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CONDEMNATION

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

BY _____ DEPUTY
HENN CO. DISTRICT
COURT ADMINISTRATOR

FOURTH JUDICIAL DISTRICT
Court File No. 27-CV-07-20490

State of Minnesota, by its Commissioner of Transportation,

Petitioner,

vs.

Union Pacific Railroad Company, successor in interest by corporate merger, consolidation,
amendment, or conversion to Minneapolis and St. Louis Railway Company, and to the Minnesota
and North Western Railroad Company, City of Minneapolis, County of Hennepin,

Respondents.

IN THE MATTER OF THE CONDEMNATION OF
CERTAIN LANDS FOR TRUNK HIGHWAY PURPOSES

REPORT OF COMMISSIONERS

REPORT OF COMMISSIONERS

To the Court above named:

The undersigned Commissioners appointed by this Court in the above entitled matter by Order of the Court, do hereby report as follows:

I.

We met at the time and place appointed by the Court, in the office of the Court Administrator, and took the oath prescribed by law.

II.

We make the following award for the damages sustained by the several respondents by reason of the taking.

As to the lands described as Parcel 212, C.S. 2783 (35W=394) 902:

Boosalis Family Limited Partnership)	\$ 1,200,000.00
_____)	
State of Minnesota)	
Department of Natural Resources)	
_____)	
Metropolitan Council)	
successor in interest to)	
Metropolitan Waste Control and Metropolitan Sewer Service Board and Metropolitan Sewer Board)	
_____)	

The above award is made on the basis and condition that the date of passage of title and right of possession and the date of valuation is September 10, 2007, pursuant to Minn. Stat. § 117.042.

The above award of commissioners is based on the condition that the real estate taxes due and payable in 2007 or in prior years on the lands acquired by the State and all unpaid special assessments and future installments thereof, as well as pending assessments, are the responsibility of the owners or lessees herein.

As a further basis and condition of this award, owners acknowledge the receipt of \$845,000.00 about February 3, 2008. Said funds were paid to owners pursuant to Minn. Stat. § 117.042. This previous payment will be credited against full payment of the award.

Excepting all minerals and reserving to the State of Minnesota owners of the minerals, their heirs, successors, and assigns, the rights, and privileges to explore for, mine, and remove the minerals, but only in such a manner that will not interfere with the use of said land for highway purposes or with the safe and continuous operation of any public highway thereon, provided the mineral owner reserves the right to relocate the highway at the mineral owner's expense pursuant to Minn. Stat. § 160.10 as such may be amended.

In addition, as a separate award, we, the undersigned commissioners, pursuant to Minn. Stat. § 117.085, allow to the owner reasonable appraisal fees in the amount of \$ maximum allowed by statute

The above award is made on the basis of stipulations filed with the court administrator of the above-named court whereby the State shall acquire those lands described in said stipulations instead of the lands described in the petition and notice herein.

The foregoing award assumes that the above-referenced property is free of all pollutants, contaminants and hazardous wastes. This commission has not assessed any damages for the presence of pollutants, contaminants, and hazardous wastes on the subject property. This award is made with the express understanding that the petitioner, State of Minnesota, has reserved all rights to recover damages, testing cost, and clean-up costs attributable to the existence of pollutants, contaminants or hazardous wastes on the property from the respondent in a separate legal action. The commission has not considered the impact of pollutants, contaminants, and hazardous wastes on the fair market value of the subject property either before or after the taking in its assessment of damages.

The above award is made on the basis and condition of the stipulation amending the taking on file with the district court administrator.

AG: #2346211-v1

THIS AWARD DOES NOT PROVIDE FOR DAMAGES TO THE RETAINING WALL. IF SUBSEQUENT INVESTIGATION REVEALS SIGNIFICANT DAMAGE TO THE WALL RESPONDENTS MAY SEEK FURTHER COMPENSATION FROM THE COMMISSION IF THE PARTIES CANNOT AGREE ON THE AMOUNT.

III.

We further report that in the performance of our duties as Commissioners we were occupied for ___ day(s).

Dated: 12/23/08

SIGNED:

COMMISSIONERS