OFFICE OF COUNTY RECORDER
Olmsted County, Minnesota

I hereby certify that this document was filed in this office on 2/12/2009 at 2:30:00 PM and was duly recorded as document number A-1190098
W MARK KRUPSKI-Co Recorder,by____Deputy
____p
Well Certificate: ___ Received ___ Not Required
Abstr. – yes ____ no ____
Fees:
Total $46.00

STATE OF MINNESOTA
COUNTY OF OLMSTED
I certify this to be a true copy of the original record in my custody.
Dated: 2/12/09
Charles L. Kjos
Court Administrator
By: _____ Deputy Clerk

See Sheet

CRV # _____
No delinquent taxes & transfer entered
this 11 day of February 2009
W. Mark Krupski
Director of Property Records & Licensing
_____
Deputy, Olmsted County, MN

PARTIAL FINAL CERTIFICATE AS TO ALL PARCELS EXCEPT PARCELS 9, 10, 11 AND 39

CONDEMNATION

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT
Court File No. C4-02-4695

State of Minnesota, by its Commissioner of Transportation,

Petitioner,

vs.

B and F Properties LLC, Bank of Zumbrota, City of Rochester, County of Olmsted, Franklin P. Kottschade, also known as Franklin Kottschade, Bonnie R. Kottschade, SJC Properties LLC, an administratively terminated Minnesota LLC, The First National Bank of Blue Earth, Gary A. Kellner, Barbara K. Kellner, Catherine Mealey, as personal representative of the Estate of Lloyd Crum, also known as L.V. Crum, and as Lloyd V. Crum, Wells Fargo Bank Minnesota, National Association, successor in interest to Norwest Bank Minnesota South, National Association, Phil Soderberg, doing business as Soderberg Willow Creek Nursery, Hacker & Lien, Inc., doing business as Rent-A-Jon, Rochester Landscaping Services, Inc., Perry Hersom, Rita Jo Hersom, Northbrook Liquor, Inc., an inactive Minnesota corporation, LDS, Inc., Tri-State Outdoor Media Group, Inc., R.L. Hexum & Associates, Inc., the true and correct name of R.L. Hexum and Associates, Inc., Michelle K. Hewlett, Marcia A. Hanson, Terry R. Truax, Thomas E. Truax, Ty F. Truax, Keith Hewlett, Don Hanson, Sandra Truax, Nancy E. Truax, Qwest Corporation, successor in interest to Northwestern Bell Telephone Company, KATO, Inc., B & F Distributing, Inc. , William F. Lesmeister, Lesmeister Truck Center, Inc., Lasalle Bank National Association, formerly known as Lasalle National Bank, as Trustee under that certain Loan Pool Pooling & Servicing Agreement dated as of July 7, 1998, Conoco Inc., Cat Scale Company, KK & G Properties LLC, Queen City Construction, Inc., Daniel Penz, Rick Penz, Tamara Penz-McBane, Teresa A. Penz, Rachael Penz, Robert McBane, Robert S. Shaver, also known as Bob Shaver, doing business as Cars-N-Credit, Cars-N-Credit, Inc., Gold Cross Ambulance Service, Inc., Joel Bigelow & Sons Enterprises, Inc., Merchants National Bank - St Charles, Michael

Chg 46
Mdot

Continue on next page.

2/6/09
DO
MnDOT

John DeGues, doing business as DeGues Tile, Grass Roots Lawn Care, LLC, Maier and Company LLC, OCLM Inc., DB TMK Enterprises LLC, James Paulson, Miki Paulson, Greg Reid, Dean Nordsving, Lora Reid, Vicki Nordsving, Southside Truck Service, Inc., FHB, Inc., Affordable Homes of Rochester, LLC, Rochester Cartage, Inc., R.C.I. Brokerage Inc., Ace Advertising, Inc., Tractor Supply Company, successor in interest to TSC Industries, Inc., AUSA Life Insurance Co., Inc., Roger Gansen, also known as Roger W. Gansen, Robert Gansen, Chris M. Armstrong, June B. Gansen, Rochester Top Soil, Inc., Security Bank Minnesota, Prow Builders, Inc., U.S. Bank National Association, Seneca Foods Corporation, The Gardens Manufactured Home Community LLC, 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 9, 10, 11 AND 39

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 9, 10, 11 and 39; 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 slope easement in perpetuity in those cases which are herein particularly mentioned.

With reference to Parcels 13, 20 and 48, 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.

A partial final certificate as to all parcels except Parcels 9, 10, 11, 12, 13, 16, 20, 34, 39 and 48 was previously filed.

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

FEE ACQUISITION

Parcel 12 C.S. 5509 (63=59) 901

S.P. 5509-62

That part of Tract A described below: 64.26.13.072498 NT pt SW-NE 26-106-14

Tract A. The south four acres of that part of the West Half of the Northeast Quarter of Section 26, Township 106 North, Range 14 West, Olmsted County, Minnesota, lying east of the center of Trunk Highway No. 63 as now located and established;

which lies westerly of Line 1 described below:

Line 1. Commencing at the east quarter corner of said Section 26; thence west on an azimuth of 270 degrees 09 minutes 49 seconds along the east and west quarter line thereof for 1978.19 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 16 degrees 41 minutes 19 seconds for 204.02 feet; thence on an azimuth of 19 degrees 15 minutes 28 seconds for 1100.00 feet and there terminating;

containing 0.72 acre, more or less, of which 0.28 acre is encumbered by an existing highway easement and 0.34 acre is encumbered by an existing county road 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 the above described strip.

FEE ACQUISITION

Parcel 13 C.S. 5509 (63=59) 901

S.P. 5509-62

bf.26.13.072498 NT

That part of Tract A described below:

Tract A. The north four acres of the south eight acres of that part of the West Half of the Northeast Quarter of Section 26, Township 106 North, Range 14 West, Olmsted County, Minnesota, lying east of the center line of Trunk Highway No. 63 as now located and established;

which lies westerly of Line 1 described below:

Line 1. Commencing at the east quarter corner of said Section 26; thence west on an azimuth of 270 degrees 09 minutes 46 seconds along the east and west quarter line thereof for 1978.19 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 16 degrees 41 minutes 19 seconds for 204.02 feet; thence on an azimuth of 19 degrees 15 minutes 28 seconds for 1100.00 feet and there terminating;

containing 0.79 acre, more or less, of which 0.32 acre is encumbered by an existing highway easement and 0.37 acre is encumbered by an existing county road 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 the above described strip.

FEE ACQUISITION

26-106-14
Pt NE NE

Parcel 16 C.S. 5509 (63=59) 901

S.P. 5509-62

64.26.11.078669 split

That part of Tract A described below:

Tract A. That part of the Northeast Quarter of the Northeast Quarter of Section 26, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows: Commencing at the northwest corner of said Northeast Quarter of the Northeast Quarter; thence due East, assumed bearing, along the north line thereof for 453.50 feet; thence South 05 degrees 07 minutes 40 seconds West for 770.11 feet to the point of beginning of Tract A to be described; thence continue South 05 degrees 07 minutes 40 seconds West for 372.06 feet to a point 180.00 feet north of the south line of said Northeast Quarter of the Northeast Quarter; thence due West, parallel with said south line, for 166.18 feet to the centerline of C.S.A.H. No. 20; thence northwesterly for 190.24 feet along said centerline and along a non-tangential curve, concave to the southwest, having a radius of 954.93 feet, a delta angle of 11 degrees 24 minutes 53 seconds and a chord bearing of North 63 degrees 52 minutes 17 seconds West for 189.93 feet; thence North 16 degrees 07 seconds 42 minutes East for 378.40 feet; thence South 73 degrees 52 minutes 18 seconds East for 275.68 feet to the point of beginning;

which lies northerly, westerly and southerly of Line 1 described below:

Line 1. Commencing at the north quarter corner of said Section 26; thence east on an azimuth of 90 degrees 12 minutes 39 seconds along the north line thereof for 2570.42 feet; thence on an azimuth of 179 degrees 20 minutes 21 seconds for 180.02 feet; thence on an azimuth of 314 degrees 46 minutes 30 seconds for 71.25 feet; thence on an azimuth of 270 degrees 12 minutes 40 seconds for 433.42 feet; thence on an azimuth of 225 degrees 12 minutes 40 seconds for 70.71 feet; thence on an azimuth of 180 degrees 12 minutes 40 seconds for 226.21 feet; thence on an azimuth of 207 degrees 33 minutes 27 seconds for 361.23 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 235 degrees 59 minutes 38 seconds for 507.79 feet; thence on an azimuth of 143 degrees 56 minutes 28 seconds for 82.57 feet; thence southeasterly for 51.87 feet on a non-tangential curve, concave to the southwest, having a radius of 1004.92 feet, a delta angle of 02 degrees 57 minutes 26 seconds and chord azimuth of 121 degrees 46 minutes 51 seconds; thence southeasterly for 72.34 feet on an non-tangential curve, concave to the southwest, having a radius of 60.00 feet, a delta angle

of 69 degrees 04 minutes 46 seconds and a chord azimuth of 125 degrees 11 minutes 58 seconds; thence southeasterly for 108.04 feet on a non-tangential curve, concave to the southwest, having a radius of 1004.92 feet, a delta angle of 06 degrees 09 minutes 36 seconds and a chord azimuth of 130 degrees 13 minutes 10 seconds and there terminating;

containing 1.70 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 the above described strip; except that the abutting owner shall retain the right of access southeasterly of a point on Line 1 described above, distant 507.79 feet southwesterly of its point of beginning.

FEE ACQUISITION

Parcel 20 C.S. 5509 (63=59) 901

S.P. 5509-62

64/6.26.11.060116 split
pt NE-NE 26-106-14

All of the following:

That part of the East Half of the Northeast Quarter of Section 26, Township 106 North, Range 14 West, shown as Parcel 20 on Minnesota Department of Transportation Right of Way Plats Numbered 55-44 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 5.80 acres, more or less;

together with other rights as set forth below, forming and being part of said Parcel 20:

Access:

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

Slope Easement:

A slope easement in perpetuity as shown on said plats as to said Parcel 20 and designated as a slope easement;

containing 1.49 acres, more or less.

FEE ACQUISITION

Parcel 34 C.S. 5509 (63=59) 901

S.P. 5509-62

All of Tract A described below: 64.23.43.025078 PT L8
64.23.43.025079 PT L10

Tract A. That part of Lot 8 lying north of the westerly extension of the north line of the south 100 feet of Lot 10, and Lot 10, less the south 100 feet thereof, all in Block 3, Willow Center Subdivision, according to the plat thereof on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota.

FEE ACQUISITION

Parcel 48 C.S. 5509 (63=59) 902

S.P. 5509-62

NT (part of Street

All of the following:

That part of Lot 1, Block 1, Outlots A, C and D, THE GARDENS and Outlot A, THE GARDENS SECOND SUBDIVISION, shown as Parcel 48 on Minnesota Department of Transportation Right of Way Plat Numbered 55-46 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 48:

Access:

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

Slope Easement:

A slope easement in perpetuity as shown on said plat as to said Parcel 48 and designated as a slope easement.

Dated at Saint Paul, Minnesota, this 27th day of January, 2009.

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
100085