Recorded: 9/30/2014 at 9:36:24.0 AM
Fee Amount: $47.00
Revenue Tax:
Delaware County, Iowa
DEBORAH PEYTON, RECORDER
BK: 2014 PG: 2456

Prepared by: Cheryl Watson 515-239-1273, IA Dept. of Transportation, Right of Way-Condemnation, 800 Lincoln Way, Ames, IA 50010
Return to: Cheryl Watson 515-239-1273, 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
in the City of Dyersville
located in **Delaware** County, Iowa

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

Project No. **NHSN-20-8(48)--2R-28** Group **"B"**

TO: **Stephen Clarke**, District Court 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 **non-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 **15** day of **September, 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 16 day of Sept., 20 14.

Stephen Clarke
Stephen Clarke
District Court Judge of the **1st** Judicial District
including **Delaware** County, Iowa.

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

Chief Watson
Condemnation Unit

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 NOTICE

in the City of Dyersville

located in Delaware County, Iowa

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

Group "B"

TO:

Gladys R. Wessels, 2195 332nd Avenue, Dyersville, Iowa 52040
Delaware County, Iowa, c/o County Auditor, 301 E. Main, Manchester, Iowa 52057

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of SE¼ SW¼ of Section 36, Township 89 North, Range 3, West of the Fifth 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 land affected on the Graphic Exhibit "A" 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 is in land described as follows:

A parcel of land located in the SE¼ SW¼ of Section 36, Township 89 North, Range 3, West of the Fifth P.M., Delaware County, Iowa, as shown on Graphic Exhibit "A", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

The South two hundred eighty-six (286) feet of the East two hundred twenty (220) feet of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section Thirty-Six (36), Township Eighty-Nine (89) North, Range Three (3), West of the Fifth P.M., Delaware County, Iowa, except that part conveyed to the State of Iowa by Warranty Deed recorded in Book 80 L.D., Page 154.

In connection with this condemnation proceeding it is specifically provided that any and all improvements, including fences, if any, located wholly within the land sought in fee simple title, are condemned in their entirety.

IOWA DEPARTMENT OF TRANSPORTATION

GRAPHIC EXHIBIT "A"

COUNTY DELAWARE STATE CONTROL NO. _____

PROJECT NO. NHSN-20-8(48)- -2R-28 PARCEL NO. 5

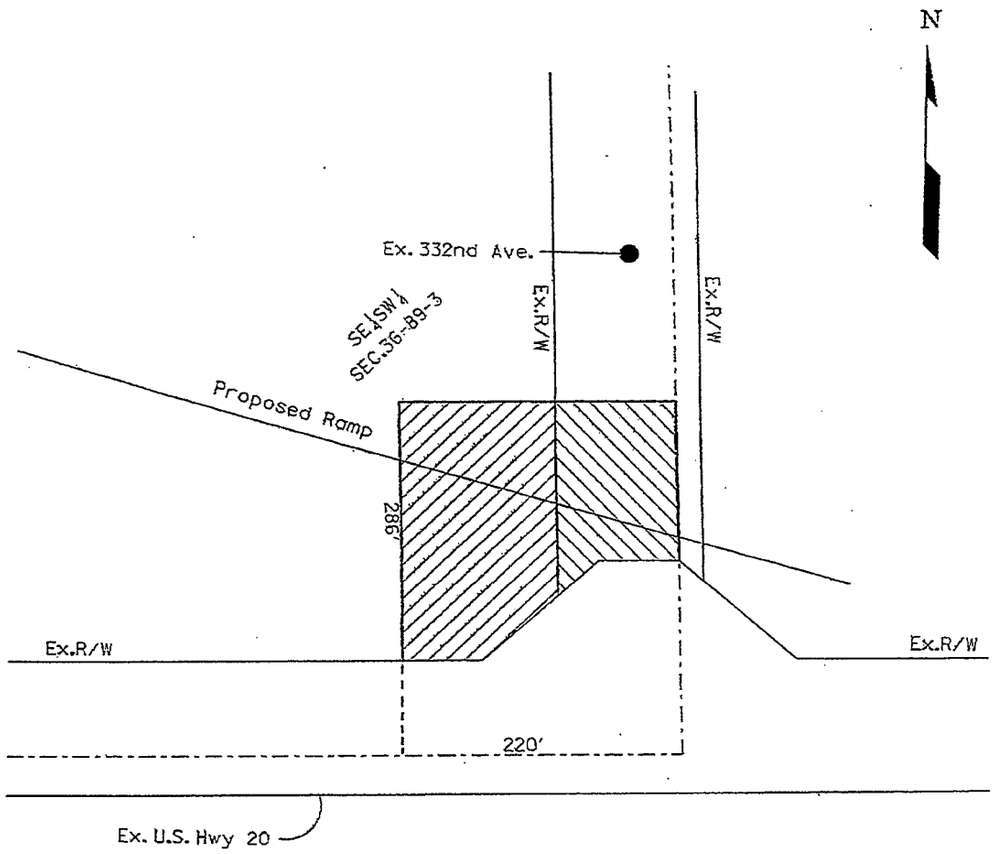
SECTION 36 TOWNSHIP 89 RANGE 3

ROW-FEE TOTAL AC, EASE _____ AC, BORROW _____ AC, EXCESS-FEE _____ AC

ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE

ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Gladys R. Wessels



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 NOTICE

in the City of Dyersville

located in Delaware County, Iowa

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

Group "B"

TO:

Kenneth G. Tuetken, 2194 332nd Avenue, Dyersville, Iowa 52040
City State Bank-Central City, 59 Fourth Street North, Central City, Iowa 52214
City of Dyersville, Iowa, c/o City Clerk, 340 1st Avenue East, Dyersville, Iowa 52040
Delaware County, Iowa, c/o County Auditor, 301 E. Main, Manchester, Iowa 52057

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Parcel J located in the West Half of the Southeast Quarter of Section 36, Township 89 North, Range 3 West of the 5th P.M., in the City of Dyersville, 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 "A1"(land required for the public improvement), Exhibit "A2" (uneconomical remnant) and Exhibit "A3" (land required for the 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 being a part of Parcel J located in the Southeast Quarter of Section 36, Township 89 North, Range 3 West of the 5th P.M., in the City of Dyersville, Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A1", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Continued on next page

Commencing at the South Quarter Corner of Section 36; thence North 02°13'51" West 156.00 feet along the West line of the Southeast Quarter of Section 36 to the Point of Beginning; thence continuing North 02°13'51" West 77.74 feet along said section line and the West line of Parcel J; thence South 76°38'25" East 272.24 feet to the East line of Parcel J; thence South 02°13'51" East 87.68 feet along said East line to the South line of Parcel J; thence South 88°26'55" West 169.81 feet along said South line; thence North 50°58'03" West 122.96 feet along said South line to the Point of Beginning; containing 0.65 acre, more or less, including 0.04 acre within the presently established right of way.

and,

A parcel of land being a part of Parcel J located in the Southeast Quarter of Section 36, Township 89 North, Range 3 West of the 5th P.M., in the City of Dyersville, Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A2", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the South Quarter Corner of Section 36; thence North 02°13'51" West 491.37 feet along the West line of the Southeast Quarter of Section 36 to the North line of Parcel J; thence North 88°25'58" East 181.55 feet along said North line to the Point of Beginning; thence continuing North 88°25'58" East 80.69 feet along said North line to the East line of Parcel J; thence South 02°13'51" East 135.96 feet along said East line; thence North 32°44'46" West 158.91 feet to the Point of Beginning; containing 0.13 acre, more or less.

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

A parcel of land being a part of Parcel J located in the Southeast Quarter of Section 36, Township 89 North, Range 3 West of the 5th P.M., in the City of Dyersville, Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A3", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

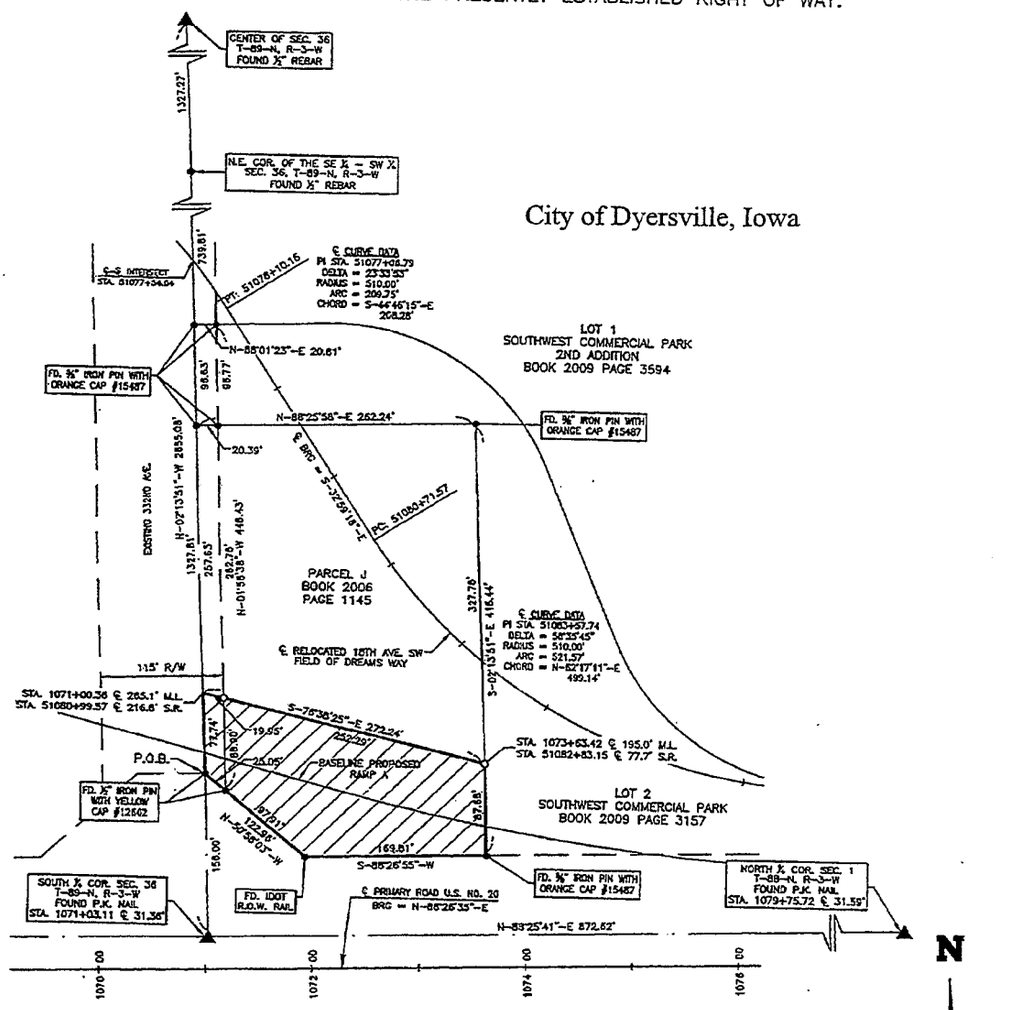
Commencing at the South Quarter Corner of Section 36; thence North 02°13'51" West 233.74 feet along the West line of the Southeast Quarter of Section 36 to the Point of Beginning; thence continuing North 02°13'51" West 257.63 feet along said section line and the West line of Parcel J to the North line of Parcel J; thence North 88°25'58" East 181.55 feet along said North line; thence South 32°44'46" East 158.91 feet to the East line of Parcel J; thence South 02°13'51" East 191.80 feet along said East line; thence North 76°38'25" West 272.24 feet to the Point of Beginning; containing 1.64 acres, more or less, including 0.12 acre within the presently established right of way.

In connection with this condemnation proceeding it is specifically provided that any and all improvements, including fences, if any, located wholly within the land sought in fee simple title, are condemned in their entirety.

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A1"
(Land Required for the Public Improvement)

COUNTY DELAWARE STATE CONTROL NO. _____
PROJECT NO. NHSN-20-8(48)- -2R-28 PARCEL NO. 8
SECTION 36 TOWNSHIP 89-N RANGE 3-W
ROW-FEE 0.65* AC, EASE _____ AC EXCESS-FEE _____ AC
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Kenneth G. Tuetken
* INCLUDING 0.04 ACRE WITHIN THE PRESENTLY ESTABLISHED RIGHT OF WAY.



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.

2/28/14

MATTHEW W. KRAUSE LICENSE NO. 15981 DATE

My license renewal date is December 31, 2015.

Pages or sheets covered by this seal: 1 OF 1

AREAS
TOTAL = 0.65 ACRES

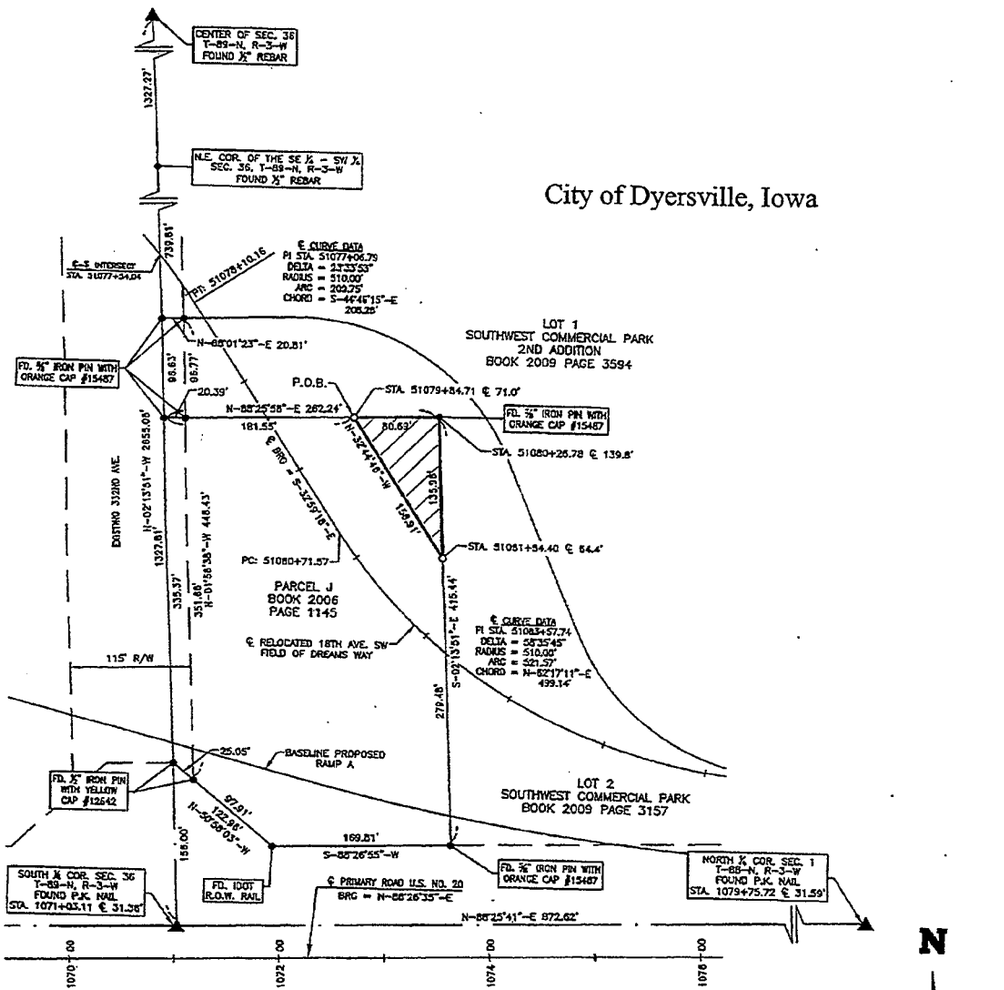
LEGEND
○ SET ½" X 36" REBAR WITH ORANGE CAP #15981
▲ SECTION CORNER, AS NOTED
● FOUND, AS NOTED

DATE DRAWN FEBRUARY 28, 2014 SCALE

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A2"
(Uneconomical Remnant)

COUNTY DELAWARE STATE CONTROL NO. _____
PROJECT NO. NHSN-20-8(48)- -2R-28 PARCEL NO. 8
SECTION 36 TOWNSHIP 89-N RANGE 3-W
ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE 0.13 AC
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Kenneth G. Tuetken



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

AREAS
TOTAL = 0.13 ACRES

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

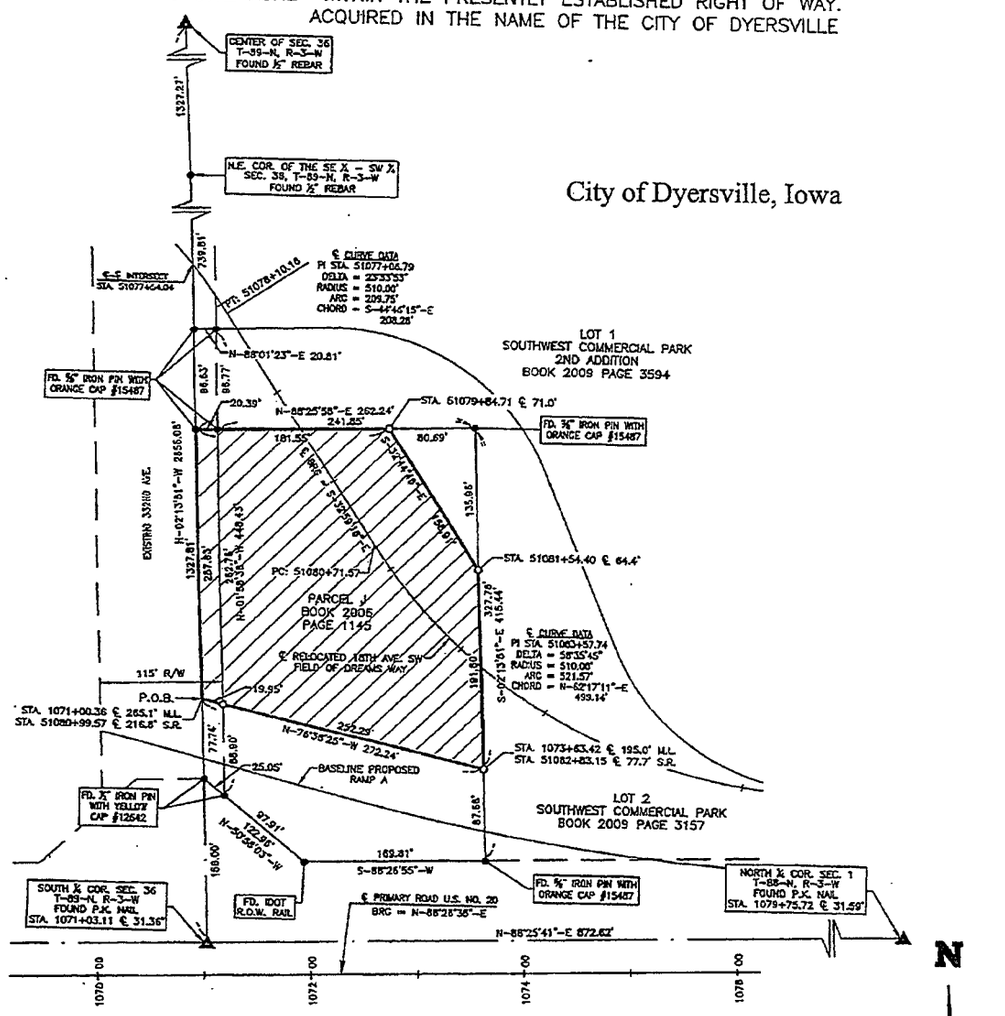
DATE DRAWN FEBRUARY 28, 2014 SCALE

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A3"
(Land Required for Public Improvement)

COUNTY DELAWARE STATE CONTROL NO. _____
PROJECT NO. NHSN--20--8(48)- --2R-28 PARCEL NO. 8
SECTION 36 TOWNSHIP 89--N RANGE 3--W
ROW--FEE 1.64* AC, EASE _____ AC EXCESS--FEE _____ AC
ACCESS RIGHTS ACQUIRED -- STA _____ STA _____ MAIN LINE _____ SIDE
ACCESS RIGHTS ACQUIRED -- STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Kenneth G. Tuetken

* INCLUDING 0.12 ACRE 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 = 1.64 ACRES

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

DATE DRAWN FEBRUARY 28, 2014 SCALE