

STATE OF MINNESOTA, COUNTY OF RAMSEY
DISTRICT COURT, SECOND JUDICIAL DISTRICT
CASE TYPE 2: CONDEMNATION
COURT FILE NO. 62-CV-24-6234
JUDGE LEONARDO CASTRO
AMENDED NOTICE OF HEARING

County of Ramsey,
Petitioner,
v.
Jeffrey D. Halverson, Kathleen Halverson, State of Minnesota Department of Transportation-Metro Right of Way, Premier Bank, Vadnais Vine & Liquor, Inc., Minneapolis SMSA Limited Partnership c/o U S West NewVector Group, Inc., T14 MelTel, LLC., Verizon Wireless, LLC., Clear Channel Outdoor, Inc., Dokmo Northwood Villa, LLC., Alliance Bank, Victor De La Cruz, Rosalie De La Cruz, Mortgage Electronic Registration Systems, Inc., Persaud Properties Equities, LLC., Qwest Corporation, Gervais Lake Apartments, LLC., Vadnais Lincoln Limited Partnership, Northern States Power Company, Minnesota Housing Finance Agency, Colliers Mortgage, LLC., Trellis Co., Del Co Limited Partnership, Steve Cruz, Ciab Lor, Ya K Yang, Oscar Omar Lopez, Carington Mortgage Services, LLC., Tyrone J. Moore, U.S. Bank, NA, Mesa Investments, LLC., Ronald T. Jarosch, Judy A. Jarosch, MidWestOne Bank, Jason J. Groholski, City of Vadnais Heights, City of Maplewood, City of Little Canada, County of Ramsey,
and all other parties unknown having any claimed right, title or interest in the premises herein, together with the unknown heirs or devisees, if any, of the parties that may be deceased, and including. unknown spouses, if any,
Respondents.

IN THE MATTER OF THE
CONDEMNATION OF CERTAIN LAND

TO THE RESPONDENTS HEREIN ABOVE NAMED:
You, and each of you, are hereby notified that on the 5th day of March, 2025, at 11:30 a.m. via ZOOM before Judge Leonardo Castro. Petitioner will present to the above-named court a Petition now on file herein for condemnation of certain land for highway purposes. Parties wishing to appear at the remote hearing at 11:30 a.m. on March 5, 2025, can join by logging into zoomgov.com. After connecting, enter the following Meeting ID and Passcode:
Meeting ID: 161 397 7241
Passcode: 084871

If you plan to appear by ZOOM, please notify the petitioner’s attorney listed below in order to receive a copy of any proposed exhibits and orders provided to the court. You are not required to notify the petitioner’s attorney, but failure to do so may prevent you from having access to the exhibits and proposed orders submitted.

The object of the Petition is to acquire by “quick take” condemnation under the right of eminent domain the real property interests as described in the Petition.

The land desired and proposed to be taken are situated in Ramsey County, Minnesota, and are described in the Petition, together with the names of all persons appearing of record or known to Petitioner to be the owners of said land or interested therein including all whom 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.

At the hearing, the County of Ramsey will ask the Court for an order permitting payment to the respective owners or deposit with the Court an amount equal to Petitioner’s approved appraisal of value of the parcels described in the Petition, thereby transferring title and the right to possession of the property to the County of Ramsey effective February 1, 2025. Furthermore, the County of Ramsey will ask the Court to ascertain the allocation of funds so deposited and to establish a procedure for the withdrawal of those funds. Neither payment to the respective owners nor deposit with the Court shall prejudice or affect the right of a respective party to apply for additional payment in this proceeding. Finally, the County of Ramsey will ask the Court to establish procedures by which commissioners shall hear all allegations and proofs of persons interested herein.

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 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. Furthermore, a party wishing to be heard as to the appointment of the commissioners who will ascertain the amount of damages must appear at the court hearing.

Any person not appearing at the hearing, or otherwise filing a notice of appearance with the district court, may not be notified of further hearings or actions related to the Petition.

Dated: December 31, 2024
JOHN J. CHOI
Ramsey County Attorney
By: s/ Scott Schwahn
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and all other parties unknown having any claimed right, title or interest in the premises herein, together with the unknown heirs or devisees, if any, of the parties that may be deceased, and including. unknown spouses, if any,
Respondents.

IN THE MATTER OF THE
CONDEMNATION OF CERTAIN LAND

TO: THE DISTRICT COURT ABOVE NAMED

The County of Ramsey brings this Petition and respectfully states and alleges:

I.
That this proceeding is taken pursuant to law in the name of and on behalf of the County of Ramsey, State of Minnesota, by John J. Choi, the duly elected, qualified and acting County Attorney, at the request of the Board of County Commissioners of Ramsey County, as shown by County Board Resolution No. B2021-040, dated February 16, 2021, a certified copy of which is attached hereto as **Exhibit A** and made a part hereof.

II.
That the County of Ramsey also deems it necessary, expedient, and for a public use and purpose to obtain by a “quick take” condemnation under the right of eminent domain the permanent easements and temporary construction easements in the lands as described in this Petition, together with all structures, trees, shrubs, grass and herbage to be damaged thereby.

III.
In the attached **Exhibit B**, where “fee title” is identified, the interest being conveyed is fee simple title.

IV.
In the attached **Exhibit B**, where a “permanent easement” is identified, the 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.

V.
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 March 1, 2025 and ending March 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.

VI.
The County of Ramsey identified redundant access (see **Exhibit C**) for the following parcels: 35, 37, 43 and 55. Pursuant to the Ramsey County Access Management Program, only one access per residential property from a county road is allowed. It is county practice to remove redundant access upon implementation of an improvement project, therefore the County will remove secondary access from the above-referenced parcels.

VII.
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.

VIII.
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 D for the purpose of public travel and transportation and related uses.

IX.
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.

X.
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.

XI.
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, contaminants, or hazardous substances on the property described herein, from all potentially responsible parties in a separate legal action.

XII.
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.

XIII.
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**.

XIV.
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: December 31, 2024
JOHN J. CHOI
Ramsey County Attorney
By: s/ Scott Schwahn
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Kevin S. Plaisance (#0504690)
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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 B2021-040

Sponsor: Public Works
Meeting Date: 2/16/2021
Title: 2021 - 2025 Transportation Improvement Program
File Number: 2021-037
Background and Rationale:

In order 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 (AATN) policy, which prioritizes the most vulnerable users (i.e. pedestrians, bicyclists, people with disabilities) 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 our available funds.

Recommendation:
The Ramsey County Board of Commissioners resolved to:
1. Adopt the 2021-2025 Public Works Transportation Improvement Program (TIP).
2. Authorize the County Engineer to prepare plans and agreements for all projects identified in the TIP, 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 Engineer 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 TIP Project Funds utilizing County State Aid, Federal, and participating funding associated with the construction of the approved projects in the 2021-2025 or a previously approved TIP 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 2021-2025 TIP, or previously approved TIP, by negotiation or condemnation.
6. Authorize the County Engineer 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 2021-2025 Public Works TIP or previously approved TIP.
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 2021-2025 Public Works Transportation Program, or previously approved TIP, and for maintenance project expenditures occurring before bond or wheelage tax proceeds are received pending receipt of Federal, County State Aid Highway, State, participating funds.
A motion to approve was made by Commissioner McGuire, seconded by Commissioner MatasCastillo.
Motion passed.
Aye - 7: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt
By: Janet Guthrie
Attest: /s/ Mee Cheng
Chief Clerk - County Board, Mee Cheng Date Certified

EXHIBIT B

PARCEL 5

TEMPORARY EASEMENT DESCRIPTION:

Over, under and across the north 9.00 feet of the south 42.00 feet of the following described property:

That part of the west 50.0 feet of the east 599.0 feet of the south 377.75 feet of the Southeast Quarter of Section 32, Township 30, Range 22, Ramsey County, Minnesota, subject to Highway and County Road D.
PIN: 32-30-22-44-0006 – Abstract Property
ADDRESS: 771 County Road D East, Saint Paul, MN 55117

NAME	NATURE OF INTEREST
Vadnais Vine & Liquor, Inc.	Fee Owner
Minneapolis SMSA Limited Partnership c/o U S West NewVector Group, Inc.	Tenant
State of Minnesota Department of Transportation, Metro Right of Way	Drainage Easement
T14 MeTel, LLC	Communication, Access, and Utility Easements
Verizon Wireless, LLC	Tenant
City of Vadnais Heights	Possible Special Assessments
County of Ramsey	Possible Property Taxes

PARCEL 15

PERMANENT RIGHT-OF-WAY EASEMENT DESCRIPTION:

Over, under and across Parcel 15, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 21, 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 15, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 21, as the same is on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.

Together with a Temporary Easement over, under and across the north 14.00 feet of the south 47.00 feet and the north 8.00 feet of the south 55.00 feet of the west 83.6 feet of the following described property:

That part of the Southwest Quarter of the Southeast Quarter (SW ¼ of SE ¼) of Section 33, Township 30, Range 22, Ramsey County, Minnesota, lying south of the southerly right of way line of T.H. 694-393 and lying west of the following described line:
Beginning at a point in the south line of said Section 33, distant 248.31 feet east of the South Quarter corner thereof; thence northerly at right angles to said south line to the southerly right of way of T.H. 694-393

and there terminating.

PIN: 33-30-22-34-0003 – Abstract Property
ADDRESS: 1015 County Road D East, Saint Paul, MN 55117

NAME	NATURE OF INTEREST
Persaud Properties Equities, LLC	Fee Owner
Qwest Corporation	Easement for utilities
Gervais Lake Apartments, LLC	Contract for Deed
City of Vadnais Heights	Possible Special Assessments and Easement for underground utilities
County of Ramsey	Possible Property Taxes

PARCEL 35

TEMPORARY EASEMENT DESCRIPTION:

Over, under and across the south 3.0 feet of the north 36.0 feet of the west 27.0 feet and the south 3.0 feet of the north 36.0 feet of the west 20.0 feet of the east 41.1 feet of the following described property:

The west 5 acres of the east 20 acres of the Northwest Quarter of the Northeast Quarter of Section 4, Township 29, Range 22, Ramsey County, Minnesota lying northerly of the centerline of Northern States Power Company Easement per Document No. 1557522. Subject to the public rights in and to County Road D.

PIN: 04-29-22-12-0070 – Abstract Property
ADDRESS: 1134 County Road D East, Maplewood, MN 55117

NAME	NATURE OF INTEREST
Del Co Limited Partnership	Fee Owner
Steve Cruz	Contract for Deed
Northern States Power Company	Easement for utilities
City of Maplewood	Possible Special Assessments
County of Ramsey	Possible Property Taxes

PARCEL 37

TEMPORARY EASEMENT DESCRIPTION:

Over, under and across the north 3.0 feet of the west 89.7 feet of the east 122.7 feet and the south 13.0 feet of the north 16.0 feet of the west 38.0 feet of the east 71.0 feet of the following described property:

Lot 2, Block 2, CANADA WOODS EAST, according to the recorded plat thereof, Ramsey County, Minnesota.
PIN: 04-29-22-12-0063 – Abstract Property
ADDRESS: 1114 County Road D East, Saint Paul, MN 55117

NAME	NATURE OF INTEREST
Oscar Omar Lopez	Fee Owner
Carrington Mortgage Services, LLC	Mortgagee 1006166-0004099564-0
City of Maplewood	Possible Special Assessments
County of Ramsey	Possible Property Taxes

PARCEL 43

TEMPORARY EASEMENT DESCRIPTION:

Over, under and across the north 3.0 feet of the west 25.0 feet of the east 57.6 feet of the following described property:
Lot 1, Block 1, CANADA WOODS EAST, according to the recorded plat thereof, Ramsey County, Minnesota.

PIN: 04-29-22-12-0055 – Abstract Property
ADDRESS: 3113 Walter Street North, Maplewood, MN 55109

NAME	NATURE OF INTEREST
Tyrone J. Moore	Fee Owner
Mortgage Electronic Registration Systems, Inc. (MERS)	Mortgagee 100021200007576266
U.S. Bank, NA	Mortgagee 2200289406
City of Maplewood	Possible Special Assessments
County of Ramsey	Possible Property Taxes

PARCEL 56

TEMPORARY EASEMENT DESCRIPTION:

Over, under and across Temporary Easement Parcel 56, RAMSEY COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 21, as the same is on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.

PIN: 04-29-22-22-0001– Abstract Property
ADDRESS: 942 County Road D East, Saint Paul, MN 55117

NAME	NATURE OF INTEREST
Jason J. Groholski	Fee Owner
U.S. Bank National Association	Mortgagee
City of Little Canada	Possible Special Assessments and Permanent Utility Easement
County of Ramsey	Possible Property Taxes

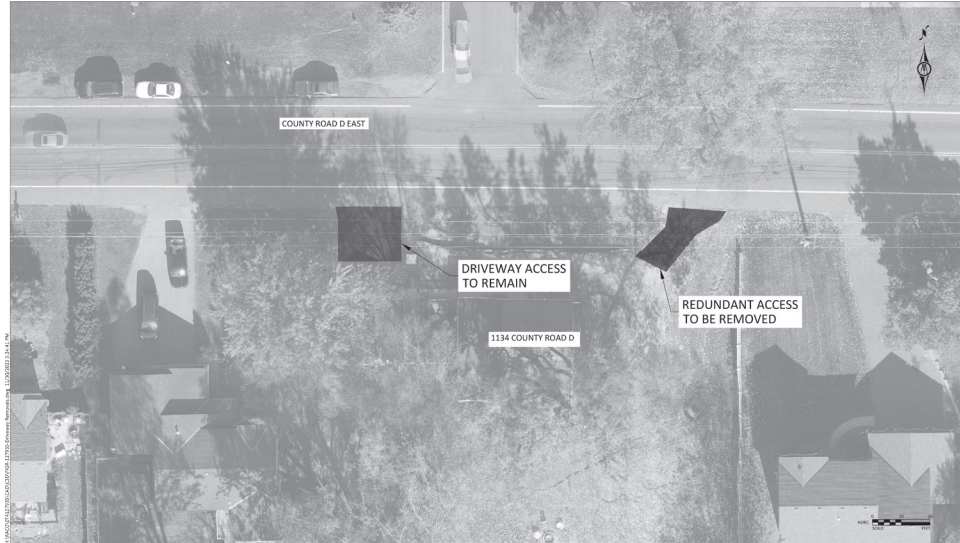
EXHIBIT C

COUNTY ROAD D IMPROVEMENTS
RAMSEY COUNTY, MINNESOTA

FIGURE 1: 1134 COUNTY ROAD D
NOVEMBER 2023



PARCEL 35



COUNTY ROAD D IMPROVEMENTS
RAMSEY COUNTY, MINNESOTA

FIGURE 3: 3113 WALTER STREET
NOVEMBER 2023



PARCEL 43



COUNTY ROAD D IMPROVEMENTS
RAMSEY COUNTY, MINNESOTA

FIGURE 4: 1114 COUNTY ROAD D
NOVEMBER 2023



PARCEL 37



COUNTY ROAD D IMPROVEMENTS
RAMSEY COUNTY, MINNESOTA

FIGURE 2: 942 COUNTY ROAD D
NOVEMBER 2023



PARCEL 56

