

**RESOLUTION DETERMINING BENEFITTED PROPERTY AND SETTING HEARING
CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT**

WHEREAS, the Barnes-Maple River Joint Water Resource District (the "District") is a joint water resource district formed pursuant to Section 61-16.1-11 of the North Dakota Century Code and has all powers afforded individual water resource districts under North Dakota law, including the powers under Title 61 of the North Dakota Century Code to develop, create, construct, own, and operate legal assessment drains.

WHEREAS, landowners approached the District and requested a new legal assessment drain project in portions of Cornell Township, Cass County, North Dakota, to improve drainage for properties within the watershed; the watershed includes parcels in both Barnes County and Cass County.

WHEREAS, in response to the landowners' request, the District has developed a project to establish, finance, design, construct, own, operate, and maintain a new legal assessment drain, a project the District refers to as CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT (the "Project"), a legal assessment drain and corresponding assessment district the District will own and operate in accordance with Chapter 61-16.1 of the North Dakota Century Code.

WHEREAS, in a RESOLUTION OF NECESSITY, the District found, determined, and declared the necessity to create the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district under Chapter 61-16.1 of the North Dakota Century Code, and to design, construct, own, operate, and maintain the Project.

WHEREAS, the District is prepared to conduct the legal proceedings necessary to create the new assessment district that reflects the benefits that CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT will provide to the properties in the Project watershed; the new assessment district will be a legal assessment district under Chapter 61-16.1 of the North Dakota Century Code, created by a vote of landowners in the Project watershed to finance and fund construction of the Project.

WHEREAS, the District will conduct an assessment vote to determine if the District should ultimately proceed with the Project and with creation of the new CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district.

WHEREAS, under North Dakota law, the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district must include all parcels that will benefit directly from the Project, as well as all political subdivisions that will benefit in their corporate capacity, directly or indirectly.

WHEREAS, the District and its agents have inspected all lots, pieces, and parcels of land, as well as all infrastructure, that would benefit from the Project and that would be subject to assessments to finance and fund the design and construction of the Project.

WHEREAS, the District has determined the particular lots, pieces, and parcels of land that will benefit directly from the construction of the Project.

WHEREAS, in addition, the District has determined the political subdivisions that will benefit from the Project, in their corporate capacity, directly or indirectly.

WHEREAS, the District conducted a thorough study of the benefits of the proposed Project to each parcel and each political subdivision that will benefit from the Project; the District's benefit analysis included, among several other factors, property values, degree of improvement of properties, and productivity of each parcel, all as required by North Dakota law.

WHEREAS, the District approved an Engineer's Report, as required under N.D. Cent. Code § 61-16.1-17.

WHEREAS, the Project cost estimate included in the Engineer's Report identifies the anticipated costs of the road crossing improvements necessary to accommodate the Project; identifies the anticipated costs to acquire the right of way necessary to accommodate the Project; identifies the estimated construction costs and the total Project costs; identifies anticipated cost-share from the North Dakota State Water Commission and the Cass County Highway Department; identifies the total local costs remaining after cost-share to assess to the proposed CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district; and is sufficiently detailed to permit the District to determine the probable share of total Project costs to be assessed against each of the landowners and each political subdivision that will benefit from the Project in the proposed CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district.

WHEREAS, the District has prepared a preliminary assessment list of the parcels and political subdivisions that will benefit from the Project; the preliminary assessment list includes and identifies the estimated amount of benefit to each parcel and each political subdivision as a result of the proposed Project, the probable share of total Project costs to be assessed against each of the landowners and each political subdivision that will benefit from the Project, and the percentage assessments regarding each parcel and each political subdivision that will benefit from the proposed Project.

NOW THEREFORE, BE IT RESOLVED that the District hereby adopts and approves the preliminary assessment list regarding the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district, on file with the District's Secretary on this date.

BE IT FURTHER RESOLVED that the benefits of the Project to each parcel and each political subdivision that will benefit from the Project will exceed the proposed assessments against each parcel and each political subdivision.

BE IT FURTHER RESOLVED that if the assessment vote is successful, the District will proceed with the assessment hearing and other proceedings required to finalize the creation of the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district; the District will proceed with final design and construction of the Project; and the District will assess the parcels and political subdivisions in the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district.

BE IT FURTHER RESOLVED that, if the assessment vote is successful and the District constructs the Project, once the Project is operational and once the Project is in need of maintenance, cleaning out, and repairs, the District may levy a maintenance levy against the benefitted parcels and political subdivisions within the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district, from time to time as necessary in accordance with N.D. Cent. Code § 61-16.1-45.

BE IT FURTHER RESOLVED that the District will conduct a hearing regarding the Project and the proposed creation of the proposed CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district; at least 10 days before the hearing, the District will file with the Barnes County Auditor and the Cass County Auditor a list showing the percentage assessments against each parcel and each political subdivision that will benefit from the Project and the estimated assessments for each parcel and each political subdivision that will benefit from the Project.

BE IT FURTHER RESOLVED that the District will mail, file, and publish the assessment list and notice as required by law in advance of the Project hearing for CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT, and the District sets Wednesday, July 29, 2026, at 8:30 a.m., at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota, as the date and place for the public hearing regarding the proposed Project. The owners of each parcel and each political subdivision that will benefit from the Project, and that are within the proposed CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district, will have 30 days after the date of the Project hearing to file written votes in support of or in opposition to the Project. Landowners and political subdivisions must file ballots by 5:00 p.m. on Friday, August 28, 2026, with the Barnes-Maple River Joint Water Resource District.

BE IT FURTHER RESOLVED that the District's attorney will prepare, mail, file, and arrange for publication of the requisite notices and documents in advance of and regarding the Project hearing for CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT, as required under Chapter 61-16.1 of the North Dakota Century Code.

APPROVED:
Gerald Melvin,

Chair

ATTEST:
Melissa Hinkemeyer, Secretary
Date Approved: June 4, 2026

**RESOLUTION OF NECESSITY
CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT**

WHEREAS, the Barnes-Maple River Joint Water Resource District (the "District") is a joint water resource district formed pursuant to Section 61-16.1-11 of the North Dakota Century Code and has all powers afforded individual water resource districts under North Dakota law, including the powers under Title 61 of the North Dakota Century Code to develop, create, construct, own, and operate legal assessment drains.

WHEREAS, landowners approached the District and requested a new legal assessment drain project in portions of Cornell Township, Cass County, North Dakota, to improve drainage for properties within the watershed; the watershed includes parcels in both Barnes County and Cass County.

WHEREAS, in response to the landowners' request, the District has developed a project to establish, finance, design, construct, own, operate, and maintain a new legal assessment drain, a project the District refers to as CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT (the "Project"), and a corresponding assessment district the District will own and operate in accordance with Chapter 61-16.1 of the North Dakota Century Code, described as follows:

The Project will consist of the construction of a new legal drain known as the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT (the "Project") in Sections 21, 22, 27, 28, 29, 30, and 31 of Cornell Township in Cass County. In addition to the construction of the new legal drain, the Project will include construction of two laterals, one in Section 20 of Cornell Township and one in Section 21 of Cornell Township. The Project will follow the natural drainage path, and with laterals included, the full extent of the construction will be approximately 6.2 miles long. The construction of the Project and the construction of the Project laterals will include the construction of main and lateral channels and the replacement of culverts along the proposed alignment with culverts that meet the North Dakota Stream Crossing

Standards. The Project will include crossing or culvert improvements at intersections with Cass County Highway 1, and intersections with four township roads. More specifically, the Project will include various road crossing improvements at intersections with 28th Street Southeast (in two locations), 29th Street Southeast, 134th Avenue Southeast, and 135th Avenue Southeast. The Project will also include topographic surveys, hydrologic and hydraulic analyses, and culvert crossing and channel design; installation of intercept drainage culverts with flap gates for adjacent field drainage; installation of riprap erosion control; purchasing of permanent and temporary right of way; utility relocations; and other miscellaneous items as necessary. The Project will improve conveyance and storage of runoff and will provide a drainage system to improve drainage and productivity within the Project watershed. A map of the Project is attached as **Exhibit A**.

WHEREAS, the District is prepared to conduct the legal proceedings necessary to establish a new assessment district that reflects the benefits that the Project will provide to the properties in the Project watershed; the new assessment district will be a legal assessment district under Chapter 61-16.1 of the North Dakota Century Code, created by a vote of the landowners in the Project watershed to finance and fund construction of the Project; the District will conduct a vote of the landowners that will benefit from the Project to determine if the District should ultimately proceed with the Project and with the creation of the new CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district.

WHEREAS, the District believes further assessment vote proceedings are warranted and necessary to create the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district for purposes of financing and funding the Project, and to ultimately construct the Project for the benefit of the properties in the Project watershed.

WHEREAS, as required by N.D. Cent. Code §§ 61-16.1-42 and 61-16.1-43, before approving an Engineer's Report and before proceeding with assessment vote proceedings, the District formally notified and solicited guidance from the Cass County Highway Department (the "County") and the Cornell Township Board of Township Supervisors (the "Township"), regarding the proposed road crossing improvements necessary to accommodate the Project, including improvements at the intersections of the Project with Cass County Highway 1, and a number of township roads.

WHEREAS, the County and the Township did not object to the Project or to any of the proposed road crossing improvements, did not request a hearing or any further proceedings, and otherwise indicated their intentions to cooperate with the District regarding the crossing improvements necessary to accommodate the Project.

WHEREAS, the District complied with its obligations under Sections 61-16.1-42 and 61-16.1-43 regarding the proposed road crossing improvements, all appeal periods have now expired regarding those proceedings, and the District may now proceed with the requisite assessment proceedings for the Project, including approval of a final Engineer's Report under Section 61-16.1-17 and commencement of an assessment vote under Chapter 61-16.1 of the North Dakota Century Code.

WHEREAS, construction, operation, and maintenance of the Project will require acquisition of permanent and temporary right of way in Sections 20, 21, 22, 27, 28, 29, 30, and 31 of Cornell Township.

NOW, THEREFORE, BE IT RESOLVED that the District approves CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT, as depicted in the map attached as **Exhibit A**, for purposes of conducting an assessment vote for the Project.

BE IT FURTHER RESOLVED that the District concludes the design, construction, operation, maintenance, and ownership of the Project is necessary for the benefit of the Project watershed, and concludes further proceedings are warranted.

BE IT FURTHER RESOLVED that the Project will improve drainage for properties in the Project watershed.

BE IT FURTHER RESOLVED that the District finds, determines, and declares the necessity to create the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district, for purpose of financing and funding the design, construction, operation, maintenance, and ownership of the Project in accordance with Chapter 61-16.1 of the North Dakota Century Code.

BE IT FURTHER RESOLVED that the District designates and authorizes Moore Engineering, Inc., and Ohnstad Twichell, P.C., respectively, to assist the District and to perform the following tasks on behalf of the District regarding the design, construction, financing, operation, management, ownership, and maintenance of CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT:

- a) conduct surveys as necessary for purposes of designing the Project and identifying the right of way necessary to accommodate the Project;
- b) prepare preliminary plans and estimates of the total costs of the Project;
- c) prepare hydraulic reports regarding any road or railroad crossing improvements necessary to accommodate the Project;
- d) conduct road and railroad crossing proceedings on the District's behalf as required under N.D. Cent. Code §§ 61-16.1-42 and 61-16.1-43;
- e) prepare an Engineer's Report for the District's consideration as required under N.D. Cent. Code § 61-16.1-17;
- f) conduct benefit analysis for the District's consideration as required under N.D. Cent. Code §§ 61-16.1-18 and 61-16.1-21;
- g) prepare a preliminary assessment list for the District's consideration as required under N.D. Cent. Code §§ 61-16.1-17 and 61-16.1-21;
- h) administer an assessment vote regarding the Project;
- i) if the assessment vote is successful, prepare final profiles, plans, and specifications for purposes of constructing the Project;
- j) procure appraisers to conduct real estate appraisals to identify just compensation for the temporary and permanent right of way the District must acquire to accommodate the Project, if deemed necessary by the District;
- k) negotiate with landowners regarding the right of way necessary to accommodate the Project and otherwise administer right of way acquisition on the District's behalf;
- l) acquire the requisite temporary and permanent right of way to accommodate the Project, in the District's name;
- m) coordinate utility relocations as necessary to accommodate the Project;
- n) advertise for bids regarding construction of the Project, as required under North Dakota law;
- o) administer bidding and construction contract administration;
- p) administer a bond issue to finance the Project;
- q) apply for and secure all available cost-share from the Project on the District's behalf, including available cost-share from the North Dakota State Water Commission;
- r) apply for and secure all necessary permits and approvals from all applicable federal and state entities, including the North Dakota Department of Water Resources, regarding the Project; and
- s) otherwise perform all other tasks necessary, on the District's behalf, to finance, fund, develop, design, construct, operate, manage, own, and maintain the Project.

BE IT FURTHER RESOLVED that the District will proceed with the assessment district process for the creation of the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district in accordance with Chapter 61-16.1 of the North Dakota Century Code.

BE IT FURTHER RESOLVED that if the assessment vote is successful regarding CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT, the District will analyze its right of way needs, evaluate and establish just compensation for right of way, and commence negotiations with landowners to acquire the right of way necessary to accommodate the Project.

APPROVED:
Gerald Melvin, Chair

ATTEST:
Melissa Hinkemeyer, Secretary
Date Approved: June 4, 2026

EXHIBIT A

MAP – CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT



CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT

NOTICE OF HEARING

The Barnes-Maple River Joint Water Resource District (the "District") is a joint water resource district formed pursuant to Section 61-16.1-11 of the North Dakota Century Code and has all powers afforded individual water resource districts under North Dakota law, including the powers under Title 61 of the North Dakota Century Code to develop, create, construct, own, and operate legal assessment drains. In recent months, landowners approached the District and requested a project to construct a new legal assessment drain, with the intent of improving drainage for properties within the watershed; the watershed includes parcels in both Barnes County and Cass County. In response to those landowners' requests, the District has developed a project to establish, finance, design, construct, own, operate, and maintain a new legal assessment drain, a project the District refers to as CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT (the "Project"), a legal assessment drain and corresponding assessment district. The following is a more detailed description of the Project:

The Project will consist of the construction of a new legal drain known as the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT (the "Project") in Sections 21, 22, 27, 28, 29, 30, and 31 of Cornell Township in Cass County. In addition to the construction of the new legal drain, the Project will include construction of two laterals, one in Section 20 of Cornell Township and one in Section 21 of Cornell Township. The Project will follow the natural drainage path, and with laterals included, the full extent of the construction will be approximately 6.2 miles long. The construction of the Project and the construction of the Project laterals will include the construction of main and lateral channels and the replacement of culverts along the proposed alignment with culverts that meet the North Dakota Stream Crossing Standards. The Project will include crossing or culvert improvements at intersections with Cass County Highway 1, and intersections with four township roads. More specifically, the Project will include various road crossing improvements at intersections with 28th Street Southeast (in two locations), 29th Street Southeast, 134th Avenue Southeast, and 135th Avenue Southeast. The Project will also include topographic surveys, hydrologic and hydraulic analyses, and culvert crossing and channel design; installation of intercept drainage culverts with flap gates for adjacent field drainage; installation of riprap erosion control; purchasing of permanent and temporary right of way; utility relocations; and other miscellaneous items as necessary. The Project will improve conveyance and storage of runoff and will provide a drainage system to improve drainage and productivity within the Project watershed.

The District studied the Project watershed when determining the proposed CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district; the assessment district includes all property that will benefit from the Project. The District has analyzed and determined the anticipated benefits of the Project to each parcel within the proposed assessment district, and the District has prepared a preliminary assessment list regarding special assessments to finance and fund construction of the Project. Creation of the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district to finance and fund construction of the Project will require an affirmative vote of the proposed assessment district. The owners of property that will benefit from the Project may vote on whether or not they support the creation of the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district to finance and fund the Project. If the assessment district vote is successful, the District will issue bonds to finance and fund the construction of the Project, payable over 15 or 20 years (the District will consider interest rates when considering bonding options). With that in mind, owners of benefitted property could either pre-pay their total assessment at any time, or they could pay their assessments over the 15 or 20-year repayment period.

If the assessment vote is successful, the District will have to acquire right of way to accommodate the Project. In addition to owners of property that will benefit from the Project, landowners from whom the District must acquire right of way to accommodate the Project may also vote on whether or not they support the Project. While these landowners have the right to vote regarding the proposed creation of the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district, if the assessment district vote is successful, those properties will not be subject to special assessments. The weight of these 'right of way' votes is based on the acreage of right of way the District must acquire for the Project and those acres' "assessed valuation" according to County tax records.

In addition to assessments for the costs of constructing the Project, at some point, likely several years after construction, the District will also have to levy an annual maintenance levy in accordance with N.D. Cent. Code § 61-16.1-45 to finance and fund operation and maintenance of the Project. The District will assess annual maintenance levies based on need, anywhere from no levy at all in a given year up to a maximum of \$4.00 per acre. For your information, under Section 61-16.1-45, the District cannot assess more than \$4.00 per acre for agricultural properties as a maintenance levy in any given year. As further protection for landowners, the District cannot utilize Project maintenance levy dollars for any other purpose or any other project and cannot collect more than the equivalent of six years of maximum levies without utilizing at least a portion of the funds for operation and maintenance of the Project. In other words, the District will only assess maintenance levies based on need; by law, the District cannot simply assess maintenance levies continuously without using those dollars for operation and maintenance of the Project, and the District cannot utilize maintenance levy dollars for any other project or for any other expense of the District. Typically, the District does not levy any maintenance levies for a number of years following initial construction of a project.

The estimated costs of the Project are as follows:

Total Construction	\$1,715,565.00
Design and Construction Engineering	\$500,000.00
Permitting (Federal & State)	\$20,000.00
Legal	\$100,000.00
Administrative	\$2,500.00
Cost-Share Administration	\$10,000.00
Right of Way Administration	\$25,000.00
Right of Way - Land Acquisition	\$473,350.00
Wetland Mitigation	\$150,000.00
Easements and Monuments	\$50,000.00
Utility Relocations	\$75,000.00
Utility Relocation Coordination	\$10,000.00
Fiscal	\$50,000.00
Contingencies	\$343,000.00
Total Estimated Project Cost	\$3,524,415.00
Less Estimated NDSWC Funds	\$984,348.60
Less Estimated County Funds	\$228,079.64
Estimated Project Cost to Assess	\$2,311,986.76

The District will conduct a public hearing regarding the proposed creation of the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district to finance and fund the design and construction of the Project. The hearing will be on Wednesday, July 29, 2026, at 8:30 a.m., at the Cass County Highway Department, 1201 Main Avenue West, West Fargo, North Dakota. All landowners who will benefit from the Project, and all landowners who are entitled to 'right of way' votes, will have until 5:00 p.m., on Friday, August 28, 2026, to file written votes in favor of or in opposition to the creation of the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district. Return all ballots to the Barnes-Maple River Joint Water Resource District, 1201 Main Avenue West, West Fargo, North Dakota 58078.

Please note that each ballot will help determine whether or not the District should proceed with construction of the Project, and whether or not the District should create CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district to finance and fund the Project. If the vote is successful, the District will hold a separate hearing in accordance with North Dakota law at a later date to discuss the proposed assessments. At that assessment hearing, the District may revise assessments and the proposed assessment list, if the District concludes revisions are necessary and appropriate. However, the District will only conduct an assessment hearing if the assessment vote is successful; as required by statute, the Project hearing described in this Notice is an initial hearing, solely to discuss the Project and the potential creation of the CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DISTRICT NO. 80 PROJECT assessment district, and not to discuss assessment amendments.

Date: June 24, 2026.

BARNES-MAPLE RIVER JOINT WATER RESOURCE DISTRICT
Gerald Melvin, Chair
Chad Miller
Dallas Hoffmann
Jerry Hieb
Bret Fehr
Perry Schlagel