

CONDEMNATION

STATE OF MINNESOTA
COUNTY OF WASHINGTON
IN DISTRICT COURT
TENTH JUDICIAL DISTRICT
COURT FILE NO. 82-CV-18-5133
Judge Juanita C. Freeman
State of Minnesota, by its Commissioner of Transportation,
Petitioner,
vs.
Suzanne M. Alfveby, 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 January 11, 2019, at 8:30 o'clock a.m., or as soon thereafter as counsel can be heard, before Judge Juanita C. Freeman, in the Government Center 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 February 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 FEBRUARY 15, 2019. All advertising signs or devices located on the property being acquired must be removed by February 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: 11/6/18
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State of Minnesota
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CONDEMNATION

STATE OF MINNESOTA
COUNTY OF WASHINGTON
IN DISTRICT COURT
TENTH JUDICIAL DISTRICT
State of Minnesota, by its Commissioner of Transportation,
Petitioner,
vs.
Suzanne M. Alfveby, Bruce G. Alfveby, deceased, Gregory John Schneider, County of Washington, Affinity Plus Federal Credit Union, successor in interest by corporate merger, consolidation, amendment, or conversion to Metro Community Credit Union, Lucretia Brewer, also known as Ellen Brewer, Claudia Brewer, Michael J. Mingo, Elaine M. Mingo, formerly known as Elaine M. Kuechle, U.S. Bank National Association, Dawn Shoen and Bremer Trust, National Association, as trustees of Amber Porvaznik Special Needs Trust dated March 31, 2005, City of Cottage Grove, Matthew P. Robinson, Kari L. Robinson, Optimum Mortgage Services, Inc., a statutorily dissolved Minnesota corporation, Mortgage Electronic Registration Systems, Inc., JPMorgan Chase Bank, National Association, Rose Mary Trost, AirTouch Cellular Inc., ATC Sequoia LLC, Verizon Wireless (VAW) LLC, doing business as Verizon Wireless, T-Mobile Central LLC, Cenco Farms, Inc., doing business as Afton Apple Orchards, 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 and 97228.

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 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:

FEE ACQUISITION

Parcel 13 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 13 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 9000 square feet, more or less, of which 4267 is encumbered by an existing highway easement;

together with other rights as set forth below, forming and being part of said Parcel 13:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 13 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:

Gregory John Schneider	Fee
County of Washington	Taxes and
	Special Assessments

FEE ACQUISITION

Parcel 16 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 16 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 13463 square feet, more or less, of which 7858 square feet is encumbered by an existing highway easement;

together with other rights as set forth below, forming and being part of said Parcel 16:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 16 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:

Suzanne M. Alfveby	Fee
Bruce G. Alfveby, deceased	
Affinity Plus Federal Credit Union, successor	Mortgage
in interest by corporate merger, consolidation,	
amendment, or conversion to Metro Community	
Credit Union	
Lucretia Brewer, also known as Ellen Brewer	Lessee
Claudia Brewer	Lessee
County of Washington	Taxes and Special
	Assessments

FEE ACQUISITION

Parcel 20 C.S. 8208 (95=95) 904

S.P. 8208-40RW

All of the following:

That part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 27 North, Range 21 West, shown as Parcel 20 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 13636 square feet, more or less, of which 5940 square feet is encumbered by an existing highway easement;

together with other rights as set forth below, forming and being part of said Parcel 20:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 20 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:

Michael J. Mingo	Fee
Elaine M. Mingo, formerly known as	
Elaine M. Kuechle	
U.S. Bank National Association	Mortgage
County of Washington	Taxes and Special
	Assessments

FEE ACQUISITION

Parcel 28 C.S. 8208 (95=95) 904

S.P. 8208-40RW

All of the following:

That part of the Northeast Quarter of the Southeast Quarter of Section 25, Township 27 North, Range 21 West, shown as Parcel 28 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 1598 square feet, more or less;

together with other rights as set forth below, forming and being part of said Parcel 28:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 28 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:

Dawn Shoen and Bremer Trust,	Fee
National Association, as trustees of	
Amber Porvaznik Special Needs	
Trust dated March 31, 2005	
City of Cottage Grove	Easement
County of Washington	Taxes and Special
	Assessments

FEE ACQUISITION

Parcel 29 C.S. 8208 (95=95) 904

S.P. 8208-40RW

All of the following:

That part of Lot 1 Block 1, STONY RIDGE, shown as Parcel 29 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;

together with other rights as set forth below, forming and being part of said Parcel 29:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 29 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:

Matthew P. Robinson	Fee
Kari L. Robinson	
U.S. Bank National Association	Mortgage
Optimum Mortgage Services, Inc., a	
statutorily dissolved Minnesota corporation	
Mortgage Electronic Registration Systems, Inc.	
JPMorgan Chase Bank, National Association	Mortgage
County of Washington	Taxes and Special
	Assessments

FEE ACQUISITION

Parcel 6 C.S. 8208 (95=95) 905

S.P. 8208-40RW

All of the following:

That part of the Northwest Quarter of Section 19, Township 27 North, Range 20W, shown as Parcel 6 on Minnesota Department of Transportation Right of Way Plat Numbered 82-152 as the same is on file and of record in the office of the County Recorder in and for Washington County, Minnesota;

containing 165660 square feet, more or less, of which 76551 square feet is affected by existing highway easements.

together with other rights as set forth below, forming and being part of said Parcel 6:

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 6 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:

Rose Mary Trost	Fee
AirTouch Cellular Inc.	Lessee
ATC Sequoia LLC	Lessee
Verizon Wireless (VAW) LLC,	
doing business as Verizon Wireless	Lessee
T-Mobile Central LLC	Lessee
Cenco Farms, Inc., doing business as	
Afton Apple Orchards	Lessee
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: 10/29/2018
Respectfully submitted,
OFFICE OF THE ATTORNEY GENERAL
State of Minnesota
/s/ William Young
WILLIAM YOUNG
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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: 10/29/2018
OFFICE OF THE ATTORNEY GENERAL
State of Minnesota
/s/ William Young
WILLIAM YOUNG
Assistant Attorney General
Atty. Reg. No. 0393502
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