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HUCKLITSLER
RECORDER
MADISON 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. 169 south of the City of DeSoto located in Madison County, Iowa

APPLICATION TO THE CHIEF JUDGE OF THE 5th JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

Project No. STPN-169-3(39)-2J-61 Group "A"

TO: Arthur E. Gamble, Chief Judge, 5th Judicial District including Madison 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 16 day of April, 2003.

IOWA DEPARTMENT OF TRANSPORTATION
DAVID A. FERREE
Special Assistant Attorney General
and General Counsel to the Iowa DOT

By Robert Dahlgren
Robert Dahlgren
Condemnation Unit Coordinator
Office of Right of Way

Filed in my office at Des Moines, Iowa, this 18 day of April, 2003.

Arthur E. Gamble
Arthur E. Gamble
Chief Judge of the 5th Judicial District
including Madison County, Iowa.

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

Robert Dahlgren 4/24/03
Condemnation Unit Coordinator

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. 169 south
of the City of DeSoto

located in Madison County, Iowa

Project No. STPN-169-3(39)-2J-61

Group "A"

TO:

James L. Koch, 2261 105th Street, Van Meter, Iowa
Margaret E. Koch, 2261 105th Street, Van Meter, Iowa
Madison County, Iowa, c/o County Auditor, 112 N. John Wayne Drive, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

The NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 6, T77N, R27W of the 5th P. M. Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to land affected on the plats Exhibit "A" and Exhibit "B" (Total Ownership Plat only) attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in the Fractional NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the Fractional SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T77N, R27W, of the 5th P.M., Madison County, Iowa, as shown on the Plat Exhibit "A" attached hereto and by reference made a part hereof.

Madison County Project No. STPN-169-3(39)-2J-61
James L. Koch, et ux (Parcel 31)
Continued on next page

NOTICE

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Said parcel is described as follows

Commencing at the W $\frac{1}{4}$ Corner of said Section 6; thence N2°07'51"W 823.09 feet along the west line of the Fractional SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 6; thence N87°52'09"E 87.35 feet to a point on the present easterly right of way line of Primary Road No. U.S. 169, the Point of Beginning; thence along said present easterly right of way line for the following three (3) courses; N1°30'02"E, 347.85 feet; N5°38'15"W, 142.13 feet; N3°30'43"W, 189.80 feet; thence S37°38'03"E, 197.85 feet; thence S1°34'58"E, 169.22 feet; thence S17°10'14"W, 369.23 feet to a point on said present easterly right of way, the Point of Beginning. Said parcel contains 1.02 acres.

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

1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought by easement for highway purposes, are condemned in their entirety.
2. Any farm field drainage tile or outlets which are located within the land being acquired under this proceeding that are damaged or destroyed by highway construction shall be relocated, replaced or restored by the condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.

IOWA DEPARTMENT OF TRANSPORTATION
EXHIBIT "B"



COUNTY MADISON
PROJECT NO. STPN-169-3(39)--2J-61 PARCEL NO. 31
SECTION 6 TOWNSHIP 77N RANGE 27W
BORROW AC
ACQUIRED FROM JAMES L. KOCH, ET UX

TOTAL OWNERSHIP PLAT ONLY

