

IN DISTRICT COURT, COUNTY OF CASS, STATE OF NORTH DAKOTA

Cass County Joint Water Resource)	
District, a North Dakota Political)	Civ. No. 09-2016-CV-01509
Subdivision,)	
)	
Plaintiff,)	
)	
vs.)	ORDER CONFIRMING
)	PLAINTIFF'S POSSESSION OF
Terry and Kristie Sauvageau, and the)	PERMANENT RIGHT OF WAY
State of North Dakota d/b/a The Bank of)	EASEMENT
North Dakota,)	
)	
Defendants.)	

[¶1] On August 12, 2016, Plaintiff Cass County Joint Water Resource District (the “District”), moved for an order pursuant to North Dakota Century Code Section 61-16.1-09(2) confirming its possession of certain real property. The Court, having jurisdiction over the subject matter of this action and the property in question being located in Cass County, North Dakota, hereby makes the following findings and order:

[¶2] That the District is a political subdivision of the State of North Dakota.

[¶3] That the District commenced this action under North Dakota Century Code Section 61-16.1-09(2) for the condemnation of certain real property interests necessary for purposes of a flood control project and improvement project commonly identified as the “Diversion Project.”

[¶4] That the District concluded it is necessary to acquire a permanent right of way easement for the construction of the Inlet Structure and operation and maintenance of the Diversion Project on the following real property owned by Terry and Kristie Sauvagea, located in Cass County, North Dakota, more fully described as follows:

Part of the North Half of the Southwest Quarter (N1/2 SW1/4), Section 32, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota, further described as follows:

Beginning at the West Quarter Corner of Section 32; thence North 87 degrees 54 minutes 47 seconds East on the north line of said North Half of the Southwest Quarter (N1/2 SW1/4) a distance of 452.78 feet; thence South 58 degrees 54 minutes 48 seconds East a distance of 2417.60 feet to the south line of said North Half of the Southwest Quarter (N1/2 SW1/4); thence South 87 degrees 54 minutes 27 seconds West on said south line of the North Half of the Southwest Quarter (N1/2 SW1/4) a distance of 2488.72 feet to the west line of said North Half of the Southwest Quarter (N1/2 SW1/4); thence North 01 degrees 33 minutes 05 seconds West on said west line of the North Half of the Southwest Quarter (N1/2 SW1/4) a distance of 1323.16 feet to the Point of Beginning.

Said parcel contains 44.67 acres, more or less, and is subject to all prior easements, reservations, restrictions, and conveyances of record.

[¶5] That the State of North Dakota and the United States Army Corps of Engineers have each appropriated funds for the Diversion Project, of which the Inlet Structure is a necessary component.

[¶6] That on June 1, 2016, the District deposited with the Cass County Clerk of District Court the sum of \$268,020, representing the total amount of the offer made to Terry and Kristie Sauvageau to purchase the Permanent Right of Way Easement described in the Complaint.

[¶7] That the Cass County Clerk of District Court served the Notice of Deposit on all Defendants.

[¶8] That the District has served Defendants with the Notice of Deposit, Summons and Complaint in this matter.

[¶9] That the District made the offer to purchase the property rights identified above in the form of the Resolution of Offer to Purchase, a copy of which is attached to the Complaint as Exhibit 3.

[¶10] That defendants Terry and Kristie Sauvageau are the record title owners of the Property.

[¶11] Based on the foregoing findings of fact and on the motion of the District,

[¶12] **IT IS CONFIRMED** that Plaintiff, Cass County Joint Water Resource District, has possession of the Permanent Right of Way Easement as described above and set forth in Exhibit 1 to the Complaint.

[¶13] **IT IS ORDERED** that the Sheriff in and for Cass County shall enforce this Order by ensuring the Defendants, and their agents, not interfere with the rights confirmed and recognized in this Order.

Signed: 8/16/2016 1:48:18 PM

BY THE COURT:



Dated:

The Honorable Norman G. Anderson
Judge of Cass County District Court