



February 19, 2015

Board of County Commissioners
Cass County Government
211 9th Street South
Fargo ND 58103

Auditor

Michael Montplaisir, CPA
701-241-5601

Treasurer

Charlotte Sandvik
701-241-5611

Director of Equalization

Frank Klein
701-241-5616

Re: Transfer of Tax Sale Lots / Authority to Request FEMA Permission to Transfer
Lots Purchased with FEMA Funds

Dear Commissioners:

This item was discussed during the last commission meeting, but perhaps the request was not clear about what we hope to accomplish.

Cass County has purchased a number of lots throughout the county with FEMA funds as well as state and county matching funds. There is a large concentration of lots in the Chrisan, Chrisan Glen, Forest River, and Heritage Hills Estates Subdivisions. The neighborhoods were once very vibrant and robust residential areas; however, through frequent floods and the danger of future floods, the county has acquired most of the lots. Also, in the Chrisan Glen and Forest River Subdivisions, the county has by default acquired some lots that we describe as "tax forfeiture" lots.

The current status is the county owns, manages, mows, and sprays for weeds on these lots. In 2015 \$50,000 is budgeted to manage flood lots with the majority of them located within these subdivisions. What the county currently does with these lots is very minimal, but we are required under the terms of the FEMA grants to perform some maintenance services so they are not a detriment to the neighborhood. We have tried to gate some of these areas off from vehicle traffic, however, when there is no active management of the area, people circumvent the barricades, and either have parties or damage the area by driving over the grass.

The best possible use for the land is a nature park or wilderness area—something that would be allowed under the FEMA grant guidelines. The advantage is the public would have better access to the area, the area would have more active management, and different programs could be run to serve both adults and youth in a unique setting within easy driving or even biking distance of the largest population center in Cass County. This, however, takes more money and different staffing than the county has available. Our solution came to us through the Fargo Park District; they have the desire, staffing, and programming to use the area for a wilderness park area, and stay in compliance with the FEMA grant guidelines.

In order for the Fargo Park District to use the area, Cass County needs: 1) Authorization from the County Commission to allow the State's Attorney to draft a request to FEMA to allow the county to transfer ownership of the lots to the Fargo Park District. We could also possibly allow the park district to use the area through a lease, however we would have to go through the same approval process with FEMA to approve the lease; and as you heard last week the Fargo Park District may not be able to work with a lease; and 2) Authorization from FEMA, which we can only request once the county commission authorizes us to proceed with the request.

Box 2806
211 Ninth Street South
Fargo, North Dakota 58103

Fax 701-241-5728

www.casscountynd.gov

The other issue is the tax forfeiture lots. The county has owned some of the lots since 1983. With tax forfeiture lots, the county normally sells them the same year they are acquired; however, we have refrained from selling lots in flood prone areas where we are buying out homes. It simply doesn't make financial sense to sell a lot, have someone build a home, and then buy out the home and lot after the next flood. If a tax forfeiture lot is in a city and doesn't sell at the annual sale, we normally offer it to the city for an agreed upon price. The law doesn't allow us the same latitude in a township. One of the problems with county-owned tax lots is they are in limbo; as long as they are in the county's name the previous owner, spouse, parent, or child can recover the property by paying all charges against the lot.

NDCC 11-27-08 addresses the transfer of tax forfeiture lots to a park district, which allows the County Commission to set aside and transfer to any municipality for use as a public park. The transfer of these lots accomplishes two things: 1) it provides the Fargo Park District some ownership in the area to use as a factor with FEMA to allow the county to transfer some of the FEMA lots to the park district; and 2) it takes the tax forfeiture lots out of that limbo state, since the land would no longer be in the name of the county, and would eliminate the concern of someone approaching the county in the future to make a claim on the land.

I have outlined the areas and lots we are talking about on the attached map. Area 1 is Chrisan Glen at the point where the current gate to the subdivision entrance is located; Area 2 is Forest River, again where there currently is a gate; and Area 3 is Heritage Hills, again where there currently is a gate. The tax forfeiture lots lie at the east end of Forest River and at the west end of Chrisan Glen.

One factor in trying to move forward with this request is the Fargo Park District has received an \$83,000 grant from the Heritage Fund to restore some of these areas to their natural state. Hopefully we can resolve the ownership issues in time for them to use the grant funds.

Sincerely,


Michael Montplaisir
Cass County Auditor

SUGGESTED MOTIONS:

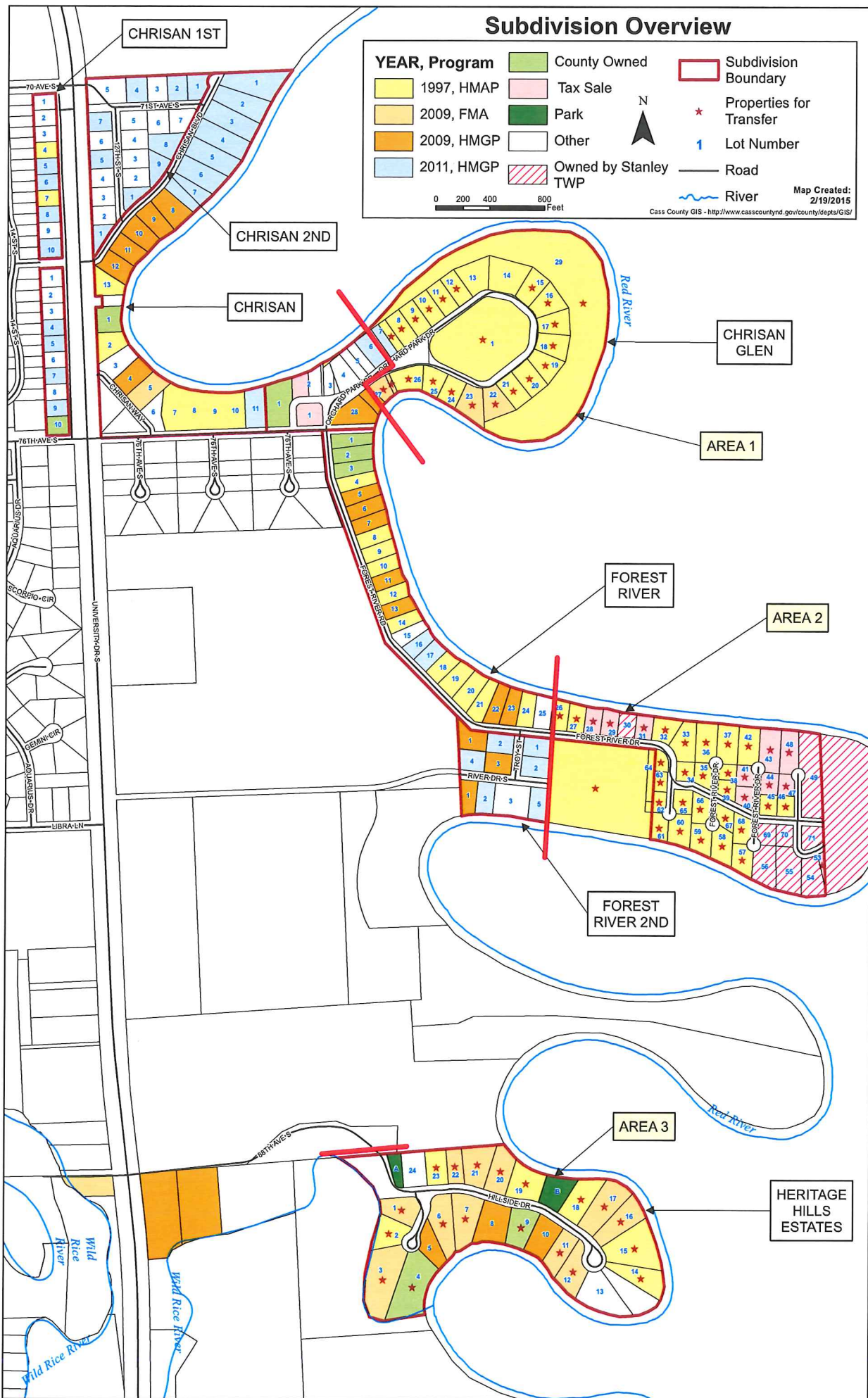
Move to authorize the Chairman of the County Commission to sign quit claim deeds for tax forfeiture lots in Chrisan Glen and Forest River deeding the lots to the Fargo Park District.

Move to authorize the States Attorney to request permission from FEMA to transfer FEMA grant Lots in Chrisan Glen, Forest River, and Heritage Hills as outlined on the attached map, to the Fargo Park District for use as low impact public park areas.

Subdivision Overview

YEAR, Program		County Owned	Subdivision Boundary
1997, HMAP	Tax Sale	Park	Properties for Transfer
2009, FMA	Other	Owned by Stanley TWP	Lot Number
2009, HMGP			Road
2011, HMGP			River

Map Created: 2/19/2015
Cass County GIS - <http://www.casscountyny.gov/county/depts/GIS/>



QUIT CLAIM DEED

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WITNESSETH, For and in consideration of the sum of one and no/100 Dollars and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, Grantor does hereby **SELL, REMISE, RELEASE, AND QUIT-CLAIM** to Grantee, its successors and assigns, **FOREVER**, all its right, title, interest, claim or demand in and to the following tract or parcel of land lying and being in the County of Cass and State of North Dakota and described as follows, to-wit:

Lot 2 less that part of Lot 2, in Block 1, of Chrisan Glen Subdivision of a part of the S½ of Section 7 and the NE¼ of Section 18, Township 138 North, Range 48 West, Cass County, North Dakota, described as follows: Commencing at the Southeast corner of Lot 2 then North 89°35'30" West along the South line of Lot 2 for a distance of 109.73 feet, then North 00°16'25" East for 205 feet, more or less, to a point on the South Bank of the Red River of the North to a point on a line bearing North 00°16'25" from the point of beginning; then South 00°16'25" West for 260 feet, more or less, to the point of beginning, Tax Parcel No. 64-0450-00027-000

I certify that the requirement for a report or statement of full consideration paid is exempted by NDCC 11-18-02.2(7) (i).

Date: _____

Grantee or Agent: _____

Chad Peterson, Chairman
Cass County Commission

ATTEST:

Michael Montplaisir, County Auditor
Cass County, North Dakota

The legal description was obtained from a previously recorded instrument.

STATE OF NORTH DAKOTA)

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COUNTY OF CASS)

The foregoing instrument was acknowledged before me this ___ day of March, 2015, by Chad Peterson, Chairman of the Cass County Board of Commissioners, and Michael Montplaisir, County Auditor, Cass County, North Dakota.

(SEAL)

Notary Public, Cass County, North Dakota

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Lot 1 of Block 2, of Chrisan Glen Subdivision, Cass County, North Dakota, Tax Parcel No. 64-0450-00300-000

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Lot Twenty-Eight (28), in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4) and Five (5), in Section Eighteen (18), in Township One Hundred Thirty-eight (138) North of Range Forty-eight (48) West of the Fifth Principal Meridian, Cass County North Dakota.

I certify that the requirement for a report or statement of full consideration paid is exempted by NDCC 11-18-02.2(7) (i).

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Lot Twenty-Nine (29), in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4) and Five (5), in Section Eighteen (18), in Township One Hundred Thirty-eight (138) North of Range Forty-eight (48) West of the Fifth Principal Meridian, Cass County North Dakota.

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Lot Thirty-One (31), in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4) and Five (5), in Section Eighteen (18), in Township One Hundred Thirty-eight (138) North of Range Forty-eight (48) West of the Fifth Principal Meridian, Cass County North Dakota.

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Lot Forty (40) in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4), and Five (5) Section Eighteen (18) township One Hundred Thirty Eight (138) Range Forty Eight (48) in Stanley Township according to the plat on file in the Register of Deeds Office, Cass County North Dakota.

I certify that the requirement for a report or statement of full consideration paid is exempted by NDCC 11-18-02.2(7) (i).

Date: _____ Grantee or Agent: _____

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Lot Forty-One (41) in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4), and Five (5) Section Eighteen (18) Township One Hundred Thirty Eight (138) Range Forty Eight (48) in Stanley Township according to the plat on file in the Register of Deeds Office, Cass County North Dakota.

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Lot Forty-Three (43) in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4) and Five (5), in Section Eighteen (18), in Township One Hundred Thirty-eight (138) North of Range Forty-eight (48) West of the Fifth Principal Meridian, Cass County North Dakota.

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Lot Forty-Four (44) in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4) and Five (5), in Section Eighteen (18), in Township One Hundred Thirty-eight (138) North of Range Forty-eight (48) West of the Fifth Principal Meridian, Cass County North Dakota.

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Lot Forty-Seven (47), in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4) and Five (5), in Section Eighteen (18), in Township One Hundred Thirty-eight (138) North of Range Forty-eight (48) West of the Fifth Principal Meridian, Cass County North Dakota.

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Lot Forty-Eight (48), in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4) and Five (5), in Section Eighteen (18), in Township One Hundred Thirty-eight (138) North of Range Forty-eight (48) West of the Fifth Principal Meridian, Cass County North Dakota.

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Lot Fifty-Three (53), in Forest River Subdivision of a part of Government Lots Two (2), Three (3), Four (4) and Five (5), in Section Eighteen (18), in Township One Hundred Thirty-eight (138) North of Range Forty-eight (48) West of the Fifth Principal Meridian, Cass County North Dakota.

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