

STATE OF MINNESOTA
COUNTY OF DAKOTA

DISTRICT COURT
FIRST JUDICIAL DISTRICT

Case Type: Other Civil

Court File No. 19-C7-03-9371

Power Line Task Force, Inc., a Minnesota
not-for-profit corporation, on its own behalf
and on behalf of the State of Minnesota,

Plaintiff,

AFFIDAVIT OF ROGER CONANT

v.

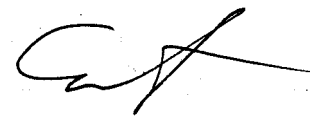
Northern States Power Company, d/b/a
Xcel Energy, a Minnesota corporation,

Defendant.

STATE OF MINNESOTA)
 SS.
COUNTY OF DAKOTA)

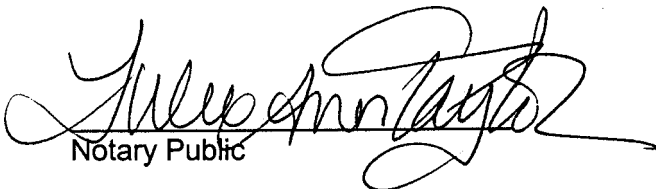
Affiant Roger Conant under oath states:

1. I am the founder and president of the Power Line Task Force, and a landowner on the proposed route of the Southeast Metro Transmission Line upgrade project.
2. Attached is a true and accurate copy of a letter sent by Xcel Energy to landowners along the proposed Southeast Metro Transmission Line upgrade project including your affiant, dated October 10, 2003.



Roger Conant

Subscribed and sworn to before
me this 20th day of October, 2003.


Notary Public

JULIE ANN TAYLOR
NOTARY PUBLIC • MINNESOTA
My Commission Expires Jan. 31, 2005

Xcel Energy

414 Nicollet Mall
Minneapolis, Minnesota 55401:1993

October 10, 2003

Re: SE METRO TRANSMISSION LINE UPGRADE PROJECT - UPDATE

Dear Landowner:

We have identified access routes to each structure for the above project. After careful review and input with various landowners, these routes are believed to have the least amount of impact to the land. Because we reviewed several options on some structures, we have categorized the routes as (A), (B) or (C). (A) being the route believed to be route with the least amount of impact and (C) being the route with the most of amount of impact. A map sketching out the routes is also enclosed for your information.

Lake access: We continue to review this access route and the feasibility of utilizing it. In order to use the lake, we need a minimum of 3 feet of ice for our trucks. Once the lake freezes and the snow falls, we will need to remove snow on the lake regularly for the road in order to continue to create ice and keep the ice from being insulated. We also will need to flood the ice road regularly in order to get enough ice. We will access the lake from directly off of Charlton Road at the bend where the driveway of the former house was located. We will mat at the entrance of the lake to prevent erosion and place down any necessary silt fencing.

Access routes starting at the west end of the City:

Structure #11

Route (A): Access off of Delaware Avenue. This access was already utilized last spring when we set the foundation. There are no (B) or (C) routes.

Structure #12

Route (A): Access will be off Delaware Avenue like structure #11 and then straight down the right of way. There are no (B) or (C) routes.

Structure #13

Route (A): Access will be directly off of Charlton Road at the bend where the driveway of the former house was located. We will then follow along the water's edge up to the structure. We may need to place some silt fence along the water's edge for erosion by the lake. We noticed that landscaping has taken place since the removal of the former home, and there are pines and possibly other landscaping that will need to be removed during construction and replaced when project is done.

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Route (B): Access across the lake. We would enter the lake directly off of Charlton Road at the bend where the driveway of the former house was located. Entering the lake here, mats would be placed down to prevent erosion to the lake together with any necessary silt fencing. The drill rig for the foundation will still have to follow route (A). We will follow along the shoreline of the lake to structure #13. This is no (C) route.

Structure #14

Route (A): Access Will follow the same route A to #13 and continue out to f 14 as follows: a fence post will need to be removed together with the native brush and bushes on the fence line and/or property line just on the north side of # 13. We will pass through between #13 and a pine tree just north of #13. The fencepost will be replaced upon completion Of construction. We will then go north past the tee box, and then proceed east through the native brush and sumac. (This will need to be cleared at the time of construction.) There are some little Oaks, along a property line, that we would like to mark so that we can go around them. We will continue east over the open yard to the next property line where we will need to clear out some buckthorn and remove some small property line trees (to be replaced upon completion of project). Continuing east over a landscaped yard, with ornamental trees and large rocks that will need to be removed for construction and then the rocks put back and the ornamental trees replaced upon completion of the project. We will continue east down the right of way to the structure. We notice several perennials throughout this area and in the right of way. We will have to review them in the spring to see what will need to be replaced. We will mat throughout this area where matting is needed We do not believe there are any septic systems in this route, however, if we are incorrect, please let us know so that we can mark them.

Route (B): Access across the lake. We would enter the lake directly off of Charlton Road at the bend where the driveway of the former house was located. Mats would be placed to prevent erosion to the lake together with any necessary silt fencing. We will follow along the shoreline of the lake to structure #14. Mat from the lake up to the structure.

Route (C): Access from east. We would come from the driveway of Dr. Beedon going south to the flag pole area, crossing over a septic system and driving under drip lines of old large Oak trees. We would mat all through this area to protect the trees and the septic system. Once we are at the flagpole, we would go west to the structure along the right of way. This transition from the flagpole area to the right of way is steep and difficult. Within the right of way we would need to remove several trees, cut the brush and cut the bank in order to make it level for our equipment and place silt fencing down.

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This structure has been reviewed multiple, times and access across the lake would have the least amount of impact. However, we ;will not know if we can use the lake until we see what kind of winter we are having. Therefore, we want to be prepared to use route (A) because that is the land route that will have the least amount of impact.

Structure #15

Route (A): We will utilize Sunfish Lane to Mr. Svendsen's driveway and travel along the West side of his home. We will then cross his yard at marked locations to stay clear of his septic system, flower garden and outside the drip lines of the large tree in his yard. Then continue along the westerly side of the yard by the woods. A sprinkler faucet at the southwest corner of the yard is to be marked to stay clear. We will then access the wooded area, removing only what is necessary to get to the structure. These will be replaced upon completion of the project. We will mat along access route through yard. Matting on the hill where the equipment will sit may also be necessary together with silt fencing.

Route (B): Access from the lake. Only our foundation concrete truck would utilize the access from the lake. It would follow the same route as in #13 and #14 however extending to #15. The remainder of the equipment would still have to follow Route (A). There is no route (C).

Structure #16

Route (A): We will utilize Sunfish Lane to Tostrud's driveway. We will follow the driveway to the old foundation and proceed through it and go between two large oak trees. We will mark the septic systems to stay clear. There arc no (B) or (C) routes.

Structure #17

Route (A): We will utilize Sunfish Lane to Tostrud's driveway. We will proceed south from driveway to right of way and go cast to structure where we have already cleared. There are no (B) or (C) routes.

Structure #18

Route (A): We will utilize Sunnyside Lane to the southerly side of property. We will stay west of the White Pine off of Sunnyside Lane to get to structure. There are no (B) or (C) routes.

Structure #19

Route (A): We will utilize Sunnyside Lane to Prueher's driveway and access structure from the driveway. We may need to remove some pine trees at the time of construction and place silt fencing down. There arc no (B) or (C) routes.

We have had a few questions regarding the foundation construction. As I understand from our engineers, we will be installing a concrete foundation. This foundation is approximately 6 feet in diameter and will be approximately 35 to 40 feet deep. Similar to the one already installed at

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structure N 11. Depending on the type of ground, we will use 20- 30 yards of concrete. The average full truckload carries 9 -11 yards per load, depending on the size of the vehicle. The same goes for the truckloads of dirt that will be removed from the hole.

We are required to removed excess material generated from the foundation excavation, however, the City Engineer thought some of the landowners may want to keep some of this material for their own purposes and or spread over areas of their yard. He felt that this would lessen the number of trucks that would have to cross over the land. If any landowner would like to retain some of this excess material, please let me know so that we can arrange it.

We will be in the City of Sunfish Lake the week of October 20, 2003 to mark some of the access routes and place silt fence where needed. Also, we have some septic systems that still need to be marked.

Thank you for your continued cooperation on this project. If you have any questions, please feel free to contact me.

Sincerely,

/:z!! 41. J~) t

Sharon M. Price
Senior Land Rights Agent
Siting and Land Rights
612-330-5893
Attachment

cc: Mayor Molly Park
|
Don Sterna, City Engineer