Pt OL C Southern Woods 1st (64.26.34.075928)NT
Pt NE SE 26-106-14 (64.26.42.070115)NT
Pt SE SE 26-106-14 (NO PIN # (HWY ROW) NT
Pt SW SE " " " " " " " NT
Pt NW SE " " " (64.26.32.076034-64.26.42.070115)NT
Pt NE SW " " " (64.26.32.076034) NT
Pt NW NW " " " " " " NT

STATE OF MINNESOTA
COUNTY OF OLMSTED
I certify this to be a true copy of the original record in my custody.
Dated 5-27-08
Charles L. Kipp
Court Administrator
By Amy Hayward
Deputy Clerk

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-1168795
W MARK KRUPSKI-Co Recorder, by ___ Deputy
Well Certificate: ___ Received ___ Not Required
Abstr. – yes ___ no ___
Fees:
Total $46.00

ORIGINAL

CONDEMNATION

STATE OF MINNESOTA

COUNTY OF OLMSTED

IN DISTRICT COURT

THIRD JUDICIAL DISTRICT
Court File No. C9-02-4627

FILED
MAY 27 2008
COURT ADMINISTRATOR
Olmsted County, MN

State of Minnesota, by its Commissioner of Transportation,

Petitioner,

vs.

Mary Ann Jorgensen, Clarence Jorgensen, Jeffrey Lansing, also known as Jeffrey L. Lansing, Karen Lansing, also known as Karen M. Lansing, City of Rochester, Jeff Davis, Michael Hyland, Michael Johannsen, Gary Felber, County of Olmsted, Larry Flicek, also known as Larry F. Flicek, Gloria Flicek, also known as Gloria A. Flicek, Marquette Bank National Association, successor in interest to Marquette Bank Rochester, Tony D. Gentling, William Joseph Bertrand, also known as Bill Bertrand, doing business as Bertrand Memorials, Tri-State Outdoor Media Group, Inc., Wells Fargo Bank Minnesota, National Association, formerly known as Norwest Bank Minnesota, National Association, successor in interest to Norwest Bank Minnesota South, National Association, People's Cooperative Services, formerly known as People's Co-Operative Power Association and as People's Co-Operative Power Association of Olmsted County, Southern Woods Development, LLC, R.L. Hexum & Associates, Inc., Dairyland Power Cooperative, Qwest Corporation, formerly known as U S WEST Communications, Inc., Mills Properties, Inc., West 80 Development, LLC, Sterling State Bank, Jerry Asmussen, also known as Jerry L. Asmussen, Sandra K. Asmussen, Rochester Petroleum Equipment, Inc., Joel Bigelow and Sons Enterprises, Inc., Joel Bigelow, Julie A. Bigelow, Bank of Zumbrota, James L. Hanson, Julie Hanson, Unknown heirs of Lloyd Hanson, also known as Lloyd Homer Hanson, deceased, Seneca Foods Corporation, 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

FINAL CERTIFICATE

Chg 46
Mdot

5/27/08
Dw
Mdot

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; 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.

With reference to Parcels 7, 7A and 7C, the State of Minnesota has also extinguished all rights and interests which the owners of the lands from which said parcels were acquired may or could have in the cattle pass and lanes as described in said parcels.

With reference to Parcels 7A, 7C and 8, 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 2, 3, 5, 44, 45, 46 and 49 were dismissed from the original proceedings.

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

FEE ACQUISITION

Parcel 6 C.S. 5509 (63=59) 901

S.P. 5509-69

That part of Tract A described below:

Tract A. Outlot C, SOUTHERN WOODS FIRST ADDITION, according to the plat thereof on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

which lies easterly and northerly of Line 1 described below:

Line 1. Commencing at the south quarter corner of Section 26, Township 106 North, Range 14 West; thence westerly on an azimuth of 269 degrees 57 minutes 37 seconds along the south line thereof for 542.58 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 358 degrees 02 minutes 28 seconds for 1083.22 feet; thence on an azimuth of 314 degrees 05 minutes 36 seconds for 143.99 feet; thence on an azimuth of 270 degrees 08 minutes 44 seconds for 938.13 feet and there terminating;

together with all right of access, being the right of ingress to and egress from that part of Tract A hereinbefore described, not acquired herein to the above described strip; except that the abutting owner shall retain the right of access between points distant 400 feet and 540 feet easterly of the point of termination of Line 1 described above.

FEE ACQUISITION

Parcel 7 C.S. 5509 (63=59) 901

S.P. 5509-69

All of the following:

That part of the North Half of the Southeast Quarter of Section 26, Township 106 North, Range 14 West, shown as Parcel 7 on Minnesota Department of Transportation Right of Way Plats Numbered 55-43 and 55-46 as the same are on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 17.30 acres, more or less, of which 5.62 acres is encumbered by an existing highway easement and 3.56 acres is encumbered by existing road easements;

together with other rights as set forth below, forming and being part of said Parcel 7:

Access:

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

Cattle Pass Extinguishment:

All rights and interests which the owner of the lands from which said Parcel 7 is being acquired may or could have in the cattle pass and lanes provided by the State of Minnesota in eminent domain proceedings brought in Olmsted County, entitled, "State vs. O'Conner-Bingham, et al." C.S. 5509 (63=59-27-2), Parcel 27, at approximate Engineer=s Station 1084+50, it being intended that said cattle pass and lanes shall be forever extinguished and obliterated.

FEE ACQUISITION

Parcel 7A C.S. 5509 (63=59) 901

S.P. 5509-69

All of the following:

That part of the South Half of the Southeast Quarter of Section 26, Township 106 North, Range 14 West, shown as Parcel 7A on Minnesota Department of Transportation Right of Way Plats Numbered 55-43 and 55-46 as the same are on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 11.03 acres, more or less, of which 0.69 acre is encumbered by an existing highway easement and 3.39 acres is encumbered by existing road easements;

together with other rights as set forth below, forming and being part of said Parcel 7A:

Access:

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

Cattle Pass Extinguishment:

All rights and interest which the owner of the lands from which said Parcel 7A is being acquired may or could have in the cattle pass and lanes provided by the State of Minnesota in eminent domain proceedings brought in Olmsted County, entitled, "State vs. Pehl-Denney, et al.," C.S. 5509 (63=59-27-2), Parcel 227, at approximate Engineer=s Station 1079+50, it being intended that said cattle pass and lanes shall be forever extinguished and obliterated.

FEE ACQUISITION

Parcel 7C C.S. 5509 (63=59) 901

S.P. 5509-69

All of the following:

That part of the North Half of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 26, Township 106 North, Range 14 West, shown as Parcel 7C on Minnesota Department of Transportation Right of Way Plats Numbered 55-43 and 55-47 as the same are on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 46.48 acres, more or less, of which 2.74 acres is encumbered by an existing highway easement and 2.36 acres is encumbered by existing road easements;

together with other rights as set forth below, forming and being part of said Parcel 7C:

Access:

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

Cattle Pass Extinguishments:

All rights and interests which the owner of the lands from which said Parcel 7C is being acquired may or could have in the cattle pass and lanes as provided by the State of Minnesota in eminent domain proceedings brought in Olmsted County, entitled "State vs. O'Conner-Bingham, et al.", C.S. 5509 (59-27-2), Parcel 27, at approximate Engineer's Station 1084+50, it being intended that said cattle pass and lanes shall be forever extinguished and obliterated.

All rights and interests which the owner of the lands from which said Parcel 7C is being acquired may or could have in the cattle pass and lanes as provided by the State of Minnesota in eminent domain proceedings brought in Olmsted County, entitled "State vs. Pehl-Denney, et al.", C.S. 5509 (63=59-27-2), Parcel 227, at approximate Engineer=s Station 1079+50, it being intended that said cattle pass and lanes shall be forever extinguished and obliterated.

FEE ACQUISITION

Parcel 8 C.S. 5509 (63=59) 901

S.P. 5509-69

That part of Tract A described below:

Tract A. That part of the Southwest Quarter of the Southeast Quarter of Section 26, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows: Beginning at a point 245.0 feet east of the northwest corner of said Southwest Quarter of the Southeast Quarter; thence east along the north line thereof for 330.00 feet; thence south at right angles for 396.00 feet; thence west at right angles for 330.00 feet; thence north at right angles for 396.00 feet to point of beginning;

which lies northwesterly and northerly of Line 1 described below:

Line 1. Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence north on an azimuth of 359 degrees 19 minutes 28 seconds along the west line thereof for 585.66 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 46 degrees 26 minutes 33 seconds for 576.01 feet; thence on an azimuth of 24 degrees 24 minutes 06 seconds for 238.10 feet; thence on an azimuth of 90 degrees 08 minutes 44 seconds for 791.58 feet and there terminating;

containing 2.20 acres, more or less, of which 0.25 acre is encumbered by an existing highway easement;

together with all right of access, being the right of ingress to and egress from that part of Tract A hereinbefore described, not acquired herein to Trunk Highway No. 63.

Dated at Saint Paul, Minnesota, this 19th 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
100062