CRV #_____

~~No delinquent taxes~~ & transfer entered

November 21, 2017

W. Mark Krupski

Director of Property Records & Licensing

Lorri Starkson

Deputy, Olmsted County, MN

Split See attached for parcel #5

Doc No. A- 1438153

OFFICE OF COUNTY RECORDER

OLMSTED COUNTY, MINNESOTA

I hereby certify that this document was filed in this office for record on –November 21, 2017 1:13 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

November 21, 2017

DOCUMENT TYPE: Final Certificate

NAME: OLMSTED COUNTY

RETURN TO: Dale Prestegard, PWSC

REASON:

Final Certificate for Parcels 5, 6, 7, 9, 12, 13, 15, 16 of Olmsted County Right of Way Highway Plat No. 204.

Cover sheet added by Public Works for Recording Purposes

No charge

11-21-17
PWSC
ms

11/7/2017 1:44 F
Olmsted County, M

Filed Olmsted County District Court
2017.11.08
13:42:26 -06'00'

STATE OF MINNESOTA

COUNTY OF OLMSTED

DISTRICT COURT - CIVIL DIVISION

THIRD JUDICIAL DISTRICT

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

Petitioner,

vs.

JIMMY BATDORF, MINNESOTA HOUSING FINANCE AGENCY, CITY OF ROCHESTER, a municipal corporation of the State of Minnesota, PAUL MINCHINTON, QWEST CORPORATION, a Colorado Corporation, JOHN F. JUST REVOCABLE LIVING TRUST, BRADLEY D. WAITS, GREENTREE SERVICING LLC d/b/a Ditech Financial LLC, MAYO EMPLOYEES CREDIT UNION, TERRENCE F. KAPPAUF, SEKAPP ORCHARD AND FARMS, LLC, a Minnesota Corporation, PREMIER BANK ROCHESTER, JANE FLICKINGER, NORMA A. STRELOW and ROBERT H. STRELOW (Deceased),

Respondents.

Case Type Indicator: Condemnation
Court File No.: 55-CV-16-3780

FINAL CERTIFICATE

STATE OF MINNESOTA
COUNTY OF OLMSTED
I certify this to be a true and correct copy of the official court record in the custody of this office.
Charles E. Kjos, Court Administrator
By Deputy Clerk: 11/7/17

This is to certify that:

1. A Petition for Condemnation was filed by Petitioner with the Olmsted County District Court on May 23, 2016, which stated the necessity of acquiring certain lands hereinafter described in order to construct improvements to County State Aid Highway No. 9, all within Olmsted County.

2. A Notice of Dismissal was filed by Petitioner with the Olmsted County District Court on July 14, 2016, dismissing Respondents Jane Flickinger, Norma A. Strelow, and Robert H. Strelow from the condemnation proceeding.

3. By Order, dated August 17, 2016, Petitioner's Petition for Condemnation was granted, directing that Petitioner be entitled to title and possession of the property described below on August 23, 2016, or other such date that complies with the provisions of Minn. Stat. § 117.042;

4. Petitioner deposited the sum of $37,600 as its quick take approved appraisal of values with the District Court Administrator on or about August 23, 2016.

5. A Stipulation of Settlement and Order for Dismissal as to Petitioner's Taking of a permanent easement and a temporary easement in Parcel 12, Right of Way Plat 204, owned by Tyrone M. Steward and Suzanne M. Steward and encumbered by Defendant GreenTree Servicing, LLC d/b/a Ditech Financial LLC was filed on September 6, 2016 and ordered on September 7, 2016. The settlement was in the amount of $31,600 of which $1,315.55 was paid directly to Ditech Financial LLC.

6. A Stipulation of Settlement and Order for Dismissal as to Petitioner's Taking of a permanent easement and a temporary easement in Parcel 12, Right of Way Plat 204, owned by Tyrone M. Steward and Suzanne M. Steward and encumbered by Defendant Mayo Employees Credit Union was filed on September 6, 2016 and ordered on September 7, 2016. The settlement was in the amount of $31,600.00 of which $24,252.61 was paid directly to Mayo Employee's Credit Union;

7. A Stipulation of Settlement and Order for Dismissal as to Petitioner's Taking of a right of way easement in Parcel 16, Right of Way Plat 204, owned by John J. Just Revocable Living Trust (vendor's interest in a contract for deed) and Bradley D. Waits (vendee's interest in a contract for deed) was filed on September 6, 2016 and ordered on September 7, 2016. The settlement was in the amount of $38,000. Of this amount, $20,250 was paid to Respondent Waits and $17,250 was paid to John J. Just as trustee of the John J. Just Revocable Living Trust;

8. A Stipulation of Settlement and Order for Dismissal as to Petitioner's Taking of a right of way easement in Parcel 16, Right of Way Plat 204, owned by Respondent Terrence F. Kappauf and Respondent Sekapp Orchard and Farms, LLC was filed on January 23, 2017 and ordered on January 23, 2017. The settlement was in the amount of $22,650.00 with the understanding that Respondent Kappauf would pay $7,250 of that amount to his counsel;

9. Court-appointed commissioners filed their Partial Report of Commissioners on April 24, 2017 as to Petitioner's taking of Parcel 15 of Olmsted County Right of Way Plat No. 204 owned by Respondent Jimmy Batdorf in the amount of $40,000.

10. A Stipulation of Settlement and Order for Dismissal as to Petitioner's taking of a right of way easement in Parcel 15, Right of Way Plat 204, formerly owned by Respondent Jimmy Batdorf, and upon which a public utility easement owned by Respondent Qwest Corporation d/b/a CenturyLink, QC, was filed on April 26, 2017, and ordered on April 27, 2017. The settlement, which was in the amount of $46,031.09, was for costs incurred by Qwest to relocate its telecommunications utility infrastructure to a different location, no longer adjacent to the newly expanded CSAH 9 right of way.

11. On October 18, 2017, the Olmsted County District Court issued its Order Prioritizing and Directing Payment on Liens on Parcel 15, Right of Way Plat 204, wherein the Court determined the priority of which the liens against the property formerly owned by Respondent Batdorf should be paid and directed that certain payments be made to satisfy a portion of the liens against the property with the remainder of the outstanding unpaid liens to be discharged.

12. On October 23, 2017, the Court reimbursed the County of Olmsted the quick take payment amount allotted to Respondent Batdorf of $37,600, plus interest in the amount of $64.27; and the County of Olmsted submitted an additional $2,400.00, being the difference between the quick take payment amount and the award issued by the Commissioners for a total of $40,000.

13. In accordance with the Order Prioritizing and Directing Payment on Liens Respondent Batdorf's property taxes due and owing to the City of Rochester in the amount of $11,206.17; Respondent Batdorf's property taxes due and owing to the County of Olmsted in the amount of $760.02; and Respondent Batdorf's special assessments due and owing to the City of Rochester in the amount of $28,098.08, for a total of $40,064.27, were paid out by Petitioner representing Respondent Batdorf's total compensation of Forty Thousand Dollars ($40,000.00) for the taking of said real estate plus improvements.

14. The amounts so paid represent the full amount due and owing as damages arising from the condemnation to be paid to any interested parties as a result of the taking herein of the premises described on Exhibit A attached hereto.

    Together with any and all streets and alleys adjacent thereto, vacated or to be vacated, and together with any and all appurtenant easements.

15. Therefore, I hereby certify that the lands described on the attached Exhibit A 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.

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

    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.

Signed in Olmsted County, Minnesota.

MARK OSTREM
OLMSTED COUNTY ATTORNEY

Tom Canan
2017.11.07
11:53:45 -06'00'

Thomas M. Canan, #201467
Senior Assistant County Attorney
Government Center, 151 Fourth St. SE
Rochester, MN 55904-3710
Telephone: (507) 328-7600
canan.tom@co.olmsted.mn.us

Attorney for Petitioner Olmsted County

The above Final Certificate is hereby approved.

BY THE COURT:

King, Pam
2017.11.08
10:45:25 -06'00'

Judge of District Court

Filed in Third Judicial District Court
11/7/2017 1:44 PM
Olmsted County, MN

PARCEL 15, RIGHT OF WAY PLAT 204 FEE ACQUISITION
SAP 55-609-018

Property ID: 63.05.12.038050

All of the following:

Lot No. 5, in Block No. 1 of Sunnydale Subdivision, Blocks One (1), Two (2) and Three (3) a subdivision of a part of the Northeast quarter of Section No. 5, in Township No. 106 North, Range 13 West, according to the recorded plat thereof on file and of record in the Office of the Register of Deeds in and for said County; subject to the covenants, restrictions and easements contained in that certain Quit Claim Deed recorded in the Office of said Register of Deeds in Book 241 of Deeds on Page 351 thereof; and subject to zoning regulations of record, Olmsted County, Minnesota, shown as Parcel 15 on Olmsted County Right of Way Plat numbered 204 approved in Resolution 15-091 as the same is 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 15, Right of Way Plat No. 204.

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

OWNER: Jimmy Batdorf	Fee
MORTGAGEE: **Minnesota Housing Finance Agency**	Mortgage Lien
LIEN CLAIMANTS: City of Rochester	Rubbish Removal Liens (2)
City of Rochester	Hazardous Building Abatement Lien
City of Rochester	Hazardous Building Abatement Order
Paul Wayne Minchinton	Judgment Lien
Qwest Corporation	Easement
County of Olmsted:	Taxes

ASSESSMENTS: None other than noted above

11/7/2017 1:44 F
Olmsted County, M

EXHIBIT A - FINAL CERTIFICATE
55-CV-16-3780

PARCEL 16, RIGHT OF WAY PLAT 204 EASEMENT ACQUISITION
SAP 55-609-018

Property ID: 63.05.12.038049

All of the following:

That part of Lot Three (3) and Four (4), Block One (1), Sunnydale Subdivision, Blocks One, Two, and Three, situated in the Northeast Quarter (NE 1/4), Section Five (5), Township One Hundred Six (106) North, Range Thirteen (13) West, Olmsted County, Minnesota, shown as Parcel 16 on Olmsted County Right of Way Plat numbered 204 approved in Resolution 15-091 as the same is 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 16, Right of Way Plat No. 204.

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

OWNER: John F. Just Revocable Living Trust	Contract for Deed Vendor
OWNER: Bradley D. Waits	Contract for Deed Vendee
MORTGAGEE:	None
County of Olmsted:	Taxes
ASSESSMENTS:	None

Filed in Third Judicial District Court
11/7/2017 1:44 P
Olmsted County, M

PARCEL 12, RIGHT OF WAY PLAT 204 EASEMENT ACQUISITION
SAP 55-609-018

Property ID: 73.32.44.033668

All of the following:

Commencing at the Southeast corner of the West 10 rods of the South 32 rods of the East Half of the Southeast Quarter (E 1/2 of SE 1/4) of Section 32, Township 107 North, Range 13 West; thence North 250 feet; thence West at right angles 75 feet; thence South and parallel with the East line 250 feet; thence East 75 feet to the place of beginning. Excepting therefrom any rights, title, interest, or obligations therein, as set out in that "Well Agreement" dated October 26, 1973 and recorded November 8, 1973 in Book X-3 of Miscellaneous records, page 641 in the office of the Register of Deeds, Olmsted County, Minnesota, shown as Parcel 12 on Olmsted County Right of Way Plat numbered 204 approved in Resolution 15-091 as the same is 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 12, Right of Way Plat No. 204.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 12, Olmsted County Right of Way Plat numbered 204. Said easements shall cease on June 30, 2017 or on such earlier date upon which the Board of Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes

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

OWNER:	Tyrone M. Steward and Suzanne M. Steward	Fee
MORTGAGEE:	GreenTree Servicing LLC d/b/a Ditech Financial LLC	Mortgage Lien
MORTGAGEE:	Mayo Employees Credit Union	Mortgage Lien
County of Olmsted:		Taxes
ASSESSMENTS:		None

11/7/2017 1:44 F
Olmsted County, M

EXHIBIT A - FINAL CERTIFICATE
55-CV-16-3780

PARCEL 5, RIGHT OF WAY PLAT 204 EASEMENT ACQUISITION
SAP 55-609-018

Property ID: 73.32.41.033656

All of the following:

The East Half of the Southeast Quarter of Section 32, Township 107, Range 13, Olmsted County, Minnesota, except: The West 10 rods (165.00 feet) of the South 24 rods (396.00 feet), of said East Half of the Southeast Quarter. Also except: Commencing at the Southeast corner of the Southeast Quarter of said Section 32; thence westerly along the South line of said Southeast Quarter, 328.00 feet for the point of beginning of the land to be described; thence continue Westerly along said South line, 500.00 feet; thence Northerly at right angles, 871.20 feet; thence Easterly at right angles and parallel with the South line of said Southeast Quarter, 500.00 feet; thence Southerly at right angles, 871.20 feet to the point of beginning. Being subject to an easement for County State Aid Highway No. 9, across the South boundary thereof. Except the Chicago & Northwestern Railway Right of Way, shown as Parcel 5 on Olmsted County Right of Way Plat numbered 204 approved in Resolution 15-091 as the same is 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, Right of Way Plat No. 204.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 5, Olmsted County Right of Way Plat numbered 204. Said easements shall cease on June 30, 2017 or on such earlier date upon which the Board of Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes

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

OWNER:	Terrence F. Kappauf	Fee
MORTGAGEE:	*Premier Bank Rochester*	*Mortgage Lien*
MORTGAGEE:	Sekapp Orchard and Farms, LLC	Mortgage Lien
City of Rochester		Easement
County of Olmsted:		Taxes
ASSESSMENTS:		None

11/7/2017 1:44 F
Olmsted County, M

PARCEL 13, RIGHT OF WAY PLAT 204 EASEMENT ACQUISITION
SAP 55-609-018

Property ID: 73.32.43.046902

All of the following:

That part of the East One-Half of the Southwest Quarter of Section 32 and of the West One-Half of the Southeast Quarter of Section 32, Township 107 North, Range 13 West, Olmsted County, Minnesota described as follows: Commencing at the southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 32; thence N00°38'45"W, assumed bearing, along the west line of the East One-Half of the Southwest Quarter, 1501.50 feet for a point of beginning; thence continue N00°38'45"W, along said west line, 902.39 feet to a point being 1090.20 feet north of the southwest corner of the Northeast Quarter of said Southwest Quarter; thence S71°56'47"E, 744.46 feet; thence S00°00'17"E, 334.58 feet; thence S70°34'01"E, 353.81feet; thence N88° 11'30"E, 152.79 feet; thence S58°36'49"E, 160.53 feet; thence S75°59'29"E, 733.02 feet; thence N19°47'54"E, 204.84 feet; thence N11°59'52"E, 232.36 feet; thence N82°31'36"E, 487.04 feet to the east line of the West One-Half of the Southeast Quarter of said Section 32; thence S00°29'20"E, along said east line, 1253.05 feet to the northeast corner of the Southeast Quarter of the Southwest Quarter of said Southeast Quarter; thence S89°26'24"W, along the north line of the Southeast Quarter of the Southwest Quarter of said Southeast Quarter, 659.93 feet to the northwest corner of the Southeast Quarter of the Southwest Quarter of said Southeast Quarter; thence S00°31'38"E, along the west line of the Southeast Quarter of the Southwest Quarter of said Southeast Quarter, 234.43 feet to a point being 420.00 feet north of the southwest corner of the Southeast Quarter of the Southwest Quarter of said Southeast Quarter; thence S89°29'21"W, parallel with the south line of said Southeast Quarter, 294.00 feet; thence S00°31'38"E, parallel with the west line of the Southeast Quarter of the Southwest Quarter of said Southeast Quarter, 420.00 feet to the south line of said Southeast Quarter; thence S89°29'21"W, along said south line, 32.31feet to a point being 333.18 feet east of the southwest corner of said Southeast Quarter; thence N00°35'39"W, 330.00 feet; thence S89°29'21"W, parallel with the south line of said Southeast Quarter, 426.08 feet to a point on a line being 1221.00 feet east of the west line of the Southeast Quarter of the Southwest Quarter of said Section 32, as measured along the south line of said Southwest Quarter; thence N00°38'45"W, parallel with the west line of the Southeast Quarter of said Southwest Quarter, 1170.34 feet to a point on a line being 1501.50 feet north of the south line of said Southwest Quarter, as measured along the west line of the Southeast Quarter of said Southwest Quarter; thence S88°46'22"W, parallel with the south line of said Southwest

EXHIBIT A - FINAL CERTIFICATE
55-CV-16-3780

Quarter, 1221.00 feet to the point of beginning. Being subject to an easement for the County Road No. 9 right of way over the most southerly boundary thereof. Together with an easement for ingress and egress running over and across the west 33.00 feet of the East 294.00 feet of the South 420.00 feet of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 32. Containing 53.31 acres, more or less, shown as Parcel 13 on Olmsted County Right of Way Plat numbered 204 approved in Resolution 15-091 as the same is 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 13, Right of Way Plat No. 204.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 13, Olmsted County Right of Way Plat numbered 204. Said easements shall cease on June 30, 2017 or on such earlier date upon which the Board of Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes

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

OWNER:	Terrence F. Kappauf	Fee
MORTGAGEE:	Premier Bank Rochester	Mortgage Lien
MORTGAGEE:	Sekapp Orchard and Farms, LLC	Mortgage Lien
County of Olmsted:		Taxes
ASSESSMENTS:		None

Filed in Third Judicial District Court
11/7/2017 1:44 PM
Olmsted County, MN

EXHIBIT A - FINAL CERTIFICATE
55-CV-16-3780

PARCEL 6, RIGHT OF WAY PLAT 204 EASEMENT ACQUISITION
SAP 55-609-018

Property ID: 73.32.43.033663

All of the following:

Commencing at the Southwest corner of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE1/4 of SW1/4 of SE1/4) of Section Thirty Two (32), Town One Hundred Seven (107), Range Thirteen (13), thence North along the West line of said Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE1/4 of SW1/4 of SE1/4), 420 feet, thence West at right angles to the center of the quarry road, 294 feet more or less, thence South along the center of said quarry road to the center of the County Highway, thence East along the center of said County Highway, 294 feet to the beginning; reserving unto grantors, their heirs, successors and assigns the use of the West 33 feet thereof for road purposes, shown as Parcel 7 on Olmsted County Right of Way Plat numbered 204 approved in Resolution 15-091 as the same is 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 6, Right of Way Plat No. 204.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 6, Olmsted County Right of Way Plat numbered 204. Said easements shall cease on June 30, 2017 or on such earlier date upon which the Board of Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes

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

OWNER:	Jane Flickinger	Fee
County of Olmsted:		Taxes
ASSESSMENTS:		None

11/7/2017 1:44 F
Olmsted County, M

PARCEL 7, RIGHT OF WAY PLAT 204 EASEMENT ACQUISITION
SAP 55-609-018

Property ID: 73.32.43.033672

All of the following:

> The West Eight (8) rods of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-two (32), Township One Hundred Seven (107), Range Thirteen (13), containing two (2) acres more or less, Olmsted County, Minnesota, shown as Parcel 7 on Olmsted County Right of Way Plat numbered 204 approved in Resolution 15-091 as the same is 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 7, Right of Way Plat No. 204.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 7, Olmsted County Right of Way Plat numbered 204. Said easements shall cease on June 30, 2017 or on such earlier date upon which the Board of Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes

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

OWNER:	Jane Flickinger	Fee
County of Olmsted:		Taxes
ASSESSMENTS:		None

11/7/2017 1:44 F
Olmsted County, M

EXHIBIT A - FINAL CERTIFICATE
55-CV-16-3780

PARCEL 9, RIGHT OF WAY PLAT 204 EASEMENT ACQUISITION
SAP 55-609-018

Property ID: 73.32.43.033669

All of the following:

The Southeast quarter of the Southwest quarter of the Southeast quarter of Section No. thirty two (32) in Township No. one hundred seven (107) North of Range No. thirteen (13) West, except the West eight (8) rods thereof and except the South fourteen (14) rods of the east eight and one half (8 1/2) rods of the West sixteen and one half (16 1/2) rods thereof, and except the east twelve (12) rods thereof, Olmsted County, Minnesota, shown as Parcel 9 on Olmsted County Right of Way Plat numbered 204 approved in Resolution 15-091 as the same is 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 9, Right of Way Plat No. 204.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 9, Olmsted County Right of Way Plat numbered 204. Said easements shall cease on June 30, 2017 or on such earlier date upon which the Board of Commissioners of the County of Olmsted determine by formal order that it is no longer needed for highway purposes

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

OWNER:	Robert H. Strelow (deceased) and Norma A. Strelow	Fee
County of Olmsted:		Taxes
ASSESSMENTS:		None