PARCEL NO. 15 **June 13, 1995**

Roger D. and Connie Groth
Rt. 1, Box 243D
Manchester, Iowa 52057
Home phone 319-927-5844
Office phone 319-927-5823

RE: Proposed condemnation of .35 acres adjacent to existing county road.

The above captioned property is subject to condemnation by Delaware County for the purpose of county road improvement. It appears that the county is entitled to utilize its eminent domain powers, and proceed with condemnation in this case upon payment of "just compensation" to the property owners.

Just Compensation can be defined as "the amount of loss for which a property owner is compensated when his or her property is taken; this just compensation should put the owner in as good a position financially as he or she would be if the property had not been taken; generally held to be market value, but courts have refused to rule that it is always equivalent to market value."

In determining just compensation in condemnation proceedings, it is sometimes necessary to:

* Estimate the value of the property as a whole before the taking.
* Estimate the value of the property after the taking-in order to determine the damages to the property.

CURRENT USE

Since the owner purchased the property on 2/16/87, he has utilized the 4.58 acre site as an office and storage building to house the trucks and equipment necessary to operate his septic business. The excess land not used by building improvements is utilized by the owner to spread the sludge that is pumped from septic tanks, and it should be noted that the land is at or very near legal capacity of 20 tons/acre.....and that any taking of land whatsoever would be detrimental to the owners business. It should also be noted that according to the county assessor, 2.0 acres of the total of 4.58 acres is assessed at $6,000/acre for property tax purposes and is classified as "commercial" in use, even though there is no zoning in rural Delaware County. Total land assessment is $11,300 or $2,468 per acre. Generally, "market values" and "values in use" far exceed that of assessed values.

GROTH (cont.)

PROPOSED OFFER BY DELAWARE COUNTY

The majority of the land involved in this matter is that which the owner utilizes for sludge disposition, and as previously noted, this area is already at or nearing the 20 ton legal capacity. This land is critical and vital to the day to day operation of the business. On observation, one could assume this property is "ag" land, however, the present commercial application and use of the land is evident.. The proposal made by the county, offers a value based on current agricultural land values, despite the fact that the property is being utilized for commercial use. Following is the present county offer:

0.35 acres @ $1900 per acre.....$665
Moving 30 rod of woven fence @ $16/rod.....$480
Moving 6 rod of wood fence and gates @ $20/rod.....$120
Angle by IA. Hwy. 13/inconvenience of farming.....$125

TOTAL DAMAGES $1,390

OWNERS ESTIMATE OF TOTAL DAMAGE

The owners, Roger & Connie Groth, list total damages as per the definition of "just compensation"; leaving the owner in as good a financial position as that before the taking, and that damages to the Groths can be alleviated by the following recommended action.

0.35 acres @ $6,000/acre.....$2100
Moving 6 rod of wood fence and gates @ $20/rod.....$ 120
Moving 71 rod of woven fence @ $16/rod.....$1136
Relaying buried electrical service 430'.....$1436
(see attached bid)
*Bringing "altered" septic system to code (Chp 69).....$3,000
Estimated survey and related costs of purchasing
-additional land.....$ 500

TOTAL DAMAGES $8,292

* See General Regulations, Chapter 69, p.3. item (b). Iowa Wastewater Treatment (attached)

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Notice of Public Hearing

in case of Delaware County

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 20th day of June A.D. 19 95, and the last on the ____ day of ____ A.D. 19____

Publication fee, $ 71.09

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 28 day of June A.D. 19 95

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

NOTICE OF PUBLIC HEARING

The Delaware County Board of Supervisors will hold a public hearing at their office, Courthouse, Manchester, Iowa at 10:30 a.m., June 26, 1995 on the reported decisions of the three appraisers appointed to appraise damages on property proposed to be condemned for road purposes on 165th Street, Northwest of Manchester, Iowa, as follows:

Roger D. and Connie J. Groth, Parcel No. 15 - property owners
Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Six (6), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian; subject to easements of record, and more specifically described by metes and bounds as follows: Beginning at the East Quarter (E 1/4) of Section Six (6), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian; thence along the Easterly line of the Southeast Quarter (SE 1/4) of said Section, South 00°-06'-45" East 201.92 feet; thence North 46°-14'-50" West 196.48 feet; thence along a line parallel to the Northerly line of said Southeast Quarter (SE 1/4) South 87°-34'-30" West 307.10 feet; thence North 02°-25'-30" West 15.00 feet; thence South 87°-34'-30" West to the Westerly line of a 5.39 acre parcel as described in L.D. Book 125, Page 361 in the Office of the Delaware County Recorder, 218.48 feet; thence along the Westerly line of said 5.39 acre parcel North 02°-25'-30" West to the Northerly line of said Southeast Quarter (SE 1/4) 45.00 feet; thence along the Northerly line of said Southeast Quarter (SE 1/4) North 87°-34'-30" East 669.78 feet to the POINT OF BEGINNING. The Easterly line of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian is assumed to bear South 00°-00'-00" West. Net to be acquired is 0.35 acres.

Kent A. Bergstrand, Parcel No. 9 - property owner
Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section One (1), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian; subject to easements of record and more specifically described by metes and bounds as follows: Beginning at the East Quarter (E 1/4) Corner of Section One (1), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian; thence along the Easterly line of the Southeast Quarter (SE 1/4) of said Section, South 01°-03'-25" West 60.01 feet; thence along a line parallel to the Northerly line of said Southeast Quarter (SE 1/4) South 90°-00'-00" West to the Westerly line of the Northeast Quarter (NE 1/4) of said Southeast Quarter (SE 1/4) 1342.65 feet; thence along the Westerly line of the Northeast Quarter (NE 1/4) of said Southeast Quarter (SE 1/4) North 01°-22'-55" East 60.02 feet to the Northerly line of said Southeast Quarter (SE 1/4); thence along the Northerly line of said Southeast Quarter (SE 1/4) North 90°-00'-00" East 1342.31 feet to the POINT OF BEGINNING. The Northerly line of the Southeast Quarter (SE 1/4) of Section One (1), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian is assumed to bear North 90°-00'-00" East. Net to be acquired is 0.83 acres.

Raymond D. and Vicky Ann Hutchinson, Parcel No. 3 - property owners
Part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section One (1), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa; subject to easements of record and more specifically described by metes and bounds as follows: Commencing at the Southwest (SW) Corner of Section One (1), Township Eighty-nine (T89N), Range Six West (R6W) of the Fifth Principal Meridian; thence along the Westerly line of the Southwest Quarter (SW 1/4) of said Section One (1) North 00°-29'-00" West to the centerline of an existing county road 2305.2 feet, the POINT OF BEGINNING; thence continuing along the Westerly line of said Southwest Quarter (SW 1/4) North 00°-29'-00" West 11.83 feet; thence along a line parallel to the Project Centerline South 89°-09'-30" East to a Point of Tangency, 974.75 feet; thence along a circular curve concave Northwesterly for an arc length of 50.00 feet, said circular curve having a radius of 895.38 feet, a central angle of 3°-12'-00", a chord bearing of North 89°-14'-35" East and a chord length of 49.99 feet; thence South 02°-21'-25" East 20.00 feet; thence North 81°-52'-35" East 45.00 feet; thence along the existing right-of-way North 79°-31'-05" East 237.00 feet; thence North 00°-00'-20" West 338.73 feet; thence South 89°-12'-45" East 33.00 feet to the Easterly line of the Northwest Quarter (NW 1/4) of said Southwest Quarter (SW 1/4); thence along the Easterly line of the Northwest Quarter (NW 1/4) of said Southwest Quarter (SW 1/4) South 00°-00'-20" East to the centerline of the existing county road 362.80 feet; thence along the centerline of the existing county road South 79°-31'-05" West 435.5 feet; thence continuing along the centerline of said existing county road North 82°-44'-20" West 664.4 feet; thence continuing along the centerline of said existing county road South 88°-51'-40" West 248.8 feet to the POINT OF BEGINNING. The Westerly line of the Southwest Quarter (SW 1/4) of said Section One (1) is assumed to bear North 00°-29'-00" West. Net to be acquired is 0.29 acres.

Acquisition plats are on file at the County Engineer's Office.

Dated this 12th day of June, 1995.

Sharon McCrabb, Delaware County Auditor

C-2045

P72

6-21-95

Kind — Legal Notice

Parties — Board of Supervisors

NOTICE OF PUBLIC HEARING

The Delaware County Board of Supervisors will hold a public hearing at their office, Courthouse, Manchester, Iowa at 10:30 a.m. June 26, 1995 on the reported decisions of the three appraisers appointed to appraise damages on property proposed to be condemned for road purposes on 165th Street, Northwest of Manchester, Iowa, as follows:

Attorne

No. of

First Pu

Last Pu

Filed —

Cost —

Roger D. and Connie J. Groth Parcel No. 15 - property owners. Part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE 1/4) of Section Six (6), Township Eighty Nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian; subject to easements of record and more specifically described by metes and bounds as follows: beginning at the East Quarter (E 1/4) of Section Six (6), Township Eighty Nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian; thence along the Easterly line of the Southeast Quarter (SE 1/4) of said Section, South 00 degrees-06'-45" East 201.92 feet; thence North 46 degrees - 14'-50" West 196.48 feet; thence along a line parallel to the Northerly line of said Southeast Quarter (SE 1/4) South 87 degrees-34'-30" West 307.10 feet; thence North 02 degrees-25'-30" West 15.00 feet; thence South 87 degrees-34'-30" West to the Westerly line of a 5.39 acre parcel as described in L.D. Book 125, Page 361 in the Office of the Delaware County Recorder, 218.48 feet; thence along the Westerly line of said 5.39 acre parcel North 2 degrees-25'-30" West to the Northerly line of said Southeast Quarter (SE 1/4) 45.00 feet; thence along the Northerly line of said Southeast Quarter (SE 1/4) North 87 degrees-34'-30" East 669.78 feet to the POINT OF BEGINNING. The Easterly line of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty Nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian is assumed to bear South 00 degrees-00'-00" West. Net to be acquired is 0.35 acres.

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Raymond D. and Vicky Ann Hutchinson, Parcel No. 3- property owners. Part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section One (1), Township Eighty Nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian; Delaware County, Iowa; subject to easements of record and more specifically described by metes and bounds as follows: Commencing at the Southwest (SW) Corner of Section One (1), Township Eighty Nine (T89N), Range Six West (R6W) of the Fifth Principal Meridian; thence along the Westerly line of the Southwest Quarter (SW 1/4) of said Section One (1) North 00 degrees-29'-00" West to the centerline of an existing county road 2305.2 feet; the POINT OF BEGINNING; thence continuing along the Westerly line of said Southwest Quarter (SW 1/4) North 00 degrees-29'-00" West 11.83 feet; thence along a line parallel to the Project Centerline South 89 degrees-09'-30" East to the Point of Tangency, 974.75 feet; thence along a circular curve concave Northwesterly for an arc length of 50.00 feet, said circular curve having a radius of 1895.38 feet, a central angle of 3 degrees-12'-00", a chord bearing of North 89 degrees-14'-35" East and a chord length of 49.99 feet; thence South 02 degrees-21'-25" East 20.00 feet; thence North 81 degrees-52'-35" East 45.00 feet; thence along the existing right-of-way North 79 degrees-31'-05" East 237.00 feet; thence North 00 degrees-00'-00" West 338.73 feet; thence South 89 degrees-12'-45" East 33.00 feet to the Easterly line of the Northwest Quarter (NW 1/4) of said Southwest Quarter (SW 1/4); thence along the Easterly line of the Northwest Quarter (NW 1/4) of said Southwest Quarter (SW 1/4) South 00 degrees-00'-20" East to the centerline of the existing county road 362.80 feet; thence along the centerline of the existing county road South 79 degrees-31'-05" West 435.5 feet; thence continuing along the centerline of said existing county road North 82 degrees-44'-20" West 664.4 feet; thence continuing along the centerline of said existing county road South 88 degrees-51'-40" West 248.8 feet to the POINT OF BEGINNING. The Westerly line of the Southwest Quarter (SW 1/4) of said Section One (1) is assumed to bear North 00 degrees-29'-00" West. Net to be acquired is 0.29 acres.

Acquisition plans are on file at the County Engineer's Office.

Dated this 12th day of June, 1995.

Sharon McCrabb,
Delaware County Auditor

State of Iowa, Delaware County, ss.

I, Mary Heeke, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning June 21 1995, and ending June 1995, Printer's fees. $ 37.98

Mary Heeke

Subscribed in my presence and sworn to before me by Mary Heeke on this 28th day of June, 1995.

Brenda Belcher

Notary Public

[illegible] IN
MY COMMISSION [illegible] ES
4-15-96

Bids were opened by Engineer, Brian Ridenour, and read as follows:

All Iowa Contracting Co., Waterloo, Iowa	- $71,257.56
Quad States Industries, Orange City, Iowa	- $72,220.50
Traffic Marking Service, Stanhope, Iowa	- $72,483.12
Tiger Stripping, Columbia, Missouri	- $98,044.80

The low bid of All Iowa Contracting Co. did not include a bid bond and was determined not to meet specifications.

Motion made by Koeneke, seconded by Clemen and carried that the $72,220.50 bid of Quad States Industries be accepted. All ayes.

Motion made by Clemen, seconded by Koeneke and carried that the Contract and Official Bond of Mathy Construction Company of Onalaska, Wisconsin in the amount of $632,764.87 for Project No. STP-S-28(25)--5E-28 be approved. All ayes.

Motion made by Koeneke, seconded by Clemen and carried that the following Resolution be approved:

RESOLUTION

TEMPORARY ROAD CLOSURE

WHEREAS: The Code of Iowa grants the Board of Supervisors the authority to temporarily close roads for construction,

NOW, THEREFORE, BE IT RESOLVED: That the following described road be officially closed beginning June 26, 1995 and during the time required to complete construction and/or repairs:

1. Gravel road X-35 between Sections 10 and 11-T88N-R4W of Delhi Township for bridge replacement.

/S/ Jerome E. Besler, Chairman
Delaware County Board of Supervisors

All ayes.

Motion made by Clemen, seconded by Koeneke and carried that the Contract for Transportation with The Easter Seal Society of Iowa, Inc. for the fiscal year July 1, 1995 through June 30, 1996 be approved for Delaware County clients at $10.00 per ride per eligible persons. All ayes.

Motion made by Koeneke, seconded by Clemen and carried that the following Resolution be approved:

RESOLUTION

BE IT HEREBY RESOLVED by the Delaware County Board of Supervisors that Delaware County will be providing Blue Cross & Blue Shield Protector 500 Alliance Select Comprehensive Major Medical with HMO Style Benefits to the eligible county employees and a mini self-funding acocunt has been set up to reduce any out-of-pocket expense to no more than $500.00 for the employee effective July 1, 1995. Any person covered by the county health insurance plan who is paying the premium under COBRA, etc. is required to pay the premium set by the Board of Supervisors beginning July 1, 1995, as follows:

Family Plan	Single Plan
$529.04/mo.	$166.98/mo.

All ayes.

Motion made by Clemen, seconded by Koeneke and carried that the following Resolution be approved:

RESOLUTION

Pursuant to the 1993 Code of Iowa, Section 331.323 Sub Section 2d, we do hereby authorize the destruction of the following records in the Auditor's Office:

1984-85 Accounting History
Dog License Applications 1986 through 1993
Paid Claims - July 1, 1985 through June 30, 1990
Time Sheets - July 1, 1986 through June 30, 1990

Dated this 26th day of June, 1995.

Delaware County Board of Supervisors
/S/ Jerome Besler, Chairman
/S/ Eldon Koeneke
/S/ Bob Clemen

All ayes.

The following appointments to county boards were made by Jerome Besler, Board Chairman:

Dyersville Planning and Zoning Commission
Tom Conry and David Kronlage for five year terms effective July 1, 1995

Dyersville Board of Adjustment
Tom Conry and James M. Recker for five year terms effective July 1, 1995

Supported Employment Admissions Committee
Don Lavenz, Jean Resor, Tom Kramer, Rick Brunsman, Eldon Koeneke, Sandra Hoth, Lorene Worm, Dr. Mary Lorenz and Mary Westhoff for one year terms effective July 1, 1995

Local Emergency Planning Committee
Bruce Trapp, Larry Woellert, Jerome Besler and John Bernau for three year terms effective July 1, 1995

Community Services Advisory Committee
Dorothy Snow, Mary Westhoff, Anne Voelker and Sandy Hoth for three year terms effective July 1, 1995

Eastern Iowa Regional Housing Authority Board
Cliff Bunting and David Schultz for one year terms effective July 1, 1995

HUMAN SERVICES	
Marlene Feltes, pt-time Secretary	$5.23/hr.
Carol Pohlman, Janitor	6.35/hr.
COMMUNITY SERVICES	
Sandy Hoth, Community Services Director	$25,750.00
Kathy Monson, Case Manager	23,522.63
Karen Sellner, Secretary	18,500.00
Catherine Moellers, Case Manager	23,175.00
MENTAL HEALTH	
Cynthia Chatfield, Supported Employment	23,175.00
Sandy Ahrens, Supported Employment	9.00/hr.
Pamela Mayberry, Job Developer-Supported Emp.	9.00/hr.
Donna Meck, Mental Health Advocate	16.40/hr.
COURTHOUSE MAINTENANCE	
Terry Tutton, Janitor	7.69/hr.
Erma Wulfekuhle, pt-time Janitor	6.35/hr.
Jim Hauschild, pt.-time Janitor	5.00/hr.
SHERIFF'S DEPARTMENT	
Duncan Gross, Chief Deputy	28,255.00
Wm. J. Hermes, Investigator	28,255.00
Dick Snyder, Jail Administrator	28,255.00
John LeClere, Deputy	27,756.00
Frank Porter, Deputy	27,756.00
Larry Gronewold, Deputy	27,756.00
David Benter, Deputy	27,756.00
Parker Fransen, Deputy	27,756.00
Patricia Becker, Office Deputy	27,756.00
Marlene Chapman, Jailer	7.47/hr.
David Bradley, pt-time Jailer	7.37/hr.
Joette Orcutt, pt-time Jailer	7.37/hr.
Darlene Ries, pt-time Jailer	7.37/hr.
Roger Satterlee, pt-time Jailer	7.37/hr.

EMERGENCY MANAGEMENT	
Garlyn Glanz, Director	$5,436.00/yr.
Shirley Lyons, pt-time Secretary	6.25/hr.
Boyd LaRue, Communications Officer	5.56/hr.
Maggie LaRue, Radio Operator	5.56/hr.
Dick Justice, Assist. Commun. Director	5.56/hr.
WATER WELL & HEALTH BD. INSPECTOR	
Dorance Oehler, Inspector	10,454.50/yr.
Clifford Newton, temp. pt. time Helper	8.24/hr.
E911	
Garlyn Glanz	5,500.00/yr.
Shirley Lyons, pt-time Secretary	6.25/hr.
VETERAN'S AFFAIRS	
William Francois	1,200.00/yr.
Alfred Melchert	300.00/yr.
Daniel Boeckenstedt	300.00/yr.

All ayes.

Motion made by Koeneke, seconded by Clemen and carried that the following Resolution be approved:

RESOLUTION

This resolution is pursuant to the election held February 7, 1995, imposing a one cent local option sales tax on the rural residents of Delaware County from April 1, 1995 through December 31, 1999.

BE IT HEREBY RESOLVED by the Delaware County Board of Supervisors that the local option sales tax collected for the rural area be expended as follows:

10% for capital projects

90% for additional hard surfacing of county roads

BE IT HEREBY ORDERED that the Delaware County Treasurer collect the local option sales tax and apportion it each month as follows:

10% of each collection into the General Basic Fund under revenue source code #0132-01000-01

90% of each collection into the Secondary Road Fund under revenue source code #0132-20000-20

Dated this 19th day of June, 1995.

Delaware County Board of Supervisors
/S/ Jerome E. Besler, Chairman

ATTEST: /S/ Sharon McCrabb, Auditor

All ayes.

Under public comments, the county auditor read a letter submitted by Sheriff Ronald Wilhelm advising the Board that Mark Gudenkauf is no longer a Reserve Officer due to recent employment which makes him unavailable to serve.

Brian Ridenour, County Engineer, advised that the Freddies Beach Road is now open to the public.

There being no further business, this meeting adjourned. These minutes were read and approved.

Jerome E. Besler, Chairman

Sharon McCrabb, Auditor

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June 26, 1995
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 10:00 A.M. with all members present. Jerome E. Besler, Chairman, called the meeting to order.

Motion made by Clemen, seconded by Koeneke and carried that the following county employees be allowed to attend their various meetings as follows: Sandra Hoth to attend chart of accounts training in Cedar Rapids retroactive to June 19th and to attend a State/County Management meeting in Des Moines on June 29th; Eldon Koeneke to attend an Operation: New View meeting in Dubuque on June 26th; Jerome Besler to attend a Resource, Conservation and Development Board meeting in Maquoketa on June 28th. All ayes.

A bid letting was held for 168.11 miles of traffic paint marking (fast dry alkyd). The material included 2,962 gallons of yellow to be furnished and applied, 5,792 gallons of white, furnished and applied and reflectorized spheres included with the paint bid.

Delaware County Conservation Board
George White and H. A. Gearhart for five year terms effective July 1, 1995

Delaware County Softball Committee
Jerome E. Besler for a one year term effective July 1, 1995

Eastern Iowa Tourism Council
Kay Burke and Flora Schmidt for a one year term effective July 1, 1995

Veteran Affairs Commission
Daniel Bockenstedt for a three year term effective July 1, 1995

Resource, Conservation and Development Board
Jerome E. Besler for a one year term effective July 1, 1995

Motion made by Clemen, seconded by Koeneke and carried that a Delaware County Historical Preservation Committee be formed with the following members to serve indefinite term lengths beginning July 1, 1995: Karen Wallace, Linda Severidt, Jerry Wiltse, Tim Tutton, Rick Martin, Alma Crouse and John Vermazen. All Ayes.

Motion made by Koeneke, seconded by Clemen and carried that the appointments to the Delaware County Compensation Board for a four year period by county officials be approved as follows:

Mary Lou Tracey appointed by Auditor, Sharon McCrabb for a four year term effective July 1, 1995;
Eric Anderson appointed by Attorney, John Bernau for a four year term effective July 1, 1995;
Fredrich Vorwald appointed by Sheriff, Ronald Wilhelm for a four year term effective July 1, 1995.

All ayes.

Motion made by Clemen, seconded by Koeneke and carried that an Easement for Permanent Utilities between Delaware County and the City of Manchester, Iowa be signed by the Board Chairman and County Auditor:

EASEMENT FOR PERMANENT UTILITIES

THIS AGREEMENT, made this 26th day of June, 1995 by and between Delaware County, Party of the First Part; and the City of Manchester, Iowa, an Iowa Municipal Corporation, Party of the Second Part;

WITNESSETH:
That the Party of the First Part, in consideration of the sum of One Dollar ($1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the Party of the Second Part, its successors and assigns, the perpetual right and easement to enter upon, erect, construct, install and lay, and thereafter use, operate, inspect, repair, maintain, replace and remove utilities upon, over, along, under and across the following described real estate situated in the City of Manchester, Delaware County, Iowa together with the right of ingress and egress over the adjacent lands of the Grantor, his successors and assigns for the purposes of this easement:

That part of Lot Nine Hundred Forty (940) of the City of Manchester, Iowa, according to plat recorded in Book I L.D., Page 284 and of the East one-half (E½) of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section Thirty Two (32), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M. described as beginning at a point one hundred thirty nine and five-tenths (139.5) feet North and sixty eight and thirteen hundredths (68.13) feet East of the Southeast corner of said Southwest Quarter (SW¼) of the Northwest Quarter (NW¼), thence North two hundred and five-tenths (200.5) feet, thence West one hundred fifty (150) feet, thence North five (5) feet,thence West one hundred fifty (150) feet, thence South two hundred five and five-tenths (205.5) feet, thence East three hundred (300) feet to the point of beginning.

THE PERMANENT EASEMENT shall be 20.0 feet in width across the North 20.0 feet of the above described real estate. A temporary construction easement shall be 60 feet in width across the North 60.0 feet of the above described real estate.

The Grantees shall have the right of ingress and egress to and from said land to survey, erect, construct, maintain, inspect, rebuild and repair said utilities together with the right to replace, renew and relocate upon, over and under its right-of-way said utilities, or parts thereof, and any appurtenances thereto and the right to remove any and all of said utilities, lines or appurtenances.

The Grantor agrees to erect no buildings, obstructions or other improvements upon or under the property covered by this easement which would interfere with the construction, reconstruction or maintenance of said utilities.

This easement and the rights herein described shall be binding upon the Grantor, its successors and assigns. This easement shall be perpetual and shall run with the land.

In Witness Whereof we hereunto sign our names the day and year last above written.

DELAWARE COUNTY

By Jerome E. Besler, Chairperson, Board of Supervisors
By Sharon McCrabb, County Auditor

All ayes.

At 10:39 A.M. a public hearing was held on the reported decisions of the three appraisers appointed to appraise damages on property proposed to be condemned for road purposes on the May Road (165th Street) Northwest from Manchester. The project requiring the condemnation is 2½ miles of grading from Highway 3 to W-69.

There were four concerned persons, three appraisers, members of the media, the County Attorney and County Engineer present for the hearing.

Brian Ridenour, County Engineer, read the recommendations of the three appraisers as follows:

Raymond D. and Vicky Ann Hutchinson, Parcel #3 to be acquired for $1,330.00. The County to leave the wood for the Hutchinsons for wood burning.

Supervisor's Minutes,

Kent A. Bergstrand, Parcel no. 9 to be acquired for $714.00 with panel agreeing to leave as is.

Roger D. and Connie J. Groth, Parcel no. 15 to be acquired for $3,356.00 ($2,100 for land, $120 for moving wood fence and $1,136 for moving woven fence).

Roger Groth felt that he was not being full compensated. He stated that the total amount he should be compensated should include attorney fees, survey fees, bringing his abstract up to date and revision of his septic system since any altered system must be brought up to standards under Chapter 69 of the Iowa Code.

Brian Ridenour did not consider cutting ten feet off of a line to be an alteration to the septic system. He stated the county should not pay to update a system that is not up to date currently.

Roger Groth stated the DNR will be giving a written ruling on the septic matter.

Brian Ridenour quoted from the Iowa Department of Transportation, Office of Right of Way, Appraisal Policy and Procedures Manual "The Iowa DOT does not assume responsibility for , or pay damages to correct illegal septic systems. The State of Iowa should not be held financially responsible for costs to bring systems into compliance if a system is illigal or non-conforming under current regulations".

Roger Groth's estimate of total damages is $8,292.00.

Gary Wegmann, Appraiser, did feel that Groth should be compensated for costs incurred to replace the land being taken.

The Supervisors felt Groths argument was with the three appraisers dollar amount.

There was further discussion on the interpretation of Iowa Code Chapter 69 and whether the septic system needs to be brought up to Code by the county.

Brian Ridenour thought the county should wait for the DNR opinion and if the county needs to pay for it then it will either be paid or argued with the DNR at that time.

Vicky Hutchinson read off a list of arguments against the condemnation, siting only one appraiser stopped to talk to her, her bedroom window would be only thirty eight feet from the road, a big ditch to be created will cause water to wash on her property, valuation of her property will decrease, and no lilac bushes should be cut on her property.

The additional billing presented by Roger Groth included $4,066 for the septic system, $855 for Tri-State Engineers and $143 for attorney fees.

John Bernau, County Attorney, stated that attorney fees are not awarded in these matters.

Motion made by Koeneke, seconded by Clemen and carried that the public hearing adjourn and that the public comments made be taken into consideration. All ayes.

Motion made by Clemen, seconded by Koeneke and carried that the recommendations made by Gary Wegman, Larry Hillers and Bob Philipp, Appraisers in this matter, be accepted as follows: Raymond D. and Vicky Ann Hutchinson Parcel No. 3acquired at $1,330.00 with the county to leave the wood for the Hutchinsons for wood burning; Kent A. Bergstrand Parcel No. 9acquired for $714.00 (panel agrees to leave as is); Roger D. and Connie J. Groth Parcel No. 15acquired for $3,356.00 ($2,100 land, $120 moving wood fence, $1,136 move wood fence). All ayes.

The following claims as shown on pages 368a through 368b were allowed for payment.

There being no further business, this meeting adjourned. These minutes were read and approved.

Jerome E. Besler, Chairman

Sharon McCrabb, Auditor

139-132
DELAWARE COUNTY IOWA
FILED
'95 JUN 30 AM 8 33
BOOK 5 PAGE 170
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$ 0.00

Delaware County
to
Raymond Hutchinson, Etal.

Delaware County Auditor

ORIGINAL NOTICE

TO: Raymond D. And Vicky Ann Hutchinson
Rt. 3, Box 192A
Manchester, Iowa 52057

Farmers State Savings Bank
230 First Street East
Independence, Iowa 50644

Notice is given that the Board of Supervisors of Delaware County, Iowa, propose to condemn for road purposes the following-described real estate in said County:

(See plat attached hereto)

The damages caused by said condemnation will be assessed by three appraisers. Notice is hereby given that the owner or owners of said real estate may, on or before the **30th day of May, 1995**, appoint one of said appraisers and that in case such right be not exercised, or if exercised and the said appointee fails to appear and qualify, the said three appraisers will be otherwise appointed as provided by law. All parties interested are further notified that said three appraisers will, when duly appointed, proceed to appraise said damages, will report said appraisement to the said Board of Supervisors and that said latter Board will pass thereon as provided by law, and that at all such times and places you may be present if you be so minded. You are further notified that at said hearing before the said Supervisors, you may file objections to the use of said land for road purposes and that all such objections not so made will be deemed waived.

Sharon McCrabb, Delaware County Auditor

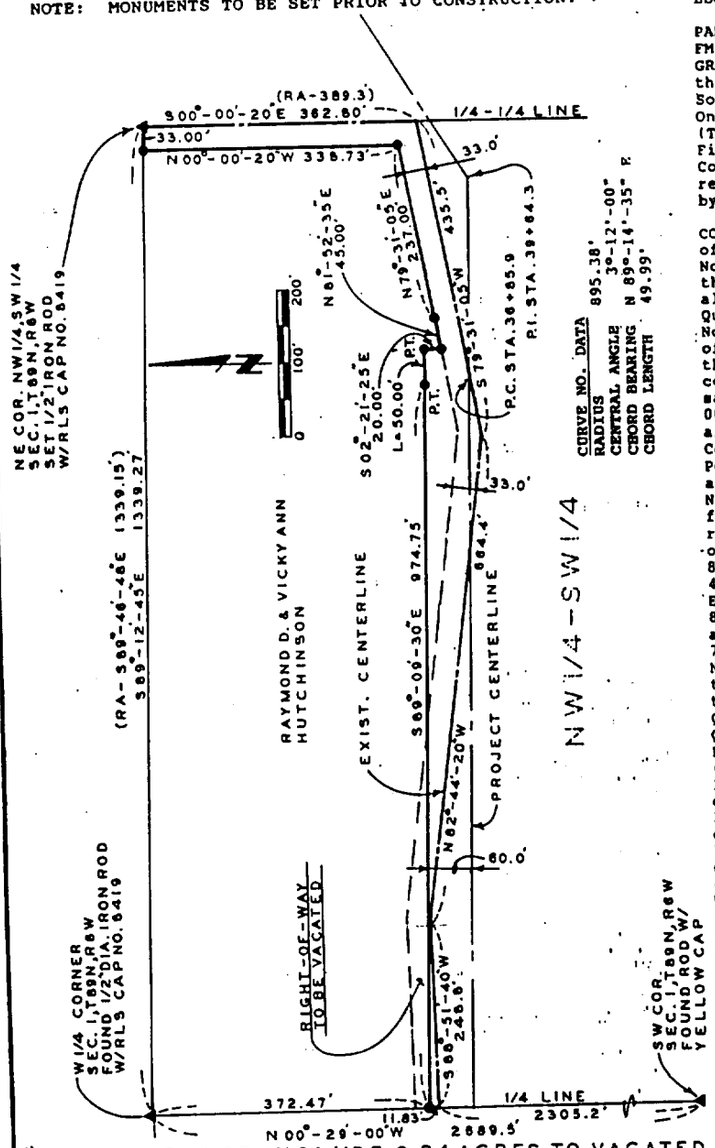
MAY 2 1995

PLAT OF SURVEY

ACQUISITION PLAT - PARCEL NO. 3

PROJECT NO. FM-28(17)--55-28
FARM TO MARKET GRADING, DELAWARE COUNTY, IOWA

NOTE: MONUMENTS TO BE SET PRIOR TO CONSTRUCTION.



*NOTE: DOES NOT INCLUDE 0.24 ACRES TO VACATED

RIGHT OF WAY (ACRES)	1/4-1/4 SECTION	TOTAL
TOTAL	——	1.32
EXISTING	——	1.03*
NET TO BE ACQUIRED	——	0.29

LEGAL DESCRIPTION:

PARCEL NO. 3 OF PROJECT NO. FM-28(17)--55-28, FARM TO MARKET GRADING, DELAWARE COUNTY, IOWA; Part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section One (1), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa; subject to easements of record and more specifically described by metes and bounds as follows:

COMMENCING at the Southwest (SW) Corner of Section One (1), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian; thence along the Westerly line of the Southwest Quarter (SW 1/4) of said Section One (1) North 00°-29'-00" West to the centerline of an existing county road 2305.2 feet, the POINT OF BEGINNING; thence continuing along the Westerly line of said Southwest Quarter (SW 1/4) North 00°-29'-00" West 11.83 feet; thence along a line parallel to the Project Centerline South 89°-09'-30" East to a Point of Tangency, 974.75 feet; thence along a circular curve concave Northwesterly for an arc length of 50.00 feet, said circular curve having a radius of 895.38 feet, a central angle of 3°-12'-00", a chord bearing of North 89°-14'-35" East and a chord length of 49.99 feet; thence South 02°-21'-25" East 20.00 feet; thence North 81°-52'-35" East 45.00 feet; thence along the existing right of way North 79°-31'-05" East 237.00 feet; thence North 00°-00'-20" West 338.73 feet; thence South 89°-12'-45" East 33.00 feet to the Easterly line of the Northwest Quarter (NW 1/4) of said Southwest Quarter (SW 1/4); thence along the Easterly line of the Northwest Quarter (NW 1/4) of said Southwest Quarter (SW 1/4) South 00°-00'-20" East to the centerline of the existing county road 362.80 feet; thence along the centerline of the existing county road South 79°-31'-05" West 435.5 feet; thence continuing along the centerline of said existing county road North 82°-44'-20" West 664.4 feet; thence continuing along the centerline of said existing county road South 88°-51'-40" West 248.8 feet to the POINT OF BEGINNING. The Westerly line of the Southwest Quarter (SW 1/4) of said Section One (1) is assumed to bear North 00°-29'-00" West.

LEGEND
- ● SET IRON ROD W/RLS CAP NO. 8419
- —— —— CENTERLINE
- — — — — EASEMENT OR ROW LINE
- ——— PARCEL OR LOT BOUNDARY
- ——— PARCEL OR LOT BOUNDARY ESTABLISHED
- (RA-) RECORDED AS DISTANCE AND/OR BEARING
- P.T. POINT OF TANGENCY

ADDRESS:
HUTCHINSON, RAYMOND D. & VICKY ANN
R.R. 3 BOX 192A MANCHESTER, IOWA 52057

SURVEYED ON: 11/1&8/94
FIELD BK. NO. 28-S-12&17

PROPRIETORS: RAYMOND D. & VICKY ANN HUTCHINSON

PROJECT NO. 94-73
SCALE: 1" = 150'
DATE: 11/16/94
DRAWN BY: T. W.
CHECKED BY:

REGISTERED LAND SURVEYOR J. DAVID GIBBS 8419

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. MY REGISTRATION WILL BE RENEWED ON JANUARY 1, 1995.

J. DAVID GIBBS, REG. NO. 8419 — DATE 12/7/94

SHEET 1 OF 1

TRI-STATE ENGINEERS
OLD HWY. 20 EAST MANCHESTER IOWA
Municipal Consultants

ORIGINAL NOTICE

TO: Roger D. And Connie J. Groth
Rt. 1, Box 243E
Manchester, Iowa 52057

Farmers & Merchants Savings Bank
101 East Main Street
Manchester, Iowa 52057

Small Business Administration
Dubuque Chamber of Commerce
770 Town Clock Plaza
Dubuque, Iowa 52001-6898

Notice is given that the Board of Supervisors of Delaware County, Iowa, propose to condemn for road purposes the following-described real estate in said County:

(See plat attached hereto)

The damages caused by said condemnation will be assessed by three appraisers. Notice is hereby given that the owner or owners of said real estate may, on or before the **30th day of May, 1995**, appoint one of said appraisers and that in case such right be not exercised, or if exercised and the said appointee fails to appear and qualify, the said three appraisers will be otherwise appointed as provided by law. All parties interested are further notified that said three appraisers will, when duly appointed, proceed to appraise said damages, will report said appraisement to the said Board of Supervisors and that said latter Board will pass thereon as provided by law, and that at all such times and places you may be present if you be so minded. You are further notified that at said hearing before the said Supervisors, you may file objections to the use of said land for road purposes and that all such objections not so made will be deemed waived.

Sharon McCrabb, Delaware County Auditor

MAY 2 1995

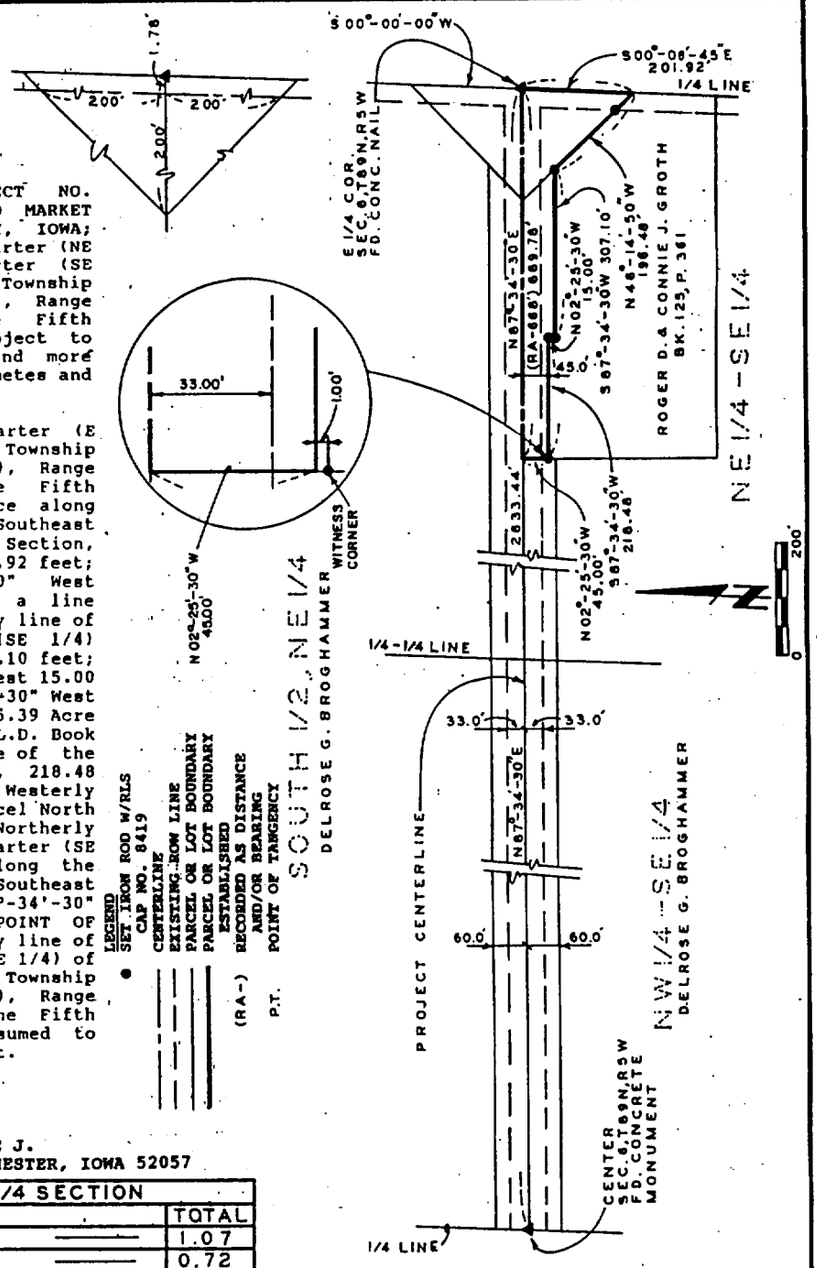
PLAT OF SURVEY

ACQUISITION PLAT- PARCEL NO. 15
PROJECT NO. FM-28(17)--55-28
FARM TO MARKET GRADING, DELAWARE COUNTY, IOWA

LEGAL DESCRIPTION:

PARCEL NO. 15, OF PROJECT NO. FM-28(17)--55-28, FARM TO MARKET GRADING, DELAWARE COUNTY, IOWA; Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Six (6), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Subject to easements of record and more specifically described by metes and bounds as follows:

BEGINNING at the East Quarter (E 1/4) of Section Six (6), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian; thence along the Easterly line of the Southeast Quarter (SE 1/4) of said Section, South 00°-06'-45" East 201.92 feet; thence North 46°-14'-50" West 196.48 feet; thence along a line parallel to the Northerly line of said Southeast Quarter (SE 1/4) South 87°-34'-30" West 307.10 feet; thence North 02°-25'-30" West 15.00 feet; thence South 87°-34'-30" West to the Westerly line of a 5.39 Acre Parcel as described in L.D. Book 125, Page 361 in the Office of the Delaware County Recorder, 218.48 feet; thence along the Westerly line of said 5.39 Acre Parcel North 02°-25'-30" West to the Northerly line of said Southeast Quarter (SE 1/4) 45.00 feet; thence along the Northerly line of said Southeast Quarter (SE 1/4) North 87°-34'-30" East 669.78 feet to the POINT OF BEGINNING. The Easterly line of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian is assumed to bear South 00°-00'-00" West.



ADDRESS:
GROTH, ROGER D. & CONNIE J.
R.R. 1, BOX 243-E, MANCHESTER, IOWA 52057

RIGHT OF WAY (ACRES)	1/4-1/4 SECTION	TOTAL
TOTAL	——	1.07
EXISTING	——	0.72
NET TO BE ACQUIRED	——	0.35

NOTE: MONUMENTS TO BE SET PRIOR TO CONSTRUCTION.

SURVEYED ON: 11/18/94
FIELD BK. NO. 28-S-12&17

PROPRIETORS: ROGER D. & CONNIE J. GROTH

PROJECT NO. 94-73C

REGISTERED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. MY REGISTRATION WILL BE RENEWED ON JANUARY 1, 1995.

J. DAVID GIBBS, REG. NO. 8419 — DATE 4/12/95

SCALE: 1"=200'
DATE: 11/5/94
DRAWN BY: E. W.
CHECKED BY:
REVISED: 4/12/95

TRI-STATE ENGINEERS
OLD HWY. 20, EAST MANCHESTER IOWA
Municipal Consultants

SHEET 1 OF 1

ORIGINAL NOTICE

TO: Kent A. Bergstrand
7500 Maplewood Drive
Apt. 239, Copper Creek
North Richland Hills, Texas 76180

Farmers & Merchants Savings Bank
101 East Main Street
Manchester, Iowa 52057

Notice is given that the Board of Supervisors of Delaware County, Iowa, propose to condemn for road purposes the following-described real estate in said County:

(See plat attached hereto)

The damages caused by said condemnation will be assessed by three appraisers. Notice is hereby given that the owner or owners of said real estate may, on or before the **30th day of May, 1995**, appoint one of said appraisers and that in case such right be not exercised, or if exercised and the said appointee fails to appear and qualify, the said three appraisers will be otherwise appointed as provided by law. All parties interested are further notified that said three appraisers will, when duly appointed, proceed to appraise said damages, will report said appraisement to the said Board of Supervisors and that said latter Board will pass thereon as provided by law, and that at all such times and places you may be present if you be so minded. You are further notified that at said hearing before the said Supervisors, you may file objections to the use of said land for road purposes and that all such objections not so made will be deemed waived.

Sharon McCrabb, Delaware County Auditor

MAY 2 1995

PLAT OF SURVEY

ACQUISITION PLAT - PARCEL NO. 9

PROJECT NO. FM-28(17)--55-28
FARM TO MARKET GRADING, DELAWARE COUNTY, IOWA

LEGAL DESCRIPTION:

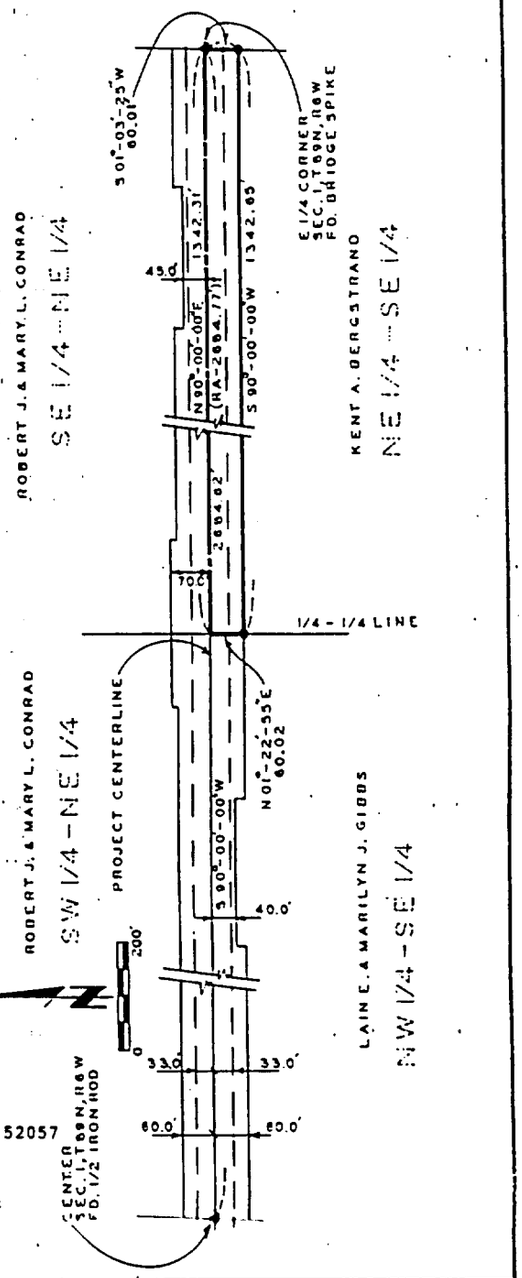
PARCEL NO. 9 OF PROJECT NO. FM-28(17)--55-28, FARM TO MARKET GRADING, DELAWARE COUNTY, IOWA; Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section One (1), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian, subject to easements of record and more specifically described by metes and bounds as follows:

BEGINNING at the East Quarter (E 1/4) Corner of Section One (1), Township Eighty-nine North (T89N), Range Six West (R5W) of the Fifth Principal Meridian; thence along the Easterly line of the Southeast Quarter (SE 1/4) of said Section, South 01°-03'-25" West 60.01 feet; thence along a line parallel to the Northerly line of said Southeast Quarter (SE 1/4) South 90°-00'-00" West to the Westerly line of the Northeast Quarter (NE 1/4) of said Southeast Quarter (SE 1/4) 1342.65 feet; thence along the Westerly line of the Northeast Quarter (NE 1/4) of said Southeast Quarter (SE 1/4) North 01°-22'-55" East 60.02 feet to the Northerly line of said Southeast Quarter (SE 1/4); thence along the Northerly line of said Southeast Quarter (SE 1/4) North 90°-00'-00" East 1342.31 feet to the POINT OF BEGINNING. The Northerly line of the Southeast Quarter (SE 1/4) of Section One (1), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian is assumed to bear North 90°-00'-00" East.

NOTE: MONUMENTS TO BE SET PRIOR TO CONSTRUCTION.

LEGEND

- ● SET IRON ROD W/RLS CAP NO. 8419
- CENTERLINE
- EXISTING ROW LINE
- PARCEL OR LOT BOUNDARY
- PARCEL OR LOT BOUNDARY ESTABLISHED
- (RA-) RECORDED AS DISTANCE AND/OR BEARING
- P.T. POINT OF TANGENCY



ADDRESS:
BERGSTRAND, KENT A.
C/O NILE BERGSTRAND, 140 LIBERTY ST., MANCHESTER, IA 52057

RIGHT OF WAY (ACRES)	1/4 - 1/4 SECTION	TOTAL
TOTAL	——	1.85
EXISTING	——	1.02
NET TO BE ACQUIRED	——	0.83

SURVEYED ON: 11/18/94
FIELD BK. NO. 28-S-12&17

PROPRIETORS: KENT A. BERGSTRAND

PROJECT NO. 94-73A

SCALE: 1" = 200'

DATE: 11/30/94

DRAWN BY: E. W.

CHECKED BY:

REGISTERED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. MY REGISTRATION WILL BE RENEWED ON JANUARY 1, 1995.

J. DAVID GIBBS, REG. NO. 8419 — DATE 12/7/94

TRI-STATE ENGINEERS
OLD HWY. 20 EAST MANCHESTER IOWA

Municipal Consultants

SHEET 1 OF 1