

NOTICE OF PUBLIC NEED HEARING AND MOTION AND HEARING FOR AN ORDER TRANSFERRING TITLE AND POSSESSION OF PROPERTY

STATE OF MINNESOTA
COUNTY OF DAKOTA
CASE TYPE: CONDEMNATION
DISTRICT COURT
FIRST JUDICIAL DISTRICT
District Court File No. 19HA-CV-18-5336
The County of Dakota,
(C.P. 42-139)
Petitioner,
v.
Wells Fargo Bank, N. A., et al.,
Respondents.

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

TO RUSSELL C. PANGERL AND GWENDA L. PANGERL:
PLEASE TAKE NOTICE, YOU, and each of you, are hereby notified that on February 6, 2019 at 9:00 a.m., or as soon thereafter as counsel can be heard, in the Dakota County Judicial Center, 1560 Highway 55, Hastings, Dakota County, Minnesota, the Petitioner will present to the Court a Petition now on file with the Court for the condemnation of certain lands for highway purposes as describe in the Petition and identified in the attached Exhibit A.

This hearing is required by Minn. Stat. § 117.075. The Court will only hear testimony offered for or against granting the petition for condemnation. The Court will not hear testimony related to damages. The Petitioner prays for the appointment by the court of commissioners to ascertain and report damages that will be caused by the taking of said real estate interests.

YOU ARE FURTHER NOTIFIED, that at the same time and place as stated above, Petitioner will move the Court for an order authorizing Petitioner to cause the early transfer of title of the real estate interest described in the Petition in accordance with Minn. Stat. § 117.0142, effective as of March 20, 2019. At the February 6, 2019 hearing, the Petitioner will bring before the Court a motion for an order permitting the Petitioner to pay the Respondents or deposit into Court an amount equal to the approved appraised value of the affected real estate interests, thereby transferring title and possession to the real estate interests to the Petitioner as of the dates specified in the order.

In accordance with the provisions of Minn. Stat. § 117.055, subd. 2, notice is hereby given that:

(1) any party wishing to challenge the public use or public purpose, necessity, or authority for a taking must appear at the court hearing on public need and state the objection or must appeal within 60 days of a court order approving public need; 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.

If the Court finds public need for the project has been proven, the Court will appoint condemnation commissioners to ascertain and report damages caused to the various owners resulting from the taking.

The objects of said Petition are to acquire permanent highway easements drainage and utility easements and temporary easements over the lands described in the Petition.

Dated: December 20, 2018
JAMES C. BACKSTROM
DAKOTA COUNTY ATTORNEY
By /s/Tom Donely
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** not for correspondence use
Attorney for The County of Dakota

NOTICE OF PUBLIC NEED HEARING EXHIBIT A

The lands proposed to be acquired are situated in Dakota County, Minnesota, and are hereinafter described. The names of all persons appearing of record or known to Petitioner to be the owners of said land or to have an interest therein, together with the nature of the ownership or interest of each, as nearly as can be ascertained, are as follows:

CONDEMNATION PARCELS:		Parcel 12(473)
Legal description of permanent easement to be acquired for highway purposes, subject to existing easements and rights-of-way record:		
Parcel 12 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 473, according to the map on file and of record in the Dakota County Recorder's Office.		
<u>Parties of Interest</u>		<u>Nature of Interest</u>
Name		Fee Owner
Huebsch, Joan A.		Fee Owner
Huebsch, Marc I.		Other potential
all other parties unknown having any interest in the premises described herein, together with me unknown heirs or devisees, if any, of any of the parties mat may be deceased and including unknown spouses, if any		interest holders

Parcel 13(473)
Legal description of permanent easement to be acquired for highway purposes, subject to existing easements and rights-of-way record:
Parcel 13 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 473, according to the map on file and of record in the Dakota County Recorder's Office.

<u>Parties of Interest</u>		<u>Nature of Interest</u>
Name		Fee Owner
Chavie, Susan Ann		Mortgagee
Wells Fargo Bank, N.A.		Other potential
all other parties unknown having any interest in the premises described herein, together with the unknown heirs or devisees, if any, of any of the parties that may be deceased and including unknown spouses, if any		interest holders
CONDEMNATION PARCELS:		TE 38(473)
		Parcel 38(473)

Legal description of temporary easement to be acquired for construction purposes subject to existing easements and rights-of-way record:
TE 38 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 473, according to the map on file and of record in the Dakota County Recorder's Office.

Legal description of permanent easement to be acquired for highway purposes, subject to existing easements and rights-of-way record:
Parcel 38 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 473, according to the map on file and of record in the Dakota County Recorder's Office.

<u>Parties of Interest</u>		<u>Nature of Interest</u>
Name		Fee Owner
Pangerl, Gwenda L.		Fee Owner
Pangerl, Russell C.		Mortgagee
TCF Mortgage Corporation		Mortgagee
Hiway Federal Credit Union		Other potential
all other parties unknown having any interest in the premises described herein, together with the unknown heirs or devisees, if any, of any of the parties that may be deceased and including unknown spouses, if any		interest holders

CONDEMNATION PARCELS: Parcel 40(473)
Legal description of permanent easement to be acquired for highway purposes, subject to existing easements and rights-of-way record:
Parcel 40 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 473, according to the map on file and of record in he Dakota County Recorder's Office.

<u>Parties of Interest</u>		<u>Nature of Interest</u>
Name		Fee Owner
Pangerl, Gwenda L.		Fee Owner
Pangerl, Russell C.		Lien Holder
Cavalry SPV I, LLC		Other potential
all other parties unknown having any interest in title premises described herein, together with the unknown heirs or devisees, if any, of any of the parties that may be deceased and including unknown spouses, if any		interest holders

CONDEMNATION PARCELS: Parcel 41(473)
DU 41(473)
Parcel 42(473)
Legal description of permanent easement to be acquired for highway purposes, subject to existing easements and rights-of-way record:
Parcel 41 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 473, according to the map on file and of record in the Dakota County Recorder's Office.

Legal description of permanent easement to be acquired for drainage and utility purposes, subject to existing easements and rights-of-way record:
Parcel 41 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 473, according to the map on file and of record in the Dakota County Recorder's Office.

Legal description of permanent easement to be acquired for highway purposes, subject to existing easements and rights-of-way record:
Parcel 42 as shown on DAKOTA COUNTY ROAD RIGHT-OF-WAY MAP NO. 473, according to the map on file and of record in the Dakota County Recorder's Office.

<u>Parties of Interest</u>		<u>Nature of Interest</u>
Name		Fee Owner
Sorg Farms, LLC		Other potential
all other parties unknown having any interest in the premises described herein, together with the unknown heirs or devisees, if any, of any of the parties that may be deceased and including unknown spouses, if any		interest holders

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