



November 21, 2018

City of Minot
Chris Owen, Federal Compliance Officer
515 2nd Avenue Southwest
Minot, North Dakota 58701

Delivered via email to chris.owen@minotnd.org

Re: **Comments on Finding of No Significant Impact (FONSI)
Downtown Gathering Place
Minot, North Dakota**

Dear Mr. Owen:

Thank you for the opportunity to comment on the Environmental Assessment (EA) prepared for the Downtown Gathering Place in Minot, North Dakota. As you are aware, Aksal Group, LLC is owner of several properties within or adjacent to the proposed Downtown Gathering Place project. We are highly supportive of the project and wish to see it completed expeditiously.

We do need to express our concerns with the environmental document prepared for this project, however, as we believe the environmental review is too narrow, the site definition is inaccurate, and the site should be expanded to create connections to adjacent public property to the south of the site.

Comment #1 – The scope of the environmental review is too narrow.

In several locations throughout the EA and the associated appendices, the site location and project description references 8 parcels encompassing 1.86 acres. It is our opinion that there should be additional parcels identified for *potential* acquisition, and that the properties currently identified in the EA should also be identified for *potential* acquisition. One such parcel that should be added is parcel MI24.238.010.0070, located at 11 1st Street SE. This property is owned by Aksal Group, LLC.

The reason parcel MI24.238.010.0070 should be included is that the building associated with it is directly connected to and an integral part of the building associated with parcel MI24.102.230.0063, located at 109 1st Avenue SE. The parcel identifications that the City of Minot is relying upon for its determination of acquisition boundaries are inaccurate in the context of what will actually be required to achieve the objective of the project. In fact, there is one physical building between the two aforementioned parcel numbers. It could be impractical to acquire approximately half of the structure, especially the half of the structure that includes the lower level access for the remaining half. While acquisition of a part of the building and property would be technically possible with extensive structural



modifications, it would be prudent to perform the required environmental reviews of parcel MI24.238.010.0070 at this time in an attempt to avoid potential future delays.

In addition, we would suggest that the environmental review include consultation with the ND State Historic Preservation Officer with regard to our property located at 7 1st Street SE. We believe that it is conceivable that the removal of buildings on this block could have consequences to adjacent structures due to the fact that the structures share bearing walls. Our question is, if the structure next to 7 1st Street SE is removed as part of the project, will the resulting aesthetic have an impact on the historic integrity of the remaining structures? Since the building at 7 1st Street SE is a contributing element of the Minot Industrial Historic District, we believe that the potential impacts should be disclosed in the EA in order to avoid potential future delays with the implementation of the project.

Comment #2 – The site definition and area calculation are inaccurate.

It appears that the City of Minot has relied upon the parcel areas included in the City of Minot GIS database to determine the proposed area of 1.86 acres. This determination of area is inaccurate, as it improperly calculates the area currently owned by the Canadian Pacific Railway (CP Rail) and excludes areas within the 2nd Street SE right-of-way that would contribute to the areas of the Downtown Gathering Place.

The CP Rail parcel identified on the City of Minot GIS is not an appropriate determination of the parcel that would be acquired as part of the Downtown Gathering Place. To accurately define the parcel, a plat of the remaindered parcel needs to be developed. For your convenience, we have included an exhibit of the parcel that we believe could be acquired from CP Rail for the Downtown Gathering Place (approximately 0.34 acres). We developed this exhibit when we were negotiating with CP Rail to acquire this parcel. We suspended negotiations with them once the City of Minot indicated its intent to pursue the acquisition of this property for the Downtown Gathering Place, subject to environmental review.

The area of 2nd Street immediately north of 1st Avenue Southeast is currently public right-of-way (approximately 0.08 acres) that should also be utilized as part of the Downtown Gathering Place.

Comment #3 – The Downtown Gathering Place footprint should include the vacation of 1st Avenue SE between 2nd Street SE and 3rd Street SE.

We suggest that the City take a more resilient approach to the implementation of this project by including a broader footprint at the selected site for the Downtown Gathering Place that would allow flexibility for alterations to the final acquisition plan. This will be important, as the acquisition of property required to construct the gathering place is dependent on voluntary negotiations.

The vacation of the 1st Avenue SE right-of-way between 2nd Street SE and 3rd Street SE and the removal of the street pavement through this area would allow the Downtown Gathering Place to be directly connected and adjacent to the Minot Public Schools property. Functionally, this would create a



contiguous area for public events of nearly 4 acres, with increased opportunities for collaboration between the City of Minot, the Minot Park District, and Minot Public Schools.

While the vacation of the 1st Avenue SE right-of-way may have logistical and regulatory challenges associated with it, we believe it is an option that should be included within the scope of the environmental review for the project and publicly vetted.

We appreciate the opportunity to comment on the proposal by the City of Minot. We hope the city will be able to quickly address these concerns so that the project may move forward expeditiously.

Sincerely,

AKSAL GROUP, LLC

A handwritten signature in blue ink, appearing to read 'J. Ackerman'.

Jessica Ackerman
Managing Member

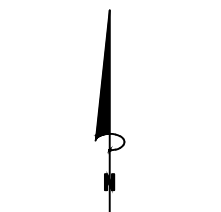
Enclosure: Draft CP Rail Property Exhibit

EXHIBIT "A"

A PORTION OF LOTS 6, 7, 8 & 9, BLOCK 30, FIRST ADDITION TO MINOT AND VACATED RIGHT OF WAY



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& ASSOCIATES, INC.
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1907 17TH ST SE, MINOT, N.D. 58701



Scale 1" = 60'