

FM AREA DIVERSION PROJECT

Property Owner Information Packet for Cass County Commission

March 7th, 2022

PROPERTY OWNER: Terry & Kristie Sauvageau

LAND AGENT: Ken Helvey with SRF

OIN: 1098



FM AREA
DIVERSION
PROJECT

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Written Correspondence Timeline – Terry & Kristie Sauvageau

OIN 1098	Sent	Received
Offer to Purchase	05/21/2021	05/22/2021
Formal Negotiations and Written Offer of Just Compensation	10/13/2021	10/13/2021
Request for Meeting	11/02/2021	11/04/2021
Notice of Intent to Take Possession of Right-of-Way	12/08/2021	12/10/2021
Request for Approval to Take Possession of Necessary Right-of-Way and Temporary Easement	01/18/2022	01/18/2022
Invitation to Attend Public Meeting	01/19/2022	01/20/2022
Commission Meeting Date	03/07/2022	

**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: Terry and Kristie Sauvageau
2. Land Agent: Ken Helvey
3. Parcel No.: 64-0000-02731-000
4. OIN No.: 1098

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 temporary easement, by certified mail or commercial delivery requiring a signed receipt [if the parties have not come to an agreement within 30 days of Landowner's receipt or notice of CCJWRD's invitation to a meeting].
 - Did CCJWRD verify it sent a written notice of intent to take possession of 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 temporary easement regarding OIN 1098.

FM Area Diversion Project Negotiation Summary

February 28, 2022

OIN	1098
Property Owner	Terry and Kristie Sauvageau
Mailing Address	12004 57 th Street S, Horace, ND 58047
Property Location	Southern Embankment
Property Type	Agriculture
Land Agent	Ken Helvey - SRF
Landowner Representative	Nick Delaney- Rinke Noonan

Property Need

The parcels are within the Southern Embankment area associated with the Project. The Diversion Authority is required to obtain a portion of the parcels for the project. Landowner is requesting a sale of the parcel in its entirety.

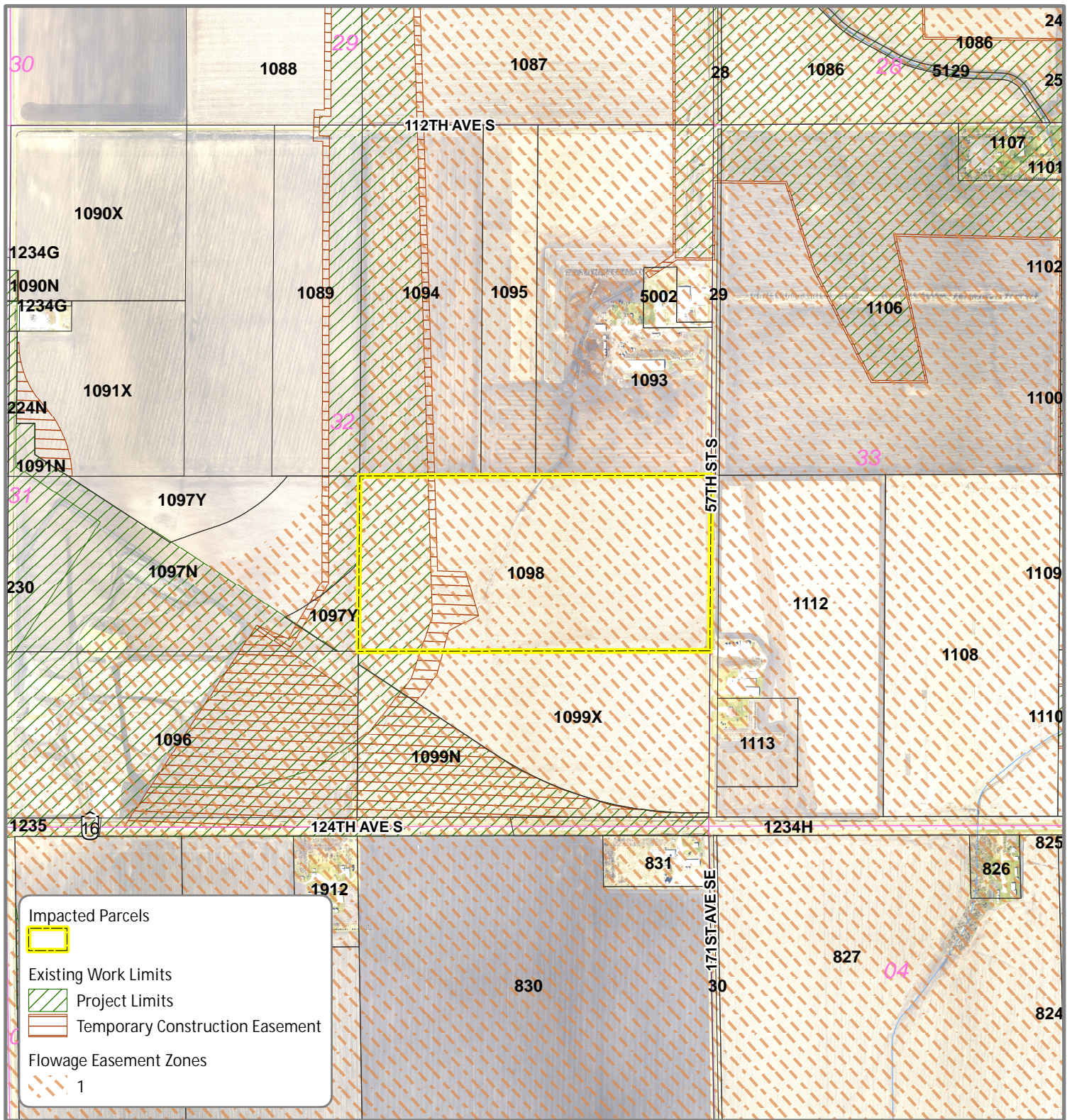
Valuation and Negotiation Summary:

Appraisal Value	\$538,000 – 04/27/2021
Date of Value Opinion	Fee acquisition- 16.153 acres @ \$11,000 per acre= \$177,683 TCE - 4.411 acres @\$154 per acre for 5 years= \$3,400 Severance- 63.84 acres at \$5,600 per acre= \$357, 571
Property Owner Counteroffer	\$1,560,000 Fee acquisition of 80 acres at \$19,500 per acre <ul style="list-style-type: none"> Plus Right of First Refusal for Terry & Kristie as well as Joe
Offer Made 11/11/2021	Offer was not approved

Negotiation Notes

- Landowner has multiple parcels that are impacted by the Project and we have tried to negotiate a comprehensive solution. Settlements have been reached on other impacted parcels.
- If full parcel not acquired CCJWRD would need to acquire a flowage easement on the remaining 63.84 acres. This need is eliminated with this proposal as is any possible severance. The flowage easement appraisal is not yet complete, anticipated easement value is between 30% and 40% of market value.
- Landowners also request CCJWRD allow for the ROFR and for the Sauvageau's son to continue farming the property in addition to the sale of the land.

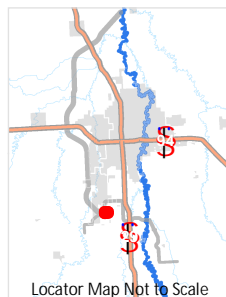
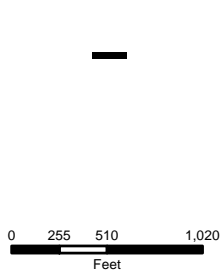
February 28, 2022



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

Coordinate System: NAD 1983 StatePlane North Dakota South FIPS 3302 Feet | Produced by: hrecords AE2S, LLC |

C:\Data\Projects\GIS Projects\FM Area Diversion\From GIS Projects Drive\Projects\Land Acquisition\Project Work Package\Project Wide\Individual Property Maps - General Inquiry\Individual\Layout8x10v105.mxd



OIN: 1098
TERRY M & KRISTIE M SAUVAGEAU
Parcel ID: 64-0000-02731-000
Cass County, ND

FM AREA DIVERSION
 Map Date: 5/7/2021





May 21, 2021

SRF No. 13783.00

Terry and Kristie Sauvageau
12004 57th Street S
Horace, ND 58047

RE: **Offer to Purchase**
Parcel ID: OIN 1098
Project Title: Fargo Moorhead Diversion
PID: 64-0000-02731-000

Dear Terry and Kristie,

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. The appraiser has determined that the market value of the interests being purchased is **\$538,600**. 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.

The Cass County Joint Water Resource District hereby offers to pay you \$538,600 as Just Compensation for the property interests it must acquire from you.

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

www.srfconsulting.com

Case Plaza, One North Second Street, Suite 102 | Fargo, ND 58102-4801 | 701.237.0010 Fax: 1.866.440.6364

Equal Employment Opportunity / Affirmative Action Employer

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 1098 by Patchin Messner.
- 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.

Terry Sauvageau

Kristie Sauvageau

*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\28_1086_1098_1112_1113 - Terry and Kristie Sauvageau\OIN 1098 Sauvageau - Informal Offer Letter.docx

ACQUISITION SUMMARY
Fargo Moorhead Diversion

Offer to Purchase

Parcel ID: OIN 1098

Project Title: Fargo Moorhead Diversion

PID: 64-0000-02731-000

Property Address: West side of 57th Street South, Stanley Township, Cass County, ND

Recorded Fee Owner: Terry and Kristie Sauvageau

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	16.153 Acres	\$ 11,000	\$ 177,683
Temporary Easement	4.411 Acres	\$ 154 (x 5 years)	\$ 3,400
Severance	63.84 Acres	\$ 5,600	\$ 357,517
TOTAL (rounded)			\$ 538,600

Track Another Package +

1098
Sauvageau

Tracking Number: 9505526560411141415229

Remove X

Your item was delivered in or at the mailbox at 4:38 pm on May 22, 2021 in HORACE, ND 58047.

USPS Tracking Plus™ Available ∨

✓ Delivered, In/At Mailbox

May 22, 2021 at 4:38 pm
HORACE, ND 58047

Feedback

Get Updates ∨

Text & Email Updates



Tracking History



USPS Tracking Plus™



Product Information



See Less ^

Can't find what you're looking for?



HAND-DELIVERY

**Cass County
Joint Water
Resource
District**

October 13, 2021

Terry and Kristie Sauvageau
12004 57th Street South
Horace, ND 58047

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: 1098
Parcel No.: 64-0000-02731-000

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 temporary easement from you. More specifically, to accommodate the Project, the District must acquire a right of way easement and temporary easement from you over property located in Cass County and identified as Parcel Identification Numbers 64-0000-02570-010 and 01-3514-00020-000. The legal description of the property to be acquired is:

Right of Way Easement:

That part of the Northwest Quarter of the Southeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Southeast Quarter; thence South 01°34'20" East, along the westerly line of said Southeast Quarter for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter of said Southeast Quarter; thence North 87°54'28" East, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 469.02 feet; thence North 16°53'22" East for a distance of 278.05 feet; thence North 03°47'09" West for a distance of 1060.31 feet to a point of intersection with the northerly line of said Southeast Quarter; thence South 87°54'51" West, along the northerly line of said Southeast Quarter, for a distance of 516.12 feet to the 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

Terry and Kristie Sauvageau
October 13, 2021
Page 2

Said tract contains 16.153 acres, more or less, and is subject to easements as may be of record.

AND

Temporary Easement

That part of the Northwest Quarter of the Southeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Southeast Quarter; thence South 01°34'20" East, along the westerly line of said Southeast Quarter for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter of said Southeast Quarter; thence North 87°54'28" East, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 469.02 feet to the true point of beginning; thence North 16°53'22" East for a distance of 278.05 feet; thence North 03°47'09" West for a distance of 1060.31 feet to a point of intersection with the northerly line of said Southeast Quarter; thence North 87°54'51" East, along the northerly line of said Southeast Quarter, for a distance of 50.02 feet; thence South 03°47'11" East for a distance of 717.26 feet; thence North 90°00'00" East for a distance of 211.74 feet; thence South 18°33'39" East for a distance of 344.46 feet; thence South 61°31'15" West for a distance of 252.47 feet; thence South 13°11'39" West for a distance of 161.27 feet to a point of intersection with the southerly line of the Northwest Quarter of said Southeast Quarter; thence South 87°54'28" West, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 170.90 feet to the true point of beginning.

Said tract contains 4.411 acres, more or less.

Enclosed is an appraisal and addendum to appraisal regarding the value of the right of way easement and temporary easement the District must acquire from you, as determined by a licensed North Dakota appraiser. As you can see from the appraisal, the appraiser indicated the value of the right of way easement the District must acquire from you is \$177,683.00, and the temporary easement is \$3,400.00, plus severance damages to the remainder of your property in the amount of \$357,517.00 for a total purchase price of \$538,600.00. The District approved the appraisal, and this letter is the District's offer to you in the amount of \$538,600.00 as just compensation to purchase the right of way easement and temporary easement 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.

Terry and Kristie Sauvageau
October 13, 2021
Page 3

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 temporary easement from you for the Project.

For your information, North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way easement and temporary easement. If you do not accept the District's offer of just compensation and do not return a signed Purchase Agreement within fifteen (15) days, the District will send you a written request to discuss the Project and required right of way easement and temporary easement to be acquired at an upcoming Cass County Joint Water Resource District meeting. Ultimately, the District must conclude all negotiations and complete all acquisitions by Spring 2022.

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@casscountynod.gov

Enclosures

cc: Nicholas R. Delaney, Rinke Noonan
Ken Helvey, Land Agent
Eric Dodds, Program Manager, AE2S
Rob Stefonowicz, Larkin Hoffman
Chad Peterson, Cass County Commission Chair
Robert Wilson, Cass County Administrator
Birch Burdick, Cass County State's Attorney
Joel Paulsen, Executive Director, Diversion Authority



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

November 2, 2021

Terry and Kristie Sauvageau
12004 57th Street South
Horace, ND 58047
Certified No. 7020 1290 0001 0393 6153

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: 1098
Parcel No.: 64-0000-02731-000**

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 September 28, 2021; a copy of the District’s appraisal for the right of way easement and temporary easement; and a Purchase Agreement as the District’s offer of just compensation to purchase the right of way easement and the temporary easement from you. The District’s letter specifically described the right of way easement and the temporary easement the District must acquire from you for the Project. We have not received a signed Purchase Agreement from you, and we have not otherwise arrived at mutually acceptable terms regarding the District’s purchase of the right of way easement and the temporary easement 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 temporary easement from you at an upcoming meeting. The District requests your participation either at its meeting on November 18, 2021, or at its meeting on December 16, 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

Terry and Kristie Sauvageau
OIN 1098
November 2, 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 temporary easement 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 temporary easement. The District must conclude all negotiations and complete the acquisition of right of way necessary for construction of Project components on your property by Spring 2022.

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

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT



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

cc: Nicholas R. Delaney, Rinke Noonan
Ken Helvey, Land Agent
Eric Dodds, Program Manager, AE2S
Rob A. Stefonowicz, Larkin Hoffman
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:

TERRY AND KRISTIE SAUVAGEAU
 12004 57TH STREET SOUTH
 HORACE ND 58047



9590 9402 6141 0209 1909 04

2. Article Number (Transfer from service label)

7020 1290 0001 0393 6153

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Kristie Sauvageau* Agent
 Addressee

B. Received by (Printed Name)

Kristie Sauvageau

C. Date of Delivery

11/4/21

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

K

3. Service Type

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

Domestic Return Receipt



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Cass County
Joint Water
Resource
District

December 8, 2021

Terry and Kristie Sauvageau
12004 57th Street South
Horace, ND 58047
Certified No. 7021 0950 0000 2998 0053

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
TEMPORARY EASEMENT
OIN: 1098
Parcel No.: 64-0000-02731-000

Ken Lougheed
Manager
Gardner, North Dakota

Jacob Gust
Manager
Fargo, North Dakota

Keith Weston
Manager
Fargo, North Dakota

As you know, the Cass County Joint Water Resource District (the "District") is in the process of developing the Fargo-Moorhead Area Diversion Project (the "Project"). On behalf of the District, I previously provided you letters dated September 28, 2021, and October 13, 2021, a copy of the District's appraisal for your right of way easement and a temporary easement, and a Purchase Agreement as the District's offer of just compensation to purchase the right of way easement and temporary easement from you. In addition, I also provided you a letter dated November 2, 2021, to invite you to meet with the District for purpose of discussing the acquisition of the right of way easement and temporary easement 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 temporary easement from you to accommodate the Project.

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

This letter is the District's NOTICE OF INTENT TO TAKE POSSESSION OF RIGHT OF WAY EASEMENT AND TEMPORARY EASEMENT. If we do not have an agreement, the District will be requesting approval from the Cass County Commission to take possession of the right of way easement and temporary easement 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.

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

Terry and Kristie Sauvageau
OIN 1098
December 8, 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 temporary easement from you for the Project.

North Dakota law requires the District to provide you with a description of the District's negotiation timeline regarding your right of way easement and temporary easement. Ultimately, the District must conclude all negotiations and complete all acquisitions by Winter 2021/2022.

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
Rob Stefonowicz, Larkin Hoffman
Rick Steen, 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:

TERRY AND KRISTIE SAUVAGEAU
 12004 57TH STREET S
 HORACE ND 58047



9590 9402 6380 0303 3974 04

2. Article Number (Transfer from service label)

7021 0950 0000 2998 0053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Kristie Sauvageau Agent Addressee

B. Received by (Printed Name)

Rw RR# C19

C. Date of Delivery

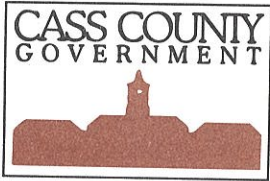
12-10-21

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

January 18, 2022

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: 1098
Parcel No.: 64-0000-02731-000

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 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 temporary easement from Terry and Kristie Sauvageau (the "Landowner"):

- Letters dated September 28 and October 13, 2021, enclosing the District's appraisal for the acquisition of the right of way easement and temporary easement from the Landowner and a proposed Purchase Agreement;
- Letter dated November 2, 2021, inviting the Landowner to meet with the District for purposes of negotiating compensation for the right of way easement and temporary easement to be acquired; and
- Letter dated December 8, 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 temporary easement necessary for the Project.

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
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 temporary easement in, on, over, across, and through certain property owned by the Landowner in Cass County, North Dakota. The legal description of the necessary right of way easement and temporary easement is as follows:

Right of Way Easement:

That part of the Northwest Quarter of the Southeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Southeast Quarter; thence South 01°34'20" East, along the westerly line of said Southeast Quarter for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter of said Southeast Quarter; thence North 87°54'28" East, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 469.02 feet; thence North 16°53'22" East for a distance of 278.05 feet; thence North 03°47'09" West for a distance of 1060.31 feet to a point of intersection with the northerly line of said Southeast Quarter; thence South 87°54'51" West, along the northerly line of said Southeast Quarter, for a distance of 516.12 feet to the point of beginning.

Said tract contains 16.153 acres, more or less, and is subject to easements as may be of record.

AND

Temporary Easement:

That part of the Northwest Quarter of the Southeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Southeast Quarter; thence South 01°34'20" East, along the westerly line of said Southeast Quarter for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter of said Southeast Quarter; thence North 87°54'28" East, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 469.02 feet to the true point of beginning; thence North 16°53'22" East for a distance of 278.05 feet; thence North 03°47'09" West for a distance of 1060.31 feet to a point of intersection with the

northerly line of said Southeast Quarter; thence North 87°54'51" East, along the northerly line of said Southeast Quarter, for a distance of 50.02 feet; thence South 03°47'11" East for a distance of 717.26 feet; thence North 90°00'00" East for a distance of 211.74 feet; thence South 18°33'39" East for a distance of 344.46 feet; thence South 61°31'15" West for a distance of 252.47 feet; thence South 13°11'39" West for a distance of 161.27 feet to a point of intersection with the southerly line of the Northwest Quarter of said Southeast Quarter; thence South 87°54'28" West, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 170.90 feet to the true point of beginning.

Said tract contains 4.411 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 and temporary easement above to commence the Project.

More specifically, Section 61-16.1-09(2)(b)(3) requires the County Commission to hold a public meeting and to provide the Landowner no less than thirty days' notice of the meeting. The District will also attend the meeting, along with a representative of the land firm which was the Landowner's main point of contact throughout the negotiation process. Prior to the public 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 temporary easement necessary for the Project, and construction of the Project will not be possible without acquiring the right of way easement and temporary easement identified above. As the District will explain and verify for the Commission in more detail through this process, the District provided the Landowner with the District's appraisal as the starting point for negotiations, then attempted to negotiate further with the Landowner over the course of several months. This step is not one the District takes lightly; quick take eminent domain is a serious undertaking, and the District has negotiated in good-faith with the Landowner to avoid this process. Despite the District's efforts to be fair, friendly, and flexible in both the informal and formal negotiations with the Landowner, unfortunately, the parties have not reached a mutually acceptable agreement for the acquisition of the right of way easement and temporary easement

Robert Wilson
January 18, 2022
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 temporary easement identified in this letter. Further, the District respectfully requests that the Cass County Commission ultimately approve the District's use of quick take eminent domain to take possession of the right of way easement and temporary easement 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
Rob Stefonowicz, Larkin Hoffman
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



January 19, 2022

VIA UPS – DELIVERY CONFIRMATION

**Board of County
Commissioners**

Terry and Kristie Sauvageau
12004 57th Street 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: 1098
Parcel No.: 64-0000-02731-000
UPS Tracking No.: 1Z271KTW4333894056**

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 temporary easements necessary to accommodate the Project. You have been in negotiations with the District and its agents regarding the right of way easement and temporary easement the District must acquire from you for the Project. The District copied the Commission on the following letters the District sent to you regarding the District’s negotiations with you:

- Letters dated September 28, 2021, and October 13, 2021, enclosing the District’s appraisal for the acquisition of the right of way and temporary easement from you, along with a proposed Purchase Agreement;
- Letter dated November 2, 2021, inviting you to meet with the District for purposes of negotiating compensation for the right of way easement and temporary easement to be acquired; and

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

- Letter dated December 8, 2021 notifying you the District planned to submit a request to the Commission seeking immediate possession of the right of way easement and temporary easement necessary for the Project.

The District informed the Commission that you and the District have not reached a mutually-acceptable agreement, and have not signed a purchase agreement, regarding the right of way easement and temporary easement the District must purchase from you to accommodate the Project. With that in mind, the District recently requested approval from the Commission to utilize quick take eminent domain to take possession of the right of way easement and temporary easement the District must acquire from you. The legal description of the necessary right of way easement and temporary easement is as follows:

Right of Way Easement:

That part of the Northwest Quarter of the Southeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Southeast Quarter; thence South 01°34'20" East, along the westerly line of said Southeast Quarter for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter of said Southeast Quarter; thence North 87°54'28" East, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 469.02 feet; thence North 16°53'22" East for a distance of 278.05 feet; thence North 03°47'09" West for a distance of 1060.31 feet to a point of intersection with the northerly line of said Southeast Quarter; thence South 87°54'51" West, along the northerly line of said Southeast Quarter, for a distance of 516.12 feet to the point of beginning.

Said tract contains 16.153 acres, more or less, and is subject to easements as may be of record.

AND

Temporary Easement

That part of the Northwest Quarter of the Southeast Quarter of Section 32, Township 138 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Southeast Quarter; thence South 01°34'20" East, along the westerly line of said Southeast Quarter for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter of said Southeast Quarter; thence North 87°54'28" East, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 469.02 feet to the true point of beginning; thence North 16°53'22" East for a distance of 278.05 feet; thence North 03°47'09" West for a distance of 1060.31 feet to a point of intersection with the northerly line of said Southeast Quarter; thence North 87°54'51" East, along the

northerly line of said Southeast Quarter, for a distance of 50.02 feet; thence South 03°47'11" East for a distance of 717.26 feet; thence North 90°00'00" East for a distance of 211.74 feet; thence South 18°33'39" East for a distance of 344.46 feet; thence South 61°31'15" West for a distance of 252.47 feet; thence South 13°11'39" West for a distance of 161.27 feet to a point of intersection with the southerly line of the Northwest Quarter of said Southeast Quarter; thence South 87°54'28" West, along the southerly line of the Northwest Quarter of said Southeast Quarter, for a distance of 170.90 feet to the true point of beginning.

Said tract contains 4.411 acres, more or less.

The Commission invites you to attend the Commission's meeting on March 7, 2022, 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 temporary easement in and to your property.

If you wish to participate in the Commission's March 7, 2022, public meeting via conference call or Microsoft Teams, please contact Taylor Albrecht at (701) 241-5609 or albrechtt@casscountynd.gov as soon as possible so Ms. Albrecht can assist you with the necessary arrangements.

This Notice does not preclude you from continuing to work with the District regarding the right of way easement and temporary easement 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 Group, 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 temporary easement. The District must complete the acquisition of right of way necessary for construction of Project components on your property by Spring 2022.

Terry and Kristie Sauvageau
OIN 1098
January 19, 2022
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: Ken Helvey Land Agent
Nicholas R. Delaney, Rinke Noonan
Rob Stefonowicz, Larkin Hoffman
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

1Z271KTW4333894056

Weight

1.00 LBS

Service

UPS Ground

Shipped / Billed On

01/19/2022

Delivered On

01/20/2022 10:30 A.M.

Delivered To

12004 57TH ST S
HORACE, ND, 58047, US

Left At

Front Door

Reference Number(s)

271KTWDHVXS

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: 01/20/2022 11:54 A.M. EST

AND

Temporary Easement
OIN 1098

That part of the Northwest Quarter of the Southeast Quarter (N1/4SE1/4) of Section Thirty-Two (32), Township One Hundred Thirty-Eight (138) North, Range Forty-Nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Southeast Quarter (SE1/4); thence South 01°34'20" East, along the westerly line of said Southeast Quarter (SE1/4) for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter (NW1/4) of said Southeast Quarter (SE1/4); thence North 87°54'28" East, along the southerly line of the Northwest Quarter of said Southeast Quarter (NE1/4SE1/4), for a distance of 469.02 feet to the true point of beginning; thence North 16°53'22" East for a distance of 278.05 feet; thence North 03°47'09" West for a distance of 1060.31 feet to a point of intersection with the northerly line of said Southeast Quarter (SE1/4); thence North 87°54'51" East, along the northerly line of said Southeast Quarter (SE1/4), for a distance of 50.02 feet; thence South 03°47'11" East for a distance of 717.26 feet; thence North 90°00'00" East for a distance of 211.74 feet; thence South 18°33'39" East for a distance of 344.46 feet; thence South 61°31'15" West for a distance of 252.47 feet; thence South 13°11'39" West for a distance of 161.27 feet to a point of intersection with the southerly line of the Northwest Quarter of said Southeast Quarter (NW1/4SE1/4); thence South 87°54'28" West, along the southerly line of the Northwest Quarter of said Southeast Quarter (NW1/4SE1/4), for a distance of 170.90 feet to the true point of beginning.

Said tract contains 4.411 acres, more or less.

The property described above is the "Necessary Property."

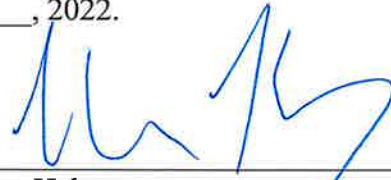
[¶5] Affiant is familiar with the records maintained by SRF Consulting Group, Inc. with respect to the Necessary Property and has reviewed all such records prior to executing this affidavit.

[¶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 24 day of February, 2022.



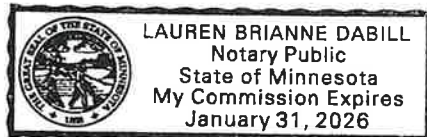
Ken Helvey
SRF Consulting Group, Inc.

Subscribed to and sworn to before me this 24 day of February, 2022.



Notary Public

(SEAL)



AFFIDAVIT OF DAN JACOBSON FOR CASS COUNTY COMMISSION

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

[¶1] I, Dan Jacobson, do hereby state on oath:

[¶2] I serve as Chair of the Cass County Joint Water Resource District (“the District”).

[¶3] As a member of the Metro Flood Diversion Authority, the District is responsible for acquiring the right of way in North Dakota necessary to accommodate the Fargo-Moorhead Area Diversion Project (the “Project”).

[¶4] The District has concluded acquisition of a Right of Way Easement and Temporary Easement in and to real property owned by Terry Sauvageau and Kristie Sauvageau (“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 Temporary Easement must be acquired by the District for the Project is located in Cass County, North Dakota, more fully described as follows:

Right of Way Easement
OIN 1098

That part of the Northwest Quarter of the Southeast Quarter (N1/4SE1/4) of Section Thirty-Two (32), Township One Hundred Thirty-Eight (138) North, Range Forty-Nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Beginning at the northwest corner of said Southeast Quarter (SE1/4); thence South 01°34’20” East, along the westerly line of said Southeast Quarter (SE1/4) for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter (NW1/4) of said Southeast Quarter (SE1/4); thence North 87°54’28” East, along the southerly line of the Northwest Quarter (NE1/4) of said Southeast Quarter (SE1/4), for a distance of 469.02 feet; thence North 16°53’22” East for a distance of 278.05 feet; thence North 03°47’09” West for a distance of 1060.31 feet to a point of intersection with the northernly line of said Southeast Quarter (SE1/4); thence

South 87°54'51" West, along the northerly line of said Southeast Quarter (SE1/4), for a distance of 516.12 feet to the point of beginning.

Said tract contains 16.153 acres, more or less, and is subject to easements as may be of record.

AND

Temporary Easement
OIN 1098

That part of the Northwest Quarter of the Southeast Quarter (N1/4SE1/4) of Section Thirty-Two (32), Township One Hundred Thirty-Eight (138) North, Range Forty-Nine (49) West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Southeast Quarter (SE1/4); thence South 01°34'20" East, along the westerly line of said Southeast Quarter (SE1/4) for a distance of 1322.89 feet to the southwest corner of the Northwest Quarter (NW1/4) of said Southeast Quarter (SE1/4); thence North 87°54'28" East, along the southerly line of the Northwest Quarter of said Southeast Quarter (NE1/4SE1/4), for a distance of 469.02 feet to the true point of beginning; thence North 16°53'22" East for a distance of 278.05 feet; thence North 03°47'09" West for a distance of 1060.31 feet to a point of intersection with the northerly line of said Southeast Quarter (SE1/4); thence North 87°54'51" East, along the northerly line of said Southeast Quarter (SE1/4), for a distance of 50.02 feet; thence South 03°47'11" East for a distance of 717.26 feet; thence North 90°00'00" East for a distance of 211.74 feet; thence South 18°33'39" East for a distance of 344.46 feet; thence South 61°31'15" West for a distance of 252.47 feet; thence South 13°11'39" West for a distance of 161.27 feet to a point of intersection with the southerly line of the Northwest Quarter of said Southeast Quarter (NW1/4SE1/4); thence South 87°54'28" West, along the southerly line of the Northwest Quarter of said Southeast Quarter (NW1/4SE1/4), for a distance of 170.90 feet to the true point of beginning.

Said tract contains 4.411 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 provided a written offer of just compensation to Landowner by hand delivery, along with an appraisal and purchase agreement, on October 13, 2021. A copy of the offer (without the appraisal that was included) is attached as **Exhibit 1**.

[¶9] On November 2, 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**.

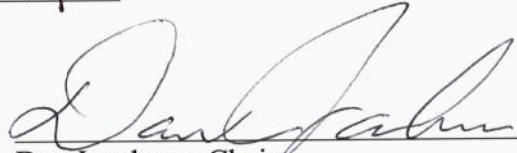
[¶10] The District and Landowner have not reached an agreement regarding compensation, and more than thirty days have passed since Landowner's receipt of the request for a meeting.

[¶11] On December 8, 2021, the District sent Landowner a written notice of intent to take possession of the Right of Way Easement and Temporary Easement by certified mail. A copy of the notice of intent is attached as **Exhibit 3**.

[¶12] The District has retained land agents who are in direct contact with Landowner. The District instructed our land agents not to reference, mention, or threaten quick take eminent domain during negotiations. The land agents have verified they have not referenced, mentioned, or threatened quick take eminent domain during the course of negotiations with Landowner since August 1, 2017.

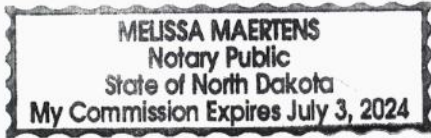
[¶13] I verify there have been no references, mention, or threats of quick take eminent domain by the District during negotiations since August 1, 2017.

Dated this 24th day of February, 2022.



Dan Jacobson, Chair
Cass County Joint Water Resource District

Subscribed to and sworn to before me this 24th day of February, 2022.





Notary Public

(SEAL)