



Document 2019 744

APPLICATION FOR CONDEMNATION 08-14-18

Book 2019 Page 744 Type 06 016 Pages 134

Date 3/08/2019 Time 11:41:24AM

Rec Amt \$672.00 Aud Amt \$5.00

INDX  
ANNO  
SCAN

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

**CONDEMNATION**

(Type of Document)

**Preparer Information:** Greta Truman, Assistant City Attorney  
4200 Mills Civic Parkway  
PO Box 65320  
West Des Moines, IA 50265  
515-222-3673

**Taxpayer Information:** N/A

**Return Document To:** City Clerk  
City of West Des Moines  
PO Box 65320  
West Des Moines IA 50265  
515-222-3603

**Grantors:** Nick Fasano and Gwen C. (Stewart) Fasano

**Grantees:** City of West Des Moines, Iowa

**Legal Description:** as shown on the attached Exhibits "010-03-F",  
"010-03- P" and "010-03-T"

**Related documents:** N/A

**MADISON COUNTY RECORDER  
112 N. JOHN WAYNE DRIVE  
PO BOX 152  
WINTERSET, IA 50273  
Phone # 515-462-3771  
Fax # 515-462-5006**

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
NUMBER 0510-010-2017, LOCATED )  
BETWEEN SW 60TH STREET AND SW )  
WILD ROSE LANE, AND LOCALLY )  
KNOWN AS 1089 WOODLAND AVENUE, )  
CUMMING, IOWA, TITLE HELD BY )  
NICK A FASANO. )  
)  
by the )  
)  
CITY OF WEST DES MOINES, IOWA, )  
)  
Applicant. )  
\_\_\_\_\_ )

SHERIFF'S CERTIFICATION OF COSTS AND AWARDS

TO: Clerk of Madison County District Court/Madison County Recorder

I hereby certify that the appointed commissioners in the above-entitled condemnation commission proceedings convened at the **Madison County Courthouse, 3<sup>rd</sup> Floor Conference Room, 112 N. John Wayne Drive, Winterset, Iowa on the 25th day of September, 2018**, and thereupon proceeded to view the premises and the commission did thereafter on the 25<sup>th</sup> day of September, 2018, file their written report with me awarding damages as follows:

**Titleholders:** Nick Fasano  
1089 Woodland Avenue  
Cumming, IA 50061  
(515) 554-3055  
[nicknano@live.com](mailto:nicknano@live.com)

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

**Possible Encumbrancers and Lienholders:**

Two Rivers Bank & Trust  
222 N Main Street  
Burlington, IA 52601  
Attn: Brian Jass  
(319) 753-9100  
[mortgage@tworivers.bank](mailto:mortgage@tworivers.bank)

BP Pipelines (North America) Inc.  
c/o CT Corporation System, Registered Agent  
400 E Court Avenue  
Des Moines, IA 50309  
[Joel.Kissel@wolterskluwer.com](mailto:Joel.Kissel@wolterskluwer.com)

Buckeye Pipe Line Transportation LLC  
c/o Corporation Service Company, Registered Agent  
505 5<sup>th</sup> Avenue, Suite 729  
Des Moines, IA 50309  
<https://www.cscglobal.com/global/web/csc/service-form.html>

Madison County Soil & Water Conservation District  
a/k/a or f/k/a Madison County Soil Conservation District of  
Winterset, Iowa  
USDA Service Center  
815 East Highway 92  
Winterset, IA 50273-2300  
(515) 462-2961  
[email@madison-swcd.org](mailto:email@madison-swcd.org)

Warren Water District  
1204 E. 2<sup>nd</sup> Avenue  
Indianola, IA 50125  
(515) 962-1200  
[wwd@warrenwaterdistrict.com](mailto:wwd@warrenwaterdistrict.com)

MidAmerican Energy Company, an Iowa Corporation  
c/o Paul J. Leighton, Registered Agent  
4299 NW Urbandale Drive  
Urbandale, IA 50322  
[pjleighton@midamerican.com](mailto:pjleighton@midamerican.com)

Madison County Board of Health  
112 N 1st Street  
Winterset IA 50273-1575  
(515) 462-2636

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

Madison County Farm Service Agency  
USDA Service Center  
815 East Highway 92  
Winterset, IA 50273-2300  
(515) 462-4884  
[kelly.cain@ia.usda.gov](mailto:kelly.cain@ia.usda.gov)

**Taxing Authority:**

Madison County, Iowa  
Treasurer's Office  
112 N. John Wayne Drive  
PO Box 152  
Winterset, IA 50273  
(515) 462-1542  
[jcorkrean@madisoncoia.us](mailto:jcorkrean@madisoncoia.us)

TOTAL \$ 10,600.00

PAID \$ \_\_\_\_\_

DATE OF MAILING THE NOTICE OF APPRAISEMENT OF DAMAGES TO  
CONDEMNERS 9/24/18.

AWARD DEPOSITED BY APPLICANT \_\_\_\_\_.

NOTICE OF APPEAL FILED BY \_\_\_\_\_.

COMMISSIONERS-FEE-EXPENSES

SHERIFF'S CIVIL FEES

<u>Henrichs</u>	\$ <u>200.00</u>
<u>Warrington</u>	\$ <u>213.07</u>
<u>Wilden</u>	\$ <u>208.72</u>
<u>Sawyers</u>	\$ <u>203.81</u>
<u>Harris</u>	\$ <u>209.26</u>
_____	\$ _____
_____	\$ _____

Publication	\$ _____
County Fees	\$ <u>449.50</u>
Attend Jury	\$ _____ (copies/mileage/postage/posting)
Total Civil Fees	\$ <u>449.60</u>

TOTAL COMMISSIONER FEES \$ 1034.87

TOTAL CONDEMNATION FEES: \$ 148437

I further certify that the attached papers are full and complete original files in the proceedings and the statement accompanying the same are correct and true. Given under by hand this 25<sup>th</sup> day of September, 2018.

SHERIFF, MADISON COUNTY, IOWA

By \_\_\_\_\_  
Deputy 

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
**VETERANS PARKWAY** )  
**IMPROVEMENT PROJECT, PROJECT** )  
**NUMBER 0510-010-2017, LOCATED** )  
**BETWEEN SW 60TH STREET AND SW** )  
**WILD ROSE LANE, AND LOCALLY** )  
**KNOWN AS 1089 WOODLAND AVENUE,** )  
**CUMMING, IOWA, TITLE HELD BY** )  
**NICK A FASANO.** )  
)  
)  
by the )  
)  
CITY OF WEST DES MOINES, IOWA, )  
)  
Applicant. )  
)  
\_\_\_\_\_ )

SHERIFF'S RETURN

On the 9<sup>th</sup> day of August, 2018, the City of West Des Moines, Iowa, a municipal corporation organized and existing under and by virtue of the laws of the State of Iowa, and located in the County of Polk, did, in pursuance of law, make written application to the Chief Judge of the Fifth Judicial District for **Polk** County, Iowa, for the appointment of Commissioners under the laws of the State of Iowa, in such cases made land provided to assess the damages sustained by the various persons, companies, or corporations owning or having any interest in the property in **Madison** County, Iowa, which said municipal corporation desires to take, acquire, appropriate, and condemn for the purpose of development in connection with the **Veterans Parkway Improvement Project**, and it being made to appear that the persons, companies, or corporations owning or claiming any interest in said property have refused to grant the same to said municipal corporation for said purposes and that said municipal corporation cannot agree with said owners and claimants of an interest in said property upon the compensation to be paid for the same, the Chief Judge of the Fifth Judicial District for **Polk** County, Iowa, in pursuance of the powers vested

in him by law and said written application having been filed with him, did appoint six (6) resident freeholders of the County of **Madison**, State of Iowa, who were not interested in the same or a like question to inspect the said property and assess the damages which said owners and claimants of an interest in the same might sustain by reason of the appropriation thereof by said corporation for the uses and purposes aforesaid, the said freeholders appointed being: **Kim Harris, John Shaw, Gus Henrichs, Steve Warrington, Bruce Sawyers and Vincent Wildin** and said Commissioners were duly and legally summoned to view the said property as herein described on the **25th day of September, 2018, at 9:00 o'clock, A.M.**, and to assess the damages of each of the owners thereof, and persons, companies, or corporations having or claiming an interest therein by reason of the appropriation of the same by said municipal corporation for said purpose, which said owners and persons, companies, or corporations having or claiming an interest therein are as hereinafter set out.

WHEREUPON, all of said Commissioners met in the **Madison County Courthouse, 3<sup>rd</sup> Floor Conference Room, 112 N. John Wayne Drive, Winterset, Iowa, on the 25th day of September, 2018**, and said Commissioners, and each of them, then and there signed and made oath and qualified by filing with me their written oath, the original of said oath being attached hereto, marked **Exhibit "A"** and by this reference made a part hereof. Thereafter, the Commissioners did, on the **25th day of September, 2018**, view the said property and assess the damages that said property owners and claimants of an interest in said property will sustain by reason of the appropriation of the same by said City for the purposes aforesaid. Due and legal notice of the proposal of said municipal corporation to take said properties for such condemnation is sought for use in accordance with the proposed development in connection with the **Veterans Parkway Improvement Project**, and of the time and place of meeting of said Commissioners for

the purpose of making such assessment having been heretofore given, after the appointment of the Commissioners, to the owners of the said described property and all persons, companies, or corporations having or claiming an interest therein, the said Commissioners thereupon made out and returned their report of assessment of damages, as follows to-wit:

REPORT OF COMMISSIONERS

TO THE SHERIFF OF MADISON COUNTY, IOWA:

The undersigned, duly appointed and qualified Commissioners to inspect the property hereinafter described and assess the damages which the owners thereof and persons, companies, or corporations having or claiming an interest therein will sustain by reason of the appropriation of the same, **Kim Harris, John Shaw, Gus Henrichs, Steve Warrington, Bruce Sawyers and Vincent Wildin** having been duly sworn, faithfully and impartially assess all such damages, and it appearing that all persons, companies, or corporations owning or claiming an interest in any of the property hereinafter described have been duly and legally notified of the proceedings herein and the time and place of our meeting to view said property and assess their damages, as aforesaid, we did, on the **25th day of September, 2018**, view the real estate hereinafter described and assess the damages which the owners thereof and persons having or claiming an interest therein will sustain by reason of the appropriation of the same by said municipal corporation for the purposes aforesaid.

And we now, after 1 day(s) deliberation, on the 25 day of September, 2018, return this, our true findings in the premises, as shown below, as actual damages for the taking of the property legally described:

**PROPERTY ADDRESS:** 1089 Woodland Avenue, Cumming, Iowa

The names and addresses of all record owners and holders of liens and encumbrances, as far as shown, are as follows:

**Titleholders:**

Nick Fasano  
1089 Woodland Avenue  
Cumming, IA 50061  
(515) 554-3055  
[nicknano@live.com](mailto:nicknano@live.com)

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

**Possible  
Encumbrancers and  
Lienholders:**

Two Rivers Bank & Trust  
222 N Main Street  
Burlington, IA 52601  
Attn: Brian Jass  
(319) 753-9100  
[mortgage@tworivers.bank](mailto:mortgage@tworivers.bank)

BP Pipelines (North America) Inc.  
c/o CT Corporation System, Registered Agent  
400 E Court Avenue  
Des Moines, IA 50309  
[Joel.Kissel@wolterskluwer.com](mailto:Joel.Kissel@wolterskluwer.com)

Buckeye Pipe Line Transportation LLC  
c/o Corporation Service Company, Registered Agent  
505 5<sup>th</sup> Avenue, Suite 729  
Des Moines, IA 50309  
<https://www.cscglobal.com/global/web/csc/service-form.html>

Madison County Soil & Water Conservation District  
a/k/a or f/k/a Madison County Soil Conservation District of Winterset, Iowa  
USDA Service Center  
815 East Highway 92  
Winterset, IA 50273-2300  
(515) 462-2961  
[email@madison-swcd.org](mailto:email@madison-swcd.org)

Warren Water District  
1204 E. 2<sup>nd</sup> Avenue  
Indianola, IA 50125  
(515) 962-1200  
[wwd@warrenwaterdistrict.com](mailto:wwd@warrenwaterdistrict.com)



MidAmerican Energy Company, an Iowa Corporation  
c/o Paul J. Leighton, Registered Agent  
4299 NW Urbandale Drive  
Urbandale, IA 50322  
[pjleighton@midamerican.com](mailto:pjleighton@midamerican.com)

Madison County Board of Health  
112 N 1st Street  
Winterset IA 50273-1575  
(515) 462-2636

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

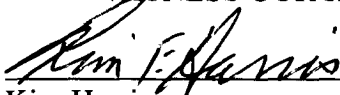
Madison County Farm Service Agency  
USDA Service Center  
815 East Highway 92  
Winterset, IA 50273-2300  
(515) 462-4884  
[kelly.cain@ia.usda.gov](mailto:kelly.cain@ia.usda.gov)

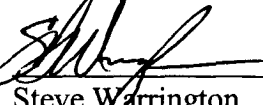
**Taxing Authority:**

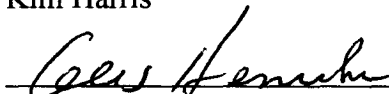
Madison County, Iowa  
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[jcorkrean@madisoncoia.us](mailto:jcorkrean@madisoncoia.us)

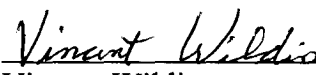
AWARD ----- \$ 10,600<sup>00</sup>

WITNESS OUR HANDS at Winterset, Iowa, the day and year last above written.

  
\_\_\_\_\_  
Kim Harris

John Shaw  
\_\_\_\_\_  
  
Steve Warrington

  
\_\_\_\_\_  
Gus Henrichs

  
\_\_\_\_\_  
Vincent Wildin

  
\_\_\_\_\_  
Bruce Sawyers

**MINUTES OF MEETING OF COMMISSIONERS:**

**DATE:** September 25, 2018      **TIME:** 9:00 a.m.  
**PLACE:** Madison County Courthouse, 3<sup>rd</sup> Floor Conference Room, Winterset  
**CONDEMNEE:** Nick A. Fasano  
**CONDEMNOR:** City of West Des Moines  
**Project:** Veterans Parkway Project

**On the date listed above, a hearing regarding the above listed condemnation was held.  
The Commissioners heard presentations from:**

**Condemnor (and/or Attorney):**

*City of West Des Moines*

**Witness for condemnor:**

- City officials*
- *Appraiser*
  - *City WDM Engineer*

**Condemnee (and/or Attorney):**

*Nick Fasano*

**Witness for condemnee:**

*None*

The Commissioners made their decision based on the following documents and information received for consideration in arriving at the award(s):

Commission members agreed to just compensation of \$10,600.00 based on the information presented including Appraisal dated 6/6/2018 by Commercial Appraisers of Iowa Inc.; Compensation in the acquisition, Permanent easement, temporary easement and landscaping. Motion by Steven Wausonator, second by Kim Henrichs - All approved Motion carried

Commissioners vote on the award was unanimous by the following commissioners:

Steven Wausonator

Kim Henrichs

Gus Henrichs - Chairperson

Vincent W. Dora

Bruce Sawyers

\_\_\_\_\_

BY: Gus Henrichs Chairman

The commission shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The minutes shall be public records open to public inspection. Iowa Code Section 6B.14

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
NUMBER 0510-010-2017, LOCATED )  
BETWEEN SW 60TH STREET AND SW )  
WILD ROSE LANE, AND LOCALLY )  
KNOWN AS 1089 WOODLAND AVENUE, )  
CUMMING, IOWA, TITLE HELD BY )  
NICK A FASANO. )

NOTICE OF APPRAISEMENT OF  
DAMAGES AND TIME FOR APPEAL

by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )  
\_\_\_\_\_ )

TO:

**Titleholders:**

Nick Fasano  
1089 Woodland Avenue  
Cumming, IA 50061  
(515) 554-3055  
[nicknano@live.com](mailto:nicknano@live.com)

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
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Attn: Brian Jass  
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c/o CT Corporation System, Registered Agent  
400 E Court Avenue  
Des Moines, IA 50309  
[Joel.Kissel@wolterskluwer.com](mailto:Joel.Kissel@wolterskluwer.com)

Buckeye Pipe Line Transportation LLC  
c/o Corporation Service Company, Registered Agent  
505 5<sup>th</sup> Avenue, Suite 729  
Des Moines, IA 50309  
<https://www.cscglobal.com/global/web/csc/service-form.html>

Madison County Soil & Water Conservation District  
a/k/a or f/k/a Madison County Soil Conservation District of Winterset, Iowa  
USDA Service Center  
815 East Highway 92  
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4299 NW Urbandale Drive  
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815 East Highway 92  
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(515) 462-4884  
[kelly.cain@ia.usda.gov](mailto:kelly.cain@ia.usda.gov)

**Taxing Authority:**

Madison County, Iowa  
Treasurer's Office  
112 N. John Wayne Drive  
PO Box 152  
Winterset, IA 50273  
(515) 462-1542  
[jcorkrean@madisoncoia.us](mailto:jcorkrean@madisoncoia.us)

**PROPERTY ADDRESS:** 1089 Woodland Avenue, Cumming, Iowa

TOTAL AWARD \$ 10,600.00

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that 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 Section 6B.18 of the Code of Iowa, you may within thirty (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Dated this 25<sup>th</sup> day of September, 2018.

SHERIFF, MADISON COUNTY, IOWA

By  \_\_\_\_\_

Deputy

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
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CUMMING, IOWA, TITLE HELD BY )  
NICK A FASANO. )  
)  
)  
by the )  
)  
CITY OF WEST DES MOINES, IOWA, )  
)  
Applicant. )  
\_\_\_\_\_ )

COMMISSIONER'S EXPENSES

TO THE SHERIFF OF MADISON 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 located in the vicinity of **1089 Woodland Avenue, Cumming, Madison County, Iowa**, held on the **25th day of September, 2018**, are as follows and that these claims are due, just and unpaid.

~~1~~ day service at \$200.00.....\$ 200.00  
~~0~~ miles at \$.545 .....\$ 0  
\_\_\_\_\_ parking .....\$ 0  
\_\_\_\_\_ meals .....\$ 0

Signed this 25 day of Sept, 2018.

*Alan Hennrich*  
COMMISSIONER

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
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**NICK A FASANO.** )

COMMISSIONER'S EXPENSES


by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )  
\_\_\_\_\_ )

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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 located in the vicinity of **1089 Woodland Avenue, Cumming, Madison County, Iowa**, held on the **25th day of September, 2018**, are as follows and that these claims are due, just and unpaid.

1 day service at \$200.00.....\$ 200.00  
24 miles at \$.545 .....\$ 13.08  
\_\_\_\_\_ parking .....\$ \_\_\_\_\_  
\_\_\_\_\_ meals ..... total \$ 213.08

Signed this 25<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
COMMISSIONER



BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
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**NICK A FASANO.** )

COMMISSIONER'S EXPENSES

by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )  
\_\_\_\_\_ )

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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 located in the vicinity of **1089 Woodland Avenue, Cumming, Madison County, Iowa**, held on the **25th day of September, 2018**, are as follows and that these claims are due, just and unpaid.

  1   day service at \$200.00.....\$  200.00   
 16  miles at \$.545 .....\$   8.72   
\_\_\_\_\_ parking .....\$ \_\_\_\_\_  
\_\_\_\_\_ meals .....\$ \_\_\_\_\_

*\$ 208.72*

Signed this  25  day of  Sep. , 2018.

 Vincent Waldin   
COMMISSIONER

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
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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 located in the vicinity of **1089 Woodland Avenue, Cumming, Madison County, Iowa**, held on the **25th day of September, 2018**, are as follows and that these claims are due, just and unpaid.

1 day service at \$200.00.....\$ 200  
7 miles at \$.545.....\$ 3.82  
- parking .....\$ 0  
- meals .....\$ 0

\$ 203.81

Signed this 25 day of September, 2018.

Drew K. Sawyer  
COMMISSIONER

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
NUMBER 0510-010-2017, LOCATED )  
BETWEEN SW 60TH STREET AND SW )  
WILD ROSE LANE, AND LOCALLY )  
KNOWN AS 1089 WOODLAND AVENUE, )  
CUMMING, IOWA, TITLE HELD BY )  
NICK A FASANO. )

COMMISSIONER'S EXPENSES

by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )  
\_\_\_\_\_ )

TO THE SHERIFF OF MADISON 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 located in the vicinity of **1089 Woodland Avenue, Cumming, Madison County, Iowa**, held on the **25th day of September, 2018**, are as follows and that these claims are due, just and unpaid.

1 day service at \$200.00.....\$ 200  
17 miles at \$.545.....\$ 9.26  
\_\_\_\_\_ parking .....\$ \_\_\_\_\_  
\_\_\_\_\_ meals .....\$ \_\_\_\_\_

\$ 209.26

Signed this 25<sup>th</sup> day of Sept., 2018.

Tim J. Harris  
COMMISSIONER

9-26-18

Condem. hearing WDSM VS Nick Fasano

@ 8:59 2 commissioners John Shaw & Kim Harris were called John was about 3 hours away he had forgot - Kim was 1 hour away he also had forgot - Gretta with WDSM stated they would waive to have only 5 commissioners present if the other commissioner would agree - After Kim Harris showed up at 9:59 AM the commissioners all agreed 5 would be OK to proceed.

No one from Nick Fasano party showed up -

The hearing began at 10:10 AM - with 5 commissioners - Gretta with WDSM explained the process. Sheriff Jason Barnes read the instructions and then the oath to the commissioners which they signed off on - WDSM stated their case and

presented their information to the commissioners WDSM stated they would be OK to waive the commissioner not viewing the property in person - the commissioner discussed and decided they did not need to view the property

with all the maps that was given to them -  
The commissioners asked the questions to  
the representatives from WDSM - Then they  
went into closed session -  
When complete they awarded Nick  
Fasano \$10,600.00 They signed  
all paperwork and adjourned at  
11:00am -

A. Barker  
civil clerk w/ Madison  
County Sheriff -

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION )  
 OF LAND FOR DEVELOPMENT PURSUANT )  
 TO THE VETERANS PARKWAY )  
**IMPROVEMENT PROJECT, PROJECT** )  
**NUMBER 0510-010-2017, LOCATED** )  
**BETWEEN SW 60TH STREET AND SW** )  
**WILD ROSE LANE, AND LOCALLY KNOWN** )  
**AS 1089 WOODLAND AVENUE, CUMMING,** )  
**IOWA, TITLE HELD BY NICK A FASANO.** )

SUMMONS OF COMMISSIONERS

RECEIVED  
 MADISON CO. SHERIFF  
 WINTERSSET, IOWA  
 AUG 13 2018  
 BY                      AM/PM

by the )  
 )  
 CITY OF WEST DES MOINES, IOWA, )  
 )  
 Applicant. )  
 \_\_\_\_\_ )

TO: Vincent Wildin, 2791 US HWY 169, Winterset, IA 50273

The City of West Des Moines, Iowa, has filed with the Chief Judge of the Fifth Judicial District, including Polk County, Iowa, an Application for Condemnation and Appointment of Commissioners to Appraise Damages, asking for the selection and appointment of a Compensation Commission to assess the damages which the owners, encumbrancers, lienholders, and other persons interested in the land sought to be appropriated or condemned in these proceedings, will sustain by reason of such condemnation of the property.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Polk County, Iowa, as a member of such Condemnation Commission, and **Gus Henrichs** has been designated as Chairperson of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the **Madison County Courthouse, 3rd Floor Conference Room, 112 N. John Wayne Drive, Winterset, Iowa, on the 25<sup>th</sup> day of September, 2018, at 9:00 A.M.** for the purpose of qualifying as a Commissioner and to proceed to view said premises and make an award of damages.

The attached Notice of Public Meeting of Compensation Commissioners to Assess Damages for Taking of Property identifies the persons and real estate affected by the condemnation. You should examine it in order to determine if you possess an interest in the proceeding which would cause you to render a biased decision.

SHERIFF, MADISON COUNTY, IOWA

By \_\_\_\_\_  
 Deputy

ACCEPTANCE OF SERVICE

Legal Service of the Above Summons with Notice attached is hereby accepted and acknowledged at Waterset, Iowa, this 20<sup>th</sup> day of August, 2018. The undersigned further certifies that he/she does not possess any interest in this proceeding which would cause a biased judgment.

X Vin Wildin

REFUSAL TO SERVE

The undersigned is unable to serve for the reason that he/she possesses an interest in the proceeding which may cause a biased decision or for the reason \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION )  
OF LAND FOR DEVELOPMENT PURSUANT )  
TO THE VETERANS PARKWAY )  
**IMPROVEMENT PROJECT, PROJECT )**  
**NUMBER 0510-010-2017, LOCATED )**  
**BETWEEN SW 60TH STREET AND SW )**  
**WILD ROSE LANE, AND LOCALLY KNOWN )**  
**AS 1089 WOODLAND AVENUE, CUMMING, )**  
**IOWA, TITLE HELD BY NICK A FASANO. )**

SUMMONS OF COMMISSIONERS

RECEIVED  
MADISON CO. SHERIFF  
WINTERSSET, IOWA  
AUG 13 2018  
BY 915 (AM/PM)

by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )

TO: **Bruce Sawyers, 1667 195<sup>th</sup> St., Winterset, IA 50273**

The City of West Des Moines, Iowa, has filed with the Chief Judge of the Fifth Judicial District, including Polk County, Iowa, an Application for Condemnation and Appointment of Commissioners to Appraise Damages, asking for the selection and appointment of a Compensation Commission to assess the damages which the owners, encumbrancers, lienholders, and other persons interested in the land sought to be appropriated or condemned in these proceedings, will sustain by reason of such condemnation of the property.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Polk County, Iowa, as a member of such Condemnation Commission, and **Gus Henrichs** has been designated as Chairperson of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the **Madison County Courthouse, 3rd Floor Conference Room, 112 N. John Wayne Drive, Winterset, Iowa, on the 25<sup>th</sup> day of September, 2018, at 9:00 A.M.** for the purpose of qualifying as a Commissioner and to proceed to view said premises and make an award of damages.

The attached Notice of Public Meeting of Compensation Commissioners to Assess Damages for Taking of Property identifies the persons and real estate affected by the condemnation. You should examine it in order to determine if you possess an interest in the proceeding which would cause you to render a biased decision.

SHERIFF, MADISON COUNTY, IOWA

By \_\_\_\_\_  
Deputy



ACCEPTANCE OF SERVICE

Legal Service of the Above Summons with Notice attached is hereby accepted and acknowledged at Waukegan, Iowa, this 20<sup>th</sup> day of August, 2018. The undersigned further certifies that he/she does not possess any interest in this proceeding which would cause a biased judgment.

x *James R. Sawyer*

REFUSAL TO SERVE

The undersigned is unable to serve for the reason that he/she possesses an interest in the proceeding which may cause a biased decision or for the reason \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION )  
OF LAND FOR DEVELOPMENT PURSUANT )  
TO THE VETERANS PARKWAY )  
**IMPROVEMENT PROJECT, PROJECT )**  
**NUMBER 0510-010-2017, LOCATED )**  
**BETWEEN SW 60TH STREET AND SW )**  
**WILD ROSE LANE, AND LOCALLY KNOWN )**  
**AS 1089 WOODLAND AVENUE, CUMMING, )**  
**IOWA, TITLE HELD BY NICK A FASANO. )**

SUMMONS OF COMMISSIONERS

RECEIVED  
MADISON CO. SHERIFF  
WINTERSET, IOWA  
AUG 13 2018  
BY 915 (AM/PM)

by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )  
\_\_\_\_\_ )

TO: Gus Henrichs, 303 W. Filfore, Winterset, IA 50273

The City of West Des Moines, Iowa, has filed with the Chief Judge of the Fifth Judicial District, including Polk County, Iowa, an Application for Condemnation and Appointment of Commissioners to Appraise Damages, asking for the selection and appointment of a Compensation Commission to assess the damages which the owners, encumbrancers, lienholders, and other persons interested in the land sought to be appropriated or condemned in these proceedings, will sustain by reason of such condemnation of the property.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Polk County, Iowa, as a member of such Condemnation Commission, and Gus Henrichs has been designated as Chairperson of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the **Madison County Courthouse, 3rd Floor Conference Room, 112 N. John Wayne Drive, Winterset, Iowa, on the 25<sup>th</sup> day of September, 2018, at 9:00 A.M.** for the purpose of qualifying as a Commissioner and to proceed to view said premises and make an award of damages.

The attached Notice of Public Meeting of Compensation Commissioners to Assess Damages for Taking of Property identifies the persons and real estate affected by the condemnation. You should examine it in order to determine if you possess an interest in the proceeding which would cause you to render a biased decision.

SHERIFF, MADISON COUNTY, IOWA

By \_\_\_\_\_  
Deputy

ACCEPTANCE OF SERVICE

Legal Service of the Above Summons with Notice attached is hereby accepted and acknowledged at Winterset, Iowa, this 21<sup>st</sup> day of August, 2018. The undersigned further certifies that he/she does not possess any interest in this proceeding which would cause a biased judgment.

X *Chris A. Amick*

REFUSAL TO SERVE

The undersigned is unable to serve for the reason that he/she possesses an interest in the proceeding which may cause a biased decision or for the reason \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION )  
 OF LAND FOR DEVELOPMENT PURSUANT )  
 TO THE VETERANS PARKWAY )  
 IMPROVEMENT PROJECT, PROJECT )  
 NUMBER 0510-010-2017, LOCATED )  
 BETWEEN SW 60TH STREET AND SW )  
 WILD ROSE LANE, AND LOCALLY KNOWN )  
 AS 1089 WOODLAND AVENUE, CUMMING, )  
 IOWA, TITLE HELD BY NICK A FASANO. )

SUMMONS OF COMMISSIONERS

**RECEIVED**  
**MADISON CO. SHERIFF**  
**WINTERSET, IOWA**  
 AUG 13 2018  
 BY *[Signature]* AM/PM

by the )  
 )  
 CITY OF WEST DES MOINES, IOWA, )  
 )  
 Applicant. )  
 \_\_\_\_\_ )

**TO: Steve Warrington, 510 W. Clayton, St. Charles, IA 50240**

The City of West Des Moines, Iowa, has filed with the Chief Judge of the Fifth Judicial District, including Polk County, Iowa, an Application for Condemnation and Appointment of Commissioners to Appraise Damages, asking for the selection and appointment of a Compensation Commission to assess the damages which the owners, encumbrancers, lienholders, and other persons interested in the land sought to be appropriated or condemned in these proceedings, will sustain by reason of such condemnation of the property.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Polk County, Iowa, as a member of such Condemnation Commission, and **Gus Henrichs** has been designated as Chairperson of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the **Madison County Courthouse, 3rd Floor Conference Room, 112 N. John Wayne Drive, Winterset, Iowa, on the 25<sup>th</sup> day of September, 2018, at 9:00 A.M.** for the purpose of qualifying as a Commissioner and to proceed to view said premises and make an award of damages.


The attached Notice of Public Meeting of Compensation Commissioners to Assess Damages for Taking of Property identifies the persons and real estate affected by the condemnation. You should examine it in order to determine if you possess an interest in the proceeding which would cause you to render a biased decision.

SHERIFF, MADISON COUNTY, IOWA

By \_\_\_\_\_  
 Deputy

ACCEPTANCE OF SERVICE

Legal Service of the Above Summons with Notice attached is hereby accepted and acknowledged at Winterset, Iowa, this 21<sup>st</sup> day of August, 2018. The undersigned further certifies that he/she does not possess any interest in this proceeding which would cause a biased judgment.

 \_\_\_\_\_

REFUSAL TO SERVE

The undersigned is unable to serve for the reason that he/she possesses an interest in the proceeding which may cause a biased decision or for the reason \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION )  
OF LAND FOR DEVELOPMENT PURSUANT )  
TO THE VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
NUMBER 0510-010-2017, LOCATED )  
BETWEEN SW 60TH STREET AND SW )  
WILD ROSE LANE, AND LOCALLY KNOWN )  
AS 1089 WOODLAND AVENUE, CUMMING, )  
IOWA, TITLE HELD BY NICK A FASANO. )  
)  
by the )  
)  
CITY OF WEST DES MOINES, IOWA, )  
)  
Applicant. )  
\_\_\_\_\_ )

SUMMONS OF COMMISSIONERS

RECEIVED  
MADISON CO. SHERIFF  
WINTERSET, IOWA  
AUG 13 2018  
9:15  
BY [Signature] (AM/PM)

TO: **Kim Harris, 145 NW Locust, Earlham, IA 50072**

The City of West Des Moines, Iowa, has filed with the Chief Judge of the Fifth Judicial District, including Polk County, Iowa, an Application for Condemnation and Appointment of Commissioners to Appraise Damages, asking for the selection and appointment of a Compensation Commission to assess the damages which the owners, encumbrancers, lienholders, and other persons interested in the land sought to be appropriated or condemned in these proceedings, will sustain by reason of such condemnation of the property.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Polk County, Iowa, as a member of such Condemnation Commission, and **Gus Henrichs** has been designated as Chairperson of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the **Madison County Courthouse, 3rd Floor Conference Room, 112 N. John Wayne Drive, Winterset, Iowa, on the 25<sup>th</sup> day of September, 2018, at 9:00 A.M.** for the purpose of qualifying as a Commissioner and to proceed to view said premises and make an award of damages.

The attached Notice of Public Meeting of Compensation Commissioners to Assess Damages for Taking of Property identifies the persons and real estate affected by the condemnation. You should examine it in order to determine if you possess an interest in the proceeding which would cause you to render a biased decision.

SHERIFF, MADISON COUNTY, IOWA

By \_\_\_\_\_  
Deputy

ACCEPTANCE OF SERVICE

Legal Service of the Above Summons with Notice attached is hereby accepted and acknowledged at Winterset, Iowa, this 27<sup>th</sup> day of August, 2018. The undersigned further certifies that he/she does not possess any interest in this proceeding which would cause a biased judgment.

X Kim E. Dennis

REFUSAL TO SERVE

The undersigned is unable to serve for the reason that he/she possesses an interest in the proceeding which may cause a biased decision or for the reason \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION )  
OF LAND FOR DEVELOPMENT PURSUANT )  
TO THE VETERANS PARKWAY )  
**IMPROVEMENT PROJECT, PROJECT )**  
**NUMBER 0510-010-2017, LOCATED )**  
**BETWEEN SW 60TH STREET AND SW )**  
**WILD ROSE LANE, AND LOCALLY KNOWN )**  
**AS 1089 WOODLAND AVENUE, CUMMING, )**  
**IOWA, TITLE HELD BY NICK A FASANO. )**

SUMMONS OF COMMISSIONERS

RECEIVED  
MADISON CO. SHERIFF  
WINTERSSET, IOWA  
AUG 13 2018  
9:15 AM/PM  
BY *[Signature]*

by the )  
)  
CITY OF WEST DES MOINES, IOWA, )  
)  
Applicant. )  
\_\_\_\_\_ )

TO: **John Shaw, 2250 Carver Rd., Winterset, IA 50273**

The City of West Des Moines, Iowa, has filed with the Chief Judge of the Fifth Judicial District, including Polk County, Iowa, an Application for Condemnation and Appointment of Commissioners to Appraise Damages, asking for the selection and appointment of a Compensation Commission to assess the damages which the owners, encumbrancers, lienholders, and other persons interested in the land sought to be appropriated or condemned in these proceedings, will sustain by reason of such condemnation of the property.

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Polk County, Iowa, as a member of such Condemnation Commission, and **Gus Henrichs** has been designated as Chairperson of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the **Madison County Courthouse, 3rd Floor Conference Room, 112 N. John Wayne Drive, Winterset, Iowa, on the 25<sup>th</sup> day of September, 2018, at 9:00 A.M.** for the purpose of qualifying as a Commissioner and to proceed to view said premises and make an award of damages.

The attached Notice of Public Meeting of Compensation Commissioners to Assess Damages for Taking of Property identifies the persons and real estate affected by the condemnation. You should examine it in order to determine if you possess an interest in the proceeding which would cause you to render a biased decision.

SHERIFF, MADISON COUNTY, IOWA

By \_\_\_\_\_  
Deputy



ACCEPTANCE OF SERVICE

Legal Service of the Above Summons with Notice attached is hereby accepted and acknowledged at Windsor, Iowa, this 27<sup>th</sup> day of August, 2018. The undersigned further certifies that he/she does not possess any interest in this proceeding which would cause a biased judgment.

x J. S. Shan

REFUSAL TO SERVE

The undersigned is unable to serve for the reason that he/she possesses an interest in the proceeding which may cause a biased decision or for the reason \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
NUMBER 0510-010-2017, LOCATED )  
BETWEEN SW 60TH STREET AND SW )  
WILD ROSE LANE, AND LOCALLY )  
KNOWN AS 1089 WOODLAND AVENUE, )  
CUMMING, IOWA, TITLE HELD BY )  
NICK A FASANO. )

OATH OF COMMISSIONERS

by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )

STATE OF IOWA )  
 ) ss:  
COUNTY OF MADISON )

Each of the undersigned being duly sworn says:

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

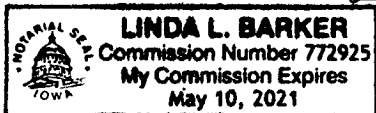
That I do not possess any interest in the proceeding which would cause me to render a biased decision;  
and

That I will, to the best of my ability, faithfully and impartially assess the damages which 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 the appropriation of the right as set forth and described in the Application in the Office of the Sheriff for the Condemnation of Land for the **Veterans Parkway Improvement Project, located between SW 60th Street to SW Wild Rose Lane, Madison County, Iowa**, by the City of West Des Moines, Iowa, and make a written report to the Sheriff as authorized and prescribed in Chapters 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 well and 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 damage.

*[Handwritten signatures]*  
\_\_\_\_\_

*[Handwritten signature]*  
\_\_\_\_\_

Subscribed and sworn to before me this 25<sup>th</sup> day of September, 2018.



*[Handwritten signature]*  
Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 25<sup>th</sup> day of September 2018.

*[Handwritten signature]*  
Sheriff of Madison County, Iowa

STATE OF IOWA  
SS  
MADISON COUNTY

AFFIDAVIT OF PUBLICATIONS

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper of General circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof was correctly published in said paper.

for the period 1 consecutive weeks, the last publication thereof being

on the 29 day of Aug 20 18

Ted Gorman

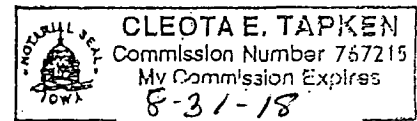
Subscribed and sworn to before me this

30 day of Aug 20 18

Cleota Tapken

NOTARY PUBLIC  
In and for Madison County

Fee  
\$ 97.60



# Public Notice

BY ORDER OF THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE  
CONDEMNATION OF LAND FOR  
DEVELOPMENT PURSUANT TO THE  
VETERANS PARKWAY  
IMPROVEMENT PROJECT PROJECT  
NUMBER 0510-010-2012 LOCATED  
BETWEEN SW 50TH STREET AND SW  
WILD ROSE LANE AND LOCAL X  
KNOWN AS 1089 WOODLAND AVENUE,  
CUMMING, IOWA, TITLE HELD BY  
NICK A FASANO,

NOTICE OF PUBLIC MEETING OF  
COMPENSATION COMMISSION TO  
ASSESS DAMAGES FOR TAKING OF  
PROPERTY

by the

CITY OF WEST DES MOINES, IOWA

Applicant.

TO:

Titleholders:

Nick Fasano  
1089 Woodland Avenue  
Cumming, IA 50061  
(515) 344-1015  
nickfasano@comcast.net

Gwen C. (Stewart) Fasano  
10 N.E. Kennedy Road  
East Dubuque, IL 61024  
(309) 674-4339  
Ttoone77@hotmail.com

Possible  
Encumbrances and  
Lienholders:

Two Rivers Bank & Trust  
222 N. Main Street  
Burlington, IA 52601  
Attn: Brian Jass  
(319) 253-9100  
mortgage@twobank.com

BP Pipelines (North America) Inc.  
c/o CT Corporation System, Registered Agent  
400 B. Court Avenue  
Des Moines, IA 50309  
http://www.bp.com/infocenter/na/na.html

Buckeye Pipe Line Transportation LLC  
c/o Corporation Service Company, Registered Agent  
5050 W. Avenue, Suite 729  
Des Moines, IA 50309  
http://www.cscglobal.com/global/web/na/service-form.html

Madison County Soil & Water Conservation District  
a/k/a or D/R Madison County Soil Conservation District of  
Winnetka, Iowa  
USDA Service Center  
815 East Highway 92  
Winnetka, IA 50275-1300  
(515) 462-2361  
small@madison-swd.org

Warren Water District  
1204 E. 2nd Avenue  
Indianola, IA 50124  
(515) 862-1200  
www.warrenwaterdistrict.com

MidAmerican Energy Company, an Iowa Corporation  
c/o Paul J. Leitchon, Registered Agent  
4299 NW Urundale Drive  
Urundale, IA 50222  
p.leitchon@midamerican.com

Madison County Board of Health

123310 Hwy  
Winnetka, IA 50275-1575  
(515) 275-2274

Gwen C. (Stewart) Fasano  
10 N.E. Kennedy Road  
East Dubuque, IL 61024  
(309) 674-4339  
Ttoone77@hotmail.com

Madison County Farm Service Agency  
USDA Service Center  
815 East Highway 92  
Winnetka, IA 50275-1300  
(515) 462-2361  
fally.com@fsa.usda.gov

Title Authority:

Madison County Clerk  
Treasurer's Office  
812 N. John Wayne Drive  
PO Box 130  
Winnetka, IA 50275  
(515) 462-2361  
treasurer@madisoncounty.org

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

The area legally described on the attached Exhibits "010-033", "010-034" and "010-037"

PROPERTY ADDRESS: 1089 Woodland Avenue, Cumming, Iowa

LEGALLY DESCRIBED:

ON THE MADISON COUNTY  
ASSESSOR'S MAP SITE AS: Parcel 0510-010-2012-0000

PUBLIC NOTICE IS HEREBY GIVEN:

The City of West Des Moines, Iowa, has been authorized by the Board of Supervisors to acquire the above-described real estate for the purpose of the Veterans Parkway Improvement Project. The City of West Des Moines, Iowa, has been authorized by the Board of Supervisors to acquire the above-described real estate for the purpose of the Veterans Parkway Improvement Project. The City of West Des Moines, Iowa, has been authorized by the Board of Supervisors to acquire the above-described real estate for the purpose of the Veterans Parkway Improvement Project.

The City of West Des Moines, Iowa, has been authorized by the Board of Supervisors to acquire the above-described real estate for the purpose of the Veterans Parkway Improvement Project.

The City of West Des Moines, Iowa, has been authorized by the Board of Supervisors to acquire the above-described real estate for the purpose of the Veterans Parkway Improvement Project.

That the Commissioners will, on the 27th day of September, 2012, at 10:00 a.m., meet in the Madison County Courthouse and State Courtroom, 812 N. John Wayne Drive, Winnetka, Iowa, then proceed to hear objections and to approve the agreement which time you may appear before the Commissioners if you care to do so.

That the Compensation Commission is required to meet in open session (open to the public) to view the property being condemned and to receive evidence, but may deliberate in closed session, as provided by Section 461.1 of the Iowa Code.

CITY OF WEST DES MOINES, IOWA

City of West Des Moines  
1200 Mills Drive Parkway  
PO Box 15574  
West Des Moines, IA 50261  
Phone: (515) 221-3623  
Fax: (515) 275-0601  
E-mail: public@westdesmoines.gov

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
NUMBER 0510-010-2017, LOCATED )  
BETWEEN SW 60TH STREET AND SW )  
WILD ROSE LANE, AND LOCALLY )  
KNOWN AS 1089 WOODLAND AVENUE, )  
CUMMING, IOWA, TITLE HELD BY )  
NICK A FASANO. )

NOTICE OF PUBLIC MEETING OF  
COMPENSATION COMMISSION TO  
ASSESS DAMAGES FOR TAKING OF  
PROPERTY

by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )  
\_\_\_\_\_ )

TO:

**Titleholders:**

Nick Fasano  
1089 Woodland Avenue  
Cumming, IA 50061  
(515) 554-3055  
[nicknano@live.com](mailto:nicknano@live.com)

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

**Possible  
Encumbrancers and  
Lienholders:**

Two Rivers Bank & Trust  
222 N Main Street  
Burlington, IA 52601  
Attn: Brian Jass  
(319) 753-9100  
[mortgage@tworivers.bank](mailto:mortgage@tworivers.bank)

BP Pipelines (North America) Inc.  
c/o CT Corporation System, Registered Agent  
400 E Court Avenue  
Des Moines, IA 50309  
[Joel.Kissel@wolterskluwer.com](mailto:Joel.Kissel@wolterskluwer.com)

Buckeye Pipe Line Transportation LLC  
c/o Corporation Service Company, Registered Agent  
505 5<sup>th</sup> Avenue, Suite 729  
Des Moines, IA 50309  
<https://www.cscglobal.com/global/web/csc/service-form.html>

Madison County Soil & Water Conservation District  
a/k/a or f/k/a Madison County Soil Conservation District of  
Winterset, Iowa  
USDA Service Center  
815 East Highway 92  
Winterset, IA 50273-2300  
(515) 462-2961  
[email@madison-swcd.org](mailto:email@madison-swcd.org)

Warren Water District  
1204 E. 2<sup>nd</sup> Avenue  
Indianola, IA 50125  
(515) 962-1200  
[wwd@warrenwaterdistrict.com](mailto:wwd@warrenwaterdistrict.com)

MidAmerican Energy Company, an Iowa Corporation  
c/o Paul J. Leighton, Registered Agent  
4299 NW Urbandale Drive  
Urbandale, IA 50322  
[pjleighton@midamerican.com](mailto:pjleighton@midamerican.com)

Madison County Board of Health  
112 N 1st Street  
Winterset IA 50273-1575  
(515) 462-2636

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

Madison County Farm Service Agency  
USDA Service Center  
815 East Highway 92  
Winterset, IA 50273-2300  
(515) 462-4884  
[kelly.cain@ia.usda.gov](mailto:kelly.cain@ia.usda.gov)

**Taxing Authority:** Madison County, Iowa  
Treasurer's Office  
112 N. John Wayne Drive  
PO Box 152  
Winterset, IA 50273  
(515) 462-1542  
[jcorkrean@madisoncoia.us](mailto:jcorkrean@madisoncoia.us)

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

The area legally described on the attached **Exhibits "010-03-F", "010-03-P" and "010-03-T"**.

**PROPERTY ADDRESS:** 1089 Woodland Avenue, Cumming, Iowa

**LEGALLY DESCRIBED**

**ON THE MADISON COUNTY**  
**ASSESSOR'S WEB SITE AS:** Parcel No. 011010288003000

**PUBLIC NOTICE IS HEREBY GIVEN:**

That the City of West Des Moines desires the condemnation of a **fee simple interest** of the above-described property shown on the **Acquisition Plat**, which is marked **Exhibit "010-03-F"**, **Storm Sewer Overland Flowage Easement Plat**, which is marked **Exhibit "010-03-P"** and **temporary construction easement** on the above-described property as shown on the attached **Easement Plat** marked **Exhibit "010-03-T"** and by this reference made a part hereof and made a part of the Application filed with the Chief Judge of the Fifth Judicial District containing Polk County, Iowa and as filed in the office of the Sheriff of **Madison** County, Iowa.

That such condemnation is sought for development in connection with the **Veterans Parkway Improvement Project**.

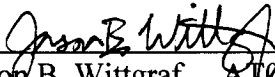
That a Commission has been appointed, as provided by law, for the purpose of appraising the damages that will be caused by the taking of the above-described properties.

**That the Commissioners will, on the 25<sup>th</sup> day of September, 2018, at 9:00 A.M., meet in the Madison County Courthouse, 2nd Floor Courtroom, 112 N. John Wayne Drive,**

**Winterset, Iowa, then proceed to view the properties and to appraise the damages, at which time you may appear before the Commissioners if you care to do so.**

That the Compensation Commission is required to meet in open session (open to the public) to view the property being condemned and to receive evidence, but may deliberate in closed session, as provided by Section 6B.14 of the Iowa Code.

CITY OF WEST DES MOINES, IOWA

  
\_\_\_\_\_  
Jason B. Wittgraf    AL0008642  
Assistant City Attorney  
4200 Mills Civic Parkway  
P.O. Box 65320  
West Des Moines, IA 50265  
Phone: (515) 222-3613  
Facsimile: (515) 273-0601  
E-mail: [jason.wittgraf@wdm.iowa.gov](mailto:jason.wittgraf@wdm.iowa.gov)



BEFORE THE SHERIFF FOR MADISON COUNTY, IOWA


IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
**VETERANS PARKWAY** )  
**IMPROVEMENT PROJECT, PROJECT** )  
**NUMBER 0510-010-2017, LOCATED** )  
**BETWEEN SW 60TH STREET AND SW** )  
**WILD ROSE LANE, AND LOCALLY** )  
**KNOWN AS 1089 WOODLAND AVENUE,** )  
**CUMMING, IOWA, TITLE HELD BY** )  
**NICK A FASANO.** )

AFFIDAVIT OF HIGHEST OFFER

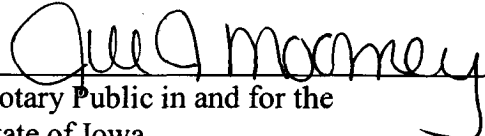
by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )

STATE OF IOWA )  
 ) ss:  
COUNTY OF **POLK** )

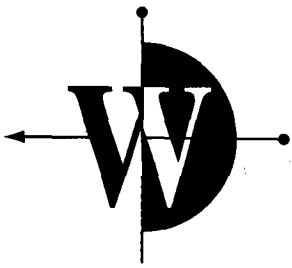
I, Jason B. Wittgraf, Assistant City Attorney for the City of West Des Moines, Iowa, Applicant in the above-captioned matter, hereby state that the last and highest offer made to the Titleholder in the above-captioned case was **\$10,600.00** for a fee simple interest, a permanent easement interest, and a temporary construction easement for the **Veterans Parkway Improvement Project**.

  
Agent for City of  
West Des Moines, Iowa

Subscribed and sworn to before me by the said individual named above on this 25<sup>th</sup>  
day of September, 2018.

  
Notary Public in and for the  
State of Iowa





THE CITY OF  
**West Des Moines®**  
www.wdm.iowa.gov

**City Attorney's Office**

4200 Mills Civic Parkway  
P.O. Box 65320  
West Des Moines, IA 50265-0320

515-222-3523  
FAX 515-273-0601

Office of the City Attorney  
Phone (515) 222-3523  
Email: [megan.tomlinson@wdm.iowa.gov](mailto:megan.tomlinson@wdm.iowa.gov)

August 29, 2018

Linda Barker  
Madison County Sheriff's Office  
1012 N 1st Street  
Winterset, IA 50273

RE: City of West Des Moines/Fasano Condemnation Hearing  
Tuesday, September 25, 2018

Dear Linda:

Enclosed for your file in the above matter is a certified copy of the recorded Application for Condemnation and the original Affidavits of Service regarding the following interested parties:

1. Nick Fasano
2. Gwen C. (Stewart) Fasano (Acceptance of Service)
3. Two Rivers Bank & Trust
4. BP Pipelines (North America) Inc.  
c/o CT Corporation System, Registered Agent
5. Buckeye Pipe Line Transportation LLC  
c/o Corporation Service Company, Registered Agent
6. Madison County Soil & Water Conservation District  
a/k/a or f/k/a Madison County Soil Conservation District of Winterset, Iowa
7. Warren Water District
8. MidAmerican Energy Company, an Iowa Corporation  
c/o Paul J. Leighton, Registered Agent
9. Madison County Board of Health
10. Madison County Farm Service Agency

Please feel free to contact me at 222-3673 if you have any questions regarding this letter.

Sincerely,

Megan Tomlinson, Secretary  
West Des Moines City Attorney's Office

enc.

RECEIVED  
MADISON CO. SHERIFF  
WINTERSET, IOWA  
SEP 4 2018  
BY 1043 AM/PM

**AFFIDAVIT OF SERVICE**

Case #: \_\_\_\_\_

STATE OF IOWA )  
POLK COUNTY )

**IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO, by the CITY OF WEST DES MOINES, IOWA, Applicant.**

THE UNDERSIGNED, DAVID V. BEANE, being first duly sworn upon oath, does hereby depose and affirm as follows:

1. I did serve the described Notice(s) upon the 20<sup>th</sup> day of August, 2018, by delivering a true copy thereof to Nick A Fasano at 1089 Woodland Ave, Cumming, Iowa

- By Personal Service Upon Defendant(s)
- Posted according to court order and sent by regular mail and certified mail.
- Posted according to Rules of Civil Procedures and sent by certified mail. Three attempts were made to serve Defendant before posting \_\_\_\_\_
- I further certify that the Defendant and the person to whom the copy was delivered are residents of the same household and the person to whom a copy was delivered is 18 years of age or older.
- Person served is manager of apartment complex where Defendant(s) resides.
- Upon Defendant's spouse at her or his place of employment.

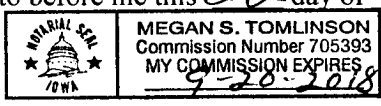
2. That services consisted of:

- |   |  |
|---|--|
| <input type="checkbox"/> Original Notice (Action for Forcible Entry & Detainer)   | <input type="checkbox"/> Three (3) day notice to quit  |
| <input type="checkbox"/> Original Notice (Action for Money Judgment)  | <input type="checkbox"/> Three (3) day notice to cure  |
| <input type="checkbox"/> Original Notice and Petition at Law and Jury Demand  | <input type="checkbox"/> Notice of Non Payment of Rent   |
| <input type="checkbox"/> Original Notice, Petition for Dissolution of Marriage, Order for Mandatory Pretrial Conference and Order Regarding Program for Litigants in Family Court | <input type="checkbox"/> Fourteen (14) day notice to cure  |
| <input type="checkbox"/> Original Notice and Application for Modification of Decree of Dissolution of Marriage  | <input type="checkbox"/> Ninety (90) day notice of Relocation  |
| <input type="checkbox"/> Order for Hearing on Temporary Matters   | <input type="checkbox"/> Notice of Termination of Lease Agreement, Serious or Repeated Lease Violation |
| <input type="checkbox"/> Application for Order for Rule to Show Cause, Rule to Show Cause and Order for Rule to Show Cause  | <input type="checkbox"/> Civil Citation for Municipal Infraction                                       |
| <input type="checkbox"/> U.S. District Court Subpoena   | <input type="checkbox"/> District Court Subpoena (Duces Tecum)   |
| <input checked="" type="checkbox"/> Application for Condemnation, Notice of Meeting of Commissioners and Appointment of Commissioners and Alternates by Chief Judge               | <input type="checkbox"/> Notice of Forfeiture of Real Estate Contract                                  |
| <input type="checkbox"/> _____  |  |

David V. Beane  
Legal Couriers of Iowa

Subscribed and sworn to before me this 22 day of August, 2018

[Signature]



Notary Public in and for the State of Iowa

Service Fee: \$ 60  
Mileage: \$ 0  
Total: \$ 60

# AFFIDAVIT OF SERVICE

Case #: \_\_\_\_\_

STATE OF IOWA        )  
  ) ss:  
POLK COUNTY         )

**IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO, by the CITY OF WEST DES MOINES, IOWA, Applicant.**

THE UNDERSIGNED, DAVID V. BEANE, being first duly sworn upon oath, does hereby depose and affirm as follows:

1. I did serve the described Notice(s) upon the 16<sup>th</sup> day of August, 2018, by delivering a true copy thereof to BT Repelinas, North America

Inc. by serving RAC Corporation at  
400 E. Court Ave, Des Moines, Iowa

- By Personal Service Upon Defendant(s)
- Posted according to court order and sent by regular mail and certified mail.
- Posted according to Rules of Civil Procedures and sent by certified mail.
- Three attempts were made to serve Defendant before posting \_\_\_\_\_
- I further certify that the Defendant and the person to whom the copy was delivered are residents of the same household and the person to whom a copy was delivered is 18 years of age or older.
- Person served is manager of apartment complex where Defendant(s) resides.
- Upon Defendant's spouse At her or his place of employment.

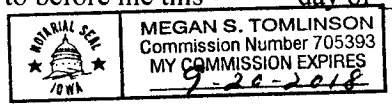
2. That services consisted of \_\_\_\_\_

- |   |  |
|---|--|
| <input type="checkbox"/> Original Notice (Action for Forcible Entry & Detainer)   | <input type="checkbox"/> Three (3) day notice to quit  |
| <input type="checkbox"/> Original Notice (Action for Money Judgment)  | <input type="checkbox"/> Three (3) day notice to cure  |
| <input type="checkbox"/> Original Notice and Petition at Law and Jury Demand  | <input type="checkbox"/> Notice of Non Payment of Rent   |
| <input type="checkbox"/> Original Notice, Petition for Dissolution of Marriage, Order for Mandatory Pretrial Conference and Order Regarding Program for Litigants in Family Court | <input type="checkbox"/> Fourteen (14) day notice to cure  |
| <input type="checkbox"/> Original Notice and Application for Modification of Decree of Dissolution of Marriage  | <input type="checkbox"/> Ninety (90) day notice of Relocation  |
| <input type="checkbox"/> Order for Hearing on Temporary Matters   | <input type="checkbox"/> Notice of Termination of Lease Agreement, Serious or Repeated Lease Violation |
| <input type="checkbox"/> Application for Order for Rule to Show Cause, Rule to Show Cause and Order for Rule to Show Cause  | <input type="checkbox"/> Civil Citation for Municipal Infraction                                       |
| <input type="checkbox"/> U.S. District Court Subpoena   | <input type="checkbox"/> District Court Subpoena (Duces Tecum)   |
| <input checked="" type="checkbox"/> Application for Condemnation, Notice of Meeting of Commissioners and Appointment of Commissioners and Alternates by Chief Judge               | <input type="checkbox"/> Notice of Forfeiture of Real Estate Contract                                  |
| <input type="checkbox"/> _____  |  |

\_\_\_\_\_  
Legal Couniers of Iowa

Subscribed and sworn to before me this 22 day of August, 2018

\_\_\_\_\_  
Notary Public in and for the State of Iowa



Service Fee: \$ 100  
Mileage: \$ \_\_\_\_\_  
Total: \$ 100

**AFFIDAVIT OF SERVICE**

Case #: \_\_\_\_\_

STATE OF IOWA )  
POLK COUNTY )

**IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO, by the CITY OF WEST DES MOINES, IOWA, Applicant.**

THE UNDERSIGNED, DAVID V. BEANE, being first duly sworn upon oath, does hereby depose and affirm as follows:

1. I did serve the described Notice(s) upon the 20<sup>th</sup> day of August, by delivering a true copy thereof to Buckeye Supermarket Transportation L.C. at Retail Motor Service Company, 5055 Ave. Suite 7, Des Moines, Iowa

- By Personal Service Upon Defendant(s)
- Posted according to court order and sent by regular mail and certified mail.
- Posted according to Rules of Civil Procedures and sent by certified mail.
- Three attempts were made to serve Defendant before posting \_\_\_\_\_
- I further certify that the Defendant and the person to whom the copy was delivered are residents of the same household and the person to whom a copy was delivered is 18 years of age or older.
- Person served is manager of apartment complex where Defendant(s) resides.
- Upon Defendant's spouse at her or his place of employment.

Registered Agent

2. That services consisted of:

- |   |  |
|---|--|
| <input type="checkbox"/> Original Notice (Action for Forcible Entry & Detainer)   | <input type="checkbox"/> Three (3) day notice to quit  |
| <input type="checkbox"/> Original Notice (Action for Money Judgment)  | <input type="checkbox"/> Three (3) day notice to cure  |
| <input type="checkbox"/> Original Notice and Petition at Law and Jury Demand  | <input type="checkbox"/> Notice of Non Payment of Rent   |
| <input type="checkbox"/> Original Notice, Petition for Dissolution of Marriage, Order for Mandatory Pretrial Conference and Order Regarding Program for Litigants in Family Court | <input type="checkbox"/> Fourteen (14) day notice to cure  |
| <input type="checkbox"/> Original Notice and Application for Modification of Decree of Dissolution of Marriage  | <input type="checkbox"/> Ninety (90) day notice of Relocation  |
| <input type="checkbox"/> Order for Hearing on Temporary Matters   | <input type="checkbox"/> Notice of Termination of Lease Agreement, Serious or Repeated Lease Violation |
| <input type="checkbox"/> Application for Order for Rule to Show Cause, Rule to Show Cause and Order for Rule to Show Cause  | <input type="checkbox"/> Civil Citation for Municipal Infraction                                       |
| <input type="checkbox"/> U.S. District Court Subpoena   | <input type="checkbox"/> District Court Subpoena (Duces Tecum)   |
| <input checked="" type="checkbox"/> Application for Condemnation, Notice of Meeting of Commissioners and Appointment of Commissioners and Alternates by Chief Judge               | <input type="checkbox"/> Notice of Forfeiture of Real Estate Contract                                  |

\_\_\_\_\_  
Legal Couriers of Iowa

Subscribed and sworn to before me this 22 day of August, 2018

[Signature]



Notary Public in and for the State of Iowa

Service Fee: \$ 600  
Mileage: \$ 600  
Total: \$ 1200

**AFFIDAVIT OF SERVICE**

Case #: \_\_\_\_\_

STATE OF IOWA )  
POLK COUNTY )

**IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO, by the CITY OF WEST DES MOINES, IOWA, Applicant.**

THE UNDERSIGNED, DAVID V. BEANE, being first duly sworn upon oath, does hereby depose and affirm as follows:

1. I did serve the described Notice(s) upon the 16<sup>th</sup> day of August, 2018, by delivering a true copy thereof to Madison County Conservation District or to Madison County Conservation District

By Personal Service Upon Defendant(s)

Posted according to court order and sent by regular mail and certified mail.

Posted according to Rules of Civil Procedures and sent by certified mail.

Three attempts were made to serve Defendant before posting \_\_\_\_\_

I further certify that the Defendant and the person to whom the copy was delivered are residents of the same household and the person to whom a copy was delivered is 18 years of age or older.

Person served is manager of apartment complex where Defendant(s) resides.

Upon Defendant's spouse at her or his place of employment.

2. That services consisted of:

Original Notice (Action for Forcible Entry & Detainer)

Original Notice (Action for Money Judgment)

Original Notice and Petition at Law and Jury Demand

Original Notice, Petition for Dissolution of Marriage, Order for Mandatory Pretrial Conference and Order Regarding Program for Litigants in Family Court

Original Notice and Application for Modification of Decree of Dissolution of Marriage

Order for Hearing on Temporary Matters

Application for Order for Rule to Show Cause, Rule to Show Cause and Order for Rule to Show Cause

U.S. District Court Subpoena

Application for Condemnation, Notice of Meeting of Commissioners and Appointment of Commissioners and Alternates by Chief Judge

\_\_\_\_\_

Three (3) day notice to quit

Three (3) day notice to cure

Notice of Non Payment of Rent

Fourteen (14) day notice to cure

Ninety (90) day notice of Relocation

Notice of Termination of Lease Agreement, Serious or Repeated Lease Violation

Civil Citation for Municipal Infraction

District Court Subpoena (Duces Tecum)

Notice of Forfeiture of Real Estate Contract

Legal Counsellors of Iowa

Subscribed and sworn to before me this 22 day of August, 2018.



Notary Public in and for the State of Iowa

Service Fee: \$

Mileage: \$

Total: \$

100.00  
10.00  
110.00

**AFFIDAVIT OF SERVICE**

Case #: \_\_\_\_\_

STATE OF IOWA     )  
                                  ) ss:  
POLK COUNTY        )

**IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO, by the CITY OF WEST DES MOINES, IOWA, Applicant.**

THE UNDERSIGNED, DAVID V. BEANE, being first duly sworn upon oath, does hereby depose and affirm as follows:

1. I did serve the described Notice(s) upon the 16<sup>th</sup> day of August, 2018, by delivering a true copy thereof to: 116<sup>th</sup> Street

- By Personal Service Upon Defendant(s)
- Posted according to court order and sent by regular mail and certified mail.
- Posted according to Rules of Civil Procedures and sent by certified mail.
- Three attempts were made to serve Defendant before posting \_\_\_\_\_
- I further certify that the Defendant and the person to whom the copy was delivered are residents of the same household and the person to whom a copy was delivered is 18 years of age or older.
- Person served is manager of apartment complex where Defendant(s) resides.
- Upon Defendant's spouse at her or his place of employment.

2. That services consisted of:

- |   |  |
|---|--|
| <input type="checkbox"/> Original Notice (Action for Forcible Entry & Detainer)   | <input type="checkbox"/> Three (3) day notice to quit  |
| <input type="checkbox"/> Original Notice (Action for Money Judgment)  | <input type="checkbox"/> Three (3) day notice to cure  |
| <input type="checkbox"/> Original Notice and Petition at Law and Jury Demand  | <input type="checkbox"/> Notice of Non Payment of Rent   |
| <input type="checkbox"/> Original Notice, Petition for Dissolution of Marriage, Order for Mandatory Pretrial Conference and Order Regarding Program for Litigants in Family Court | <input type="checkbox"/> Fourteen (14) day notice to cure  |
| <input type="checkbox"/> Original Notice and Application for Modification of Decree of Dissolution of Marriage  | <input type="checkbox"/> Ninety (90) day notice of Relocation  |
| <input type="checkbox"/> Order for Hearing on Temporary Matters   | <input type="checkbox"/> Notice of Termination of Lease Agreement, Serious or Repeated Lease Violation |
| <input type="checkbox"/> Application for Order for Rule to Show Cause, Rule to Show Cause and Order for Rule to Show Cause  | <input type="checkbox"/> Civil Citation for Municipal Infraction                                       |
| <input type="checkbox"/> U.S. District Court Subpoena   | <input type="checkbox"/> District Court Subpoena (Duces Tecum)   |
| <input checked="" type="checkbox"/> Application for Condemnation, Notice of Meeting of Commissioners and Appointment of Commissioners and Alternates by Chief Judge               | <input type="checkbox"/> Notice of Forfeiture of Real Estate Contract                                  |
| <input type="checkbox"/> _____  |  |

\_\_\_\_\_  
\_\_\_\_\_  
Legal Couriers of Iowa

Subscribed and sworn to before me this 22 day of August, 2018

\_\_\_\_\_  
Notary Public in and for the State of Iowa



Service Fee: \$ 60  
Mileage: \$ 0  
Total: \$ 60

**AFFIDAVIT OF SERVICE**

Case #: \_\_\_\_\_

STATE OF IOWA     )  
                                  ) ss:  
POLK COUNTY        )

**IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO, by the CITY OF WEST DES MOINES, IOWA, Applicant.**

THE UNDERSIGNED, DAVID V. BEANE, being first duly sworn upon oath, does hereby depose and affirm as follows:

1. I did serve the described Notice(s) upon the 14<sup>th</sup> day of August 2018, by delivering a true copy thereof to Mid American Energy Co  
an Iowa Corporation at 4000 Woodland Parkway,  
Des Moines, IA

- By Personal Service Upon Defendant(s)
- Posted according to court order and sent by regular mail and certified mail.
- Posted according to Rules of Civil Procedures and sent by certified mail. Three attempts were made to serve Defendant before posting \_\_\_\_\_
- I further certify that the Defendant and the person to whom the copy was delivered are residents of the same household and the person to whom a copy was delivered is 18 years of age or older.
- Person served is manager of apartment complex where Defendant(s) resides.
- Upon Defendant's spouse at her or his place of employment.

2. That services consisted of:

- |   |  |
|---|--|
| <input type="checkbox"/> Original Notice (Action for Forcible Entry & Detainer)   | <input type="checkbox"/> Three (3) day notice to quit  |
| <input type="checkbox"/> Original Notice (Action for Money Judgment)  | <input type="checkbox"/> Three (3) day notice to cure  |
| <input type="checkbox"/> Original Notice and Petition at Law and Jury Demand  | <input type="checkbox"/> Notice of Non Payment of Rent   |
| <input type="checkbox"/> Original Notice, Petition for Dissolution of Marriage, Order for Mandatory Pretrial Conference and Order Regarding Program for Litigants in Family Court | <input type="checkbox"/> Fourteen (14) day notice to cure  |
| <input type="checkbox"/> Original Notice and Application for Modification of Decree of Dissolution of Marriage  | <input type="checkbox"/> Ninety (90) day notice of Relocation  |
| <input type="checkbox"/> Order for Hearing on Temporary Matters   | <input type="checkbox"/> Notice of Termination of Lease Agreement, Serious or Repeated Lease Violation |
| <input type="checkbox"/> Application for Order for Rule to Show Cause, Rule to Show Cause and Order for Rule to Show Cause  | <input type="checkbox"/> Civil Citation for Municipal Infraction                                       |
| <input type="checkbox"/> U.S. District Court Subpoena   | <input type="checkbox"/> District Court Subpoena (Duces Tecum)   |
| <input checked="" type="checkbox"/> Application for Condemnation, Notice of Meeting of Commissioners and Appointment of Commissioners and Alternates by Chief Judge               | <input type="checkbox"/> Notice of Forfeiture of Real Estate Contract                                  |

\_\_\_\_\_  
\_\_\_\_\_  
Legal Couriers of Iowa

Subscribed and sworn to before me this 22 day of August, 2018



Notary Public in and for the State of Iowa

Service Fee: \$ 60  
Mileage: \$ 0  
Total: \$ 60



**AFFIDAVIT OF SERVICE**

Case #: \_\_\_\_\_

STATE OF IOWA )  
POLK COUNTY )

**IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO, by the CITY OF WEST DES MOINES, IOWA, Applicant.**

THE UNDERSIGNED, DAVID V. BEANE, being first duly sworn upon oath, does hereby depose and affirm as follows:

1. I did serve the described Notice(s) upon the 16<sup>th</sup> day of August 2018, by delivering a true copy thereof to Medison County Courthouse, West Des Moines, Iowa

- By Personal Service Upon Defendant(s)
- Posted according to court order and sent by regular mail and certified mail.
- Posted according to Rules of Civil Procedures and sent by certified mail.
- Three attempts were made to serve Defendant before posting \_\_\_\_\_
- I further certify that the Defendant and the person to whom the copy was delivered are residents of the same household and the person to whom a copy was delivered is 18 years of age or older.
- Person served is manager of apartment complex where Defendant(s) resides.
- Upon Defendant's spouse at her or his place of employment.

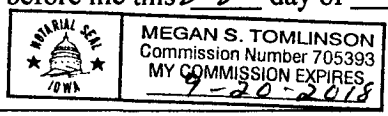
2. That services consisted of:

- Original Notice (Action for Forcible Entry & Detainer)
- Original Notice (Action for Money Judgment)
- Original Notice and Petition at Law and Jury Demand
- Original Notice, Petition for Dissolution of Marriage, Order for Mandatory Pretrial Conference and Order Regarding Program for Litigants in Family Court
- Original Notice and Application for Modification of Decree of Dissolution of Marriage
- Order for Hearing on Temporary Matters
- Application for Order for Rule to Show Cause, Rule to Show Cause and Order for Rule to Show Cause
- U.S. District Court Subpoena
- Application for Condemnation, Notice of Meeting of Commissioners and Appointment of Commissioners and Alternates by Chief Judge
- \_\_\_\_\_
- Three (3) day notice to quit
- Three (3) day notice to cure
- Notice of Non Payment of Rent
- Fourteen (14) day notice to cure
- Ninety (90) day notice of Relocation
- Notice of Termination of Lease Agreement, Serious or Repeated Lease Violation
- Civil Citation for Municipal Infraction
- District Court Subpoena (Duces Tecum)
- Notice of Forfeiture of Real Estate Contract

David V. Beane  
Legal Couriers of Iowa

Subscribed and sworn to before me this 22 day of August, 2018

[Signature]



Notary Public in and for the State of Iowa

Service Fee: \$ 65.00  
Mileage: \$ 10.00  
Total: \$ 75.00

**AFFIDAVIT OF SERVICE**

Case #: \_\_\_\_\_

STATE OF IOWA )  
POLK COUNTY )

**IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO, by the CITY OF WEST DES MOINES, IOWA, Applicant.**

THE UNDERSIGNED, DAVID V. BEANE, being first duly sworn upon oath, does hereby depose and affirm as follows:

1. I did serve the described Notice(s) upon the 14<sup>th</sup> day of August, 2018, by delivering a true copy thereof to: Agency by Service, a man, Thaddeus at 815 East Highway 22 West Des Moines

- By Personal Service Upon Defendant(s)
- Posted according to court order and sent by regular mail and certified mail.
- Posted according to Rules of Civil Procedures and sent by certified mail.
- Three attempts were made to serve Defendant before posting \_\_\_\_\_
- I further certify that the Defendant and the person to whom the copy was delivered are residents of the same household and the person to whom a copy was delivered is 18 years of age or older.
- Person served is manager of apartment complex where Defendant(s) resides.
- Upon Defendant's spouse at her or his place of employment.

2. That services consisted of:

- Original Notice (Action for Forcible Entry & Detainer)
- Original Notice (Action for Money Judgment)
- Original Notice and Petition at Law and Jury Demand
- Original Notice, Petition for Dissolution of Marriage, Order for Mandatory Pretrial Conference and Order Regarding Program for Litigants in Family Court
- Original Notice and Application for Modification of Decree of Dissolution of Marriage
- Order for Hearing on Temporary Matters
- Application for Order for Rule to Show Cause, Rule to Show Cause and Order for Rule to Show Cause
- U.S. District Court Subpoena
- Application for Condemnation, Notice of Meeting of Commissioners and Appointment of Commissioners and Alternates by Chief Judge
- \_\_\_\_\_
- Three (3) day notice to quit
- Three (3) day notice to cure
- Notice of Non Payment of Rent
- Fourteen (14) day notice to cure
- Ninety (90) day notice of Relocation
- Notice of Termination of Lease Agreement, Serious or Repeated Lease Violation
- Civil Citation for Municipal Infraction
- District Court Subpoena (Duces Tecum)
- Notice of Forfeiture of Real Estate Contract

\_\_\_\_\_  
Legal Counselors of Iowa

Subscribed and sworn to before me this 22 day of August, 2018

\_\_\_\_\_  
Notary Public in and for the State of Iowa



Service Fee: \$ 180.00  
Mileage: \$ 70.00  
Total: \$ 250.00

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

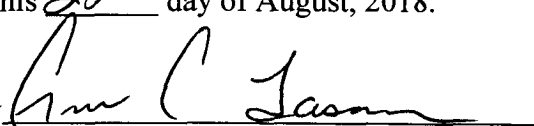
IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
NUMBER 0510-010-2017, LOCATED )  
BETWEEN SW 60TH STREET AND SW )  
WILD ROSE LANE, AND LOCALLY )  
KNOWN AS 1089 WOODLAND AVENUE, )  
CUMMING, IOWA, TITLE HELD BY )  
NICK A FASANO. )

ACCEPTANCE OF SERVICE

by the )  
CITY OF WEST DES MOINES, IOWA, )  
Applicant. )  
\_\_\_\_\_ )

THE UNDERSIGNED, as an interested party in the above-named action, hereby voluntarily accepts, acknowledges and consents to service of a copy of the Notice of Public Meeting, the Order Selecting and Appointing Compensation Commissioners, and the Application for Condemnation.

This Acceptance of Service having been made this 22<sup>nd</sup> day of August, 2018.

By   
Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

AUG 28 2018

# Return of Substitute Service

## IN THE IOWA CONDEMNATION COURT IN AND FOR MADISON COUNTY

IN THE MATTER OF THE CONDEMNATION OF LAND FOR DEVELOPMENT PURSUANT TO THE VETERANS PARKWAY IMPROVEMENT PROJECT, PROJECT NUMBER 0510-010-2017, LOCATED BETWEEN SW 60TH STREET AND SW WILD ROSE LANE, AND LOCALLY KNOWN AS 1089 WOODLAND AVENUE, CUMMING, IOWA, TITLE HELD BY NICK A FASANO

Case Number: 0510-010-2017-MAD  
Civil Number: 18-001443  
Date Received: 08/15/2018 @ 09:25  
Date Printed: 08/23/2018 @ 14:40

STATE OF IOWA  
DES MOINES COUNTY

}

I hereby certify that I served a copy of:

APPLICATION FOR CONDEMNATION  
NOTICE RE CONDEMNATION  
ORDER APPOINTING COMPENSATION COMMISSION

ATTACHMENT(S)

To: TWO RIVERS BANK & TRUST at 222 N MAIN ST, BURLINGTON, IA 52601  
on 08/20/2018 @ 14:30 Type of Service: CORPORATION/ASSOCIATION

By substitute service on:

DEREK STOTLAR at 222 N MAIN ST, BURLINGTON, IA  
Relationship/Title: VICE PRESIDENT

Legal Age:

Remarks:

Case Notes:

**Fees:**

Service Fees:	30.00
Mileage:	2.16
Copies:	1.00
Total:	33.16

MIKE JOHNSTONE, SHERIFF  
DES MOINES COUNTY

By: \_\_\_\_\_

DEPUTY BRADLEY SIEGFRIED

Paid By:  
Date:  
Check #:

BK: 2018 PG: 2637  
Recorded: 8/14/2018 at 9:17:04.0 AM  
Fee Amount: \$52.00  
Revenue Tax:  
LISA SMITH RECORDER  
Madison County, Iowa

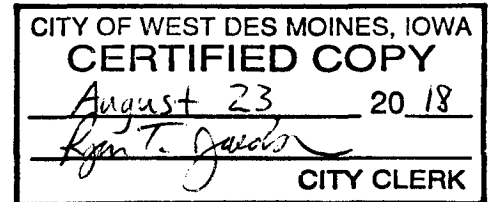
**APPLICATION FOR CONDEMNATION**

(Type of Document)

**Preparer Information:** Jason B. Wittgraf, Assistant City Attorney  
4200 Mills Civic Parkway  
PO Box 65320  
West Des Moines, IA 50265  
515-222-3614

**Taxpayer Information:** N/A

**Return Document To:** City Clerk  
City of West Des Moines  
PO Box 65320  
West Des Moines IA 50265  
515-222-3603



**Grantors:** Nick A. Fasano

**Grantees:** City of West Des Moines, Iowa

**Legal Description:** as shown on the attached Exhibits "010-02-F",  
"010-03-P" and "010-03-T"

**Related documents:** N/A

**MADISON COUNTY RECORDER**  
112 N. JOHN WAYNE DRIVE  
PO BOX 152  
WINTERSET, IA 50273  
Phone # 515-462-3771  
Fax # 515-462-5006

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE )  
CONDEMNATION OF LAND FOR )  
DEVELOPMENT PURSUANT TO THE )  
VETERANS PARKWAY )  
IMPROVEMENT PROJECT, PROJECT )  
NUMBER 0510-010-2017, LOCATED )  
BETWEEN SW 60TH STREET AND SW )  
WILD ROSE LANE, AND LOCALLY )  
KNOWN AS 1089 WOODLAND AVENUE, )  
CUMMING, IOWA, TITLE HELD BY )  
NICK A FASANO. )

APPLICATION FOR CONDEMNATION

by the )

CITY OF WEST DES MOINES, IOWA, )

Applicant. )

RECEIVED  
MADISON CO. SHERIFF  
WINTERSET, IOWA

AUG 13 2018

9:13 AM/PM  
BY *[Signature]*

TO: ARTHUR E. GAMBLE, CHIEF JUDGE, FIFTH JUDICIAL DISTRICT

YOU ARE HEREBY NOTIFIED that the Applicant, the City of West Des Moines, Iowa, desires to take, acquire, and condemn a **fee simple interest** and **permanent easement interest** for construction in certain property for development in connection with the **Veterans Parkway Improvement Project**, located between SW 60th Street and SW Wild Rose Lane, approved by the City Council of the City of West Des Moines, Iowa, together with any and all leasehold interests, easement interests, and other legal or equitable interests therein, and together with all structures and appurtenances located upon the properties sought to be condemned as shown in the attached **Acquisition Plat**, which is marked **Exhibit "010-03-F"** and **Storm Sewer Overland Flowage Easement Plat**, which is marked **Exhibit "010-03-P"** by this reference is made a part hereof.

A **temporary easement** for construction is also sought in the name of the **City of West Des Moines, Iowa**, as shown on the attached **Easement Plat**, marked **Exhibit "010-03-T"**, and by this reference made a part hereof.

**PROPERTY ADDRESS:** 1089 Woodland Avenue, Cumming, Iowa

**LEGALLY DESCRIBED  
ON THE ATTACHED EXHIBITS  
AND ON THE MADISON COUNTY  
ASSESSOR'S WEB SITE AS:**

Parcel No. 011010288003000

The names and addresses of all record owners and holders of liens and encumbrances, as far as shown, are as follows:

**Titleholders:**

Nick Fasano  
1089 Woodland Avenue  
Cumming, IA 50061  
(515) 554-3055  
[nicknano@live.com](mailto:nicknano@live.com)

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

**Possible  
Encumbrancers and  
Lienholders:**

Two Rivers Bank & Trust  
222 N Main Street  
Burlington, IA 52601  
Attn: Brian Jass  
(319) 753-9100  
[mortgage@tworivers.bank](mailto:mortgage@tworivers.bank)

BP Pipelines (North America) Inc.  
c/o CT Corporation System, Registered Agent  
400 E Court Avenue  
Des Moines, IA 50309  
[Joel.Kissel@wolterskluwer.com](mailto:Joel.Kissel@wolterskluwer.com)

Buckeye Pipe Line Transportation LLC  
c/o Corporation Service Company, Registered Agent  
505 5<sup>th</sup> Avenue, Suite 729  
Des Moines, IA 50309  
<https://www.cscglobal.com/global/web/csc/service-form.html>

Madison County Soil & Water Conservation District  
a/k/a or f/k/a Madison County Soil Conservation District of  
Winterset, Iowa  
USDA Service Center  
815 East Highway 92  
Winterset, IA 50273-2300  
(515) 462-2961  
[email@madison-swcd.org](mailto:email@madison-swcd.org)

Warren Water District  
1204 E. 2<sup>nd</sup> Avenue  
Indianola, IA 50125  
(515) 962-1200  
[wwd@warrenwaterdistrict.com](http://wwd@warrenwaterdistrict.com)

MidAmerican Energy Company, an Iowa Corporation  
c/o Paul J. Leighton, Registered Agent  
4299 NW Urbandale Drive  
Urbandale, IA 50322  
[pjleighton@midamerican.com](mailto:pjleighton@midamerican.com)

Madison County Board of Health  
112 N 1st Street  
Winterset IA 50273-1575  
(515) 462-2636

Gwen C. (Stewart) Fasano  
10 N. J F Kennedy Road  
East Dubuque, IL 61025  
(309) 678-4439  
[Trooper77@hotmail.com](mailto:Trooper77@hotmail.com)

Madison County Farm Service Agency  
USDA Service Center  
815 East Highway 92  
Winterset, IA 50273-2300  
(515) 462-4884  
[kelly.cain@ia.usda.gov](mailto:kelly.cain@ia.usda.gov)

**Taxing Authority:**

Madison County, Iowa  
Treasurer's Office  
112 N. John Wayne Drive  
PO Box 152  
Winterset, IA 50273  
(515) 462-1542  
[jcorkrean@madisoncoia.us](mailto:jcorkrean@madisoncoia.us)

**LAND NECESSARY TO ACHIEVE THE PUBLIC PURPOSE AND LAND PROPOSED TO BE ACQUIRED BY THE PROJECT.** Said **fee simple interest, permanent easement interest and temporary easement** shall be used for the public purpose of preparing land for development pursuant to the **Veterans Parkway Improvement Project**, and includes any and all improvements, including fences, trees, and shrubs, located wholly within the land sought in **fee simple title and permanent easement** on the day said land is viewed by the Compensation Commission, except as follows:



Any personal property located on the premises.

The City asserts that the property legally-described above constitutes the necessary minimum amount of land to achieve the purpose herein identified, and that no portion of the property is being acquired as an uneconomic remnant.

**GOOD FAITH EFFORTS MADE BY CITY TO NEGOTIATE THE PURCHASE OF THE PROPERTY.**

The City represents and warrants that it has undertaken the following activities in attempting to negotiate the purchase of the Property from the Property Owner.

On June 26, 2017, the City Council of the City of West Des Moines, Iowa, adopted Resolution Number 17-06-26-23 declaring its intent to proceed with the **Veterans Parkway Improvement Project, City Project Number 0510-010-2017**, establishing just compensation of the property and authorizing acquisition of the property by condemnation, if necessary.

Based upon an appraisal by Commercial Appraisers of Iowa, Inc, the City's Agent mailed the appraisal and ten-day notice and an Offer to Purchase and Agreement (representing the appraised value of the Property) to the property owner on or about June 12, 2018.

Following the 10-day period, discussion and negotiations were held between the City's agent and the property owner; however, the parties have been unable to reach a resolution for acquisition of the property.

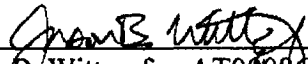
The City will attempt to continue negotiations in hopes of reaching an agreement prior to a condemnation hearing. In the meantime and, due to upcoming construction time lines, it is necessary to initiate condemnation proceedings, of which property owner has been made aware by the final offer mailed July 24, 2018.

YOU ARE, THEREFORE, pursuant to a resolution of the City Council of the City of West Des Moines, Iowa, hereby requested to appoint a Compensation Commission to appraise the damages caused by this appropriation; said Commission to consist of six (6) commissioners who shall be residents of Madison County, Iowa.

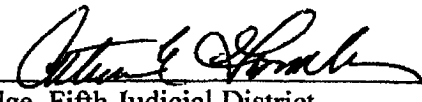
YOU ARE FURTHER REQUESTED to give written notice to the City of West Des Moines, Iowa, as soon as the commissioners have been selected.

Dated this 8 day of August, 2018.

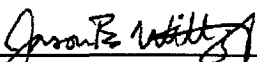
CITY OF WEST DES MOINES, IOWA

  
\_\_\_\_\_  
Jason B. Wittgraf AT0008642  
Assistant City Attorney  
4200 Mills Civic Parkway  
P.O. Box 65320  
West Des Moines, IA 50265  
Phone: (515) 222-3613  
Facsimile: (515) 273-0601  
E-mail: jason.wittgraf@wdm.iowa.gov

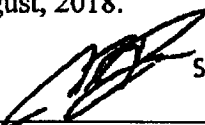
Received in my office this 9<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
Chief Judge, Fifth Judicial District

In accord with Iowa Code Section 6B.3(3), I, the undersigned, certify under penalty of perjury and pursuant to the laws of the State of Iowa that this Original Application for Condemnation has been approved by the Chief Judge of the Fifth Judicial District.

  
\_\_\_\_\_  
Jason B. Wittgraf AT0008642  
Assistant City Attorney

Filed in my office at Winterset, Iowa, this 13<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
SHERIFF  
Sheriff of Madison County, Iowa

# INDEX LEGEND

COUNTY: MADISON

TRS: SECTION 2, T77N, R26W

ALIQUOT PART: SE 1/4 SE 1/4

PROPRIETOR: NICK A. FASANO

REQUESTED BY: CITY OF WEST DES MOINES

SURVEYOR: JOHN DEWEY

COMPANY: MCCLURE ENGINEERING

RETURN TO: JOHN DEWEY  
1360 NW 121ST ST STE A  
CLUVE, IA 50325 / 515-964-1229

## ACQUISITION PLAT

EXHIBIT 010-03-F

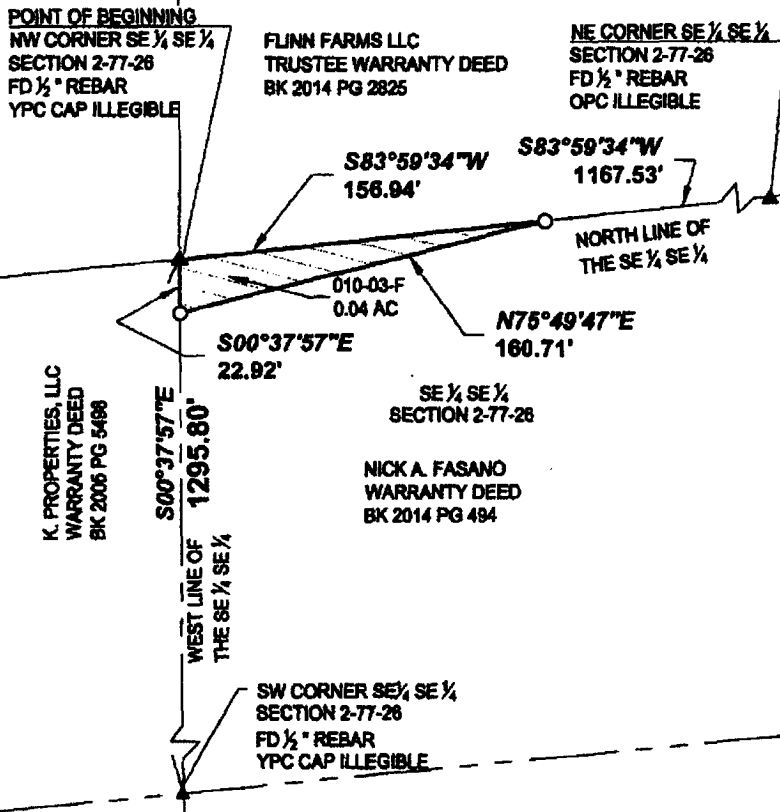
IN THE SE 1/4 SE 1/4 OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 26 WEST, OF THE 5TH P.M., MADISON COUNTY, IOWA.

### LEGAL DESCRIPTION

BEING A PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 2; THENCE ALONG THE WEST LINE OF SAID SE 1/4 OF THE SE 1/4, S00°37'57"E, 22.92 FEET; THENCE N75°49'47"E, 160.71 FEET TO A POINT ON THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, S83°59'34"W, 156.94 FEET TO THE POINT OF BEGINNING. SAID AREA CONTAINING 0.04 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

THIS ACQUISITION PLAT IS BEING PREPARED FOR THE CONSTRUCTION OF VETERANS PARKWAY.



### PROPRIETORS:

NICK A. FASANO  
1089 WOODLAND AVE.  
CUMMING, IA 50061

### REQUESTED BY:

CITY OF WEST DES MOINES  
4200 MILLS CIVIC PARKWAY  
WEST DES MOINES, IOWA 50265

### AREA SUMMARY:

1791 SQUARE FEET

### GENERAL LEGEND

- BOUNDARY LINE
- PROPERTY LINE
- - - EXIST PROPERTY LINE
- - - SECTION LINE
- - - EASEMENT LINE
- - - EXIST EASEMENT LINE

#### MONUMENTS FOUND:

▲ - SECTION CORNER  
(TYPE AS NOTED)

#### MONUMENTS SET:

○ - 1/2" REBAR  
WITH OPC #23252

#### ABBREVIATIONS:

- R.O.W. - RIGHT-OF-WAY
- BK, PG - BOOK AND PAGE
- (M) - MEASURED DISTANCE/ANGLE
- (R) - RECORD DISTANCE/ANGLE
- P.U.E. - PUBLIC UTILITY EASEMENT
- BPC - BLUE PLASTIC CAP
- YPC - YELLOW PLASTIC CAP
- OPC - ORANGE PLASTIC CAP
- GPC - GREEN PLASTIC CAP
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT

**McCLURE**  
ENGINEERING

building strong

1360 NW 121st Street, STE A  
Cluve, Iowa 50325  
515-964-1229  
fax 515-964-2370

NORTH

0 30 60

(IN FEET)

1 inch = 60 ft.

LICENSED LAND SURVEYOR

JOHN DEWEY  
23252

IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DAILY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: DATE: 5-23-18

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019

PAGES OR SHEETS COVERED BY THIS SEAL: THIS SHEET

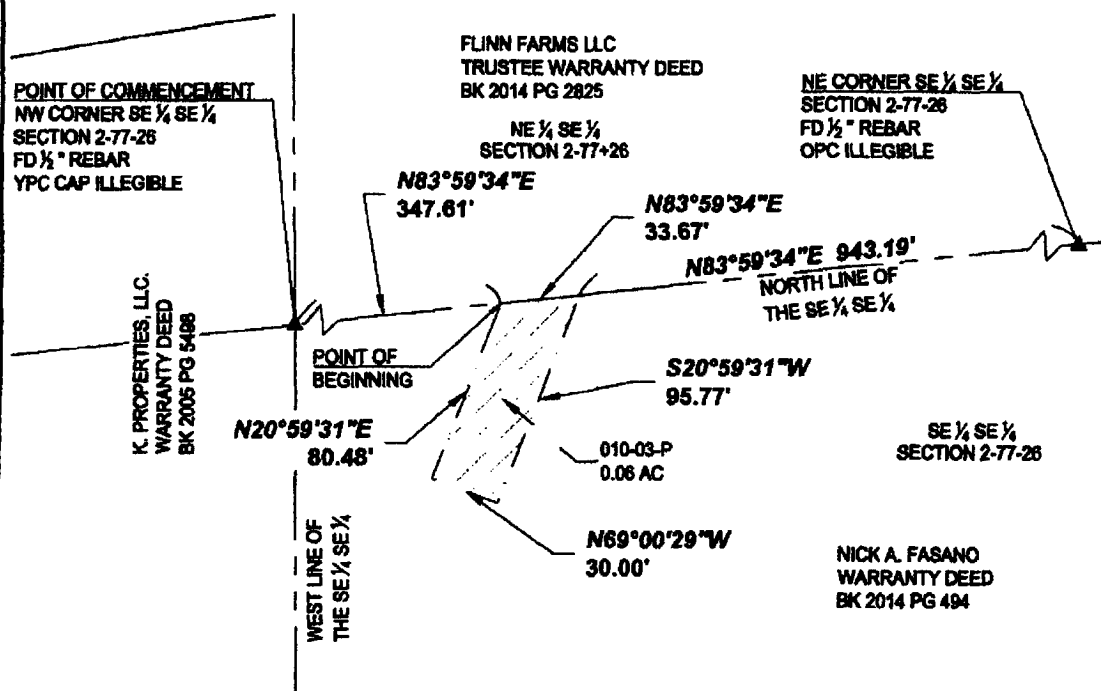
DATE SURVEYED: 01/05/2018

DRAWING PATH: N:\Projects\WDM 20616017\Survey

<b>INDEX LEGEND</b>	
COUNTY:	MADISON
TRS:	SECTION 2, T77N, R26W
ALIQUOT PART:	SE ¼ SE ¼
PROPRIETOR:	NICK A. FASANO
REQUESTED BY:	CITY OF WEST DES MOINES
SURVEYOR:	JOHN DEWEY
COMPANY:	MCCLURE ENGINEERING
RETURN TO:	JOHN DEWEY 1360 NW 121ST ST STE A CLIVE, IA 50325 / 515-964-1229

## STORM SEWER OVERLAND FLOWAGE EASEMENT

EXHIBIT 010-03-P



### EASEMENT DESCRIPTION

BEING A PART OF THE SE¼ OF THE SE¼ OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SE¼ OF THE SE¼ OF SAID SECTION 2; THENCE ALONG THE NORTH LINE OF SAID SE¼ OF THE SE¼, N83°59'34"E, 347.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, N83°59'34"E, 33.67 FEET; THENCE S20°59'31"W, 95.77 FEET; THENCE N69°00'29"W, 30.00 FEET; THENCE N20°59'31"E, 80.48 FEET TO A POINT ON THE NORTH LINE OF SAID SE¼ OF THE SE¼, THE POINT OF BEGINNING. SAID AREA CONTAINING 0.06 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

THIS EASEMENT IS BEING PREPARED FOR THE CONSTRUCTION OF VETERANS PARKWAY.

GENERAL LEGEND	
---	SECTION LINE
---	EASEMENT LINE
MONUMENTS FOUND:	
A	SECTION CORNER (TYPE AS NOTED)
ABBREVIATIONS:	
R.O.W.	RIGHT-OF-WAY
BK, PG	BOOK AND PAGE
(M)	MEASURED DISTANCE/ANGLE
(R)	RECORD DISTANCE/ANGLE
P.U.E.	PUBLIC UTILITY EASEMENT
BPC	BLUE PLASTIC CAP
YPC	YELLOW PLASTIC CAP
OPC	ORANGE PLASTIC CAP
GPC	GREEN PLASTIC CAP
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

**McCLURE™**  
building strong

1360 NW 121st Street, STE A  
Clive, Iowa 50325  
515-964-1229  
fax 515-964-2370

NORTH

0 30 60  
IN FEET  
1 inch = 60 ft.

LICENSED LAND SURVEYOR  
JOHN DEWEY  
23252  
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DAILY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

RONALD: DATE: 5-23-18

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019  
PAGES OR SHEETS COVERED BY THIS SEAL: THIS SHEET  
DATE SURVEYED: 01/03/2018  
DRAWING PATH: N:\Projects\NDM 20618017\Survey

# EASEMENT EXHIBIT

EXHIBIT 010-03-T

FLINN FARMS LLC  
TRUSTEE WARRANTY DEED  
BK 2014 PG 2825

POINT OF COMMENCEMENT  
NW CORNER SE 1/4 SE 1/4  
SECTION 2-77-26  
FD 1/2" REBAR  
YPC CAP ILLEGIBLE

"TE-A"  
POINT OF  
BEGINNING

"TE-B"  
POINT OF  
BEGINNING

NE 1/4 CORNER SE 1/4 SE 1/4  
SECTION 2-77-26  
FD 1/2" REBAR  
OPC CAP ILLEGIBLE

N75°49'47"E  
160.71'

N83°59'34"E 156.94'  
FROM P.O.C. TO  
"TE-A" P.O.B.

N83°59'34"E 319.55'  
FROM P.O.C. TO  
"TE-B" P.O.B.

NORTH LINE OF  
THE SE 1/4 SE 1/4

S66°21'59"W  
97.39'

N20°59'31"E  
72.74'

N20°59'31"E  
95.77'

S76°04'31"W  
134.66'

"TE-A"  
0.11 AC

S20°59'31"W  
80.48'

S20°59'31"W  
113.50'

N00°37'57"W  
25.33'

N83°59'34"E  
1324.47'

S69°00'29"E  
30.00'

"TE-B"  
0.11 AC

WEST LINE OF  
THE SE 1/4 SE 1/4

NICK A. FASANO  
WARRANTY DEED  
BK 2014 PG 494

SE 1/4 SE 1/4  
SECTION 2-77-26

## LEGAL DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENTS LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 28 WEST OF THE 5TH PM, MADISON COUNTY, IOWA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### "TE-A"

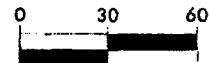
COMMENCING AT THE NW CORNER OF SAID SE 1/4 OF THE SE 1/4; THENCE ALONG THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4, N83°59'34"E, 156.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE N83°59'34"E, 64.73 FEET; THENCE S66°21'59"W, 97.39 FEET; THENCE S76°04'31"W, 134.66 FEET TO A POINT ON THE WEST LINE OF SAID SE 1/4 OF THE SE 1/4; THENCE ALONG SAID WEST LINE N00°37'57"W, 25.33 FEET; THENCE N75°49'47"E, 160.71 FEET TO THE POINT OF BEGINNING, SAID AREA CONTAINING 0.11 ACRE AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

### "TE-B"

COMMENCING AT THE NW CORNER OF SAID SE 1/4 OF THE SE 1/4; THENCE ALONG THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4, N83°59'34"E, 319.55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE N83°59'34"E, 28.06 FEET; THENCE S20°59'31"W, 80.48 FEET; THENCE S69°00'29"E, 30.00 FEET; THENCE N20°59'31"E, 95.77 FEET TO A POINT ON SAID NORTH LINE; THENCE ALONG SAID NORTH LINE, N83°59'34"E, 28.06 FEET; THENCE S20°59'31"W, 113.50 FEET; THENCE N69°00'29"W, 80.00 FEET; THENCE N20°59'31"E, 72.74 FEET TO THE POINT OF BEGINNING, SAID AREA CONTAINING 0.11 ACRE AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD



NORTH



(IN FEET)

1 inch = 60 ft.

## LEGEND

	PROPERTY LINE
	SECTION LINE
	ROW LINE
	EASEMENT AREA

DRAWING PATH: N:\Projects\WDM 20E10017\Survey



**McCLURE**<sup>TM</sup>  
ENGINEERING CO.

building strong communities

1360 NW 121st Street, STE A  
Clive, Iowa 50325  
515-964-1229  
fax 515-964-2370

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## VETERANS PARKWAY TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

WEST DES MOINES, IA  
20616017  
08/02/2018

REVISIONS  
5/10/2018

ENGINEER  
T. STOVIE

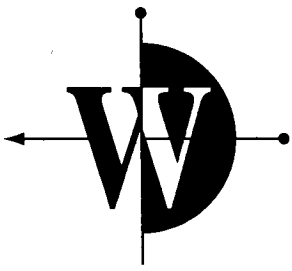
DRAWN BY  
J. DEWEY

CHECKED BY  
C. CARLETON

FIELD BOOK NO.  
----

SKETCH NO.

EXH-010-03-T



THE CITY OF  
**West Des Moines®**  
www.wdm.iowa.gov

**City Attorney's Office**

4200 Mills Civic Parkway  
P.O. Box 65320  
West Des Moines, IA 50265-0320

515-222-3523  
FAX 515-273-0601

Office of the City Attorney  
Phone (515) 222-3523  
Email: [megan.tomlinson@wdm.iowa.gov](mailto:megan.tomlinson@wdm.iowa.gov)

October 10, 2018

Linda Barker  
Madison County Sheriff's Office  
1012 N 1st Street  
Winterset, IA 50273

RE: City of West Des Moines/Fasano Condemnation Hearing  
Tuesday, September 25, 2018

Dear Linda:

Enclosed is a check in the amount of \$10,600.00 for the condemnation award in the above matter. Also enclosed is a check in the amount of \$1,484.37 for the Sheriff and Commissioners fees.

Please feel free to contact me at 222-3523 if you have any questions regarding this letter.

Sincerely,

Megan Tomlinson, Secretary  
West Des Moines City Attorney's Office

enc.

**Madison County Clerk of Court  
Madison County Courthouse  
POB 152  
Winterset, IA 50273  
515-462-4451**

COPY

**Leisa Imboden  
Clerk of Court**

**CITY ATTORNEY'S OFFICE FOR WEST DES MOINES  
ATTN: MEGAN TOMLINSON  
4200 Mills Civic Parkway  
P.O. Box 65320  
West Des Moines, IA 50265-0320**

**Please reissue the enclosed check to "Clerk of Court" and mail to the  
the above address. State in the description Fasano Condemnation  
case #CVCV034874**

**We greatly appreciate your cooperation in this matter.**

**Leisa Imboden  
Clerk of Court**

*Check turned over to Leisa w/ Madison Clerk of Court*



DATE	INVOICE NO.	DESCRIPTION	NET AMOUNT
09/26/2018	092618NAF	FASANO CONDEMNATION AWARD	10,600.00

Total: \$10,600.00



WEST BANK  
1601 22ND ST  
WEST DES MOINES, IA 50266

Check No: 309799

Date
10/02/2018

Amount
\$10,600.00

PAY Ten Thousand Six Hundred and 00/100 Dollars

TO THE ORDER OF NICK FASANO,  
GWEN C FASANO, TWO RIVERS BANK & TRUST,  
MADISON COUNTY TREASURER  
1089 WOODLAND AVENUE  
CUMMING, IA 50061

*Trip Steen*

Check No. 309793

DATE	INVOICE NO.	DESCRIPTION	NET AMOUNT
09/25/2018	092518MCS	FASANO CONDEMNATION	1,484.37

PAID

FEB 5 PAID

BY \_\_\_\_\_

Total: \$1,484.37

JASON

date 2-6-18

CHECK # 2383

CHECK TO: Kim HARRIS

IN THE AMOUNT OF: \$209.26.


CASE # 18 Condemnation 2

Veterans Parkway

VS

Nick Fasano

THANKS



*total checks  
#10 34.87*

JASON

date 2-6-18

CHECK # 2382

CHECK TO: Bruce Sawyers

IN THE AMOUNT OF: 203.81

CASE # 18 Condemn returns 2

Veterans Parkway

VS

Nick Fasano

THANKS

*AB*

JASON

date 2-6-18

CHECK # 2381

CHECK TO: Vicent Wildin

IN THE AMOUNT OF: \$ 208.72

CASE # 18 Condemnations

Veterans Parkway

VS

Nick Fasano

THANKS

*AB*

JASON

date 2-6-19

CHECK # 2380

CHECK TO: Steve Warrington

IN THE AMOUNT OF: \$213.08

CASE # 18 Condemnations 2

Veterans Parkway

VS

Nick Fasano

THANKS

JB

JASON

date 2-6-19

CHECK # 2379

CHECK TO: Gus Henrichs

IN THE AMOUNT OF: \$ 200.00.

CASE # 18 Condemnations 2

Veterans Parkway

VS

Nick Fasano

THANKS

*JB*

**MADISON COUNTY SHERIFF'S OFFICE**

JASON BARNES, SHERIFF  
 1012 N John Wayne Drive, Box 517  
 WINTERSET, IA 50273

**INVOICE**

Date: 09/25/2018

(515) 462-3575

To:  
 CITY OF WEST DES MOINES

## Case Information:

<b>VETERANS PARKWAY VS NICK A FASANO</b>	Case Number: <b>18CONDEMNATION2</b>
	Civil Number: <b>18-000262</b>
	Date Received: <b>09/25/2018 @ 13:36</b>

## Processes:

**CONDEMINATION**

Party Served	Date	Service Fee	Mileage	Copies	Other Fees	Total
<b>WILDIN,VINCENT</b> 2791 US HIGHWAY 169, WINTERSET, IA 50273	<b>08/20/2018</b>	30.00	5.45	1.50	200.00	236.95
<b>SAWYERS,BRUCE</b> 1667 195TH ST, WINTERSET, IA 50273	<b>08/20/2018</b>	30.00	10.90	1.50	0.00	42.40
<b>HENRICHS,GUS</b> 303 W FILMORE ST, WINTERSET, IA 50273	<b>08/21/2018</b>	30.00	5.45	1.50	0.00	36.95
<b>WARRINGTON,STEVE</b> 510 W CLANTON ST, SAINT CHARLES, IA 50240	<b>08/21/2018</b>	30.00	9.27	1.50	0.00	40.77
<b>HARRIS,KIM</b> 145 NW LOCUST AVE, EARLHAM, IA 50072	<b>08/27/2018</b>	30.00	18.53	1.50	0.00	50.03
<b>SHAW,JOHN</b> 2250 CARVER RD, WINTERSET, IA 50273	<b>08/27/2018</b>	30.00	10.90	1.50	0.00	42.40
<b>GUS HENRICHS</b>	<b>COMMISS</b>					200.00
<b>STEVE WARRINGTON</b>	<b>COMMISS</b>					213.08
<b>VINCENT WILDIN</b>	<b>COMMISS</b>					208.72
<b>BRUCE SAWYERS</b>	<b>COMMISS</b>					203.81
<b>HARRIS,KIM</b>	<b>COMMISS</b>					209.26

Total Fees:	<b>1,484.37</b>
Total Payments:	<b>0.00</b>
Amount Due:	<b>1,484.37</b>

Due upon Receipt

Please Return with your Remittance

Case Number: **18CONDEMNATION2**  
 Civil Number: **18-000262**  
 Date Invoiced: **9/25/2018**  
 Amount Due: **1,484.37**

\*18000262\*



Prepared for

**Mr. Tyler Buckingham  
Project Manager  
JCG Land Services, Inc.  
1715 South G Avenue  
Nevada, IA 50201**

An Appraisal of Real Estate Described as

**Fasano Parcel  
Located at 1089 Woodland Avenue  
Cumming, Iowa**

Date of Value

**June 6, 2018**

Prepared by

**Russ G. Manternach, MAI  
Commercial Appraisers of Iowa, Inc.  
3737 Woodland Avenue, Suite 320  
West Des Moines, IA 50266  
(515) 288-6800  
(515) 288-6810 FAX**

# COMMERCIAL APPRAISERS OF IOWA, INC.

Real Estate Valuation & Consulting

Patrick J. Schultz, MAI  
Russell Mantemachi, MAI

David H. Freedman, MAI  
Loren C. Olson, MAI  
John J. Waminger, MAI  
David J. Engelsang

July 23, 2018

Mr. Tyler Buckingham  
Client Relations Manager  
JCG Land Services, Inc.  
1715 South G Avenue  
Nevada, IA 50201

Dear Mr. Buckingham:

**Re: Value Finding Appraisal of Fasano Parcel, Located at 1089 Woodland Avenue,  
Cumming, Iowa.  
Veterans Parkway & Grand Prairie Parkway Improvement Project.**

As you requested, we have on June 6, 2018, inspected the above referenced property. A description of the parent tract is included in the Summary of Salient Data Section of the accompanying report. We have included an acquisition map in the addendum that identifies the proposed acquisition.

The purpose of the appraisal is to estimate the difference in the fair market value of the fee simple estate, and of the separate property ownership or tenant interests, if applicable, in the property immediately before and immediately after the proposed acquisition for project improvement purposes. The estimate of market value, before acquisition, assumes the price paid for the property is not affected by any knowledge of the proposed project. "Fair Market Value" is defined in the Summary of Salient Data Section of the accompanying report. The appraisal is to be used for acquisition purposes. The intended user is the City of West Des Moines and its representatives.

The appraisal is prepared in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, in accordance with Part 24 of Title 49 of the Code of Federal Regulations. It is made in conformance to the guidelines of the Uniform Standards of Professional Appraisal Practice (USPAP) and the Appraisal Institute's Code of Ethics. However, Jurisdictional Exception is taken if USPAP is in conflict with the Uniform Relocation Act.

Mr. Tyler Buckingham

July 23, 2018

Page 2

**Value Conclusions**

Based on the data and judgments contained in this appraisal, we conclude that the difference in the market value of the fee simple estate in the subject property, immediately before and immediately after the proposed acquisition, as of June 6, 2018, is: **\$10,600.**

**Just Compensation**

**\$10,600.**

It has been a pleasure providing appraisal services to you. If you should have any questions regarding the derivation of just compensation, please feel free to contact me at your convenience.

Respectfully submitted,



Russ G. Manternach, MAI

**TABLE OF CONTENTS**

**TITLE PAGE  
LETTER OF TRANSMITTAL**

**CONTENTS**

**SUMMARY OF SALIENT DATA..... 1**  
**ASSUMPTIONS AND LIMITING CONDITIONS ..... 5**  
**STATEMENT OF THE APPRAISAL PROBLEM ..... 7**  
**DES MOINES AREA AND CITY DATA ..... 8**  
**NEIGHBORHOOD DESCRIPTION ..... 10**  
**AIR PHOTO..... 11**  
**SUBJECT PHOTOGRAPHS ..... 13**  
**FLOOD MAP ..... 17**  
**PARENT TRACT DESCRIPTION -BEFORE ..... 21**  
**HIGHEST AND BEST USE OF PROPERTY - BEFORE..... 23**  
**DESCRIPTION OF RIGHTS TO BE ACQUIRED..... 24**  
**EFFECTS OF THE ACQUISITION ..... 27**  
**VALUATION..... 28**  
**CERTIFICATION..... 33**

**ADDENDUM**

**ACQUISITION PLAT(S) AND DESCRIPTION**  
**SUBJECT WARRANTY DEEDS**  
**COMPARABLE LAND SALES AND MAP**  
**IDOT FORMS**  
**DEFINITIONS**  
**APPRAISERS STATE CERTIFICATION**  
**QUALIFICATIONS OF THE APPRAISER**

**SUMMARY OF SALIENT DATA**

**Property Identification - Parent Tract**

The parent tract consists of a 27.87 acre tract of land improved with a house and associated site improvements. A legal description for the property is included in the warranty deeds included in the addendum.

The property is also identified on the maps included in this report.

**Proposed Acquisition**

The City of West Des Moines proposes to acquire fee title to 0.04 acres.

A 0.06 acre permanent storm sewer overland flowage easement will be acquired.

Temporary construction easements with a combined area of 0.22 acres will also be acquired. The duration of the temporary easement is for up to 18 months.

Plats for the proposed acquisition are included in the addendum.

**Ownership & Sales History**

According to public records, the owner is Nick Fasano per a deed recorded in Book 2014, Page 494 of the Madison County Recorder's Office. The deed was dated March 4, 2014 and indicated consideration of \$276,300 for the vacant site. This was a sale between related parties.

The property previously sold on August 16, 2013 for \$270,000, which equates to \$9,688 per acre. This was an "arm's length" transaction. We are not aware of any other transfers of ownership during the past five years.

To our knowledge, the property is not listed for sale.

**Occupancy**

The property is owner-occupied for residential and agricultural use.

**Assessed Value**

According to the Madison County Assessor's Office, the property is identified as Parcel No. 0110102880030000. The assessed value is as follows.

Land	\$29,600
Improvements	\$962,000
Total	\$991,600

**Purpose of the Appraisal**

The purpose of the appraisal is to estimate the difference in the fair market value of the fee simple estate, and of the separate property ownership or tenant interests, if applicable, in the property immediately before and immediately after the proposed acquisition for project improvement purposes. The estimate of market value, before acquisition, assumes the price paid for the property is not affected by any knowledge of the proposed project. The appraisal is to be used for acquisition purposes. The intended user is the City of West Des Moines and its representatives.

**Scope of Work**

The appraisal is to be used to estimate just compensation for acquisition purposes related to the proposed project.

The scope of work for this assignment included an inspection of the subject property, reviewing public record information concerning the subject and other properties in its immediate neighborhood, reviewing construction plans associated with this project, and searching for sales of properties similar to the subject. The interior of buildings, if present, were not inspected by the appraiser. The property owner or representative was contacted and offered an opportunity to inspect the property with the appraiser.

A sales comparison approach was completed to estimate the market value of the land. All comparable sales used in the appraisal were inspected by the appraiser or an employee of Commercial Appraisers of Iowa, Inc. The sales were verified by interviewing the grantor, grantee, and/or through public records. The comparable sales applied in the analyses are described in detail on the data sheets included in the addendum to this report.

The estimate of just compensation was estimated by completing a value finding appraisal report. The just compensation in a value finding appraisal is intended to reflect the difference between the before and after values. The estimate of just compensation is the diminution in value as a result of the proposed acquisition.

The scope of this assignment includes apportioning the value of the acquisition between any parties that may have an interest, if applicable.

**Definition of Fair Market Value**

The term "fair and reasonable market value" means the cash price which would be arrived at as between a voluntary seller, willing but not compelled to sell, and a voluntary purchaser willing, but not compelled to buy. It assumes a buyer and seller are bargaining freely, in the open market for the purchase and sale of the real estate in question.

The term does not mean a value under circumstances where greater than its fair price could be obtained, nor does it mean the price which the property would bring at a forced sale. It does not mean what the property is worth to the plaintiff (owner) nor what the defendant (acquiring authority) can afford to pay, but what it is fairly worth in cash on the open market, as above stated. (*Iowa Civil Jury Instructions 2500.4*)

In short, the fair and reasonable market value of a property is to be considered in the same manner that a knowledgeable, voluntary buyer determines the fair and reasonable market value of a property—what are its capabilities, what are its detriments, what is it fairly and reasonable worth in the market place? The jury and/or Compensation Commission is entitled to be informed of all-factors which (1) the willing seller would impress upon the willing buyer that tend to show value and (2) the willing buyer would impress upon the willing seller that tend to indicate lack of value—including sales of comparable properties and evidence of its highest and best use. Basis: *Iowa Civil Jury Instructions 2500.6 and annotate authorities: Bellew v. Iowa State Highway Commission, 171 N.W. 2d 284, 288-289 (Iowa 1969); and, In Re Primary Road No. 141, 255 Iowa 711, 124 N.W.2d 141, 147 (1963).*

The determination of “Market Value” may not consider or reflect any enhancement in value of the subject, caused by the public improvement which has prompted the taking. (No sales exhibiting these effects may be used as a comparable in arriving at the value of the subject property, either before or after the date of condemnation.) Basis: *Iowa Civil Jury Instructions 2500.3; Socony Vacuum Oil Co. v. State, 170 N.W.2d 378 (Iowa 1969).*

*Source: Iowa Department of Transportation, Office of Right of Way, Appraisal Operations Manual, August 2003.*

#### **Compliance with USPAP - Jurisdictional Exception Rule**

The Uniform Standards of Professional Appraisal Practice (USPAP) states, “If any applicable law or regulation precludes compliance with any part of USPAP, only that part of USPAP becomes void for that assignment.”

This assignment involves a jurisdictional exception because the Iowa Code prohibits consideration of increases in a property’s value caused by the project. It specifically states, “shall not take into consideration any advantages that may result to said owner on account of the improvements for which it is taken”.

USPAP requires that “when analyzing anticipated public or private improvements, located on or off the site, an appraiser must analyze the effect on value, if any, of such anticipated improvements to the extent they are reflected in market actions.” We are specifically disregarding the benefits that could accrue to the subject property due to the proposed project. Therefore, we note this appraisal is made using a “jurisdictional exception” in order to appraise the property in compliance with requirements for government acquisition appraisals.

#### **Date of Inspection and Valuation**

The property was inspected on June 6, 2018 by Russ G. Manternach. The estimate of just compensation is effective as of that date.

#### **Contamination**

There are no obvious signs of contamination. We have performed this analysis assuming no contamination exists.

**Value Conclusions**

Just Compensation (June 6, 2018)	\$10,600.
----------------------------------	-----------

**Contacts and Addresses**

Nick Fasano  
1089 Woodland Avenue  
Cumming, IA 50061  
Phone: 515-554-3055

**Appraiser Competency**

Russ G. Manternach prepared the analysis and valuation conclusions. Mr. Manternach is a Certified General Real Property Appraiser by the State of Iowa and holds the professional designation of MAI from the Appraisal Institute. Refer to the Qualifications of the Appraiser in the Addendum for additional information. The appraiser has performed numerous appraisals on properties similar to the subject of this report.



## ASSUMPTIONS AND LIMITING CONDITIONS

We are appraising the property assuming it does not suffer from soil or groundwater contamination. Our estimate of market value, and other findings presented in this report, is contingent upon this assumption.

The date of value to which the opinions expressed in this report apply is set forth in the letter of transmittal. We assume no responsibility for economic or physical factors occurring at some later date, which may affect the opinions stated herein.

The Americans with Disabilities Act ("ADA") became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirements of ADA in estimating the value of the property.

No opinion is intended to be expressed for legal matters or that would require specialized investigation or knowledge beyond that ordinarily employed by real estate appraisers, although such matters may be discussed in the report.

No opinion as to title is rendered. Data on ownership and the legal description were obtained from sources generally considered reliable. Title is assumed to be marketable and free and clear of all liens and encumbrances, easements, and restrictions except those specifically discussed in the report. The property is appraised assuming it to be under responsible ownership and competent management and available for its highest and best use.

No engineering survey has been made by the appraiser. Except as specifically stated, data relative to size and area, were taken from sources considered reliable. No encroachment of real property improvements is assumed to exist, unless otherwise stated.

The maps, plats, and exhibits included are for illustration only, as an aid in visualizing matters discussed within the report. They should not be considered to be surveys or relied upon for any other purpose.

No opinion is expressed as to the value of subsurface oil, gas, or mineral rights. The property is not subject to surface entry for the exploration or removal of such materials except as is expressly stated.

Because no title report was made available to the appraiser, I assume no responsibility for such items of record not disclosed by our normal investigation.

No detailed soil studies covering the subject property were available for my use. Therefore, premises as to soil qualities employed in this report are not conclusive but have been considered

consistent with information available. It is assumed that the site would support those improvements that represent the highest and best use.

Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute, the American Society of Appraisers, and the Uniform Standards of Professional Appraisal Practice.

Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or to the MAI or RM designation or the SREA, SRPA or SRA designations, the American Society of Appraisers or their members) shall be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communication without the prior written consent and approval of the undersigned. This consent and approval does not apply to Governmental Agencies who disclose appraisals and appraised values through their normal business functions.

We have inspected the subject property and found no obvious evidence of structural deficiencies except as stated in this report. However, no responsibility for hidden defects or conformity to specific governmental requirements, such as fire, building and safety, earthquake, or occupancy codes can be assumed without provision of specific professional or governmental inspections.

Because no termite inspection report was available, we assume no termite damage or infestation unless so stated.

Because no asbestos inspection report was made available to the appraiser, we assume no responsibility for such materials or like items that would require specialized knowledge or investigation beyond that ordinarily employed by real estate appraisers.

Unless stated otherwise, we did not observe and are not aware of the existence of hazardous or toxic materials or wastes at subject property. The existence of such materials may have an affect on the estimate of value. The client should retain an expert in these fields, if desired.

Testimony or attendance in court or at any other hearing is not required by reason of rendering this appraisal unless such arrangements are made a reasonable time in advance.

It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.

No consideration has been given in this appraisal to personal property located on the premises, or to the cost of moving or relocating such personal property, except noted otherwise. Only the real property has been considered.

## STATEMENT OF THE APPRAISAL PROBLEM

### **Project Definition**

The City of West Des Moines is acquiring property for the Veterans Parkway and Grand Prairie Parkway Improvement Project. As part of the project, Veterans Parkway will be extended southwest from Highway 5 and extend westward over Interstate #35 to Vintage Avenue. Grand Prairie Parkway will extend northward to 360<sup>th</sup> Street (Highway F90), and will eventually be connected with the existing Grand Prairie Parkway further to the north. A bridge over the Raccoon River will be constructed as part of the project, along with the extension of some utilities. A map of the project is included in this report.

We have not considered any increase in value that may accrue to the property due to this project. However, we are considering negative effects caused by the project and associated acquisitions.

### **Proposed Acquisition**

The City of West Des Moines proposes to acquire fee title to 0.04 acres.

A 0.06 acre permanent storm sewer overland flowage easement will be acquired.

Temporary construction easements with a combined area of 0.22 acres will also be acquired. The duration of the temporary easement is for up to 18 months.

Plats for the proposed acquisition are included in the addendum.

The value reduction to the parent tract is equal to the contributory value of the land, improvements, and partial rights acquired, along with any damage to the remainder, if applicable.

The report will be a Value Finding Report.

**DES MOINES AREA AND CITY DATA**

A detailed description of the Des Moines Metropolitan Area has been retained in our files and is available upon request of our client. In summary, the social, economic, governmental and environmental forces that affect properties in the Des Moines Metropolitan Area are favorable. The Metropolitan Area population has steadily increased over the past 30 years and future increases are anticipated. The Metro Area has a diversified and growing work force. There has been stable growth, which has resulted in a relative balance in the supply and demand for most of the major property groups. There is no excessive vacancy and continued stable growth is anticipated.

VICINITY MAP (Google Map)



## NEIGHBORHOOD DESCRIPTION

The neighborhood boundaries are generally defined as the Raccoon River to the north, Interstate 35 to the east, Cumming Road/120<sup>th</sup> Street to the south, and Badger Creek Road to the west.

The majority of properties in the neighborhood have access to water and electric services. Most parcels do not have sanitary sewer service.

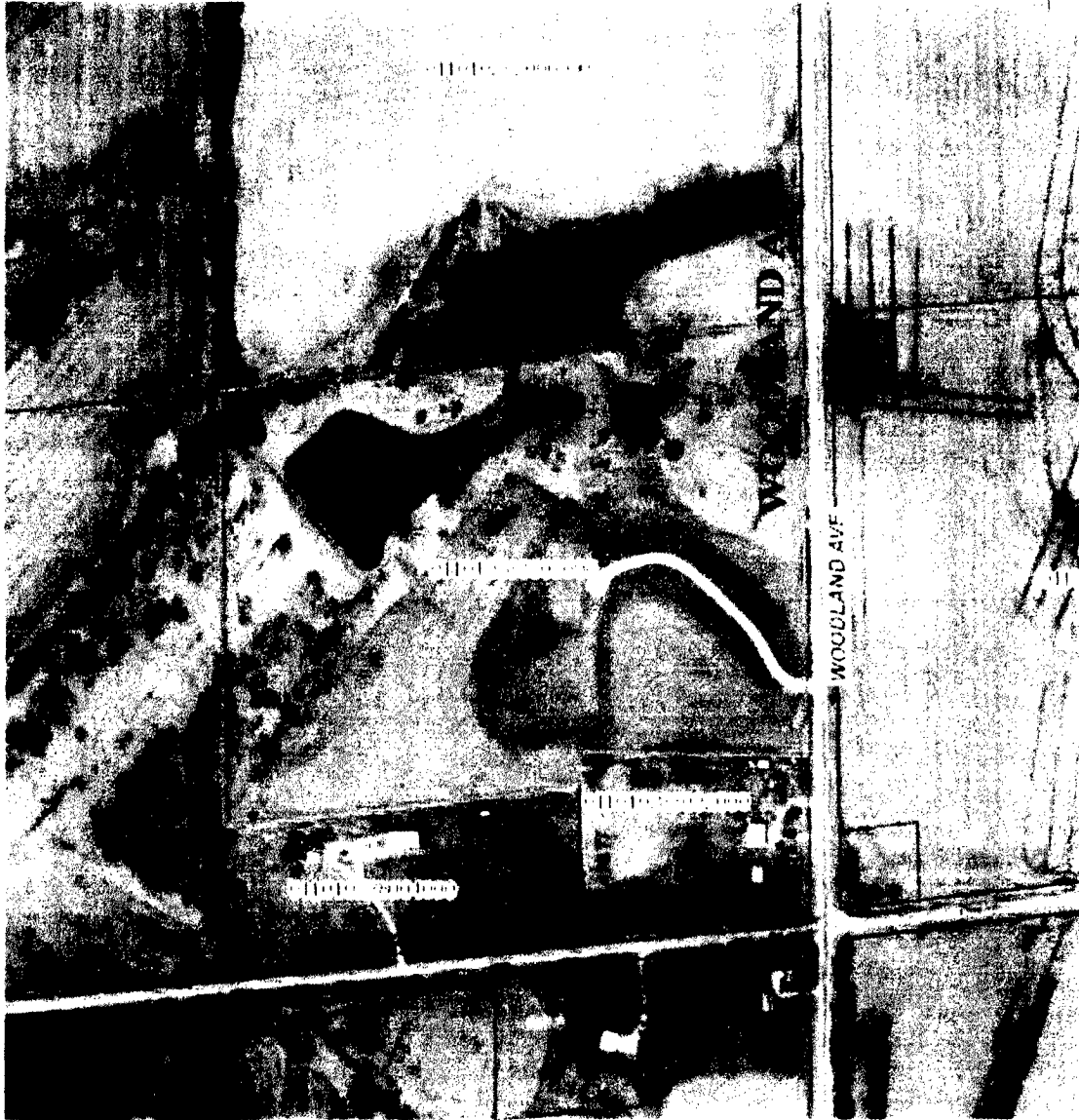
Interstate #35 and Cumming Road are the major traffic arteries.

It was announced around July of 2016 that Microsoft will be constructing a large data center (Project Osmium) on approximately 150 acres at the intersection of 110<sup>th</sup> Street and R-35 (Warren Avenue) in Madison and Warren Counties, just west of Interstate #35. In conjunction with the Microsoft development, the City of West Des Moines plans to extend the Southwest Connector, which will run west from the existing Veterans Parkway to the existing Vintage Avenue. Vintage Avenue will become Grand Prairie Parkway and will be extended to the north to Raccoon River Drive. A bridge will also be constructed over the Raccoon River as part of the street project. This development is the subject project, or associated with the subject project, and will be disregarded for this appraisal.

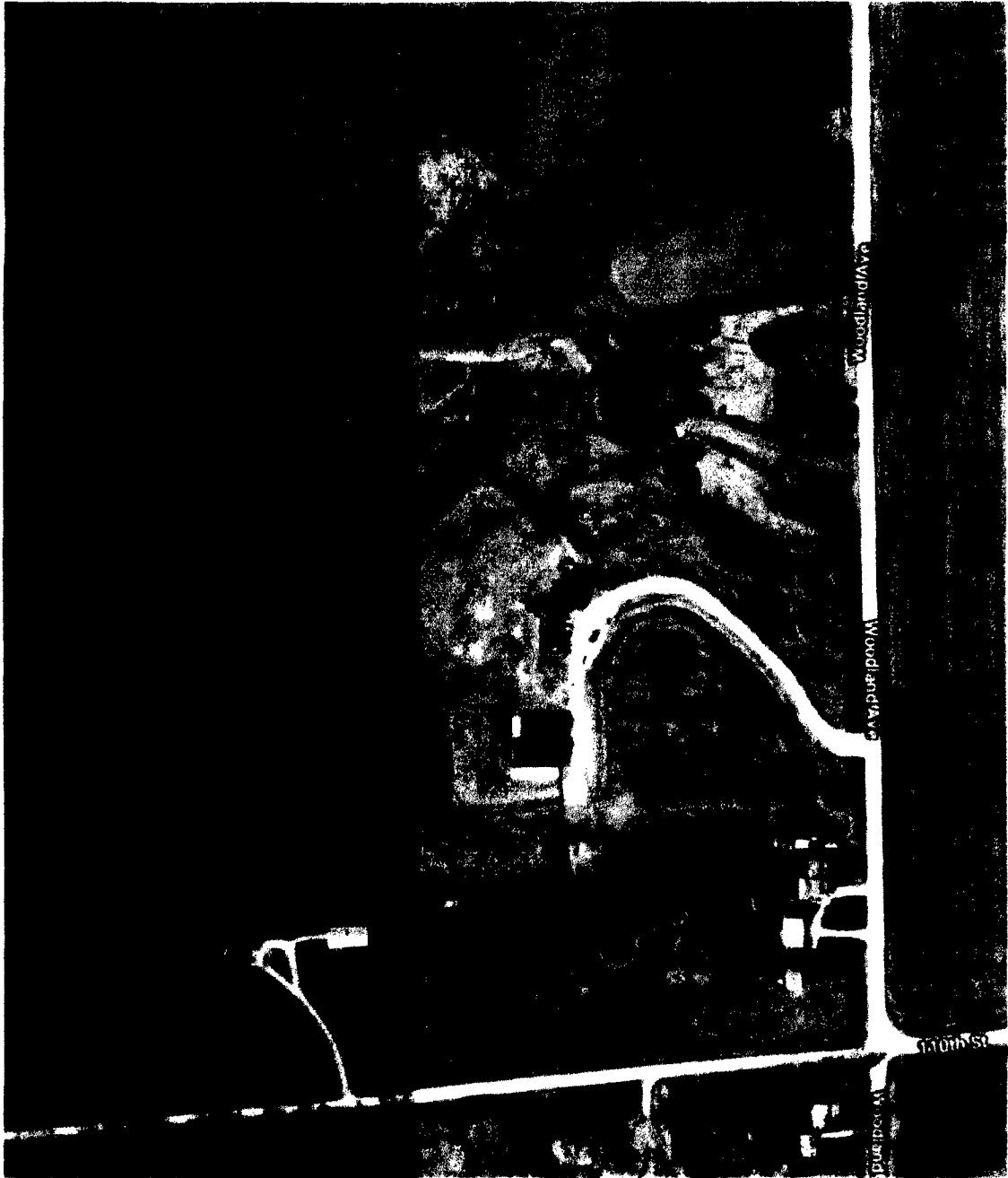
The majority of the properties are used for agricultural or residential purposes. There is a substantial amount of vacant land in the neighborhood.

A portion of the neighborhood is located within the city limits of West Des Moines. The majority of the neighborhood will likely not be developed until the extension of Veteran's Parkway is completed, which is the project for this appraisal.

**ASSESSMENT AIR PHOTO – PARENT TRACT**  
*Note: Photo taken in 2015 prior to construction of buildings.*



AERIAL MAP (Google Map)





SUBJECT PHOTOGRAPHS



Looking Northwest at Parent Tract



Looking Southwest at Parent Tract

SUBJECT PHOTOGRAPHS



Looking West at North Portion of Site



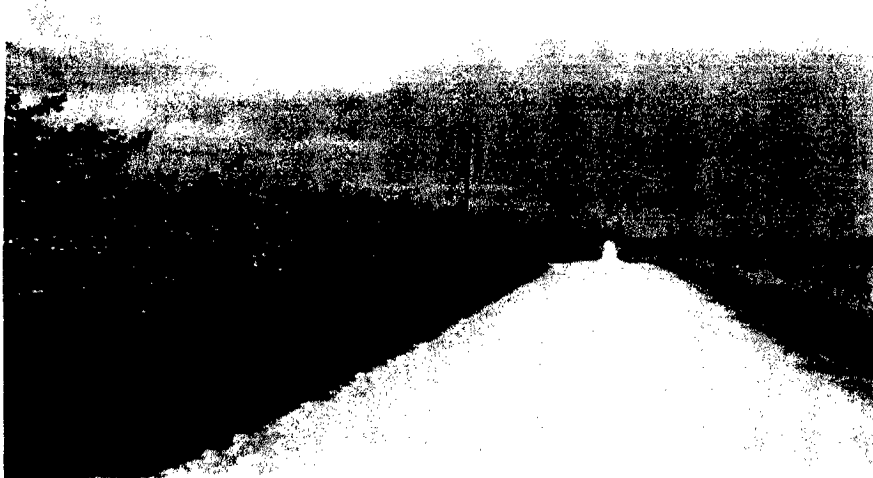
Pond

SUBJECT PHOTOGRAPHS



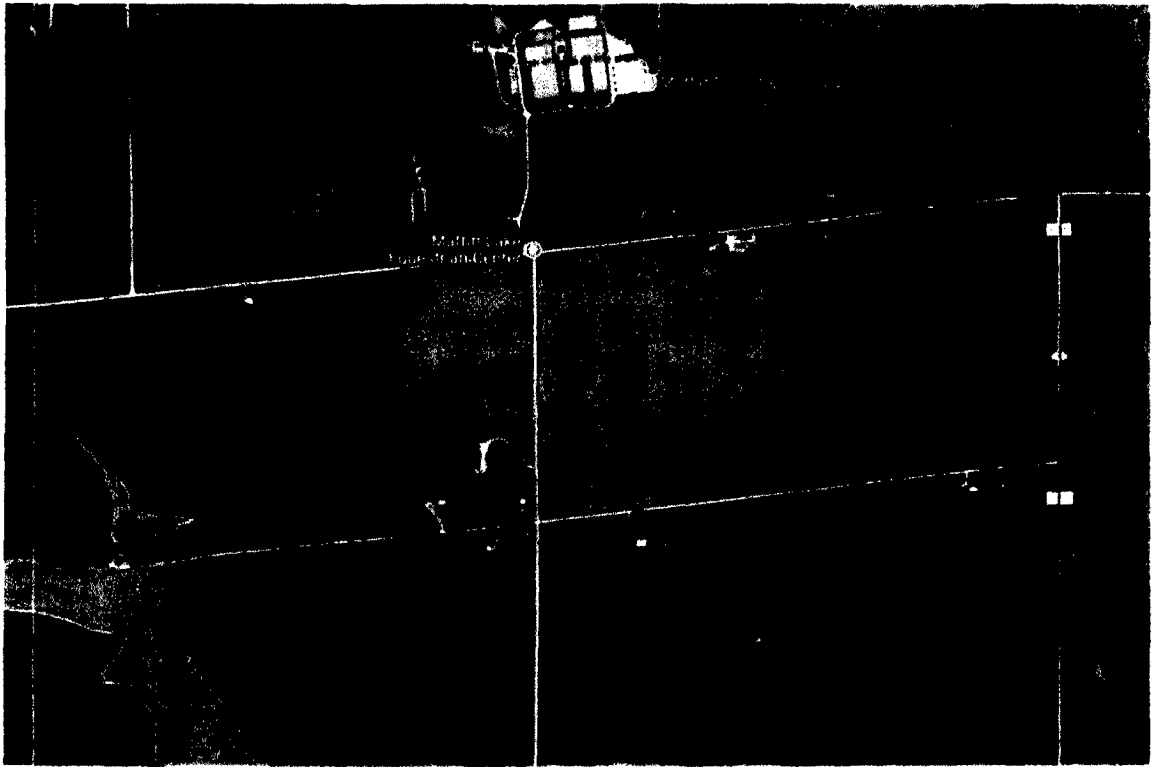
Trees on Northwest Portion of Site

**STREET SCENES**



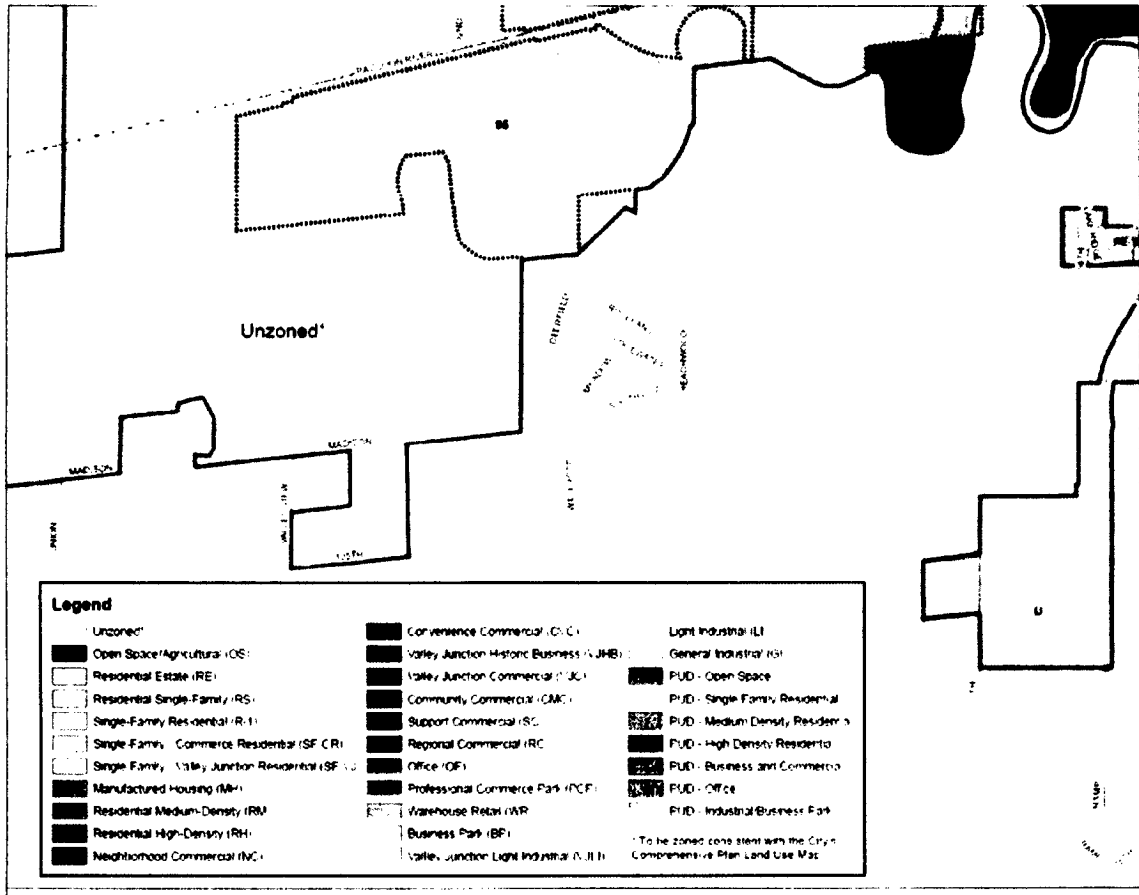
Woodland Avenue

# FLOOD MAP



	A1 FLOODPLAIN CHANGE
	A2 FLOODPLAIN CHANGE
	A3 FLOODPLAIN
	A4 FLOODPLAIN
	A5 FLOODPLAIN CHANGE FLOODPLAIN
	A6 FLOODPLAIN CHANGE PROTECTED FLOODPLAIN
	A7 AREA OF SPECIAL CONSIDERATION FLOODPLAIN
	A8 AREA OF SPECIAL CONSIDERATION PROTECTED FLOODPLAIN

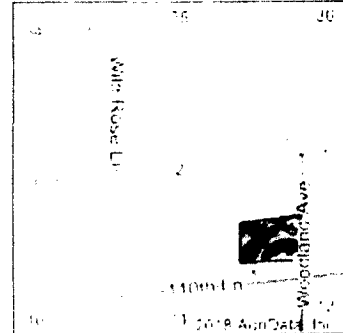
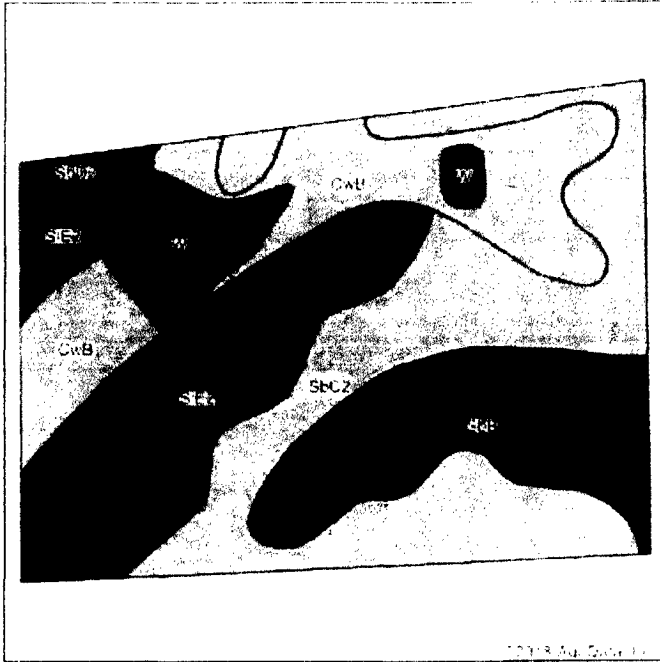
## WEST DES MOINES ZONING MAP (In vicinity of Subject)





# SOILS/CSR MAP

## Soils Map



State: Iowa  
 County: Madison  
 Location: 2.77N-26W  
 Township: Lee  
 Acres: 27.26  
 Date: 5/31/2018



Area Survey: A12 - Soil - East - Area: 27

Code	Soil Description	Acres	Percent of field	CSR Legend	Soil Class	Yield	Wares	Scrubbers	Bluegrass	Total Grasses	CSR21	CSR
S1H	Sharpsburg silty clay loam 5 to 8 percent slopes, eroded	1.00	3.7%		4e	204.0	0.0	0.4	0.0	0.4	0.0	0.0
S1I	Sharpsburg silty clay loam 14 to 19 percent slopes, moderate, eroded	0.47	1.7%		4e	11.0	0.0	0.0	0.0	0.0	0.0	0.0
S1B	Colo. occasional, flooded-E1, silty clay loams, dissected to plain 2 to 5 percent slopes	5.00	18.3%		4	214.0	4.0	0.4	0.0	0.4	0.0	0.0
S1C	Sharpsburg silty clay loam 2 to 5 percent slopes	4.69	17.2%		4	220.0	0.0	0.4	0.0	0.4	0.0	0.0
A	Water	2.02	7.4%			0.0	0.0	0.0	0.0	0.0	0.0	0.0
S1D	Sharpsburg silty clay loam 8 to 14 percent slopes, eroded	0.46	1.7%		4e	177.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Weighted Average</b>						<b>165</b>	<b>4.3</b>	<b>47.9</b>	<b>3</b>	<b>4.9</b>	<b>62.8</b>	<b>51.4</b>



## **PARENT TRACT DESCRIPTION -BEFORE**

### **General**

The parent tract consists of an irregular shaped tract of land located along Woodland Avenue in unincorporated Madison County.

### **Size**

The site area is 27.87 acres, excluding street right-of-way. The area was obtained from public assessment data.

### **Frontage/Streets**

The site has frontage along Woodland Avenue, which is a gravel surfaced road with open ditches.

### **Boundaries**

The site is primarily bounded by vacant land and residential acreages.

### **Topography and Flood Hazard Area**

The site has level to sloping topography. Two ponds are located on the site.

According to the flood map included in this report, the site is not located in a designated 100-year flood hazard area.

### **Easements and Encroachments**

We are unaware of any easements that would adversely affect the value of the site.

We did not note any encroachment during our inspection.

### **Zoning**

The site zoned Agricultural District by Madison County.

The site is designated for commercial use on the West Des Moines Future Land Use Map. However, this map considers construction of Veterans Parkway, which we are not considering for this appraisal.

### **Utilities**

The site has access to electricity and water services. Sanitary sewer service is not available to the site.

### **Soils and Corn Suitability Rating (CSR)**

The CSR is an index that rates soil types based on their productivity for row-crop production. CSR values can range from a high of 100 to a low of 5 index points per acre. The CSR also considers waterways, topography and other factors.

During approximately 2012, a new rating system was developed, which is known as CSR2. The ratings vary between the CSR and CSR2 rating systems.

The CSR2 calculations were obtained from AgriData Inc., which utilizes data obtained from Farm Service Agency (FSA). In the case of the subject property, we outlined the land areas using the soil survey software system. We then observed the soil types by percentage with CSR2 estimates. Please note that the land area arrived at by outlining on an air photograph is slightly different than the land areas used in our report for other purposes. This is a minor discrepancy that does not significantly impact the CSR2 or soils classification estimates. According to this source, the average CSR2 for the subject site is 62.8.

It is assumed the site would support those uses deemed to be the highest and best use of the land. We have assumed the site does not suffer from any soil or groundwater contamination.

**Improvements**

The site is improved with a house, machine sheds, and associated site improvements. The buildings will not be negatively impacted by the project.

**HIGHEST AND BEST USE OF PROPERTY - BEFORE**

There is a large amount of vacant land in vicinity of the subject site. Office, commercial or industrial uses would likely not be feasible, disregarding the project. A typical owner would hold the site in inventory until more infrastructure and utilities are extended to this area. Low density residential development would be feasible on the site. Disregarding the project, the highest and best use, as if vacant, is for residential acreage use or to re-zone the property to allow multiple residential acreage lots. A typical purchaser could also hold the property in inventory for potential future development.

The highest and best use, as improved, is for continued residential acreage use.

### **DESCRIPTION OF RIGHTS TO BE ACQUIRED**

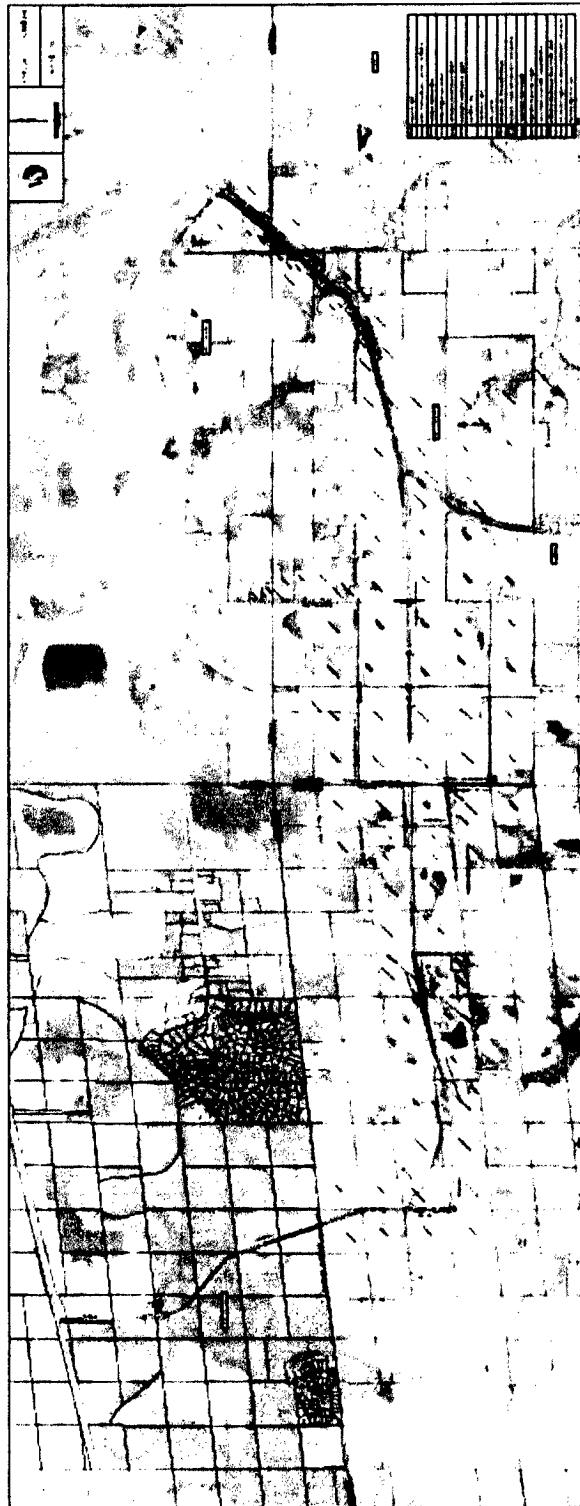
The City of West Des Moines proposes to acquire fee title to 0.04 acres. This proposed acquisition is located on the northwest portion of the site.

A 0.06 acre permanent storm sewer overland flowage easement will be acquired. The easements will be located adjacent to the proposed street right of way.

Temporary construction easements with a combined area of 0.22 acres will also be acquired. The duration of the temporary easement is for up to 18 months.

Plats for the proposed acquisition are included in the addendum.

### PROJECT MAP



**PROJECT MAP - NEAR SUBJECT PROPERTY**



## EFFECTS OF THE ACQUISITION

The effect of the fee title acquisition is the reduction of the effective size of the parent tract by 0.04 acres, or less than 1% of the site area. The size of the parent tract will be reduced from 27.87 acres to 27.83 acres.

The owner will lose partial use of the 0.06 acre permanent easement area. The easement will be used for storm sewer overland flowage purposes. No permanent buildings can be constructed within this area but the area can be used for setback and greenspace purposes. The proposed easement is partially located within typical building setback areas.

The owner will lose partial use of the temporary construction easement area to construct the project improvements. The duration of the easement will be for up to 18 months.

It appears 9 large white pine trees, two willow trees, along with approximately 340 linear feet of field fence, will be removed as a result of the project. The pine trees are shown in the photographs included in this report. The ponds will be protected.

The owner will continue to have access during the project.

There is no loss in the contributory value of the building(s). The highest and best use of the remainder property will not change after the proposed acquisition.

Any driveways, ravines/grass areas, terraces, or drainage tile disturbed by the project will be repaired and/or replaced by the project contractor, unless noted otherwise.

Our appraisal assumes any existing crop will be allowed to be harvested prior to project construction.

## VALUATION

The City of West Des Moines proposes to acquire a portion of the parent tract in fee, along with permanent and temporary construction easements. To assist in our estimate of just compensation, we will estimate the market value of the fee simple estate in the parent tract land.

The value loss attributable to the proposed acquisition is best measured by considering the contributory value of the partial rights acquired. We will also consider the loss in landscaping and other items, if applicable.

### **Valuation Approaches**

The sales comparison approach is typically the most applicable approach for vacant land valuation. The cost approach is not applicable for this analysis since we are not estimating the market value of the property, as improved. Also, the income approach is typically not developed for the valuation of vacant land.

The sales comparison approach is well supported and is an appropriate method to estimate the market value of the subject site, as if vacant. This approach merits full consideration.

### **Land Valuation**

The essence of the land sales comparison approach is to discover what similar properties have sold for recently in the local market, and after an appropriate adjustment process, to develop indications of what they would have sold for if they had possessed all of the physical and economic characteristics of the property being appraised.

We researched the market for sales that would provide a good indication of value for the property being appraised. We have chosen seven sales for presentation within this section. Sale #1 is the 2013 sale of the subject site.

The comparable sales are summarized in the following table. Additional information on the sales is included in the Addendum.

The most consistent indicator of value is the sale price per acre and adjustments have been made on this basis.



**Comparable Land Sales**

Sale	Location	Size Acres	Sale Date	Price	Price/Acre	Grantor	Grantee
1	1089 Woodland Ave, Cumming	27.87	Aug-13	\$270,000	\$9,688	Lowry & Hodge	K. Fasano
2	10th Avenue, Madison Co.	76.84	Sep-14	\$735,000	\$9,565	Colby Trust	IPE 1031 Rev 165
3	Valley View/105th, Madison Co.	77.90	Aug-15	\$963,750	\$12,372	L. Wolfe	Raccoon River
4	105th./Woodland, Madison Co.	113.08	Nov-14	\$1,290,000	\$11,408	Harkin Trust	Flinn Farms
5	V Place, Dallas Co.	38.50	Jan-16	\$535,000	\$13,896	Hansell Farms	CHBT Prop.
6	4141 10th Ave, Cumming	19.67	Aug-15	\$145,000	\$7,372	Comm. Const.	D. Sadler
7	3181 130th St. Cumming	9.03	Mar-17	\$168,000	\$18,605	Salow Farms	J. Selvage
	Subject	27.87					

The Land Sales Comparison Adjustment table follows. It is a presentation of the essential data for each sale and the adjustments we deemed necessary. An adjustment greater than 1.00 indicates that the comparable sale is inferior to the subject property in that regard. Conversely, an adjustment less than 1.00 demonstrates that the sale is superior to the subject.

**Land Sales Comparison Adjustment Table**

Sale	Date	Area Acres	Price /Acre	Rights/	Mrkt Cond.	Adjstd	Loc./	Size/	C'SR/	Zone	Other	Net Adj.	Indic. Acre Value
				Cash/ Cond.		Price/ Acre							
1	Aug-13	27.87	\$9,688	1.00	1.14	\$11,044	1.00	1.00	1.00	1.00	1.00	1.00	\$11,044
2	Sep-14	76.84	\$9,565	1.00	1.11	\$10,617	1.00	1.15	1.00	1.00	1.00	1.15	\$12,210
3	Aug-15	77.90	\$12,372	1.00	1.08	\$13,362	1.00	1.15	1.00	1.00	1.00	1.15	\$15,366
4	Nov-14	113.08	\$11,408	1.00	1.11	\$12,663	1.00	1.20	1.00	1.00	1.00	1.20	\$15,195
5	Jan-16	38.50	\$13,896	1.00	1.07	\$14,869	1.00	1.00	1.00	1.00	1.00	1.00	\$14,869
6	Aug-15	19.67	\$7,372	1.00	1.08	\$7,961	1.00	1.00	1.03	1.00	1.00	1.03	\$8,200
7	Mar-17	9.03	\$18,605	1.00	1.04	\$19,349	1.00	0.85	1.00	1.00	1.00	0.85	\$16,447
Subject		27.87											

**Justification of Adjustments**

**Property Rights Conveyed** - The adjustment most often required for property rights conveyed is for the existence of a leasehold position. This adjustment reflects the impact of leases on property value when contract rents differ from market rents. This category can also consider adjustments necessitated if the subject or comparable property is subject to easements that have negative impacts towards value beyond typical boundary related easements, unless separately adjusted in a following category. No adjustments were necessary for this category.

**Cash Equivalency** - If a comparable sale occurred under conditions other than cash to the seller, then a cash equivalency adjustment may be necessary. No adjustments were necessary for cash equivalency.

**Conditions of Sale** - This adjustment considers buyer or seller motivation. Conditions of sale may include desperation exchanges, tax ramifications, reinvestment or condemnation money, assemblage, non-arm's length transactions, and other situations. No adjustments were necessary for this category.

**Market Conditions** – Adjustments are made in this category to reflect the increase or decrease in property values between the date of comparable sale and valuation of the subject property.

The demand for development land has been increasing the past few years. We have applied an upward adjustment of 3% per year to the comparable sales for market conditions.

**Location**– This category takes into consideration the location of the comparable sales in relation to the subject property. The major factors considered were access and visibility from traffic arteries, the type and quality of development in the area, and acceptance for development in that location by the market. This category also considers paved street frontage and proximity to utilities.

The subject and comparable sales have relatively similar locations.

**Size and Shape** – Size adjustments were made to reflect the impact of economies of scale. As a larger tract of land is purchased, its sale price per square foot will typically decrease. An irregular shape generally decreases the utility of a site and lowers the sale price.

A portion of the sales were adjusted for their size in comparison to the subject site.

**Topography/Flood** – Sale #6 was adjusted upward for its inferior topography and/or flood classification in relation to the subject site.

**Zoning** – Disregarding the project, the zoning and/or anticipated zoning of the subject and comparable sales allows primarily the same uses.

**Published Surveys**

The following agricultural land value survey was published by Iowa State University Extension.

Year	Madison County	% Change
2016	\$6,050	
2017	\$6,079	0.5%

The average value of farmland according to the ISU Land Survey, as of November 1, 2017, was \$6,079 in Madison County. The subject property has a higher value than the average shown due to its proximity to the Des Moines Metropolitan Area and development potential.

**Reconciliation – Before**

After adjustments, the comparable sales indicate a range of values from approximately \$8,200 to \$16,400 per acre, with the majority between \$11,000 and \$15,400. We have given consideration to all of the sales and reconcile to a value of \$15,000 per acre for the parent tract.

**Fee Acquisition**

The diminution in value as a result of the fee acquisition is as follows:

$$0.04 \text{ Acres} \times \$15,000 \text{ Per Acre} = \$600.$$

**Permanent Easement(s)**

A 0.06 acre permanent storm sewer overland flowage easement will be acquired.

After the project is completed, the permanent easement area can still be used for setback and greenspace purposes. No buildings will be permitted to be constructed on the permanent easement area. Also, any trees, bushes, or shrubs planted in this area in the future can be removed by the city without replacement. The value is diminished as a result of the easement.

The easement will not alter the highest and best use of the parent tract. We estimate the diminution in value to be between 25% to 50% of fee value, and will reconcile to 50%. The diminution in value attributable to the permanent easements is estimated as follows:

$$0.06 \text{ Acres} \times \$15,000 \text{ Per Acre} \times 50\% = \$450.$$

**Rounded to \$500.**

**Temporary Easement**

A 0.22 acre temporary construction easement will also be acquired. The duration of the temporary easement is for up to 18 months.

We will estimate compensation for the temporary easement area by applying a land rental. We have observed land rental rates primarily ranging from 6% to 8% of land value per year. We will apply a land rental amount of 8% per year.

The diminution in value attributable to the temporary easement is estimated as follows:

$$0.22 \text{ Acres} \times \$15,000 \text{ Per Acre} \times 8\% \times 1.5 \text{ Years} = \$396.$$

**Rounded to \$400.**

**Landscaping/Other**

It appears 9 large white pine trees, two willow trees, along with approximately 340 linear feet of field fence, will be removed as a result of the project.

The landscaping being removed from the subject site contributes value to the property and would need to be replaced to prevent a loss in property value. It is not necessary that the landscaping match the existing landscaping, but that it provides an attractive appearance and buffer.

Based upon costs obtained from landscaping companies, the installed replacement cost is estimated to be \$300 per 4 to 6 foot tall evergreen tree, \$500 per 2" to 3" deciduous tree, \$50.00 per 3-foot shrub, and \$50.00/hour for labor for other landscaping items. We have obtained a verbal cost estimate from a local fencing company that indicated fence cost ranging from \$2.75 to \$3.25 per linear foot.

We estimate a landscaping/cost-to-cure allowance of \$9,100. This allows installation of approximately 20 evergreen trees at \$300 per tree, four deciduous trees at \$500 per tree, and 340 linear feet of field fence at \$3.25 per foot, or its equivalent. Due to the size of the trees being removed, we have estimated numerous smaller trees would need to be installed to be equivalent.

**Total Value Loss Conclusion**

The total diminution in value as a result of the acquisition is as follows:

Fee Acquisition	\$600.
Right of Way Held by Easement	N/A.
Permanent Easement(s)	500.
Temporary Easement(s)	400.
Landscaping/Other	9,100.
Total Just Compensation	\$10,600.

**Other Interests**

The property is owner-occupied. To our knowledge, there are no other interests to consider for this appraisal.

## CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation from completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

I personally inspected the subject property.

I have previously completed an appraisal on this property for this project during the past 12 months. This appraisal is being completed to consider a change in the landscaping being removed for the project.

No one provided significant professional assistance to the persons signing this report.

As of the date of this report, Russ G. Manternach has completed the requirements of the continuing education program of the Appraisal Institute.



Russ G. Manternach, MAI  
State Certificate # CG01775

# INDEX LEGEND

COUNTY: MADISON  
 IRS: SECTION 2, T77N, R26W  
 ALIQUOT PART: SE 1/4 SE 1/4  
 PROPRIETOR: NICK A. FASANO  
 REQUESTED BY: CITY OF WEST DES MOINES  
 SURVEYOR: JOHN DEWEY  
 COMPANY: MCCLURE ENGINEERING  
 RETURN TO: JOHN DEWEY  
 1360 NW 121st Street A  
 CLIVE, IA 50325 / 515-964-1229

## ACQUISITION PLAT

EXHIBIT 010-03-F

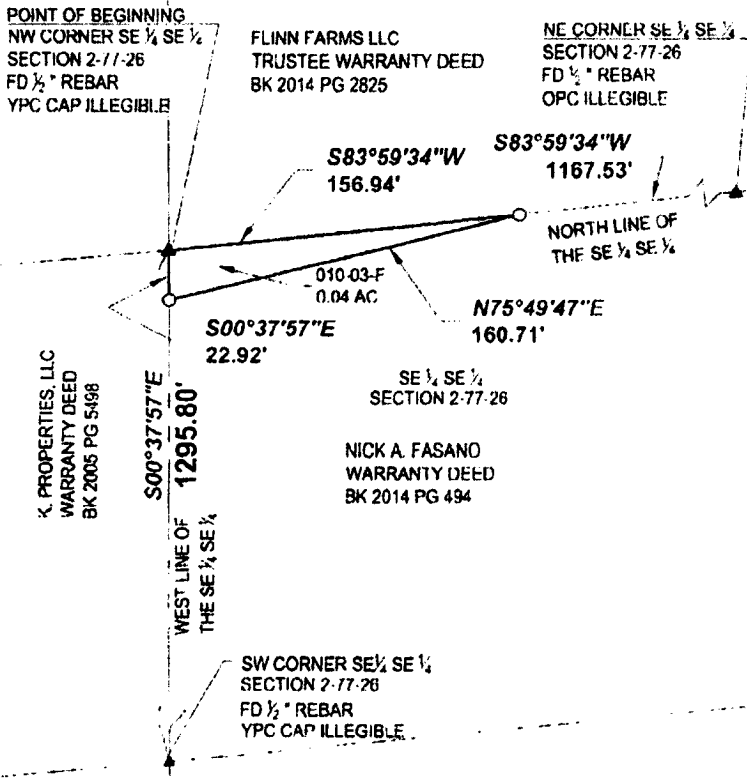
IN THE SE 1/4 SE 1/4 OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 26 WEST, OF THE 5TH P.M., MADISON COUNTY, IOWA.

### LEGAL DESCRIPTION:

BEING A PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 2, THENCE ALONG THE WEST LINE OF SAID SE 1/4 OF THE SE 1/4, S00°37'57"E, 22.92 FEET, THENCE N75°49'47"E, 160.71 FEET TO A POINT ON THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4, THENCE ALONG SAID NORTH LINE, S83°59'34"W, 156.94 FEET TO THE POINT OF BEGINNING. SAID AREA CONTAINING 0.04 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

THIS ACQUISITION PLAT IS BEING PREPARED FOR THE CONSTRUCTION OF VETERANS PARKWAY.



### PROPRIETORS:

NICK A. FASANO  
 1089 WOODLAND AVE  
 CUMMING, IA 50061

### REQUESTED BY:

CITY OF WEST DES MOINES  
 4200 MILLS CIVIC PARKWAY  
 WEST DES MOINES, IOWA 50265

### AREA SUMMARY:

1791 SQUARE FEET

### GENERAL LEGEND

- BOUNDARY LINE
  - PROPERTY LINE
  - - - EXIST. PROPERTY LINE
  - - - SECTION LINE
  - - - EASEMENT LINE
  - - - EXIST. EASEMENT LINE
- MONUMENTS FOUND:
- ▲ - SECTION CORNER (TYPE AS NOTED)
- MONUMENTS SET:
- - 1/2" REBAR WITH OPC #23252
- ABBREVIATIONS:
- R.O.W. - RIGHT-OF-WAY
  - BK, PG - BOOK AND PAGE
  - (M) - MEASURED DISTANCE/ANGLE
  - (R) - RECORD DISTANCE/ANGLE
  - P.U.E. - PUBLIC UTILITY EASEMENT
  - BPC - BLUE PLASTIC CAP
  - YPC - YELLOW PLASTIC CAP
  - OPC - ORANGE PLASTIC CAP
  - GPC - GREEN PLASTIC CAP
  - P.O.B. - POINT OF BEGINNING
  - P.O.C. - POINT OF COMMENCEMENT

**MCCLURE**  
 Engineering, Inc.  
 1360 NW 121st Street, STE A  
 Clive, Iowa 50325  
 515-964-1229  
 fax 515-964-2370

**NORTH**  
 0 30 60  
 (IN FEET)  
 1 inch = 60'

LICENSED LAND SURVEYOR  
 JOHN DEWEY  
 23252  
 IOWA

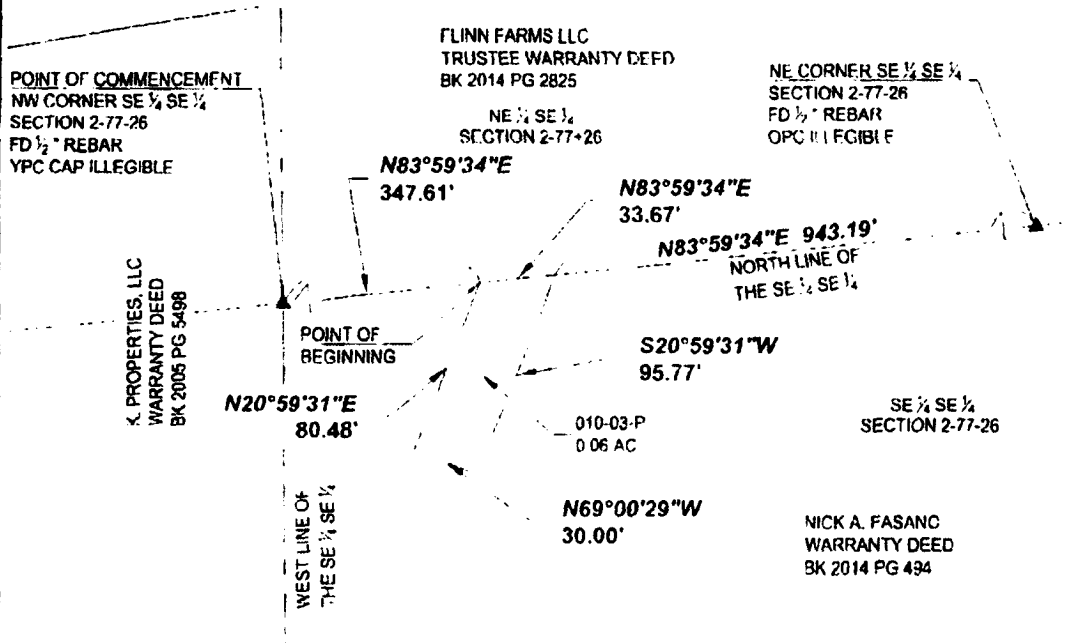
PREPARED BY: *[Signature]* DATE: 01/13/2018  
 CHECKED BY: *[Signature]* DATE: 01/13/2018  
 THIS SHEET IS ONE OF TWO SHEETS IN THIS SURVEY.  
 PREPARED FOR: K. PROPERTIES/NDM 216160115 Survey

# INDEX LEGEND

COUNTY MADISON  
 TRS SECTION 2, T77N, R26W  
 ALIQUOT PART: SE ¼ SE ¼  
 PROPRIETOR, NICK A. FASANG  
 REQUESTED BY CITY OF WEST DES MOINES  
 SURVEYOR: JOHN DEWEY  
 COMPANY MCC LURE ENGINEERING  
 RETURN TO: JOHN DEWEY  
 1360 NW 121ST ST STE A  
 CLIVE, IA 50325 / 515 964 1279

## STORM SEWER OVERLAND FLOWAGE EASEMENT

EXHIBIT 010-03-P



### EASEMENT DESCRIPTION:

BEING A PART OF THE SE ¼ OF THE SE ¼ OF SECTION 2, TOWNSHIP 77 NORTH RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE NORTHWEST CORNER OF THE SE ¼ OF THE SE ¼ OF SAID SECTION 2; THENCE ALONG THE NORTH LINE OF SAID SE ¼ OF THE SE ¼, N83°59'34"E, 347.61 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, N83°59'34"E, 33.67 FEET; THENCE S20°59'31"W, 95.77 FEET; THENCE N69°00'29"W, 30.00 FEET; THENCE N20°59'31"E, 80.48 FEET TO A POINT ON THE NORTH LINE OF SAID SE ¼ OF THE SE ¼, THE POINT OF BEGINNING SAID AREA CONTAINING 0.06 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

THIS EASEMENT IS BEING PREPARED FOR THE CONSTRUCTION OF MIFRANS PARKWAY

### GENERAL LEGEND

- SECTION LINE
- - - EASEMENT LINE
- MONUMENTS TO ME
- ▲ SECTION CORNER (TYPE AS NOTED)
- ABBREVIATIONS:
  - FWW - RIGHT-OF-WAY
  - BK, PG - BOOK AND PAGE
  - (M) - MEASURED DISTANCE, ANGLE
  - (D) - RECORD DISTANCE, ANGLE
  - P.U.E. - PUBLIC UTILITY EASEMENT
  - HP - BLUE PLASTIC CAP
  - YPC - YELLOW PLASTIC CAP
  - OPC - ORANGE PLASTIC CAP
  - GPC - GREEN PLASTIC CAP
  - P.O.B. - POINT OF BEGINNING
  - P.O.C. - POINT OF COMMENCEMENT

**MCC LURE**  
 1360 NW 121st Street, Ste A  
 Clive, Iowa 50325  
 515 964 1279  
 129 515 964 1279

NORTH  
 1" = 60'

LICENSED LAND SURVEYOR  
 JOHN DEWEY  
 23252  
 IOWA

WARRANTY DEED THAT THIS EASEMENT WAS PREPARED BY THE SURVEYOR AND WAS RECORDED IN BOOK 2014 PAGE 2825 AND THE LAND IS UNENCUMBERED EXCEPT FOR THE RESTRICTIONS OF RECORD.

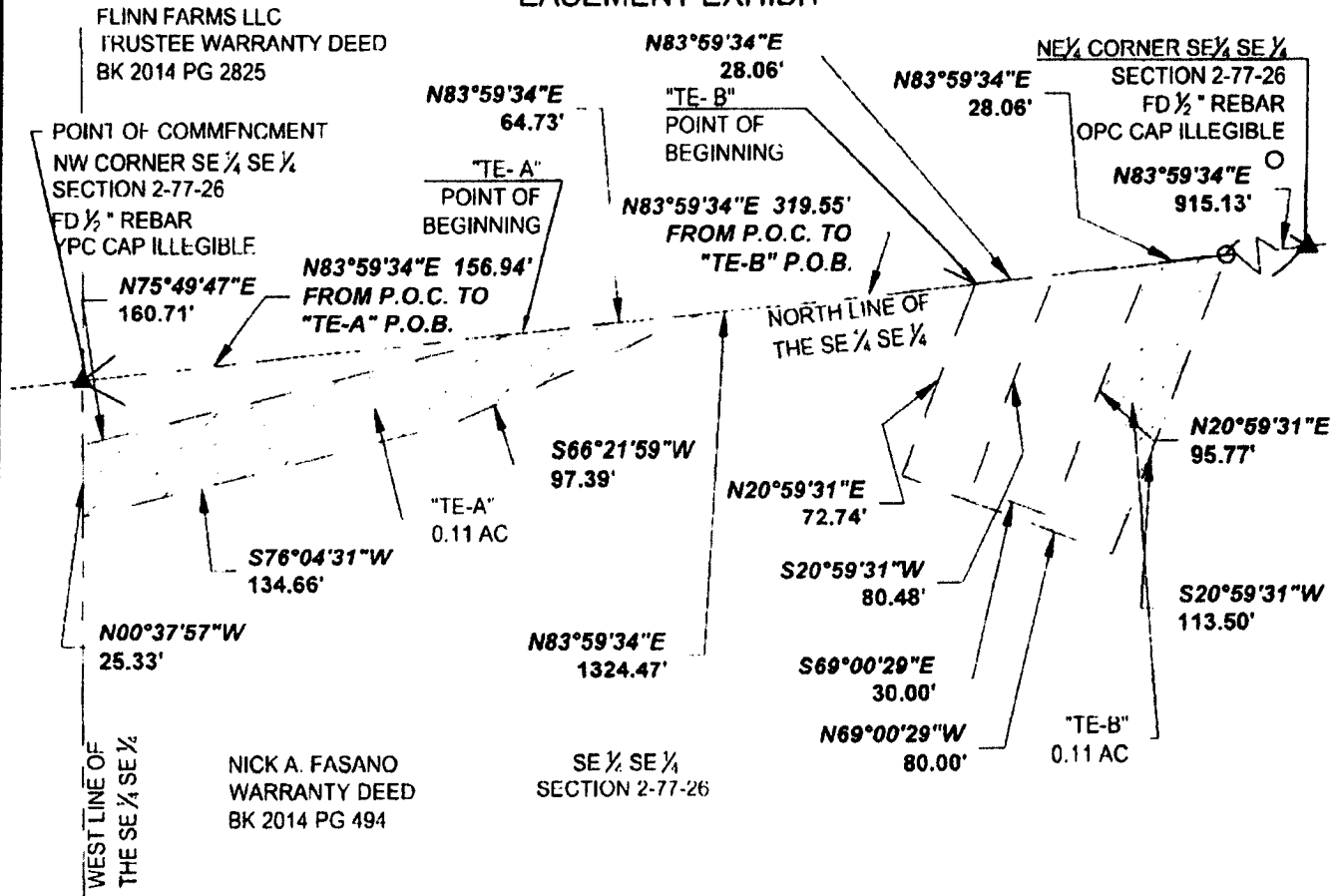
SIGNATURE: \_\_\_\_\_ DATE: 9/23/2018

WITNESSES: \_\_\_\_\_

PREPARED BY: M. (Properties) AND JOHN DEWEY

# EASEMENT EXHIBIT

EXHIBIT 010-03-T



**LEGAL DESCRIPTION**

TEMPORARY CONSTRUCTION EASEMENTS LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH PM, DALLAS COUNTY, IOWA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**"TE-A"**

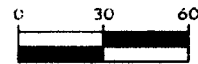
COMMENCING AT THE NW CORNER OF SAID SE 1/4 OF THE SE 1/4; THENCE ALONG THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4, N83°59'34"E, 156.94 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE N83°59'34"E, 64.73 FEET; THENCE S66°21'59"W, 97.39 FEET; THENCE S76°04'31"W, 134.66 FEET TO A POINT ON THE WEST LINE OF SAID SE 1/4 OF THE SE 1/4, THENCE ALONG SAID WEST LINE N00°37'57"W, 25.33 FEET; THENCE N75°49'47"E, 160.71 FEET TO THE POINT OF BEGINNING, SAID AREA CONTAINING 0.11 ACRE AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

**"TE-B"**

COMMENCING AT THE NW CORNER OF SAID SE 1/4 OF THE SE 1/4, THENCE ALONG THE NORTH LINE OF SAID SE 1/4 OF THE SE 1/4, N83°59'34"E, 319.55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE N83°59'34"E, 28.06 FEET; THENCE S20°59'31"W, 80.48 FEET; THENCE S69°00'29"E, 30.00 FEET; THENCE N20°59'31"E, 95.77 FEET TO A POINT ON SAID NORTH LINE; THENCE ALONG SAID NORTH LINE, N83°59'34"E, 28.06 FEET, THENCE S20°59'31"W, 113.50 FEET; THENCE N69°00'29"W, 80.00 FEET; THENCE N20°59'31"E, 72.74 FEET TO THE POINT OF BEGINNING, SAID AREA CONTAINING 0.11 ACRE AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD



NORTH



(IN FEET)  
1 inch = 60 ft

LEGEND	
	PROPERTY LINE
	SECTION LINE
	ROW LINE
	EASEMENT AREA

DRAWING PATH: R:\Projects\MOM 20618017\Survey



1260 North 121st Street, STE A  
Clive, Iowa 50325  
515-964-1738  
fax 515-964-2372

**NOTICE**  
McClure Engineering Company, Inc. is a professional engineering firm. We are not responsible for the accuracy of the information provided in this drawing unless we have specifically stated otherwise. The user of this drawing is responsible for the accuracy of the information provided in this drawing.

**DISCLAIMER**  
All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of McClure Engineering Company, Inc.

VETERANS PARKWAY  
TEMPORARY CONSTRUCTION  
EASEMENT EXHIBIT

APPROVED: [Signature]  
DATE: 04/18/2018

PROJECT: 5710-2018

ENGINEER: T. STOVIE  
CHECKED BY: C. CAPRITON

DRAWN BY: J. DEWITT  
FILE NUMBER: 5710-2018

SHEET NO.

EXH-010-03-T





Document 2014 494

Book 2014 Page 494 Type 03 001 Pages 2

Date 3/04/2014 Time 2:30 PM

Rec Amt \$12.00 Aud Amt \$5.00

Rev Transfer Tax \$441.60

Rev Stamp# 67 DOV# 71

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

INDX ✓  
ANNO  
SCAN  
CHEK



\$ 276,300.00

### WARRANTY DEED

THE IOWA STATE BAR ASSOCIATION

Official Form #101

Recorder's Cover Sheet

**Preparer Information: (Name, address and phone number)**

Bryan R. Jennings, 823 Main Street, P.O. Box 158, Adel, IA 50003, Phone: (515) 993-4542

**Taxpayer Information: (Name and complete address)**

Nick A. Fasano, 10519 Grimes Street, Indianola, Iowa 50125

**Return Document To: (Name and complete address)**

Nick A. Fasano, 10519 Grimes Street, Indianola, Iowa 50125

**Grantors:**

Kristine M. Fasano  
Frank J. Fasano

**Grantees:**

Nick A. Fasano

**Legal description: See Page 2**

**Document or instrument number of previously recorded documents:**



### WARRANTY DEED

For the consideration of One Dollar(s) and other valuable consideration,  
Kristine M. Fasano, a single person, and Frank J. Fasano, a single person  
do hereby Convey to Nick A. Fasano

the following described real estate in Madison County, Iowa:  
The Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Two (2), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, except a parcel of land in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Two (2), more particularly described as follows: Beginning at the Southeast corner of said Section Two (2), thence South 85°02'00" West along the south line of Section Two (2), 542.54 feet, thence North 0°00' 426.77 feet, thence North 90°00' East, 540.50 feet to the east line of Section Two (2), thence South 0°00' 379.80 feet to the point of beginning, said excepted parcel containing 5.00 acres including roadway, and except Parcel "B", located in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Two (2), as shown in Plat of Survey filed in Book 3, page 387 on February 16, 1999 in the Office of the Recorder of Madison County, Iowa



Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and Convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 3/3/2014

Kristine M. Fasano  
Kristine M. Fasano (Grantor)

Frank J. Fasano  
Frank J. Fasano (Grantor)

(Grantor)

(Grantor)

STATE OF IOWA COUNTY OF DALLAS

This record was acknowledged before me this 3<sup>rd</sup> day of March, 2014, by Kristine M. Fasano, a single person, and Frank J. Fasano, a single person

**BRYAN R. JENNINGS**  
Commission Number 111644  
My Commission Expires 11/19/14

Bryan R. Jennings  
Signature of Notary Public



Document 2013 2416

Book 2013 Page 2416 Type 03 001 Pages 2  
Date 8/16/2013 Time 10:33 AM  
Rec Amt \$12.00 Aud Amt \$5.00  
Rev Transfer Tax \$431.20  
Rev Stamp# 233 DOV# 240

INDX  
ANNO  
SCAN  
CHK

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

This instrument prepared by

JOSEPH F. WALLACE, Abendroth & Russell, P.C., 2580 73rd St, Urbandale, IA 50322-4700

Phone No.: (515)453-4614

Return to:

Jennings Law Office, PO Box 158, Adel, Iowa 50003

~~Kristine M. Fasano and Frank J. Fasano, 1075 Woodland Ave, Cumming, IA 50061~~

Mail tax statements to:

Kristine M. Fasano and Frank J. Fasano, 1075 Woodland Ave, Cumming, IA 50061

Order No. MES-47448/JV

\$ 270,000.00

## WARRANTY DEED

Legal: The Southeast Quarter (1/4) of the Sotheast Quarter(1/4) of Section Two (2), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, except a parcel of land in the Southeast Quarter(1/4) of the Southeast Quarter (1/4) of said Section Two (2), more particularly described as follows: Beginning at the Southeast corner of said Section Two (2), thence South 85°02'00" West along the south line of Section Two (2), 542.54 feet, thence North 0°00' 426.77 feet, thence North 90° 00' East, 540.50 feet to the east line of Section Two (2), thence South 0°00' 379.80 feet to the point of beginning, said excepted parcel containing 5.00 acres including roadway, and except Parcel "B", located in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Two (2), as shown in Plat of Survey filed in Book 3, page 387 on February 16, 1999 in the Office of the Recorder of Madison County, Iowa

For the consideration of One Dollar (\$1.00) and other good valuable consideration, receipt of which is hereby acknowledged, Lowry & Hodge LLC, a limited liability company, does hereby convey unto Kristine M. Fasano and Frank J. Fasano, as Joint Tenants with full rights of survivorship and not as Tenants in Common, the above-described real estate.

ABENDROTH & RUSSELL, P C

**SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD**

The Limited Liability Company does hereby covenant with Grantees, and successors in interest, that Company holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and the Company covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

The Limited Liability Company further warrants that it is:  Member-managed  Manager-managed

This deed is signed by a majority of the managers or members, as appropriate. The undersigned has the authority to sign on behalf of the limited liability company.

This sale is made in the ordinary course of business of the limited liability company.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Lowry & Hodge LLC

BY: 

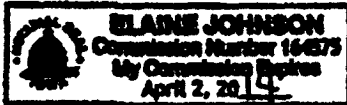
William K. Lowry, Manager

STATE OF Iowa )

COUNTY OF Polk )

SS:

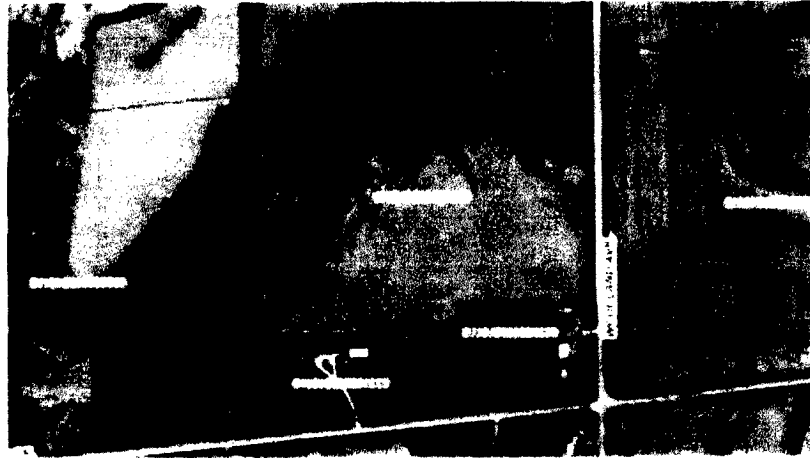
This instrument was acknowledged before me on August 12, 2013 by William K. Lowry as manager of Lowry & Hodge LLC.



  
Notary Public in and for said State



**Land Sale No. 1**



**Property Identification**

**Record ID** 5026  
**Property Type** Residential Development  
**Address** 1089 Woodland Avenue, Cumming, Madison County, Iowa 50061

**Sale Data**

**Grantor** Lowry & Hodge, LLC  
**Grantee** Kristine and Frank Fasano  
**Sale Date** August 12, 2013  
**Deed Book/Page** 2013-2416  
**Property Rights** Fee Simple  
**Conditions of Sale** Typical  
**Financing** Cash  
**Verification** Grantor & Public Records  
**Sale Price** \$270,000  
**Cash Equivalent** \$270,000

**Land Data**

**Utilities** Water and Electric  
**Gross Land Size** 27.870 Acres or 1,214,017 SF

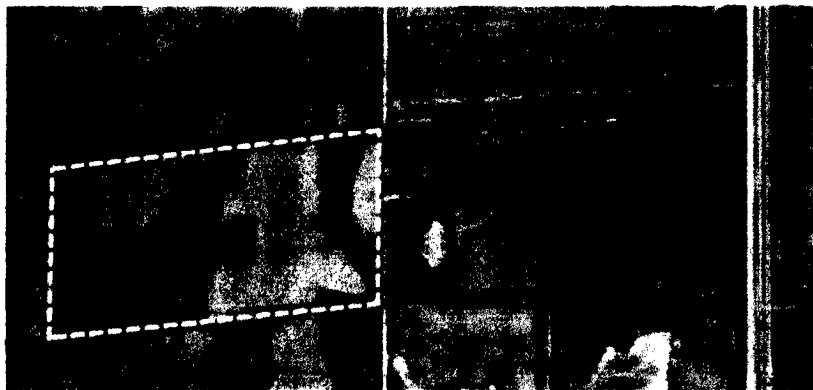
**Indicators**

**Sale Price/Gross Acre** \$9,688  
**Sale Price/Gross SF** \$0.22

**Remarks**

Listed prior to sale. Two ponds on site. Located along gravel road in unincorporated Madison County. Grantee re-sold to a relative (son) who constructed a house.

**Land Sale No. 2**



**Property Identification**

**Record ID** 4761  
**Property Type** Agricultural  
**Address** 10th Avenue (R35), Cumming, Madison County, Iowa

**Sale Data**

**Grantor** Colby Investment Trust  
**Grantee** IPE 1031 Rev 165, LLC  
**Sale Date** September 16, 2014  
**Deed Book/Page** 2014-2304  
**Property Rights** Fee Simple  
**Conditions of Sale** Typical  
**Financing** Cash  
**Verification** Grantor & Public Records

**Sale Price** \$735,000  
**Cash Equivalent** \$735,000

**Land Data**

**Utilities** Water

**Land Size Information**

**Gross Land Size** 76.840 Acres or 3,347,150 SF

**Indicators**

**Sale Price/Gross Acre** \$9,565  
**Sale Price/Gross SF** \$0.22

**Remarks**

Located along gravel road. Approx. 1/2 mile to pavement. Designated for high-density residential use on WDM land use map.

Land Sale No. 3



**Property Identification**

**Record ID** 4410  
**Property Type** Agricultural  
**Address** Valley View Lane and 105th Street, Madison County, Iowa  
**Location** 03-77N-26W

**Sale Data**

**Grantor** Leonard Wolfe  
**Grantee** Raccoon River Land Co. LLC  
**Sale Date** August 31, 2015  
**Deed Book/Page** 2015-2632  
**Property Rights** Fee Simple  
**Conditions of Sale** Typical  
**Financing** Cash  
**Verification** Stuart Ruddy w/ Grantee & Public Records  
**Sale Price** \$963,750

**Land Data**

**Utilities** Electric and Water  
**User 6** 72.7  
**Gross Land Size** 77.900 Acres or 3,393,324 SF

**Indicators**

**Sale Price/Gross Acre** \$12,372  
**Sale Price/Gross SF** \$0.28

**Remarks** Grantee (subsidiary of Knapp Properties) also owns approx. 1,800 acres of land in the vicinity of this sale and purchased for potential development purposes. The site is located near the proposed SW Connector extension. The land is designated for single-family and multi-family residential use on the West Des Moines Comprehensive Plan. CSR2 is 72.7.



**Land Sale No. 4**



**Property Identification**

**Record ID** 4975  
**Property Type** Agricultural  
**Address** 3300 105th Avenue, Madison County, Iowa

**Sale Data**

**Grantor** Marcella E. Cassady Harkin Revocable Trust  
**Grantee** Flinn Farms, LLC  
**Sale Date** November 07, 2014  
**Deed Book/Page** 2014-2825  
**Property Rights** Fee Simple  
**Conditions of Sale** Typical  
**Financing** Cash  
**Verification** Grantee & Public Records  
**Sale Price** \$1,290,000

**Land Data**

**Utilities** Water & Electric

**Land Size Information**

**Gross Land Size** 113.080 Acres or 4,925,765 SF

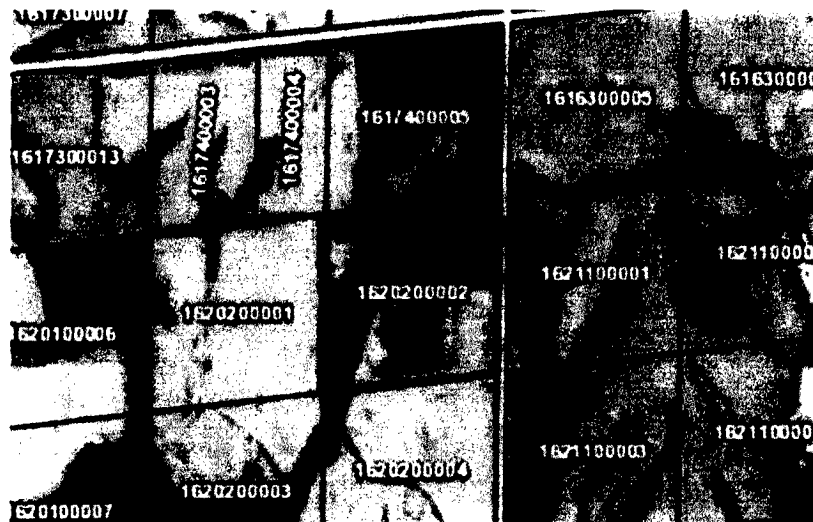
**Indicators**

**Sale Price/Gross Acre** \$11,408  
**Sale Price/Gross SF** \$0.26

**Remarks**

CSR2 is 86.8. Grantee purchased to farm. Located along gravel roads.

Land Sale No. 5



Property Identification

Record ID 4844  
Property Type Agricultural  
Address V Place, Dallas County, Iowa

Sale Data

Grantor Lydia Hansell Farms LLC  
Grantee CHBT Property Holdings LLC  
Sale Date January 21, 2016  
Deed Book/Page 2016/1147  
Property Rights Fee Simple  
Verification Grantee & Public Records

Sale Price \$535,000

Land Data

Zoning Ag  
Utilities No sewer

Land Size Information

Gross Land Size 38.500 Acres or 1,677,060 SF

Indicators

Sale Price/Gross Acre \$13,896  
Sale Price/Gross SF \$0.32

Remarks

Was listed. Grantee purchased for speculative investment 18.88 acres tilled. Average CSR2 on tilled 68.

Land Sale No. 6



14-176-266  
Warren County,  
Iowa



**Property Identification**

**Record ID** 4292  
**Property Type** Agricultural  
**Address** 4141 10th Avenue, Cumming, Warren County, Iowa

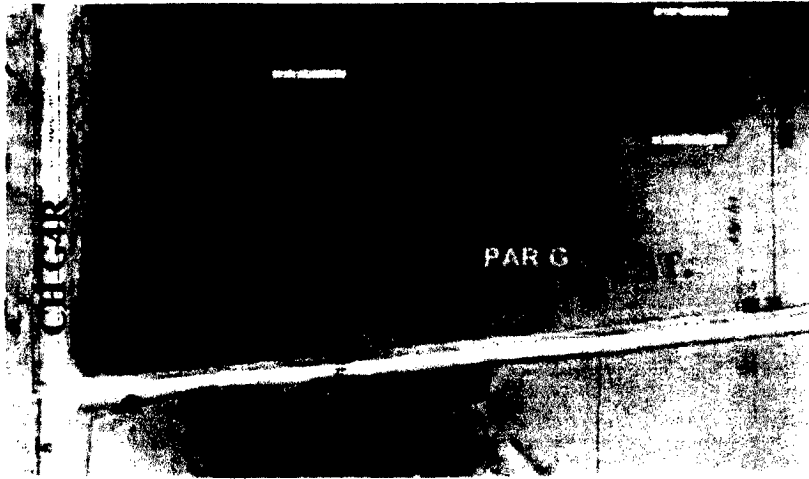
**Sale Data**

**Grantor** Commercial Construction Products Company  
**Grantee** Devon & Sarah Sadler  
**Sale Date** August 31, 2015  
**Deed Book/Page** 2015/7245  
**Property Rights** Fee Simple  
**Verification** Grantor & Public Records  
**Sale Price** \$145,000

**Gross Land Size** 19.670 Acres or 856,825 SF  
**Sale Price/Gross Acre** \$7.372  
**Sale Price/Gross SF** \$0.17

**Remarks** Grantee purchased to construct a house on the site. Located on a gravel road, south of Cumming/I-35 interchange. Approx. 17.66 acres tillable. CSR2 on tillable of 73.7. 1.2 acres located in flood hazard area.

Land Sale No. 7



**Property Identification**

Record ID 5031  
Property Type Residential SF Lot  
Address 3181 130th Street, Cumming, Madison County, Iowa 50061

**Sale Data**

Grantor Salow Jared Farms, LLC  
Grantee Jeremy Selvage  
Sale Date March 31, 2017  
Deed Book/Page 2017-1018  
Property Rights Fee Simple  
Conditions of Sale Typical  
Financing Cash  
Verification Grantee & Public Records  
Sale Price \$168,000

**Land Data**

Utilities Water and Electric

**Land Size Information**

Gross Land Size 9.030 Acres or 393,347 SF

**Indicators**

Sale Price/Gross Acre \$18,605  
Sale Price/Gross SF \$0.43

**Remarks**

Located along gravel road less than 1/4 mile to pavement. Part is heavily treed. Grantee constructed house on site.

**Life Estate**

Rights of use, occupancy, and control, limited to the lifetime of the designated party, sometimes referred to as the *life tenant*.

**Market Rent**

The most probable rent a property should bring in a competitive and open market reflecting all conditions and restrictions of the lease agreement, including permitted uses, use restrictions, expense obligations, term, concessions, renewal and purchase options, and tenant improvements (TIs).

**Market Value**

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is consummation of a sale as of a specified date and passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well-informed or well advised and each acting in what they consider their own best interest;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source: Office Of The Controller Of The Currency, effective date August 24, 1990, as amended April 9, 1992 and June 7, 1994.

**Real Estate**

An identified parcel or tract of land, including improvements, if any.

**Real Property**

The interests, benefits, and rights inherent in the ownership of real estate (USPAP, 2010-2011 ed.)

**STATE CERTIFICATION**



**IOWA DIVISION OF BANKING**

**IOWA DEPARTMENT OF COMMERCE  
DIVISION OF BANKING**

**THIS IS TO CERTIFY THAT THE BELOW NAMED  
HAS BEEN GRANTED A CERTIFICATE AS A  
GENERAL REAL PROPERTY APPRAISER**

**CERTIFICATE NO. CG01775      EXPIRES: 6/30/2019**

**MANTERNACH, RUSSELL G  
COMMERCIAL APPRAISERS OF IA  
3737 WOODLAND AVENUE  
SUITE 320  
WEST DES MOINES, IA 50266**

**Iowa Department of Transportation**

Project No. 0510-010-2017  
 Parcel No. Fasano

**PURPOSE OF THIS APPRAISAL:**

To estimate the market value of the ownership interest, and the leasehold interest if any, in this property before the proposed acquisition by our client and the market value of the same interest in the remainder property immediately after the proposed acquisition. In case the proposed acquisition causes only limited damage, the purpose is to estimate just compensation resulting from the acquisition, without reporting before and after values.

**DEFINITION OF MARKET VALUE:**

The cash price which would be arrived at as between a voluntary seller willing but not compelled to sell and a voluntary purchaser willing but not compelled to buy, both of whom are acting freely, intelligently and at arm's length, bargaining in the open market for the sale and purchase of the real estate in question. (State of Iowa Uniform Jury Instruction No. 14.4)

**DEFINITION OF HIGHEST AND BEST USE:**

The utilization of a property to its best and most profitable use. It is that use, chosen from among the reasonably probable and financially feasible alternative uses which is found to be physically practical, legally acceptable and which results in the highest present value, as defined, as of the effective date of the appraisal.

**HAZARDOUS SUBSTANCE CONTAMINATION:**

The appraiser observed the following signs of possible contamination:  None,  As described

**FIVE YEAR DELINEATION OF TITLE: (If none, so state)**

Grantor	Grantee	Type of Instr.	Date of Instr.	Book	Page	Sales Price
Lowry	Fasano	WD	8/12/13	2013	2416	\$270,000.
Fasano	Fasano	WD	3/3/14	2014	494	\$276,300.

**LEASES: (Lessee's Name, Address and Lease Terms)**

None.

**DATE OF INSPECTION AND INVITATION:**

I offered Nick Fasano who is the owner an opportunity to accompany me on my inspection of this property by  personal contact  telephone  letter on May 24, 2018. This invitation was  accepted  declined.

Telephone number of owner or representative contacted: 515-554-3055

I personally inspected the subject property on June 6, 2018

## DEFINITIONS

The following definitions have been taken from *The Dictionary Of Real Estate Appraisal*, Fifth Edition, published by the Appraisal Institute, as printed in 2010.

**Easement**

Non-possessory (incorporeal) interest in landed property conveying use, but not ownership, of a portion of that property.

**Eminent domain**

The right of government to take private property for public use upon the payment of just compensation. The Fifth Amendment of the U.S. Constitution, also known as the *takings clause*, guarantees payment of just compensation upon appropriation of private property.

**Fee simple estate**

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

**Fixture**

An article that was once personal property, but has since been installed or attached to the land or building in a rather permanent manner so that it is regarded in law as part of the real estate.

**Grantee**

A person to whom property is transferred by deed or to whom property rights are granted by a trust instrument or other document.

**Grantor**

A person who transfers property by deed or grants property rights through a trust instrument or other document.

**Lease**

A contract in which the rights to use and occupy land or structures are transferred by the owner to another for a specified period of time in return for a specified rent.

**Leased fee interest**

A freehold (ownership interest) where the possessory interest has been granted to another party by creation of a contractual landlord-tenant relationship (i.e., a lease).

**Leasehold improvements**

Improvements or additions to leased property that have been made by the lessee.

**Leasehold interest**

The tenant's possessory interest created by the lease.

**Lessee**

One who has the right to occupy and use the property of another for a period of time according to a lease agreement.

**Lessor**

One who conveys the rights of occupancy and use to others under a lease agreement.



Iowa Department of Transportation

PROJECT DEVELOPMENT  
OFFICE OF RIGHT OF WAY  
Ames, Iowa 50010

Parcel No. Fasano Project No. 0510-010-2017 County Madison

Record Owner Nick Fasano

Owner's Mailing Address 1089 Woodland Avenue, Cumming, IA 50061

Address of Property being Appraised 1089 Woodland Avenue, Cumming, Iowa 50061

This property is de- Lengthy, included in addendum.  
scribed as follows:

Land to be acquired: Fee title 0.04 Acres @ \$ 15,000 = \$ 600.

Title to Existing ROW 0 Acres @ \$ \_\_\_\_\_ = \$ 0.

Permanent Easement 0.06 Acres @ \$ 7,500 = \$ 500.

Value of improvements acquired (excluding R/W fence\*): 0.

Damage to remaining property: 9,500.

- Temporary Easement
- Landscaping/Other

Total Estimate of Just Compensation = \$ 10,600.

ROUNDED = \$ 10,600.

Date of Valuation \_\_\_\_\_ June 6, 2018

Signed



Russ G. Manternach, MAI  
Commercial Appraisers of Iowa, Inc.

\* Compensation for R/W fence to be by fixed schedule or in accord with Section 68.44, Code of Iowa.

**CERTIFICATION OF APPRAISER**

Project No. 0510-010-2017  
Parcel No. Fasano

I hereby certify:

That I personally made a field inspection of the property herein appraised and that I have afforded the property owner or his authorized representative the opportunity to accompany me at the time of inspection. I have also personally made a field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in preparing this appraisal are as represented by the photographs supplied.

That to the best of my knowledge and belief the statements contained in the appraisal herein set forth are true, and the information upon which the opinions expressed therein are based is correct, subject to the limiting conditions therein set forth.

That I understand this appraisal is to be used in connection with the acquisition of property by the City of West Des Moines.

This appraisal was prepared according to the contract/assignment from our client. The appraisal is prepared under the Jurisdictional Exception provision contained in the Uniform Standards of Professional Appraisal Practice (USPAP). In preparing the appraisal, I have conformed with all parts of USPAP except those that are contrary to State and Federal requirements.

This eminent domain appraisal has been completed under the following appraisal requirements

- The Iowa Constitution, Article 1, Section 18
- Code of Iowa, Chapters 6A, 6B, 316 and other eminent domain statutes
- Iowa Supreme Court interpretations of Iowa Constitution and eminent domain statutes
- Regulations 761, IAC 111
- Federal Uniform Act and Regulations, 49CFR, part 24

Guidance can be found at

- The Iowa Department of Transportation Appraisal Policy and Procedure Manual
- The Federal Highway Administration (FHWA) Appraisal Guide
- Uniform Standards for Federal Land Acquisition
- Uniform Standards of Professional Appraisal Practice (USPAP)

That neither my employment nor my compensation for making this appraisal and report are in any way contingent upon the values reported herein.

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised.

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of our client and I will not do so until so authorized, or until I am required to do so by due process of law, or until I am released from the obligation by having publicly testified as to such findings.

That I am aware our client will provide a copy of this appraisal to the property owner or their designee.

That the conclusion set forth in this appraisal is my independent opinion of the difference between the fair market value of this property before and after the proposed acquisition.

As of June 6, 2018 The estimate of just compensation \$ 10,600.

Date of Signature July 23, 2018

Signature



Russ G. Manternach, MAI

## QUALIFICATIONS OF THE APPRAISER

**Russ G. Manternach, MAI**  
Real Estate Appraiser



### Education

Master of Business Administration  
Creighton University, Omaha, Nebraska  
December, 1992

Bachelor of Business Administration  
Iowa State University, Ames, Iowa  
December, 1989

### Experience

Professional experience includes over 20 years as a commercial real estate appraiser. Russ co-founded Commercial Appraisers of Iowa, Inc. in 2001 after eight years with Iowa Appraisal and Research Corporation. Our company acquired the appraisal firm Carlson, Gunderson & Associates, Inc. during 2010.

The following is a partial list of property types appraised and experience:

Eminent Domain Projects	Industrial
Multiple Family Residential	Restaurants
Conventional and Medical Office	Mini-storage Facilities
Subdivisions Vacant Land	Churches
Automobile Dealerships	Special Use Properties
Mobile Home Parks	Retail Properties
Motel/Hotels	Air Rights
Other Income Producing Properties	Expert Witness Testimony

### Appraisal Coursework

Standards of Professional Practice, Part A	Business Practices and Ethics
Standards of Professional Practice, Part B	Current Government Policies Affecting Real Estate
Advanced Income Capitalization	Real Estate Appraising - Response to Financial Disaster
Highest and Best Use and Market Analysis	Case Study - Eminent Domain
Advanced Sales Comparison and Cost Approaches	Ethics and Appraisal Review
Report Writing and Valuation Analysis	Right of Way Best Practices
Advanced Applications	Eminent Domain and Condemnation

### Professional Affiliations

Designated MAI - Appraisal Institute  
Appraisal Institute - Iowa Chapter - Former Board of Director  
International Right of Way Association

### State Certification

Certified General Real Property Appraiser, State of Iowa. Certificate No. CG01775.

Iowa Department of Transportation

OFFICE OF RIGHT OF WAY  
APPRAISAL

RECORD OF CONTACTS

Contact No. 515-554-3055 County Madison

Owner  Tenant  Other Project 0510-010-2017

Personal Contact  Telephone Letter Parcel Fasano

Type of Property  AG  COM  Other  
 RES  IND

Anticipated Appraisal Format Value Finding

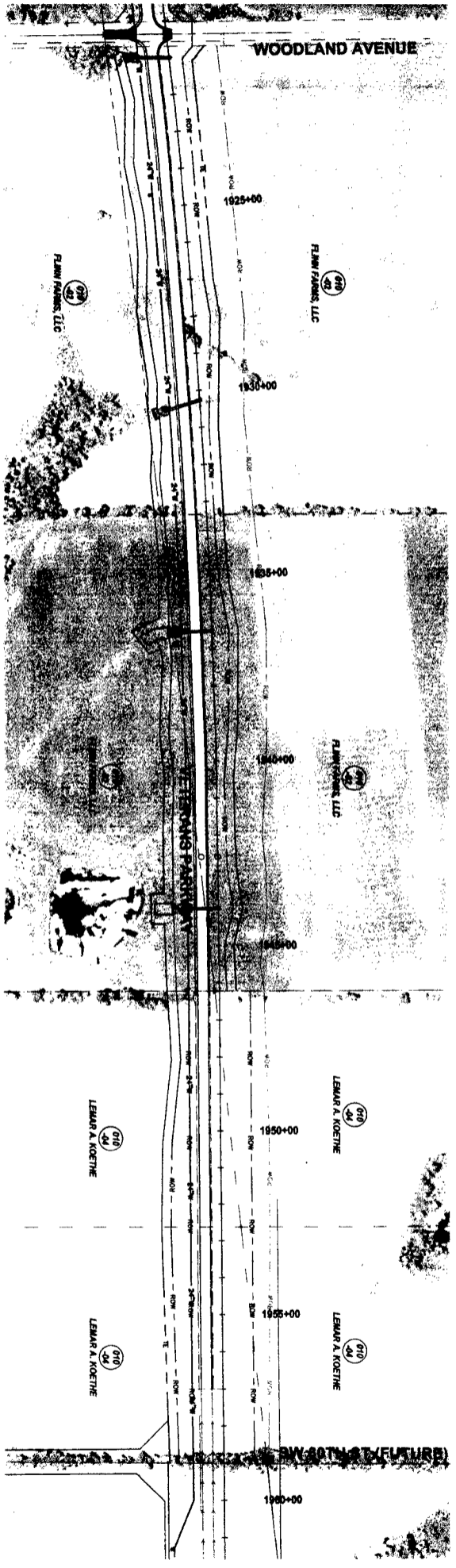
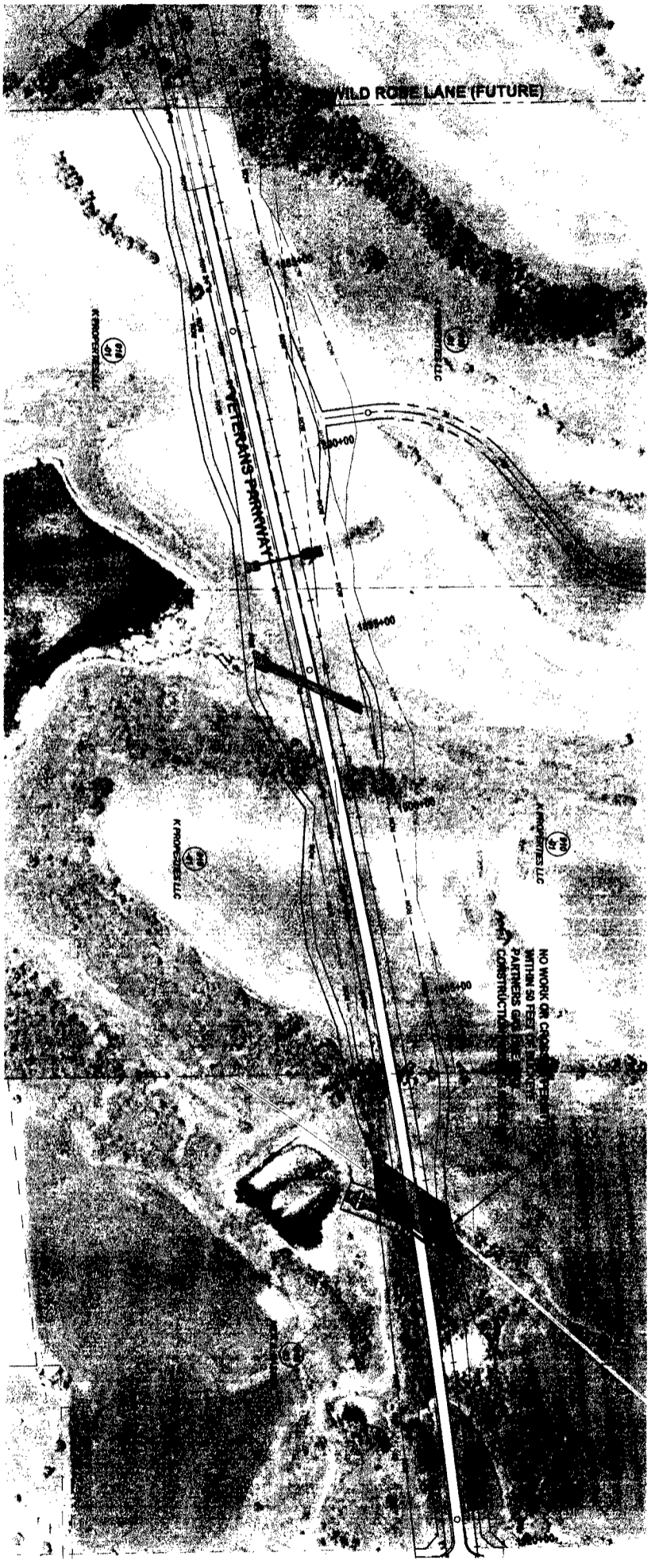
Persons Present Nick Fasano

Discussion of Activities

I did not have a phone number for the owner. I mailed a letter to the owner on May 24, 2018 requested they contact me regarding the project and appraisal. We included a copy of the acquisition plat. I did not hear back from the owner and inspected the property from public right of way on May 30, 2018. The owner called our office on June 4, 2018 and I re-inspected the property with the owner on June 6, 2018. The owner was concerned about trees being removed and potential water quality issues with the ponds.

Appraiser Russ G. Manternach, MAI

Date June 6, 2018



tabbles

**EXHIBIT**

1

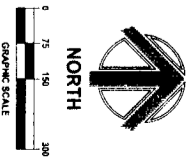
**McCLURE**

building site - 09

10/24/2018 11:11 AM  
 275 N. Broad Street  
 Suite 1000  
 Denver, CO 80202

NO WORK ON CROSS STREET WITHIN 50 FEET OF EXISTING PARTNERS GARAGE CONSTRUCTION

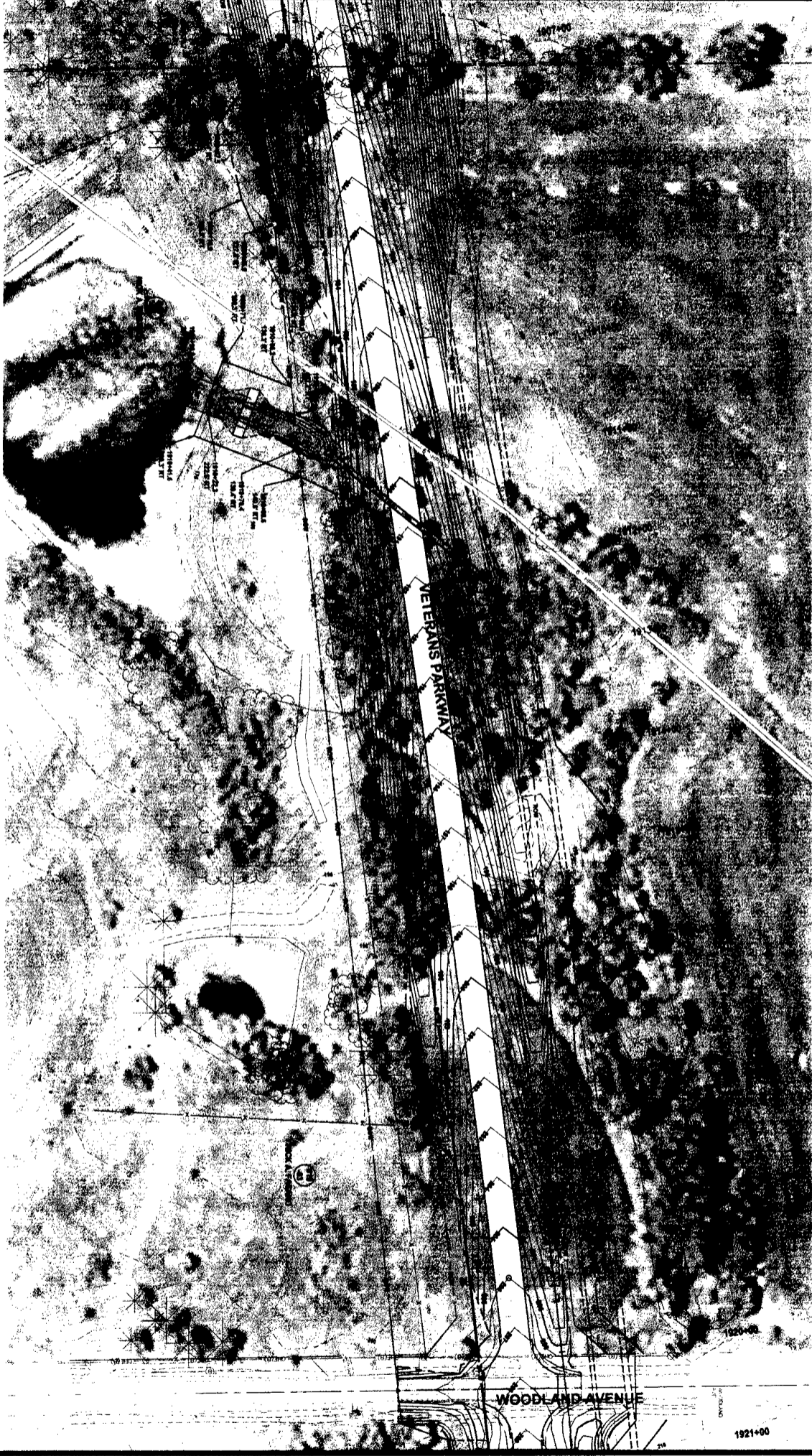
OVERALL PROJECT LAYOUT



VETERANS PARKWAY  
 SW 60TH STREET TO  
 SW WILD ROSE LANE  
 CITY NO. 0510-010-2017  
 WEST DES MOINES  
 WDM 20616017  
 SEPTEMBER 2018

CHECK PLANS - 8/28/18  
 LETTING SET - 9/17/18

DESIGNED BY: SCS  
 CHECKED BY: TMS  
 DRAWN BY: SCS  
 FIELDBOOK  
 DATE: 9/17/18

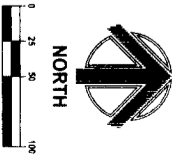


- LEGEND:**
- RIGHT OF WAY ACQUISITION
  - PERMANENT EASEMENT
  - TEMPORARY EASEMENT

EXHIBIT  
2  
McCLURE

Building Strong  
1867 N.W. 107th Street, Suite 6  
Clermont, FL 34711  
3516 924 1212  
www.mccclure.com

McClure Construction, LLC  
1867 N.W. 107th Street, Suite 6  
Clermont, FL 34711  
3516 924 1212  
www.mccclure.com



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SW 60TH STREET TO  
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CHECKED BY  
TMS FIELDBOOK

DRAWING NO. H.02 30 / 138