

# Fargo city leaders OK eminent domain in Rose Creek area, expect more

By [Tu-Uyen Tran](#) on Mar 13, 2017 at 8:00 p.m.



An engineer's rendering shows the location of a levee and floodwall to be built in the Rose Creek area. The city plans to use eminent domain on a property at 4122 17th St. S. It's not pictured but would be to the right of the word "levee." Source: city of Fargo.

FARGO — City staff has received permission to use eminent domain on another home in the way of new dikes, this time in the Rose Creek neighborhood.

The house at 4122 17th St. S. is the last property needed for the city to connect dikes along the left bank of the drainway from 25th Street South to University Drive, according to Jody Bertrand, a division engineer with the city.

The city still requires easements or the right to build dikes across another property.

Bertrand said the city has had to build temporary levees in this area in flood fights in 1997, 2009 and 2011. He said the city prefers not to do so because the unstable soil there forced the city to wait until flood water rises high enough to push against the banks of the drainway before construction.

After meeting in executive session to discuss negotiation strategy, city commissioners voted unanimously on a resolution of necessity, which allows city staff to use eminent domain.

City Engineer April Walker said negotiations can still continue during this process.

The homeowners, learning that the commission would take a vote, have responded with a counter offer.

Walker told commissioners to expect eight more eminent domain requests in the next few weeks from city staff.

- [Video shows Cass County deputy launching profane tirade against trooper during DUI arrest](#)

Of 26 properties staff has told commissioners might require eminent domain, 19 remain, she said. It's a sign that flood-control projects are reaching a stage where all the easy property buyouts have already been done, she said.

## In other news

- The commission approved an agreement to treat sewage from Horace, N.D., which is growing beyond the capacity of its sewage lagoons. Horace officials are expecting 400 new homes, an increase of about 50 percent, and two new schools. The agreement says Horace would pay \$3 per 1,000 gallons of sewage, \$654,000 to upgrade infrastructure in Fargo to handle the extra flow and \$2 million to build a connection to Fargo's sewage system. The city of Fargo, which has extra capacity at its sewage plant, is expected to earn \$1.3 million a year from the deal.
- After hearing complaints from the construction industry, city officials have agreed to change its policy banning very heavy vehicles during the spring thaw when squishy soil beneath makes roads more vulnerable to damage. The ban was approved last year after the city sought and received no comments. Since it went into effect Feb. 28, contractors

realized they couldn't move heavy cranes until after the thaw. Now the city will allow heavy vehicles but they'll pay a steep price — staff calculated that a heavy crane could pay \$1,500 to use a truck route and \$7,700 for other routes — effectively deterring all but the most urgent need.

- Despite a request by some residents of the Hawthorne neighborhood to not do so, city commissioners voted 4-1 to change zoning to allow the construction of three townhomes. The residents say the higher population density goes against the grain of the neighborhood dominated by single-family homes. Commissioner John Strand agreed, saying he is concerned with the conversion of single-family homes into higher-density developments such as apartments throughout the city. One resident, local social activist and former city-commission candidate Joe Burgum, said the townhomes are a good thing because these are homes families can afford, which would help the local elementary schools maintain enrollment.