

State of Minnesota,  
Department of State.

I hereby certify that the within instrument was filed for record in this office on the 17th day of June A. D. 1912 at 3 1/2 o'clock P. M., and was duly recorded in book A of State Bank Records, on page 209

Julius A. Schmahl Secretary of State. E.

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Doc. No. 635-1 Filed June 12 A. D. 1912 at 2:20 o'clock P. M.

Board of Park Commissioners  
to  
The Public

State of Minnesota,  
County of Hennepin.

City of Minneapolis.

We, Edmund J. Phelps and J. A. Ridgway, do hereby certify in behalf of and by instruction of the Board of Park Commissioners of the City of Minneapolis, that we are the president and secretary respectively of said Board of Park Commissioners; that on the 5th day of June, 1911, the following described land, situate in the County of Hennepin and State of Minnesota, was, by resolution duly adopted by said Board of Park Commissioners, designated to be taken for park purposes in the name of the City of Minneapolis, the estate to be taken in said land being an easement for a right of way for a canal connecting Lake of the Isles and Cedar Lake, to-wit:

A strip of land one hundred twenty (120) feet wide crossing the rights of way and lands of the Minneapolis and St. Louis Railway Company and the rights of way and lands of the St. Paul, Minneapolis & Manitoba Railway Company, otherwise known as the right of way of the Great Northern Railway Company, and the First Division of the St. Paul and Pacific Railway Company, being sixty (60) feet on either side of a line drawn at right angles to the northwesterly line of the right of way of said St. Paul, Minneapolis and Manitoba Railway Company across the rights of way and lands of each and all of said Railway Companies and through a point in said northwesterly right of way line distant fifty (50) feet northeasterly from the point where said northwesterly line intersects the east and west center line of Section 32, in Town 29, Range 24, said tract being situate partly in Government Lot 4 and partly in Government Lot 5 of said Section 32.

On the same day said Board of Park Commissioners, by resolution duly adopted, appointed five disinterested freeholders as appraisers to view the premises and award the damages and compensation to be paid which might be occasioned by the taking of said lands. Said appraisers duly qualified by taking the oath required by law and after giving due notice of the time and place of their meeting, said appraisers met and viewed the premises and heard all parties interested, and on the 28th day of November, 1911, said appraisers made and filed their award of damages, as follows:

For the taking of an easement for crossing for canal purposes the following described land, situate in the Eighth Ward of the City of Minneapolis, in the County of Hennepin and State of Minnesota, to-wit, a strip of land one hundred twenty (120) feet wide crossing the rights of way and lands of the Minneapolis & St. Louis Railroad Company and the rights of way and lands of the St. Paul, Minneapolis and Manitoba Railway Company, otherwise known as the right of way of the Great Northern

Railway Company, and the First Division of the St. Paul and Pacific Railway Company, being sixty (60) feet on either side of a line drawn at right angles to the northwesterly line of the right of way of said St. Paul, Minneapolis and Manitoba Railway Company across the rights of way and lands of each and all of said Railway Companies and through a point in said northwesterly right of way line distant fifty (50) feet northeasterly from the point where said northwesterly line intersects the east and west center line of Section 32, in Town 29, Range 24, said tract of land being situate partly in Government Lot 4 and partly in Government Lot 5 of said Section 32, A map of said lands is hereto annexed and made part of this petition. The land over which such easment is to be taken is colored red. the appraisers award the sum of four hundred dollars (\$400.00), to be distributed and paid as follows:

1. To Ralph W. Kirkham, and to his heirs and devisees in case he is not living, the sum of fifty dollars (\$50.00), as the owner in fee simple of all that part of said lands which lie in Lot Five (5), Section Thirty-two (32), Town Twenty-nine (29), Range Twenty-four (24), subject to the right of way of the Minneapolis and St. Louis Railroad Company over the southeasterly forty-four (44) feet thereof.

2. To the Minneapolis and St. Louis Railroad Company and the Central Trust Company of New York, Mortgagee, as their several interests may appear, the sum of one hundred fifty dollars (\$150.00), as the owner and mortgagee respectively of all that part of the lands first above described lying southeasterly of a line drawn parallel to and distant fifty-six (56) feet southeasterly of the northwesterly boundary line of the original lands and right of way of the First Division of the St. Paul and Pacific Railroad Company, the title of the Railroad Company being a fee simple title to that portion lying in Lot Four (4) of said Section Thirty-two (32), and a right of way for railroad purposes to that portion lying in Lot Five (5) of said Section Thirty-two (32).

3. To the St. Paul, Minneapolis and Manitoba Railway Company, the Great Northern Railway Company and the Bankers Trust Company, Mortgagee, as their several interests may appear, the sum of two hundred dollars (\$200.00) for all that portion of said lands first above described lying in said Lot Four (4) and northwesterly of a line drawn parallel to and distant fifty-six feet southeasterly from the northwesterly boundary line of the original right of way of the First Division of the St. Paul and Pacific Railroad Company.

Thereafter the Secretary of said Board of Park Commissioners gave due notice that said report and award of damages would be considered by said Board of Park Commissioners at a regular meeting of the Board, to be held on the 20th day of January, 1912, and on said day said Board of Park Commissioners, by resolution duly adopted, did in all things confirm said report and award of damages. On the 1st day of April, 1912, said Board of Park Commissioners, being unable to determine to whom said award should be paid, did by resolution duly determine and direct that said award and interest thereon should be paid into the District Court of the County of Hennepin and State of Minnesota, for the use and benefit of persons who should be found entitled thereto, and on the 12th day of June, 1912, said award and interest thereon from the 25th day of November, 1911, amounting in all to the sum of Four Hundred thirteen dollars (\$413.00), was duly paid into said District Court, for the use and benefit of persons who should be found entitled thereto.

The facts respecting the title to said land, as nearly as said Board of Park Commissioners has been able to determine the same, are as follows:

On the 21st day of July, 1869, one Ralph W. Kirkham was the owner of that portion of

said land lying in Government Lot Five (5), and on said day duly conveyed to the First Division of the St. Paul and Pacific Railroad Company a right of way over said lands for railroad purposes, being a strip one hundred (100) feet wide and fifty (50) feet on either side of the center of the track of said Railroad Company. Thereafter said St. Paul and Pacific Railroad Company conveyed the southeasterly forty-four (44) feet of said right of way to the Minneapolis and St. Louis Railway Company, and the Minneapolis and St. Louis Railroad Company has by foreclosure of the mortgage made by the Minneapolis and St. Louis Railway Company, succeeded to the rights of the said Minneapolis and St. Louis Railway Company. The Minneapolis and St. Louis Railway Company has executed sundry mortgages to the Central Trust Company of New York as trustee and the Farmers Loan and Trust Company of New York as trustee, mortgaging said right of way to secure various bonds of said Company.

Your petitioners are informed that the New York Trust Company of New York has succeeded the Central Trust Company of New York as trustee under certain of said mortgages.

The St. Paul, Minneapolis and Manitoba Railway Company and the Great Northern Railway Company have succeeded to the rights of the First Division of the St. Paul and Pacific Railroad Company over the northwesterly fifty-six (56) feet of said land, and the Great Northern Railway Company has made a mortgage thereon to the Bankers Trust Company of New York as trustee, to secure bonds of said Great Northern Railway Company.

Your petitioners are informed that the said northwesterly fifty-six (56) feet has not for a long period of time been actually used for railway purposes.

After making conveyance of said right of way, said Ralph W. Kirkham conveyed the land, subject to such right of way, to James W. McGregor, by deed made June 26, 1871.

The facts with reference to that portion of the land lying within said Government Lot Four (4), as nearly as your petitioners can ascertain the same, are as follows:

The northwesterly fifty-six (56) feet of said land is owned in fee simple by the St. Paul, Minneapolis and Manitoba Railway Company and the Great Northern Railway Company, as successors to the St. Paul and Pacific Railroad Company, but subject to a mortgage made by the Great Northern Railway Company to the Bankers Trust Company of New York as trustee, to secure an issue of bonds of said Great Northern Railway Company. The remainder of said land in Government Lot Four (4) is owned by the Minneapolis and St. Louis Railroad Company, subject to certain mortgages and trust deeds made to the Farmers Loan and Trust Company of New York as trustee and the Central Trust Company of New York as trustee, to secure various issues of bonds made by said Minneapolis and St. Louis Railroad Company, and the New York Trust Company of New York has succeeded as trustee to the Central Trust Company of New York under certain of such mortgages.

We do further certify that the foregoing is an accurate description of the land so acquired and a true statement of the proceedings for the acquisition and taking of said land and of the amount of awards paid into court for the land so acquired.

In Witness Whereof, We hereto set our hands, as president and secretary of the Board of Park Commissioners, and hereto affix the official seal of said Board, this 12th day of June, 1911.

Edmund J. Phelps  
President of the Board of Park  
Commissioners of the City of Minneapolis,  
J. A. Ridgway Secretary of the Board of  
Park Commissioners of the City of Minne-  
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(Seal of Board of Park Commissioners of the City of Minn.)

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