

CITY OF RICHFIELD
NOTICE OF OBJECTS OF THE PETITION, NOTICE OF CONDEMNATION HEARING, AND
NOTICE OF MOTION AND MOTION FOR ORDER TRANSFERRING TITLE AND POSSESSION
STATE OF MINNESOTA
COUNTY OF HENNEPIN
DISTRICT COURT
FOURTH JUDICIAL DISTRICT
COURT FILE No. 27-CV-18-16502
Case Type: Condemnation
Judicial Officer: Laurie J. Miller
City of Richfield,
a Minnesota municipal corporation,
Petitioner,
v.
G6 Hospitality Property LLC, a Delaware limited liability company; JPMorgan Chase Bank, National Association; Deutsche Bank AG, New York Branch, a branch of Deutsche Bank AG, a German Bank authorized by the New York Department of Financial Services; Port Authority of the City of St. Paul, a body corporate and politic organized under the provisions of Minnesota Statutes, Chapter 458; Northern States Power Company, d/b/a Xcel Energy, a Minnesota corporation; State of Minnesota; County of Hennepin; and all other parties unknown having any right, title or interest in the property described in Petitioner's Petition, together with the unknown heirs or devisees, if any, of the parties that may be deceased, and including unknown spouses, if any, and all others claiming any interest in the property described in Petitioner's Petition,
Respondents.

IN THE MATTER OF CONDEMNATION OF REAL PROPERTY
LOCATED IN THE CITY OF RICHFIELD, COUNTY OF HENNEPIN, MINNESOTA, FOR THE
CONSTRUCTION OF THE 77TH STREET UNDERPASS OF TRUNK HIGHWAY 77 (CEDAR AVENUE)
TO: THE DISTRICT COURT ADMINISTRATOR AND ALL PARTIES IDENTIFIED ON THE ATTACHED EXHIBIT A AS HAVING ANY RIGHT TITLE OR INTEREST IN THE PROPERTY DESCRIBED THEREIN AND ALL OTHERS CLAIMING ANY INTEREST IN SAID PROPERTY ("Respondents").
YOU WILL PLEASE TAKE NOTICE that, pursuant to Minn. Stat. § 117.055, you are hereby notified that the objects of Petitioner's Petition in condemnation are fully stated in the "Petition" that is being served and published contemporaneously with this Notice of the Objects of the Petition. The objective of the Petition is to secure a court order approving Petitioner's requested acquisition of fee title to certain property needed for the 77th Street/ Richfield Parkway Improvement Project (the "Project"). The Project will include construction of a north underpass connecting 77th Street on both sides of Cedar Avenue/Trunk Highway 77 (similar to American Boulevard located south of the I-494/Trunk Highway 77 Interchange) to provide local (City of Richfield) access to airport terminals, the Mall of America, properties on the east side of Trunk Highway 77 and other facilities, without accessing the larger highways such as I-494 and Trunk Highway 77. The Project also includes construction of Richfield Parkway to provide improved access and parking adjacent Washington Park, closure of Old Cedar Avenue to through traffic and the installation of a cul-de-sac. The Project is needed to provide local access to airport terminals, the Mall of America, properties on the east side of TH 77 and other facilities, without the need for accessing the larger surrounding highways, as well as to provide improved access and parking to the adjacent Washington Park.
The real property fee parcel that is proposed to be acquired is legally described in the attached EXHIBIT A (the "Subject Property"), together with the names of all persons appearing of record or known to Petitioner to be owners of said real property interests, including all of whom Petitioner has been able by investigation and due inquiry to discover, together with the nature of the ownership as nearly as can be ascertained.

The acquisition of property rights by a municipality utilizing its power of eminent domain is commonly referred to as a "taking" (as referenced below in Minn. Stat. § 117.055). Please note, however, that the municipality must also pay just compensation for the "taking" of the property rights for a public use or public purpose.

Minn. Stat. § 117.055, Subd. 2 (b) specifically states that:
(1) a party wishing to challenge the public use or public purposes, 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.

YOU, AND EACH OF YOU, ARE FURTHER NOTIFIED that on January 22, 2019, at 1:30 p.m., or as soon thereafter as counsel can be heard, at a Special Term of the District Court of the County of Hennepin, Hennepin County Government Center, 300 South 6th Street, Minneapolis, MN 55487, Petitioner, City of Richfield, will present its Petition for the condemnation of certain property situated in Hennepin County, Minnesota, for the purpose of acquiring fee title to the property described in its Petition, on file in the office of the District Court Administrator of the above-named Court, and in its Notice of Intent to Take Title and Possession, which has been served upon Respondents. The transfer of the real property fee parcel will be effective as indicated in the Court's order transferring title and possession to the Petitioner.

YOU, AND EACH OF YOU, ARE FURTHER NOTIFIED that at the above time and place, Petitioner will also move the Court for an Order transferring title and right of possession of fee title to the property described in the attached EXHIBIT A to Petitioner. The motion will be made on all files and records herein and under authority of Minn. Stat. § 117.042, as amended, which provides for such Order upon deposit with the Court or payment to Respondents of an amount equal to Petitioner's approved appraisal of value for the real property fee parcel. The deposit of the amount for the benefit of those entitled by law to damages will be made to Respondents on or before the date of transfer of title and possession pursuant to this motion.

The Petitioner further prays for the appointment by the Court of three disinterested commissioners to ascertain and report the damages for the real property interests to be taken and acquired for the above-stated purpose and the injuries caused by such taking.

The Petitioner reserves the right to recover costs of cleanup and testing and all other damages resulting from the presence of pollutants, contaminants or hazardous materials on the property described in the Petition from all responsible parties in a separate legal action. In the event that tests or evaluations undertaken by or on behalf of Petitioner indicate the presence of pollution, contamination or hazardous materials on said properties, the Petitioner further reserves the right to condition the condemnation commission awards on the right of Petitioner to bring a separate legal action to recover testing, cleanup, costs and all other recoverable damages.

Dated: December 13, 2018
LeVANDER, GILLEN & MILLER, P.A.
/s/ Jay P. Karlovich
Jay P. Karlovich, Lic. No. 247650
Tona T. Dove, Lic. No. 0232130
633 South Concord Street, Suite 400
South St. Paul, MN 55075
(651) 451-1831
Attorneys for Petitioner

ACKNOWLEDGMENT

The party above-named represented by the undersigned, hereby acknowledges that sanctions may be imposed pursuant to Minnesota Statutes, § 549.211.
/s/ Jay P. Karlovich Jay P. Karlovich

Interest	Name	Address & Telephone Number
Fee Owner	G6 Hospitality Property LLC, a Delaware limited liability company	G6 Hospitality Property LLC c/o Corporation Service Company 2345 Rice Street, Suite 230 Roseville, MN 55113 G6 Hospitality Property LLC c/o Curtis Stogsdill Director of Real Estate 4001 International Parkway Carrollton, TX 75007
Mortgage	JPMorgan Chase Bank, National Association	JPMorgan Chase Bank, National Association c/o C T Corporation System Inc. 1010 Dale Street North St. Paul, MN 55117
Mortgage	Deutsche Bank AG, New York Branch, a branch of Deutsche Bank AG, a German Bank authorized by the New York Department of Financial Services	Deutsche Bank AG, New York Branch 60 Wall Street, 10th Floor New York, NY 10005 Deutsche Bank AG c/o Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 Deutsche Bank Insurance Agency Incorporated, a Maryland corporation Deutsche Bank Insurance Agency Incorporated c/o C T Corporation System Inc. 1010 Dale Street North St. Paul, MN 55117
Possible Mortgage/Security Interest	Port Authority of the City of St. Paul, a body corporate and politic organized under the provisions of Minnesota Statutes, Chapter 458	Port Authority of the City of St. Paul 380 St. Peter Street, Suite 850 St. Paul, MN 55102
Easement Interest	Northern States Power Company, d/b/a Xcel Energy, a Minnesota corporation	Northern States Power Co. c/o Corporation Service Co. 2345 Rice Street, Suite 230 Roseville, MN 55113 Northern States Power Co. c/o Christopher B Clark, CEO 414 Nicollet Mall, Suite 500 Minneapolis, MN 55401
Easement Interest	State of Minnesota	State of Minnesota Minnesota Attorney General 445 Minnesota Street, Suite 1400 St. Paul, MN 55101
Property Taxes	County of Hennepin	Hennepin County Auditor A-600 Government Center 300 South 6th Street Minneapolis, MN 55487 612-348-3011 Hennepin County Assessor A-2103 Government Center 300 South 6th Street Minneapolis, MN 55487 Hennepin County Attorney C-2000 Government Center 300 South Sixth Street Minneapolis, MN 55487 612-348-5550
Possible Unknown Real Property Interest Owners	All other parties unknown having any right, title or interest in the real property described below, together with the unknown heirs or devisees, if any, of the parties that may be deceased and including unknown spouses, if any, and all others claiming any interest in the property described below.	

LEGAL DESCRIPTION OF LANDOWNER'S PROPERTY

Real Property located in the City of Richfield, Hennepin County, Minnesota, described as follows:
That part of the North 1/2 of the Southeast Quarter of the Southeast Quarter of Section 35, Township 28, Range 24, lying South of the North 10 acres of said quarter-quarter and East of the extension South of the East line of 18th Ave. So. as laid out in the plat of "Larson's South View Gardens Second Addition."
Torrens Property

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