

Continued on next page.

interests being conveyed include all rights necessary for the construction, operation, and maintenance of all public right-of-way and utility uses now known or adopted in the future. Such rights include, but are not limited to, the right: to remove and use all plants, trees, ground cover, and natural growth now existing, or later planted or grown; to permanently grade or alter the grade of the land, and to remove and use all earth and other material not reasonably necessary for lateral and subjacent support; to limit or allow the location, number, and related characteristics of access from the remainder property to the public right-of-way; to store equipment or supplies; to access, both ingress and egress, from the most reasonably convenient rights-of-way; to remove any physical improvements or fixtures that interfere with its use as a public right-of-way; and to exclude from the area any use or improvement that conflicts with the rights conveyed herein. Reasonable and convenient access to the remainder will be maintained.

IV.

In the attached Exhibit B, where a "temporary easement" is identified, the interests being conveyed include all rights of possession and use, for a limited period of time, necessary or incidental to support the related construction project, including the right: to stage equipment or supplies; to access other portions of the construction project; to make minimal permanent alterations to the grade of the land that do not substantially impact the remainder; to remove (and restore in substantially similar condition) any plants, ground cover, or physical improvements; to access, both ingress and egress, from the most reasonably convenient rights-of-way; and to install any temporary improvements. Reasonable and convenient access to the remainder will be maintained. The term of the temporary easement shall be for 24 months beginning on June 1, 2025 and ending June 1, 2027, or for 24 months from the date when granted pursuant to order of the district court, whichever is later. In addition, the interests identified in this paragraph include the option of the Petitioner to extend the temporary easement for up to two six-month terms to be held consecutive to the original term and to each other at the monthly rate determined for the initial term.

V.

Personal property not specifically identified as being acquired, including, but not limited to, fencing, irrigation systems, pavement, curbing, or signage, or trees, shrubs, plants, or ground covering, is not included in this petition, except to the extent the above rights provide for the removal, replacement, use, or repair of such property. It is the intention of the Petitioner to address any claim of damage related to personal property destroyed, removed, lost, or otherwise damaged, but not repaired or replaced in substantially similar condition, in accordance with applicable relocation laws, including Minn. Stat. § 117.50 - .56 or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and any regulations adopted pursuant thereto.

VI.

That the purpose for which said interests in land described in this Petition are being acquired is for the widening, addition to and realignment of County Road J for the purpose of public travel and transportation and related uses, as well as bridge replacement over Highway 35E, addition of access ramps, and the implementation of curb and gutter on both sides Count Road J.

VII.

The taking in this matter is to obtain rights sufficient to support the construction and maintenance of a public highway, including related facilities. Unless specifically identified, pre-existing utility, pipeline, access, and other easements or interests shall remain in full force and effect and shall only be impaired to the extent necessary for the County of Ramsey to construct and maintain a public highway, and related uses, on the land being acquired. For any parcel being taken by this condemnation proceeding that is subject to pre-existing utility, pipeline, access, or other easements or interests, the County of Ramsey shall work as needed with the easement holder to adjust facilities to accommodate the construction or to adjust construction plans to minimize related damages.

VIII.

It is the intent of the Petitioner that reasonable access, in at least one direction, to the main thoroughfare will be maintained for any remaining interest of a property from which a permanent or temporary easement is taken.

IX.

Notwithstanding anything to the contrary contained herein, should tests or evaluations undertaken by or on behalf of the County of Ramsey indicate the possible presence of pollutants, contaminants, or hazardous substances on any of the property described in this Petition, the County of Ramsey reserves the right to defer effecting the transfer of the interest to any of the property as described herein for a reasonable time until the County of Ramsey can evaluate whether it wishes to proceed with the taking, abandon these proceedings and dismiss the Petition as to said property, or otherwise respond to such information.

Further, the County of Ramsey reserves the right to recover costs of clean-up and testing and all other damages resulting from the presence of pollutants, contaminates, or hazardous substances on the property described herein, from all potentially responsible parties in a separate legal action.

X.

That a party wishing to challenge the public use or public purpose, necessity, or authority for a taking must appear at the hearing of this Court at which the County of Ramsey, as Petitioner, shall present this Petition to the Court and state the objection or must appeal within 60 days of a Court order.

XI.

That the land in these proceedings to be taken are situated in Ramsey County, Minnesota and are more particularly described in attached Exhibit B which is made a part hereof. The names of all persons appearing of record or known to the County of Ramsey to be the owners of said land, or interested therein, including all whom the County of Ramsey 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 set forth on attached Exhibit B.

XII.

The County of Ramsey hereby moves the court for an order transferring title and possession of the parcels described herein prior to filing of an award by the court appointed commissioners, pursuant to Minnesota Statutes § 117.042.

WHEREFORE, the County of Ramsey prays for an order of this Court as follows:

1. Adjudging that said taking is for a public purpose, is necessary, and is authorized by law; and
2. It be further adjudged that the County of Ramsey is entitled to take and hold such property for the public use pursuant to the Notice of Intent to Take Possession, on file with this Court; and
3. Appointing three disinterested commissioners, and at least two alternates, to ascertain and report the amount of damages that will be sustained by the several owners on account of the taking; fixing the time and place of the first meeting of the three commissioners; prescribing their compensation; establishing procedures for the disbursement of funds deposited with the district court; establishing procedures by which commissioners shall hear all allegations and proofs of persons interested herein; and requiring the commissioners to file their report with the District Court Administrator within 365 days from the date of the order appointing the commissioners unless said time be further extended by order of the Court; and
4. For such other and further relief as may be proper and pursuant to law.

Dated: February 26, 2025
JOHN J. CHOI
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Attorneys for Petitioner

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. Section 549.211 to the party against whom the allegations in this pleading are asserted.

/s/ Scott Schwahn
Scott Schwahn

EXHIBIT A

RAMSEY COUNTY BOARD OF COMMISSIONERS
RESOLUTION B2023-052

Sponsor: Public Works
Meeting Date: 4/4/2023
Title: 2023 - 2027 Transportation Improvement Program
File Number: 2023-120
Background and Rationale:
Background and Rationale:

To qualify for state and federal funding and to proceed with construction projects, the Ramsey County Board of Commissioners must approve the Public Works 5-year Transportation Improvement Program (TIP). The TIP is a planning document and funding estimates identified in the TIP are reflected in the county's Capital Improvements Program Budget. Similar programs have been developed each year since 1988.

The Public Works department, annually, prepares the TIP using a collaborative process whereby the county solicits projects and input from area municipalities. Project inclusion in the TIP is based on a cooperative dialogue with municipal and state partners, along with technical analysis and consideration of funding opportunities. While funding limits will continue to challenge program delivery, communication and engagement with municipal partners ensures local needs and priorities are examined and addressed to the extent possible.

Projects included in the TIP are also looked at through the lens of the Ramsey County All Abilities Transportation Network policy, which prioritizes the most vulnerable users (i.e. pedestrians, bicyclists, people with disabilities, etc.) first.

The design, construction, and right-of-way costs identified in the TIP are estimates based on best practices in the industry. The funding landscape for transportation projects can be volatile and the ultimate delivery of the TIP is dependent on future funding levels. Partnering on projects with area communities, bordering counties, the Minnesota Department of Transportation, and other state agencies will continue to be a critical way for Ramsey County to get the most from available funds.

Recommendation:

- The Ramsey County Board of Commissioners resolved to:
1. Adopt the 2023 - 2027 Public Works Transportation Improvement Program.
 2. Authorize the County Engineer to prepare plans and agreements for all projects identified in the Transportation Improvement Program, and to issue solicitations in accordance with County policies and procedures and the Minnesota Department of Transportation's list of "Pre-Qualified Vendors by Work Type".
 3. Authorize the County Surveyor to execute Right of Way Plats and Certificate of Surveys for Highway projects that require the determination of existing right of way for the delineation and
/or acquisition of property, for planning studies or disposition of excess county property.
 4. Authorize the County Manager to enter into contracts and agreements, and execute change orders and amendments to contracts, supplemental agreements, and agreements related to the expenditure of Transportation Improvement Program Project Funds utilizing County State Aid, Federal, State, and participating funding associated with the construction of the approved projects in the 2023 - 2027 Transportation Improvement Program or a previously approved Transportation Improvement Program in accordance with the county's procurement policies and procedures.
 5. Authorize the County Engineer and County Attorney to acquire temporary easements, permanent easements, fee title, and enter into Limited Use Permits with the State of Minnesota for projects in the 2023 - 2027 Transportation Improvement Program, or previously approved Transportation Improvement Program, by negotiation or condemnation.
 6. Authorize the Public Works Director to approve negotiated settlements for up to \$100,000 over the county's appraised value per parcel for temporary and permanent easements and fee title.
 7. Authorize the County Manager to approve and execute purchase agreements, settlements, closing documents, Limited Use Permits, and other related real estate documentation associated with County Board approved acquisitions of real property.
 8. Authorize the County Manager to approve and execute cooperative agreements and maintenance agreements with cities, counties, the state, and other governmental agencies for their participation in projects listed in the 2023 - 2027 Public Works Transportation Improvement Program or previously approved Transportation Improvement Program.
 9. Authorize temporary cash loans from the County General Fund to the Road and Bridge Capital Improvement Program fund and the Wheelage Tax fund for costs of projects listed in the 2023 -2027 Public Works Transportation Improvement Program, or previously approved Transportation Improvement Program, and for maintenance project expenditures occurring before bond or wheelage tax proceeds are received pending receipt of Federal, County State Aid Highway, state and participating funds.
 10. Authorize the Public Works Director to submit grant applications for state and federal funding for projects listed in the 2023 - 2027 Public Works Transportation Improvement Program.
 11. Authorize the County Manager to accept grants and execute grant agreements agreeing to the grant terms and conditions for the grant award. For grants that so require, the county agrees to be responsible for any additional amount by which the cost exceeds the county's construction cost estimate and will return to the grantor any grant amount appropriated for the project but not utilized for the project under the terms of the grant agreement.
 12. Authorize the County Manager to issue letters of support in place of an official Ramsey County Board Resolution for constituent cities' grant applications.

A motion to approve was made by Commissioner McGuire, seconded by Commissioner Reinhardt. Motion passed.

Aye: - 7: Frethem, MatasCastillo, McGuire, Moran, Ortega, Reinhardt, and Xiong
By: Mee Cheng, Chief Clerk - County Board
I, Jason Yang, Interim Chief Clerk - County Board, duly appointed and qualified for Ramsey County, Minnesota, do hereby certify that the foregoing is a true and correct copy of Resolution B2023-052, passed by the Board of Commissioners on 04/04/2023

Attest:
Jason Yang, Chief Clerk - County Board
Date Certified: 2/25/2025

EXHIBIT B

PARCEL 9

PERMANENT RIGHT-OF-WAY EASEMENT DESCRIPTION:
Over, under and across Parcel 9, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.

TEMPORARY EASEMENT DESCRIPTION:
Over, under and across Temporary Easement Parcel 9, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.
PIN: 04-30-22-11-0001– Abstract Property
ADDRESS: 5991 Otter Lake Rd., White Bear Township, MN 55110-6473

NAME	NATURE OF INTEREST
Bruce W. Kelley	Fee Owner
Loraine Kelley	Fee Owner
City of White Bear Township	Possible Special Assessments
County of Ramsey	Possible Property Taxes

PARCEL 16

PERMANENT RIGHT-OF-WAY EASEMENT DESCRIPTION:
Over, under and across Parcel 16, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.

TEMPORARY EASEMENT DESCRIPTION:
Over, under and across Temporary Easement Parcel 16, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.
PIN: 04-30-22-12-0011 – Abstract Property
ADDRESS: 1180 County Road J E., White Bear Township, MN 55127-6800

NAME	NATURE OF INTEREST
Spirit Master Funding X, LLC	Fee Owner
Northwoods Entertainment, LLC	Tenant
Schwing America, Inc.	Utility and Pond Easement
Branch Investments, L.L.P.	Utility, Drainage and Road Easement
Muller Family Theatres	Drainage and Utility Easement
City of White Bear Township	Possible Special Assessments
County of Ramsey	Possible Property Taxes

PARCEL 17

PERMANENT RIGHT-OF-WAY EASEMENT DESCRIPTION:
Over, under and across Parcel 17, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.

TEMPORARY EASEMENT DESCRIPTION:
Over, under and across Temporary Easement Parcel 17, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.
PIN: 04-30-22-12-0018 – Abstract Property
ADDRESS: 1150 County Road J E., White Bear Township, MN 55127-6800

NAME	NATURE OF INTEREST
Drake Properties, LLC	Fee Owner
Schwing America, Inc.	Utility Easement
Branch Investments, L.L.P.	Road Easement
Muller Family Theatres	Road Easement
Northern States Power Company, d/b/a Xcel Energy	Regulating and Measuring Station Easement
Holiday Diversified Services, LLC	Tenant
North Oaks Amoco, Inc.	Tenant
Holiday Stationstore	Tenant
Maple Bank	Mortgagee
City of White Bear Township	Road, Drainage, Utility, Walkway Easement and Possible Special Assessments
County of Ramsey	Drainage, Utility Easement and Possible Property Taxes

PARCEL 18

PERMANENT RIGHT-OF-WAY EASEMENT DESCRIPTION:
Over, under and across Parcel 18, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the Registrar of Titles in and for Ramsey County, Minnesota.

TEMPORARY EASEMENT DESCRIPTION:
Over, under and across Temporary Easement Parcel 18, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the Registrar of Titles in and for Ramsey County, Minnesota.
PIN: 04-30-22-21-0003 – Torrens Property Certificate of Title No. 372771
ADDRESS: 0 Centerville Rd., North Oaks, MN 55127

NAME	NATURE OF INTEREST
Schwing America, Inc.	Fee Owner
Board of Water Commissioners of the City of St. Paul	Easement
City of North Oaks	Possible Special Assessments
County of Ramsey	Possible Property Taxes

PARCEL 22

TEMPORARY EASEMENT DESCRIPTION:
Over, under and across Temporary Easement Parcel 22, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 49, as the same is on file and of record in the office of the Registrar of Titles in and for Ramsey County, Minnesota.
PIN: 04-30-22-21-0011 – Torrens Property Certificate of Title Nos: 544643 & 550406 (Covers Additional Lands)
ADDRESS: 5959 Centerville Rd., North Oaks, MN 55127-6812

NAME	NATURE OF INTEREST
Presbyterian Homes of North Oaks, Inc.	Fee Owner
North Oaks Office Center, LLC	Fee Owner
Wells Fargo Bank, National Association	Mortgagee
U.S. Bank National Association	Mortgagee
City of North Oaks	Possible Special Assessments
County of Ramsey	Highway Easement and Possible Property Taxes