Book 2014 Page 3072

Document 2014 3072 Type 06 018 Pages 111
Date 12/08/2014 Time 9:45:46AM
Rec Amt $557.00 Aud Amt $5.00
Rev Transfer Tax $2,826.40
Rev Stamp# 417

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Entered for taxation 8th day
of December AD 2014
Carla K. Becker, Auditor
By D. Hildebrand Deputy

(Recorder's Cover Sheet)

CERTIFICATION OF CONDEMNATION RECORD PERSUANT TO IOWA CODE 6B.35 AND PRESUMPTIVE EVIDENCE OF TITLE OF CONDEMNER PERSUANT TO IOWA CODE 6B.38 (4)

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 -- Project No. NHSN-20-08(48)—2R-28, Group "A"

Preparer information: Judy Lee, Delaware County Sheriff's Office, 304 E. Delaware Street, Manchester, IA 52057

Taxpayer information: Iowa Department of Transportation, Right of Way-Condemnation, 800 Lincoln Way, Ames, IA 50010

(X) **Return Document to**: Delaware County Sheriff's Office, 304 E. Delaware Street, Manchester, IA 52057

Grantors:
Leon Elenz

Grantees:
Iowa Department of Transportation

Legal Description is located on ~~PAGE~~ PAGES 4–6.

Document or instrument number of previously recorded documents:

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

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 8-11-14 TIME 3:15pm

CERTIFIED TRUE COPY

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 **Michael J. Schneider Jr.**

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

Continued on next page

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.

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

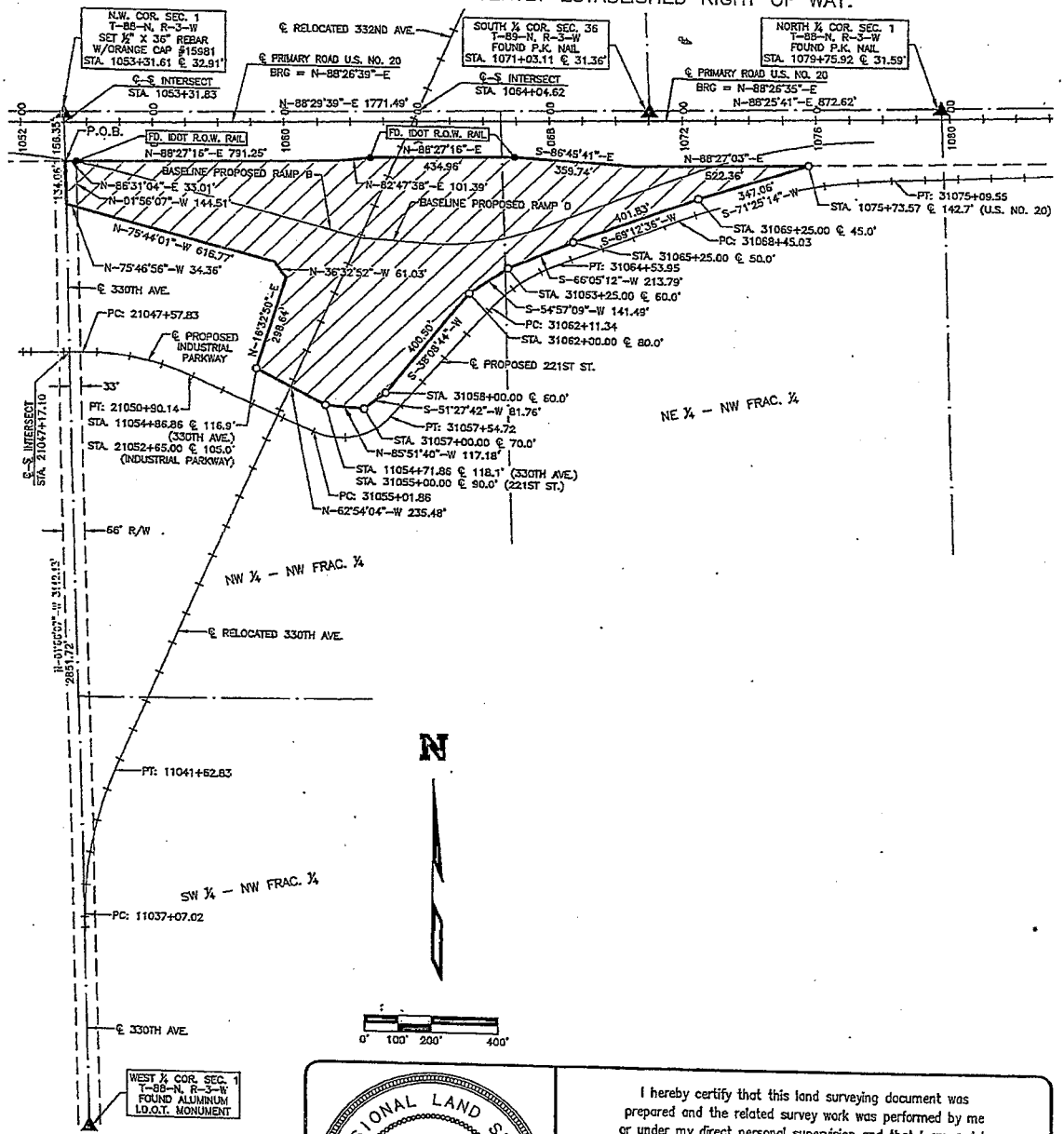
ROW-FEE 16.61* AC, EASE _____ AC EXCESS-FEE _____ AC

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.

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

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

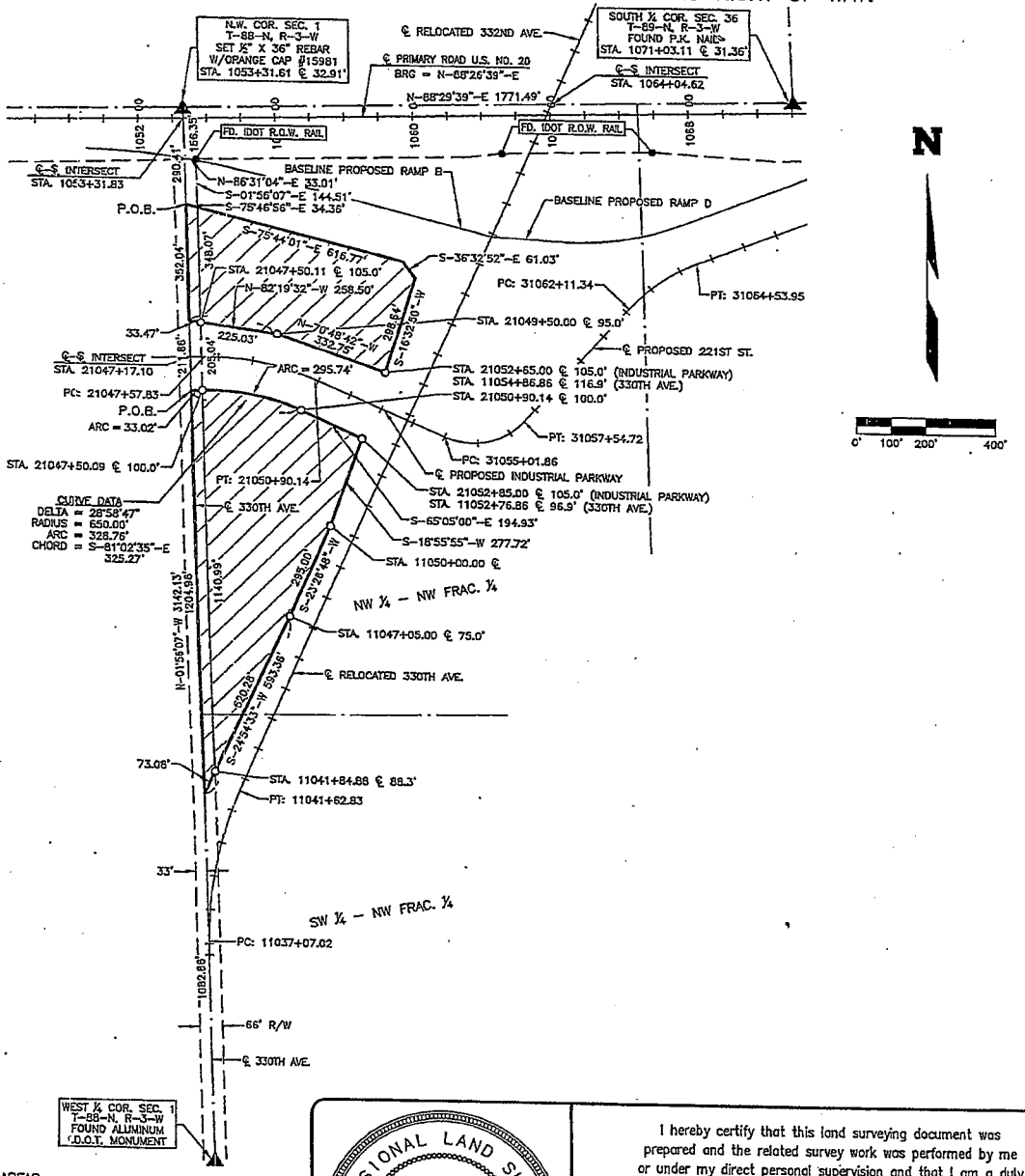
ROW--FEE _____ AC, EASE _____ AC EXCESS--FEE 12.22* AC

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

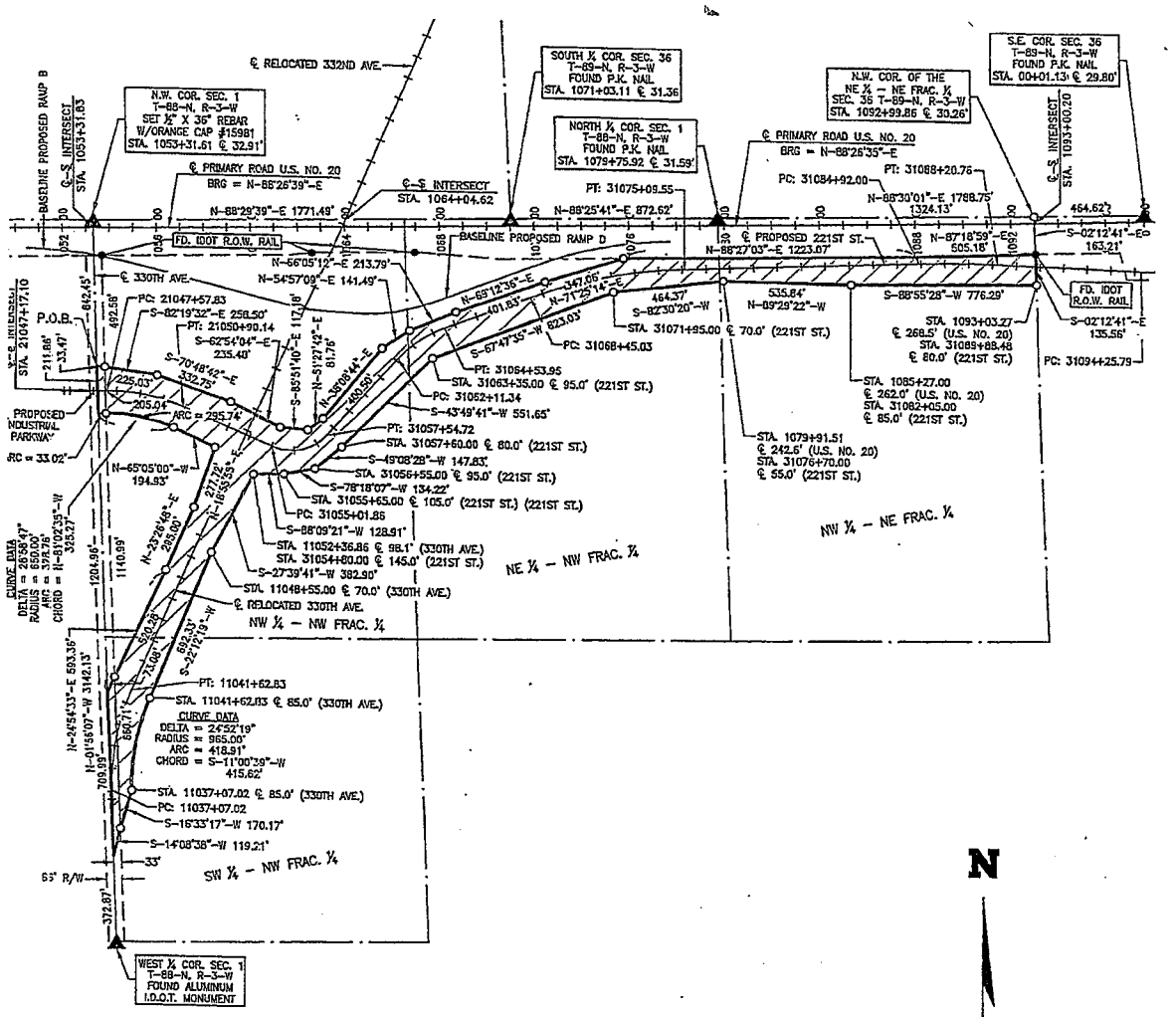
ROW-FEE 20.24* AC, EASE _____ AC EXCESS-FEE _____ AC

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





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

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

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

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE 1st JUDICIAL DISTRICT

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

#39

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above-entitled matter, I hereby DESIGNATE, SELECT AND APPOINT as the members of said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
Eric Jasper	**PO Box 365** **Hopkinton, IA 52237**	**Licensed Real Estate Salesperson or Broker**
Kevin Graybill	**21913 182nd Ave.** **Manchester, IA 52057**	**Licensed Real Estate Salesperson or Broker**
Gordon Keith	**305 Gay St.** **Delhi, IA 52223**	**Knowledgeable of Property Values by Virtue of Occupation**
Dave Smith	**1031 New St.** **Manchester, IA 52057**	**Knowledgeable of Property Values by Virtue of Occupation**
Wilbur Kehrli	**1596 210th St.** **Manchester, IA 52057**	**agricultural**
Doran Zumback	**3278 110th Ave.** Coggon, IA 52218	**agricultural**

I further designate, select and appoint the above-named Eric Jasper to act as **Chairperson** of said commission.

To the Sheriff of Delaware County, Iowa: Attached hereto please find a duplicate of the Application for Condemnation in the above-entitled matter.

Dated at Waterloo, Iowa, this 31st day of July, 2014.

Kellyann M. Lekar
Chief Judge of the **1st** Judicial District
including **Delaware** County, Iowa

Filed in my office at **Manchester,** Iowa, this 11th day of August, 2014.

John Le Clere
Sheriff of **Delaware** County, Iowa

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

SUPPLEMENTARY ORDER
APPOINTING ALTERNATE
COMPENSATION COMMISSIONERS

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

#39

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation, entitled as above, for the selection and appointment, by lot, of a duly-constituted compensation commission, and said selection and appointment of up to five alternate commissioners, having been made by me, I further DESIGNATE, SELECT and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

NAME	ADDRESS	QUALIFICATIONS
1. Teresa Greve	2151 110th Ave. Masonville, IA 50654	Licensed Real Estate Salesperson or Broker
2. Barb Sailer	1100 Rosewood Dr. Manchester, IA 52057	
3. Bob Wendt	1101 Stiles Street Manchester, IA 52057	
4. Jennifer Finn	18011 224th St. Manchester, IA 52057	
5. Mary Kay Starks	25944 225th St. Delhi, IA 52223	
1. Scott Wegmann	1017 Sunrise Dr. Manchester, IA 52057	Knowledgeable of Property Values by Virtue of Occupation
2. Linda Bessey	1959 162nd Ave. Manchester, IA 52057	
3. Christine Tegeler	16920 185t St. Manchester, IA 52057	
4. Donna Reeder	712 Tanglewood Dr. Manchester, IA 52057	
5. Delbert Ronnebaum	2769 190th St. Earlville, IA 52041	
1. Ann Nurre	2418 147th St. Greenley, IA 52050	agricultural
2. Charles Ankrom	2275 110th Ave. Masonville, IA 50654	
3. Doug Shulte	2184 195th St. Manchester, IA 52057	
4. Ellen Francois	1364 120th Ave. Dundee, IA 52038	
5. Marvin Heims	1590 400th St. Strawberry Point, IA 52076	

The Sheriff of **Delaware** County, Iowa, shall, upon being informed of a vacancy in the compensation commission, notify an alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Waterloo, Iowa, this 31st day of July, 20 14.

Kellyann M. Lekar
Chief Judge of the **1st** Judicial District
including **Delaware** County, Iowa.

Filed in my office at **Manchester,** Iowa, this 11th day of August, 20 14.

John Le Clere
Sheriff of **Delaware** County, Iowa

AFFIDAVIT OF MAILING OF NOTICE
BY STATE OF IOWA, CONDEMNOR

In the Matter of the Condemnation of Certain
Rights in Land by the Iowa Department of
Transportation for the Improvement of
Primary Road No. US 20
South of and in the City of Dyersville
located in Delaware County, Iowa

Project No. NHSN-20-8(48)—2R-28

Group "A", Parcel 4

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

I, Katie A. Johnson, being duly sworn, state that I am the Condemnation Coordinator for the Iowa Department of Transportation in the above-entitled matter.

I further state that communication could not be established with the property owner, therefore it is unknown if any other parties have an interest in the land sought to be appropriated.

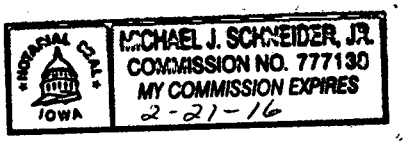
I further state the Notice will be published on August 13, August 20, and August 27, 2014, in the Dyersville Commercial newspaper, in accordance with the Rules of Civil Procedure 60.1 and 62.

I further state that other persons, companies or corporations not listed may own or have an interest in the land sought to be appropriated. Therefore, to protect whatever interest, if any, they may possess, the Notice of Condemnation, when published, shall provide notification of the forthcoming condemnation proceeding.

Katie A. Johnson
Condemnation Unit Coordinator

Subscribed and sworn to before me this 7th day of August, 2014.

Michael J. Schneider Jr.
Notary Public in and for the State of Iowa



STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates Aug 13, 20, 27, 2014, and for which the charge is $ 329.65.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this 29th day of Aug. 2014.

NOTARIAL SEAL IOWA
LINDA L. VORWALD
Commission Number 702790
MY COMM. EXP. 4-18-15

Linda L. Vorwald

Notary Public in and for
Dubuque County, Iowa

NOTICE

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 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), 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", 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", 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.

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", 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.

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.

That such condemnation is sought for the improvement and/or maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B of the Code of Iowa and all amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed.

You are further notified that the Commissioners will report to the Sheriff's Office in **Manchester,** Iowa, at 9:30 a.m. on the 15th day of October, 2014, and will view your property at approximately 10:00 a.m. on the same day. They will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

8/13-20-27

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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

Case Number: **NHSN-20-8(48)--2R-28**
Civil Number: **14-000495**
Date Received: **08/11/2014 @ 15:15**
Date Printed: 11/06/2014 @ 15:33

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

APPLICATION
NOTICE

To: ELENZ,LEON at 3332 US HWY 20, DYERSVILLE, IA 52040
on **08/13/2014 @ 10:20** Type of Service: **PERSONAL**

Remarks:

Case Notes:

Fees:

Service Fees:	15.00
Mileage:	19.04
Copies:	0.00
Total:	34.04

Paid By: STATE OF IOWA
Date: 10/30/2014
Check #: 67195870

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: _____
0CEDB ERIC BROOKS

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

Continued on next page

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.

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

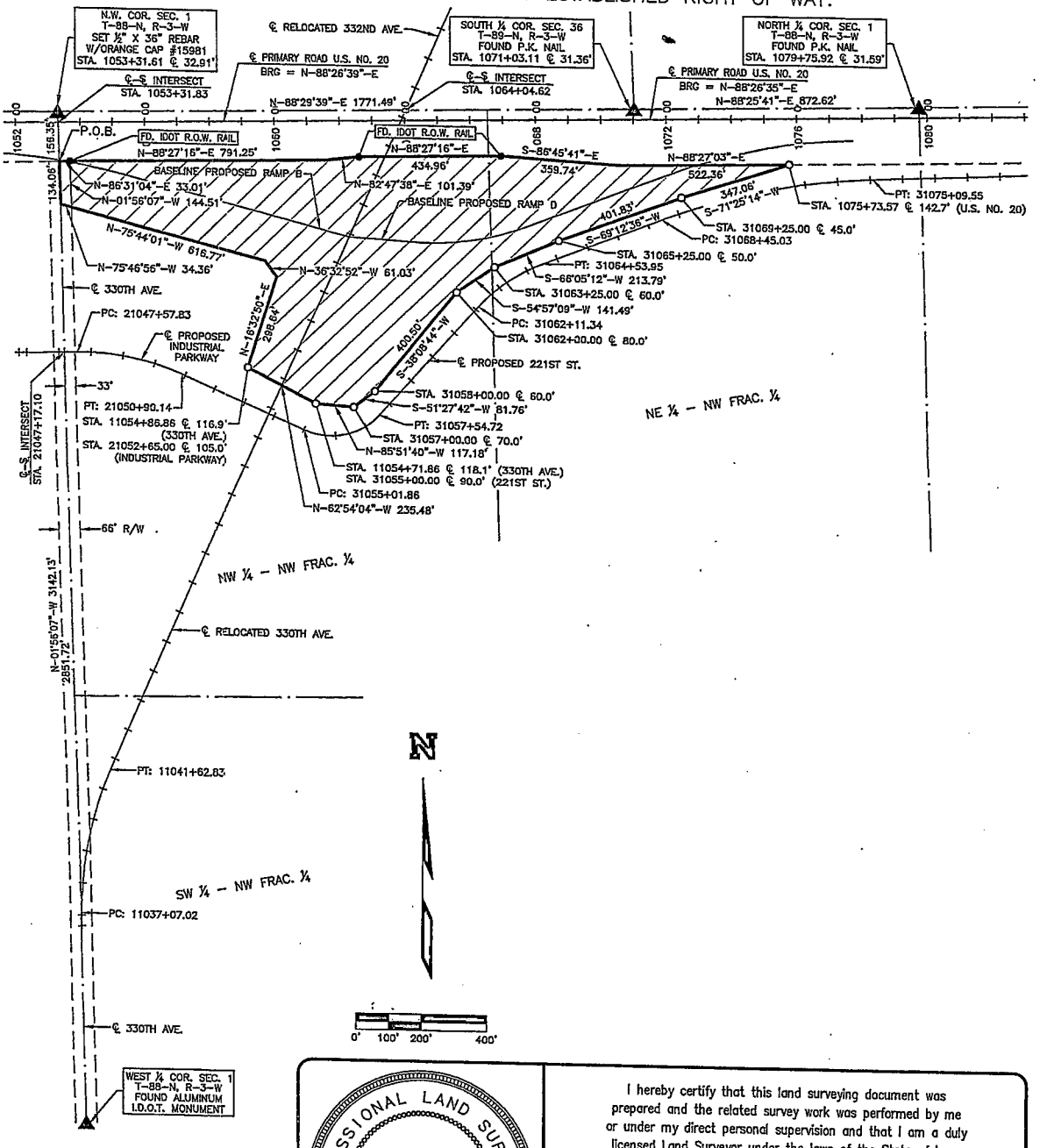
ROW-FEE 16.61* AC, EASE _____ AC EXCESS-FEE _____ AC

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.

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

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

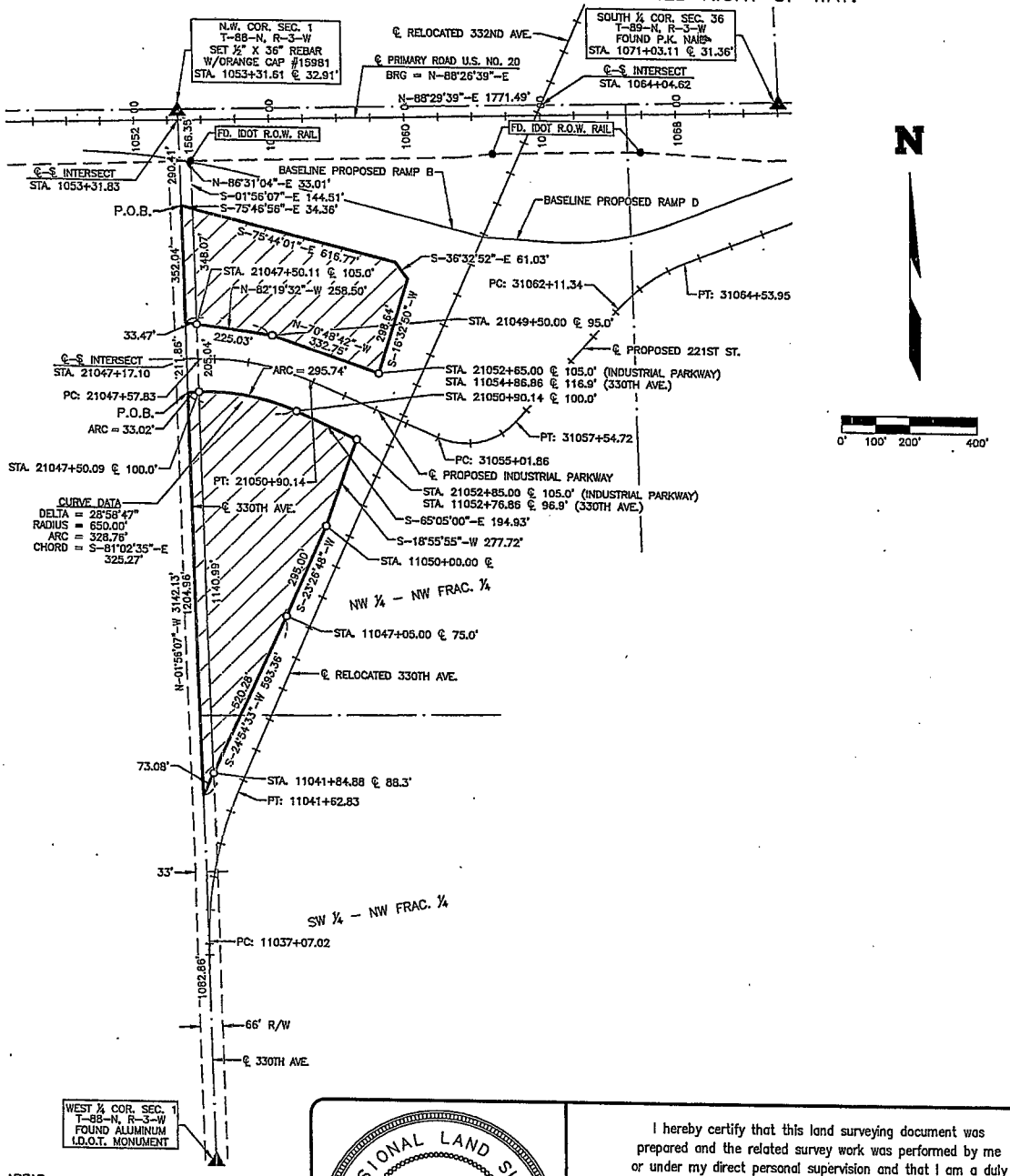
ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE 12.22* AC

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

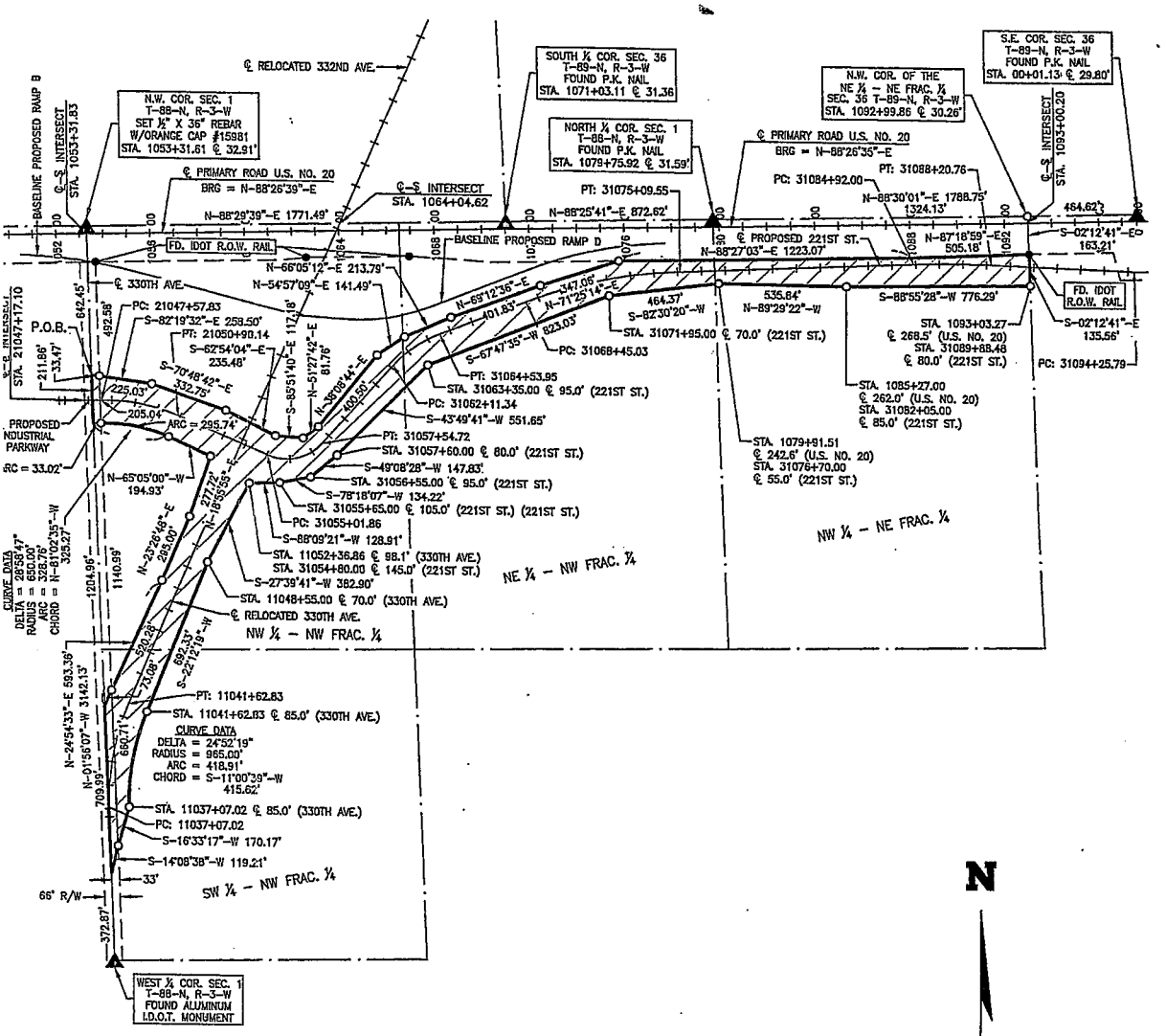
ROW-FEE 20.24* AC, EASE _____ AC EXCESS-FEE _____ AC

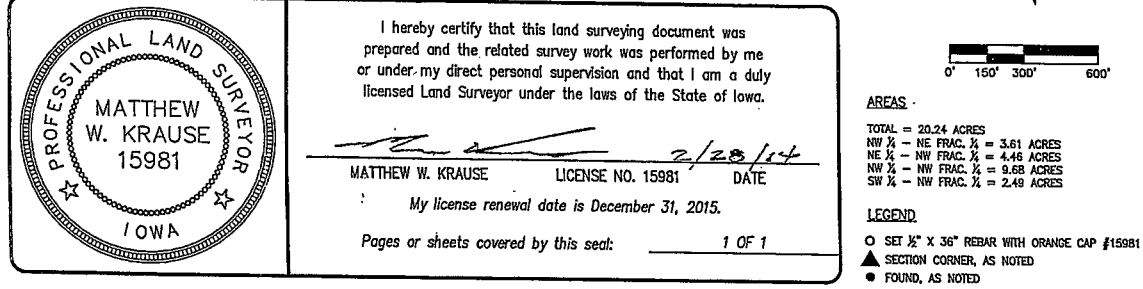
ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE

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





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

N

0' 150' 300' 600'

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

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

DATE DRAWN FEBRUARY 28, 2014

That such condemnation is sought for the improvement and/or maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B of the Code of Iowa and all amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed.

You are further notified that the Commissioners will report to the Sheriff's Office in **Manchester,** Iowa, at 9:30 a.m. on the 15th day of October, 2014, and will view your property at approximately 10:00 a.m. on the same day. They will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

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
Iowa Department of Transportation
Ames, Iowa 50010

ACCEPTANCE OF SERVICE

I accept service of the above notice, I acknowledge receipt of a copy and I waive time of service and any requirements that such notice be published in a newspaper.

Dated at 1020A, this 13 day of August, 2014.

Leon Elenz

STATE OF IOWA)
) ss:
COUNTY OF Delaware)

Received the within notice the 11 day of Aug, 2014, and I hereby certify that I have served to each person named below by delivering a true copy of the same to each person at the time and place set opposite their respective names:

NAME	DATE	CITY OR TOWN	COUNTY	STATE
Leon Elenz	8-13-14	Dyersville	Delaware	Iowa

FEES:
Service $ 15.00
Mileage $ 19.04
TOTAL $ 34.04

28-2

Sheriff of Delaware County, Iowa

Eric Brooks 28-2

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

CERTIFIED TRUE COPY

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 - Michael J. Schneider Jr.

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

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE 1st JUDICIAL DISTRICT

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

#39

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above-entitled matter, I hereby DESIGNATE, SELECT AND APPOINT as the members of said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
Eric Jasper	**PO Box 365** **Hopkinton, IA 52237**	**Licensed Real Estate Salesperson or Broker**
Kevin Graybill	**21913 182nd Ave.** **Manchester, IA 52057**	**Licensed Real Estate Salesperson or Broker**
Gordon Keith	**305 Gay St.** **Delhi, IA 52223**	**Knowledgeable of Property Values by Virtue of Occupation**
Dave Smith	**1031 New St.** **Manchester, IA 52057**	**Knowledgeable of Property Values by Virtue of Occupation**
Wilbur Kehrli	**1596 210th St.** **Manchester, IA 52057**	**agricultural**
Doran Zumback	**3278 110th Ave.** Coggon, IA 52218	**agricultural**

I further designate, select and appoint the above-named Eric Jasper to act as **Chairperson** of said commission.

To the Sheriff of Delaware County, Iowa: Attached hereto please find a duplicate of the Application for Condemnation in the above-entitled matter.

Dated at Waterloo, Iowa, this 31st day of July, 2014.

Kellyann M. Lekar
Chief Judge of the **1st** Judicial District
including **Delaware** County, Iowa

Filed in my office at **Manchester,** Iowa, this 11th day of August, 2014.

John Le Clere
Sheriff of **Delaware** County, Iowa

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

SUPPLEMENTARY ORDER
APPOINTING ALTERNATE
COMPENSATION COMMISSIONERS

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

#39

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation, entitled as above, for the selection and appointment, by lot, of a duly-constituted compensation commission, and said selection and appointment of up to five alternate commissioners, having been made by me, I further DESIGNATE, SELECT and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

NAME	ADDRESS	QUALIFICATIONS
1. Teresa Greve	2151 110th Ave. Masonville, IA 50654	Licensed Real Estate Salesperson or Broker
2. Barb Sailer	1100 Rosewood Dr. Manchester, IA 52057	
3. Bob Wendt	1101 Stiles Street Manchester, IA 52057	
4. Jennifer Finn	18011 224th St. Manchester, IA 52057	
5. Mary Kay Starks	25944 225th St. Delhi, IA 52223	
1. Scott Wegmann	1017 Sunrise Dr. Manchester, IA 52057	Knowledgeable of Property Values by Virtue of Occupation
2. Linda Bessey	1959 162nd Ave. Manchester, IA 52057	
3. Christine Tegeler	16920 185t St. Manchester, IA 52057	
4. Donna Reeder	712 Tanglewood Dr. Manchester, IA 52057	
5. Delbert Ronnebaum	2769 190th St. Earlville, IA 52041	
1. Ann Nurre	2418 147th St. Greenley, IA 52050	agricultural
2. Charles Ankrom	2275 110th Ave. Masonville, IA 50654	
3. Doug Shulte	2184 195th St. Manchester, IA 52057	
4. Ellen Francois	1364 120th Ave. Dundee, IA 52038	
5. Marvin Heims	1590 400th St. Strawberry Point, IA 52076	

The Sheriff of **Delaware** County, Iowa, shall, upon being informed of a vacancy in the compensation commission, notify an alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Waterloo, Iowa, this 31st day of July, 2014.

Kellyann M. Lekar
Chief Judge of the **1st** Judicial District
including **Delaware** County, Iowa.

Filed in my office at **Manchester,** Iowa, this 11th day of August, 2014.

John LeClere
Sheriff of **Delaware** County, Iowa

Return of Substitute Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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

Case Number: **NHSN-20-8(48)--2R-28**
Civil Number: **14-000495**
Date Received: **08/11/2014 @ 15:15**
Date Printed: 11/06/2014 @ 15:33

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

APPLICATION
NOTICE

To: **DELAWARE COUNTY IOWA at COUNTY AUDITOR - 304 E MAIN ST, MANCHESTER, IA 52057**
on **08/12/2014 @ 10:16** Type of Service: **OFFICIAL**

By substitute service on:

CARLA BECKER at COUNTY AUDITOR - 304 E MAIN ST, MANCHESTER, IA
Relationship/Title: **AGENT** Legal Age:

Remarks:

Case Notes:

Fees:

Service Fees:	15.00
Mileage:	0.00
Copies:	0.00
Total:	15.00

Paid By: STATE OF IOWA
Date: 10/30/2014
Check #: 67195870

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: John A. LeClere
0AJAL JOHN LECLERE

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

Continued on next page

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.

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

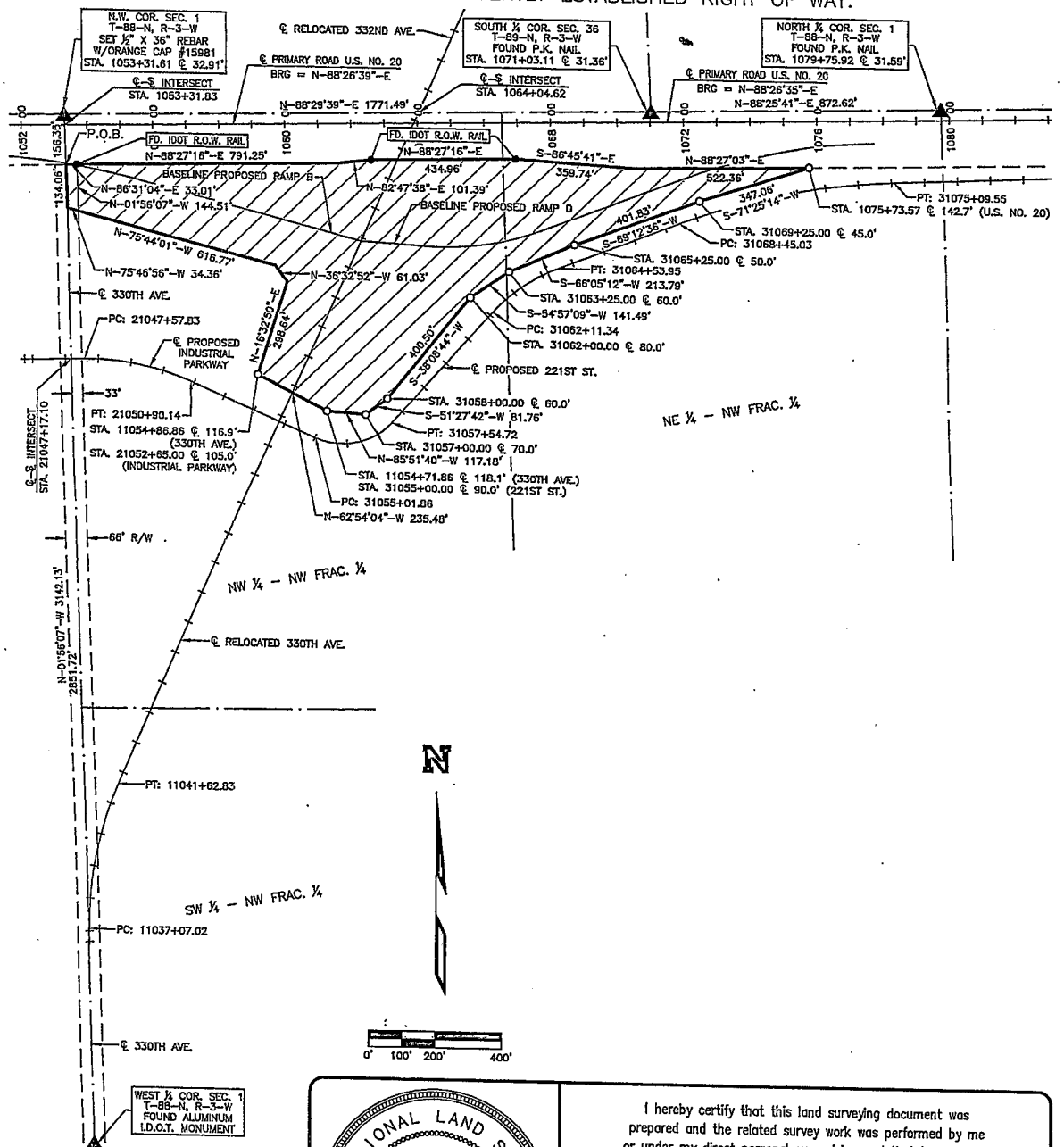
ROW-FEE 16.61* AC, EASE _____ AC EXCESS-FEE _____ AC

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.

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

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

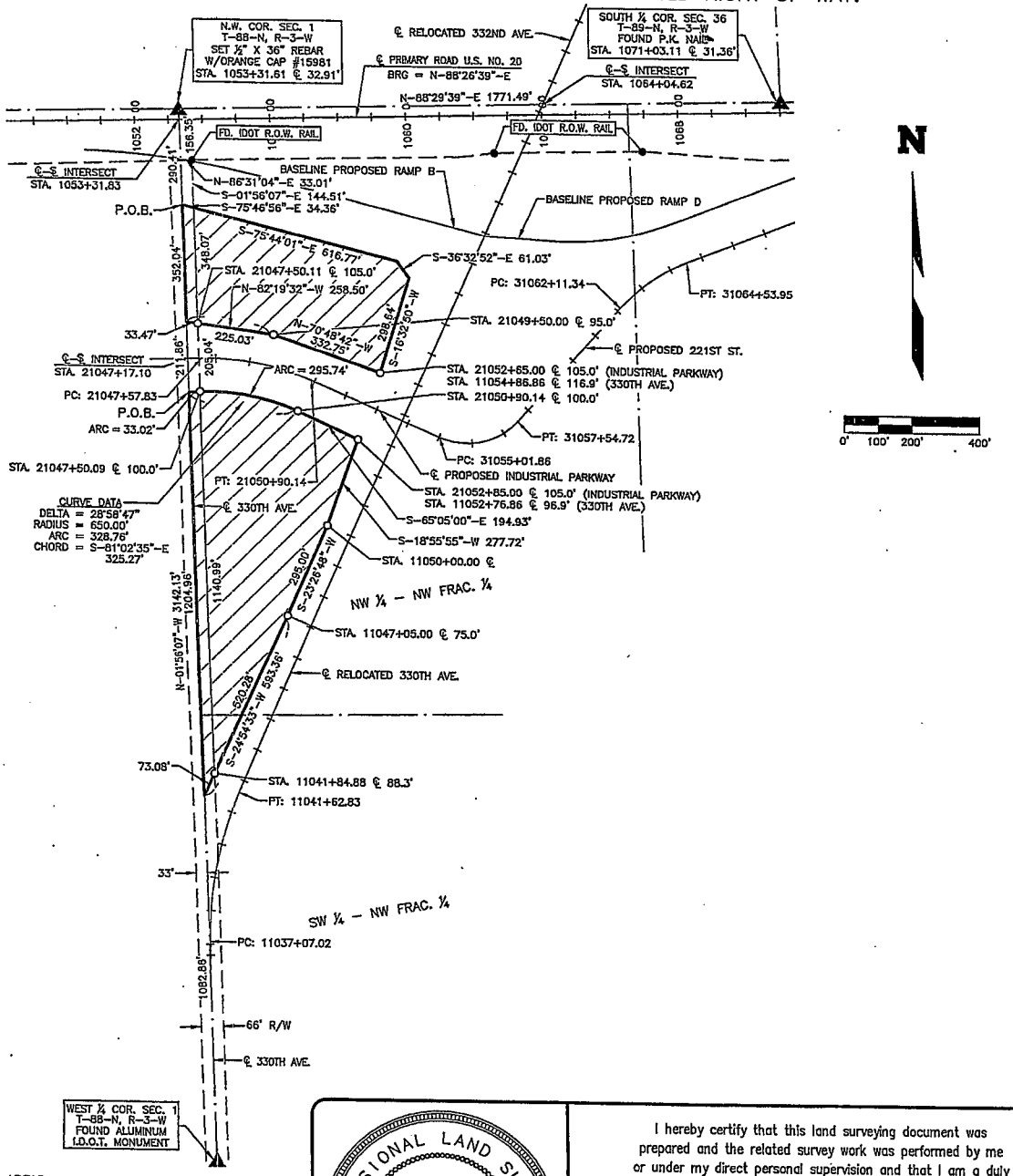
ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE 12.22* AC

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

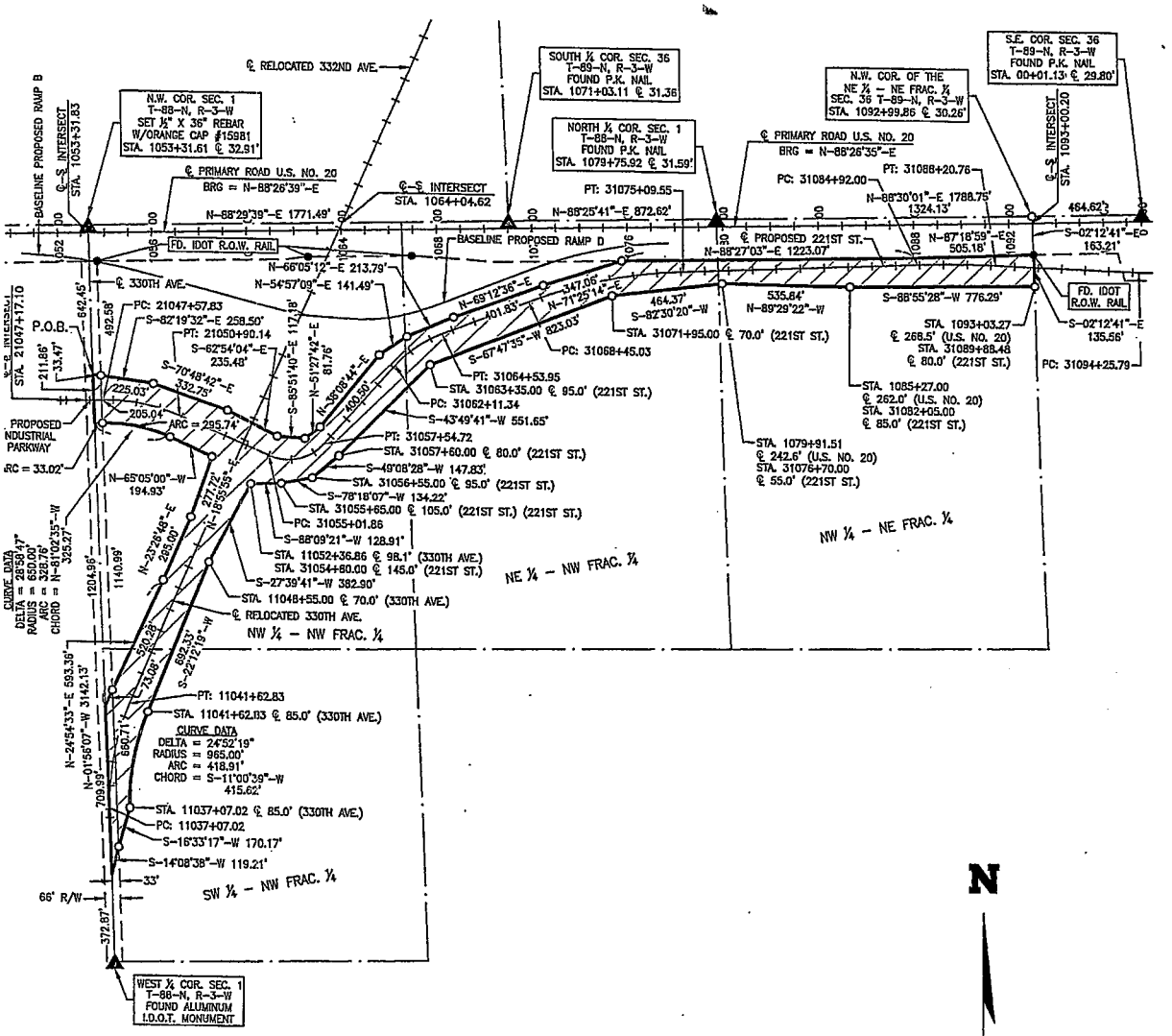
ROW-FEE 20.24* AC, EASE _____ AC EXCESS-FEE _____ AC

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



N

0' 150' 300' 600'

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

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

That such condemnation is sought for the improvement and/or maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B of the Code of Iowa and all amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed.

You are further notified that the Commissioners will report to the Sheriff's Office in **Manchester,** Iowa, at 9:30 a.m. on the 15th day of October, 2014, and will view your property at approximately 10:00 a.m. on the same day. They will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

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
Iowa Department of Transportation
Ames, Iowa 50010

ACCEPTANCE OF SERVICE

I accept service of the above notice, I acknowledge receipt of a copy and I waive time of service and any requirements that such notice be published in a newspaper.

Dated at Manchester, this 12th day of August, 2014.

X Carla Becker
Carla Becker

STATE OF IOWA)
) ss:
COUNTY OF Delaware)

Received the within notice the 11 day of Aug., 2014, and I hereby certify that I have served to each person named below by delivering a true copy of the same to each person at the time and place set opposite their respective names:

NAME	DATE	CITY OR TOWN	COUNTY	STATE
Carla Becker	8-12-14	Manchester	Delaware	Iowa

FEES:
Service $ 15.00
Mileage $
TOTAL $ 15.00

John A. LeClere
Sheriff of Delaware County, Iowa

John A. LeClere

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

CERTIFIED TRUE COPY

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 - Michael J. Schneider, Jr.

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

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE 1st JUDICIAL DISTRICT

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

#39

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above-entitled matter, I hereby DESIGNATE, SELECT AND APPOINT as the members of said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
Eric Jasper	**PO Box 365** **Hopkinton, IA 52237**	**Licensed Real Estate Salesperson or Broker**
Kevin Graybill	**21913 182nd Ave.** **Manchester, IA 52057**	**Licensed Real Estate Salesperson or Broker**
Gordon Keith	**305 Gay St.** **Delhi, IA 52223**	**Knowledgeable of Property Values by Virtue of Occupation**
Dave Smith	**1031 New St.** **Manchester, IA 52057**	**Knowledgeable of Property Values by Virtue of Occupation**
Wilbur Kehrli	**1596 210th St.** **Manchester, IA 52057**	**agricultural**
Doran Zumback	**3278 110th Ave.** Coggon, IA 52218	**agricultural**

I further designate, select and appoint the above-named Eric Jasper to act as **Chairperson** of said commission.

To the Sheriff of Delaware County, Iowa: Attached hereto please find a duplicate of the Application for Condemnation in the above-entitled matter.

Dated at Waterloo, Iowa, this 31st day of July, 2014.

Kellyann M. Lekar
Chief Judge of the **1st** Judicial District
including **Delaware** County, Iowa

Filed in my office at **Manchester,** Iowa, this 11th day of August, 2014.

John Le Clere
Sheriff of **Delaware** County, Iowa

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

SUPPLEMENTARY ORDER
APPOINTING ALTERNATE
COMPENSATION COMMISSIONERS

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

#39

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation, entitled as above, for the selection and appointment, by lot, of a duly-constituted compensation commission, and said selection and appointment of up to five alternate commissioners, having been made by me, I further DESIGNATE, SELECT and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

NAME	ADDRESS	QUALIFICATIONS
1. Teresa Greve	2151 110th Ave. Masonville, IA 50654	Licensed Real Estate Salesperson or Broker
2. Barb Sailer	1100 Rosewood Dr. Manchester, IA 52057	
3. Bob Wendt	1101 Stiles Street Manchester, IA 52057	
4. Jennifer Finn	18011 224th St. Manchester, IA 52057	
5. Mary Kay Starks	25944 225th St. Delhi, IA 52223	
1. Scott Wegmann	1017 Sunrise Dr. Manchester, IA 52057	Knowledgeable of Property Values by Virtue of Occupation
2. Linda Bessey	1959 162nd Ave. Manchester, IA 52057	
3. Christine Tegeler	16920 185t St. Manchester, IA 52057	
4. Donna Reeder	712 Tanglewood Dr. Manchester, IA 52057	
5. Delbert Ronnebaum	2769 190th St. Earlville, IA 52041	
1. Ann Nurre	2418 147th St. Greenley, IA 52050	agricultural
2. Charles Ankrom	2275 110th Ave. Masonville, IA 50654	
3. Doug Shulte	2184 195th St. Manchester, IA 52057	
4. Ellen Francois	1364 120th Ave. Dundee, IA 52038	
5. Marvin Heims	1590 400th St. Strawberry Point, IA 52076	

The Sheriff of **Delaware** County, Iowa, shall, upon being informed of a vacancy in the compensation commission, notify an alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Waterloo, Iowa, this 31st day of July, 20 14.

Kellyann M. Lekar
Chief Judge of the **1st** Judicial District
including **Delaware** County, Iowa.

Filed in my office at **Manchester,** Iowa, this 11th day of August, 20 14.

John Le Clere
Sheriff of **Delaware** County, Iowa

FORM 101H-012DBQ

FIDLAR ELECTION CO., ROCK ISLAND, ILLINOIS

In the Iowa District Court, for DELAWARE County

Case Name CONDEMNATION OF LEON ELENZ
Case No. _____
Notice recd. this date 8-18-14

STATE OF IOWA
DUBUQUE COUNTY } SS

RETURN OF SERVICE:

		Type of Service Code
____	Personal	1
____	Dwelling/Substitute	2
____	Hotel, Boarding/Rooming House	3
XX	Corporation/Association	4
____	Official (State, County, City)	5
____	Spouse away from residence	6
____	Other _____	7

I certify that I served a copy of:

- ☐ Petition and Original Notice
- ☐ Modification/Application and Notice
- ☐ Order to Show Cause
- ☐ Order Filed _____
- ☐ Writ _____
- XX ☑ Other NOTICE OF CONDEMNATION

Served: Type Code

_____ (NAME) at _____ (ADDRESS) on _____ (DATE) |___|
_____ at _____ on _____ |___|
_____ at _____ on _____ |___|
_____ at _____ on _____ |___|
_____ at _____ on _____ |___|
_____ (NAME) by serving _____ (NAME) at _____ (ADDRESS) |___|

_____ on _____, (a person residing therein who was then at least 18 years old) or (spouse away from residence). [Strike non-applicable part.]

CITY OF DYERSVILLE (COMPANY/GOVERNMENT UNIT NAME) by serving TRISHA MEYER (NAME) |___|
CLERK its (TITLE), on AUG 19, 14 (DATE), at 340 1ST AVE E/DYERSVILLE IA

NOTES: (Diligent Search, etc.)

DON A. VROTSOS Sheriff
DUBUQUE, County, Iowa

DEPUTY SHERIFF (OFFICIAL TITLE)
ROB FREUND, DEPUTY

Fees:
Service $15.00
Mileage 25.00
Copy _____
Total $40.00

Fees charged to/paid by Atty/Party:

NOTE: Copy of Original Notice, if served, must be attached to this form.

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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

Case Number: **NHSN-20-8(48)--2R-28**
Civil Number: **14-000495**
Date Received: **08/11/2014 @ 15:15**
Date Printed: 11/06/2014 @ 15:33

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

APPLICATION
NOTICE
SUMMONS TO COMMISSIONERS

To: **ERIC JASPER at 111 SCHOOL ST NW, HOPKINTON, IA 52237**
on **08/13/2014** Type of Service: **PERSONAL**

Remarks: CERTIFIED MAIL DOCUMENTS ON 9/11/14. PO BOX CLOSED. REMAILED ON 9/17/14

Case Notes:

Fees:

Service Fees:	11.32
Mileage:	20.16
Copies:	0.00
Mail:	5.35
Total:	36.83

Paid By: STATE OF IOWA
Date: 10/30/2014
Check #: 67195870

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: _____
0AJAL JOHN LECLERE

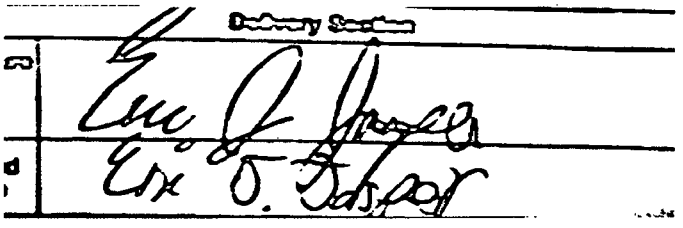
UNITED STATES POSTAL SERVICE

Date: September 27, 2014

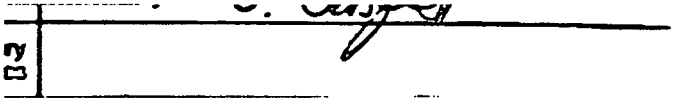
Judy Lee:

The following is in response to your September 23, 2014 request for delivery information on your Certified Mail™ item number 70110470000353248180. The delivery record shows that this item was delivered on September 20, 2014 at 8:56 am in HOPKINTON, IA 52237. The scanned image of the recipient information is provided below.

Signature of Recipient :



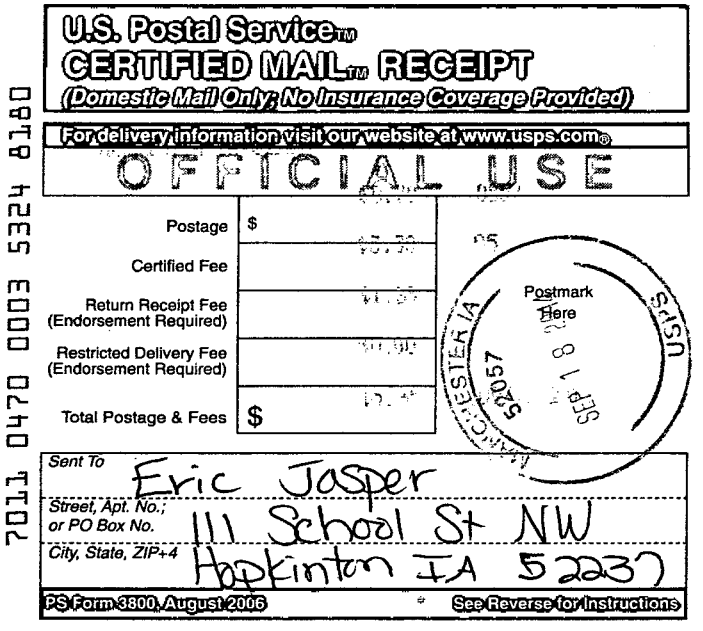
Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



English Customer Service USPS Mobile Register / Sign In

USPS.COM

Quick Tools Ship a Package Sen

USPS Tracking™

Tracking Number: 70110470000353248289

On Time
Expected Delivery Day: Friday, September 12, 2014

Product & Tracking Information

Postal Product: First-Class Mail®

Features: Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION	Text Updates
September 17, 2014 , 8:14 am	**Available for Pickup**	**MANCHESTER, IA 52057**	**Email Updates**

Your item arrived at the MANCHESTER, IA 52057 post office at 8:14 am on September 17, 2014 and is ready for pickup. Information, if available, is updated periodically throughout the day. Please check again later

September 16, 2014 , 10:35 pm	Departed USPS Origin Facility	CEDAR RAPIDS, IA 52401
September 16, 2014 , 7:05 am	Arrived at USPS Origin Facility	CEDAR RAPIDS, IA 52401
September 15, 2014 , 4:21 pm	Departed USPS Origin Facility	DES MOINES, IA 50318
September 13, 2014 , 9:02 pm	Arrived at USPS Origin Facility	DES MOINES, IA 50318
September 12, 2014 , 9:51 am	Moved, Left no Address	HOPKINTON, IA 52237
September 12, 2014 , 8:36 am	Out for Delivery	HOPKINTON, IA 52237
September 12, 2014 , 8:26 am	Sorting Complete	HOPKINTON, IA 52237
September 12, 2014 , 7:48 am	Arrived at Unit	HOPKINTON, IA 52237
September 12, 2014 , 1:13 am	Departed USPS Facility	CEDAR RAPIDS, IA 52401
September 11, 2014 , 9:56 pm	Arrived at USPS Origin Facility	CEDAR RAPIDS, IA 52401
September 11, 2014 , 10:18 am	Acceptance	MANCHESTER, IA 52057

Track Another Package

Tracking (or receipt) number

Track It

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OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here
MANCHESTER IA 52057 USPS

7011 0470 0003 5324 8289

Sent To: Eric Jasper
Street, Apt. No.; or PO Box No.: PO BOX 365
City, State, ZIP+4: Hopkinton IA 52237

PS Form 3800, August 2006 See Reverse for Instructions

Return Receipt Electronic

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

SUMMONS TO COMMISSIONERS

Primary Road No. U.S. 20
South and in the City of Dyersville
located in **Delaware** County, Iowa

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

TO: Eric Jasper

The Iowa Department of Transportation has filed with the Chief Judge of the **1st** Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the **1st** Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Eric Jasper has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 15th day of October, 2014, at 9:30 o'clock a.m. (DST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

John A. LeClere

John De Clere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Hopkinton, Iowa, this 13th day of Aug, 20 14. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

X Eric Jasper

Eric Jasper

Filed in my office at **Manchester,** Iowa, this 13 day of Aug, 20 14.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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

Case Number: **NHSN-20-8(48)--2R-28**
Civil Number: **14-000495**
Date Received: **08/11/2014 @ 15:15**
Date Printed: 11/06/2014 @ 15:33

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:
APPLICATION
NOTICE
SUMMONS TO COMMISSIONERS

To: DAVE SMITH at GNB BANK - 300 E MAIN ST, MANCHESTER, IA 52057
on **08/12/2014 @ 14:42** Type of Service: **PERSONAL/AWAY FROM RESIDEN(**

Remarks: CERTIFIED MAIL DOCUMENTS ON 9/11/14

Case Notes:

Fees:

Service Fees:	11.32
Mileage:	0.56
Copies:	0.00
Mail:	5.35
Total:	17.23

Paid By: STATE OF IOWA
Date: 10/30/2014
Check #: 67195870

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: John A. LeClere
0AJAL JOHN LECLERE

UNITED STATES POSTAL SERVICE

Date: September 17, 2014

Judy Lee:

The following is in response to your September 17, 2014 request for delivery information on your Certified Mail™ item number 70110470000353248203. The delivery record shows that this item was delivered on September 15, 2014 at 10:43 am in MANCHESTER, IA 52057. The scanned image of the recipient information is provided below.

Signature of Recipient :

Dave Smith

Address of Recipient :

1101 Clearview Drive

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

7011 0470 0003 5324 8203

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Postage	$ $0.70
Certified Fee	$3.10
Return Receipt Fee (Endorsement Required)	$1.35
Restricted Delivery Fee (Endorsement Required)	$0.00
Total Postage & Fees	$

Postmark Here

MANCHESTER IA 52057

Sent To Dave Smith
Street, Apt. No.; or PO Box No. 1101 Clearview Dr
City, State, ZIP+4 Manchester IA 52057

PS Form 3800, August 2006 See Reverse for Instructions

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

SUMMONS TO COMMISSIONERS

Primary Road No. U.S. 20
South and in the City of Dyersville
located in **Delaware** County, Iowa

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

TO: Dave Smith

The Iowa Department of Transportation has filed with the Chief Judge of the **1st** Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the **1st** Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Eric Jasper has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 15th day of October, 2014, at 9:30 o'clock a.m. (DST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Manchester, Iowa, this 12th day of Aug, 2014. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

X

Dave Smith

Filed in my office at **Manchester,** Iowa, this 12th day of Aug, 2014.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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

Case Number: **NHSN-20-8(48)--2R-28**
Civil Number: **14-000495**
Date Received: **08/11/2014 @ 15:15**
Date Printed: 11/06/2014 @ 15:33

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:
APPLICATION
NOTICE
SUMMONS TO COMMISSIONERS

To: GORDON KEITH at 305 GAY ST, DELHI, IA 52223
on **08/12/2014 @ 14:11** Type of Service: **PERSONAL**

Remarks: CERTIFIED MAIL DOCUMENTS ON 9/11/14

Case Notes:

Fees:

Service Fees:	11.31
Mileage:	11.20
Copies:	0.00
Mail:	5.35
Total:	27.86

Paid By: STATE OF IOWA
Date: 10/30/2014
Check #: 67195870

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: John A. LeClere
0AJAL JOHN LECLERE

UNITED STATES
POSTAL SERVICE

Date: September 17, 2014

Judy Lee:

The following is in response to your September 17, 2014 request for delivery information on your Certified Mail™ item number 70110470000353248234. The delivery record shows that this item was delivered on September 12, 2014 at 9:57 am in DELHI, IA 52223. The scanned image of the recipient information is provided below.

Signature of Recipient :

Gordon Keith
GORDON KEITH

Address of Recipient :

PO Box 91 Delhi 52223

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

7011 0470 0003 5324 8234

U.S. Postal Service™
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OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here
MANCHESTER IA 52057
SEP 11 2014
USPS

Sent To Gordon Keith
Street, Apt. No.; or PO Box No. 305 Gay St
City, State, ZIP+4 Delhi IA 52223

PS Form 3800, August 2006 See Reverse for Instructions

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

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

SUMMONS TO COMMISSIONERS

TO: Gordon Keith

The Iowa Department of Transportation has filed with the Chief Judge of the **1st** Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the **1st** Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Eric Jasper has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 15th day of October, 2014, at 9:30 o'clock a.m. (DST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Delhi, Iowa, this 12th day of Aug, 2014. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

x Gordon J. Keith
Gordon Keith

Filed in my office at **Manchester,** Iowa, this 12th day of Aug, 2014.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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

Case Number: **NHSN-20-8(48)--2R-28**
Civil Number: **14-000495**
Date Received: **08/11/2014 @ 15:15**
Date Printed: 11/06/2014 @ 15:33

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:
APPLICATION
NOTICE
SUMMONS TO COMMISSIONERS

To: KEVIN GRAYBILL at BUS BARN - 701 NEW ST, MANCHESTER, IA 52057
on **08/12/2014 @ 13:27** Type of Service: **PERSONAL/AWAY FROM RESIDEN(**

Remarks: CERTIFIED MAIL DOCUMENTS ON 9/11/14.

Case Notes:

Fees:

Service Fees:	11.31
Mileage:	0.56
Copies:	0.00
Mail:	5.35
Total:	17.22

Paid By: STATE OF IOWA
Date: 10/30/2014
Check #: 67195870

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: John A. LeClere
0AJAL JOHN LECLERE

UNITED STATES POSTAL SERVICE

Date: September 17, 2014

Judy Lee:

The following is in response to your September 17, 2014 request for delivery information on your Certified Mail™ item number 70110470000353248210. The delivery record shows that this item was delivered on September 12, 2014 at 4:08 pm in MANCHESTER, IA 52057. The scanned image of the recipient information is provided below.

Signature of Recipient : Ronda Graybill

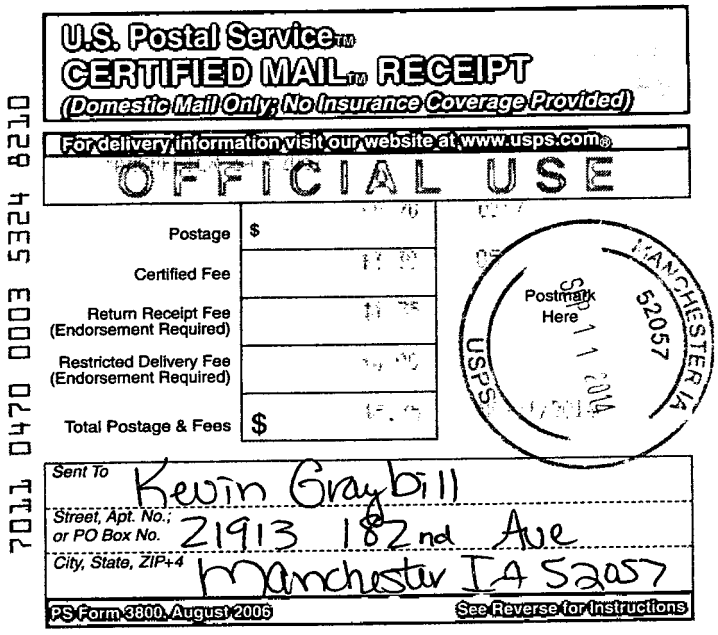
Ronda Graybill

Address of Recipient : 21913 182nd Ave

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



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

SUMMONS TO COMMISSIONERS

Primary Road No. U.S. 20
South and in the City of Dyersville
located in **Delaware** County, Iowa

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

TO: Kevin Graybill

The Iowa Department of Transportation has filed with the Chief Judge of the **1st** Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the **1st** Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Eric Jasper has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 15th day of October, 2014, at 9:30 o'clock a.m. (DST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Manchester, Iowa, this 12th day of Aug, 2014. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Kevin Graybill

Kevin Graybill

Filed in my office at **Manchester,** Iowa, this 12th day of Aug, 2014.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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

Case Number: **NHSN-20-8(48)--2R-28**
Civil Number: **14-000495**
Date Received: **08/11/2014 @ 15:15**
Date Printed: 11/06/2014 @ 15:33

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

APPLICATION
NOTICE
SUMMONS TO COMMISSIONERS

To: DORAN ZUMBACH at 3278 110 AVE, COGGON, IA 52218
on **08/14/2014 @ 10:35** Type of Service: **PERSONAL**

Remarks: CERTIFIED MAIL DOCUMENTS ON 9/11/14

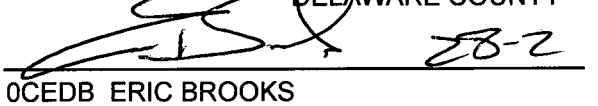
Case Notes:

Fees:

Service Fees:	11.32
Mileage:	19.04
Copies:	0.00
Mail:	5.35
Total:	35.71

Paid By: STATE OF IOWA
Date: 10/30/2014
Check #: 67195870

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: 
0CEDB ERIC BROOKS

UNITED STATES POSTAL SERVICE

Date: September 19, 2014

Judy Lee:

The following is in response to your September 17, 2014 request for delivery information on your Certified Mail™ item number 70110470000353248241. The delivery record shows that this item was delivered on September 12, 2014 at 11:51 am in COGGON, IA 52218. The scanned image of the recipient information is provided below.

Signature of Recipient :

ature X	Billie Zumbach
nted ne	Billie Zumbach

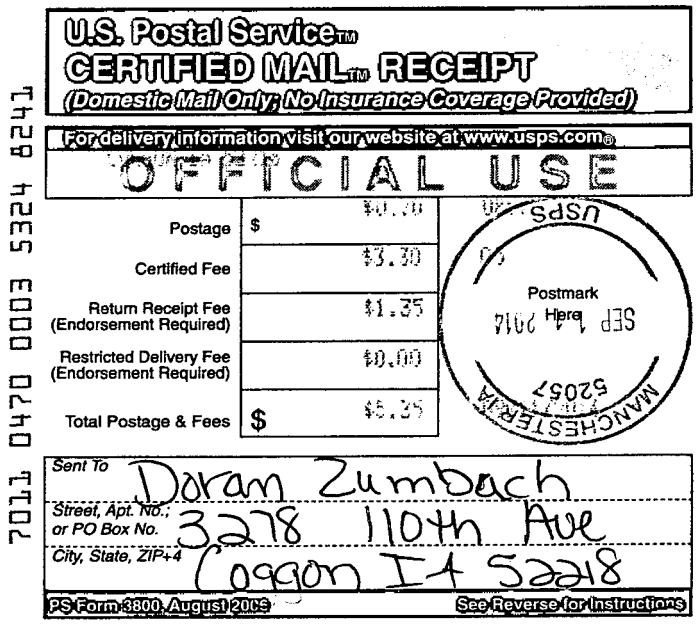
Address of Recipient :

very ress	3278 110th Ave.

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service



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

SUMMONS TO COMMISSIONERS

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

TO: Doran Zumbach

The Iowa Department of Transportation has filed with the Chief Judge of the **1st** Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the **1st** Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Eric Jasper has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 15th day of October, 2014, at 9:30 o'clock a.m. (DST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

John A LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Cascade, Iowa, this 14 day of August, 2014. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Doran Zumbach

Doran Zumbach

Filed in my office at **Manchester,** Iowa, this 20th day of Aug, 2014.

John A LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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

Case Number: **NHSN-20-8(48)--2R-28**
Civil Number: **14-000495**
Date Received: **08/11/2014 @ 15:15**
Date Printed: 11/06/2014 @ 15:33

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

APPLICATION
NOTICE
SUMMONS TO COMMISSIONERS

To: WILBER KEHRLI at DELAWARE CO SHERIFF - 304 E DELAWARE ST, MANCHESTER, IA 52057
on **08/15/2014 @ 14:50** Type of Service: **PERSONAL/AWAY FROM RESIDEN(**

Remarks: CERTIFIED MAIL DOCUMENTS ON 9/11/14

Case Notes:

Fees:

Service Fees:	11.32
Mileage:	0.00
Copies:	0.00
Mail:	5.35
Total:	16.67

Paid By: STATE OF IOWA
Date: 10/30/2014
Check #: 67195870

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: _____

Subscribed and sworn to before me by Judy Lee
on this 11 day of Sept, 2014.

Lynn Brunsman

NOTARIAL SEAL
LYNN BRUN...
Commission Number 773502
My Commission Expires
6-20-15

UNITED STATES POSTAL SERVICE

Date: September 22, 2014

Judy Lee:

The following is in response to your September 17, 2014 request for delivery information on your Certified Mail™ item number 70110470000353248296. The delivery record shows that this item was delivered on September 15, 2014 at 2:28 pm in MANCHESTER, IA 52057. The scanned image of the recipient information is provided below.

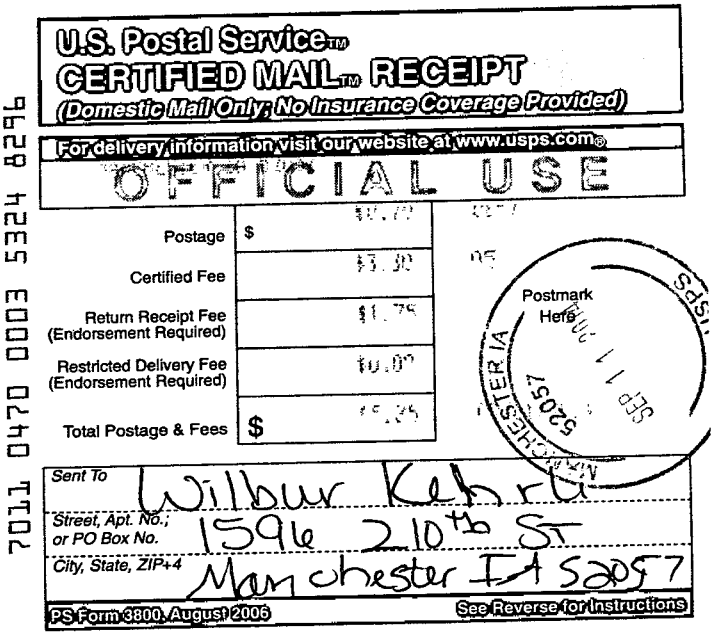
Signature of Recipient : Wilbur Kehrli

Address of Recipient : 1596 210 ST

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service


U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE
Postage $
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees $
Postmark Here
MANCHESTER IA 52057 SEP 17 2014 USPS
Sent To Wilbur Kehrli
Street, Apt. No.; or PO Box No. 1596 210th St
City, State, ZIP+4 Manchester IA 52057
PS Form 3800, August 2006 See Reverse for Instructions
7011 0470 0003 5324 8296

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

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

SUMMONS TO COMMISSIONERS

TO: Wilbur Kehrli

The Iowa Department of Transportation has filed with the Chief Judge of the **1st** Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the **1st** Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Eric Jasper has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 15th day of October, 2014, at 9:30 o'clock a.m. (DST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Manchester, Iowa, this 15 day of August, 2014. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

X Wilbur Kehrli

Wilbur Kehrli

Filed in my office at **Manchester,** Iowa, this 20th day of Aug, 2014.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

Notice of Appraisement Hearing and Public Meeting of Compensation Commission to Assess Damages

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
Project No. NHSN-02-08(48)—2R-28, Group "A"

TO: Eric Jasper, Kevin Graybill, Gordon Keith, Dave Smith, Wilbur Kehrli, Doran Zumbach

An Application of Condemnation, having been presented to the Chief Judge of the Judicial District, requesting the appointment of six (6) qualified persons as a Condemnation Commission:

WHEREAS, such an appointment has been filed in my office and whereas you have been appointed and selected as such Condemnation Commissioners:

NOW THEREFORE, you are commanded to be and appear before the undersigned at the Office of the Sheriff of **DELAWARE** County, Iowa, at **301 E. Main St, Manchester, Iowa** on the **15th** day of **October, 2014**, at the hour of **9:30 A.M.** for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as provided by law. Prior to the meeting of the commission, the commission or a commissioner shall not communicate with the applicant, property owner, or tenant, or their agents, regarding the condemnation proceedings.

FAIL NOT TO MAKE YOUR APPEARANCE UNDER PENALTY OF THE LAW.

This notice published pursuant to Section 6B.11, Code of Iowa.

John A. LeClere
Sheriff of Delaware County, Iowa

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates Oct 1, 2014, and for which the charge is $ 22.99.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this 1st day of Oct 2014.

NOTARIAL SEAL IOWA
LINDA L. VORWALD
Commission Number 702790
MY COMM. EXP. 4-18-15

Linda L. Vorwald

Notary Public in and for
Dubuque County, Iowa

Notice of Appraisement Hearing and Public Meeting of Compensation Commission to Assess Damages

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
Project No. NHSN-02-08(48)—2R-28, Group "A"

TO: Eric Jasper, Kevin Graybill, Gordon Keith, Dave Smith, Wilbur Kehrli, Doran Zumbach

An Application of Condemnation, having been presented to the Chief Judge of the Judicial District, requesting the appointment of six (6) qualified persons as a Condemnation Commission:

WHEREAS, such an appointment has been filed in my office and whereas you have been appointed and selected as such Condemnation Commissioners:

NOW THEREFORE, you are commanded to be and appear before the undersigned at the Office of the Sheriff of **DELAWARE** County, Iowa, at **301 E. Main St, Manchester, Iowa** on the 15th day of **October, 2014**, at the hour of **9:30 A.M.** for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as provided by law. Prior to the meeting of the commission, the commission or a commissioner shall not communicate with the applicant, property owner, or tenant, or their agents, regarding the condemnation proceedings.

FAIL NOT TO MAKE YOUR APPEARANCE UNDER PENALTY OF THE LAW.

This notice published pursuant to Section 6B.11, Code of Iowa.

/s/ John A. LeClere
John A. LeClere
Sheriff of Delaware County, Iowa
10-1

ADVERTISING INVOICE/STATEMENT

DYERSVILLE COMMERCIAL

PO BOX 350
DYERSVILLE, IA 52040-0350
1-800-658-3406 or 563-875-7131 Fax 563-875-2279

ACCOUNT NO 178929

Delaware County Sheriff's Office
Judy Lee
P Box 116
Manchester IA 52057

DATE	PUB	DESCRIPTION	RATE	AMOUNT
10/01/2014	DC	Notice of Appraisement - Oct 15		22.99

TOTAL $ 22.99

Remittance: Detach and return this portion with your payment. Thank you

ACCOUNT NO 178929

Delaware County Sheriff's Office
Judy Lee
P Box 116
Manchester IA 52057

PAID Date 10-30-14 Ck. No. 6683

Description	Bill Date	Total Amount
Notice of Appraisement - Oct 15	10/01/2014	$ 22.99

Total $ 22.99

DYERSVILLE COMMERCIAL
PO BOX 350
DYERSVILLE, IA 52040-0350

OLIVE THAT DELI
MANCHESTER IOWA

#057536 10/15/2014 1:03:10PM
02 CLERK02 000000

2@ 2.90	T$5.80
#24 ROUND	
3@ 2.00	T$6.00
LARGE FOUNTAIN	
1@ 5.50	T$5.50
#19 HALF	
2@ 0.95	T$1.90
CHIPS	
1@ 4.85	T$4.85
#8 HALF	
2@ 3.35	T$6.70
12 OZ SOUP	
1@ 5.15	T$5.15
#9 HALF	
1@ 3.90	T$3.90
#2 HALF	
1@ 1.80	T$1.80
20 OZ TO GO BOTT	
MDSE ST	$41.60
TAX1	$2.91

ITEMS 14Q
CHARGE2 **$44.51**

THANK YOU
PLEASE COME AGAIN

PAID Date 10-30-14 Ck. No. 10684

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

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

OATH OF COMMISSIONERS

STATE OF IOWA)
) ss
Delaware County)

Each of the undersigned, being duly sworn, says:

That I do possess the qualifications listed under my name below, and

That I do not possess any interest in the proceeding which would cause me to render a biased decision,

and, that I will, to the best of my ability, faithfully and impartially assess the damages which owner(s), lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of the appropriation of the rights set forth and described in the Application and Notice of Condemnation in the Office of the Sheriff for the improvement of roads and streets and make a written report to the Sheriff as Authorized and prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B, Code of Iowa, and any amendments thereto, and in accordance with the instructions of the Chief Justice of the Supreme Court, and will truly perform any and all other duties imposed upon me by law as a member of the compensation commission selected and appointed to assess said damages.

Name: Eric Jasper
Licensed Real Estate Salesperson or Broker

Name: Kevin Graybill
Licensed Real Estate Salesperson or Broker

Name: Dave Smith
Knowledgeable of Property Values by Virtue of Occupation

Name: Gordon Keith
Knowledgeable of Property Values by Virtue of Occupation

Name: Wilbur Kehrli
agricultural

Name: Doran Zumbach
agricultural

Acknowledged, subscribed and sworn to before me this 15 day of October, 2014.

(Notary Public / Clerk of Court) in and for said County and State

JUDY A. LEE
Commission Number 197867
My Commission Expires
8-12-16

Filed in my office at **Manchester,** Iowa, this 15th day of Oct, 2014.

John Le Clere
Sheriff of **Delaware** County, Iowa

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-20-8(48)--2R-28, held on the 15th day of October, 2014, are as follows and that these claims are due, just, and unpaid.

1 day service at $200.00 ..... $ 200.00

4 miles at .56 cents ..... $ 2.24

_____ meals ..... $_____

Signed this 15 day of October, 20 14.

Wilbur Kehrli
COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-20-8(48)--2R-28, held on the 15th day of October, 2014, are as follows and that these claims are due, just, and unpaid.

1 day service at $200.00 ..... $ 200.00

36 miles at .56 cents ..... $ 20.16

_____ meals ..... $_____

Signed this 15 day of October, 2014.

Doran Zumbach

Doran Zumbach
COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-20-8(48)--2R-28, held on the 15th day of October, 2014, are as follows and that these claims are due, just, and unpaid.

1 day service at $200.00 ..... $ 200.00

74 miles at .56 cents ..... $ 41.44

_____ meals ..... $_____

Signed this 15 day of October, 2014.

Eric J Jasper

Eric Jasper
COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-20-8(48)--2R-28, held on the 15th day of October, 2014, are as follows and that these claims are due, just, and unpaid.

1 day service at $200.00 ..... $ 200.00

20 miles at .56 cents ..... $ 11.20

_____ meals ..... $_____

Signed this 15 day of October, 2014.

Gordon Keith

Gordon Keith
COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-20-8(48)--2R-28, held on the 15th day of October, 2014, are as follows and that these claims are due, just, and unpaid.

1 day service at $200.00 ..... $200.00

3 miles at .56 cents ..... $ 1.68

_____ meals ..... $_____

Signed this 15 day of October, 2014.

Dave Smith
COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-20-8(48)--2R-28, held on the 15th day of October, 2014, are as follows and that these claims are due, just, and unpaid.

1 day service at $200.00 ..... $ 200.00

2 miles at .56 cents ..... $ 1.12

_____ meals ..... $_____

Signed this 15 day of October, 2014.

Kevin Graybill
COMMISSIONER

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

SHERIFF'S CERTIFICATION

AS TO AWARDS AND COSTS

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

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN BOOK _____, PAGE _____, OR INSTRUMENT/DOCUMENT NUMBER _____, AND DATED _____.

TO: Iowa Department of Transportation, Ames, Iowa

I certify that the commissioners in the above-entitled cause convened at 301 E.Main St. Manchester, Iowa, on the 15 day of October, 20 14, and thereupon proceeded to view the premises, and said commissioners did on the 15 day of October, 20 14, file their report in my office, awarding damages as follows:

NAMES OF CONDEMNEES	AWARD	ATTORNEY FEES AND COSTS
Leon Elenz	$ 1,767,000.00	$ 0.00
	$	$
	$	$
	$	$
	$	$
TOTAL DAMAGES AWARDED:	$ 1,767,000.00	$ 0.00

I certify that the costs incident to this proceeding are taxed and Notices were served as listed below:
(attach separate list if necessary)

Date	Names of Condemnees	Service Fee	Mileage x Rate Per Mile = Amount			Sum
8/13/14	Leon Elenz	15.00	34	.56	19.04	34.04
8/12/14	Delaware County, Iowa	15.00				15.00

Sub Total $ 49.04

Sheriff's Fees

Summoning and attending Commissioners (includes service fees)
(Maximum allowed by Code Section 331.655 is $100.00) $ 100.00
Publication of Notice of Appraisement Hearing-Dyersville Comm. 22.99
Mileage while summoning and attending Commissioners Meals at hearing 44.51
(92 miles x $ .56 per mile) $ 51.52

TOTAL: $ **268.06**

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

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

AFFIDAVIT OF FINAL OFFER

Primary Road No. U.S. 20
South and in the City of Dyersville
located in **Delaware** County, Iowa

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

Parcel No. 4

On this the 15 day of October, 2014, comes the Iowa Department of Transportation and states, as by law provided, that the most recent offers made to the owner(s), lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant in the Notice of Condemnation filed in the above matter are as follows:

Owner(s) & Lienholders $ 937,380.00

Leon Elenz
Delaware County Treasurer

Tenant(s) $ N/A

IOWA DEPARTMENT OF TRANSPORTATION

By _____
Scott Henning
Condemnation Hearing Compliance Officer
Office of Right of Way

Acknowledged, subscribed and sworn to before me this 15 day of October, 2014.

JUDY A. LEE
Commission Number 197867
My Commission Expires
8-12-14

_____
(Notary Public / Clerk of Court) in and for said County and State

Filed in my office at **Manchester,** Iowa, this 15th day of Oct, 2014.

_____
John Le Clere
Sheriff of **Delaware** County, Iowa

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

REPORT OF COMPENSATION COMMISSION

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

TO: John Le Clere, Sheriff of Delaware County, Iowa

We, the undersigned, being duly-appointed and qualified Commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights as set forth and described in the Notice of Condemnation filed in the above-entitled matter, respectfully report as follows.

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

	Land and Improvements	Consequential Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs
Leon Elenz Delaware County Treasurer	$	$	$ 176700	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
Value of Condemnee's dwelling:	$ 250,000			

Respectfully reported at Manchester, Iowa, this 15 day of October, 20 14.

Eric Jasper
Kevin Graybill
Gordon Keith
Dave Smith
Wilbur Kehrli
Doran Zumbach

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Manchester, Iowa, this 15th day of Oct, 20 14.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

- results of vote
- information about vote

John Hines
Ken Tuetken

Leon Elenz was not at courthouse.

10-15-14 9:30 Delaware County Courthouse

Scott Henning IA DOT John LeClere Judy Lee
Eric Jasper
Doran Zumbach John Hines
Wilbur Kahrli Ken Tuetken
Leon Graybill
Gordon Keith
Dave Smith

- Sheriff LeClere read instructions
- All commissioners signed oath
- 144.27 acres full property 136.14 Tillable CSR 69.1
- 49.07 acres 3 seperate parcels; Not paying for 1.95 acres that is already an existing ROW (47.12 acres) including building site.
- The new interior road will go to the city

TOTAL - 441,500 Ass

- Return from Elenz property at 11:30
  Leon + 4 brothers +

So the 12.2 acres may be offered back to Leon

Scott Henning went through his presentation

- Condemnation today can't be changed; we as commissioners have to deal w/ this plat that has been presented to us.
- Discussion about 12.2 non-usable acres
- Discussion about field tile drainage + restoration repairs

Brian Kane - appraisal Dubuque

- Appraisers were not allowed on property
- Mr Henning reviewed the major points of his appraisal representing DOT

- Discussion about appraisal value V.S. relocation costs.
DOT
- Not paying replacement cost per appraisal

Leon Elenz

Sam Shay (W/ DOT in Quad Cities)

"The DOT trys everything they can do to minimize damage"

47.12 acres - Leon's appraisal is $2,741,000

Ag Land

- neighbor was paid 45,000/acre by DOT 1.2 acre

new Freestall - 700,000 > contractors

new steel bin - 80,000 well - 19,000 electric -

concrete walls - 62,000

-Question by commissioner Kahrli about interruption of business

-Don't assign a value to each piece (bldg)

1) Value before
2) Value after > difference is just compensation

We need to seperate out residential portion value

- All voted in favor of $250,000 value for a home 2 acres of land 2 stall garage 7 miles from town.

48,000 acre 2 71,000

30,000 × 47 = 1,410,000

47.12 × 37,500 = 1,767,000

Value Determination 47.12 acres × 37,500/a = 1,767,000

Doran Z. 1st
Kevin G 2nd

Eric - yes
Kevin - yes
Gordon - yes
Doran - yes
Wilbur - no
Dave - yes

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

ENDORSEMENT OF SHERIFF OF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

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

I, the undersigned, hereby endorse and certify that a true copy of the *Notice of Appraisement of Damages and Time for Appeal* was served upon each of the parties of this proceeding, as listed herein, by enclosing said *Notice* in an envelope addressed to each such party at their respective last-known mailing address as disclosed by the record in the *Application to the Chief Judge* (excepting those parties, if any, listed below), with postage prepaid, and by depositing said envelope in a United States Post Office depository in Manchester, Iowa, on the 15th day of Oct, 2014.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

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

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

Parcel No. 4

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

	Land and Improvements	Consequential Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs
Leon Elenz Delaware County Treasurer	$_____	$_____	$1,767,080.00	$_____
	$_____	$_____	$_____	$_____
	$_____	$_____	$_____	$_____
	$_____	$_____	$_____	$_____
	$_____	$_____	$_____	$_____
	$_____	$_____	$_____	$_____
	$_____	$_____	$_____	$_____
	$_____	$_____	$_____	$_____
	$_____	$_____	$_____	$_____
	$_____	$_____	$_____	$_____

NOTE: **If Owner-Occupied Dwelling is acquired:**

Value of Condemnees' Dwelling: $ 250,000.00

Value of Land and Improvements
other than Condemnees' Dwelling: $_____

You and each of you are hereby notified that on the 15th day of Oct, 2014, the duly-appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to the Code of Iowa, you may, within (30) days from the date of mailing this Notice, appeal to the District Court as by law provided. If no appeal is filed, you may pick up the award warrant on deposit with the Sheriff. In the event an appeal is filed, it will be necessary for the court to order any disbursement of funds.

Signed this 15th day of Oct, 2014.

John A LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

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

REPORT OF COMPENSATION COMMISSION

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

TO: John Le Clere, Sheriff of Delaware County, Iowa

We, the undersigned, being duly-appointed and qualified Commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights as set forth and described in the Notice of Condemnation filed in the above-entitled matter, respectfully report as follows.

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

	Land and Improvements	Consequential Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs
Leon Elenz Delaware County Treasurer 3	$	$	C$ 1,767,000	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
	$	$	$	$
Value of Condemnee's dwelling:	C$ 250,000			

Respectfully reported at Manchester, Iowa, this 15th day of Oct, 2014.

Eric Jasper
Kevin Graybill
Gordon Keith

Dave Smith
Wilbur Kehrli
Doran Zumbach

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Manchester, Iowa, this 15th day of Oct, 2014.

John A. LeClere

John Le Clere
Sheriff of **Delaware** County, Iowa

SHERIFF'S REPORT FOR CONDEMNATION PROCEEDINGS

STATE OF IOWA)
COUNTY OF DELAWARE)
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)
)
Project No. NHSN-02-08(48)—2R-28, Group "A")

I, John A. LeClere, Sheriff of Delaware County, certify that I received the attached Application for Condemnation on the 11th day of August, 2014, filed with the county recorder August 5, 2014 in Book 2014, Page 1893.

I further certify that the condemnation hearing was held on the 15th day of October, 2014, and the awards made, a copy of which is included.

I further certify that the total cost of the hearing was $1,545.90 which has been paid to the Sheriff by the State of Iowa - Iowa Department of Transportation. The money has been distributed in the following manner:

Commissioners fees	$ 241.44
Commissioners fees	$ 220.16
Commissioners fees	$ 202.24
Commissioners fees	$ 201.68
Commissioners fees	$ 211.20
Commissioners fees	$ 201.12
Meals – Olive That Delhi	$ 44.51
County fees of $130.00; mileage $70.56; publication	$ 22.99
TOTAL DISBURSED	$1,545.90

I further certify that I received from the State of Iowa - Iowa Department of Transportation an award check as follows:
$1,767,000.00 payable to Leon Elenz and Delaware County Treasurer

And attorney fee checks as follows:
$0.00 payable to n/a.

I further certify that as of the date entered below, said check _X_ has not been disbursed.

Dated this 7th day of November, 2014.

John A. LeClere

Sheriff of Delaware County, Iowa
John A. LeClere

IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

IOWA DEPARTMENT OF TRANSPORTATION, 99AG68645	*	LAW NO. CVCV7937
Plaintiff,	*	
v.	*	
LEON ELENZ, CITY OF DYERSVILLE, IOWA, and DELAWARE COUNTY, IOWA,	*	**ORIGINAL NOTICE**
Defendants.	*	

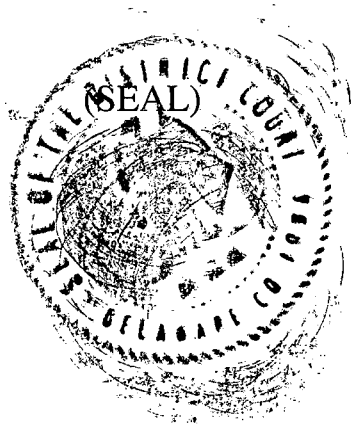
TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that a petition and notice of appeal of condemnation award have been filed in the office of the clerk of this court naming you as a defendant in this action. A copy of the petition (with a copy of the notice of appeal of condemnation award attached to the petition as an exhibit) is attached to this notice. The attorneys for the plaintiff are Robin G. Formaker and Richard E. Mull, Assistant Attorneys General, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The phone number for those attorneys is 515-239-1465; facsimile number 515-239-1609.

You must serve a motion or answer within 20 days after service of this original notice upon you and, within a reasonable time thereafter, file your motion or answer with the Clerk of Court for Delaware County, at the courthouse in

Manchester, Iowa. If you do not, judgment may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call you district ADA coordinator at 319-833-3332. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).



CLERK OF THE ABOVE COURT
Delaware County Courthouse
301 East Main Street
Manchester, IA 52057

IMPORTANT

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTERESTS.

IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

IOWA DEPARTMENT OF TRANSPORTATION, 99AG68645	*	LAW NO. CVCV7937
Plaintiff,	*	
v.	*	
LEON ELENZ, CITY OF DYERSVILLE, IOWA, and DELAWARE COUNTY, IOWA,	*	**PETITION AT LAW REGARDING CONDEMNATION APPEAL AND JURY DEMAND**
Defendants.	*	

FILED
2014 NOV -5 AM 11:20
CLERK OF COURT
DELAWARE COUNTY, IOWA

COMES NOW the plaintiff, Iowa Department of Transportation, and states to the court as follows:

1. The plaintiff is an agency of the State of Iowa and the condemnor of certain property as hereinafter referenced and described.

2. Defendants are all persons or entities who have, or may claim to have, an interest in the property that is the subject of this action. Defendant Elenz is the owner of the property that is the subject of this action. Defendant City of Dyersville, Iowa, is a city in the State of Iowa that has or may claim to have an interest in the property that is the subject of this matter. Defendant Delaware County, Iowa, is a county in the State of Iowa that has or may claim to have an interest in the property that is the subject of this matter.

3. The property at issue in this matter is located in Delaware County, Iowa, and venue is, therefore, appropriate in that county.

4. On October 15, 2014, the Delaware County Compensation Commission awarded the sum of One Million Seven Hundred Sixty-seven Thousand Dollars ($1,767,000) to the property owner(s) as a result of plaintiff's condemnation of the property.

5. Plaintiff, Iowa Department of Transportation, has appealed from that ruling. A copy of the notice of appeal, together with a description of the subject property as set forth in the notice of condemnation, is attached to this petition and marked Exhibit 1.

6. The amount awarded by the Delaware County Compensation Commission is excessive, and does not represent the difference in fair market value of the property immediately before and immediately after the condemnation.

7. The difference in the fair market value of the property immediately before and immediately after the condemnation is $925,000.

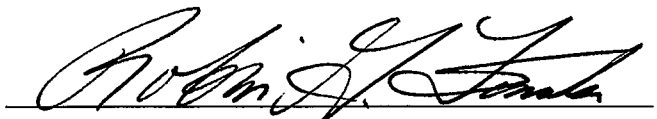
WHEREFORE, the plaintiff, Iowa Department of Transportation, requests the court set this matter for trial so the award of just compensation based upon the difference in fair market value of the property, immediately before and immediately after the condemnation, can be determined as provided by law.

Plaintiff also requests it be awarded the costs of this action, and any other relief this court deems just and proper.

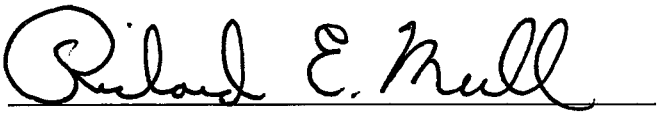
JURY DEMAND

The Iowa Department of Transportation, plaintiff, demands trial by jury of all issues so triable in this matter.

THOMAS J. MILLER
Attorney General of Iowa



ROBIN G. FORMAKER AT0002574
Assistant Attorney General
(515) 239-1465 / FAX (515) 239-1609
robin.formaker@dot.iowa.gov



RICHARD E. MULL AT0005597
Assistant Attorney General
Iowa Department of Transportation
General Counsel Division
800 Lincoln Way
Ames, IA 50010
(515) 239-1394 / FAX (515) 239-1609
richard.mull@dot.iowa.gov

IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

IOWA DEPARTMENT OF TRANSPORTATION, Plaintiff, v. LEON ELENZ, CITY OF DYERSVILLE, IOWA, and DELAWARE COUNTY, IOWA, Defendants.	*	LAW NO. CVCV7937 **NOTICE OF APPEAL OF CONDEMNATION AWARD**

TO: **LEON ELENZ**
3332 U.S. Highway 20
Dyersville, IA 52040

CITY OF DYERSVILLE, IOWA
c/o City Clerk
340 First Avenue East
Dyersville, IA 52040

DELAWARE COUNTY, IOWA
c/o County Auditor
301 East Main Street
Manchester, IA 52057

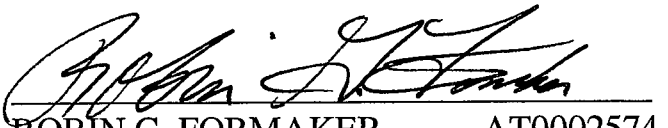
DELAWARE COUNTY SHERIFF
304 East Delaware Street
P.O. Box 116
Manchester, IA 52057-0116

EXHIBIT 1

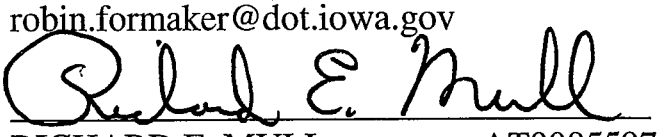
You are all hereby notified the above-named plaintiff appeals from the actions of the Delaware County Compensation Commission on October 15, 2014, involving the condemnation described in the attached Notice of Condemnation. Plaintiff appeals from the award, by that commission, of $1,767,000. The plaintiff asserts the award of just compensation should have been in the sum of $925,000.

You are all further notified that plaintiff will file a petition as prescribed by Iowa Code chapter 6B, and that this appeal is to the Iowa District Court in and for Delaware County, and will come on for hearing pursuant to the rules prescribed by that district court.

THOMAS J. MILLER
Attorney General of Iowa



ROBIN G. FORMAKER AT0002574
Assistant Attorney General
(515) 239-1465 / FAX (515) 239-1609
robin.formaker@dot.iowa.gov



RICHARD E. MULL AT0005597
Assistant Attorney General
Iowa Department of Transportation
General Counsel Division
800 Lincoln Way
Ames, IA 50010
(515) 239-1394 / FAX (515) 239-1609
richard.mull@dot.iowa.gov

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

Continued on next page

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.

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

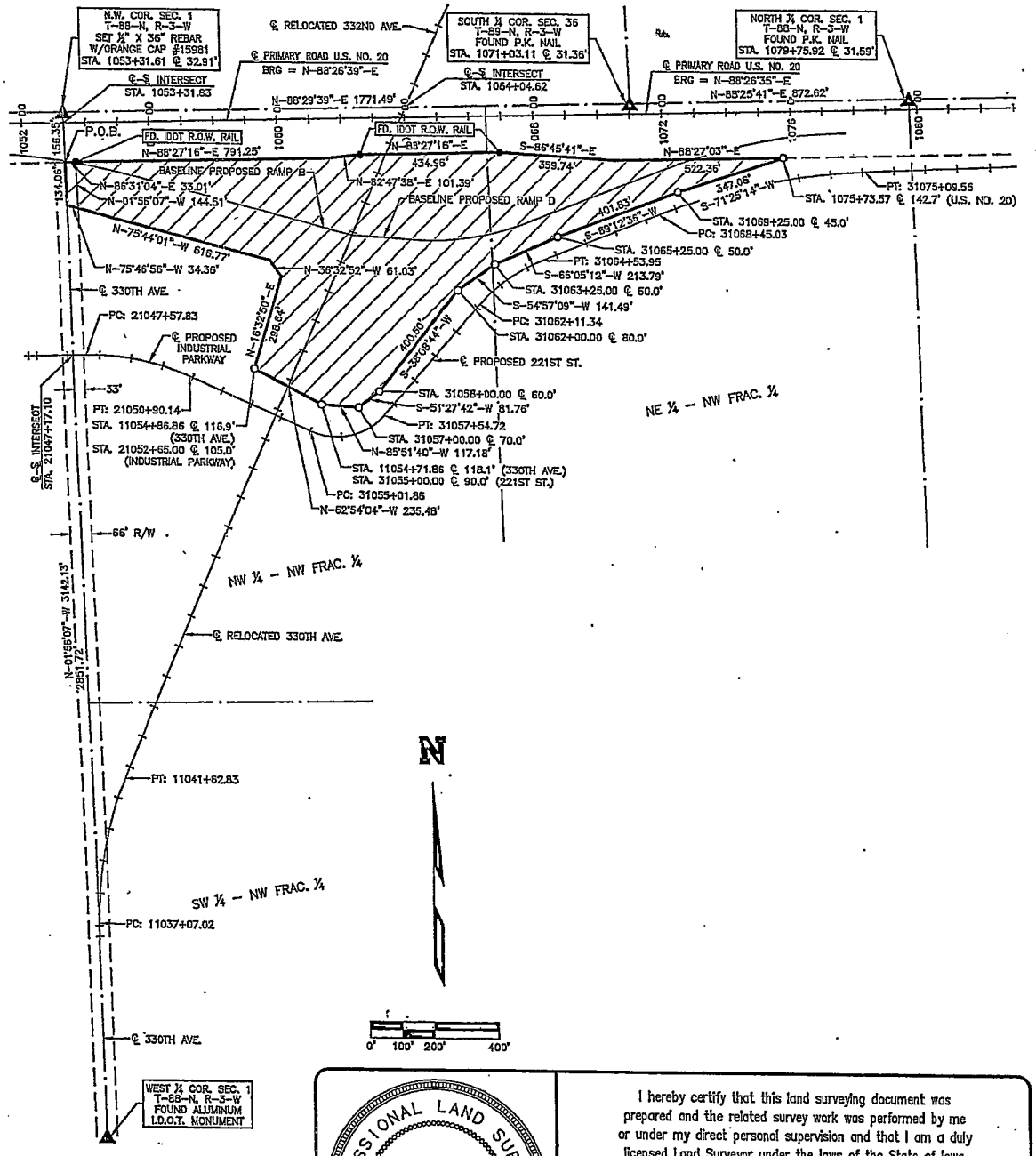
ROW-FEE 16.61* AC, EASE _____ AC EXCESS-FEE _____ AC

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.

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

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

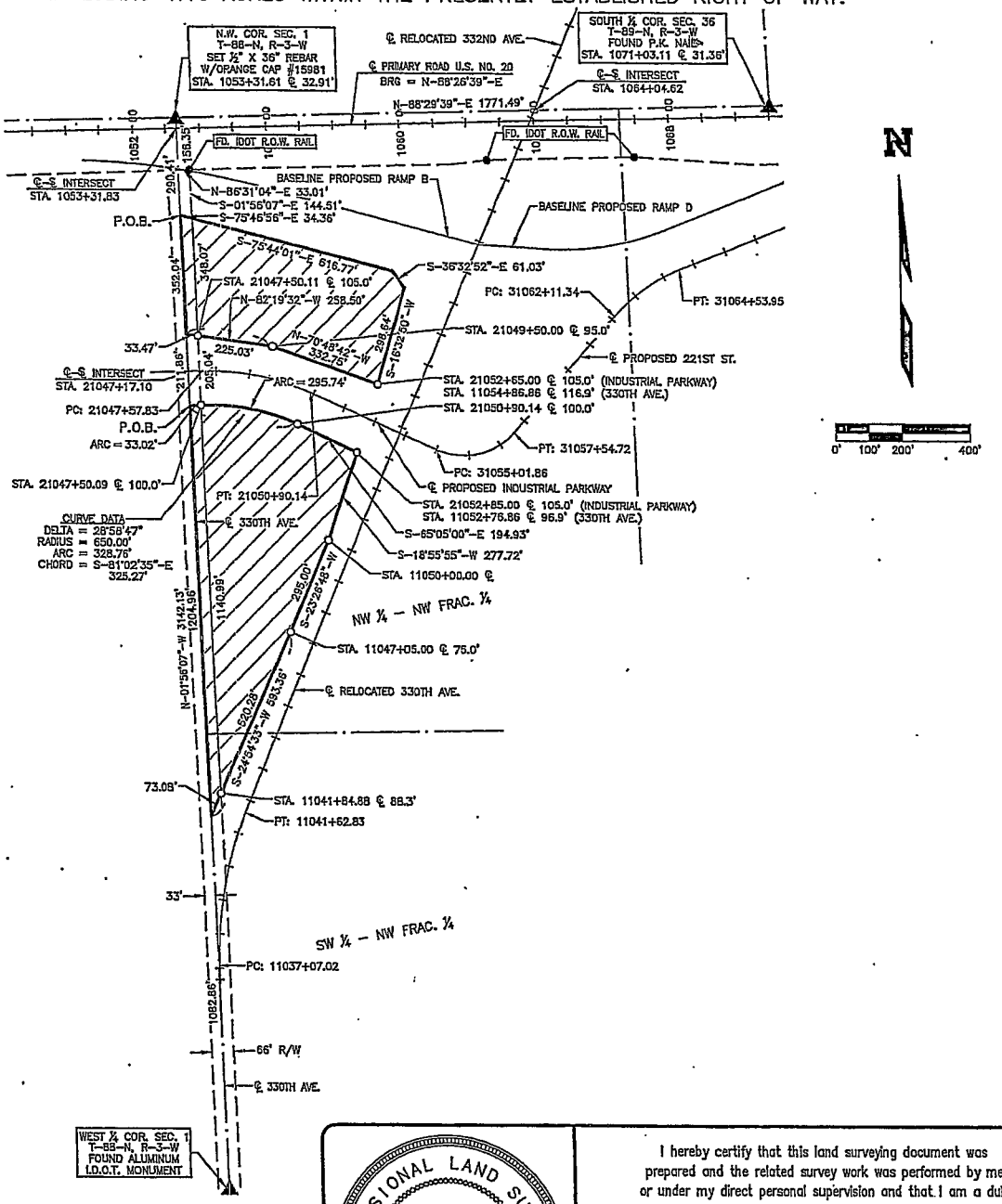
ROW–FEE _____ AC, EASE _____ AC EXCESS–FEE 12.22* AC

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

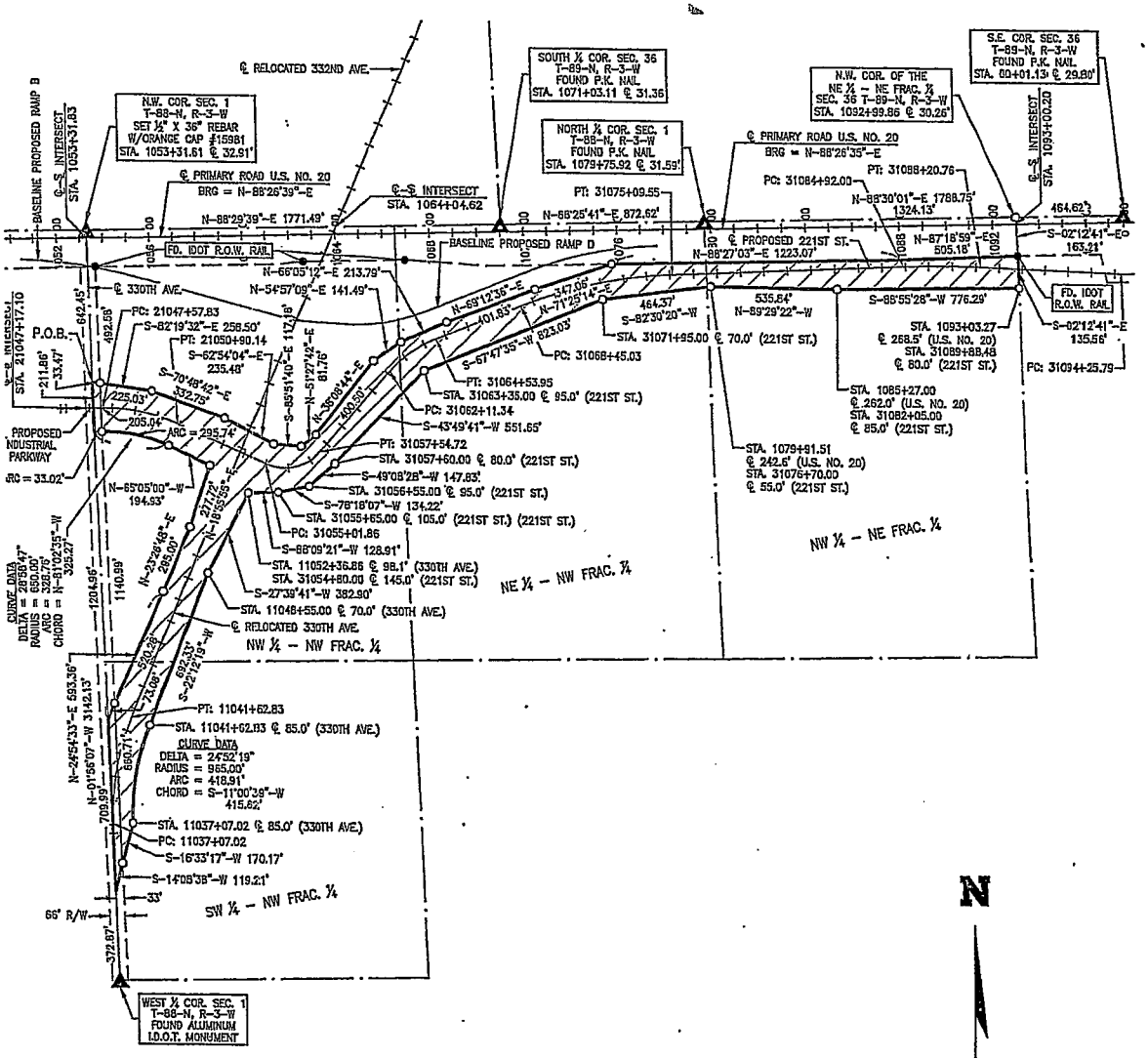
ROW-FEE 20.24* AC, EASE _____ AC EXCESS-FEE _____ AC

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

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

DATE DRAWN FEBRUARY 28, 2014

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 of and in the City of Dyersville

located in Delaware County, Iowa

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

Group "A"

AMENDMENT TO APPLICATION TO THE CHIEF JUDGE OF THE 1ST JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

AND

AMENDMENT TO NOTICE

TO: John Le Clere, Sheriff of Delaware County, Iowa

and

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

COMES NOW THE IOWA DEPARTMENT OF TRANSPORTATION AND AMENDS THE APPLICATION AND NOTICE IN THE ABOVE ENTITLED PROCEEDINGS AS FOLLOWS:

Striking Paragraph No. 1 on Page 3 of the Notice and replacing it with the following:
Any and all improvements, including buildings or fences, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

And adding the following as Paragraph No. 6 to the Notice:
Any 2014 crops growing on the land sought to be appropriated are reserved to the condemnee until February 28, 2015. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.

Dated this 9th 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 Wapello, Iowa, this ____ day of _____, 2014.

_____
John Le Clere
Sheriff of Delaware County, Iowa

IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

IOWA DEPARTMENT OF TRANSPORTATION, Plaintiff, v. LEON ELENZ, CITY OF DYERSVILLE, IOWA, and DELAWARE COUNTY, IOWA, Defendants.	*	LAW NO. CVCV 7937 **NOTICE OF APPEAL OF CONDEMNATION AWARD**

FILED
2014 NOV -5 AM 11:25
CLERK OF COURT
DELAWARE COUNTY, IOWA

TO: **LEON ELENZ**
3332 U.S. Highway 20
Dyersville, IA 52040

CITY OF DYERSVILLE, IOWA
c/o City Clerk
340 First Avenue East
Dyersville, IA 52040

DELAWARE COUNTY, IOWA
c/o County Auditor
301 East Main Street
Manchester, IA 52057

DELAWARE COUNTY SHERIFF
304 East Delaware Street
P.O. Box 116
Manchester, IA 52057-0116

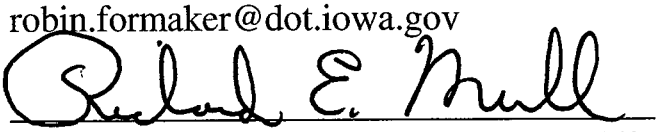
You are all hereby notified the above-named plaintiff appeals from the actions of the Delaware County Compensation Commission on October 15, 2014, involving the condemnation described in the attached Notice of Condemnation. Plaintiff appeals from the award, by that commission, of $1,767,000. The plaintiff asserts the award of just compensation should have been in the sum of $925,000.

You are all further notified that plaintiff will file a petition as prescribed by Iowa Code chapter 6B, and that this appeal is to the Iowa District Court in and for Delaware County, and will come on for hearing pursuant to the rules prescribed by that district court.

THOMAS J. MILLER
Attorney General of Iowa



ROBIN G. FORMAKER AT0002574
Assistant Attorney General
(515) 239-1465 / FAX (515) 239-1609
robin.formaker@dot.iowa.gov



RICHARD E. MULL AT0005597
Assistant Attorney General
Iowa Department of Transportation
General Counsel Division
800 Lincoln Way
Ames, IA 50010
(515) 239-1394 / FAX (515) 239-1609
richard.mull@dot.iowa.gov

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

Continued on next page

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.

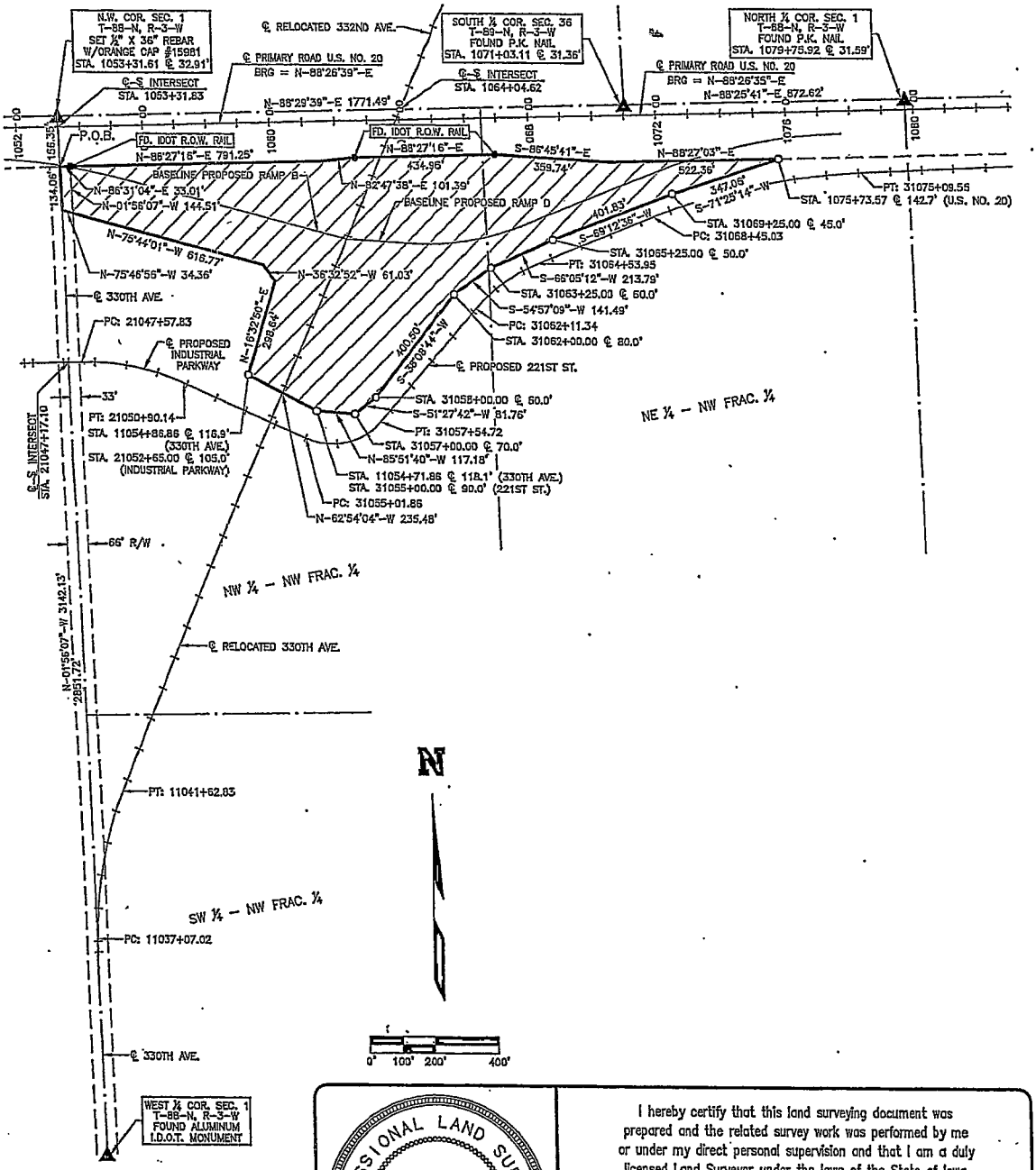
5. Condemner hereby gives notice of condemnee's five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.

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.

2/20/14
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

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

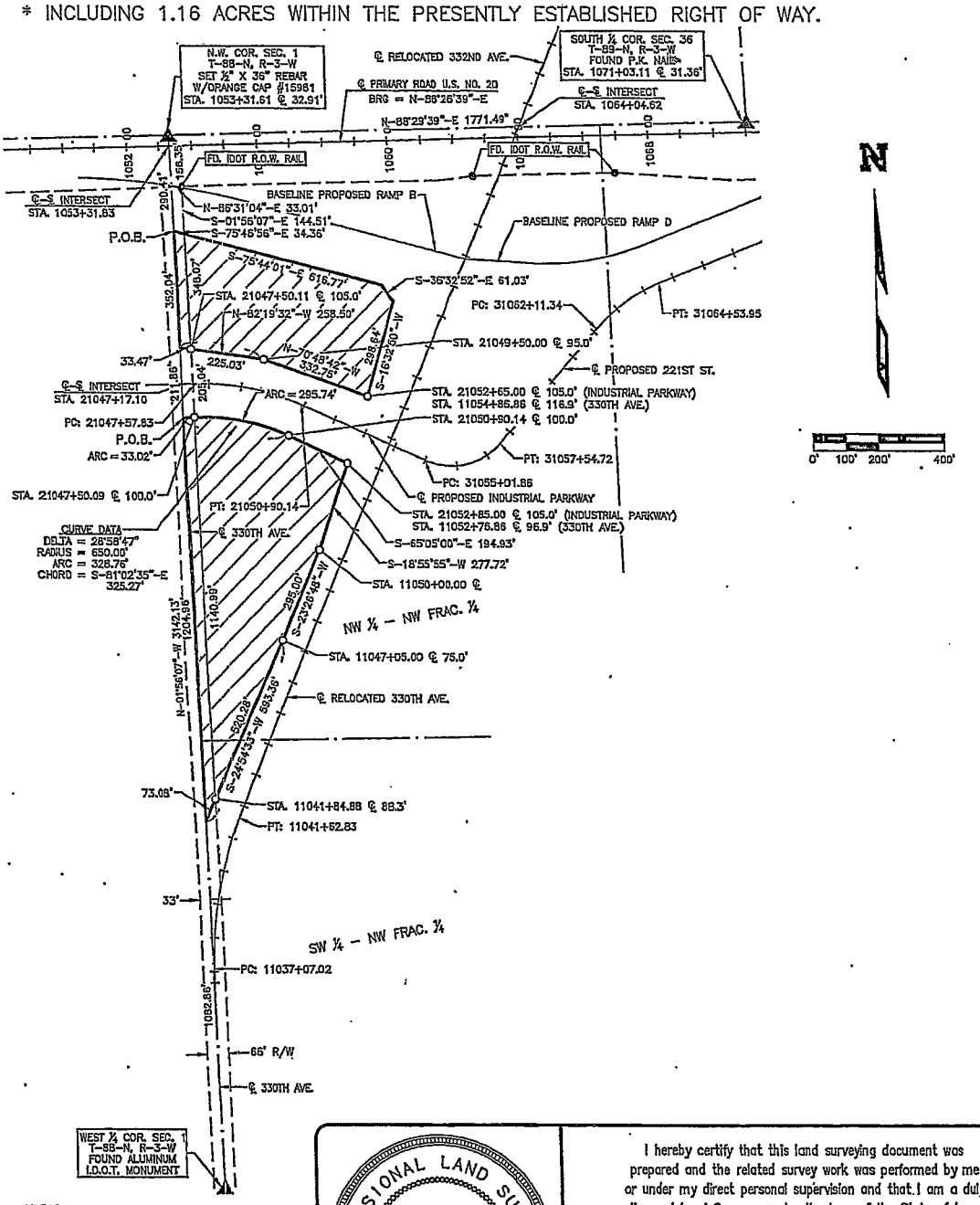
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SOUTH PARCEL – TOTAL = 7.45 ACRES
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Pages or sheets covered by this seal: 1 OF 1

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

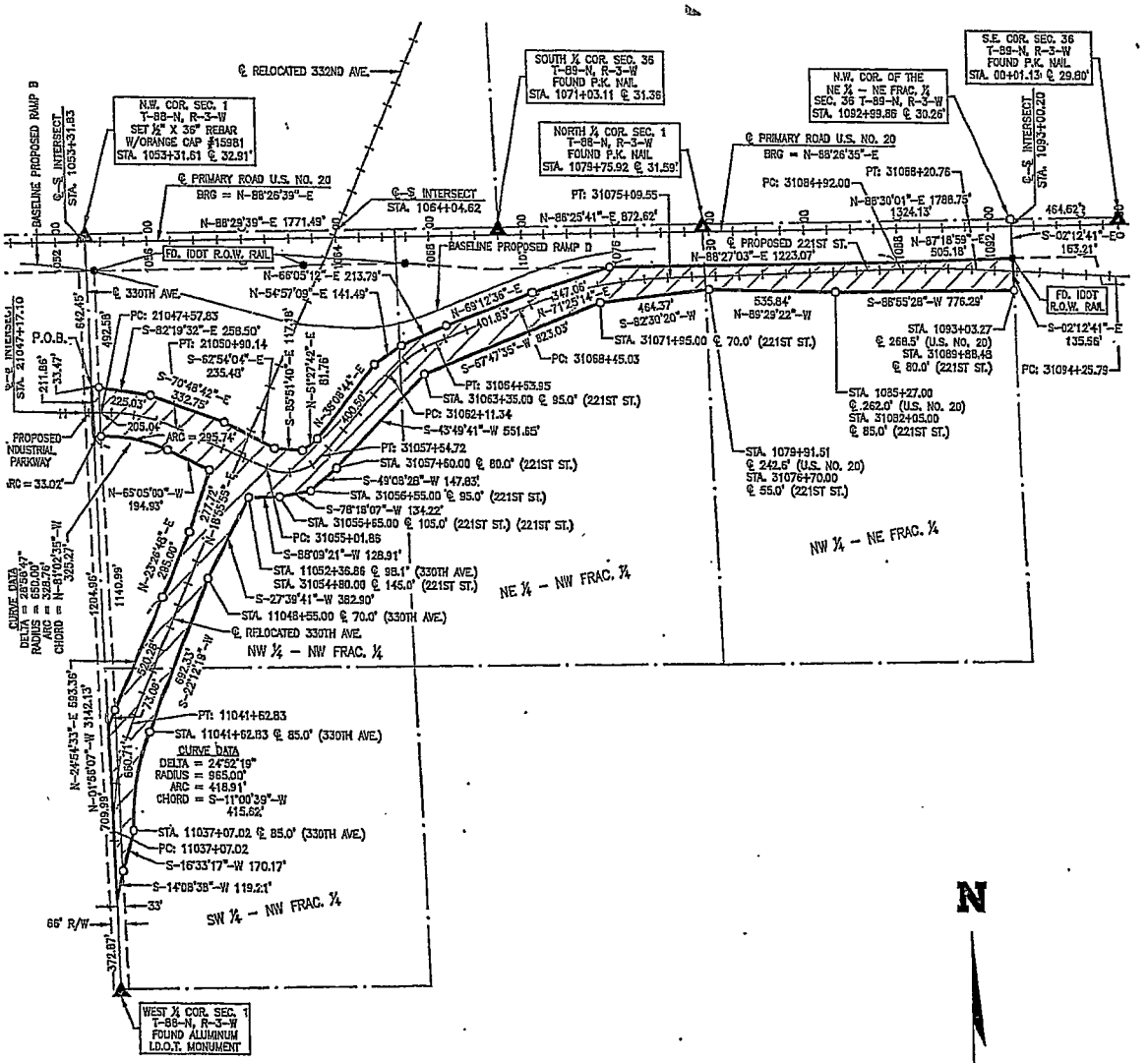
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ACCESS RIGHTS ACQUIRED – STA _____ STA _____ MAIN LINE _____ SIDE

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

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2/28/14

MATTHEW W. KRAUSE LICENSE NO. 15981 DATE

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Pages or sheets covered by this seal: 1 OF 1

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NE ¼ – NW FRAC. ¼ = 4.46 ACRES
NW ¼ – NW FRAC. ¼ = 9.68 ACRES
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LEGEND

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▲ SECTION CORNER, AS NOTED
● FOUND, AS NOTED

DATE DRAWN FEBRUARY 28, 2014

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 of and in the City of Dyersville

located in Delaware County, Iowa

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

Group "A"

AMENDMENT TO APPLICATION TO THE CHIEF JUDGE OF THE 1ST JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

AND

AMENDMENT TO NOTICE

TO: John Le Clere, Sheriff of Delaware County, Iowa

and

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

COMES NOW THE IOWA DEPARTMENT OF TRANSPORTATION AND AMENDS THE APPLICATION AND NOTICE IN THE ABOVE ENTITLED PROCEEDINGS AS FOLLOWS:

Striking Paragraph No. 1 on Page 3 of the Notice and replacing it with the following:
Any and all improvements, including buildings or fences, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

And adding the following as Paragraph No. 6 to the Notice:
Any 2014 crops growing on the land sought to be appropriated are reserved to the condemnee until February 28, 2015. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.

Dated this 9th 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 Wapello, Iowa, this ____ day of _____, 2014.

_____
John Le Clere
Sheriff of Delaware County, Iowa

IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

IOWA DEPARTMENT OF TRANSPORTATION, Plaintiff, v. LEON ELENZ, CITY OF DYERSVILLE, IOWA, and DELAWARE COUNTY, IOWA, Defendants.	*	LAW NO. CVCV7937 ACCEPTANCE OF SERVICE

The undersigned does hereby voluntarily accept and acknowledge service of a copy of a (1) Notice of Appeal of Condemnation Award and (2) Original Notice with attached copy of Petition at Law Regarding Condemnation Appeal and Jury Demand.

Delaware County Sheriff
Delaware County Courthouse
Manchester, IA

By: John A. LeClere

Name: John A. LeClere

Title: Sheriff

Dated November 5, 2014

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

IOWA DEPARTMENT OF TRANSPORTATION
VS
LEON ELENZ, CITY OF DYERSVILLE, IOWA, AND DELAWARE COUNTY, IOWA

Case Number: **CVCV7937**
Civil Number: **14-000695**
Date Received: **11/05/2014** @ **12:15**
Date Printed: 11/06/2014 @ 11:55

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

NOTICE OF APPEAL OF CONDEMNATION AWARD
ORIGINAL NOTICE/PETITION AT LAW REGARDING CONDEMNATION APPEAL
JURY DEMAND

To: **ELENZ,LEON at 3332 HWY 20, DYERSVILLE, IA 52040**
on **11/06/2014** @ **08:45** Type of Service: **PERSONAL**

Remarks:

Case Notes:

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: _____ 2813
MITCHEL KNIPPER

Fees:

Service Fees:	15.00
Mileage:	21.28
Copies:	0.00
Total:	36.28

Paid By:
Date:
Check #:

Return of Substitute Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

IOWA DEPARTMENT OF TRANSPORTATION
VS
LEON ELENZ, CITY OF DYERSVILLE, IOWA, AND DELAWARE COUNTY, IOWA

Case Number: **CVCV7937**
Civil Number: **14-000695**
Date Received: **11/05/2014 @ 12:15**
Date Printed: 11/06/2014 @ 11:55

STATE OF IOWA
DELAWARE COUNTY }

I hereby certify that I served a copy of:

NOTICE OF APPEAL OF CONDEMNATION AWARD
ORIGINAL NOTICE/PETITION AT LAW REGARDING CONDEMNATION APPEAL
JURY DEMAND

To: **DELAWARE COUNTY IOWA C/O AUDITOR at 301 E MAIN ST, MANCHESTER, IA 52057**
on **11/05/2014 @ 15:20** Type of Service: **OFFICIAL**

By substitute service on:
CARLA BECKER at 301 E MAIN ST, MANCHESTER, IA
Relationship/Title: **AGENT** Legal Age:

Remarks:

Case Notes:

Fees:

Service Fees:	15.00
Mileage:	0.00
Copies:	0.00
Total:	15.00

Paid By:
Date:
Check #:

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: John A. LeClere
0AJAL JOHN LECLERE

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

Project No. NHSN-02-08(48)—2R-28, Group "A"

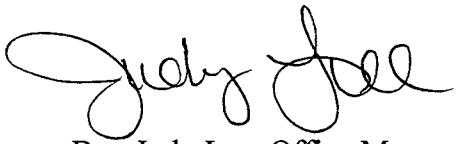
Iowa Department of Transportation, Plaintiff, vs Leon Elenz, City of Dyersville, Iowa, And Delaware County, Iowa, Defendants.	)))))))))	**Sheriff's filing of Record after Receiving Notice of Appeal**

To: Linny Emrich, Clerk of the Delaware County District Court

Pursuant to 6B.20 Code of Iowa, I am advising you that I have this 7th day of November, 2014, been served with a Notice of Appeal by the above named plaintiff.

I hereby certify that the attached documents are the ORIGINAL/TRUE copies of the Condemnation Proceedings which were held on the 15th day of October, 2014 and I am in receipt of $1,767,000.00, which represents the Commissions Award in this matter.

John A. LeClere
Delaware County Sheriff



By: Judy Lee, Office Manager