

(referred to herein as "Replacement Lots") so that loss of population and tax base to the city may be minimized; and,

WHEREAS, the City of Oxbow has requested that the proposed levee project include installation of public infrastructure (i.e. sanitary sewer, storm sewer, water, streets, curb and gutter and street lighting) at a level equivalent to existing development within the City of Oxbow to service the Replacement Lots the cost of such infrastructure to be borne by the Diversion Authority, that the Replacement Lots be of equivalent size as the lots being replaced, that three additional lots be provided for replacement of equipment and amenities to replace the Oxbow City Park, that the public infrastructure installed also include drainage/retention and pump stations appropriate for such Replacement Lots and that all of this be completed within thirty-six (36) months from the date the Corps approves the O-H-B Levee project; and

WHEREAS, the Diversion Authority has requested that in addition to the Replacement Lots to be located within the area protected by the O-H-B Levee the City of Oxbow accommodate at least 38 additional lots that would be available to property owners in the current upstream staging area whose properties may need to be purchased as a requirement for the Diversion Project and who may wish to relocate within the area protected by the O-H-B Levee (for purposes of this MOU, said additional lots will be referred to as "Staging-area Replacement Lots"); and,

WHEREAS, construction of the proposed levee also will cross through the existing golf course of the Oxbow Golf and Country Club (a North Dakota nonprofit corporation) which would:

1. require the destruction of golf holes;
2. require the destruction or removal of the clubhouse and related facilities;
3. leave certain holes (presumably the existing holes 1 through 6 and 18) on the existing golf course unprotected by the O-H-B Levee;
4. cause other remaining golf holes to need some level of modification as a result of the O-H-B Levee project; and,
5. to the extent said "unprotected" golf course land is not needed for the location or footprint of the O-H-B Levee that the Diversion Authority allow the City of Oxbow to purchase or lease said surplus land for a purpose to be determined later;
6. that the replacement of the club house facility including the practice area, pool, and parking lots be based on the current square footage at a one to one ratio;