

**CONDEMNATION**

STATE OF MINNESOTA

COUNTY OF SHERBURNE

IN DISTRICT COURT

TENTH JUDICIAL DISTRICT

State of Minnesota, by its Commissioner of Transportation,

Petitioner,

vs.

Nicole S. Warren, 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 December 14,

2017, at 8:30 o'clock A.M., or as

soon thereafter as counsel can be

heard, in the Government Center at

Elk River, Sherburne County, Min-

nesota, the above named petitioner

will present to the above named

Court a petition now on file here-

in 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 peti-

tion in accordance with Minn. Stat.

§117.042, as of January 18, 2018.

YOU, AND EACH OF YOU, ARE

FURTHER NOTIFIED, that all

persons occupying the property

described in the petition must VA-

CATE THE PREMISES AND MOVE

ALL YOUR PERSONAL PROP-

ERTY FROM SAID PREMISES ON

OR BEFORE JANUARY 18, 2018.

All advertising signs or devices

located on the property being ac-

quired must be removed by Janu-

ary 18, 2018.

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: September 19, 2017

OFFICE OF THE ATTORNEY GEN-

ERAL

State of Minnesota

/s/ Dominic J. Haik

DOMINIC J. HAIK

Assistant Attorney General

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ATTORNEY FOR PETITIONER

**CONDEMNATION**

STATE OF MINNESOTA

COUNTY OF SHERBURNE

IN DISTRICT COURT

TENTH JUDICIAL DISTRICT

State of Minnesota, by its Commissioner of Transportation,

Petitioner,

vs.

Nicole S. Warren, Brian Warren,

also known as Brian M. Warren,

JPMorgan Chase Bank, Nation-

al Association, Jake Westholter,

Langner Law Office LLC, County

of Sherburne, Stephanie Jean Hel-

land, formerly known as Stepha-

nie Jean Clouse, and as Stepha-

nie Clouse, Mortgage Electronic

Registration Systems, Inc., USA

Federal Savings Bank, Timothy M.

Clouse, also known as Timothy

Matthew Clouse, Walter Moor-

house, as trustee of Bernadine N.

Moorhouse Revocable Trust Dated

May 26, 1999, City of Clearwater,

Pentecostal Church of God Min-

nesota District, H.L. White, Edward

Castle, W.D. Wiltser, John Coffin-

ger, Edgar White, Geo. E. Camp-

bell and F.E. Baldwin, Trustees of

Simpson Chapel, Trustees of Clear-

water United Methodist Church,

Living Waters Pentecostal Church

of God, also known as Living Wa-

ters Church, Pentecostal Church

of God Inc., Midtown Ventures,

LLC, an inactive Minnesota limited

liability company, BNSF Railway

Company, formerly known as The

Burlington Northern and Santa Fe

Railway Company, and as Burl-

ington Northern Railway Company

successor in interest to the North-

ern Pacific Railway Company, and

to The First Division of the St. Paul

and Pacific Railroad Company, and

to The St. Paul, Minneapolis, and

Manitoba Railway Company, U.S.

Bank Trust National Association,

successor in interest by corporate

merger, consolidation, amend-

ment, or conversion to First Trust

of New York, National Association,

Citibank, N.A., Secured Properties

Plus LLC, Kwik Kargo Inc Trans-

port, Kwik Kargo Inc Repair, Kwik

Kargo Inc Trucking, Kwik Kargo Inc

Logistics, Kwik Kargo Inc, 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 240, which has

been renumbered 24, and located

according to law, passes over the

lands herein described.

That it is duly covered by Right

of Way Plat Order numbered 95973.

That it is duly covered by Cen-

ter Line Order numbered 26065,

Amended Width Order numbered

95926, and Temporary Order num-

bered 95927.

II.

That the Commissioner of

Transportation deems it necessary

that the State of Minnesota for

trunk highway purposes obtain an

easement in the lands herein de-

scribed, together with the following

rights: to acquire all trees, shrubs,

grass and herbage within the right

of way herein to be taken, and to

keep and have the exclusive con-

trol of the same; 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 acquire a temporary easement in

those cases which are herein par-

ticularly mentioned.

It is the intention of the above-

named petitioner to move the court

for an order authorizing the Court

Administrator to accept and de-

posit in an interest bearing account

payments from the petitioner to the

court pursuant to Minnesota stat-

utes.

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 Minne-

sota Statutes §117.042.

The petitioner reserves its right

to recover costs of clean up and

testing and all other damages aris-

ing from the presence of pollutants,

contaminants, or hazardous ma-

terials on the property described

herein, from all potential responsi-

ble 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 Sherburne Coun-

ty, 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 inves-

tigation and inquiry to discover, to-

gether with the nature of the own-

ership of each, as nearly as can be

ascertained, are as follows:

Parcel 19 C.S. 7108 (24=240) 901

S.P. 7108-24RW

The right to use the following

described strips for highway pur-

poses, which right shall cease on

December 1, 2022, or on such ear-

lier date upon which the Commis-

sioner of Transportation determines

by formal order that it is no longer

needed for highway purposes:

Tract A. Lot 4, Block 3, togeth-

er with that part of Lots 3 and 8 in

said Block 3 lying southwesterly

of a line drawn northwesterly from

a point on the southeasterly line

of said Lot 3 midway between the

most southerly and most easterly

corners thereof, to a point on the

northwesterly line of said Lot 8

midway between the most westerly

and most northerly corner thereof,

Goenner's Addition to Clear Lake,

according to the plat thereof on file

and of record in the office of the

County Recorder in and for Sher-

burne County, Minnesota;

A strip being the southeasterly

5 feet of Tract A hereinbefore de-

scribed;

A strip being that part of Tract

A hereinbefore described, adjoining

and northwesterly of the above

described strip, which lies between

two lines run parallel with and dis-

tant 5 feet and 9 feet northwester-

ly of the following described line:

Beginning at the southeast corner

of said Lot 4; thence northeaster-

ly along the southeast line of said

Tract A for 30 feet and there termi-

nating.

Names of parties interested in

the above described land and na-

ture of interest:

Nicole S. Warren

Brian Warren, also known as Bri-

an M. Warren: Fee

JPMorgan Chase Bank, National

Association: Mortgage

Jake Westholter: Claimant of an

Interest

Langner Law Office LLC: Judge-

ment

County of Sherburne: Taxes

EASEMENT ACQUISITION

Parcel 23 C.S. 7108 (24=240) 901

S.P. 7108-24RW

The northwesterly 2 feet of Tract

A described below:

Tract A. Lots 3 and 4, Block F,

Town Site of Clear Lake, according

to the plat thereof on file and of re-

cord in the office of the County Re-

corder in and for Sherburne Coun-

ty, Minnesota;

also a right to use the following

described strips for highway pur-

poses, which right shall cease on

December 1, 2022, or on such ear-

lier date upon which the Commis-

sioner 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 southeasterly of the above

described strip, which lies between

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