.90 feet; thence S86°18'00"W parallel with said north line of Section 7 a distance of 92.73 feet; thence N03°42'00"W perpendicular to said north line a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 0.89 acre, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

Easement for Term of Years:

OIN 809

That part of the Northwest Quarter (NW¼) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00; thence S03°42'00"E perpendicular to said north line a distance of 50.00 feet; thence

S86°18'00"W parallel with, and 50.00 feet south of, said north line a distance of 1421.15 feet to the west line of said Section 7; thence N02°23'11"W on said west line a distance of 50.01 feet to the Point of Beginning.

Said easement contains 1.63 acre, 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.

Robert Wilson
September 28, 2021
Page 4

The District respectfully requests that the Cass County Commission proceed with the public meeting process under Section 61-16.1-09(2)(b)(3) regarding the 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.

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: Ken Helvey, Land Agent
Chris McShane, Ohnstad Twichell, P.C.
Birch Burdick, Cass County State's Attorney
Joel Paulsen, Executive Director, Diversion Authority
Eric Dodds, AE2S Program Manager
Taylor Albrecht, Administrative Assistant, Cass County Commission



September 30, 2021

VIA UPS – DELIVERY CONFIRMATION

**Board of County
Commissioners**

Karen G. Offutt
401 Harwood Drive South
Fargo, ND 58104

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

Re: Cass County Commission
Fargo-Moorhead Area Diversion Project
Invitation to Attend Public Meeting
OINs: 809, 1883
Parcel Nos.: 57-0000-10208-000, 57-0000-10209-000
UPS Tracking No.: 1Z271KTW4322403221

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 easements and easements for term of years 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:

- Letters dated June 10, 2021, and June 28, 2021, enclosing the District’s appraisal for the acquisition of the right of way and temporary OR easement for term of years easement from you, along with a proposed Purchase Agreement;
- Letter dated July 22, 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 August 25, 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.

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

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

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 809

That part of the Northwest Quarter (NW¼) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00 feet to the Point of Beginning; thence continuing on said north line N86°18'00"E a distance of 311.22 feet to the westerly line of the parcel described in Doc. No. 1423525, records of Cass County; thence S03°42'00"E on said westerly parcel line a distance of 45.00 feet; thence S41°17'00"E on said westerly parcel line a distance of 251.46 feet; thence S36°24'51"W a distance of 42.89 feet; thence N53°35'09"W a distance of 296.47 feet; thence N76°38'33"W a distance of 122.90 feet; thence S86°18'00"W parallel with said north line of Section 7 a distance of 92.73 feet; thence N03°42'00"W perpendicular to said north line a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 0.89 acre, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

Easement for Term of Years:

OIN 809

That part of the Northwest Quarter (NW¼) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00; thence S03°42'00"E perpendicular to said north line a distance of 50.00 feet; thence S86°18'00"W parallel with, and 50.00 feet south of, said north line a distance of 1421.15 feet to the west line of said Section 7; thence N02°23'11"W on said west line a distance of 50.01 feet to the Point of Beginning.

Said easement contains 1.63 acre, more or less.

Karen G. Offutt
OIN 809, 1883
September 30, 2021

Page 3

The Commission invites you to attend the Commission's meeting on November 15, 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 November 15, 2021, public meeting via conference call or Microsoft Teams, please contact Taylor Albrecht at (701) 241-5609 or albrecht@asscountynd.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 **Ken Helvey** and to continue discussions about the Project. **Ken Helvey** of **SRF Consulting, Inc.** is your point of contact regarding the Project. You can reach **Ken Helvey** at **(763) 249-6785** or khelvey@srfconsulting.com.

Finally, North Dakota law requires the Commission to provide you with a description of the District's timeline regarding your right of way 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: Ken Helvey, Land Agent
Nicholas R. Delaney, Rinke Noonan
Birch Burdick, Cass County State's Attorney
Joel Paulsen, Executive Director, Diversion Authority
Chris McShane, Ohnstad Twichell, P.C.
Eric Dodds, AE2S Program Manager
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

1Z271KTW4322403221

Weight

1.00 LBS

Service

UPS Ground

Shipped / Billed On

09/30/2021

Delivered On

10/01/2021 11:10 A.M.

Delivered To

401 HARWOOD DR S
FARGO, ND, 58104, US

Left At

Front Door

Reference Number(s)

271KTW9XK7C

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: 10/01/2021 12:29 P.M. EST

AFFIDAVIT OF LAND AGENT

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF CASS)

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

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

[¶3] The District must acquire certain interests in real property from Karen G. Offutt (“Landowner”) for construction, operation, and maintenance of the Project.

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

Right of Way Easement
OIN 809

That part of the Northwest Quarter (NW¼) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Commencing at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00 feet to the Point of Beginning; thence continuing on said north line N86°18'00"E a distance of 311.22 feet to the westerly line of the parcel described in Doc. No. 1423525, records of Cass County; thence S03°42'00"E on said westerly parcel line a distance of 45.00 feet; thence S41°17'00"E on said westerly parcel line a distance of 251.46 feet; thence S36°24'51"W a distance of 42.89 feet; thence N53°35'09"W a distance of 296.47 feet; thence N76°38'33"W a distance of 122.90 feet; thence S86°18'00"W parallel with said north line of Section 7 a distance of 92.73 feet; thence N03°42'00"W perpendicular to said north line a distance of 50.00 feet to the Point of Beginning.

Said parcel contains 0.89 acre, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

Easement for Term of Years

OIN 809

That part of the Northwest Quarter (NW1/4) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00; thence S03°42'00"E perpendicular to said north line a distance of 50.00 feet; thence S86°18'00"W parallel with, and 50.00 feet south of, said north line a distance of 1421.15 feet to the west line of said Section 7; thence N02°23'11"W on said west line a distance of 50.01 feet to the Point of Beginning.

Said easement contains 1.63 acre, more or less.

The property described above is the "Necessary Property."

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

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

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

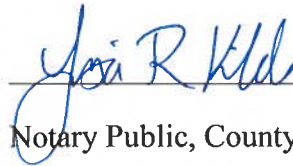
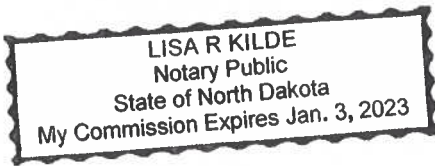
[¶8] I verify to the best of my knowledge, as Principal/Land Agent of SRF Consulting Group, Inc., nobody from SRF Consulting Group, Inc. has referenced, mentioned, or threatened quick take eminent domain to Landowner during negotiations since August 1, 2017.

Dated this 8 day of November, 2021.



Ken Helvey
SRF Consulting Group, Inc.

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



Notary Public, County of Cass

State of North Dakota

My Commission Expires: _____

(SEAL)

EXHIBIT A
OIN 809_1883- Karen Offutt Contacts

Date	Contact Notes
10/23/2020	Ken emailed Ace Brandt to try to set up a meeting to discuss all Brandt/Offutt acquisitions
10/25/2020	Ken emailed Ace Brandt to try to set up a meeting to discuss all Brandt/Offutt acquisitions
1/14/2021	Ken set up a meeting with Ace to talk about acquisitions
1/16/2021	Ken met with Ace to discuss all family acquisitions. Discussed process and appraisals. Ace wants sell everything in fee. We will get appraisals and make offers in a couple of months.
3/4/2021	Offer sent to Karen Offutt
4/15/2021	Talked with Nick Delaney (Family attorney) regarding offer. Family not satisfied and will get own appraisals. They want to go to court to set a value. This is not going to change.
6/9/2021	Emails with Nick Delaney regarding offer and status. Nick again suggested that they will just get an appraisal and go to court. Requested that all Offutt/ Brandt parcels be combined into one discussion. Told Nick that this would need to be discussed with CCJWRD attorney
6/16/2021	Ken provided a summary of all Offutt/ Brandt offers to Chris McShane
Various	Multiple brief talks with attorney confirming status during talks about other parcels.
9/22/2021	Talked to attorney. They are still planning to allow court to determine value.

Said parcel contains 0.89 acre, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

AND

Easement for Term of Years

OIN 809

That part of the Northwest Quarter (NW1/4) of Section 7, Township 137 North, Range 48 West of 5th Principal Meridian, Cass County, North Dakota, being further described as follows:

Beginning at the Northwest Corner of Section 7; thence N86°18'00"E on the north line of said Section 7 a distance of 1,420.00; thence S03°42'00"E perpendicular to said north line a distance of 50.00 feet; thence S86°18'00"W parallel with, and 50.00 feet south of, said north line a distance of 1421.15 feet to the west line of said Section 7; thence N02°23'11"W on said west line a distance of 50.01 feet to the Point of Beginning.

Said easement contains 1.63 acre, 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 written offers of just compensation to Landowner by certified mail, along with an appraisal and purchase agreement, on June 10, 2021, and June 28, 2021. A copy of the offer (without the appraisal that was included) are attached as **Exhibit 1**.

[¶9] On July 22, 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 August 25, 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.

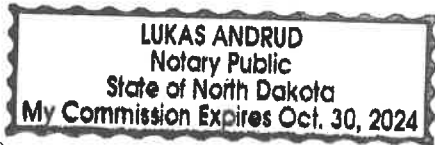
[¶13] I verify there have been no references, mention, or threats of quick take eminent domain by the District during negotiations since August 1, 2017.

Dated this 5th day of November, 2021.




Rodger Olson, Vice-Chair
Cass County Joint Water Resource District

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



(SEAL)



Notary Public, Cass County, State of North Dakota