

Diversion officials to use eminent domain to take Horace land

By [Grace Lyden](#) on May 18, 2016 at 6:20 p.m.



An illustration of what a Fargo-Moorhead Diversion inlet would look like, which was released in February 2016 by the Diversion Authority. Special to The Forum

HORACE, N.D.—The group that purchases land for the Fargo-Moorhead flood diversion voted Wednesday, May 18, to exercise eminent domain to acquire three parcels here that owners are refusing to sell.

The approximately 160 acres in rural Horace are to be the site of one of three inlet structures that will direct water from a staging area into the diversion channel and around the metro, said Mark Brodshaug, chairman of the Cass County Joint Water Resource District.

Brodshaug's group has been negotiating with the landowners since March and has

been unable to come to an agreement with any of them, he said. Meanwhile, construction is scheduled to start on the inlet in the fall.

That's why the water district is using a tactic it has employed just a couple times in acquiring the 60 to 70 parcels it has purchased over the past three years.

"Eminent domain is an absolutely last resort," Brodshaug said. "We hate to have to go there, but here we have a construction deadline, and we need to acquire the property."

The property owners have a week to respond to a final offer from the water district, and if they don't come to an agreement, the eminent domain suits will be filed Thursday, May 26, Brodshaug said.

One of the three parcels the water district needs has been owned by Don Cossette's family for 75 years. The income from it pays for Cossette's 88-year-old mother's nursing home care in Fargo, Cossette said.

That's why Cossette, 69, has no intent of giving up his land for its appraised value, which is what Brodshaug's group is offering.

"I mean, good gravy," he said. "It's not even in the realm of sense."

The appraised value of the 160 acres is about \$960,000, or \$6,000 per acre, Brodshaug said.

"We haven't really received counteroffers from any of the property owners, so we

don't know what their expectations are," Brodshaug said. "We have negotiated almost every other purchase we've made, and so we encourage counteroffers."

Cossette declined to say what a fair price would be, but he said the current offer is far too low.

"I know Fargo needs flood protection. I'm not against their flood protection. I'm against the fact that they want to take my land to protect everybody in Fargo at a wholesale price," he said. "Treat me fair, and I'll be fair. Treat me wrong, and I'll fight you all the way."