

**STATE OF MINNESOTA
AND
KANDIYOHI COUNTY
JOINT ACQUISITION OF LAND AGREEMENT
FOR COMBINED CONDEMNATION ACTION**

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation (“State”) and Kandiyohi County acting through its Board of Commissioners (“County”).

Recitals

1. The State and the County, among others, have entered into a Master Cooperation Agreement, MnDOT Contract No. 1032954, (“Master Agreement”) for the construction of a direct rail connection between two existing railroad main track subdivisions, construction of a rail spur to the City of Willmar’s industrial park, and modification of surrounding roadways, commonly known as the Willmar Wye Railroad Connector Project (“Willmar Wye Project”).
2. Pursuant to the Master Agreement, the State and County will acquire and transfer real property between themselves, and the other parties to the Master Agreement, to provide the real property necessary to construct the railway and roadway elements of the Willmar Wye Project.
3. In two instances, both State and County require the acquisition of separate portions of the same tracts of land, as described and depicted in Exhibits A through D, attached hereto, to fulfill their obligations under the Master Agreement.
4. Under Minnesota Statutes §117.016, whenever the state or any of its agencies or political subdivisions thereof is acquiring property for a public purpose and it is determined that a portion or a part of a tract of land is necessary for its particular public purpose and that other portions or parts of the same tract of land or the remainder thereof are needed by another agency or political subdivision of the state for a public purpose, the state or its agencies or political subdivisions desiring such lands or parts thereof may enter into an agreement each with the other for the joint acquisition of such lands by eminent domain proceedings.
5. Minnesota Statutes §117.016 authorizes the State and the County to enter into the following agreement (“Agreement”) for the joint acquisition by eminent domain proceedings of the properties described and depicted in Exhibits A through D, attached hereto.

Agreement

1. Term of Agreement; Survival of Terms; Incorporation of Exhibits

- 1.1. **Effective Date:** This Agreement will be effective on the date State obtains all required signatures under Minnesota Statutes Section §16C.05, subdivision 2.
- 1.2. **Expiration Date:** This Agreement will expire on 6/30/2025, or when all obligations have been satisfactorily fulfilled, whichever occurs first.
- 1.3. **Survival of Terms:** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this

Agreement, including, without limitation, the following clauses: 6. Liability; 7. State Audits; 8. Government Data Practices; and 9. Venue.

1.4. **Exhibits:** Exhibits A through D are attached and incorporated into this Agreement.

2. Rights, Duties, and Responsibilities of the Parties

- 2.1. The State, through the Minnesota Attorney General Office, will conduct eminent domain proceedings for itself and on behalf of the County to acquire the real property interests described and depicted in Exhibits A through D.
- 2.2. Through the eminent domain proceedings, the County will acquire 1) a fee simple interest in the real property legally described and depicted in Exhibits A and B; and 2) an ingress and egress easement legally described and depicted in Exhibit A-1; (collectively "County Property").
- 2.3. Through the eminent domain proceedings, the State will acquire a fee simple interest and temporary easement in the real property legally described and depicted in Exhibits C and D, (collectively "State Property").
- 2.4. Upon request, the County will promptly supply the State with any information and documentation in its possession necessary for State to conduct the eminent domain proceedings, including, the following: surveys, legal descriptions, appraisals, title work, correspondence with owners, and direct purchase offers.
- 2.5. The State will confer with the County on any settlement offer and on any decision to appeal an award of damages.
- 2.6. The State will be responsible for the following costs:
 - i. the final settlement or award damages for the County Property and the State Property;
 - ii. State's attorney fees;
 - iii. commissioners' fees;
 - iv. opposing counsel fees awarded by the Court, if any;
 - v. interest on award damages, if any;
 - vi. filing fees for the eminent domain proceedings, including any appeal; and
 - vii. recording fees for the final certificate that includes the State Property and the County Property, and any associated fees for taxes and well statements for the State Property and County Property.
- 2.7. The County will be responsible for the County's attorney fees.

3. Consideration

- 3.1. The State and the County agree that the mutual promises contained herein are sufficient consideration supporting this Agreement.

4. Agreement Personnel

4.1. State's Authorized Representative will be:

Name/Title: [REDACTED], or successor
MnDOT - [Division/District/Office]
Street Address: [REDACTED]
City State Zip: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

State's Authorized Representative, or his/her successor, will monitor the County's performance and has the authority to accept or reject the services provided under this Agreement.

4.2. State's Project Manager will be:

Name/Title: [redacted], or successor
MnDOT - [Division/District/Office]
Street Address: [redacted]
City State Zip: [redacted]
Telephone: [redacted]
Email: [redacted]

State's Project Manager, or his/her successor, has the responsibility to monitor the County's performance and progress. State's Project Manager will sign progress reports, review billing statements, make recommendations to State's Authorized Representative for acceptance of the County's goods or services and make recommendations to State's Authorized Representative for certification for payment of each Invoice submitted for payment.

4.3. The County's Authorized Representative will be:

Name/Title: [redacted], or successor
Street Address: [redacted]
City State Zip: [redacted]
Telephone: [redacted]
Email: [redacted]

5. Assignment, Amendments, Waiver and Contract Complete

- 5.1. Assignment. Neither party may assign nor transfer any rights or obligations under this Agreement without the prior consent of the other party and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.
- 5.2. Amendments. Any Amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the Original Agreement, or their successors in office.
- 5.3. Waiver. If either the State or the County fails to enforce any provision of this Agreement, that failure does not waive the provision or its right to subsequently enforce it.
- 5.4. Contract Complete. This Agreement contains all prior negotiations and agreements between State and the County. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

6. Liability

- 6.1. Each party is solely responsible for its own acts or omissions and the results thereof. The liability of the State is governed by Minn. Stat. §3.736 and other applicable law. The liability of County is governed by Minn. Stat. Chapter 466 and other applicable law.

7. State Audits

- 7.1. Under Minnesota Statutes §16C.05, subdivision 5, the County's books, records, documents and accounting procedures and practices relevant to this Agreement are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

8. Government Data Practices

- 8.1. The County and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by State under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained or disseminated by the County under this

Agreement. The civil remedies of Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by either the County or State.

9. Venue

- 9.1. Venue for all legal proceedings out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

10. Termination; Suspension

- 10.1. Termination. This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.
- 10.2. Termination for Insufficient Funding. State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination must be by written or fax notice to the County. State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the County will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. State will not be assessed any penalty if the agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds. State must provide the County notice of the lack of funding within a reasonable time of State's receiving that notice.
- 10.3. Suspension. State may immediately suspend this Agreement in the event of a total or partial government shutdown due to failure to have an approved budget by the legal deadline. Work performed by the County during a period of suspension will be deemed unauthorized and undertaken at risk of non-payment.

THE BALANCE OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

MnDOT Contract Number: _____

COUNTY

The County certifies that the appropriate person(s) have executed the contract on behalf of the County as required by applicable articles, bylaws, resolutions or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

COMMISSIONER OF TRANSPORTATION

By: _____

Title: _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

Exhibit A

March 25, 2019
3400-KAN-3

FEE ACQUISITION

Parcel 3 C.S. 3400 (XXX) KAN

S.P. 9908-02RW

All of the following:

That part of the Northwest Quarter of the Northwest Quarter of Section 20, Township 119 North, Range 35 West, shown as Parcel 3B on Kandiyohi County Willmar Wye Project Right of Way Plat No. 3 as the same is on file and of record in the office of the County Recorder in and for Kandiyohi County, Minnesota;

containing 0.05 acre, more or less.

KANDIYOHI COUNTY WILLMAR WYE PROJECT RIGHT OF WAY PLAT NO. 3



This Plat Located in Part of:
W 1/2 of the NW 1/4,
all in:
Section 20, T119N-R35W,
Willmar Township,
Kandiyohi County, Minnesota

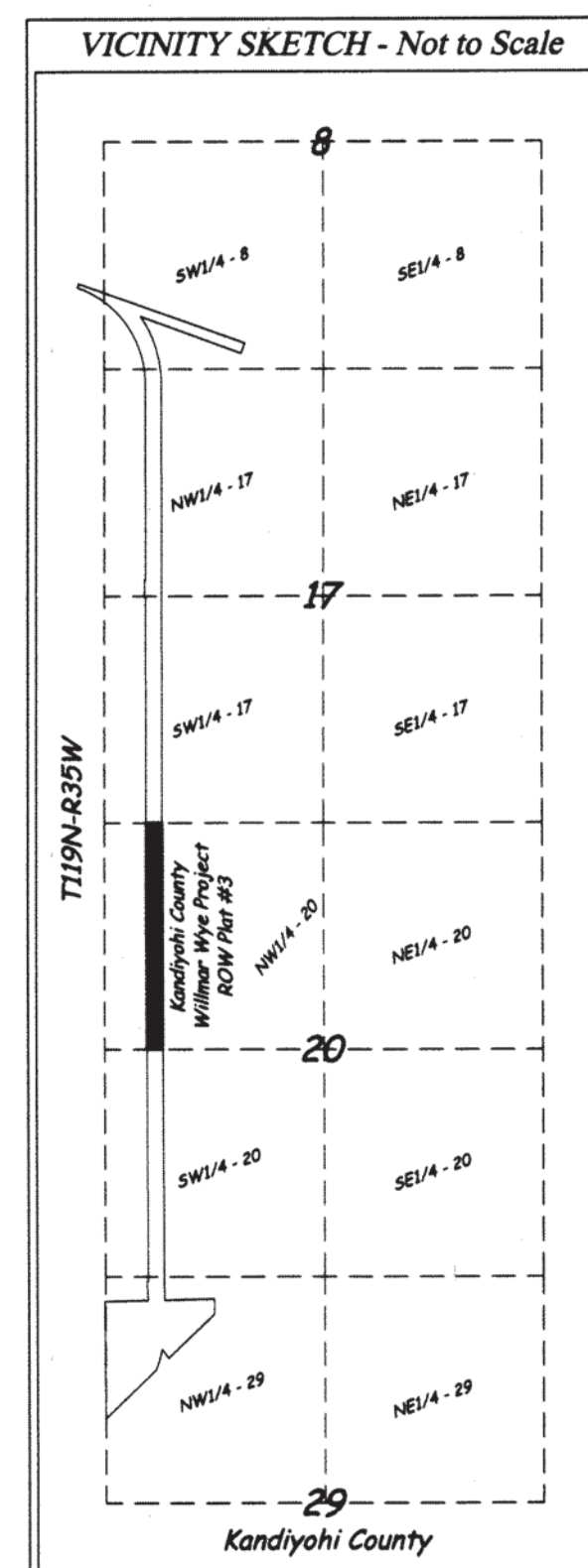
This drawing prepared by:
Bonnema Runke Stern Inc.
Professional Land Surveyors
4566 Hwy 71 NE - Suite 1
Willmar, MN 56201
Office (320) 231-2844 Fax (320) 231-2827

Requested by: **Kandiyohi County Public Works Department**
1801 E Hwy 12
Willmar, MN 56201



LEGEND

- Found Iron Monument from former survey
- Bonnema Runke Stern Inc. Placed Capped Iron Monument
- ⊙ Cast Iron Monument
- - - Existing Highway Right-of-Way
- Highway Right-of-Way Plat Parcel Boundary
- - - Sixteenth Section Lines
- - - Section Lines / Quarter Section Lines
- - - Adjacent Parcels
- - - Adjacent Plats
- ||||| Railroad Tracks



Parcel Area Information				
Parcel No.	Parcel Acres	Existing County R/W Acres	Existing MnDot R/W Acres	New R/W Acres
3A	6.11 ac.	0.00 ac.	0.00 ac.	6.11 ac.
3B	0.05 ac.	0.00 ac.	0.00 ac.	0.05 ac.
3C	6.06 ac.	0.00 ac.	0.28 ac.	5.78 ac.

Bearing Notice:
The bearing orientation system for this plat is based on the Minnesota Department of Transportation Coordinate System NAD83 for Kandiyohi County (1996 Adjustment), which has determined the North line of Section 20 to have a bearing of N 88° 40' 29" E.

KANDIYOHI COUNTY ENGINEER

The Kandiyohi County Engineer is hereby designating the definite location of the Kandiyohi County Willmar Wye Project in the W 1/2 of the NW 1/4, all in, Section 20, Township 119 North, Range 35 West of the Fifth Principal Meridian, Kandiyohi County, Minnesota.

This plat prepared by the Kandiyohi County Highway Department is hereby certified as the official plat of that part of said Kandiyohi County Willmar Wye Project in the W 1/2 of the NW 1/4, all in, Section 20, Township 119 North, Range 35 West of the Fifth Principal Meridian, Kandiyohi County, Minnesota. PURSUANT TO Minnesota Statutes, Chapter 160.085, Chapter 160.15, and possibly Chapter 160.14.

Certified: Melvin W. Odens Date: 1-29-19
Melvin W. Odens, P.E., License No. 24962
Kandiyohi County Engineer

LAND SURVEYOR

I hereby certify that this plat was prepared by me or under my direct supervision and that I am duly Registered Land Surveyor under the Laws of the State of Minnesota, that this plat meets the requirements of Minnesota Statutes Chapter 160.085, Chapter 160.15, and that the parcels are correctly designated and monumented as shown on this plat.

Certified: Matthew D. Runke Date: 1-22-19
Matthew D. Runke - License No. 46171

KANDIYOHI COUNTY RECORDER

OFFICE OF THE COUNTY RECORDER - KANDIYOHI COUNTY - MINNESOTA

I hereby certify that this plat has been filed for record in this office on the 29th day of JANUARY 2019 at 8:27 o'clock A.M. and recorded in folder no. 661B and Document No. 656374

Certified: Juli Kalkreuth
Kandiyohi County Recorder

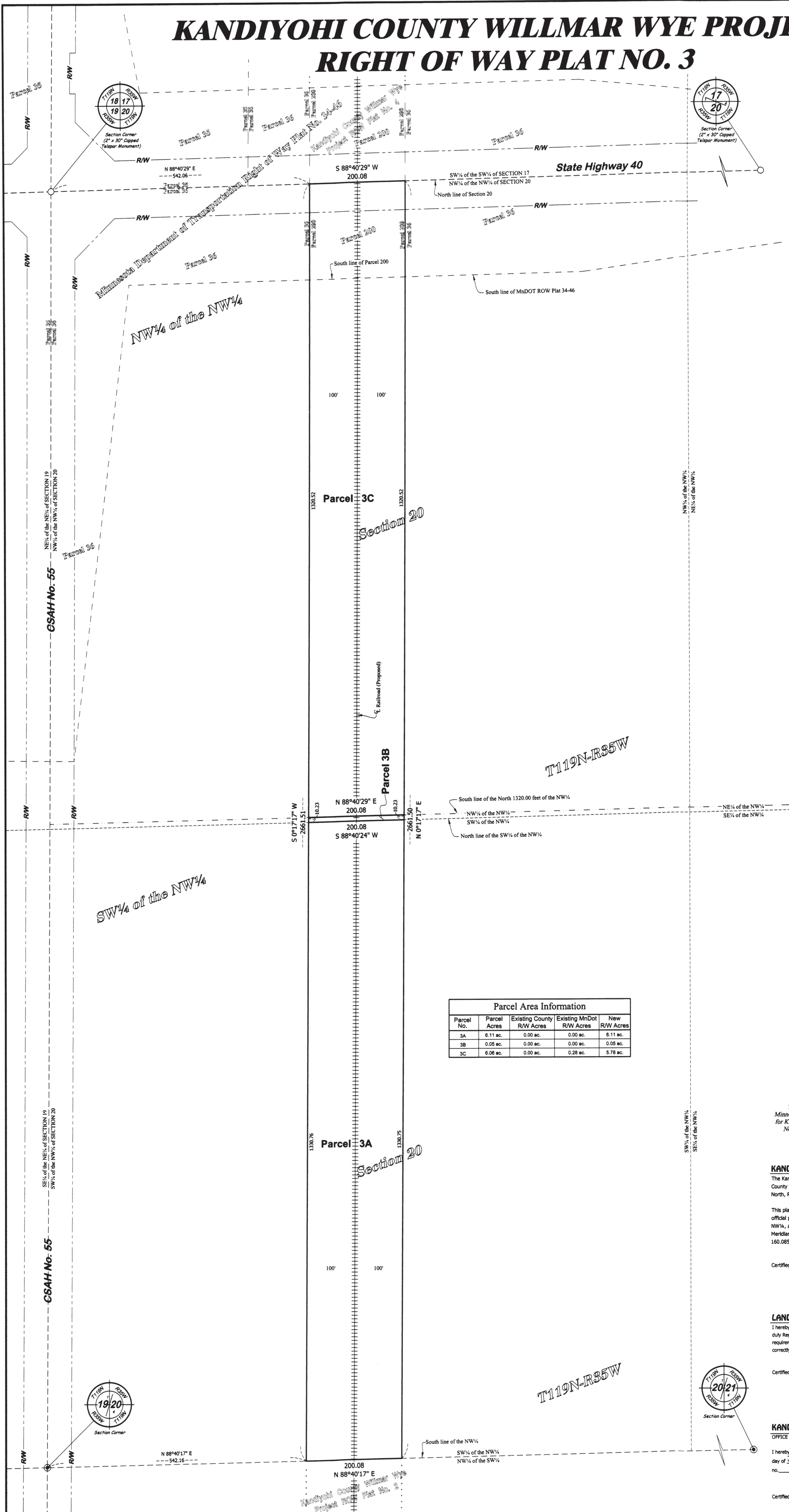


Exhibit A-1

Ingress/Egress easement to Boike (Dickman Property)

The easterly 33 feet lying south of the north 1320 feet of the west 1980 feet of the Northwest Quarter of the Northwest Quarter of Section 20, Township 119 North, Range 35 West, Kandiyohi County, Minnesota.

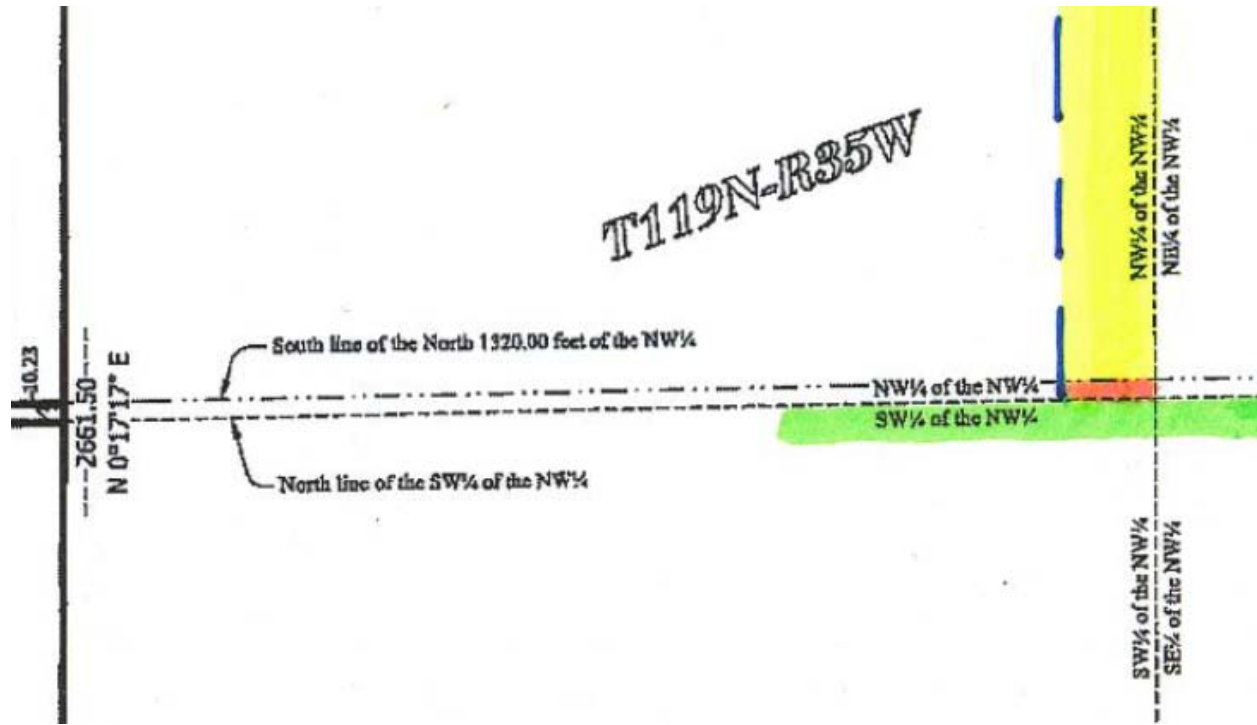


Exhibit B

March 25, 2019
3400-KAN-1

FEE ACQUISITION

Parcel 1 C.S. 3400 (XXX) KAN

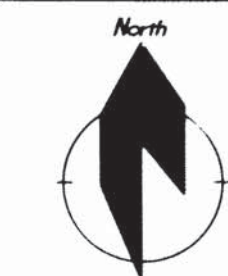
S.P. 9908-02RW

All of the following:

That part of the West Half of the Southwest Quarter of Section 8,
Township 119 North, Range 35 West, shown as Parcels 6A on Kandiyohi
County Willmar Wye Project Right of Way Plat No. 6 as the same is on file
and of record in the office of the County Recorder in and for Kandiyohi
County, Minnesota;

containing 6.61 acres, more or less, of which 0.07 acre is encumbered by an
existing road easement.

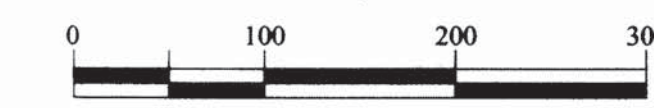
KANDIYOHI COUNTY WILLMAR WYE PROJECT RIGHT OF WAY PLAT NO. 6



This Plat Located in Part of:
NE 1/4 of the SE 1/4, Section 7,
and also part of:
**W 1/2 of the SW 1/4, and also
SE 1/4 of the SW 1/4, all in Section 8,**
all in:
**T119N-R35W, Willmar Township,
Kandiyohi County, Minnesota**

Parcel Area Information				
Parcel No.	Parcel Acres	Existing County R/W Acres	Existing MnDot R/W Acres	New R/W Acres
6A	6.68 ac.	0.07 ac.	0.00 ac.	6.61 ac.
6B	1.06 ac.	0.00 ac.	1.06 ac.	0.00 ac.
6C	0.53 ac.	0.00 ac.	0.53 ac.	0.00 ac.
6D	2.74 ac.	0.00 ac.	1.04 ac.	1.70 ac.
6E	0.38 ac.	0.00 ac.	0.17 ac.	0.21 ac.
6F	0.49 ac.	0.00 ac.	0.20 ac.	0.29 ac.

This drawing prepared by:
Bonnema Runke Stern Inc.
Professional Land Surveyors
4566 Hwy 71 NE - Suite 1
Willmar, MN 56201
Office (320) 231-2844 Fax (320) 231-2827
Requested by: Kandiyohi County Public Works Department
1801 E Hwy 12
Willmar, MN 56201



LEGEND

- Found Iron Monument from former survey
- Bonnema Runke Stern Inc. Placed Capped Iron Monument
- ⊙ Cast Iron Monument
- - - Existing Highway Right-of-Way
- Highway Right-of-Way Plat Parcel Boundary
- - - Sixteenth Section Lines
- - - Section Lines / Quarter Section Lines
- - - Adjacent Parcels
- - - Adjacent Plats
- ++++ Railroad Tracks
- ↑ Change in Direction

Bearing Notice:
The bearing orientation system for this plat is based on the Minnesota Department of Transportation Coordinate System NAD83 for Kandiyohi County (1996 Adjustment), which has determined the South line of Section 8 to have a bearing of N 89° 12' 04" E.

KANDIYOHI COUNTY ENGINEER

The Kandiyohi County Engineer is hereby designating the definite location of the Kandiyohi County Willmar Wye Project in the NE 1/4 of the SE 1/4, Section 7, and also in part of the W 1/2 of the SW 1/4 and the SE 1/4 of the SW 1/4 of Section 8, all in, Township 119 North, Range 35 West of the Fifth Principal Meridian, Kandiyohi County, Minnesota.

This plat prepared by the Kandiyohi County Highway Department is hereby certified as the official plat of that part of said Kandiyohi County Willmar Wye Project in the NE 1/4 of the SE 1/4, Section 7, and also in part of the W 1/2 of the SW 1/4 and the SE 1/4 of the SW 1/4 of Section 8, all in, Township 119 North, Range 35 West of the Fifth Principal Meridian, Kandiyohi County, Minnesota. PURSUANT TO Minnesota Statutes, Chapter 160.085, Chapter 160.15, and possibly Chapter 160.14.

Certified: *Melvin W. Odens* Date: 1-29-19
Melvin W. Odens, P.E., License No. 24962
Kandiyohi County Engineer

LAND SURVEYOR

I hereby certify that this plat was prepared by me or under my direct supervision and that I am duly Registered Land Surveyor under the Laws of the State of Minnesota, that this plat meets the requirements of Minnesota Statutes Chapter 160.085, Chapter 160.15, and that the parcels are correctly designated and monumented as shown on this plat.

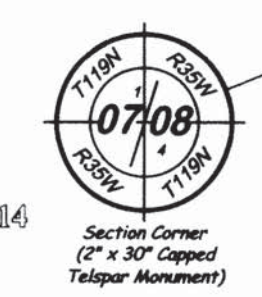
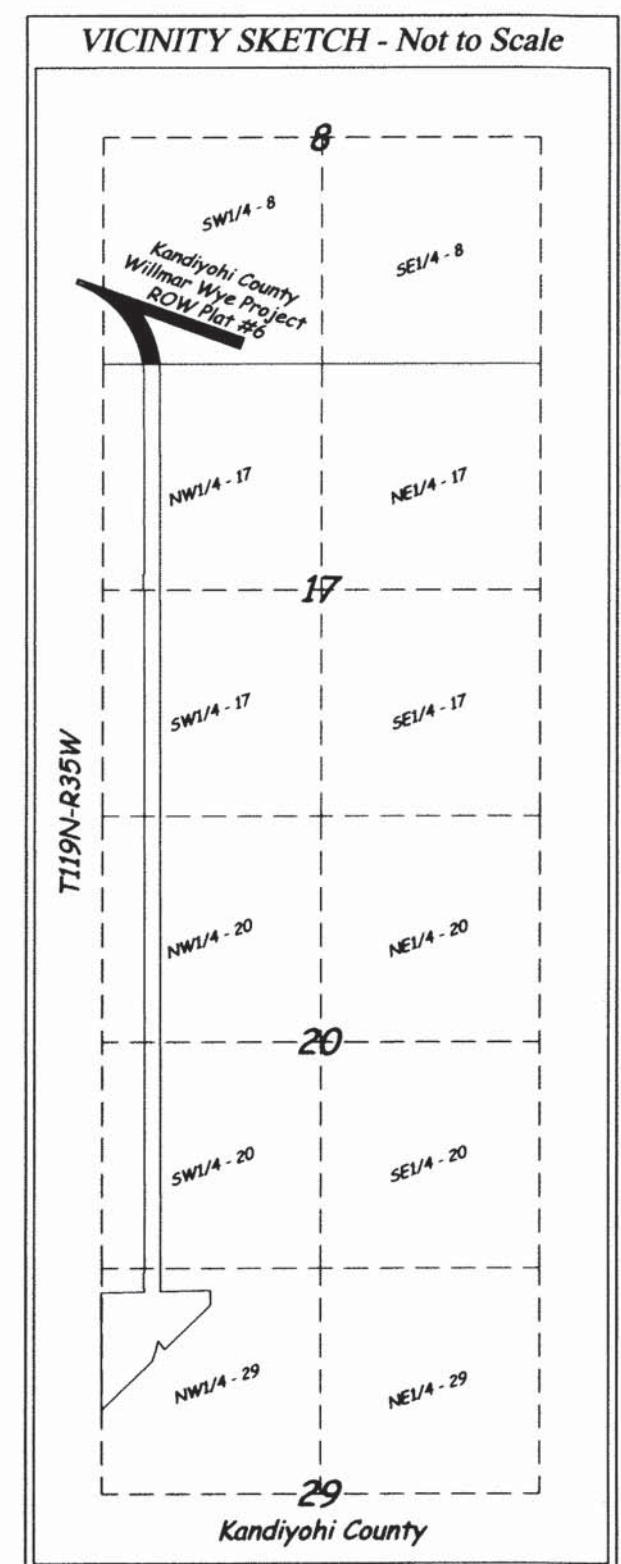
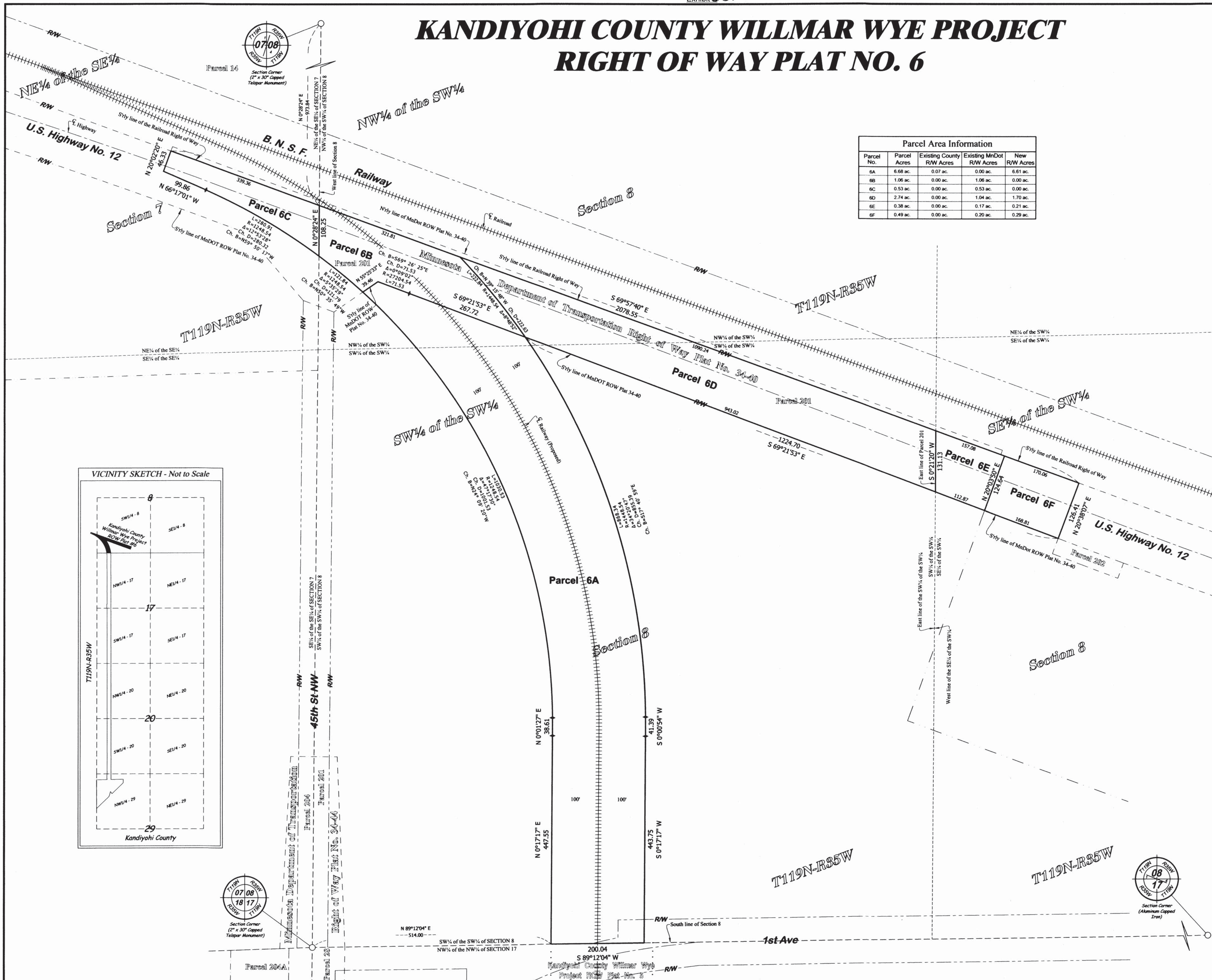
Certified: *Matthew D. Runke* Date: 1-22-19
Matthew D. Runke - License No. 46171

KANDIYOHI COUNTY RECORDER

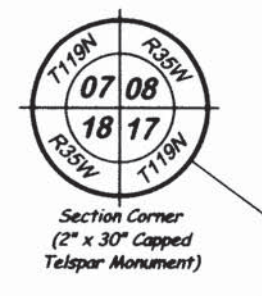
OFFICE OF THE COUNTY RECORDER - KANDIYOHI COUNTY - MINNESOTA

I hereby certify that this plat has been filed for record in this office on the 29th day of January 2019 at 8:32 o'clock A.M. and recorded in folder no. 863A and Document No. 656377

Certified: *Julie Kalkreuth*
Kandiyohi County Recorder



Parcel 14



Parcel 204A



Parcel 202

Exhibit C

July 26, 2017
3409-901-230

FEE ACQUISITION

Parcel 230 C.S. 3409 (40=145) 901

S.P. 3403-74RW

All of the following:

That part of the Northeast Quarter of the Northwest Quarter of Section 20, Township 119 North, Range 35 West, shown as Parcel 230 on Minnesota Department of Transportation Right of Way Plat Numbered 34-43 as the same is on file and of record in the office of the County Recorder in and for Kandiyohi County, Minnesota;

containing 0.14 acre, more or less;

together with other rights as set forth below, forming and being part of said Parcel 230:

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 230 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.

MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 34-43

CONTROL SECTION NO. 3409 (40=145)901
IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 18, T.119 N., R.35 W.,
IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, T.119 N., R.35 W.,
IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 19, T.119 N., R.35 W.,
IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, T.119 N., R.35 W.,
IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, T.119 N., R.35 W.,
IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 20, T.119 N., R.35 W.,
IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, T.119 N., R.35 W.,
IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, T.119 N., R.35 W.,
KANDIYOHI COUNTY, MINNESOTA

THE COMMISSIONER OF TRANSPORTATION IS HEREBY DESIGNATING THE DEFINITE LOCATION OF TRUNK HIGHWAY NO. 40 FROM A HALF MILE WEST TO A HALF MILE EAST AND A QUARTER MILE SOUTH TO A HALF MILE NORTH OF THE INTERSECTION OF TRUNK HIGHWAY 40 AND C.S.A.H. 55.

as shown on this plat prepared by the State of Minnesota Department of Transportation is hereby certified as the official plat of that portion of sold T.H. 40 within the designated portion of Section 17, 18, 19, & 20 and the Commissioner's Order therefor, pursuant to Minnesota Statutes, Section 160.085, Section 160.14 subd. 1, Section 161.16 subd. 2, and Section 161.18.

It is further ordered that the Commissioner of Transportation's Orders covering the existing right of way, outside of the plat boundary, shall remain in full force and effect until such time the existing right of way Orders are rescinded.

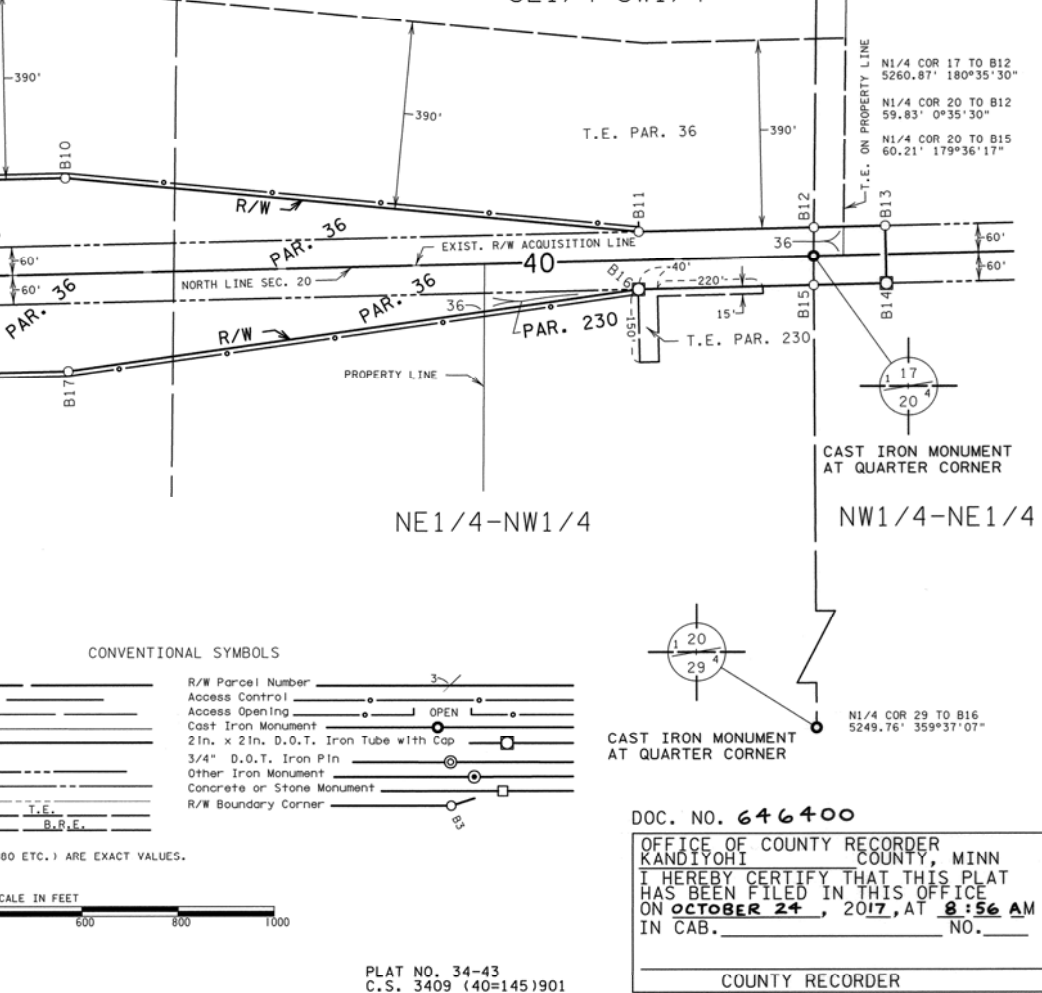
It is further ordered that it is necessary to acquire all trees, shrubs, grass and herbage within the right of way of said Trunk Highway, and to keep and have the exclusive control of the same.

Commissioner's Order No. 97065 Location PLAT 34-43 Nature of Interest Definite location, width, access, temporary easement.

Certified by *[Signature]* 12 Oct 17 Date
by Peter W. Jenkins Assistant Director, Office of Land Management

I hereby certify that this plat was surveyed and prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota; that all measurements are correctly shown on this plat; that all monuments have been correctly placed as shown on this plat; that Certificates of Location for the monumented Public Land Survey corners as shown on this plat are on file in the County Recorder's Office (if required under Minnesota Statutes, Section 160.15) and/or the County Surveyor's Office; that this plat meets the requirements of Minnesota Statutes, Section 160.085, Section 160.14 subd. 1, Section 161.16 subd. 2, and Section 161.18; that the parcel ownerships are correctly described and delineated on the plat; and that the proposed right of way boundary lines are correctly designated on the plat.

Certified by *[Signature]* 24640 10-16-2017 License No. Date
Matthew J. Schloegel MnDOT District Office



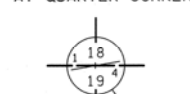
RIGHT OF WAY IN SECTION 18						
PARCEL	OWNER	LOCATION	NEW T.H.	TEMPORARY EASEMENT		PERMANENT R/W INTEREST
			R/W	ACRES MORE OR LESS	ACRES MORE OR LESS	
226	DANIEL E GROOTHUIS	S 1/2 SE 1/4 NE 1/4 SE 1/4	3.01	0.73	12-1-2022	FEE
226A	JASON J FUSSY	NE 1/4 SE 1/4		0.43	12-1-2022	
RIGHT OF WAY IN SECTION 19						
228	BEN M FISCHER	N 1/2 NE 1/4	1.99	0.06	12-1-2022	FEE
228A	PHILLIP I KYAM	NE 1/4 NE 1/4	1.80			FEE
RIGHT OF WAY IN SECTION 20						
230	ADAM J DICKMAN	NE 1/4 NW 1/4	0.14	0.21	12-1-2022	FEE
RIGHT OF WAY IN SECTION 17 18 & 19						
35	BNSF RAILWAY COMPANY	SW 1/4 SW 1/4 SEC 17	3.21	2.40	12-1-2022	FEE
		E 1/2 SE 1/4 SEC 18	3.98	5.58	12-1-2022	FEE
		NE 1/4 NE 1/4 SEC 19	3.67			FEE
RIGHT OF WAY IN SECTION 17 & 20						
36	CITY OF WILLMAR	S 1/2 SW 1/4 SEC 17 SW 1/4 SE 1/4 SEC 17 NW 1/4 SW 1/4 SEC 17	7.82	22.49	12-1-2022	FEE
36	CITY OF WILLMAR	N 1/2 NW 1/4 SEC 20	10.51			FEE

NOTE: TEMPORARY COMMISSIONER'S ORDERS IN PUBLIC ROADS WILL EXPIRE ON 12-01-2022

PLAT BOUNDARY DATA				
FROM	TO	DISTANCE (FT)	AZIMUTH	
B607*	B6*	60.04	0°32'01"	
B6*	B3	1175.23	88°23'35"	
B3	B4	725.00	81°15'44"	
B4	B5	370.00	88°23'35"	
B5	B6	740.00	9°58'56"	
B6	B7	51.35	89°00'36"	
B7	B8	48.74	87°31'02"	
B8	B9	685.00	169°07'43"	
B9	B10	920.00	88°40'45"	
B10	B11	1200.00	95°22'44"	
B11	B12	365.26	88°40'45"	
B12	B13	148.52	88°40'45"	
B13	B14	120.00	178°40'45"	
B14	B15	151.48	268°40'45"	
B15	B16	365.05	268°40'45"	
B16	B17	1200.00	261°58'46"	
B17	B18	950.00	268°40'45"	
B18	B19	1000.00	186°51'23"	
B19	B20	49.89	270°17'44"	
B20	B21	100.11	270°17'44"	
B21	B22	562.00	352°06'43"	
B22	B23	265.00	0°17'44"	
B23	B24	50.00	90°17'44"	
B24	B25	223.22	0°17'44"	
B25	B26	650.00	268°23'35"	
B26	B27	612.51	275°53'53"	
B27	B1**	1043.56	268°23'35"	
B1**	B607*	60.04	0°23'36"	

* PLAT 34-6 ** PLAT 34-7

3/4 INCH IRON ROD AT QUARTER CORNER



N1/4 COR 19 TO B607* 215.72' 88°24'29"

B1** TO B607* ADJOINS PLAT 34-7

B607* TO B6* ADJOINS PLAT 34-6

KANDIYOHI COUNTY COORDINATES
X=408500.310
Y=180022.590
NAD 83(2011 ADJ.)

CAST IRON MONUMENT AT SECTION CORNER

SURVEY STANDARDS

- The plat values, azimuths, and distances are based on the County coordinate system.
- The boundary monuments shown on this plat have been field checked for location. The standard deviation for the monument position is 0.10 foot.
- The county coordinates shown on one monument are based on ties to the National Spatial Reference System.
- For details of this survey contact the Surveying Section at the Minnesota Department of Transportation: WILLMAR Name of District

AZIMUTH ORIENTATION AND GRID CONVERSION
Plat azimuths are oriented to the County Coordinate System with 0 degrees 0 minutes 0 seconds being "GRID NORTH". Plat distances are ground lengths.

CONVENTIONAL SYMBOLS	
Section Line	—
Quarter Line	—
Sixteenth Line	—
Access Opening	○ OPEN
Property Line	—
R/W Boundary	—
Existing D.O.T. R/W Line	—
And Other Road R/W	—
Railroad R/W	—
Private Easement	—
Temporary Easement	T.E.
Building Removal Easement	B.R.E.
R/W Parcel Number	3
Access Control	—
Cast Iron Monument	⊙
2in. x 2in. D.O.T. Iron Tube with Cap	⊙
3/4" D.O.T. Iron Pin	⊙
Other Iron Monument	⊙
Concrete or Stone Monument	⊙
R/W Boundary Corner	⊙

DISTANCES SHOWN TO FEET (66, 80 ETC.) ARE EXACT VALUES.



PLAT NO. 34-43
C.S. 3409 (40=145)901

DOC. NO. 646400

OFFICE OF COUNTY RECORDER
KANDIYOHI COUNTY, MINN
I HEREBY CERTIFY THAT THIS PLAT
HAS BEEN FILED IN THIS OFFICE
ON OCTOBER 24, 2017, AT 8:56 AM
IN CAB. NO.

COUNTY RECORDER

Exhibit D

July 31, 2017
3403-062-201

FEE ACQUISITION

Parcel 201 C.S. 3403 (12=10-62)

S.P. 3403-74RW

All of the following:

That part of the West Half of the Southwest Quarter of Section 8, Township 119 North, Range 35 West, shown as Parcel 201 on Minnesota Department of Transportation Right of Way Plats Numbered 34-40 and 34-41 as the same are on file and of record in the office of the County Recorder in and for Kandiyohi County, Minnesota;

containing 4.53 acres, more or less, of which 4.36 acres is encumbered by an existing road easement and an existing highway easement;

together with other rights as set forth below, forming and being part of said Parcel 201:

Temporary Easement:

A temporary easement for highway purposes as shown on said plats as to said Parcel 201 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.

Exhibit D

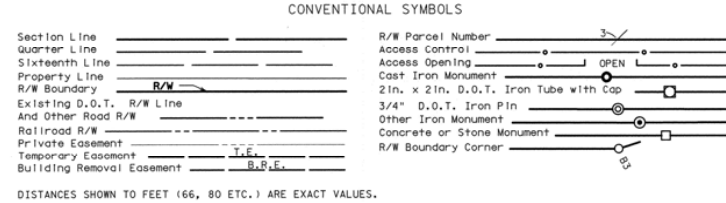
MnDOT ORIGINAL

MINNESOTA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY WAY PLAT NO. 34-40

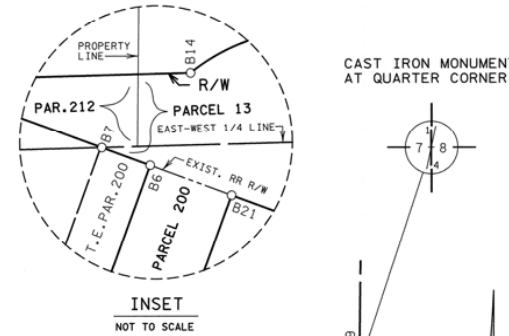
CONTROL SECTION NO. 3403 (12=10) 901
CONTROL SECTION NO. 3403 (12=10)-62
IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, T.119 N., R. 35 W.,
IN THE SOUTHEAST QUARTER OF SECTION 7, T.119 N., R. 35 W.,
IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, T.119 N., R. 35 W.,
IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, T.119 N., R. 35 W.,
IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, T.119 N., R. 35 W.,
KANDIYOHI COUNTY, MINNESOTA

RIGHT OF WAY IN SECTION 7 C.S. 3403 (12=10-62)						
PARCEL	OWNER	LOCATION	NEW T.H. R/W	TEMPORARY EASEMENT	EXPIRES	PERMANENT R/W INTEREST
212	CLINTON L RAASCH	SW 1/4 NE 1/4	0.80	0.37	12-1-2022	FEE
13	RAYMOND E DAY	SW 1/4 NE 1/4	2.57	0.61	12-1-2022	FEE
14	JOHN LARRY THIERY	NW 1/4 SE 1/4	7.15	0.90	12-1-2022	FEE
303	WILLMAR POULTRY FARMS, INC.	E 1/2 SE 1/4		0.34	12-1-2022	
303A	EPITOPIX, LLC	SE 1/4 SE 1/4		0.11	12-1-2022	
303B	H & M MANAGEMENT SERVICES, INC.	SE 1/4 SE 1/4		0.02	12-1-2022	
200	BNSF RAILWAY COMPANY	NW 1/4 SE 1/4	0.23	0.28	12-1-2022	EASE
RIGHT OF WAY IN SECTION 7 C.S. 3403(12=10)901						
202	HEIDECCKER BROTHERS	NE 1/4 SW 1/4	0.24	0.06	12-1-2022	FEE
203	BREMER BANK, NATIONAL ASSOCIATION	NW 1/4 SE 1/4	7.19	0.80	12-1-2022	FEE
204	BNSF RAILWAY COMPANY	SW 1/4 SE 1/4	6.34	1.04	12-1-2022	FEE
RIGHT OF WAY IN SECTION 8 C.S. 3403 (12=10-62)						
201	CLAY VENOSDEL	W 1/2 SW 1/4	3.96	0.21	12-1-2022	FEE
202	DOOLEY'S PETROLEUM, INC.	SE 1/4 SW 1/4		0.12		EASE

NOTE: TEMPORARY COMMISSIONER'S ORDERS IN PUBLIC ROADS WILL EXPIRE ON 12-01-2022



DISTANCES SHOWN TO FEET (66, 80 ETC.) ARE EXACT VALUES.



THE COMMISSIONER OF TRANSPORTATION IS HEREBY DESIGNATING THE DEFINITE LOCATION OF TRUNK HIGHWAY NO. 12 FROM 2950 FEET WEST OF 45TH STREET NW TO 2100 FEET EAST OF 45TH STREET NW.

as shown on this plat prepared by the State of Minnesota Department of Transportation is hereby certified as the official plat of their portion of said T.H. 12 within the designated portion of Sections 7 & 8 and the Commissioner's Order therefor, pursuant to Minnesota Statutes, Section 160.085, Section 160.14 subd. 1, Section 161.16 subd. 2, and Section 161.18.

It is further ordered that the Commissioner of Transportation's Orders covering the existing right of way, outside of the plat boundary, shall remain in full force and effect until such time the existing right of way Orders are rescinded.

It is further ordered that it is necessary to acquire all trees, shrubs, grass and herbage within the right of way of said Trunk Highway, and to keep and have the exclusive control of the same.

Commissioner's Order No. 97064 Location Nature of Interest
Definite location, width, access, temporary easement.

Certified by Charles W. Schlegel, Commissioner of Transportation, Date 12 Oct. 17

by Peter W. Jenkins, Assistant Director, Office of Land Management

I hereby certify that this plat was surveyed and prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota; that all measurements are correctly shown on this plat; that all monuments have been correctly placed as shown on this plat; that Certificates of Location for the monumented Public Land Survey corners as shown on this plat are on file in the County Recorder's Office (if required under Minnesota Statutes, Section 160.15) and/or the County Surveyor's Office; that this plat meets the requirements of Minnesota Statutes, Section 160.085, Section 160.14 subd. 1, Section 161.16 subd. 2, and Section 161.18; that the parcel ownerships are correctly described and delineated on the plat; and that the proposed right of way boundary lines are correctly designated on the plat.

Certified by Matthew J. Schlegel, License No. 24640, Date 10-16-2017

SURVEY STANDARDS

- The plat values, azimuths, and distances are based on the County coordinate system.
- The boundary monuments shown on this plat have been field checked for location. The standard deviation for the monument position is 0.10 foot.
- The county coordinates shown on one monument are based on ties to the National Spatial Reference System.
- For details of this survey contact the Surveying Section at the Minnesota Department of Transportation WILLMAR Name of District

PLAT BOUNDARY DATA		
FROM	TO	[DISTANCE (FT)] AZIMUTH
B4055	B4056	300.21 267°51'39"
B4056	B1	1022.80 0°00'00"
B1	B2	1512.91 332°56'36"
A	1570.64 R	1663.00 DEL 54°06'49" LT
B2	B3	231.10 301°54'08"
A	231.28 R	1663.00 DEL 7°58'06" LT
B3	B6*	116.39 89°33'47"
B6*	B5*	85.89 110°02'12"
B5*	CTR 7	107.82 0°32'27"
CTR 7	B4*	50.95 0°32'27"
B4*	B4	138.97 110°02'20"
B4	B5	419.93 110°02'20"
B5	B6	150.00 20°06'57"
B6	B7	39.24 290°02'20"
B7	B8	355.00 290°02'20"
B8	B9	70.00 20°02'20"
B9	B10	50.00 110°02'20"
B10	B11	80.00 20°02'20"
B11	B12	90.00 110°02'20"
B12	B13	190.00 147°49'46"
B13	B14	117.05 88°32'38"
B14	B15	146.59 80°35'21"
A	153.16 R	150.00 DEL 58°30'04" RT
B15	B16	207.30 109°50'23"
B16	B17	1181.88 109°50'23"
B17	B18	655.13 54°51'50"
A	767.61 R	400.00 DEL 109°57'06" LT
B18	B19	68.48 14°11'53"
B19	E QTR 7	22.73 88°32'38"
E QTR 7	B20	814.65 180°28'24"
B20	B21	2116.77 290°02'20"
B21	B22	150.00 200°06'49"
B22	B23	1830.92 110°02'20"
B23	B24	10.00 200°02'20"
B24	B25	335.80 110°02'20"
B25	B26	1564.20 110°02'20"
B26	B27	10.00 200°02'20"
B27	B28	536.56 110°02'20"
B28	B29	128.71 200°02'03"
B29	B30	209.35 290°16'16"
A	209.35 R	28282.94 DEL 0°25'27" RT
B30	B31	35.00 200°38'07"
B31	B32	75.00 290°33'33"
A	75.00 R	28317.94 DEL 0°09'06" RT
B32	B33	75.00 290°38'07"
B33	B34	35.00 20°38'07"
B34	B35	1492.42 290°38'07"
B35	B36	71.53 290°33'35"
A	71.53 R	27204.54 DEL 0°09'02" LT
B36	B37	114.89 235°25'33"
B37	B38	35.14 290°33'34"
B38	B39	35.14 290°33'34"
B39	B40	190.79 319°31'32"
B40	B41	87.20 290°04'32"
B41	B42	61.57 290°04'32"
B42	B43	509.90 288°47'19"
A	509.94 R	11350.36 DEL 2°34'27" LT
B43	B44	410.81 287°30'05"
B44	B45	500.00 288°46'09"
A	500.04 R	11301.14 DEL 2°32'07" RT
B45	B46	432.08 290°02'12"
B46	B47	170.00 186°58'19"
B47	B48	538.11 153°32'14"
A	540.00 R	1863.00 DEL 16°36'27" RT
B48	B49	200.00 125°31'16"
B49	B50	274.78 170°27'12"
A	275.00 R	1988.00 DEL 7°55'33" RT
B50	B51	125.00 264°24'58"
B51	B52	181.49 177°12'29"
A	181.56 R	1863.00 DEL 5°35'02" RT
B52	B53	955.50 180°00'00"
B53	B54	100.00 90°00'00"
B54	B4055	56.10 180°00'00"

* PLAT 34-5

AZIMUTH ORIENTATION AND GRID CONVERSION
Plat azimuths are oriented to the County Coordinate System with 0 degrees 0 minutes 0 seconds being "GRID NORTH". Plat distances are ground lengths.



DOC. NO. 646399

OFFICE OF COUNTY RECORDER
KANDIYOHI COUNTY, MINN
I HEREBY CERTIFY THAT THIS PLAT
HAS BEEN FILED IN THIS OFFICE
ON OCTOBER 24, 2017, AT 8:53 AM
IN CAB. NO.

COUNTY RECORDER

PLAT NO. 34-40
C.S. 3403 (12=10) 901
C.S. 3403 (12=10)-62

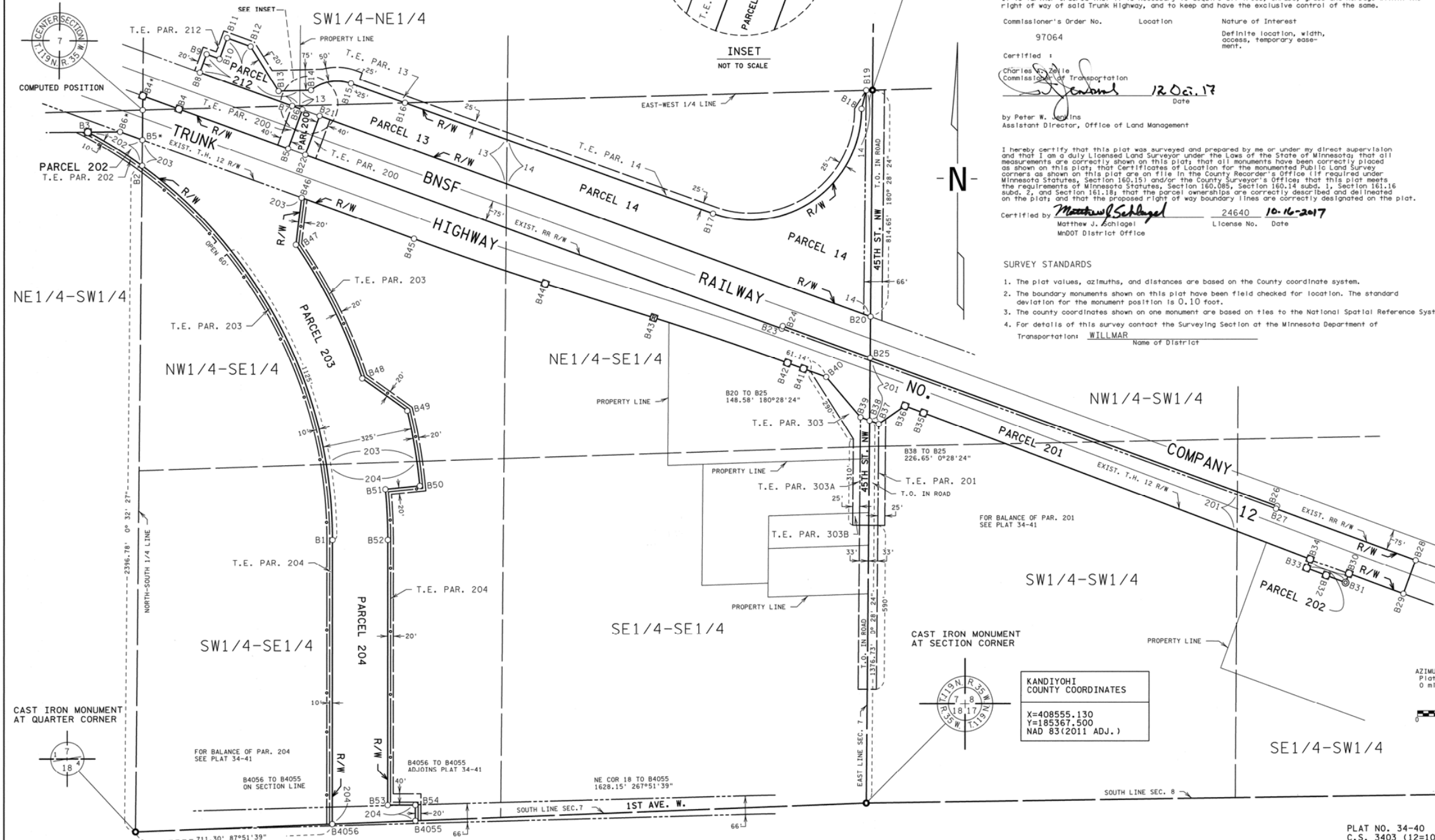


Exhibit D

MnDOT ORIGINAL

MINNESOTA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAT NO. 34-41

THE COMMISSIONER OF TRANSPORTATION IS HEREBY DESIGNATING THE DEFINITE LOCATION OF TRUNK HIGHWAY NO. 12 FROM 1926 FEET WEST OF COUNTY RD 55 TO 2655 FEET WEST OF COUNTY RD 5.

as shown on this plat prepared by the State of Minnesota Department of Transportation is hereby certified as the official plat of that portion of said T.H. 12 within the designated portion of Section 7, 8, 17 & 18 and the Commissioner's Order therefor, pursuant to Minnesota Statutes, Section 160.085, Section 160.14 subd. 1, Section 161.16 subd. 2, and Section 161.18.

It is further ordered that the Commissioner of Transportation's Orders covering the existing right of way, outside of the plat boundary, shall remain in full force and effect until such time the existing right of way orders are rescinded.

It is further ordered that it is necessary to acquire all trees, shrubs, grass and herbage within the right of way of said Trunk Highway, and to keep and have the exclusive control of the same.

Commissioner's Order No.	Location	Nature of Interest
97048	PLAT 34-41	Definite location, width, access, temporary easement.

Certified:

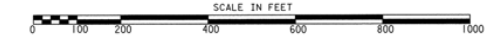
Charles A. Belle
Commissioner of Transportation
by Peter W. Jensen
Assistant Director, Office of Land Management
Date: 10-9-17

I hereby certify that this plat was surveyed and prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota; that all measurements are correctly shown on this plat; that all monuments have been correctly placed as shown on this plat; that certificates of location for the monumented Public Land Survey corners as shown on this plat are on file in the County Recorder's Office; that this plat meets the requirements of Minnesota Statutes, Section 160.085, Section 160.14 subd. 1, Section 161.16 subd. 2, and Section 161.18; that the parcel ownerships are correctly described and delineated on the plat; and that the proposed right of way boundary lines are correctly designated on the plat.

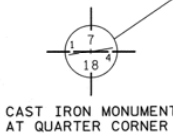
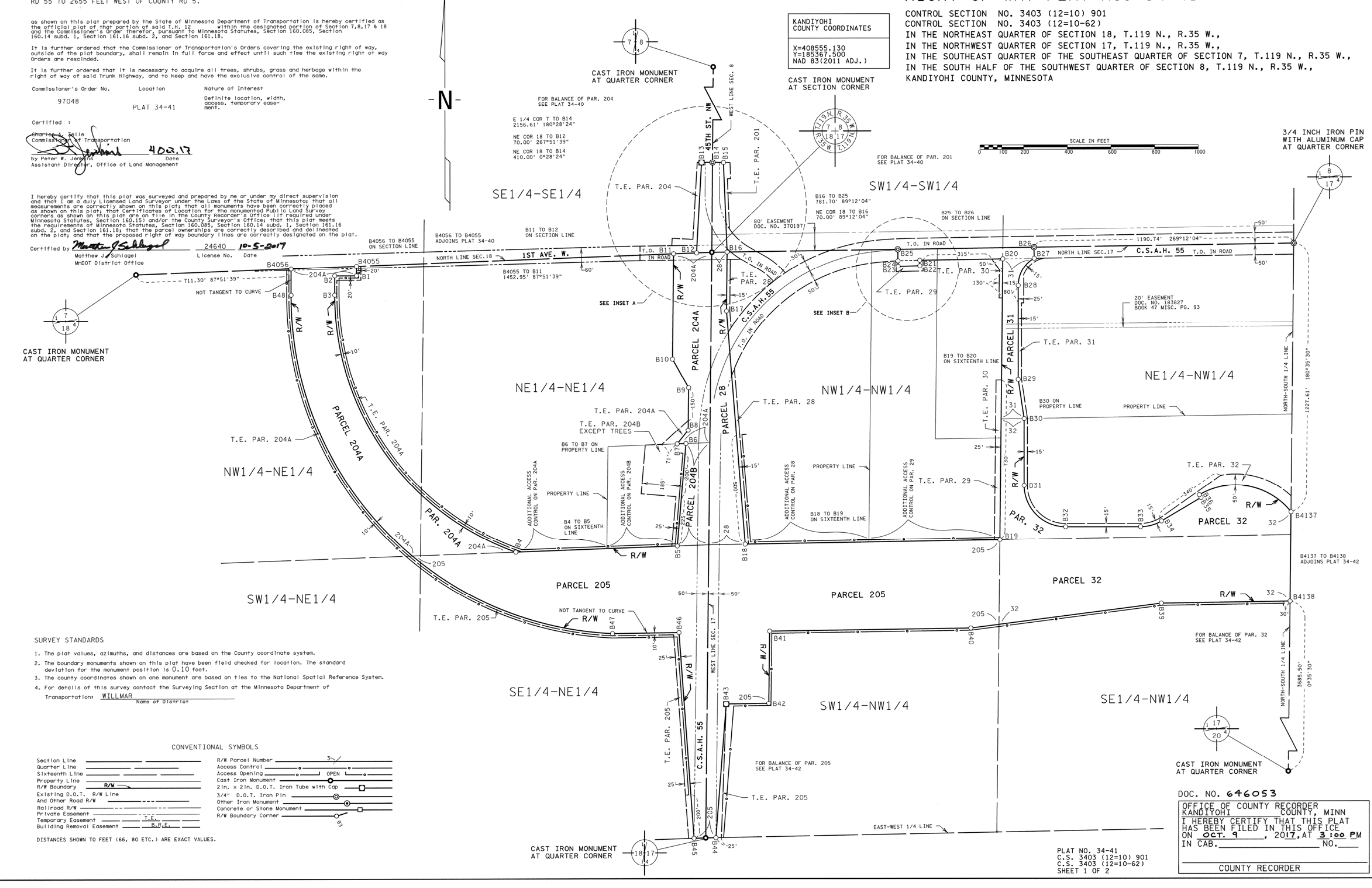
Certified by: Matthew J. Schlegel
MnDOT District Office
License No. 24640
Date: 10-5-2017

AZIMUTH ORIENTATION AND GRID CONVERSION
Plat azimuths are oriented to the County Coordinate System with 0 degrees 0 minutes 0 seconds being "GRID NORTH". Plat distances are ground lengths.

KANDIYOHI COUNTY COORDINATES
X=408555.130
Y=185367.500
NAD 83(2011 ADJ.)



3/4 INCH IRON PIN WITH ALUMINUM CAP AT QUARTER CORNER



- SURVEY STANDARDS**
- The plat values, azimuths, and distances are based on the County coordinate system.
 - The boundary monuments shown on this plat have been field checked for location. The standard deviation for the monument position is 0.10 foot.
 - The county coordinates shown on one monument are based on ties to the National Spatial Reference System.
 - For details of this survey contact the Surveying Section at the Minnesota Department of Transportation: WILLMAR Name of District

CONVENTIONAL SYMBOLS

Section Line	_____	R/W Parcel Number	3
Quarter Line	_____	Access Control	○
Sixteenth Line	_____	Access Opening	○ OPEN
Property Line	_____	Cast Iron Monument	○
R/W Boundary	_____	2 1/2" x 2 1/2" D.O.T. Iron Tube with Cap	○
Existing D.O.T. R/W Line	_____	3/4" D.O.T. Iron Pin	○
And Other Road R/W	_____	Other Iron Monument	○
Railroad R/W	_____	Concrete or Stone Monument	○
Private Easement	_____	R/W Boundary Corner	○
Temporary Easement	_____		
Building Removal Easement	_____		

DISTANCES SHOWN TO FEET (66, 80 ETC.) ARE EXACT VALUES.

PLAT NO. 34-41
C.S. 3403 (12=10) 901
C.S. 3403 (12=10-62)
SHEET 1 OF 2

DOC. NO. 646053
OFFICE OF COUNTY RECORDER
KANDIYOHI COUNTY, MINN
I HEREBY CERTIFY THAT THIS PLAT
HAS BEEN FILED IN THIS OFFICE
ON OCT. 9, 2017, AT 3:00 PM
IN CAB. NO. _____
COUNTY RECORDER

MINNESOTA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAT NO. 34-41

MnDOT ORIGINAL

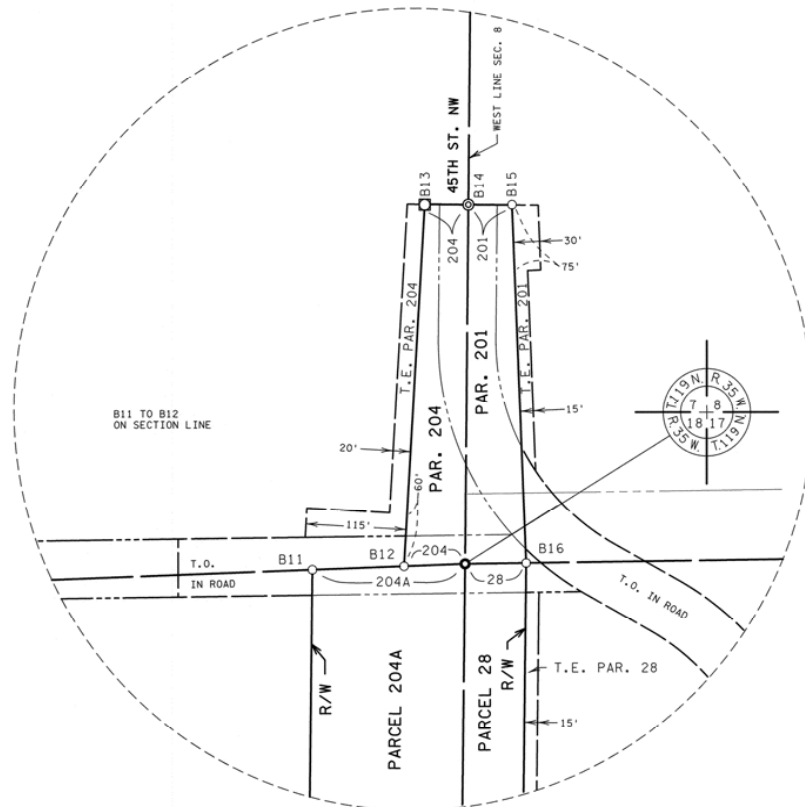
CONTROL SECTION NO. 3403 (12=10) 901
CONTROL SECTION NO. 3403 (12=10-62)
IN THE NORTHEAST QUARTER OF SECTION 18, T.119 N., R.35 W.,
IN THE NORTHWEST QUARTER OF SECTION 17, T.119 N., R.35 W.,
IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, T.119 N., R.35 W.,
IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, T.119 N., R.35 W.,
KANDIYOHI COUNTY, MINNESOTA

RIGHT OF WAY IN SECTION 7 C.S. 3403(12=10)901						
PARCEL	OWNER	LOCATION	NEW T.H. R/W		TEMPORARY EASEMENT	PERMANENT R/W INTEREST
			ACRES MORE OR LESS	ACRES MORE OR LESS	EXPIRES	
204	BNSF RAILWAY COMPANY	SE 1/4 SE 1/4	0.56	0.24	12-1-2022	FEE
RIGHT OF WAY IN SECTION 8 C.S. 3403(12=10-62)						
201	CLAY VENOSDEL	SW 1/4 SW 1/4	0.57	0.13	12-1-2022	FEE
RIGHT OF WAY IN SECTION 17 C.S. 3403(12=10)901						
28	BNSF RAILWAY COMPANY	NW 1/4 NW 1/4	3.34	0.38	12-1-2022	FEE
29	QUAM CONSTRUCTION CO., INC.	NW 1/4 NW 1/4	0.06	0.35	12-1-2022	FEE
30	PALS, INC.	NW 1/4 NW 1/4	0.23	0.23	12-1-2022	FEE
31	WILLMAR POULTRY FARMS, INC.	NE 1/4 NW 1/4	1.37	0.29	12-1-2022	FEE
32	HEIDECKER BROTHERS	E 1/2 NW 1/4	14.73	0.95	12-1-2022	FEE
RIGHT OF WAY IN SECTION 18 C.S. 3403(12=10)901						
204A	JOHN QUAM	N 1/2 NE 1/4	10.82	0.90	12-1-2022	FEE
204B	BRUCE VOGEL	NE 1/4 NE 1/4	1.36	1.12	12-1-2022	FEE
RIGHT OF WAY IN SECTION 17 & 18 C.S. 3403(12=10)901						
205	CITY OF WILLMAR	SW 1/4 NW 1/4 SEC 17	15.28	0.18	12-1-2022	FEE
205	CITY OF WILLMAR	S 1/2 NE 1/4 SEC 18	11.27	0.84	12-1-2022	FEE

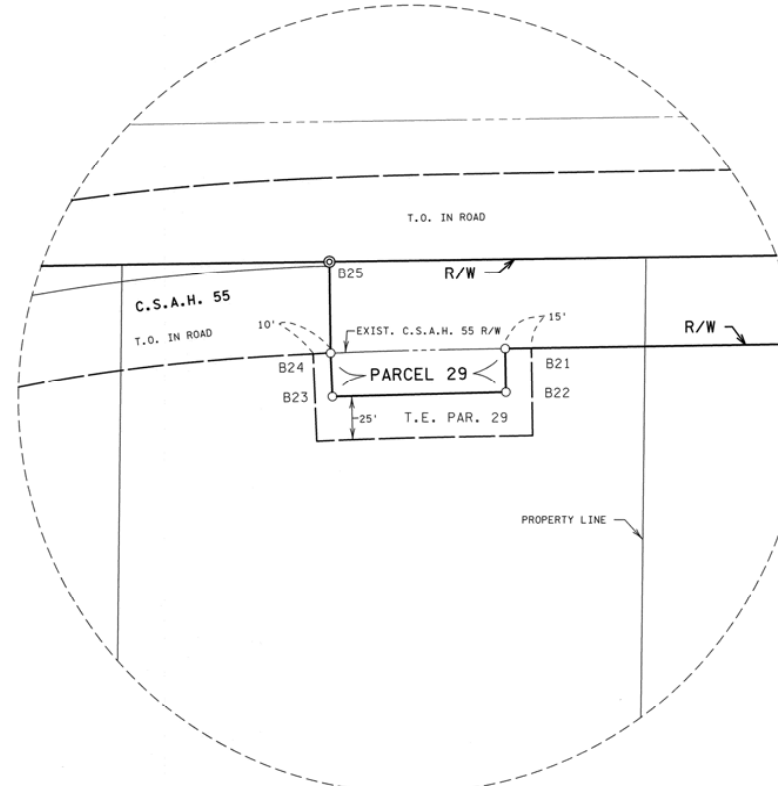
NOTE: TEMPORARY COMMISSIONER'S ORDERS IN PUBLIC ROADS WILL EXPIRE ON 12-01-2022

PLAT BOUNDARY DATA			
FROM	TO	DISTANCE (FT)	AZIMUTH
B4056	B4055	300.21	87°51'39"
B4055	B1	43.90	180°00'00"
B1	B2	100.00	270°00'00"
B2	B3	87.86	180°00'00"
B3	B4	C 1439.94	144°49'56"
A	1534.49	R 1250.00	DEL 70°20'09" LT
B4	B5	740.00	87°58'13"
B5	B6	470.04	4°48'37"
B6	B7	40.00	267°58'13"
B7	B8	80.00	38°53'44"
B8	B9	195.00	0°35'36"
B9	B10	150.00	330°35'36"
B10	B11	482.03	0°35'36"
B11	B12	105.20	87°51'39"
B12	B13	413.67	3°14'04"
B13	B14	50.00	90°28'24"
B14	B15	50.00	90°28'24"
B15	B16	408.93	177°40'21"
B16	B17	270.00	180°35'20"
B17	B18	1070.00	175°24'35"
B18	B19	1166.46	89°03'29"
B19	B20	1284.48	0°35'34"
B20	B21	380.17	269°07'12"
B21	B22	25.00	179°05'39"
B22	B23	99.33	268°31'59"
B23	B24	25.00	357°34'18"
B24	B25	52.28	358°12'04"
B25	B26	623.73	89°12'04"
B26	B27	50.00	178°24'55"
B27	B28	C 144.38	210°33'17"
A	151.46	R 142.00	DEL 61°06'44" LT
B28	B29	430.00	180°00'00"
B29	B30	180.62	171°24'11"
B30	B31	304.99	180°00'00"
B31	B32	C 268.70	134°59'58"
A	298.45	R 190.00	DEL 90°00'04" LT
B32	B33	343.42	90°00'00"
B33	B34	C 99.98	74°44'45"
A	101.17	R 190.00	DEL 30°30'30" LT
B34	B35	209.59	59°29'26"
B35	B36	15.00	329°29'26"
B36	B4137	C 427.43	100°36'21"
A	466.44	R 325.00	DEL 82°13'51" RT
B4137	B4138	407.59	180°35'30"
B4138	B39	590.00	269°10'47"
B39	B40	880.00	262°39'17"
B40	B41	921.66	269°10'47"
B41	B42	330.11	180°39'23"
B42	B43	195.06	269°10'47"
B43	B44	612.60	184°24'01"
B44	E 1/4 18	46.64	268°54'55"
E 1/4 18	B45	53.43	268°04'46"
B45	B46	942.95	355°47'23"
B46	B47	304.50	269°10'47"
B47	B48	C 2137.60	316°28'19"
A	2360.86	R 1544.38	DEL 87°35'13" RT
B48	B4056	120.56	0°00'00"

* 75' SOUTHERLY OF AND PARALLEL WITH A EULER SPIRAL CURVE ON EXISTING CO. RD. 55 R/W ACQUISITION LINE DEFINED BY 8e= 10°17'34", Lc= 300.00, Dc= 6°51'42.37".



INSET A
NOT TO SCALE



INSET B
NOT TO SCALE

DOC. NO. 646053
OFFICE OF COUNTY RECORDER
KANDIYOHI COUNTY, MINN
I HEREBY CERTIFY THAT THIS PLAT
HAS BEEN FILED IN THIS OFFICE
ON OCT. 9, 2017, AT 3:00 PM
IN CAB. NO. _____
COUNTY RECORDER