Recorded: 10/2/2014 at 11:50:15.0 AM
Fee Amount: $57.00
Revenue Tax:
Delaware County, Iowa
DEBORAH PEYTON, RECORDER
BK: 2014 PG: 2500

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 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 **"C"**

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 **25** 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 Dubuque, Iowa, this 29th day of Sept., 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.

C. L. Watson
Condemnation Unit
Cheryl Watson

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 "C"

TO:

Gary G. Wessels, also known as Gary Wessels, 2193 332nd Avenue, Dyersville, Iowa 52040
Lori Wessels, 2193 332nd Avenue, Dyersville, Iowa 52040
Farm Credit Services of America, FLCA, 5015 S. 118th Street, Omaha, Nebraska 68137
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: Part of SW¼ SW¼, the SE¼ SW¼ and the NE¼ SW1/4 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" and Exhibit "A2" 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 Southwest 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 286.02 feet along the East line of the Southwest Quarter of Section 36 to the Point of Beginning; thence South 88°29'39" West 220.04 feet; thence South 02°14'08" East 210.17 feet to the northerly right of way of Primary Road No. U.S. 20; thence South 88°27'16" West 1482.85 feet along said right of way; thence North 01°34'01" West 92.80 feet along said right of way; thence North 70°04'13" East 617.14 feet; thence North 67°16'58" East 166.21 feet; thence North 83°50'01" East 311.01 feet; thence North 22°50'08" East 539.82 feet; thence South 66°37'18" East 464.66 feet to the East line of the Southwest Quarter of Section 36; thence South 02°13'51" East 458.41 feet along said section line to the Point of Beginning; containing 15.83 acres, more or less, including 1.04 acres within the presently established right of way.

The access rights in fee simple title sought to be appropriated, for the use and benefit of the State of Iowa, are described as follows:

The access points located at Sta. 1053+33.52 and at Sta. 1070+65.5 (332nd Avenue), both on the north side of Primary Road No. U.S. 20, reserved in a certain Warranty Deed executed by Ernest J. Wessels and Gladys R. Wessels on March 7, 1986, and recorded in the public records of Delaware County, Iowa, on April 1, 1986, at Book 118 on Page 254 are hereby condemned and the access points/entrances are eliminated.

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 located in the Southwest 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 744.43 feet along the East line of the Southwest Quarter of Section 36 to the Point of Beginning; thence North 66°37'18" West 464.66 feet; thence South 22°50'08" West 539.82 feet; thence South 83°50'01" West 311.01 feet; thence South 67°16'58" West 166.21 feet; thence South 70°04'13" West 617.14 feet to the northerly right of way of Primary Road No. U.S. 20; thence South 88°27'16" West 484.44 feet along said right of way; thence North 76°15'47" East 246.19 feet; thence North 68°16'49" East 775.00 feet; thence North 64°35'58" East 313.04 feet; thence North 42°12'08" East 505.62 feet; thence North 70°23'44" East 140.07 feet; thence North 85°13'44" East 60.03 feet; thence North 37°47'46" East 221.92 feet; thence North 21°21'54" East 172.35 feet; thence North 88°01'23" East 167.10 feet to the East line of the Southwest Quarter of Section 36; thence South 02°13'51" East 614.03 feet along said section line to the Point of Beginning, containing 10.78 acres, more or less, including 1.25 acres within the presently established right of way.

Continued on next page

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

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

2. 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 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.

3. The State of Iowa will construct entrances at Sta. 41060+50 on the north side of local road 218th Street and at Sta. 11078+84 on the west side of local road 332nd Avenue. The existing field entrance located at the east end of the frontage road (218th Street) will be closed and the entrance eliminated.

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 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.

5. Condemner hereby gives notice of condemnees' 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.

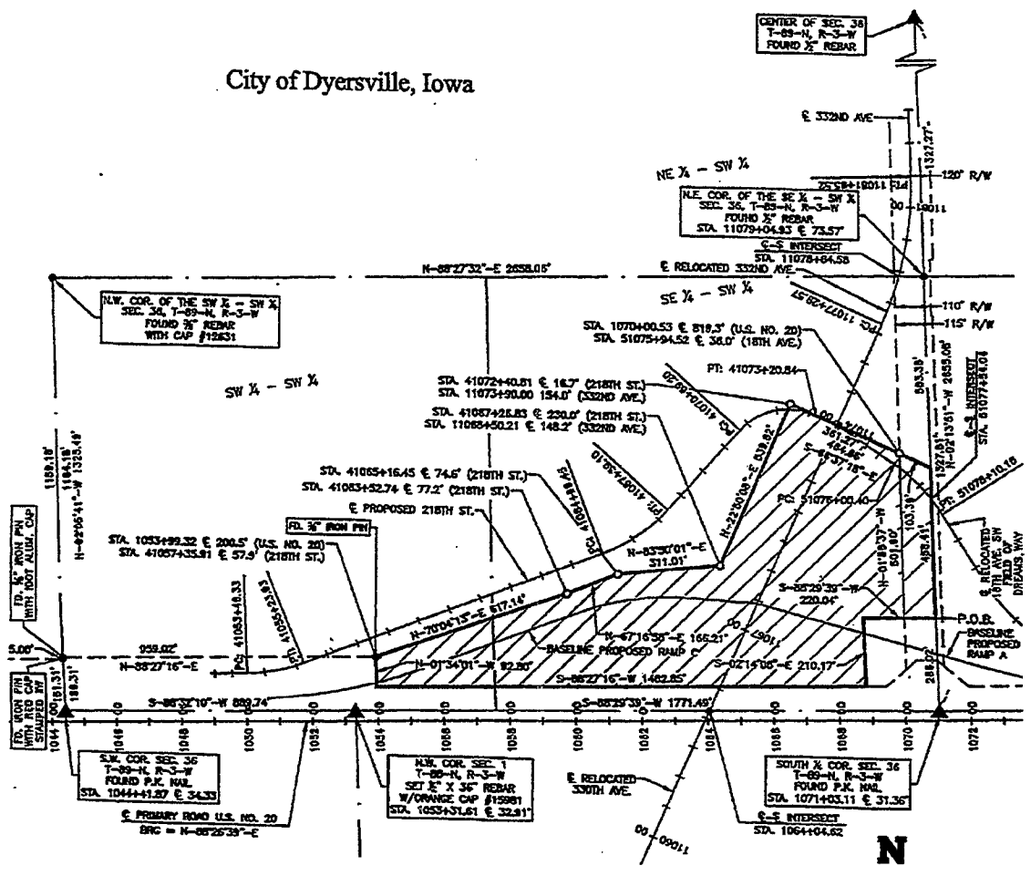
IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A1"

COUNTY DELAWARE STATE CONTROL NO. _____
PROJECT NO. NHSN-20-8(48)-- -2R-28 PARCEL NO. 1
SECTION 36 TOWNSHIP 89-N RANGE 3-W
ROW-FEE 15.83* AC. EASE _____ AC EXCESS-FEE _____ AC
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Gary G. Wessels, et ux

* INCLUDING 1.04 ACRES WITHIN THE PRESENTLY ESTABLISHED RIGHT OF WAY.

City of Dyersville, Iowa



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 3/10/14

My license renewal date is December 31, 2015.

Pages or sheets covered by this seal: 1 OF 1

0' 100' 200' 400'

AREAS

TOTAL = 15.83 ACRES
SE ¼ - SW ¼ = 14.57 ACRES
SW ¼ - SW ¼ = 1.26 ACRES

LEGEND

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

DATE DRAWN MARCH 10, 2014 SCALE _____

ACQUISITION PLAT
EXHIBIT "A2"

COUNTY DELAWARE STATE CONTROL NO. _____

PROJECT NO. NHSN-20-8(48)- -2R-28 PARCEL NO. 1

SECTION 36 TOWNSHIP 89-N RANGE 3-W

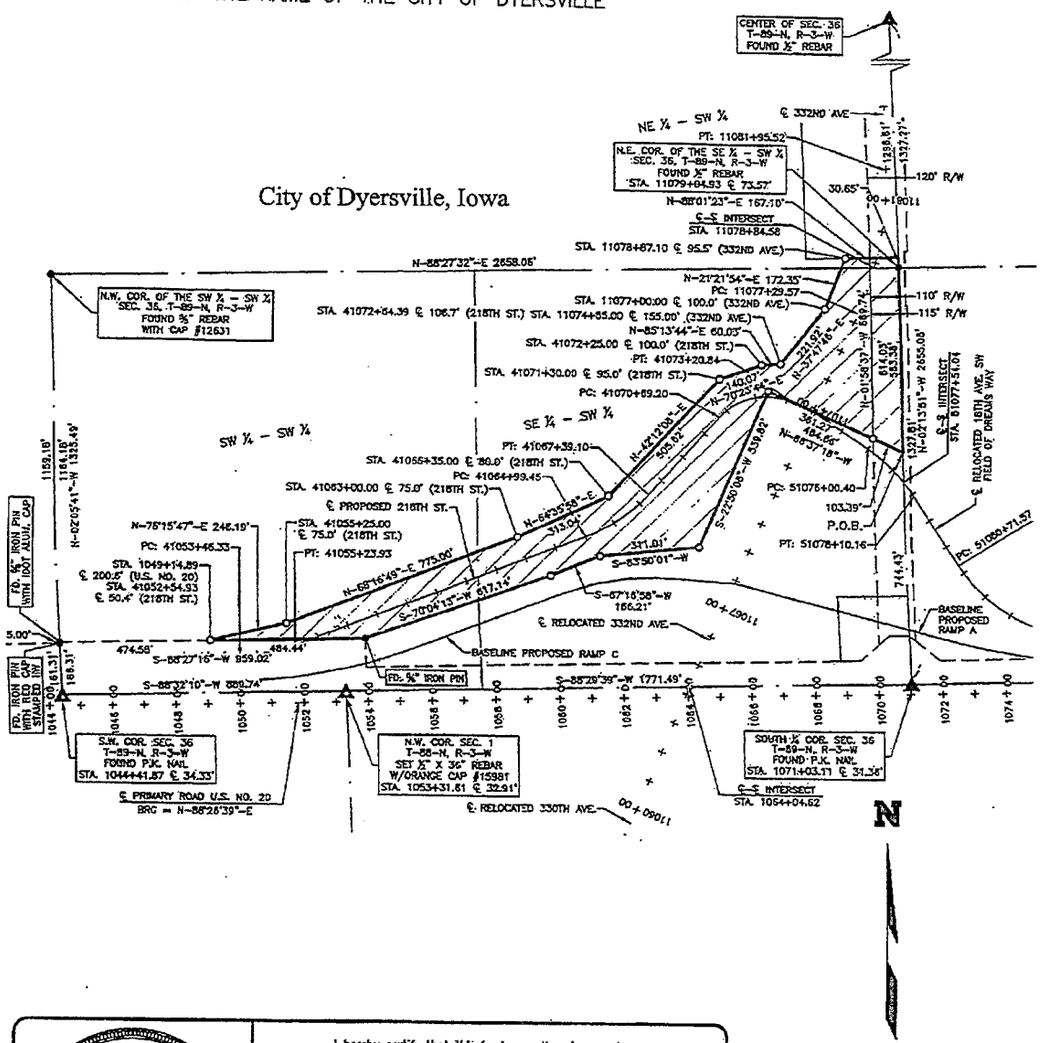
ROW-FEE 10.78* AC, EASE _____ AC EXCESS-FEE _____ AC

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

ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Gary G. Wessels, et ux

* INCLUDING 1.25 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.

9/30/14

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 = 10.78 ACRES
NE ¼ - SW ¼ = 0.12 ACRES
SE ¼ - SW ¼ = 8.76 ACRES
SW ¼ - SW ¼ = 1.90 ACRES

LEGEND

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

DATE DRAWN SEPTEMBER 30, 2014 SCALE _____

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 "C"

TO:

Herbert P. Recker, 20101 Stone Briar Lane, Dyersville, Iowa 52040
Mary M. Recker, 20101 Stone Briar Lane, Dyersville, Iowa 52040
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 D located in the Northeast Quarter of the Northeast Quarter of Section 2, Township 88 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 desires 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) and Exhibit "A2" (uneconomical remnant) 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 being a part of Parcel D located in the Northeast Quarter of Section 2, Township 88 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 Northeast Corner of Section 2; thence South 01°56'07" East 156.35 feet along the East line of the Northeast Quarter of Section 2; thence South 87°51'42" West 288.09 feet to the Point of Beginning; thence South 01°55'52" East 43.27 feet along the East line of Parcel D; thence North 77°23'35" West 170.02 feet to the North line of Parcel D; thence North 87°51'42" East 164.57 feet along said North line to the Point of Beginning; containing 0.08 acre, more or less.

and,

A parcel of land being a part of Parcel D located in the Northeast Quarter of Section 2, Township 88 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 Northeast Corner of Section 2; thence South 01°56'07" East 156.35 feet along the East line of the Northeast Quarter of Section 2; thence South 87°51'42" West 288.09 feet to the East line of Parcel D; thence South 01°55'52" East 43.27 feet along the East line of Parcel D to the Point of Beginning; thence continuing South 01°55'52" East 307.09 feet along said East line to the South line of Parcel D; thence South 88°19'51" West 611.04 feet along said South line to the West line of Parcel D; thence North 01°14'29" West 345.40 feet along said West line to the North line of Parcel D; thence North 87°51'42" East 442.31 feet along said North line; thence South 77°23'35" East 170.02 feet to the Point of Beginning; containing 4.78 acres, more or less, including 0.56 acre within the presently established right of way.

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

1. Any and all improvements, including fences, if any, located wholly within the land sought in fee simple title are condemned in their entirety, except as noted in Item 2 below.

2. It is not the intent of the condemner to acquire the on-premise sign located on the land sought in fee simple title.

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. 2

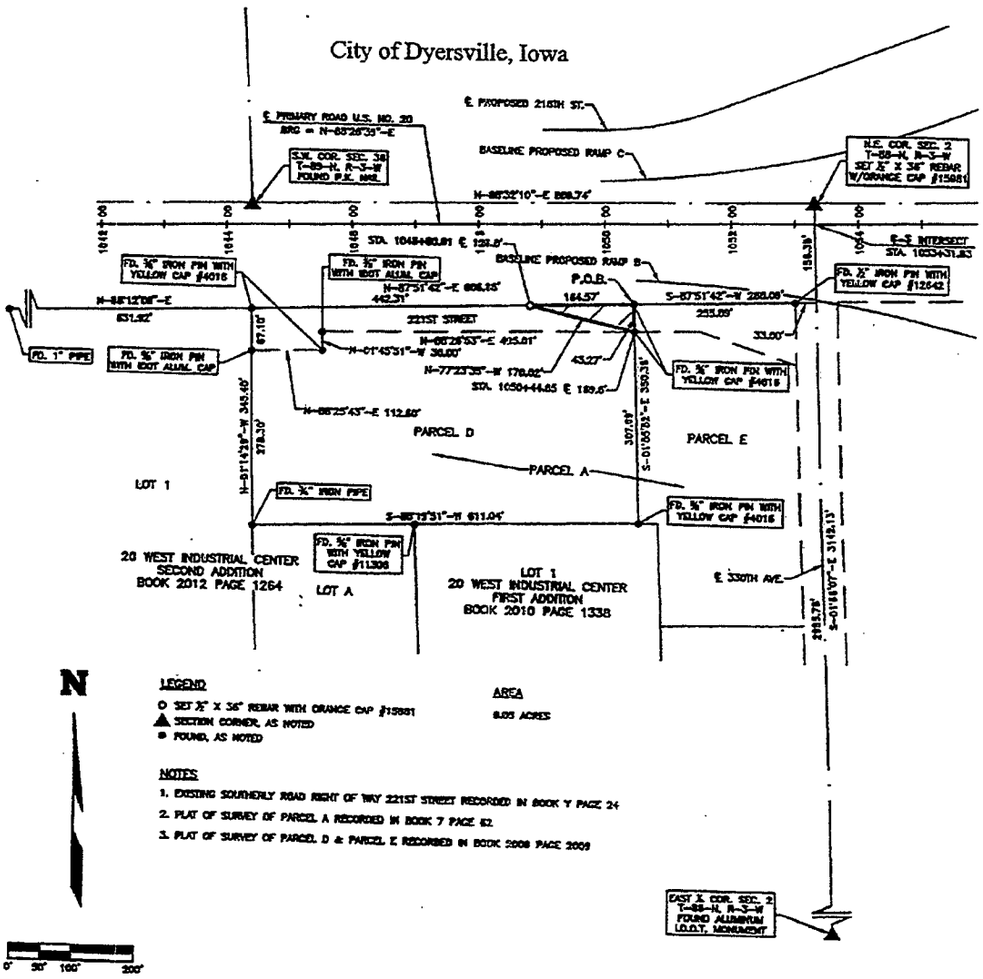
SECTION 2 TOWNSHIP 88-N RANGE 3-W

ROW-FEE 0.08 AC, EASE _____ AC EXCESS-FEE _____ AC

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

ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Herbert P. Recker, et ux



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

AREA
8.05 ACRES

NOTES
1. EXISTING SOUTHERLY ROAD RIGHT OF WAY 221ST STREET RECORDED IN BOOK Y PAGE 24
2. PLAT OF SURVEY OF PARCEL A RECORDED IN BOOK 7 PAGE 62.
3. PLAT OF SURVEY OF PARCEL D & PARCEL E RECORDED IN BOOK 2008 PAGE 2009

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

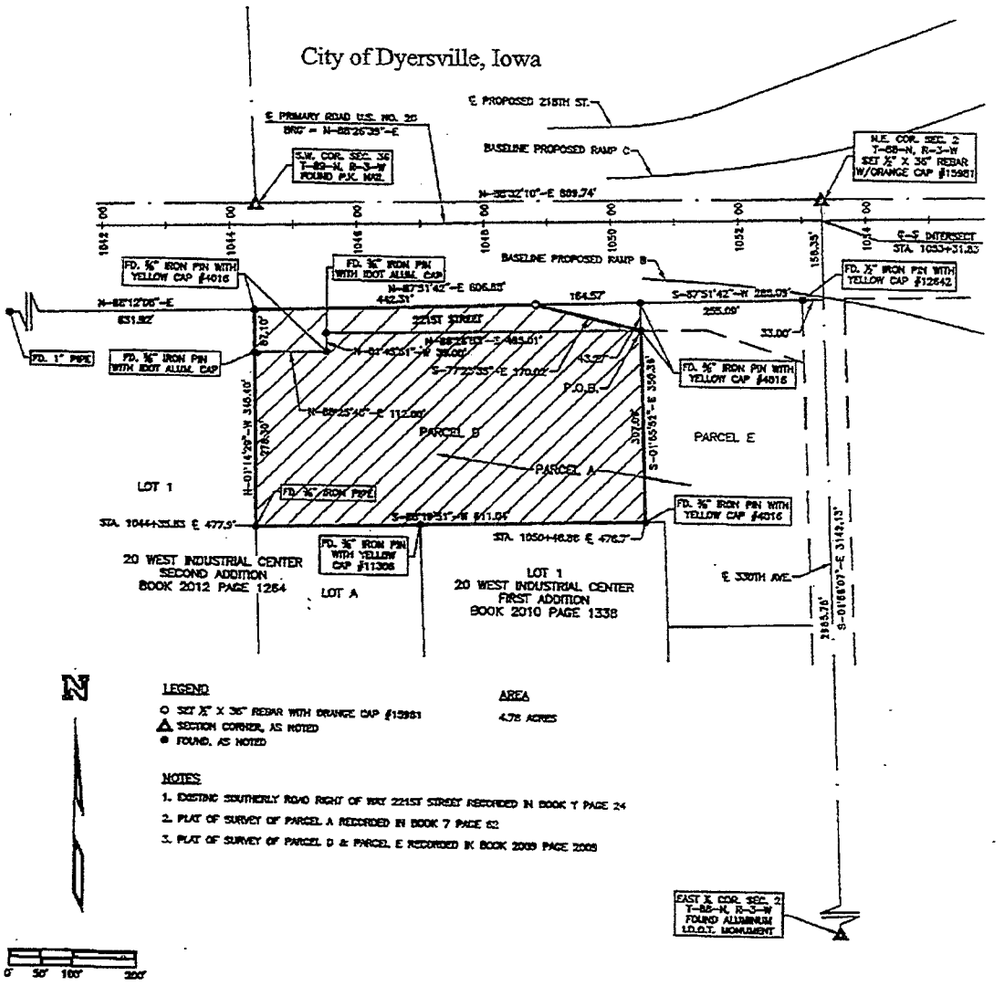
DATE DRAWN FEBRUARY 28, 2014 SCALE _____

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. 2
SECTION 2 TOWNSHIP 88-N RANGE 3-W
ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE 4.78* AC
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM Herbert P. Recker, et ux

* INCLUDING 0.56 ACRES 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.

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 SCALE ____