#35

In the Matter of the Condemnation of Certain Rights in Land by the Iowa Department of Transportation for the Improvement of

Primary Road No. **38 north of the City of Hopkinton** located in **Delaware County, Iowa**

APPLICATION TO THE CHIEF JUDGE OF THE 1st JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

Project No. **FN-38-4(25)--21-28** Group **"A"**

TO: **Roger F. Peterson**, Chief Judge, **1st** Judicial District including **Delaware** County, Iowa.

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in **Agricultural** land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 472.3 of the Code of Iowa, the following is set forth:

Description: The lands and/or property rights sought to be condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application.

Plat: The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

Names and Addresses: The names and addresses of the record owners, lienholders, encumbrancers, and other persons affected by this proceeding are listed on the attached Notice of Condemnation.

Purpose: The Department of Transportation desires the rights specified in the lands sought to be condemned for road right of way and/or access control and/or for highway drainage and/or obtaining and removing gravel or other suitable material for the improvement and/or maintenance of roads and streets within the State of Iowa.

Agricultural Land: A part of the lands sought to be appropriated may be classified as Class I or Class II within an agricultural area and, if so classified, is reasonably necessary for this internal improvement.

Request: NOW, THEREFORE, the Iowa Department of Transportation hereby requests the appointment of a compensation commission of six qualified persons to view the premises and appraise the damages which the owners, lienholders, encumbrancers, and other persons affected will sustain by reason of this Condemnation.

Dated at Ames, Iowa, this **14** day of **May, 1991.**

IOWA DEPARTMENT OF TRANSPORTATION
Special Assistant Attorney General
and General Counsel to the Iowa DOT

Robert L. North
Right of Way Director

By _____
Fred Cirksena
Condemnation Supervisor

Filed in my office at Waterloo, Iowa, this 21 day of May, 1991.

_____
Roger F. Peterson
Chief Judge of the **1st** Judicial District
including **Delaware** County, Iowa.

I certify that this Application for Condemnation has been approved by the Chief Judge.

_____ 5/23/91
Fred Cirksena, Condemnation Supervisor

FILE No. 98-2833	FILED FOR RECORD THE 29 DAY OF	STATE OF IOWA, DELAWARE COUNTY
RECORDING FEE $ 30.00	May, 1991 AT 2:23	Joan Sheppard, Recorder
TRANSFER FEE $	O'CLOCK P M. BOOK 2 PAGE 175	Misc.

In the Matter of the Condemnation of
Certain Rights in Land by the Iowa
Department of Transportation for the
Improvement of

Primary Road No. 38 North of

the City of Hopkinton

located in Delaware County, Iowa

Project No. FN-38-4(25)--21-28

Group "A"

NOTICE

TO:

Patrick J. Meehan, also known as Patrick Meehan, R. R. #1, Hopkinton, Iowa
Margaret M. Meehan, R.R. #1, Hopkinton, Iowa
Citizens State Bank, Hopkinton, Iowa
Delaware County, Iowa, c/o County Auditor, Manchester, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

The NE 1/4 SE 1/4 and SE 1/4 SE 1/4 of Sec. 2, T87N, R4W of the 5th P.M., Delaware County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plats Exhibits "A" and "B" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Delaware County, Iowa, and in the Office of the Sheriff of Delaware County, Iowa, to which you are referred:

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in the NE 1/4 SE 1/4 and SE 1/4 SE 1/4 of Sec. 2, T87N, R4W of the 5th P.M., Delaware County, Iowa as shown on the plat, Exhibit "A" attached hereto and by reference made a part hereof.

Continued on next sheet

Said parcel is described as follows:

Commencing at the SE Corner of said Sec. 2; thence North 750.40 ft. along the east line of the SE1/4 of said Sec. 2; thence S88°12 1/2'W, 67.08 ft. to a point on the present westerly right of way line of Primary Road No. 38, the Point of Beginning; thence N14°13 3/4'W, 120.30 ft.; thence N0°12 3/4'E, 560.74 ft.; thence N4°24 1/2'E, 426.38 ft. to a point on said present westerly right of way line; thence southerly 425.24 ft. along said present westerly right of way line along a 75065.38 foot radius curve, concave easterly and having a chord bearing S0°22 1/4'W, 425.24 ft.; thence S0°12 3/4'W, 677.24 ft. along said present westerly right of way line to the Point of Beginning; containing 0.57 acre, more or less.

Note: The east line of the SE1/4 of said Sec. 2 is assumed to bear north and south for the purpose of this description.

In connection with this condemnation proceeding it is specifically provided as follows:

1. Any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.

2. The Sate of Iowa shall have the right of temporary easement, for the specific purpose of securing borrow material in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof.

   Commencing at the SE Corner of said Sec. 2; thence North 750.40 ft. along the east line of the SE1/4 of said Sec. 2; thence S88°12 1/2'W, 67.08 ft. to a point on the westerly line of the land sought by easement for highway purposes to the Point of Beginning; thence N14°13 3/4'W, 120.30 ft. on said westerly line; thence S51°33 1/4'W, 288.73 ft.; thence S17°36 1/2'E, 388.06 ft.; thence S67°43 1/2'E, 198.02 ft. to the present westerly right of way line of Primary Road No. 38; thence N08°34'W, 306.66 ft. along said present westerly right of way line; thence N00°12 1/2'E, 204.61 ft. along said present westerly right of way line to the Point of Beginning.

   The limits of the above described borrow area are in accord with the plans for the project.

3. Before the termination of the temporary easement, for the specific purpose of securing borrow material, the land to the acquired by said temporary easement shall be fertilized, mulched and reseeded to provide vegetative cover. It is understood that topsoil will not be replaced.

4. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, except the area sought for securing borrow material, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration. The condemnor will leave the surface of the borrow area sloped to drain and will not repair or replace any tile lines within the borrow area.

5. The area sought to be appropriated by temporary easement, for the specific purpose of securing borrow material, relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.

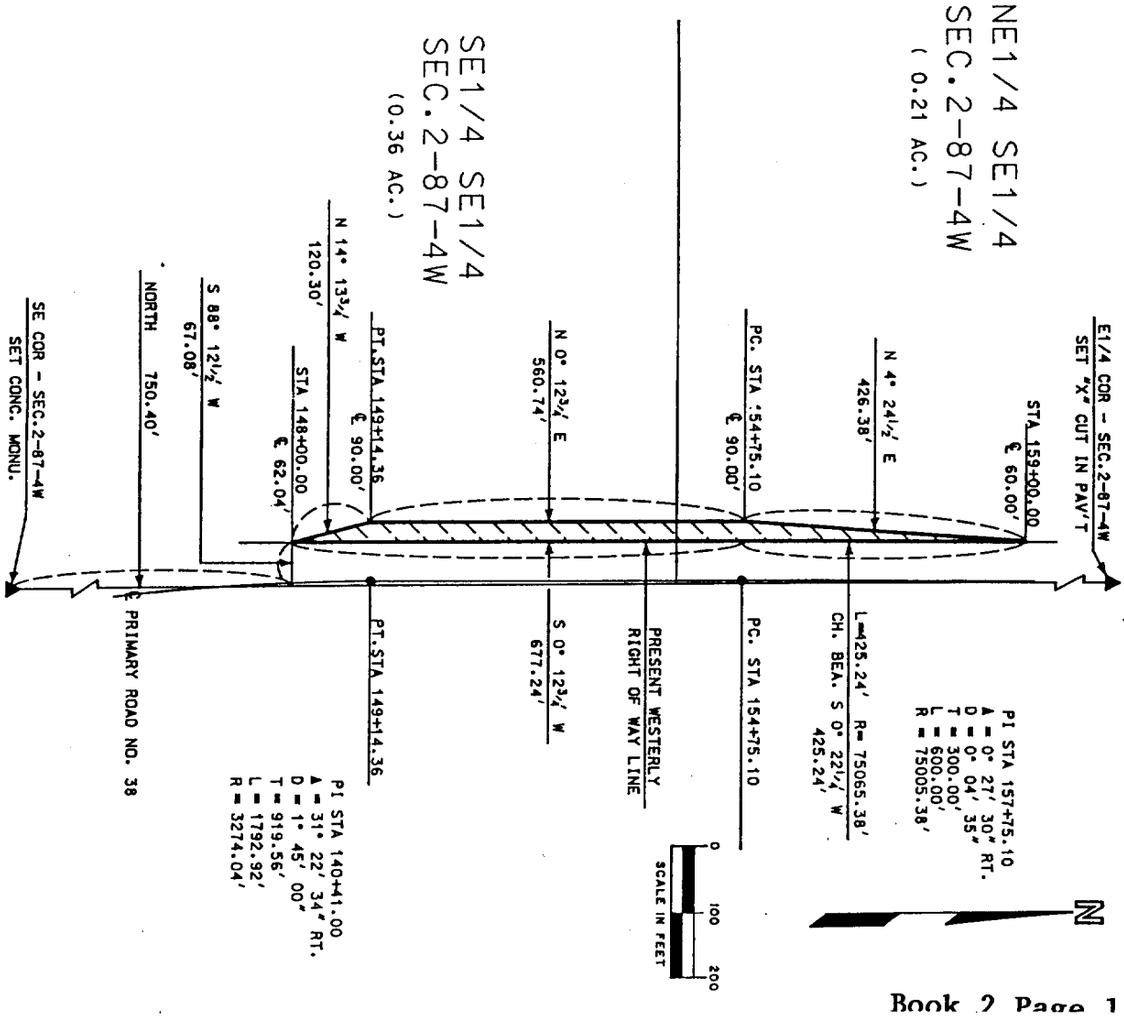
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Patrick J. Meehan (Parcel 1)

FORM 634-077
6-75

IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT
EXHIBIT "A"

COUNTY DELAWARE STATE CONTROL NO. 10-00
PROJECT NO. FN-38-4(25)--21-28 PARCEL NO. 1
SECTION 2 TOWNSHIP 87 N RANGE 4 W
ROW-FEE ____ AC. EASE 0.57 AC BORROW ____ AC
ACQUIRED FROM PATRICK J. MEEHAN



I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE LAND HEREIN DESCRIBED, MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
LARRY R. McGUIRE REG. No. 9019 DATE
Larry R. McGuire 2/15/90

LARRY R. McGUIRE REGISTERED LAND SURVEYOR 9019

DATE DRAWN FEBRUARY 15, 1990 SCALE 1" = 200'

Form 634077
6-90

Iowa Department of Transportation

ACQUISITION PLAT
EXHIBIT "B"

COUNTY DELAWARE STATE CONTROL NO. 10-00

PROJECT NO. FN-38-4(25)--21-28 PARCEL NO. 1

SECTION 2 TOWNSHIP 87N RANGE 4W

ROW - FEE AC. EASE AC. BORROW 2.58 AC

ACQUIRED FROM PATRICK J. MEEHAN

(1) TEMPORARY EASEMENT TO SECURE BORROW MATERIAL

