Recorded: 8/5/2014 at 9:35:31.0 AM
Fee Amount: $47.00
Revenue Tax:
Delaware County, Iowa
DEBORAH PEYTON, RECORDER
BK: 2014 PG: 1893

LEGAL DESCRIPTION ON PAGES 3-5.

Prepared by: Michael J Schneider 515-239-1029, IA Dept. of Transportation, Right of Way-Condemnation, 800 Lincoln Way, Ames, IA 50010
Return to: Michael J Schneider 515-239-1029, IA Dept. of Transportation, Right of Way-Condemnation, 800 Lincoln Way, Ames, IA 50010

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

Primary Road No. U.S. 20
South and in the City of Dyersville
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. **NHSN-20-8(48)--2R-28** Group **"A"**

TO: **Kellyann M. Lekar**, 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. 6B.2A, 6B.2B and 6B.3, the Code of Iowa, as amended by H.F. 476, 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.

Minimum Land Needs: The minimum amount of land necessary to achieve the public purpose is as described in and shown on the Notice of Condemnation and attached plat(s).

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 the improvement and/or maintenance of roads and streets within the State of Iowa.

Statement of Individual Rights: The Iowa Department of Transportation has provided the owner(s) with a statement of their individual rights and written notification as required under Sec. 6B.2A.

Good Faith Negotiations: The Applicant has made an effort to negotiate in good faith with the

owner(s) to acquire the property sought to be condemned. These efforts include:

1. Provided the owner(s) with written notification at least 30 days prior to the intent to proceed with this public improvement.
2. Provided the owner(s) with a copy of the appraisal of the property sought.
3. Discussed the basis of determining value.
4. Reviewed the project design plans.
5. Discussed the contents of the acquisition contract.
6. Addressed owner's questions and concerns.
7. Provided the owner(s) with a written offer of the fair market value.

Based on these efforts, we were unable to reach an agreement.

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 **31** day of **July, 2014**.

IOWA DEPARTMENT OF TRANSPORTATION
David S. Gorham
Special Assistant Attorney General
and General Counsel to the Iowa DOT

By Katie A. Johnson
Katie A. Johnson
Condemnation Unit Coordinator
Office of Right of Way

Filed in my office at Waterloo, Iowa, this 31st day of July, 2014.

Kellyann M. Lekar
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.

Condemnation Unit

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

NOTICE

Primary Road No. U.S. 20

South of and in the City of Dyersville

located in Delaware County, Iowa

Project No. NHSN-20-8(48)--2R-28

Group "A"

TO:

Leon Elenz, 3332 U.S. Highway 20, Dyersville, IA 52040
City of Dyersville, Iowa, c/o City Clerk, 340 1st Ave E, Dyersville, IA 52040
Delaware County, Iowa, c/o County Auditor, 301 E Main Street, Manchester, IA 52057

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the Northwest Quarter of the Northwest Fractional Quarter, the Northeast Quarter of the Northwest Fractional Quarter, the Southwest Quarter of the Northwest Fractional Quarter and the Northwest Quarter of the Northeast Fractional Quarter all in Section 1, Township 88 North, Range 3 West, of the 5th Principal Meridian, Delaware County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and the City of Dyersville, Iowa, desire certain rights in land more specifically described as follows and shown with reference to their location as to land affected on the Acquisition Plats Exhibit "A-1" (land needed for public improvement), "A-2" (uneconomical remnant), and "A-3" (land needed for public improvement), 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 title in fee simple sought to be appropriated, for the use and benefit of the State of Iowa, is in land described as follows:

A parcel of land located in the Northwest Fractional Quarter of Section 1, Township 88 North, Range 3 West of the 5th P.M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-1", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Northwest Corner of Section 1; thence South 01°56'07" East 156.35 feet along the west line of the Northwest Fractional Quarter of Section 1 to the southerly right of way of Primary Road No. U.S. 20 and

the point of beginning; thence North 86°31'04" East 33.01 feet along said right of way; thence North 88°27'16" East 791.25 feet along said right of way; thence North 82°47'38" East 101.39 feet along said right of way; thence North 88°27'16" East 434.96 feet along said right of way; thence South 86°45'41" East 359.74 feet along said right of way; thence North 88°27'03" East 522.36 feet along said right of way; thence South 71°25'14" West 347.06 feet; thence South 69°12'36" West 401.83 feet; thence South 66°05'12" West 213.79 feet; thence South 54°57'09" West 141.49 feet; thence South 38°08'44" West 400.50 feet; thence South 51°27'42" West 81.76 feet; thence North 85°51'40" West 117.18 feet; thence North 62°54'04" West 235.48 feet; thence North 16°32'50" East 298.64 feet; thence North 36°32'52" West 61.03 feet; thence North 75°44'01" West 616.77 feet; thence North 75°46'56" West 34.36 feet to the west line of the Northwest Fractional Quarter of Section 1; thence North 01°56'07" West 134.06 feet along said section line to the point of beginning; containing 16.61 acres more or less.

and,

Two parcels of land located in the Northwest Fractional Quarter of Section 1, Township 88 North, Range 3 West of the 5th P.M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-2", attached hereto and by reference made a part hereof.

Said parcels are described as follows:

Commencing at the Northwest Corner of Section 1; thence South 01°56'07" East 290.41 feet along the west line of the Northwest Fractional Quarter of Section 1 to the point of beginning; thence South 75°46'56" East 34.36 feet; thence South 75°44'01" East 616.77 feet; thence South 36°32'52" East 61.03 feet; thence South 16°32'50" West 298.64 feet; thence North 70°48'42" West 332.75 feet; thence North 82°19'32" West 258.50 feet to the west line of the Northwest Fractional Quarter of Section 1; thence North 01°56'07" West 352.04 feet along said section line to the point of beginning; containing 4.77 acres more or less.

And,

Commencing at the Northwest Corner of Section 1; thence South 01°56'07" East 854.31 feet along the west line of the Northwest Fractional Quarter of Section 1 to the point of beginning and the beginning of a 650.00 foot radius curve concave Southerly whose 325.27 foot chord bears South 81°02'35" East; thence Easterly along said curve an arc distance of 328.76 feet; thence South 65°05'00" East 194.93 feet; thence South 18°55'55" West 277.72 feet; thence South 23°26'48" West 295.00 feet; thence South 24°54'33" West 593.36 feet to the west line of the Northwest Fractional Quarter of Section 1; thence North 01°56'07" West 1204.96 feet along said section line to the point of beginning; containing 7.45 acres more or less.

Continued on next page

The title in fee simple sought to be appropriated, for the use and benefit of the City of Dyersville, is in land described as follows:

A parcel of land located in the Northwest Fractional Quarter and in the Northeast Fractional Quarter of Section 1, Township 88 North, Range 3 West of the 5th P.M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A-3", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Northwest Corner of Section 1; thence South 01°56'07" East 642.45 feet along the west line of the Northwest Fractional Quarter of Section 1 to the Point of Beginning; thence South 82°19'32" East 258.50 feet; thence South 70°48'42" East 332.75 feet; thence South 62°54'04" East 235.48 feet; thence South 85°51'40" East 117.18 feet; thence North 51°27'42" East 81.76 feet; thence North 38°08'44" East 400.50 feet; thence North 54°57'09" East 141.49 feet; thence North 66°05'12" East 213.79 feet; thence North 69°12'36" East 401.83 feet; thence North 71°25'14" East 347.06 feet to the southerly right of way of Primary Road No. U.S. 20; thence North 88°27'03" East 1223.07 feet along said right of way; thence North 87°18'59" East 505.18 feet along said right of way to the east line of the Northwest Quarter of the Northeast Fractional Quarter of Section 1; thence South 02°12'41" East 135.56 feet along said section line; thence South 88°55'28" West 776.29 feet; thence North 89°29'22" West 535.84 feet; thence South 82°30'20" West 464.37 feet; thence South 67°47'35" West 823.03 feet; thence South 43°49'41" West 551.65 feet; thence South 49°08'28" West 147.83 feet; thence South 78°18'07" West 134.22 feet; thence South 88°09'21" West 128.91 feet; thence South 27°39'41" West 382.90 feet; thence South 22°12'19" West 692.33 feet to the beginning of a 965.00 foot radius curve concave easterly whose 415.62 foot chord bears South 11°00'39" West; thence southerly along said curve an arc distance of 418.91 feet; thence South 16°33'17" West 170.17 feet; thence South 14°08'38" West 119.21 feet to the west line of the Northwest Fractional Quarter of said Section 1; thence North 01°56'07" West 709.99 feet along said section line; thence North 24°54'33" East 593.36 feet; thence North 23°26'48" East 295.00 feet; thence North 18°55'55" East 277.72 feet; thence North 65°05'00" West 194.93 feet to the beginning of a 650.00 foot radius curve concave southerly whose 325.27 foot chord bears North 81°02'35" West; thence westerly along said curve an arc distance of 328.76 feet to the west line of the Northwest Fractional Quarter of said Section 1; thence North 01°56'07" West 211.86 feet along said section line to the Point of Beginning; containing 20.24 acres more or less.

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

1. Any and all improvements, including buildings, fences or agricultural crops, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

2. The State of Iowa will construct an entrance at Sta. 11037+42 on the east side of local road 330th Avenue. The existing entrance at Sta. 1070+65.5 on the south side of Primary Road No. U.S. 20 will be closed and the entrance eliminated.

Continued on next page

3. Any farm field drainage tile, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemner and at no expense to the condemnee, and the State of Iowa shall have a right of temporary easement as necessary over condemnee's remaining property for the specific purpose of effecting such relocation, replacement or restoration.

4. The area sought to be appropriated by temporary easement, for the specific purpose of relocating, replacing, or restoring tile, if any, is reserved to the condemnee 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.

5. Condemner hereby gives notice of condemnee's five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.

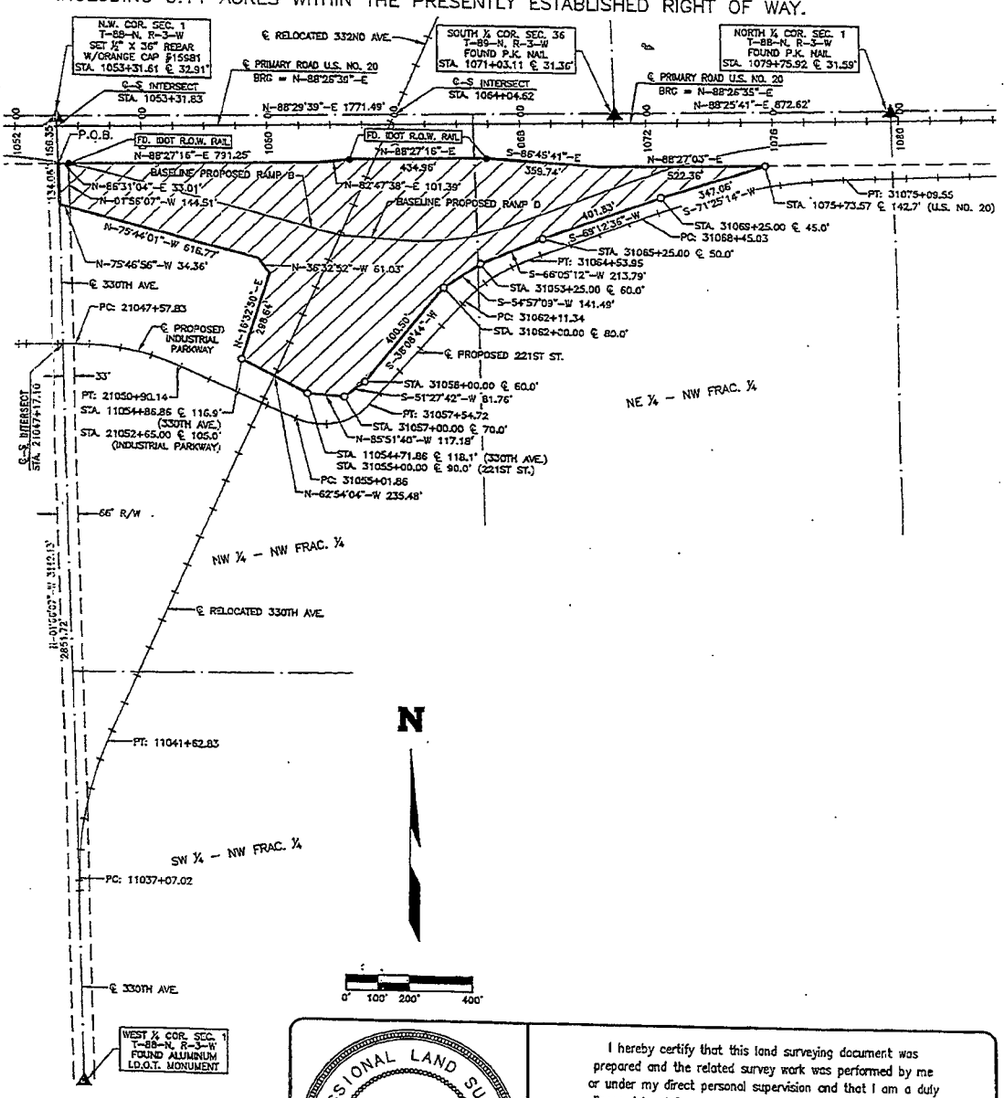
Delaware County Project No. NHSN-20-8(48)--2R-28
Leon Elenz (Parcel No. 4)
Page 4

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A-1"
(Land needed for public improvement)

COUNTY DELAWARE STATE CONTROL NO. _____
PROJECT NO. NHSN-20-8(48)- -2R-28 PARCEL NO. 4
SECTION 1 TOWNSHIP 88-N RANGE 3-W
ROW-FEE 16.61* AC, EASE _____ AC EXCESS-FEE _____ AC
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Leon Elenz

* INCLUDING 0.11 ACRES WITHIN THE PRESENTLY ESTABLISHED RIGHT OF WAY.



AREAS

TOTAL = 16.61 ACRES
NE ¼ – NW FRAC. ¼ = 3.31 ACRES
NW ¼ – NW FRAC. ¼ = 13.30 ACRES

LEGEND

○ SET ½" X 36" REBAR WITH ORANGE CAP #15981
▲ SECTION CORNER, AS NOTED
● FOUND, AS NOTED

PROFESSIONAL LAND SURVEYOR
MATTHEW W. KRAUSE
15981
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MATTHEW W. KRAUSE LICENSE NO. 15981 2/28/14 DATE

My license renewal date is December 31, 2015.

Pages or sheets covered by this seal: 1 OF 1

DATE DRAWN FEBRUARY 28, 2014

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A-2"
(Uneconomical remnant)

COUNTY DELAWARE STATE CONTROL NO. _____

PROJECT NO. NHSN–20–8(48)– –2R–28 PARCEL NO. 4

SECTION 1 TOWNSHIP 88–N RANGE 3–W

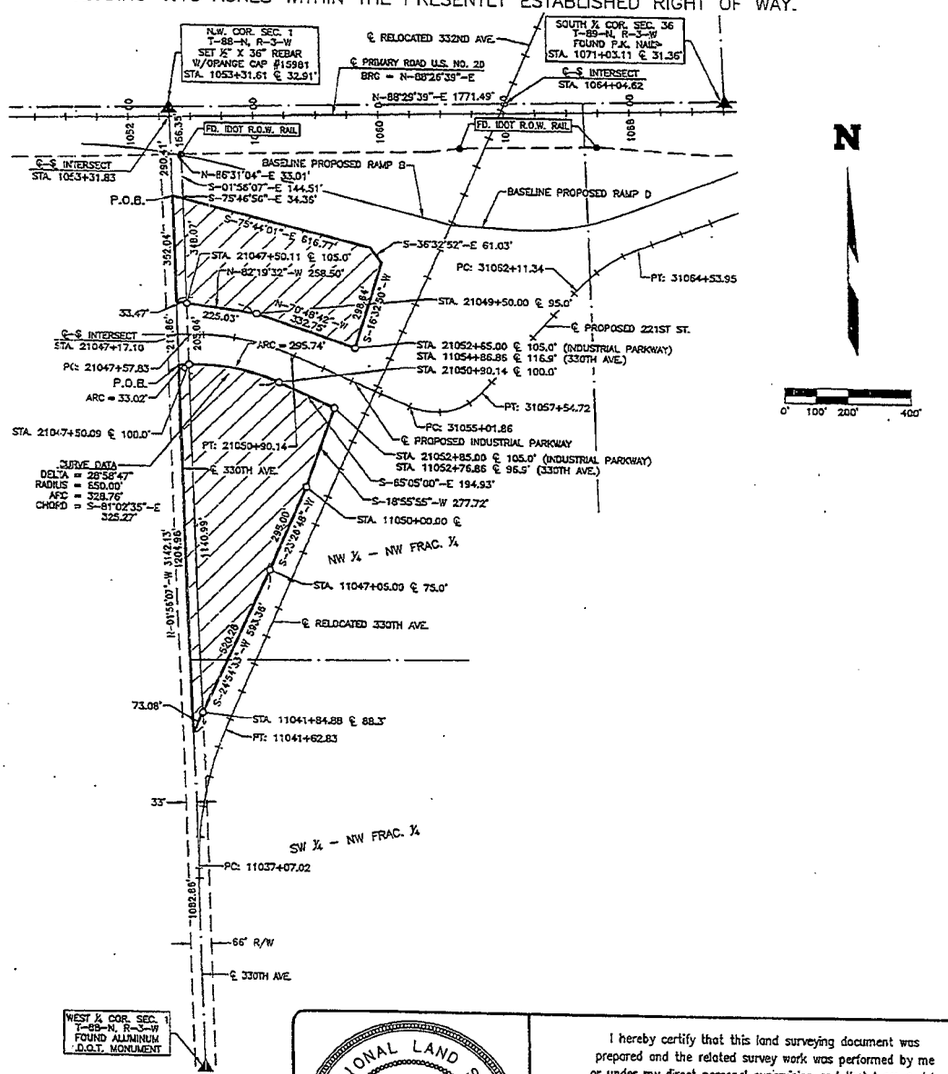
ROW–FEE _____ AC, EASE _____ AC EXCESS–FEE 12.22* AC

ACCESS RIGHTS ACQUIRED – STA _____ STA _____ MAIN LINE _____ SIDE

ACCESS RIGHTS ACQUIRED – STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Leon Elenz

* INCLUDING 1.16 ACRES WITHIN THE PRESENTLY ESTABLISHED RIGHT OF WAY.



AREAS

NORTH PARCEL – TOTAL = 4.77 ACRES

SOUTH PARCEL – TOTAL = 7.45 ACRES
NW ¼ – NW FRAC. ¼ = 7.12 ACRES
SW ¼ – NW FRAC. ¼ = 0.33 ACRES

LEGEND

○ SET ½" X 36" REBAR WITH ORANGE CAP #15981
▲ SECTION CORNER, AS NOTED
● FOUND, AS NOTED

PROFESSIONAL LAND SURVEYOR
MATTHEW W. KRAUSE
15981
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MATTHEW W. KRAUSE LICENSE NO. 15981 DATE 2/28/14

My license renewal date is December 31, 2015.

Pages or sheets covered by this seal: 1 OF 1

DATE DRAWN FEBRUARY 28, 2014

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A-3"
(Land needed for public improvement)

COUNTY DELAWARE STATE CONTROL NO. ____

PROJECT NO. NHSN-20-8(48)- -2R-28 PARCEL NO. 4

SECTION 1 TOWNSHIP 88-N RANGE 3-W

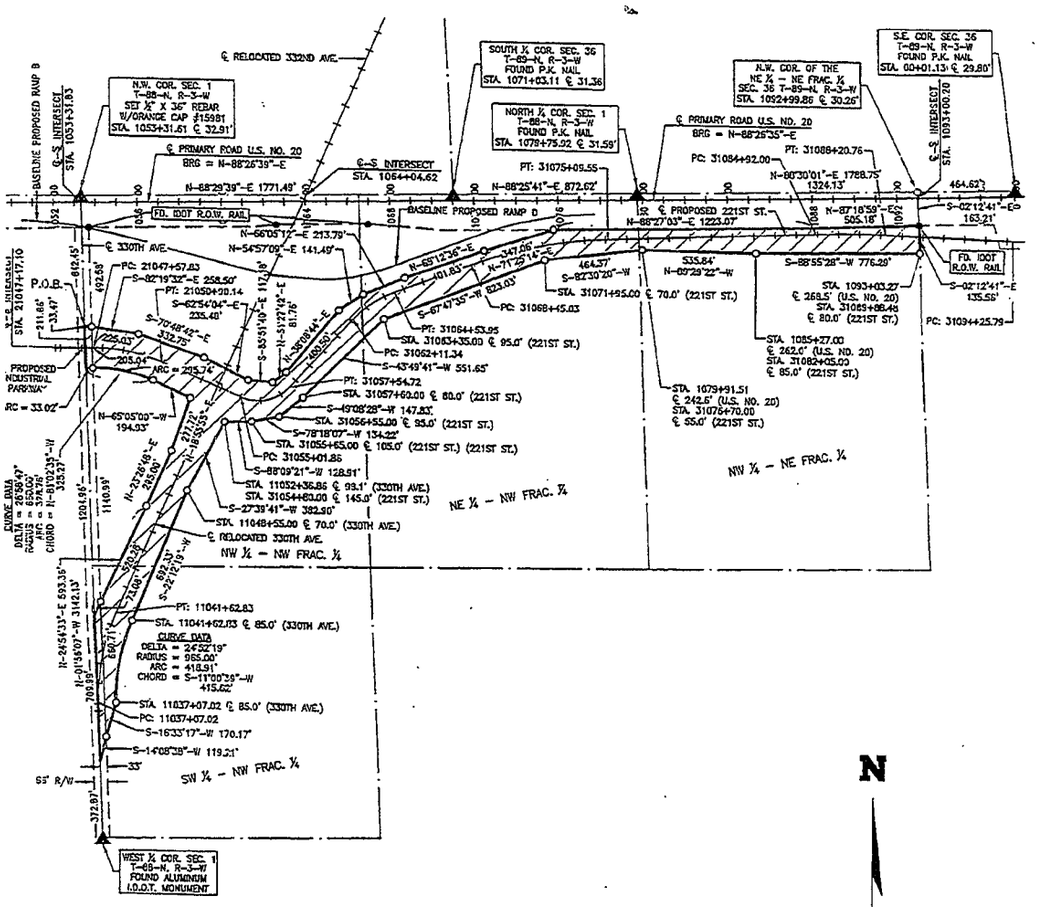
ROW-FEE 20.24* AC, EASE ____ AC EXCESS-FEE ____ AC

ACCESS RIGHTS ACQUIRED - STA ____ STA ____ MAIN LINE ____ SIDE

ACCESS RIGHTS ACQUIRED - STA ____ STA ____ SIDE ROAD ____ SIDE

ACQUIRED FROM Leon Elenz

* INCLUDING 0.68 ACRES WITHIN THE PRESENTLY ESTABLISHED RIGHT OF WAY. ACQUIRED IN THE NAME OF THE CITY OF DYERSVILLE



PROFESSIONAL LAND SURVEYOR
MATTHEW W. KRAUSE
15981
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MATTHEW W. KRAUSE LICENSE NO. 15981 DATE 2/28/14

My license renewal date is December 31, 2015.

Pages or sheets covered by this seal: 1 OF 1

AREAS

TOTAL = 20.24 ACRES
NW ¼ - NE FRAC. ¼ = 3.61 ACRES
NE ¼ - NW FRAC. ¼ = 4.46 ACRES
NW ¼ - NW FRAC. ¼ = 9.68 ACRES
SW ¼ - NW FRAC. ¼ = 2.49 ACRES

LEGEND

○ SET ½" X 36" REBAR WITH ORANGE CAP #15981
▲ SECTION CORNER, AS NOTED
● FOUND, AS NOTED

DATE DRAWN FEBRUARY 28, 2014