Recorded: 10/27/2014 at 2:43:57.0 PM
Fee Amount: $32.00
Revenue Tax:
Delaware County, Iowa
DEBORAH PEYTON, RECORDER
BK: 2014 PG: 2718

LEGAL DESCRIPTION ON PAGE #3

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 **"E"**

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 **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 **20** day of **October, 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 22 day of October, 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
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 "E"

TO:

Herbert P. Recker, 20101 Stone Briar Lane, Dyersville, Iowa 52040
Mary M. Recker, 20101 Stone Briar Lane, Dyersville, Iowa 52040
Michael Recker, 2207 330th Avenue, Dyersville, Iowa 52040
Kimberly Recker, 2207 330th Avenue, 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: Part of Parcel E located in the North Fractional Half 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 Plat Exhibit "A" and Graphic Exhibit "B" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Delaware County, Iowa, and in the Office of the Sheriff of Delaware County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land being a part of Parcel E 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 "A", 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 to the Northeast Corner of Parcel E and the Point of Beginning; thence continuing South 01°56'07" East 134.06 feet along the East line of Parcel E; thence North 70°03'44" West 239.77 feet; thence South 88°26'54" West 65.58 feet to the West line of Parcel E; thence North 01°55'52" West 43.27 feet along said West line to the North line of Parcel E; thence North 87°51'42" East 288.09 feet along said North line to the Point of Beginning, containing 0.52 acre, more or less, including 0.45 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.

2. The State of Iowa shall have a right of temporary easement in part of Parcel E 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, for the specific purpose of constructing a maintenance turnaround, in land described as follows and as shown on the Graphic Exhibit "B" attached hereto and by reference made a part hereof:

   Commencing at the Northeast Corner of Section 2; thence South 01°56'07" East 290.41 feet along the East line of the Northeast Quarter of Section 2; thence North 70°03'44" West 35.56 feet to the westerly right-of-way line of 330th Avenue and the Point of Beginning; thence South 01°56'07" East 64.35 feet along said right-of-way; thence South 88°02'50" West 16.96 feet; thence North 01°56'07" West 71.17 feet; thence South 70°03'44" East 18.28 feet to the Point of Beginning.

3. The State of Iowa will construct a maintenance turnaround and an entrance at Sta. 2050+76 on the west side of local road 330th Avenue. The existing entrance located on south side of local road 221st Street will be closed and the entrance eliminated. The existing entrance located at Sta. 2049+00 on the west side of local road 300th Avenue will be used as constructed.

4. The area sought to be appropriated by temporary easement, for the specific purpose of constructing a maintenance turnaround, is reserved to the condemnees until the actual date said area are 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.

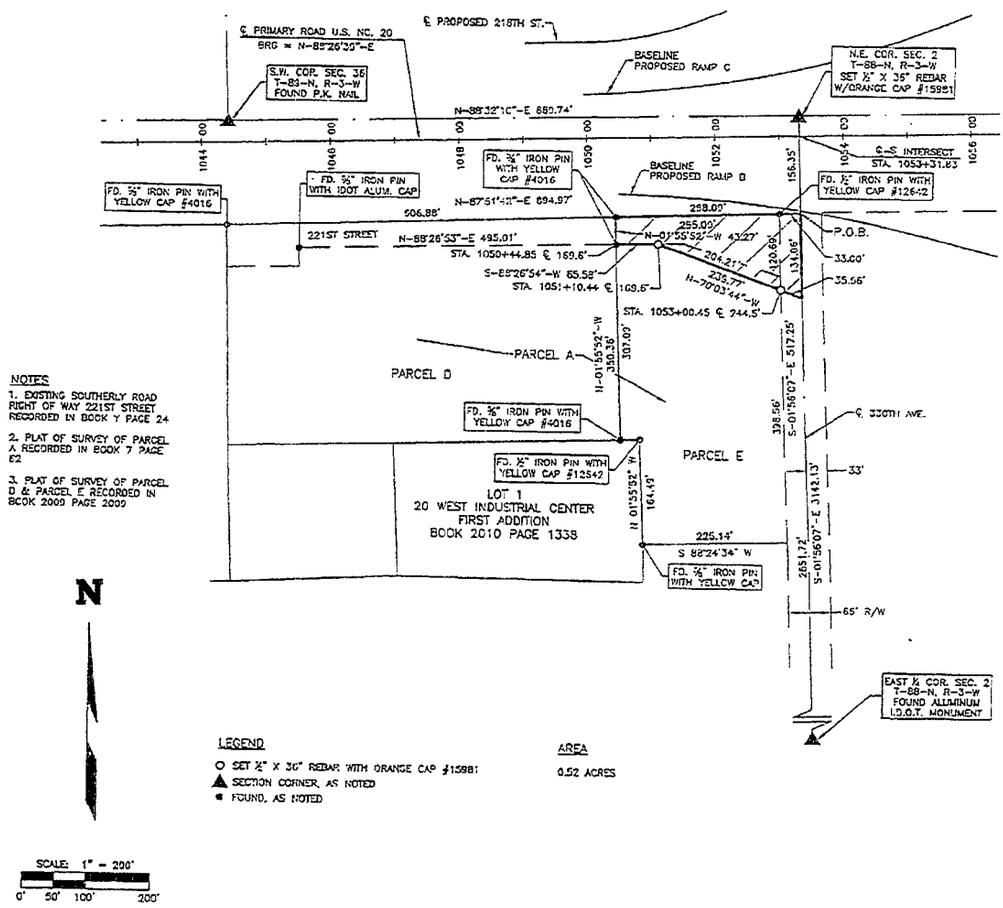
IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"

COUNTY DELAWARE STATE CONTROL NO. _____
PROJECT NO. NHSN-20-8(48)- -2R-28 PARCEL NO. 3
SECTION 2 TOWNSHIP 88-N RANGE 3-W
ROW-FEE 0.52* 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 al

* INCLUDING 0.45 ACRE WITHIN THE PRESENTLY ESTABLISHED RIGHT OF WAY.

City of Dyersville, Iowa



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 82
3. PLAT OF SURVEY OF PARCEL D & PARCEL E RECORDED IN BOOK 2009 PAGE 2009

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

AREA
0.52 ACRES

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

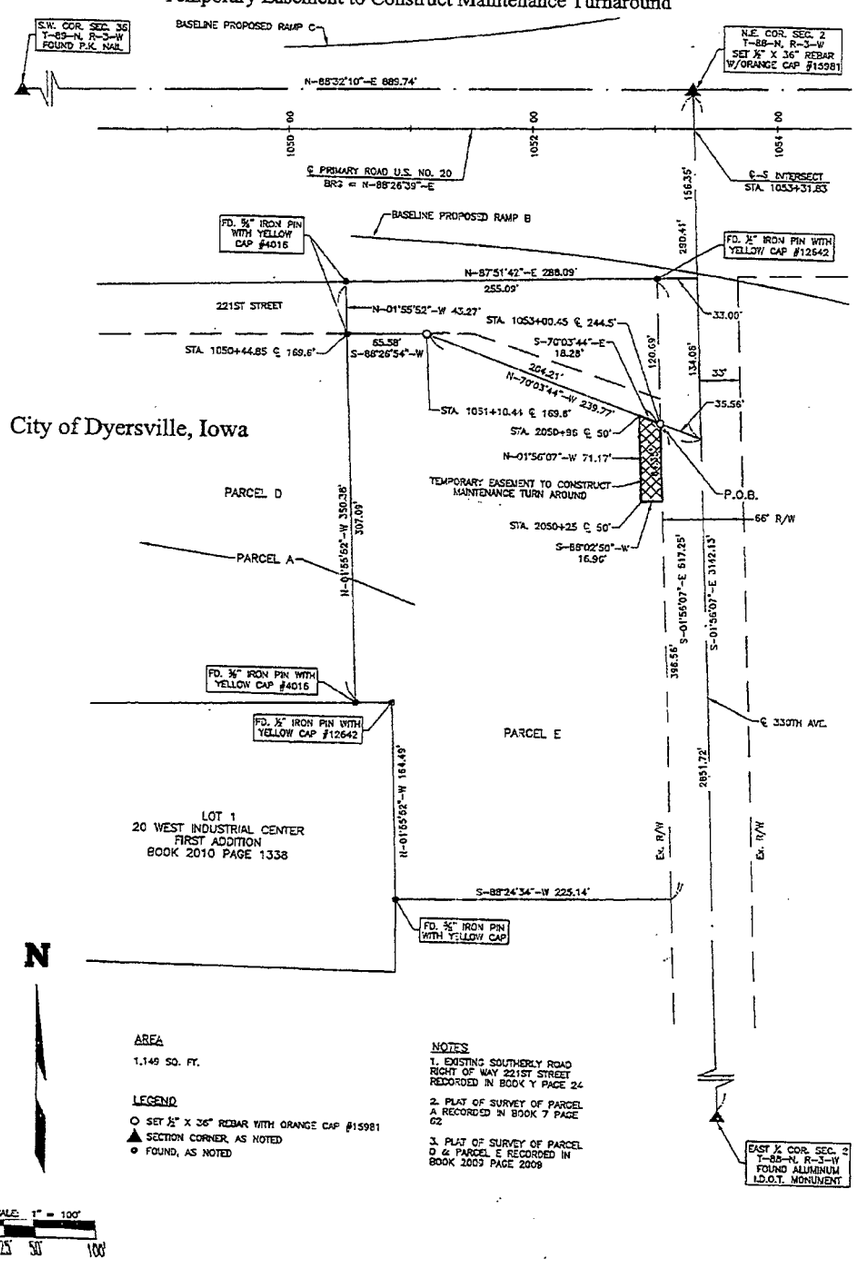
DATE DRAWN FEBRUARY 28, 2014 SCALE _____

IOWA DEPARTMENT OF TRANSPORTATION
GRAPHIC
EXHIBIT "B"

COUNTY DELAWARE STATE CONTROL NO. _____
PROJECT NO. NHSN-20-8(48)- -2R--28 PARCEL NO. 3
SECTION 2 TOWNSHIP 88-N RANGE 3-W
ROW-FEE _____ 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 al

Temporary Easement to Construct Maintenance Turnaround



DATE DRAWN OCTOBER 14, 2014 SCALE _____