Transfer entered this 29th day of May 20 08
W. Mark Krupski
Director of Property Records & Licensing
Deputy, Olmsted County, MN

see attached for PIN's

see Sheet

OFFICE OF COUNTY RECORDER
Olmsted County, Minnesota
I hereby certify that this document was filed in this office on 5/29/2008 at 2:00:00 PM and was duly recorded as document number A-1168793
W MARK KRUPSKI-Co Recorder, by ___ Deputy
Well Certificate: ___ Received ___ Not Required
Abstr. – yes ___ no ___
Fees:
Total $46.00

Received from/return to:
MINNESOTA DEPARTMENT OF TRANSPORTAT
395 JOHN IRELAND BOULEVARD
ST PAUL, MN 55101- 9799

STATE OF MINNESOTA
COUNTY OF OLMSTED
I certify this to be a true copy of the original record in my custody.
Dated 5-27-2008
Charles L. Rost
Court Administrator
By ___ Deputy Clerk

DISTRICT COURT OLMSTED COUNTY

PARTIAL FINAL CERTIFICATE AS TO ALL PARCELS EXCEPT PARCELS 6 AND 7

CONDEMNATION

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT
Court File No. C4-03-1984

ORIGINAL

FILED
MAY 27 2008
COURT ADMINISTRATOR
Olmsted County, MN

State of Minnesota, by it Commissioner of Transportation

Petitioner,

vs.

Lori A. Denison, Wells Fargo Home Mortgage, Inc., formerly known as Norwest Mortgage, Inc., Wells Fargo Bank Minnesota, National Association, formerly known as Norwest Bank Minnesota South, National Association, Conseco Finance Loan Company, James R. Larsen, Judith A. Larsen, Richard C. Steinmetz, County of Olmsted, Gladys T. Kohn, James R. Larsen, Judith A. Larsen, Chris D. Lien, Sharon R. Lien, Bradley J. Herman, Jacqueline R. Herman, Premier Bank Rochester, Sterling State Bank, Northwest Growth LLC, People's Cooperative Services, formerly known as People's Co-Operative Power Association and as People's Co-Operative Power Association of Olmsted County, Rochester Truck Center Inc., Rochester Lumber, Inc., Rochester Ford Tractor, Inc. U.S. Bank National Association, Mary A. Riess, Brian Connelly, Doug Kelly, Thomas H. Bandel, also known as Thomas Bandel, Joyce E. Bandel, also known as Joyce Elizabeth Bandel, Edward J. Garris, Susan R. Garris, National City Mortgage Co, Gwendolyn M. Harvey, Harold R. Harvey, Wells Fargo Financial Bank, Wells Fargo Financial Minnesota, Inc., formerly known as Norwest Financial Minnesota, Inc., Countrywide Home Loans, Inc., formerly known as Countrywide Funding Corporation, Howard E. Wagner and Veronica M. Wagner, as Trustees of the Veronica M. Wagner Revocable Trust, under agreement dated April 1, 1993, Coca-Cola Bottle Company of Austin, Shaun Valentine, Jodi Valentine, Thomas Erickson, Scott's Properties, Inc., Qwest Corporation, formerly known as U S WEST Communications, Inc., Randy Hart, G.A. Nelson Company of Rochester, Inc., Bank of Alma, Nelson Station LLC, F & M Bank-Iowa, successor in interest to Story County Bank & Trust, Home Federal Savings Bank, City of Rochester,

chg 46 mdot

5/27/08 DW Mdot

F A R R Companies, Inc., Craig Jacobson, Theresa Jacobson, Southern Mn Oil & Equip Co., Inc. of Stewartville, Sinclair Oil Corporation, Lowell P. Day, Marilyn M. Day, Northwest Professional Building, 1500 TSP Associates, Jerry E. Mathwig, Karen A. Mathwig, BVA Partners Limited Partnership, First Federal Savings Bank La Crosse- Madison, Lawrence E. Maus, Terence L. Maus, David A. Joerg, Jeanne E. Maus, Mary E. Maus, Rita Joerg, Trudy A. Joerg, Nick Tretinyak, McDonald's Corporation, successor in interest to Franchise Realty Interstate Corporation, Courtesy Corporation, Franklin P. Kottschade, Bonnie R. Kottschade, First Security Bank, Target Corporation, formerly known as Dayton-Hudson Corporation, 3800 Highway 52 North Condominium Association, GMROI, LLC, Cortrust Bank National Association, Mortenson Development Company, also all other persons unknown claiming any right, title, estate, interest or lien in the real estate described in the Petition herein,

Respondents.

- - - - -

IN THE MATTER OF THE CONDEMNATION OF
CERTAIN LANDS FOR TRUNK HIGHWAY PURPOSES

- - - - -

PARTIAL FINAL CERTIFICATE
AS TO ALL PARCELS EXCEPT PARCELS 6 AND 7

- - - - -

By authority of §117.205 Minnesota Statutes, I hereby certify that the lands or rights herein described have been taken by the State of Minnesota in eminent domain proceeding for trunk highway purposes in conformity with the requirements of Chapter 117 of said statutes; that commissioners were duly appointed by the court to ascertain and report the amount of damages sustained by the several owners on account of such taking; that said commissioners qualified and made and filed their report of such damages; that the time for appeal from the awards in said report has expired; that appeals, if taken, have been disposed of; that all damages have been paid by the State of Minnesota; that said proceedings are now complete as to all parcels except Parcels 6 and 7; and that said State now owns said lands in fee simple absolute, together with the following rights, to-wit: has acquired from the owners whose lands front thereon any existing right of access to said highway in those cases which are herein particularly mentioned, and has acquired a temporary easement in those cases which are herein particularly mentioned.

Stipulations filed with the Court Administrator as to Parcels 63 and 65 C.S. 5508 (52=20) 901 substituted the descriptions appearing herein for those set out in the petition.

With reference to Parcel 424A, the State of Minnesota has also extinguished all rights and interests which the owner of the lands from which said Parcel 424A was acquired may or could have in the trees left on trunk highway right of way provided by the State of Minnesota in eminent domain proceedings brought in Olmsted County, entitled "State vs. "Lueck-Ferber", C.S. 5508 (52=20-36), Parcel 24, at approximate Engineer's Station 1996+00 to approximate Engineer's Station 2002+00, it being intended that said rights shall be forever extinguished and obliterated.

With reference to Parcel 426, the award assumed that the property was free of all pollutants, contaminants, and hazardous wastes. The commission had not assessed any damage for the presence of pollutants, contaminants, and hazardous wastes on the subject property. The award

was made with the express understanding that the petitioner, State of Minnesota, has reserved all rights to recover damages, testing cost, and clean-up costs attributable to the existence of pollutants, contaminants, or hazardous wastes on the property from the respondent in a separate legal action. The commission had not considered the impact of pollutants, contaminants, and hazardous wastes on the fair market value of the subject property either before or after the taking in its assessment of damages.

Parcels 425, 425A, 425B, 425C, 531, 4, 64, 71, 74 and 35 were dismissed from the original proceedings.

Said lands are situated in Olmsted County, Minnesota, and are described as follows:

FEE ACQUISITION

Parcel 228B C.S. 5508 (52=20-36)

S.P. 5508-97

All of the following:

That part of the Northwest Quarter of the Northwest Quarter of Section 4, Township 107 North, Range 14 West, shown as Parcel 228B on Minnesota Department of Transportation Right of Way Plat Numbered 55-63 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 14.54 acres, more or less, of which 1.06 acres is encumbered by an existing county road easement and 0.87 acre is encumbered by an existing road easement.

FEE ACQUISITION

Parcel 228D C.S. 5508 (52=20-36)

S.P. 5508-97

All of the following:

That part of the Northwest Quarter of the Northwest Quarter of Section 4, Township 107 North, Range 14 West, shown as Parcel 228D on Minnesota Department of Transportation Right of Way Plat Numbered 55-63 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 4.48 acres, more or less, of which 0.45 acre is encumbered by an existing road easement;

together with other rights as set forth below, forming and being part of said Parcel 228D:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 228D by the temporary easement symbol, said easement shall cease on December 1, 2008, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

FEE ACQUSITION

Parcel 424A C.S. 5508 (52=20-36)

S.P. 5508-97

All of the following:

That part of the Southeast Quarter of the Northeast Quarter of Section 32 and the South Half of the Northwest Quarter of Section 33, all in Township 108 North, Range 14 West, shown as Parcel 424A on Minnesota Department of Transportation Right of Way Plats Numbered 55-64 and 55-66 as the same are on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 6.79 acres, more or less, of which 0.86 acre is encumbered by an existing highway easement;

together with other rights as set forth below, forming and being part of said Parcel 424A:

Access:

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

Special Provisions Extinguishment:

All rights and interests which the owner of the lands from which said Parcel 424A is being acquired may or could have in the trees left on trunk highway right of way provided by the State of Minnesota in eminent domain proceedings brought in Olmsted County, entitled, "State vs. "Lueck-Ferber", C.S. 5508 (52=20-36), Parcel 24, at approximate Engineer's Station 1996+00 to approximate Engineer's Station 2002+00, it being intended that said rights shall be forever extinguished and obliterated.

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 424A by the temporary easement symbol, said easement shall cease on December 1, 2008, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

FEE ACQUISITION

Parcel 424B C.S. 5508 (52=20-36)

S.P. 5508-97

All of the following:

That part of the Southwest Quarter of the Northwest Quarter of Section 33, Township 108 North, Range 14 West, shown as Parcel 424B on Minnesota Department of Transportation Right of Way Plats Numbered 55-64 and 55-66 as the same are on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 0.19 acre, more or less;

together with other rights as set forth below, forming and being part of said Parcel 424B:

Access:

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

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 424B by the temporary easement symbol, said easement shall cease on December 1, 2008, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

FEE ACQUISITION

Parcel 426 C.S. 5508 (52=20-36)

S.P. 5508-97

All of the following:

That part of the Northeast Quarter of the Southeast Quarter of Section 32, and the Northwest Quarter of the Southwest Quarter of Section 33, both in Township 108 North, Range 14 West, shown as Parcel 426 on Minnesota Department of Transportation Right of Way Plats Numbered 55-64 and 55-67 as the same are on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 2.96 acres, more or less;

together with other rights as set forth below, forming and being part of said Parcel 426:

Access:

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

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 426 by the temporary easement symbol, said easement shall cease on December 1, 2008, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

FEE ACQUISITION

Parcel 428A C.S. 5508 (52=20-36)

S.P. 5508-97

All of the following:

That part of the Northwest Quarter of Section 4, Township 107 North, Range 14 West, shown as Parcel 428A on Minnesota Department of Transportation Right of Way Plats Numbered 55-63 and 55-66 as the same are on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 47.68 acres, more or less, of which 13.79 acres is encumbered by an existing highway easement and 2.36 acres is encumbered by an existing county road easement;

together with other rights as set forth below, forming and being part of said Parcel 428A:

Access:

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

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 428A by the temporary easement symbol, said easement shall cease on December 1, 2008, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

DESCRIPTION FOR FINAL CERTIFICATE

Parcel 63 C.S. 5508 (52=020) 901

S.P. 5508-102

All right of access being the right of ingress to and egress from Tract A described below to Trunk Highway No. 52 extending along the following described line: Commencing at Right of Way Boundary Corner B23 as shown on Minnesota Department of Transportation Right of Way Plat Numbered 55-49 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota, said point being hereinafter referred to as Point "A" ; thence northerly on an azimuth of 359 degrees 27 minutes 59 seconds along the boundary of said plat for 724.47 feet to Right of Way Boundary Corner B24; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 63 feet to the point of beginning of the line to be described; thence southerly to a point distant 40 feet easterly (measured at right angles from said plat boundary) of Point "A" as set forth above; thence continue on the last described course to its intersection with the south line of Section 27, Township 107 North, Range 14 West and there terminating;

Tract A. That part of the Southwest Quarter of the Southeast Quarter of Section 27, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows: Commencing at the southwest corner of said Southeast Quarter of Section 27; thence north along the west line thereof for 33 feet to the point of beginning of Tract A to be described; thence continue north along said west line for 247 feet; thence east parallel to the south line of said Southeast Quarter for 157.5 feet to the westerly right of way line of Trunk Highway No. 52 as located prior to the filing of Minnesota Department of Transportation Right of Way Plat Numbered 55-49; thence south along said right of way line for 127.0 feet; thence west parallel to the south line of said Southeast Quarter of Section 27 to a point 71.4 feet east of the west line of said Southeast Quarter; thence south parallel with said west line for 120 feet; thence west parallel with the south line of said Southeast Quarter to the point of beginning;

together with other rights as set forth below, forming and being part of said Parcel 63:

A temporary easement for highway purposes in that part of the Southwest Quarter of the Southeast Quarter of Section 27, Township 107 North, Range 14 West, shown as Parcel 63 on Minnesota Department of Transportation Right of Way Plat Numbered 55-49 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota, by the temporary easement symbol, said easement shall cease on December 1, 2009, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

DESCRIPTION FOR FINAL CERTIFICATE

FEE ACQUISITION

Parcel 65 C.S. 5508 (52=20) 901

S.P. 5508-102

All of the following:

That part of the Southwest Quarter of the Southeast Quarter of Section 27, Township 107 North, Range 14 West, shown as Parcel 65 on Minnesota Department of Transportation Right of Way Plat Numbered 55-49 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 0.01 acre, more or less;

together with all right of access being the right of ingress to and egress from Tract A described below to Trunk Highway No. 52 extending along the following described line, except that the abutting owner shall retain access to the outer lane only: Commencing at Right of Way Boundary Corner B23 as shown on said Plat Numbered 55-49, said point being hereinafter referred to as Point "A" ; thence northerly on an azimuth of 359 degrees 27 minutes 59 seconds along the boundary of said plat for 724.47 feet to Right of Way Boundary Corner B24; thence deflect to the right at an angle of 90 degrees 00 minutes 00 seconds for 63 feet to the point of beginning of the line to be described; thence southerly to a point distant 40 feet easterly (measured at right angles from said plat boundary) of Point "A" as set forth above; thence continue on the last described course to its intersection with the south line of said Section 27 and there terminating;

Tract A. That part of the South Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows: Commencing at the southwest corner of the Southeast Quarter of said section; thence north along the west line thereof for 33 feet to the north side of 14th Street N.W.; thence east along the north side of 14th Street N.W for 72 feet to the point of beginning of Tract A to be described; thence north parallel to the west right of way line of Trunk Highway No. 52 as located prior to the filing of Minnesota Department of Transportation Right of Way Plat Numbered 55-49 for 120 feet; thence east parallel to the north side of 14th Street N.W for 90 feet the west right of way line of said Trunk Highway No. 52; thence south along said west right of way line for 120 feet to the north side of 14th Street N.W; thence west along said north side for 90 feet to the point of beginning;

together with other rights as set forth below, forming and being part of said Parcel 65:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 65 by the temporary easement symbol, said easement shall cease on December 1, 2009, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

FEE ACQUISITION

Parcel 65 C.S. 5508 (52=20) 902

S.P. 5508-102

All of the following:

That part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter, both in Section 27, Township 107 North, Range 14 West, and Lot 2, Block 1, NORTHGATE FIRST REPLAT, shown as Parcel 65 on Minnesota Department of Transportation Right of Way Plat Numbered 55-59 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 0.30 acre, more or less, in the unplatted portion, of which 0.29 acre is encumbered by an existing trunk highway easement;

together with other rights as set forth below, forming and being part of said Parcel 65:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 65 by the temporary easement symbol, said easement shall cease on December 1, 2009, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes; excepting therefrom the existing signs situate thereon.

Dated at Saint Paul, Minnesota, this 20th day of May, 2008.

Donald D. Goedken
Attorney at Law
Attorney Registration No. 0035609

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
395 John Ireland Boulevard
Mail Stop 632
St. Paul, MN 55155
Fax No.: 651-366-3450
Phone: 651-366-3441

This instrument was drafted by the
State of Minnesota, Department of
Transportation, Legal and Property
Management Unit, M.S. 632
St. Paul, Minnesota 55155
100121