

CONDEMNATION

STATE OF MINNESOTA
COUNTY OF WASHINGTON
IN DISTRICT COURT
TENTH JUDICIAL DISTRICT
COURT FILE NO. 82-CV-18-5390
Judge Gary Schurrer
State of Minnesota, by its Commissioner of Transportation,
Petitioner,
vs.
James J. Caturia, et al.
Respondents.

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

NOTICE

To the Respondents hereinabove named:
You, and each of you, are hereby notified that on February 8, 2019, at 1:30 o'clock p.m., or as soon thereafter as counsel can be heard, before Judge Gary Schurrer, in the Courthouse at Stillwater, Washington County, Minnesota, the above named petitioner will present to the above named Court a petition now on file herein for the condemnation of certain lands for trunk highway purposes. A copy of said petition is attached hereto and incorporated herein.

YOU, AND EACH OF YOU, ARE FURTHER NOTIFIED, That at the above time and place the above-named petitioner will also move the court for an order transferring title and possession to petitioner of the parcels described in the petition in accordance with Minn. Stat. §117.042, as of March 15, 2019.

YOU, AND EACH OF YOU, ARE FURTHER NOTIFIED, that all persons occupying the property described in the petition must VACATE THE PREMISES AND MOVE ALL OF YOUR PERSONAL PROPERTY FROM SAID PREMISES ON OR BEFORE MARCH 15, 2019. All advertising signs or devices located on the property being acquired must be removed by March 15, 2019.

YOU, AND EACH OF YOU, ARE FURTHER NOTIFIED, that (1) a party wishing to challenge the public use or public purpose, necessity, or authority for a taking must appear at the court hearing and state the objection or must appeal within 60 days of a court order; and (2) a court order approving the public use or public purpose, necessity, and authority for the taking is final unless an appeal is brought within 60 days after service of the order on the party.

Dated: 11/27/18
OFFICE OF THE ATTORNEY GENERAL
State of Minnesota
/s/ Erik M. Johnson
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ATTORNEY FOR PETITIONER

CONDEMNATION

STATE OF MINNESOTA
IN DISTRICT COURT
COUNTY OF WASHINGTON
TENTH JUDICIAL DISTRICT
State of Minnesota, by its Commissioner of Transportation,
Petitioner,
vs.
James J. Caturia, Margaret A. Caturia, Kai V. Vang, City of Cottage Grove, County of Washington, Bryce E. Andersen, Mortgage Electronic Registration Systems, Inc., Wells Fargo Bank, National Association, Lois C Groskopf, Cynthia J. Krueger, Gwen A. Lynch, Rory K. Groskopf, Susan K. Terrell, Jeffery P. Groskopf, Kevin D. Groskopf, Amy R. Wagner, Daniel J. Groskopf, John M. Groskopf, Kym Groskopf, Steven R. Groskopf, Julie A. Groskopf, Brian T. Groskopf, James L Seeger, also known as James Seeger, Patricia A. Seeger, also known as Patricia Seeger, The Bank of Elk River, Matthew Seeger, Jennifer Seeger, Erik S. Stensgard, Katy Stensgard, Think Mutual Bank, Patricia A Manke, State of Minnesota Department of Agriculture, Randall Gerlach, Mary Gerlach, Ron Gerlach, Rhonda Gerlach, 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**

PETITION

To the District Court above named the State of Minnesota brings this Petition and respectfully states and alleges:

I.

That Trunk Highway Legislative Route numbered 95, which has been renumbered 95, and which has been located according to law, passes over the lands herein described.

That it is duly covered by Right of Way Plat Orders numbered 97223, 97225, 97229 and 97231.

II.

That the Commissioner of Transportation deems it necessary that the State of Minnesota for trunk highway purposes obtain the lands herein described in fee simple absolute, together with the following rights: to acquire from the owners whose lands front thereon any existing right of access to said highway in those cases which are herein particularly mentioned, and to keep and have the exclusive control of all access to said highway in accordance with the law governing controlled access highways, and to acquire a temporary easement in those cases which are herein particularly mentioned.

It is the intention of the above-named petitioner to move the court for an order authorizing the Court Administrator to accept and deposit in an interest bearing account payments from the petitioner to the court pursuant to Minnesota statutes.

Further, it is the intention of the above-named petitioner to move the court for an order transferring title and possession of the parcels herein described, prior to the filing of an award by the court appointed commissioners, pursuant to Minnesota Statutes §117.042.

The petitioner reserves its right to recover costs of clean up and testing and all other damages arising from the presence of pollutants, contaminants, or hazardous materials on the property described herein, from all potential responsible parties, including respondents herein where appropriate, in a separate legal action to the extent permitted by law.

III.

That the following described lands in these proceedings taken are situated in Washington County, Minnesota; that the names of all persons appearing of record or known to your petitioner to be the owners of said lands or interested therein, including all whom your petitioner has been able by investigation and inquiry to discover, together with the nature of the ownership of each, as nearly as can be ascertained, are as follows:

EASEMENT ACQUISITION
Parcel 1 C.S. 8208 (95=95) 904
S.P. 8208-40RW

All of the following:
That part of the East Half of the Southeast Quarter of Section 36, Township 27 North, Range 21, shown as Parcel 1 on Minnesota Department of Transportation Right of Way Plat Numbered 82-147 as the same is on file and of record in the office of the Registrar of Titles in and for Washington County, Minnesota; the title thereto being registered as evidenced by Certificate of Title No. 31203;
containing 31014 square feet, more or less;
together with other rights as set forth below, forming and being part of said Parcel 1:

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 1 by the temporary easement symbol, said easement shall cease on December 1, 2021, 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 J. Caturia	Fee
Margaret A. Caturia	Fee
Kai V. Vang	Lessee
City of Cottage Grove	Special Assessments
County of Washington	Taxes

FEE ACQUISITION
Parcel 14 C.S. 8208 (95=95) 904
S.P. 8208-40RW

All of the following:
That part of Northwest Quarter of the Southwest Quarter of Section 31, Township 27 North, Range 20 West, shown as Parcel 14 on Minnesota Department of Transportation Right of Way Plat Numbered 82-147 as the same is on file and of record in the office of the County Recorder in and for Washington County, Minnesota;
containing 8786 square feet, more or less, of which 4356 square feet is encumbered by an existing highway easement;
together with other rights as set forth below, forming and being part of said Parcel 14:

Temporary Easement:
A temporary easement for highway purposes as shown on said plat as to said Parcel 14 by the temporary easement symbol, said easement shall cease on December 1, 2021, 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:

Bryce E. Andersen	Fee
Mortgage Electronic Registration Systems, Inc.	Mortgage
Wells Fargo Bank, National Association	Mortgage
County of Washington	Taxes and Special Assessments

FEE ACQUISITION
Parcel 40 C.S. 8208 (95=95) 904
S.P. 8208-40RW

All of the following:
That part of the Southwest Quarter of the Southwest Quarter of Section 30, Township 27 North, Range 20 West, shown as Parcel 40 on Minnesota Department of Transportation Right of Way Plat Numbered 82-149 as the same is on file and of record in the office of the County Recorder in and for Washington County, Minnesota;
containing 20802 square feet, more or less, of which 6981 square feet is encumbered by an existing highway easement;
together with other rights as set forth below, forming and being part of said Parcel 40:

Temporary Easement:
A temporary easement for highway purposes as shown on said plat as to said Parcel 40 by the temporary easement symbol, said easement shall cease on December 1, 2021, 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:

Lois C Groskopf	Fee
County of Washington	Taxes and Special Assessments

Cynthia J. Krueger	TODD Beneficiary
Gwen A. Lynch	TODD Beneficiary
Rory K. Groskopf	TODD Beneficiary
Susan K. Terrell	TODD Beneficiary
Jeffery P. Groskopf	TODD Beneficiary
Kevin D. Groskopf	TODD Beneficiary
Amy R. Wagner	TODD Beneficiary
Daniel J. Groskopf	TODD Beneficiary
John M. Groskopf	TODD Beneficiary
Kym Groskopf	
Steven R. Groskopf	TODD Beneficiary
Julie A. Groskopf	
Brian T. Groskopf	TODD Beneficiary

FEE ACQUISITION
Parcel 7 C.S. 8208 (95=95) 905
S.P. 8208-40RW

All of the following:
That part of the Southwest Quarter of the Southwest Quarter of Section 18, Township 27 North, Range 20 West, shown as Parcel 7 on Minnesota Department of Transportation Right of Way Plat Numbered 82-153 as the same is on file and of record in the office of the County Recorder in and for Washington County, Minnesota;
containing 67119 square feet, more or less, of which 40812 square feet is encumbered by existing highway easements;
together with other rights as set forth below, forming and being part of said Parcel 7:

Temporary Easement:
A temporary easement for highway purposes as shown on said plat as to said Parcel 7 by the temporary easement symbol, said easement shall cease on December 1, 2021, 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 Seeger, also known as James Seeger	Fee
Patricia A. Seeger, also known as Patricia Seeger	
The Bank of Elk River	Mortgage
Matthew Seeger	Lessee
Jennifer Seeger	
County of Washington	Taxes and Easement

FEE ACQUISITION
Parcel 22 C.S. 8208 (95=95) 905
S.P. 8208-40RW

All of the following:
That part of Southwest Quarter of the Southwest Quarter of Section 7, Township 27 North, Range 20 West, shown as Parcel 22 on Minnesota Department of Transportation Right of Way Plat Numbered 82-155 as the same is on file and of record in the office of the County Recorder in and for Washington County, Minnesota;
containing 15540 square feet, more or less, of which 9031 square feet is encumbered by an existing highway easement;
together with other rights as set forth below, forming and being part of said Parcel 22:

Temporary Easement:
A temporary easement for highway purposes as shown on said plat as to said Parcel 22 by the temporary easement symbol, said easement shall cease on December 1, 2021, 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:

Erik S. Stensgard	Fee
Katy Stensgard	
Think Mutual Bank	Mortgage
County of Washington	Taxes and Special Assessments

FEE ACQUISITION
Parcel 25 C.S. 8208 (95=95) 905
S.P. 8208-40RW

All of the following:
That part of the Northeast Quarter of the Northeast Quarter of Section 13, Township 27 North, Range 21 West and that part of the Southeast Quarter of the Southeast Quarter of Section 12, Township 27 North, Range 21 West, shown as Parcel 25 on Minnesota Department of Transportation Right of Way Plats Numbered 82-154 and 82-155 as the same are on file and of record in the office of the County Recorder in and for Washington County, Minnesota;
containing 90871 square feet, more or less, of which 53428 square feet is encumbered by and existing highway easement;
together with other rights as set forth below, forming and being part of said Parcel 25:

Temporary Easement:
A temporary easement for highway purposes as shown on said plats as to said Parcel 25 by the temporary easement symbol, said easement shall cease on December 1, 2021, 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:

Patricia A Manke	Fee
City of Cottage Grove	Easement
State of Minnesota	
Department of Agriculture	Easement
Randall Gerlach	Lessee
Mary Gerlach	
Ron Gerlach	Lessee
Rhonda Gerlach	
County of Washington	Taxes and Special Assessments

WHEREFORE, Your petitioner prays that commissioners be appointed to appraise the damages which may be occasioned by such taking, and that such proceedings may be had herein as are provided by law.

Dated: 11/16/2018
Respectfully submitted,
OFFICE OF THE ATTORNEY GENERAL
State of Minnesota
/s/ Erik M. Johnson
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ATTORNEY FOR PETITIONER

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.

Dated: 11/16/2018
OFFICE OF THE ATTORNEY GENERAL
State of Minnesota
/s/ Erik M. Johnson
ERIK M. JOHNSON
Assistant Attorney General
Atty. Reg. No. 247522

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