

FM AREA DIVERSION PROJECT

Property Owner Information Packet for Cass County Commission

November 15th, 2021

PROPERTY OWNER: Eric Score

LAND AGENT: Oly Olafson with HDR

OIN: 8385



FM AREA
DIVERSION
PROJECT

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Written Correspondence Timeline – Eric Score

OIN 8385	Sent	Received
Offer to Purchase	03/10/2021	03/17/2021
Formal Negotiations and Written Offer of Just Compensation	06/15/2021	06/18/2021
Request for Meeting	07/09/2021	07/12/2021
Notice of Intent to Take Possession of Right-of-Way	08/17/2021	08/20/2021
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: Eric Score
2. Land Agent: Oly Olafson
3. Parcel No.: 64-0000-02793-020
4. OIN No.: 8385

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; 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 OIN 8385.

FM Area Diversion Project Negotiation Summary

November 8, 2021

OIN	8385
Property Owner	Eric J. Score
Mailing Address	4701 124 th Avenue South, Horace ND 58047
Property Location	UMA – Zone 1
Property Type	Rural Residence and Score Brothers Construction
Land Agent	Oly Olafson
Landowner Representative	Self-Represented

Property Need

Drain 27 Wetland Restoration Project

Valuation and Negotiation Summary

Appraised Value / Date	\$26,852.00 / June 6, 2019
Max RHDP Approved / Date	N/A
Relocation	TBD
TCE	\$800.00
Purchase Agreement Value	\$30,200

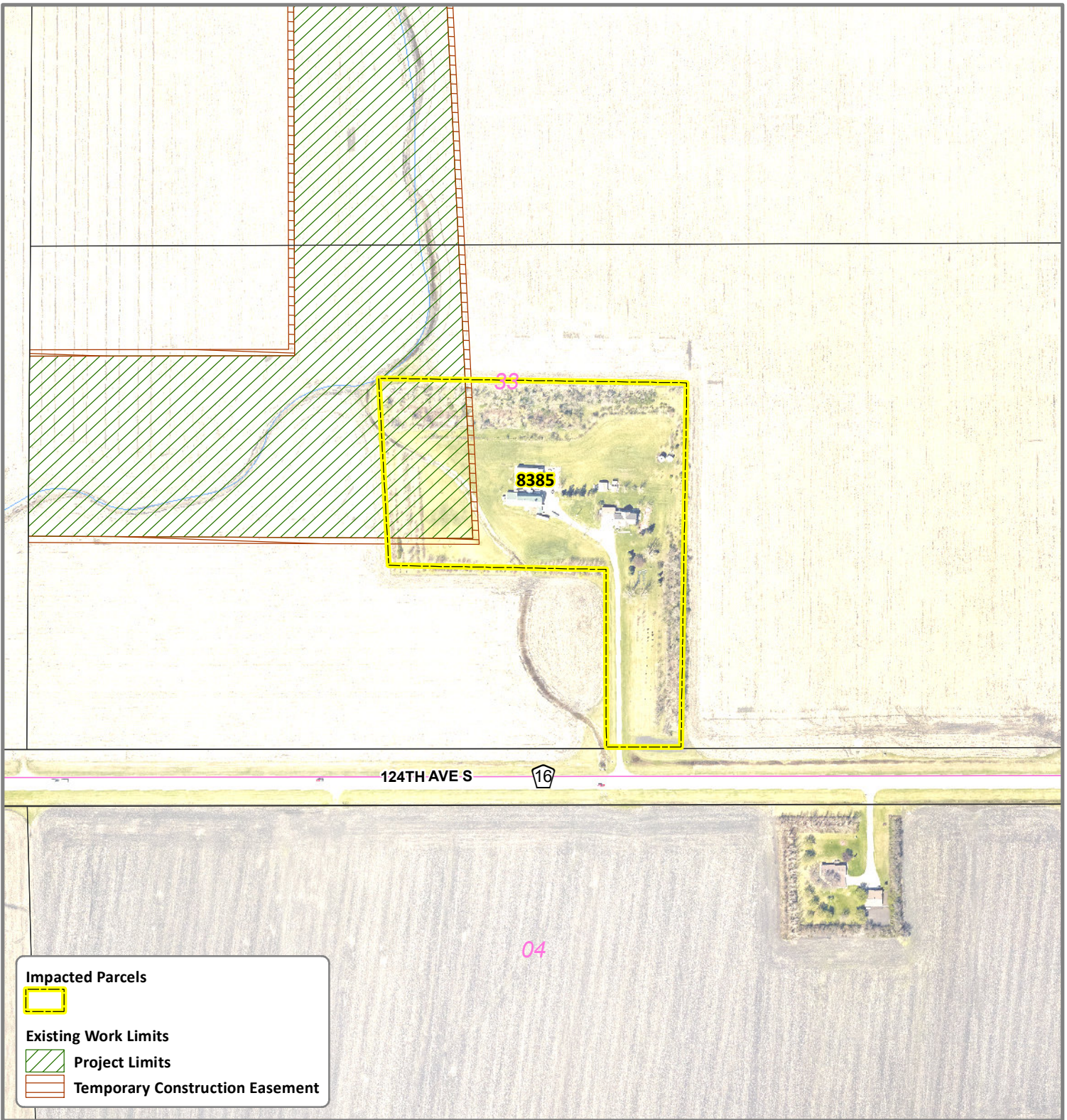
Miscellaneous Provisions

This Purchase Agreement is only for the required property rights for the Drain 27 Wetland Restoration Project

Requested Action

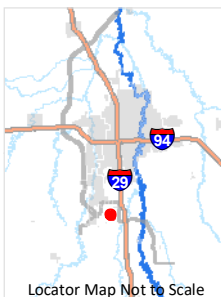
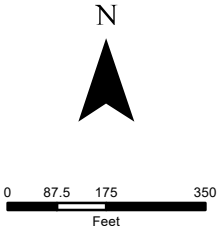
Owner has been trying to wrap this request in with the purchase by the Diversion Authority of the balance of his home and business property. As of the date of this Negotiation Summary Eric has been unable to locate a suitable relocation site.

November 8, 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: cwickenheiser - AE2S, Inc. |
 C:\Data\Projects\GIS Projects\FM Area Diversion\Projects\Land Acquisition\Project Work Package\IProject Wide\Individual Property Maps - General Inquiry\IndividualLayout8x10v105.mxd



OIN: 8385
ERIC J SCORE
Parcel ID: 64-0000-02793-020
Cass County, ND

FM AREA DIVERSION
 Map Date: 2/4/2021



March 10, 2021

Hand Delivered

Eric J. Score
4701 124th Avenue
Horace, ND 58047

RE: **Letter Conveying Offer to Purchase
Project Parcel ID: 8385**

Property Legal Description:

Right-of-Way: That part of the Southwest Quarter of the Southeast Quarter of Section 33, 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 Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 395.90 feet to the northwest corner of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 213.38 feet; thence South 04°48'30" East for a distance of 393.56 feet; thence South 88°15'37" West for a distance of 210.79 feet to the true point of beginning. Said tract contains 1.918 acres, more or less and is subject to easements as may be of record.

TCE (Temporary Construction Easement): That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line: Commencing at the southwest corner of said Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning of the line to be described; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 acres, more or less.

Project Title: Fargo Flood Diversion – Drain 27 Wetland Restoration Project
PID: 64-0000-02793-020

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 property rights for the project. You are receiving this letter as the owner of the property rights that must be acquired for the project. This letter conveys CCJWRD's offer to purchase the right-of-way and a temporary easement 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 rights. 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, Integra Realty Resources – Minneapolis/St. Paul. The appraiser has determined that the recommended compensation of the interests being purchased is \$30,200 as of February 11, 2021. 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 Eric J. Score Thirty Thousand Two Hundred Dollars (\$30,200) 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 Eric J. Score and the CCJWRD.

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

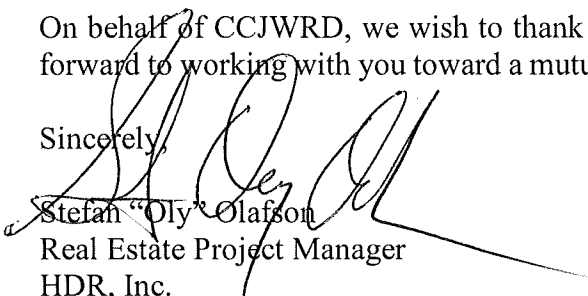
Upon receipt of this letter, please sign below. Your signature indicates only that you have received this Offer to Purchase, and the following documents:

- Copy of the appraisal for Parcel 8385 completed by Integra Realty Resources – Minneapolis/ St. Paul 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 MARCH 17, 2021, I received this letter and all documents listed above.

By: 
Eric J. Score

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: 8385

Parcel Legal Description 1.918 Acre Right-of-Way, 0.213 Acres Temporary Construction Easement as described;

Right-of-Way: That part of the Southwest Quarter of the Southeast Quarter of Section 33, 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 Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 395.90 feet to the northwest corner of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 213.38 feet; thence South 04°48'30" East for a distance of 393.56 feet; thence South 88°15'37" West for a distance of 210.79 feet to the true point of beginning. Said tract contains 1.918 acres, more or less and is subject to easements as may be of record.

TCE (Temporary Construction Easement): That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows: A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning of the line to be described; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 acres, more or less.

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

PID: 64-0000-02793-020

Recorded Fee Owner: Eric J. Score

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	1.918 Acres	\$14,000	\$26,852.00
Net Damages to Remainder	N/A	N/A	\$2500.00
Temporary Easement	0.213 Acres	625.98 (6yrs)	\$800.00
Total			\$30,200 (Rd)



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 15, 2021

**Cass County
Joint Water
Resource
District**

Eric J. Score
4701 124th Avenue South
Horace, ND 58047
Certified No. 7020 1290 0001 0393 6511

Greetings:

Dan Jacobson
Chairman
West Fargo, North Dakota

RE: Cass County Joint Water Resource District
Fargo-Moorhead Area Diversion Project
Formal Negotiations and Written Offer of Just Compensation
OIN: 8385
Parcel No.: 64-0000-02793-020

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 Number 64-0000-02793-020. The legal description of the property to be acquired is:

Right of Way Easement

That part of the Southwest Quarter of the Southeast Quarter of Section 33, 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 Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 395.90 feet to the northwest corner of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 213.38 feet; thence South 04°48'30" East for a distance of 393.56 feet; thence South 88°15'37" West for a distance of 210.79 feet to the true point of beginning.

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

Said tract contains 1.918 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years

That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning of the line to be described; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 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 \$26,852.00, the easement for term of years is \$800.00, plus severance damages to the remainder of your property in the amount of \$2,500.00, for a total purchase price of \$30,200.00. The District approved the appraisal, and this letter is the District's offer to you in the amount of \$30,200.00 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) 205-8855** or **oly.olafson@hdrinc.com**. Oly is your point of contact for getting answers to any questions you have about the Project and acquisition of the right of way easement and easement for term of years from you for the Project.

Eric J. Score
June 15, 2021
Page 3

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@casscountynd.gov

Enclosures

cc: 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:

ERIC J SCOBE
 4701 124TH AVENUE SOUTH
 WOODRIDGE ND 58047



9590 9402 6380 0303 3969 95

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6511

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *EJS*

- Agent
- Addressee

B. Received by (Printed Name)

ERIC J SCOBE

C. Date of Delivery

6-18-2024

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



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

July 9, 2021

Eric J. Score
4701 124th Avenue South
Horace, ND 58047
Certified No. 7020 1290 0001 0393 6566

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
OIN: 8385
Parcel No.: 64-0000-02793-020

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 June 15, 2021; a copy of the District's 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 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.

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 July 22, 2021, or at its meeting on August 12, 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
wrld@casscountynnd.gov
casscountynnd.gov

Eric J. Score
OIN 8385
July 9, 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) 205-8855** or **oly.olafson@hdrinc.com**.

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

ERIC J SCORE
 4701 124TH AVENUE SOUTH
 HORACE ND 58047



9590 9402 6380 0303 3969 33

2. Article Number (Transfer from)

7020 1290 0001 0393 6566

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Score*

- Agent
- Addressee

B. Received by (Printed Name)

RW RR #1 C19

C. Date of Delivery

7-12-21

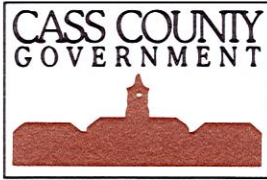
D. Is delivery address different from item 1?

- 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

Domestic Return Receipt



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

August 17, 2021

Eric J. Score
4701 124th Avenue South
Horace, ND 58047
Certified No. 7020 1290 0001 0393 6726

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
OIN: 8385
Parcel No. 64-0000-02793-020

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 developing the Fargo-Moorhead Area Diversion Project (the "Project"). On behalf of the District, I previously provided you a letter dated June 15, 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 9, 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.

Keith Weston
Manager
Fargo, North Dakota

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 a 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.

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

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

Eric J. Score
OIN 8385
August 17, 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) 205-8855** or **oly.olafson@hdrinc.com**. Oly is your point of contact for getting answers to any questions you have about the Project and acquisition of the right of way 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@casscountynnd.gov

cc: Jim Bullis, James Bullis, P.C.
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 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:

ERIC J SCORE
 4701 124TH AVE SOUTH
 HORACE ND 58047



9590 9402 6380 0303 3965 13

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6726

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

ERIC J SCORE

C. Date of Delivery

8-20-21

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



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
OIN: 8385
Parcel No.: 64-0000-02793-020

Ken Lougheed
Manager
Gardner, 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 Eric Score (the "Landowner"):

Jacob Gust
Manager
Fargo, North Dakota

Keith Weston
Manager
Fargo, North Dakota

- Letter dated June 15, 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 9, 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 17, 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:

That part of the Southwest Quarter of the Southeast Quarter of Section 33, 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 Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 395.90 feet to the northwest corner of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 213.38 feet; thence South 04°48'30" East for a distance of 393.56 feet; thence South 88°15'37" West for a distance of 210.79 feet to the true point of beginning.

Said tract contains 1.918 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years:

That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract

described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning of the line to be described; thence North $88^{\circ}15'37''$ East for a distance of 210.79 feet; thence North $04^{\circ}48'30''$ West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 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

Robert Wilson
September 28, 2021
Page 4

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.

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 30, 2021

VIA UPS – DELIVERY CONFIRMATION

**Board of County
Commissioners**

Eric Score
4701 124th Avenue South
Horace, ND 58047

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
OIN: 8385
Parcel No.: 64-0000-02793-020
UPS Tracking No.: 1Z271KTW4301648024

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:

- Letter dated June 15, 2021, enclosing the District’s 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 July 9, 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 17, 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

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:

That part of the Southwest Quarter of the Southeast Quarter of Section 33, 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 Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning; thence North 05°09'48" West, along the westerly line of said tract, for a distance of 395.90 feet to the northwest corner of said tract; thence North 88°50'59" East, along the northerly line of said tract, for a distance of 213.38 feet; thence South 04°48'30" East for a distance of 393.56 feet; thence South 88°15'37" West for a distance of 210.79 feet to the true point of beginning.

Said tract contains 1.918 acres, more or less.

AND

Easement for Term of Years:

That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning of the line to be described; thence North 88°15'37" East for a distance of 210.79 feet; thence

North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 acres, more or less.

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@asscountynod.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 HDR, Inc. and to continue discussions about the Project. **Stefen "Oly" Olafson** of **HDR, Inc.** is your point of contact regarding the Project. You can reach Oly Olafson at **(701) 205-8855** or oly.olafson@hdrinc.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.

Score
OIN 8385
September 30, 2021
Page 4

Sincerely,

CASS COUNTY COMMISSION



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

cc: Oly Olafson, Land Agent
Jim Bullis, James Bullis, P.C.
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

1Z271KTW4301648024

Weight

1.00 LBS

Service

UPS Ground

Shipped / Billed On

09/30/2021

Delivered On

10/01/2021 9:40 A.M.

Delivered To

4701 124TH AVE S
HORACE, ND, 58047, US

Left At

Porch

Reference Number(s)

271KTW3GGTM

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 11:05 A.M. EST

AFFIDAVIT OF LAND AGENT

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

¶1 I, Stefan “Oly” Olafson, do hereby state on oath:

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

¶3 The District must acquire certain interest in real property from Eric Score (“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 8385

That part of the Southwest Quarter of the Southeast Quarter of Section 33, 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 Southeast Quarter; thence North 01°37’18” West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15’37” East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder’s Office, said point being the true point of beginning; thence North 05°09’48” West, along the westerly line of said tract, for a distance of 395.90 feet to the northwest corner of said tract; thence North 88°50’59” East, along the northerly line of said tract, for a distance of 213.38 feet; thence South 04°48’30” East for a distance of 393.56 feet; thence South 88°15’37” West for a distance of 210.79 feet to the true point of beginning.

Said tract contains 1.918 acres, more or less, and is subject to easements as may be of record.

The property described above is the “Right of Way Easement Property.”

AND

Easement for Term of Years
OIN 8385

That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning of the line to be described; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 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.

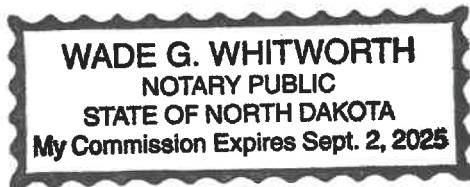
[¶7] The District has instructed HDR, Inc. to refrain from referencing, mentioning, or threatening quick take eminent domain during negotiations since August 1, 2017.


[¶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 2nd day of November, 2021.


Stefan "Oly" Olafson
Land Agent

Subscribed to and sworn to before me this 2nd day of November, 2021.




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

(SEAL)

OIN 8385 – Eric Score Exhibit A

OIN	Land Owner	Land Agent/PMC	Comments	Date
8385	ERIC J SCORE	Stefan(Oly)Olafson	<p>Joe Herbst requested I contact Eric Score after Eric contacted Rocky Schneider at AE2S earlier Friday morning.</p> <p>Eric’s property is located about a mile and a quarter west of St. Benedict on the north side of 124th Ave S. Eric called to find out what the status was of the project and a timeline if one is available.</p> <p>I left him a detailed message and let him know I would be calling him back after the holidays to set up a meeting to discuss the project.</p>	12/28/2018
8385	Eric J. Score	Stefan(Oly)Olafson	<p>Eric returned my call from last Friday. He is wondering what the time frame will be on his property. He is concerned because in past flood events no water has approached his property. I explained that all improvements in the staging area will be bought out and all owners will be relocated.</p> <p>I told him I’d be getting more information on Thursday and would give him a call then.</p>	1/2/2019
8385	Eric J. Score	Stefan(Oly)Olafson	<p>I called Eric and left him a message to give me a call back regarding the project and implications and time frames for his property.</p>	1/3/2019
8385	Eric J. Score	Stefan(Oly)Olafson	<p>Eric called me back and we discussed further his property and the project. He asked if he should reshingle the house as there was some hail damage last summer. I asked him if the damage was bad enough to require new shingles and he told me no. I told him I’d hold off unless he was planning on moving the house during the relocation process. He asked if he’d get a deal like those in Oxbow, I told him no, those were special cases with special authorizations from CH2M and wouldn’t be happening again. I told him I’d gather more information for him and get in touch with him in a month or so.</p>	1/3/2019

8385	ERIC J SCORE	Stefan(Oly)Olafson	<p>Eric and Kelsey met with me here at Ulteig to go over the process and get them comfortable with the loose timeline. I told them once the MSA's for appraisal companies are signed and approved the Diversion Authority will assign an appraiser to appraise your 10 acres, house, and outbuildings. When the appraisal is complete I'll provide you with a copy and I will also arrange for one of our Relocation experts to meet with you and begin the process of determining the RHDP. I informed them that even if they sell their property, if they have not found a suitable replacement property the Diversion Authority will rent the property back at a reasonable price.</p> <p>Eric is concerned about his business, he runs it out of the house and the outbuildings. He has them pretty well filled with stuff for his carpentry business and is concerned about what and how it will be moved. I told him that was a question for the Relocation Folks. I provided them with two handouts, one for their relocation and one for the business relocation. Erick asked where he could move to? I told him the DA is pretty open to any location they want to. He is concerned about finding something in the country, out of the flood area with a large home similar to theirs and either a large outbuilding or a number of outbuildings. We had a good discussion and I told them I'd be back in touch when I find out about their appraisal/appraiser.</p>	2/20/2019
8385	ERIC J SCORE	Stefan(Oly)Olafson	<p>Cari from Integra Realty in Mpls called to get a phone number for Eric. Provided that to her, she called to set up an appointment for 6/6, didn't hear back from her so called Eric on 6/5 to check and make sure he spoke to her.</p>	6/5/2019
8385	ERIC J SCORE	Stefan(Oly)Olafson	<p>Cari Rageth and I met with Eric at his property. Cari completed her appraisal inspection and I visited with Eric about the next steps moving forward.</p>	6/6/2019
8385	ERIC J SCORE	Stefan(Oly)Olafson	<p>I called and left a message for Eric Score to call me on 9/26 in the evening. He called me on the 27th and explained he had signed and sent the ROE in the envelope provided by I believe Pro-Source.</p>	9/27/2019
8385	ERIC J SCORE	Stefan(Oly)Olafson	<p>Agent called the archaeologist and confirmed that the Cultural/Historic survey of the barn on OIN 8385 can be completed on Thursday, March 19th.</p>	3/13/2020

8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent called Eric Score to let him know AECOM would be coming to his property to do a cultural/historic survey of his barn. Agent discussed he'd request to be invited, just in case he is not around. Owner was agreeable; however owner inquired about information on his relocation. Agent reached out to Steve Carlson and asked him to call and update Owner.	3/12/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent received a confirmation from Jenna Slabe of AECOM for an architectural survey of the barn on the Eric Score property next Wednesday June 3rd at 1:00. Agent will meet the survey team on site.	5/28/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent met with the two representatives of AECOM, at the Score property to ensure they had what they needed to begin the process of surveying the structure for the Corp. They two surveyors indicated that it would require one more trip to the property. Agent requested they call the day prior to them accessing the property and to inform the Landowner.	6/3/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent called and left a message for property owner (Eric Score) to advise that he would accompany the architectural survey crew from AECOM, at his property at 1:00 with the to inspect his barn.	6/3/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent completed a draft on a RHDP for this parcel, and sent to Steve Carlson who has been working with the property owner.	6/9/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent called Eric Score to set up a meeting to discuss the RHDP and to talk about his commercial business and building needs. Agent requested Owner to give me a call when he has some time so we can meet. Eric called back, I will meet him at 7:00 this evening at his home.	6/26/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent met with Eric Score to get caught up after short phone call, Monday afternoon. Eric has been working on finding a replacement location.	9/3/2020

8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent and Steve Carlson met Eric at his home and went over relocation and specifics about his home and business move. Eric is struggling to find a replacement location. He is hoping to find one place where he can build both a shop/warehouse and his home. He is hoping to build a shop/house combination. Steve will look at preliminary numbers for the rebuild/move and agent will look for a replacement property.	9/10/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent met with landowner again to obtain more information on a site just west of Horace in the area between the WF Diversion and the Fargo Diversion.	9/11/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent drove to City Hall in Horace to obtain information about the possibility of building on the 8.9 acres between the diversion channels and if one could build a shop/house type of structure on the property. The official the agent needed to speak to was out and the gentleman the agent did speak to was not sure of zoning and restrictions in place.	9/14/2020
8385	ERIC J SCORE	Stefan(Oly)Olafson	Eric Score, 4701 124th Ave S, Horace ND 58047 - 701-799-1274 - Eric and I are working on a relocation of his home and business and are in contact weekly.	10/26/2020

8385

ERIC J
SCORE

Stefan(Oly)Olafson

Agent met with Landowner, Eric Score, at his property on 124th. Agent has been working to find a replacement home with a heated shop and additional cold storage but has come up empty. Agent was working with AE2S on the possibility of acquiring a portion of OIN 1177 which was owned by Western Trust. Western Trust struck a deal with an attorney named Dwyer on the acres that Eric was interested in on the SE corner of this OIN. There were difficulties with that land also because the City of Horace controls the zoning and was not interested in a Shouse (shop/house) in close proximity to the City. In visiting with Dean at AE2S we discussed OIN 228Y and possibly 227Y, to carve off 10 acres and trade with Eric and allow him to build his Shouse on the property. Eric's concerns with this option were the driveway and especially the trees. His current property is surrounded by trees which protect him during inclement weather. Agent explained an approach and driveway would be included in his relocation costs as well as bringing water (rural) and electricity (Cass County Elec.) to the property and dwelling. Agent explained that it is possible the Project would allow him to move a certain number of trees on his property to this new property and the cost could be included in his relocation expenses. An appraisal was completed in July of 2019 and a RHDP in January of 2020. If a trade is approved these would have to be modified to show the value of the traded sites. The difficulty comes with building a Shouse instead of a new home, a stand-alone shop with a heated floor, and a cold storage building to replace the barn, detached garage and shed on his existing property. Eric does not need a 4,500 square foot replacement home, he likes the idea of being able to have his shop attached to his home to allow for ease of work. Agent suggested that landowner work with a contractor and get a price for a Shouse (shop/house) and that Agent would bring that to the Board along with estimates of what it would cost to build three separate buildings. Landowner is working on that estimate now.

1/5/2021

8385	ERIC J SCORE	Stefan(Oly)Olafson	Landowner called agent to inform that he met with a builder and they discussed his idea of a Shouse (shop/house) vs. a house and seperate shop/storage building. They decided to have a contractor develop a cost for a shop building large enough to replace the existing shop and cold storage areas. Once the landowner gets a cost he will provide agent with an estimate of the cost of the house and the shop/buisness building.	1/6/2021
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent spoke with owner about the trees on his property and how they could move or replace them. Agent requested price quotes for the moving of up to 30 evergreen trees. Agent also found a web page for CC soil Conservation Service who plant shelterbelts for a reasonable price.	3/15/2021
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent called Brendan Muldoon (701-499-3938) from Property Resource Group and requested that he provide us with some listings of shop/storage facilities in the Fargo/Horace area to use in determining the replacement cost of the Owner's business improvments.	3/22/2021
8385	ERIC J SCORE	Stefan(Oly)Olafson	Agent texted owner requesting further information on his planned rebuild on a new location. There will likely be questions on "Betterment" in building on 60'X80' shop to replace the 40'X60" shop and the cold storage buildings. Agent requested that owner get two quotes from RJS Building Systems. One for a 40'X60' shop similiar to the one on his property and another for a 40'X80" cold storage warehouse to replace the three building he currently uses for that purpose.	3/25/2021

OIN 8385_04/22/2021 - 2:00PM - Wade, Lee, and I spoke to Charles Zervas of HDR in Mpls. We provided Chuck with information on the bids submitted by RJS. We told Chuck we were getting bids from Foltz and from Morton for similar buildings. Our plan is to provide all this information in a spreadsheet for the Board to review.

OIN 8385/1121_08/24/2021 - I drove to Kindred and visited with Brent at Cass Rural Water to understand how their system works in hooking up new locations such as the one (OIN 1121) Eric is purchasing to replace his current location. Brent was very helpful and provided me with answers to my questions.

OIN 8385_10/6/2021 - Eric is anxious to get a building or buildings started this fall still. The Minor Subdivision is causing a hold-up which I'm trying to assist with to get it done.

OIN 8385_10/8/2021 - Eric Score called to find out if I had heard anything from Grace Puppe or Jason Benson on the site he wants for his new home and shop. I emailed them on Monday and have not heard back. I am driving to the Cass County Hwy office later this morning to try and meet with them.

OIN 8385_10/26/2021 - I met with Eric Score to go over the plans for the P & Z meeting on Thursday. Even though he and I will be out of state Wade Whitworth from our office will attend as will Eric Dodds. From what Grace Puppe told me in a conversation last week, she is going to push for approval of the variance (there are not and additional 32.05 acres necessary to comply with Cass County Zoning of one structure per 40 acres). If passed by the Planning and Zoning folks it will go to the County Commission on Monday the 1st of November at 3:30. I plan on attending that meeting to support the approval of the variance.

OIN 8385_10/28/2021 - The P & Z meeting took place this morning at 7:00AM. A long discussion took place regarding the Score application for a variance. Eric Dodds appeared in person at the meeting and spoke at length on the need for some leniency when dealing with a number of folks being forced off their farm or rural home because of the 30,000 acres that will be structure free after completion of the project. David Gust was the main speaker against the application. The County has a 1 house / 40 acre law which is archaic in many ways and should be modified in my opinion. Given the 7.95 acre size of OIN 1121 that Eric was hoping to purchase and build on, according to Dave Gust he will have to acquire 32.05 acres of additional land which will then be deed restricted. Those 32.05 acres in fee will cost at a minimum \$448,700 when you consider land values are in the neighborhood of \$14,000 in this area of the project. If the policy is retained with no modifications, Eric I'm sure will not be willing to sell his present property for the appraised value, he will want compensation for the additional acres made necessary by the P & Z decision. I am checking with Grace Puppe to find out if Eric has to own those acres or if he can just purchase the deed restriction if he can find a seller.

OIN 8385_11/1/2021 - I met with Eric Dodds and Dean Vetter to go over what happened at the P & Z meeting on the 28th. We discussed the situation this puts Eric in and the difficulty he has had trying to find a site for his home and business. The proximity and similar size to the site he is losing to the Diversion Project makes this an ideal site. Eric and I will be doing some more research into the 40 acre rule to see if there is a way to utilize some acquired property to deed restrict, property most likely to flood.

OIN 8385_11/2/2021 - Eric called to discuss the October 28th meeting. He was out of North Dakota and was not able to attend either in person or virtually. Eric is having a very difficult time understanding the rules and why they can't be modified to assist him in staying in the country and growing his business. I told him Eric Dodds and I have some possible solutions we are working through and we would be continuing to look at all options moving forward.

OIN 8385_Eric Score - Summary of Emails – Over the course of negotiations with Eric Score we have exchanged many emails. In an effort to minimize the size of the affidavit I am summarizing them below. By no means are these the only conversations we have had. There have been daily and weekly calls and meetings at Eric's home out on 124th to guide him through the process which was laid out before him. This has been an education process for both Eric and I.

OIN 8385_3/23/2021 - Email from Eric regarding rising costs and what will be taken care of through the Uniform Relocation Act

OIN 8385_4/7/2021 - Email from RJS Building Systems - Bid for new building

OIN 8385_4/16/2021 - Email to Eric setting meeting appt

OIN 8385_4/19/2021 - Email to Eric regarding site visit to property. Cost estimate request to Foltz and Rick Stremick

OIN 8385_5/4/2021 - Email to Eric regarding HDR estimate for storage building

OIN 8385_5/11/2021 - Email to AE2S regarding hard costs for RIMP Program from Eric

OIN 8385_5/13/2021 - Meeting with Eric Score - Crooks property

OIN 8385_5/24/2021 - Email from Eric, doesn't like the RIMP program

OIN 8385_5/21/2021 - Email from Jonathan Lowry - Stanley Twp

OIN 8385_6/18/2021 - Email from Eric - Costs

OIN 8385_8/11/2021 - Email with Mike Blevins - Stanley Twp

OIN 8385_8/11/2021 - Email from Eric regarding costs

OIN 8385_8/27/2021 - Landscaping Cost Estimate from Valley Landscaping

OIN 8385_8/31/2021 - RIMP Program explanation for Eric and attorney Jim Bullis

OIN 8385_9/3/2021 - Elevation Cert from Lyndon Pease

OIN 8385_9/7/2021 - Regarding Stanley Township meeting - Elevation Cert & Requirements from Stanley Twp for Permit to Build

OIN 8385_9/13/2021 - Regarding Minor Subdivision

AFFIDAVIT OF RODGER OLSON FOR CASS COUNTY COMMISSION

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

[¶1] I, Rodger Olson, do hereby state on oath:

[¶2] I serve as Vice-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 Eric Score (“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 8385

That part of the Southwest Quarter of the Southeast Quarter of Section 33, 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 Southeast Quarter; thence North 01°37’18” West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15’37” East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder’s Office, said point being the true point of beginning; thence North 05°09’48” West, along the westerly line of said tract, for a distance of 395.90 feet to the northwest corner of said tract; thence North 88°50’59” East, along the northerly line of said tract, for a distance of 213.38 feet; thence South

04°48'30" East for a distance of 393.56 feet; thence South 88°15'37" West for a distance of 210.79 feet to the true point of beginning.

Said tract contains 1.918 acres, more or less, and is subject to easements as may be of record.

AND

Easement for Term of Years

OIN 8385

That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

A 15.00 foot wide strip of land, lying southerly and easterly of and being coincident with the following described line:

Commencing at the southwest corner of said Southeast Quarter; thence North 01°37'18" West, along the westerly line of said Southeast Quarter, for a distance of 601.64 feet; thence North 88°15'37" East for a distance of 897.53 feet to a point of intersection with the westerly line of a tract described in Document No. 1375127, on file at the Cass County Recorder's Office, said point being the true point of beginning of the line to be described; thence North 88°15'37" East for a distance of 210.79 feet; thence North 04°48'30" West for a distance of 393.56 feet to a point of intersection with the northerly line of said tract, said line there terminating. Said strip shall be lengthened or shortened as necessary to intersect the westerly line of said tract on the west, and to intersect the northerly line of said tract on the north.

Said tract contains 0.213 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 June 15, 2021. A copy of the offer (without the appraisal that was included) is attached as **Exhibit 1**.

[¶9] On July 9, 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 17, 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**.

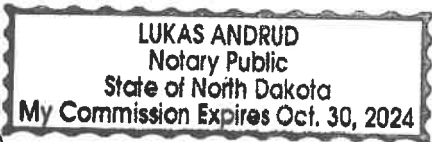
[¶12] The District has retained land agents who are in direct contact with Landowner. The District instructed our land agents not to reference, mention, or threaten quick take eminent domain during negotiations. The land agents have verified they have not referenced, mentioned, or threatened quick take 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
Rodger Olson, Vice-Chair
Cass County Joint Water Resource District

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

(SEAL) 

[Signature]
Notary Public, Cass County, State of North Dakota