

CONDEMNATION

STATE OF MINNESOTA
COUNTY OF ANOKA
IN DISTRICT COURT
TENTH JUDICIAL DISTRICT
Court File No. 02-CV-18-6700
Judge Dyanna L. Street
State of Minnesota, by its Commissioner of Transportation,
Petitioner,
vs.
Richard J Haluptzok, 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 March 5, 2019, at 10:00 o'clock am., or as soon thereafter as counsel can be heard, before Judge Dyanna L. Street, in the Courthouse at Anoka, Anoka 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 April 9, 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 APRIL 9, 2019. All advertising signs or devices located on the property being acquired must be removed by April 9, 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: 12/19/18
OFFICE OF THE ATTORNEY GENERAL
State of Minnesota
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CONDEMNATION

STATE OF MINNESOTA
COUNTY OF ANOKA
IN DISTRICT COURT
TENTH JUDICIAL DISTRICT
State of Minnesota, by its Commissioner of Transportation,
Petitioner,
vs.
Richard J Haluptzok, as Personal Representative of the Estate of Eva B Haluptzok, deceased, Shirley A Walden, Janice M Francen, James Lawrence Francen, Harold V Haluptzok, Linda Haluptzok, Judy Haluptzok, Derek Haluptzok, Heather J. Markwood, Matthew C. Markwood, Michelle Haluptzok, Amy Wagler, Guido Christian Wagler, Rachel Haluptzok, Warren S Haluptzok, Jessica Haluptzok, Gerald A Haluptzok, Jeffrey T Haluptzok, Suzy Haluptzok, John W Haluptzok Jr., Unknown heirs of Leroy Haluptzok, deceased, Kathy Haluptzok, Richard J Haluptzok, Nancy Haluptzok, William J Haluptzok, Mary Haluptzok, County of Anoka, 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 390, which has been renumbered 35, and which has been located according to law and designated as a controlled access highway, passes over the lands herein described.

That it is duly covered by Right of Way Plat Order numbered 97541.

That it is duly covered by Designation Order numbered 31585.

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 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 keep and have the exclusive control of all access to said highway in accordance with the law governing controlled access highways, and 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 commis-

sioners, 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 Anoka 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 209B C.S. 0283 (35=390) 901
S.P. 8280-47RW

All of the following:

That part of the Southeast Quarter of the Northeast Quarter of Section 24, Township 32 North, Range 22 West, shown as Parcel 209B on Minnesota Department of Transportation Right of Way Plat Numbered 02-36 as the same is on file and of record in the office of the County Recorder in and for Anoka County, Minnesota;

containing 34024 square feet, more or less:

together with other rights as set forth below, forming and being part of said Parcel 209B:

Access:

All right of access as shown on said plat by the access control symbol.

Temporary Easement:

A temporary easement for highway purposes as shown on said plat as to said Parcel 209B by the temporary easement symbol, said easement shall cease on December 1, 2022, 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:

Richard J Haluptzok, as Personal Representative of the Estate of Eva B Haluptzok, deceased	Fee
Shirley A Walden	Claimant of an Interest
Janice M Francen	Claimant of an Interest
James Lawrence Francen	Spouse
Harold V Haluptzok	Claimant of an Interest
Linda Haluptzok	Spouse
Judy Haluptzok	Claimant of an Interest
Derek Haluptzok	Claimant of an Interest
Heather J. Markwood	Claimant of an Interest
Matthew C. Markwood	Spouse
Michelle Haluptzok	Claimant of an Interest
Amy Wagler	Claimant of an Interest
Guido Christian Wagler	Spouse
Rachel Haluptzok	Claimant of an Interest
Warren S Haluptzok	Claimant of an Interest
Jessica Haluptzok	Claimant of an Interest
Gerald A Haluptzok	Claimant of an Interest
Jeffrey T Haluptzok	Claimant of an Interest
Suzy Haluptzok	Spouse
John W Haluptzok Jr.	Claimant of an Interest
Unknown heirs of Leroy Haluptzok, deceased	Claimant of an Interest
Kathy Haluptzok	Spouse
Richard J Haluptzok	Claimant of an Interest
Nancy Haluptzok	Spouse
William J Haluptzok	Claimant of an Interest
Mary Haluptzok	Spouse
County of Anoka	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: 12/10/2018

Respectfully submitted,
OFFICE OF THE ATTORNEY GENERAL

State of Minnesota
/s/ William Young
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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: 12/10/2018

OFFICE OF THE ATTORNEY GENERAL

State of Minnesota
/s/ William Young
WILLIAM YOUNG
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