

April 30, 2024

Lawrence Bender  
Frederikson & Byron, P.A.  
1133 College Drive, Ste. 1000  
Bismarck, Nd 58501-1215

**RE: C0<sub>2</sub> Pipeline – Harry L. Malloy, Trust No. 2 – Howard Malloy, Trustee  
SCS Proposed Route Descript.: Township 140 North, Range 81 West  
Sections 6 and 7  
Morton County, North Dakota**

Mr. Bender:

Enclosed with this letter you will find our client's ongoing attempts to reach a palpable resolution to this controversy. Mr. Malloy's land is prime development property located on scenic Highway 1806, nestled along Square Butte Creek below buttes on the North and South. This land is also the only land lying below Harmon Dam that is outside the current dam breach inundation zone. The rest of this valley is currently under a building moratorium due to the existence of the Harmon Dam. This beautiful property along the Missouri River North of Mandan will be known to residents of Burleigh County and Morton County.

Mr. Malloy intends to develop this property. Enclosed is a proposed residential subdivision plat of Mr. Malloy's property. Mr. Malloy discussed this property with Bismarck developer Robb Sattler. Mr. Sattler estimated the current market value as residential development would generate profits to the Harry L. Malloy Trust No. 2 in excess of \$5 million. Mr. Malloy shared this information with Jimmy Powell during a phone conversation. As you may be aware, Summit's representatives testified at the hearing of April 22, 2024 that there were no proposed residential developments within the path of this pipeline. This testimony was not true.

Mr. Malloy offered Summit to settle for the \$5 million, as the pipeline would likely eliminate the residential development on his property. Summit declined. If Summit intends to force this pipeline onto Mr. Malloy's property, and in an effort to minimize the prejudice to his property, Mr. Malloy would prefer that Summit discuss with his neighbors to the North placing the pipeline across their property so the

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pipeline is completely off his property. Mr. Malloy alternative reroute proposal is indicated in green on the enclosed parcel map. Mr. Malloy's alternative reroute would place the pipeline on the south boundary line of his property. This reroute would limit the effects of the pipeline on this property.

We respectfully request we hear from you soon.

Respectfully,



Brian E. Jorde

[bjorde@dominalaw.com](mailto:bjorde@dominalaw.com)

Enclosures









Morton Parcels of North Dakota Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS |

LOT Parcels Addresses Lat Long

Morton GIS Services  
Loading Division

Property, All Morton County, ND  
Address, Parcels

Property, City Addresses

Property, Zip

Code

Zoom to

Legal Owner MALLOY/HARRY

Name L/TRUST #2

Legal Owner PO BOX 1811

Address 1

Legal Owner

Address 2

Legal Owner BISMARCK

City

Legal Owner ND

State

Legal Owner 585021811

Zip Code

Attachments:

Tax Info

- 0
- 
- 0
- 



600ft

-100.963 46.968 Degrees

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