OFFICE OF COUNTY RECORDER
Olmsted County, Minnesota

I hereby certify that this document was filed in this office on 12/04/2002 at 3:30:00 PM and was duly recorded as document number A-944354
DANIEL J. HALL – County Recorder, by _____Deputy.
_____p
Well Certificate: ___ Received ___ Not Required
Abstr. – yes ____ no ____
Fees:
Total $20.00

Received from/return to:
DEPT OF TRANSPORTATION
MAILSTOP 632
395 JOHN IRELAND BLVD
ST PAUL, MN 55155

CONDEMNATION

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

ORIGINAL

- - - - -

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.

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

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NOTICE OF LIS PENDENS

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NOTICE IS HEREBY GIVEN That a proceeding has been commenced in this Court by the above named petitioner, the object of which is to acquire for trunk highway purposes the following described real estate situated in Olmsted County, Minnesota, to-wit:

FEE ACQUISITION

Parcel 2 C.S. 5509 (63=59) 901

S.P. 5509-69

All of Tract A described below:

Tract A. That part of the South Half of the Southwest Quarter of Section 26, Township 106 North, Range 14 West, Olmsted County, Minnesota, lying east of the middle of Trunk Highway No. 63 as located prior to January 1, 1958; except the northerly one acre, more or less, of said South Half of the Southwest Quarter, more particularly described as follows: Commencing at the southeast corner of said Southwest Quarter; thence north along the center line of said Section 26 for 570.0 feet to the point of beginning of the land to be described; thence deflecting to the left 83 degrees 06 minutes 00 seconds for 145.46 feet to a point on the easterly right of way line of Trunk Highway No. 63 as now located and established; thence northerly and easterly along said right of way line for 407.70 feet; thence easterly along said right of way line for 9.35 feet to a point on the center line of said Section 26; thence southerly along said center line for 398.59 feet, more or less, to the point of beginning;

containing 5.19 acres, more or less, of which 2.45 acres are encumbered by an existing highway easement.

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

Mary Ann Jorgensen	Fee
Clarence Jorgensen	Spouse
Jeffrey Lansing, also known as Jeffrey L. Lansing Karen Lansing, also known as Karen M. Lansing	Easement
City of Rochester	Easement
Jeff Davis	Tenant
Michael Hyland	Tenant
Michael Johannsen	Tenant
Gary Felber	Tenant
County of Olmsted	Taxes

Parcel 3 C.S. 5509 (63=59) 901

S.P. 5509-69

All of Tract A described below:

Tract A. The northerly one acre, more or less, of the South Half of the Southwest Quarter of Section 26, Township 106 North, Range 14 West, Olmsted County, Minnesota, lying east of Trunk Highway No. 63 as located prior to January 1, 1958, more particularly described as follows: Commencing at the southeast corner of said Southwest Quarter; thence north along the center line of said Section 26 for 570.0 feet to the point of beginning of the land to be described; thence deflecting left 83 degrees 06 minutes 00 seconds for 145.46 feet to a point on the easterly right of way line of Trunk Highway No. 63 as now located and established; thence northerly and easterly along said right of way line for 407.70 feet; thence easterly along said right of way line for 9.35 feet to a point on the center line of said Section 26; thence southerly along said center line for 398.59 feet, more or less, to the point of beginning;

containing 1.00 acre, more or less.

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

Larry Flicek, also known as Larry F. Flicek Gloria Flicek, also known as Gloria A. Flicek	Fee
Marquette Bank National Association, successor in interest to Marquette Bank Rochester	Mortgage
Jeffrey Lansing, also known as Jeffrey L. Lansing Karen Lansing, also known as Karen M. Lansing	Easement
Clarence Jorgensen Mary Ann Jorgensen	Easement
Tony D. Gentling	Sign Easement

Parcel 3 – Continued:

City of Rochester	Easement
William Joseph Bertrand, also known as Bill Bertrand, doing business as Bertrand Memorials	Lessee
County of Olmsted	Taxes
Tri-State Outdoor Media Group, Inc.	Sign

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FEE ACQUISITION

Parcel 5 C.S. 5509 (63=59) 901

S.P. 5509-69

All of the following:

That part of Outlot B, SOUTHERN WOODS FIRST ADDITION, shown as Parcel 5 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;

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

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 5 by the temporary easement symbol, said easement shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines 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:

City of Rochester	Fee
Wells Fargo Bank Minnesota, National Association, formerly known as Norwest Bank Minnesota, National Association, successor in interest to Norwest Bank Minnesota South, National Association	Mortgage
People's Cooperative Services, formerly known as People's Co-Operative Power Association and as People's Co-Operative Power Association of Olmsted County	Easement
County of Olmsted	Taxes

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;

also a right to use the following described strips for highway purposes, which right shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes:

A strip being that part of Tract A hereinbefore described, which lies within a distance of 20 feet westerly and southerly of the following described line: Beginning at the point of beginning of Line 1 described above; thence run northerly and westerly along said Line 1 to a point distant 130 feet easterly of its point of termination and there terminating;

A strip being that part of Tract A hereinbefore described, adjoining and southerly of the last above described strip, which lies within a distance of 100 feet southerly of the following described line: Beginning at a point on Line 1 described above, distant 380 feet easterly of its point of termination; thence easterly along said Line 1 for 200 feet and there terminating;

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

Southern Woods Development, LLC	Fee
Wells Fargo Bank Minnesota, National Association, successor in interest to Norwest Bank Minnesota South, National Association	Mortgage
City of Rochester	Easement, and Claimant of an Interest
County of Olmsted	Taxes

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.

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 7 by the temporary easement symbol, said easement shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes.

Parcel 7 – Continued:

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

R.L. Hexum & Associates, Inc.	Fee
Dairyland Power Cooperative	Easement
Qwest Corporation, formerly known as U S WEST Communications, Inc.	Easement
County of Olmsted	Taxes

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.

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 7A by the temporary easement symbol, said easement shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines 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:

Mills Properties, Inc.	Fee
City of Rochester	Claimant of an Interest
Dairyland Power Cooperative	Easement
County of Olmsted	Taxes

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.

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 7C by the temporary easement symbol, said easement shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines 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:

West 80 Development, LLC	Fee
Sterling State Bank	Mortgage
Qwest Corporation, formerly known as U S WEST Communications, Inc., successor in interest to Northwestern Bell Telephone Company	Easement
Dairyland Power Cooperative	Easement
County of Olmsted	Taxes

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;

also a right to use the following described strip for highway purposes, which right shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for highway purposes:

A strip being that part of Tract A hereinbefore described, adjoining and southerly of the above described strip, which lies northerly of the following described line: Beginning at the intersection of the east line of Tract A hereinbefore described and a line run parallel with and distant 20 feet southerly of Line 1 described above; thence run westerly along said 20 foot parallel line for 25.00 feet; thence continue on the last described course for 50.00 feet and there terminating;

containing 0.03 acre, more or less.

Parcel 8 – Continued:

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

Jerry Asmussen, also known as Jerry L. Asmussen	Fee
Sandra K. Asmussen	Spouse
City of Rochester	Claimant of an Interest
Rochester Petroleum Equipment, Inc.	Lessee
County of Olmsted	Taxes

FEE ACQUISITION

Parcel 44 C.S. 5509 (63=59) 902

S.P. 5509-69

All of the following:

That part of the Northeast Quarter of the Southeast Quarter of Section 27, Township 106 North, Range 14 West, shown as Parcel 44 on Minnesota Department of Transportation Right of Way Plat Numbered 55-47 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 1.75 acres, more or less, of which 0.72 acre is encumbered by an existing road easement;

together with other rights as set forth below, forming and being part of said Parcel 44:

Access:

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

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 44 by the temporary easement symbol, said easement shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines 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:

Joel Bigelow and Sons Enterprises, Inc. Joel Bigelow	Fee
Julie A. Bigelow	Spouse
Bank of Zumbrota	Mortgage
County of Olmsted	Taxes

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FEE ACQUISITION

Parcel 45 C.S. 5509 (63=59) 902

S.P. 5509-69

All of the following:

That part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 106 North, Range 14 West, shown as Parcel 45 on Minnesota Department of Transportation Right of Way Plat Numbered 55-47 as the same is on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

containing 0.72 acre, more or less, of which 0.67 acre is encumbered by existing road easements;

together with other rights as set forth below, forming and being part of said Parcel 45:

Access:

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

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 45 by the temporary easement symbol, said easement shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines 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:

James L. Hanson Julie Hanson	Fee
Unknown heirs of Lloyd Hanson, also known as Lloyd Homer Hanson, deceased	Possible Claimant of an Interest
County of Olmsted	Taxes

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FEE ACQUISITION

Parcel 46 C.S. 5509 (63=59) 902

S.P. 5509-69

All of the following:

That part of the West Half of the Southwest Quarter of Section 25, Township 106 North, Range 14 West, shown as Parcel 46 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;

containing 5.43 acres, more or less, of which 2.80 acres is encumbered by existing road easements;

together with other rights as set forth below, forming and being part of said Parcel 46:

Access:

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

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 46 by the temporary easement symbol, said easement shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines 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:

Seneca Foods Corporation	Fee
County of Olmsted	Taxes, and Easement

FEE ACQUISITION

Parcel 49 C.S. 5509 (63=59) 902

S.P. 5509-62

All of the following:

A slope easement in perpetuity on that part of Outlot G, THE GARDENS, shown as Parcel 49 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 and designated as a slope easement;

together with other rights as set forth below, forming and being part of said Parcel 49:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 49 by the temporary easement symbol, said easement shall cease on December 1, 2005, or on such earlier date upon which the Commissioner of Transportation determines 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:

City of Rochester	Fee
Qwest Corporation, formerly known as U S WEST Communications, Inc., successor in interest to Northwestern Bell Telephone Company	Easement
County of Olmsted	Taxes

Dated at Saint Paul, Minnesota, this 19 day of November, 2002.

MIKE HATCH
Attorney General
State of Minnesota

Louis K. Robards

LOUIS K. ROBARDS
Assistant Attorney General
Attorney Registration No.9206X

Transportation Division
525 Park Street, Suite 200
St. Paul, MN 55103-2106
Fax No.: (651) 297-1235
Phone: (651) 296-6673

This instrument was drafted by the
State of Minnesota, Department of
Transportation, Legal and Real
Estate Conveyance Unit, M.S. 632
St. Paul, Minnesota 55155
100062

MINN. STAT. § 549.211

ACKNOWLEDGMENT

The party or parties on whose behalf the attached document is served acknowledge through their undersigned counsel that sanctions may be imposed pursuant to Minn. Stat. §549.211 (2000).

Dated: Nov 19, 2002 Louis K. Robards

LOUIS K. ROBARDS
Assistant Attorney General
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ATTORNEYS FOR THE PETITIONER