

CONDEMNATION

STATE OF MINNESOTA
COUNTY OF AITKIN
IN DISTRICT COURT
NINTH JUDICIAL DISTRICT
COURT FILE NO. 01-CV-22-68
State of Minnesota, by its
Commissioner of Transportation,
Petitioner,
vs.
Joseph M. Lenarz
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 MAY 12, 2022, at 10:15 o'clock AM., or as soon thereafter as counsel can be heard, before Judge David F. Hermerding, from the Courthouse at Aitkin, Aitkin County, Minnesota, the above named petitioner will present to the Court a petition now on file herein for the condemnation of certain lands for trunk highway purposes. This hearing will not be in person at the courthouse. Instructions for attending the remote hearing may be obtained from Aitkin County Court Administration. 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 June 16, 2022.

YOU, AND EACH OF YOU, ARE FURTHER NOTIFIED, that all persons occupying the property described in the petition must **VACATE THE LANDS BEING ACQUIRED AND MOVE ALL OF YOUR PERSONAL PROPERTY FROM SAID LANDS BEING ACQUIRED ON OR BEFORE JUNE 16, 2022.** All advertising signs or devices located on the property being acquired must be removed by June 16, 2022.

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: February 22, 2022

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CONDEMNATION

STATE OF MINNESOTA
COUNTY OF AITKIN IN DISTRICT COURT
NINTH JUDICIAL DISTRICT
COURT FILE NO. 01-CV-22-68
State of Minnesota, by its Commissioner of Transportation,
Petitioner,
vs.

Joseph M. Lenarz, Nicole M. Lenarz, U.S. Bank National Association, County of Aitkin, Gerald Lindgren, Cheri Lindgren, Wells Fargo Bank, N.A., Peter A. Poree Sr., also known as Peter A. Poree, Kelly Law, Kay Law, BANK, Sophia A. Flynn, Minnesota Housing Finance Agency, John L. Sommers, also known as John L. Sommers, DBA Johnny's Auto Repair, Members Cooperative Credit Union, 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 Highways numbered 169 and 210, being Routes numbered 035 and 002, have been located according to law and pass over the lands herein described.

That it is duly covered by Right of Way Plat Orders numbered 99342, 99320, 99335, and 99336, 99337, 99294.

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 all trees, shrubs, grass and herbage within the right of way herein to be taken, and to keep and have the exclusive control of the same, 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, and further, 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 Aitkin 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:

Parcel 204A C.S. 0116 (169=35-27)
S.P. 0119-30RW

All of the following:

A temporary easement for highway purposes in that part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 48 North, Range 26 West, shown as Parcel 204A on Minnesota Department of Transportation Right of Way Plat Numbered 01-27 as the same is on file and of record in the office of the County Recorder in and for Aitkin County, Minnesota, by the temporary easement symbol, said easement shall cease on December 1, 2027, 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:

Joseph M. Lenarz Fee
Nicole M. Lenarz Spouse
U.S. Bank National Association Mortgage
County of Aitkin Taxes

FEE ACQUISITION
Parcel 34 C.S. 0119 (210=2-34)
S.P. 0119-30RW

All of the following:

That part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 47 North, Range 26 West, shown as Parcel 34 on Minnesota Department of Transportation Right of Way Plat Numbered 01-14 as the same is on file and of record in the office of the County Recorder in and for Aitkin County, Minnesota;

containing 0.24 acre, more or less;

together with other rights as set forth below, forming and being part of said Parcel 34:

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 34 by the temporary easement symbol, said easement shall cease on December 1, 2027, 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:

Gerald Lindgren Fee
Cheri Lindgren
Wells Fargo Bank, N.A. Mortgage
County of Aitkin Taxes

FEE ACQUISITION
Parcel 310X C.S. 0119 (210=2-34)
S.P. 0119-30RW

All of the following:

That part of the Northwest Quarter of the Southwest Quarter of Section 35, Township 48 North, Range 26 West, shown as Parcel 310X on Minnesota Department of Transportation Right of Way Plats Numbered 01-24 and 01-25 as the same are on file and of record in the office of the County Recorder in and for Aitkin County, Minnesota;

containing 1.39 acre, more or less, of which 0.73 acre is encumbered by an existing trunk highway easement and 0.02 acre is encumbered by an existing road easement;

together with other rights as set forth below, forming and being part of said Parcel 310X:

Access:

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

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 310X by the temporary easement symbol, said easement shall cease on December 1, 2027, 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:

Peter A. Poree Sr., also known as Peter A. Poree Fee
County of Aitkin Taxes

FEE ACQUISITION
Parcel 313B C.S. 0119 (210=2-34)
S.P. 0119-30RW

All of the following:

That part of the Southeast Quarter of the Northwest Quarter of Section 20, Township 47 North, Range 26 West, shown as Parcel 313B on Minnesota Department of Transportation Right of Way Plat Numbered 01-16 as the same is on file and of record in the office of the County Recorder in and for Aitkin County, Minnesota;

containing 0.14 acre, more or less, of which 0.04 acre is encumbered by an existing road easement;

together with other rights as set forth below, forming and being part of said Parcel 313B:

Access:

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

Names of parties interested in the above described land and nature of interest:

Kelly Law Fee
Kay Law Fee
BANK Mortgage
County of Aitkin Taxes

FEE ACQUISITION
Parcel 324B C.S. 0119 (210=2-34)
S.P. 0119-30RW

All of the following:

That part of the East Half of the Southeast Quarter of Section 34, Township 48 North, Range 26 West, shown as Parcel 324B on Minnesota Department of Transportation Right of Way Plat Numbered 01-24 as the same is on file and of record in the office of the County Recorder in and for Aitkin County, Minnesota;

containing 0.13 acre, more or less, of which 0.08 acre is encumbered by an existing trunk highway easement;

together with other rights as set forth below, forming and being part of said Parcel 324B:

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 324B by the temporary easement symbol, said easement shall cease on December 1, 2027, 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:

Sophia A. Flynn Fee
Minnesota Housing Finance Agency Mortgage
County of Aitkin Taxes

FEE ACQUISITION
Parcel 327D C.S. 0119 (210=2-34)
S.P. 0119-30RW

All of the following:

That part of the Northwest Quarter of the Northwest Quarter of Section 35, Township 48 North, Range 26 West, shown as Parcel 327D on Minnesota Department of Transportation Right of Way Plat Numbered 01-26 as the same is on file and of record in the office of the County Recorder in and for Aitkin County, Minnesota;

containing 0.13 acre, more or less;

together with other rights as set forth below, forming and being part of said Parcel 327D:

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 327D by the temporary easement symbol, said easement shall cease on December 1, 2027, 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:

John L. Sommers, also known as John L. Sommers, DBA Fee
Johnny's Auto Repair
Members Cooperative Credit Union Mortgage
County of Aitkin Taxes

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: January 26, 2022

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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: January 26, 2022

KEITH ELLISON
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State of Minnesota
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