

**CONDEMNATION**

STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
IN DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
COURT FILE NO. 27-CV-18-12061  
Judge Ronald L. Abrams  
State of Minnesota, by its Commissioner of Transportation,  
Petitioner,  
vs.  
B & D Holdings, LLC, 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 September 25, 2018, at 9:00 o'clock a.m., or as soon thereafter as counsel can be heard, before Judge Ronald L. Abrams, in the Government Center at Minneapolis, Hennepin County, Minnesota, the above named petitioner will present to the above named Court a petition now on file herein for the institution of condemnation proceedings against the real estate of the Respondent-owners to have determined and awarded the damages, if any, to said real estate, which may have been sustained by access closure. A copy of said petition is attached hereto and incorporated herein.

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: 8/07017  
OFFICE OF THE ATTORNEY GENERAL  
State of Minnesota  
/s/ Erik M. Johnson  
ERIK M. JOHNSON  
Assistant Attorney General  
Atty. Reg. No. 247522  
445 Minnesota Street, Suite 1800  
St. Paul, MN 55101-2134  
(651) 757-1476 (Voice)  
(651) 282-2525(TTY)  
erik.johnson@ag.state.mn.us  
ATTORNEY FOR PETITIONER

**CONDEMNATION**

STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
IN DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
Court File No. 27-CV-18-12061  
Judge Ronald L. Abrams  
State of Minnesota, by its Commissioner of Transportation,  
Petitioner,  
vs.  
B & D Holdings, LLC, State of Minnesota Department of Natural Resources, Old National Bank, successor in interest by corporate merger, consolidation, amendment, or conversion to Anchor Bank, National Association, Key Community Bank, County of Hennepin, 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 numbered 7, being Route numbered 12, has been located according to law and passes over the lands herein described.

That it is duly covered by Definite Location Orders numbered 7148, 7316, 7725 and 8547, and Amended Access Order numbered 97138.

II.  
That this proceeding is being taken in the name of the State of Minnesota by its Commissioner or Transportation pursuant to the Order of the District Court, Fourth Judicial District, dated September 23, 2016, court file number 27-CV-15-3356, made in that proceeding entitled B&D Property Holdings, LLC, a Minnesota limited liability company, Petitioner, versus City of St. Louis Park, Minnesota, and State of Minnesota, by its Commissioner of Transportation, Respondents, which Order directed the institution of condemnation proceedings against the real estate of the petitioner-owner to have determined and awarded the damages, if any, to said real estate, which may have been sustained by reason of the taking

of the right of access to Trunk Highway 7 in St. Louis Park, Minnesota, on November 12, 2013.

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.

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 Hennepin 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:

Parcel 106D C.S. 2706 (7=12-28)  
S.P. 2706-226RW

All right of access being the right of ingress to and egress from Tract A described below to Trunk Highway No. 7:

Tract A. Par. 1: The west half of Lot 11 and all of Lots 12 to 18 inclusive, Block 35, Rearrangement of St. Louis Park, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota;

Par. 2: Lot 19, Block 35, and Lots 1 to 5 inclusive, Block 188, including that part of Davis Street, now known as Georgia Avenue, lying between extensions across it of the southeasterly line of Lake Street and a line running from the most southerly corner of Lot 2 of Block 188 to the most southerly corner of said Lot 19, of said Block 35, Rearrangement of St. Louis Park, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota; the title thereto being registered as evidenced by Certificate of Title No. 1034410.

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

B & D Holdings, LLC	Fee
State of Minnesota	Mineral
Department of Natural Resources	Rights
Old National Bank, successor in interest by corporate merger, consolidation, amendment, or conversion to Anchor Bank, National Association	Mortgage
Key Community Bank	Mortgage
County of Hennepin	Taxes

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: July 18, 2018  
OFFICE OF THE ATTORNEY GENERAL  
State of Minnesota  
/s/ Erik M. Johnson  
ERIK M. JOHNSON  
Assistant Attorney General  
Atty. Reg. No. 247522  
445 Minnesota Street, Suite 1800  
St. Paul, MN 55101-2134  
(651) 757-1476 (Voice)  
(651) 282-2525 (TTY)  
erik.johnson@ag.state.mn.us  
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: 07/18/2018  
OFFICE OF THE ATTORNEY GENERAL  
State of Minnesota  
s/ Erik M. Johnson  
ERIK M. JOHNSON  
Assistant Attorney General  
Atty. Reg. No. 247522  
445 Minnesota Street, Suite 1800  
St. Paul, MN 55101-2134  
(651) 757-1476 (Voice)  
(651) 282-2525 (TTY)  
erik.johnson@ag.state.mn.us  
ATTORNEY FOR PETITIONER