Copy 1433923

Transfer entered September 25, 2017

W. Mark Krupski

Director of Property Records & Licensing

Lorri Starkson

Deputy, Olmsted County, MN

54.10-11-045144 split

54.10-11-082474

54.11-23-045473 split

Doc No. A- 1433923

OFFICE OF COUNTY RECORDER

OLMSTED COUNTY, MINNESOTA

I hereby certify that this document was filed in this office for record on –September 25, 2017 2:24 PM

W. MARK KRUPSKI - Co. Recorder by deputy: ms

Well Certificate: ____ Abstract: ____ Fee: $46.00

PWSC
1188 50TH ST SE
ATT ; DALE PRESTEGARD
ROCHESTER, MN 55904

COVER SHEET

September 25, 2017

DOCUMENT TYPE: Amended Final Certificate

NAME: OLMSTED COUNTY

RETURN TO: Dale Prestegard, PWSC

REASON:

Final Certificate for Parcels 1, 2 & 5 of Olmsted County Right of Way Highway Plat No. 196.

Cover sheet added by Public Works for Recording Purposes

SAVE

9-25-17
Public WS
2/3

Filed: Olmsted County District Court August 22, 2017
STATE OF MINNESOTA
COUNTY OF OLMSTED
I certify this to be a true copy of the original record in my custody.
Dated:
Charles E. Kipp
Court Administrator
Deputy Clerk

STATE OF MINNESOTA

DISTRICT COURT - CIVIL DIVISION

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

COUNTY OF OLMSTED, a Political Subdivision of the State of Minnesota,

Petitioner,

vs.

MTB PROPERTIES, LLC, RAYMOND R. BRUESKE, EVELYN R. BRUESKE (deceased) MINNESOTA ENERGY RESOURCES CORPORATION, a Delaware corporation, DARYLE IRLBECK, COLLEEN M. IRLBECK, US BANK, NA,

Respondents.

Case Type Indicator: Condemnation
Court File No.: 55-CV-15-1841

55-CV-15-1841

AMENDED FINAL CERTIFICATE

Parcel 1, 2, and 5, Right of Way Plat No. 196

This is to certify that:

1. A Petition for Condemnation was filed by Petitioner with the Olmsted County District Court on March 23, 2015, which stated the necessity of acquiring certain lands described in Exhibit A attached hereto in order to construct improvements to County State Aid Highway 16, all within Olmsted County;

2. Minnesota Energy Resources Company entered into a Utility Relocation Agreement and Contract for Easement and Release of Easement with Olmsted County on November 22, 2015, to remove its existing facilities from the existing utility easement; release its right, title, and interest to possess the land under the existing utility easement; and to replace the existing facilities with new facilities on the land that the County acquired in fee title. Minnesota Energy Resources Company was reimbursed by Petitioner for that facilities work in the amount of $56,862.45 and no funds were exchanged for the release of the existing easement nor for the creation of the new easement.

3. A Stipulation of Settlement and Order for Dismissal as to Petitioner's taking of Parcel 1, Right of Way Plat 196, owned by Respondents Daryle Irlbeck and Colleen M. Irlbeck was filed on April 17, 2015, and Ordered on May 4, 2015. The settlement was in the amount of $26,500.00, of which $5,429.52 for the taking of a temporary construction easement.

4. By Order, dated May 14, 2015, Petitioner's Petition for Condemnation was granted, directing that Petitioner be entitled to title and possession of the property described below on July 7, 2015, or other such date that complies with the provisions of Minn.

Stat. § 117.042;

5. A Stipulation of Settlement and Order for Dismissal as to Petitioner's taking of Parcel 2, Right of Way Plat 196, owned by Respondent MTB Properties, LLC, was filed on January 12, 2016. The Court, having reviewed the Stipulation of Settlement and Order for Dismissal, issued its own Order Disbursing Quick Take Deposits on January 15, 2016, dismissing the above-captioned action as to the settling Respondent's interests, with no costs, disbursements or attorney's fees awarded to any party other than as set forth in the Stipulation. The settlement was in the amount of $85,000.00 with an additional $5,000.00 payment for the cost of Respondent's appraisal for the taking of certain lands in fee simple.

55-CV-15-1841

6. Court-appointed commissioners filed their Partial Report of Commissioners on April 25, 2016, as to Petitioner's taking of Parcel 5 owned by Respondent Raymond R. Brueske and Evelyn R. Brueske (deceased) in the amount of $97,000.00, of which $5,000.00 is for fees to compensate Respondent's appraiser;

7. Petitioner deposited the amount of its approved appraisal of value $69,600.00 with the District Court Administrator on or about April 23, 2015, and has also deposited the remainder of Respondent's Brueske's award of $27,400.00 on or about August 11, 2016, which amount included $5,000.00 to Respondent's appraiser pursuant to the Partial Report of Commissioners referred to herein representing total consideration of $97,000.00 for the taking of said real estate plus improvements. Deposit of these funds with the court administrator, pursuant to Minnesota Statute § 117.125, is deemed a payment of the award, despite Respondent's refusal to accept payment by seeking disbursement of the award from the Court Administrator to date.

8. Therefore, I hereby certify that the lands herein described have been taken by the County of Olmsted in eminent domain proceedings in conformity with the requirements of Minnesota Statutes Chapter 117 as amended; that commissioners were duly appointed by the Court to ascertain and report the amount of damages sustained by the Respondents on account of such takings; that said commissioners qualified, made, and filed their report of such damages; that the time for appeal from the awards in said report has expired; that no appeals have been taken; that all damages, as determined by award, have been paid by the County of Olmsted; that the proceedings for the taking of certain rights in said lands are now complete; and that said County now owns in fee simple, said lands for the purpose of maintaining the same for public right of way purposes, and that the Final Certificate was executed and approved on the dates shown and endorsed hereon.

I declare under penalty of perjury that everything I have stated in this document is true and correct in accordance with Minn. Stat. § 358.116.

No state deed tax is due the State of Minnesota on this instrument.

Signed in Olmsted County, Minnesota.

MARK OSTREM
OLMSTED COUNTY ATTORNEY

Thomas M. Canan

Digitally signed by Thomas M. Canan
DN: cn=Thomas M. Canan, o=Olmsted County Attorney's Office, ou=Olmsted County, email=canan.tom@co.olmsted.mn.us, c=US
Date: 2017.08.21 08:24:00 -05'00'

Thomas M. Canan, #201467
Senior Assistant County Attorney
Government Center, 151 Fourth St. SE
Rochester, MN 55904-3710
canan.tom@co.olmsted.mn.us

55-CV-15-1841

Attorney for Petitioner Olmsted County

The above Final Certificate is hereby approved.

BY THE COURT:

Stevens, Christina
2017.08.22
09:02:51 -05'00'

Judge of District Court

EXHIBIT A

PARCEL 1 PERMANENT EASEMENT ACQUISITION
SAP 055-616-011

Property ID: 54.10.11.045144

All of the following:
That part of Lot 1, Block 2, L.C. Industrial Park shown as Parcel 144 on Olmsted County Right of Way Plat numbered 196 approved in Resolution 15-020 as the same will be on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota

Together with other rights as set forth below, forming and being part of said Parcel 1:

Temporary Easement:
A temporary easement for highway purposes as shown on said plat as to said Parcel 1, Olmsted County Right of Way Plat numbered196. Said easements shall cease on June 4, 2017 or on such earlier date upon which the Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes

Access: All right of access as shown on said plats by the access control symbol

Names of parties interested in the above described land and nature of interest:

Daryle Irlbeck & Colleen M. Irlbeck	Fee
U.S. Bank N.A.	Mortgage
LIEN CLAIMANTS:	None
County of Olmsted:	Taxes

ASSESSMENTS: None

PARCEL 2 FEE ACQUISITION
SAP 055-616-011

Property ID: 54.10.11.045145

All of the following:
That part of Lot 2, Block 2, L.C. Industrial Park shown as Parcel 2 on Olmsted County Right of Way Plat numbered 196 approved in Resolution 15-020 as the same will be on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota

Together with other rights as set forth below, forming and being part of said Parcel 2:

Temporary Easement:
A temporary easement for highway purposes as shown on said plat as to said Parcel 2, Olmsted County Right of Way Plat numbered 196. Said easements shall cease on June 4, 2017 or on such earlier date upon which the Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes

Access: All right of access as shown on said plats by the access control symbol

Names of parties interested in the above described land and nature of interest:

MTB Properties, LLC Thomas Fitzgerald, General Manager	Fee
MORTGAGEE:	None
LIEN CLAIMANTS:	None
County of Olmsted:	Taxes

ASSESSMENTS: None

PARCEL 5 FEE ACQUISITION
SAP 055-616-011

Property ID: 54.11.23.045473

All of the following:
That part of the Southwest Quarter of the Northwest Quarter and that part of the Southeast Quarter of the Northwest Quarter of Section 11, Township 105 North, Range 14 West, shown as Parcel 5 on Olmsted County Right of Way Plat numbered 196 approved in Resolution 15-020 as the same will be on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota

Together with other rights as set forth below, forming and being part of said Parcel 5:

Temporary Easement:
A temporary easement for highway purposes as shown on said plat as to said Parcel 5, Olmsted County Right of Way Plat numbered196. Said easements shall cease on June 4, 2017 or on such earlier date upon which the Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes.

Access: All right of access as shown on said plats by the access control symbol

Names of parties interested in the above described land and nature of interest:

OWNER: Raymond R. Brueske, Evelyn R. Brueske (deceased)	Fee
MORTGAGEE: None	
Minnesota Energy Resources Corporation	Easement
County of Olmsted:	Taxes
ASSESSMENTS: None	

PERMANENT NATURAL GAS PIPELINE EASEMENT ACQUISITION
SAP 055-616-011

Property ID: 54.10.11.045144

All of the following:
The West 15 feet of that part of the South Half of the Northwest Quarter of Section 11, Township 105 N, Range 14 W, lying easterly of the east right-of-way line of U. S. Highway 63

Names of parties interested in the above described land and nature of interest:

OWNER: Minnesota Energy Resources Corporation, a Delaware Corporation with General offices located at 700 North Adams Street, P.O. Box 19001, Green Bay, Brown County, Wisconsin 54307-9001

MORTGAGEE: None

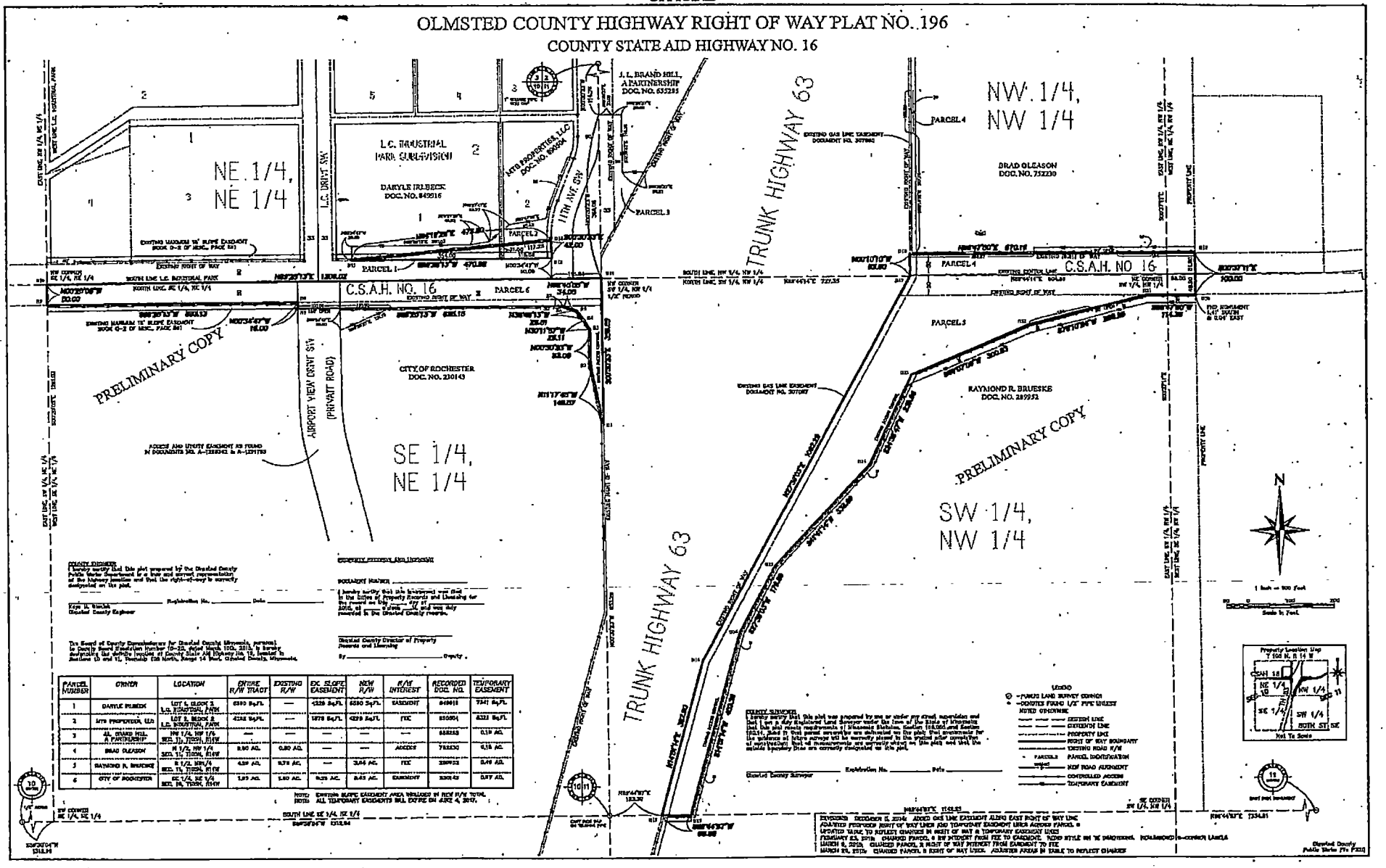
Raymond R. Brueske, Evelyn R. Brueske (deceased)	Fee Owner

Filed in Third Judicial District Court
8/21/2017 8:35 AM
Olmsted County, MN

OFFICIAL

OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 196

COUNTY STATE AID HIGHWAY NO. 16



PARCEL NUMBER	OWNER	LOCATION	ENTIRE R/W TRACT	EXISTING R/W	EXC. SLOPE EASEMENT	NEW R/W	R/W INTEREST	RECORDED DOC. NO.	TEMPORARY EASEMENT
1	DARYLE IRLBECK	LOT 1, BLOCK 2 L.C. INDUSTRIAL PARK	6310 Sq.Ft.	—	1226 Sq.Ft.	5084 Sq.Ft.	EASEMENT	849916	7241 Sq.Ft.
2	MTB PROPERTIES, LLC	LOT 2, BLOCK 2 L.C. INDUSTRIAL PARK	4266 Sq.Ft.	—	1878 Sq.Ft.	4239 Sq.Ft.	FEE	950004	4323 Sq.Ft.
3	J.L. BRAND MILL A PARTNERSHIP	NW 1/4, NW 1/4 SEC. 11, T109N, R14W	—	—	—	—	—	652285	0.19 AC.
4	BRAD GLEASON	N 1/2, NW 1/4 SEC. 11, T109N, R14W	0.90 AC.	0.80 AC.	—	—	ACCESS	752230	0.15 AC.
5	RAYMOND R. BRUESKE	E 1/2, NW1/4 SEC. 11, T109N, R14W	4.89 AC.	4.79 AC.	—	3.64 AC.	FEE	289952	0.49 AC.
6	CITY OF ROCHESTER	SE 1/4, NE 1/4 SEC. 14, T109N, R14W	5.93 AC.	5.50 AC.	0.29 AC.	0.43 AC.	EASEMENT	230143	0.87 AC.

NOTE: ENTIRE SLOPE EASEMENT AREA INCLUDED IN NEW R/W TOTAL
NOTE: ALL TEMPORARY EASEMENTS WILL EXPIRE ON JUNE 4, 2017.

REVISIONS: DECEMBER 8, 2016: ADDED OAS LINE EASEMENT ALONG EAST RIGHT OF WAY LINE
ADJUSTED PERIMETER RIGHT OF WAY LINES AND TEMPORARY EASEMENT LINES ACROSS PARCEL 6
UPDATED TABLE TO REFLECT CHANGES IN WIDTH OF WAY & TEMPORARY EASEMENT LINES
FEBRUARY 23, 2016: CHANGED PARCEL 6 R/W INTEREST FROM FEE TO EASEMENT. ROAD STYLE NOW BE DIRECTIONAL. RICHMOND to CONNOR LANDS
MARCH 8, 2016: CHANGED PARCEL 5 RIGHT OF WAY INTEREST FROM EASEMENT TO FEE
MARCH 28, 2016: CHANGED PARCEL 5 RIGHT OF WAY LINES. ADJUSTED AREAS IN TABLE TO REFLECT CHANGES

Olmsted County Public Works 7th Field