



#1166
MATT SCHULTZ
 Secretary of State
 State of Iowa

TRANSMITTAL FORM FOR CONDEMNATION APPLICATION -
 Pursuant to Iowa Code sections 6B.3(3), 9.2A, and 331.602(24)



Box 1

TRANSMITTAL FORM FOR SHERIFF'S STATEMENT -
 Pursuant to Iowa Code sections 6b.38, 9.2A, and 331.602(24)



Box 2

Part I: CONDEMNATION APPLICATION

Pursuant to Iowa Code section 6B.3(3), the undersigned County Recorder files a copy of the attached Condemnation Application with the Office of the Secretary of State, noting as follows.

1. The name of the acquiring agency is Iowa DOT
2. The real property subject to the Application is located in Woodbury County.
3. The date the condemnation application was filed by the undersigned County Recorder is May month, 31 day, 2013 year.
4. The attached Condemnation Application is filed of record at Document # 16576
 Book 729, Page 10687
 Roll Image

Patrick F. Gill
 County Recorder for **PATRICK F. GILL**
WOODBURY COUNTY AUDITOR & RECORDER
 by C. Murphy, designee
Woodbury County

Part II: SHERIFF'S STATEMENT

Pursuant to Iowa Code section 6B.38, the undersigned County Recorder files a copy of the attached Sheriff's Statement with the Office of the Secretary of State, noting as follows.

1. The name of the acquiring agency is Iowa DOT
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 16576, Book 729, Page 10687 and a copy was sent to the Secretary of State.
 Roll Image
3. The attached Sheriff's Statement was filed of record at Document # 3977, Book 731, Page 1165; on September month, 20 day, 2013 year.
 Roll Image

Patrick F. Gill
 County Recorder for **PATRICK F. GILL**
WOODBURY COUNTY AUDITOR & RECORDER
 by S. Dimmitt, designee
Woodbury County

PLEASE SUBMIT TO:
 Secretary of State
 Attention: Condemnation Filings
 State Capitol, Des Moines, IA 50319
 FAX: 515-242-5952

SEE INSTRUCTIONS ON BACK

Roll 729 Image 10687-10691
 Document 16576 Type APCON Pages 5
 Date 5/31/2013 Time 3:26 PM
 Rec Amt \$27.00

PATRICK F GILL, AUDITOR AND RECORDER
 WOODBURY COUNTY IOWA

Roll 731 Image 11165-11208
 Document 3977 Type CONDM Pages 44
 Date 9/20/2013 Time 2:34 PM
 Rec Amt \$222.00 Aud Amt \$5.00
 Rev Transfer Tax \$415.20

PATRICK F GILL, AUDITOR AND RECORDER
 WOODBURY COUNTY IOWA

Prepared by: Allyssa Sweeney 515-239-1757, Right of Way-Condensation, 800 Lincoln Way, Ames, IA 50010
 Return to: Allyssa Sweeney 515-239-1757, Right of Way-Condensation, 800 Lincoln Way, Ames, IA 50010

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

Primary Road No. U.S. 20
 West of the City of Correctionville
 located in Woodbury County, Iowa

Project No. NEISN-020-1(080)--2R-97 Group "B"

TO: Duane E. Hoffmeyer, Chief Judge, 3rd Judicial District including Woodbury County, Iowa

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in **Non-Agricultural** land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 6B.2A, 6B.2B and 6B.3, the Code of Iowa, as amended by H.F. 476, the following is set forth:

Description: The lands and/or property rights sought to be condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application. **Plat:** The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

Minimum Land Needs: The minimum amount of land necessary to achieve the public purpose is as described in and shown on the Notice of Condemnation and attached plat(s).

Names and Addresses: The names and addresses of the record owners, lienholders, encumbrancers and other persons affected by this proceeding are listed on the attached Notice of Condemnation.

Purpose: The Department of Transportation desires the rights specified in the lands sought to be condemned for the improvement and/or maintenance of roads and streets within the State of Iowa.

Statement of Individual Rights: The Iowa Department of Transportation has provided the owner(s) with a statement of their individual rights and written notification as required under Sec. 6B.2A.

Good Faith Negotiations: The Applicant has made an effort to negotiate in good faith with the

CERTIFIED TRUE COPY

APPLICATION TO THE CHIEF
 JUDGE OF THE
 3rd JUDICIAL DISTRICT
 FOR THE APPOINTMENT OF A
 COMMISSION TO APPRAISE
 DAMAGES

owner(s) to acquire the property sought to be condemned. These efforts include:

1. Provided the owner(s) with written notification at least 30 days prior to the intent to proceed with this public improvement.
2. Provided the owner(s) with a copy of the appraisal of the property sought.
3. Discussed the basis of determining value.
4. Reviewed the project design plans.
5. Discussed the contents of the acquisition contract.
6. Addressed owner's questions and concerns.
7. Provided the owner(s) with a written offer of the fair market value.

Based on these efforts, we were unable to reach an agreement.

Agricultural Land: A part of the lands sought to be appropriated may be classified as Class I or Class II within an agricultural area and, if so classified, is reasonably necessary for this internal improvement.

Request: NOW, THEREFORE, the Iowa Department of Transportation hereby requests the appointment of a compensation commission of six qualified persons to view the premises and appraise the damages which the owners, lienholders, encumbrancers and other persons affected will sustain by reason of this Condemnation.

Dated at Ames, Iowa, this 15 day of May, 2013.

IOWA DEPARTMENT OF TRANSPORTATION
 David S. Gorham
 Special Assistant Attorney General
 and General Counsel to the Iowa DOT

By David B. Younie
 David B. Younie
 Condemnation Unit Coordinator
 Office of Right of Way

Filed in my office at Sioux City, Iowa, this 21st day of May, 2013

Duane E. Hoffmeyer
 Chief Judge of the 3rd Judicial District
 including Woodbury County, Iowa.

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

David B. Younie
 5/28/13
 Condemnation Unit Coordinator

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

Primary Road No. U.S. 20

NOTICE

West of the City of Correctionville

located in Woodbury County, Iowa

Project No. NHSN-020-1(080)-2R-97

Group "B"

TO:

Mike Yaremko, 4039 Highway 20, Correctionville, Iowa 51016

Ida J. Yaremko, 4039 Highway 20, Correctionville, Iowa 51016

Hillside Motel & Restaurant, c/o Mike Yaremko, 4039 Highway 20, Correctionville, Iowa 51016

Woodbury County, Iowa, c/o County Auditor, 620 Douglas Street, Sioux City, Iowa 51101

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 33, Township 89 North, Range 42 West of the 5th P.M., Woodbury County, Iowa.

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

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

A parcel of land located in a part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and in a part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 33, Township 89 North, Range 42 West of the 5th P.M., Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the Southwest Corner of the Northwest $\frac{1}{4}$ of said Section 33; thence North $00^{\circ}55'07''$ East, 408.36 feet along the West line of said Northwest $\frac{1}{4}$; thence North $59^{\circ}13'13''$ East, 663.21 feet; thence South $88^{\circ}43'09''$ East, 150.00 feet; thence South $50^{\circ}50'39''$ East, 570.09 feet; thence North $67^{\circ}39'06''$ East, 436.61 feet; thence South $88^{\circ}43'09''$ East, 210.00 feet; thence North $31^{\circ}01'33''$ East, 282.18 feet; thence South $88^{\circ}43'09''$ East, 75.00 feet; thence South $26^{\circ}54'50''$ East, 550.30 feet; thence North $72^{\circ}55'05''$ East, 317.42

Woodbury County Project No. NHSN-020-1(080)--2R-97
Mike Yaremko et ux (Parcel 67)

Page 2

feet; thence South 88°43'09" East, 31.59 feet to a point on the East line of the Northwest ¼ of said Section 33; thence South 01°57'48" West, 448.32 feet along said East line to the Southeast Corner of said Northwest ¼; thence North 88°39'17" West, 2571.99 feet along the South line of said Northwest ¼ to the Point of Beginning, containing 33.92 acres, inclusive of 7.49 acres of existing highway right of way easement.

The access rights in fee simple title sought to be appropriated are described as follows:

The access point reserved at Sta. 757+00 (old station) (Primary Road No. U.S. 20) on the north side, reserved in a certain Easement for Public Highway executed by Hazel J. Haskell and recorded in the Public Records of Woodbury County, Iowa, in Book 845, on Page 97, is hereby condemned. Access to Primary Road No. U.S. 20 will be provided at Sta. 10756+00 (new station), on the north side.

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

1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought in fee simple title are condemned in their entirety.
2. The existing entrance at Sta. 10765+21 on the north side of Primary Road No. U.S. 20 will be closed.
3. Any farm field drainage tile, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemner and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
4. The areas sought to be appropriated by temporary easement, for the specific purpose of relocating, replacing, or restoring tile, if any, are reserved to the condemnees until the actual date said areas are required for construction of this highway improvement. Also, said temporary easement rights shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than the completion of this highway improvement.
5. Condemner hereby gives notice of condemnees' five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.

Woodbury County Project No. NHSN-020-1(080)--2R-97
Mike Yaremko et ux (Parcel 67)

Page 2

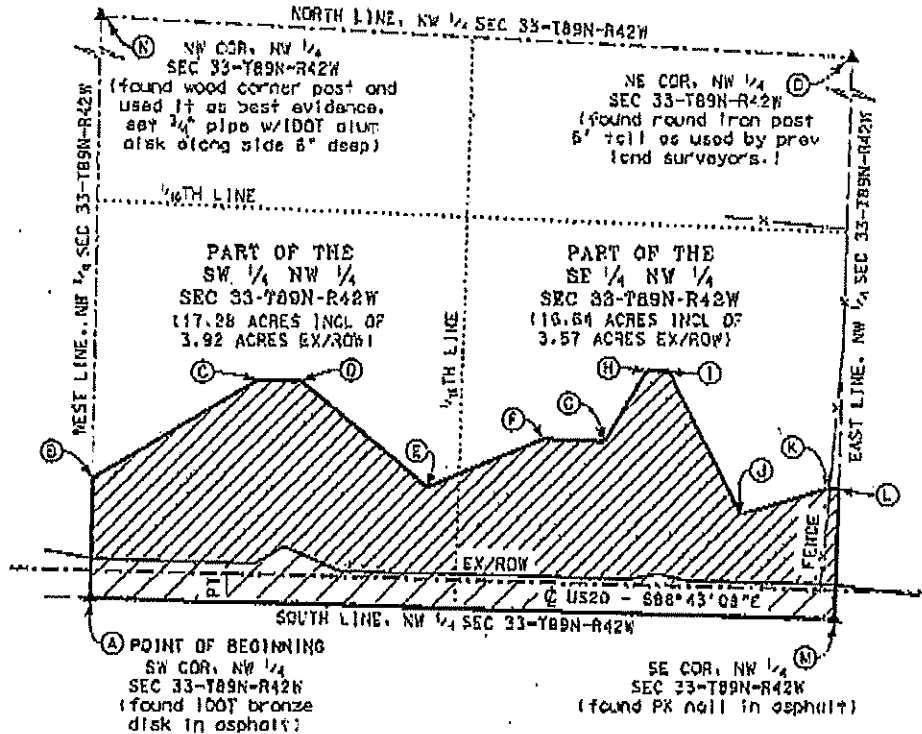


IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"



COUNTY WOODBURY STATE CONTROL NO.
 PROJECT NO. NHSN-020-1(080)-2R-97 PARCEL NO. 67
 SECTION 33 TOWNSHIP 89N RANGE 42W
 ROW - FEE 33.92 ACRES ± EASE CURT CLAIM
 ACQUIRED ACCESS RIGHTS FROM STA. 32 TO STA. MAIN LINE SIDE
 ACQUIRED ACCESS RIGHTS FROM STA. TO STA. SIDE ROAD SIDE
 ACQUIRED FROM MIKE YAREMKO et ux

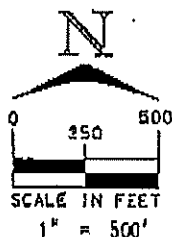
* INCLUSIVE OF 7.49 ACRES OF EXISTING HIGHWAY RIGHT OF WAY EASEMENT.
 ** MAINLINE ACCESS RIGHTS WERE PREVIOUSLY ACQUIRED IN 1959, BK. 045 PG. 37.



| | Direction | Distance |
|--------------------|-------------|----------|
| POINT OF BEGINNING | | |
| A-B | N00°55'07"E | 408.36' |
| B-C | N59°13'13"E | 663.21' |
| C-D | S88°43'09"E | 150.00' |
| D-E | S50°50'39"E | 570.09' |
| E-F | N67°39'06"E | 436.61' |
| F-G | S68°43'09"E | 210.00' |
| G-H | N31°01'33"E | 282.18' |
| H-I | S68°43'09"E | 75.00' |
| I-J | S26°54'50"E | 550.30' |
| J-K | N72°55'05"E | 317.42' |
| K-L | S88°43'09"E | 31.59' |
| L-M | S01°57'48"W | 448.32' |
| M-A | N68°39'17"W | 2571.89' |
| B-N | N00°55'07"E | 2315.84' |
| N-O | S87°19'54"E | 2621.71' |
| O-L | S01°57'48"W | 2216.53' |

| P+M | Station | Offset |
|-----|----------------------|--------------|
| A | M.L. STA 10743+39.71 | 0 83.36' RT |
| B | M.L. STA 10745+40.66 | 0 313.00' LT |
| C | M.L. STA 10749+00.00 | 0 665.00' LT |
| D | M.L. STA 10760+50.00 | 0 665.00' LT |
| E | M.L. STA 10755+00.00 | 0 315.00' LT |
| F | M.L. STA 10789+00.00 | 0 490.00' LT |
| G | M.L. STA 10761+10.00 | 0 490.00' LT |
| H | M.L. STA 10762+50.00 | 0 735.00' LT |
| I | M.L. STA 10763+25.00 | 0 735.00' LT |
| J | M.L. STA 10765+85.00 | 0 250.00' LT |
| K | M.L. STA 10768+88.26 | 0 349.00' LT |
| L | M.L. STA 10769+17.88 | 0 350.00' LT |
| M | M.L. STA 10769+12.51 | 0 98.29' RT |

PRIMARY ROAD US20
 CURVE DATA:
 Δ = 01°09'58" RT
 Y = 550.60'
 L = 1101.17'
 R = 84100.00'
 C = 589°18'08"E
 1101.15'
 PC STA = 10737+08.48
 PT STA = 10743+09.65



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Robert D. Wofstman 10-2-2012
 Robert D. Wofstman License No. 12450 Date

by license renewal date (a December 31, 2013)

Pages or sheets covered by this seal: THIS SHEET ONLY

DATE DRAWN ALR 10/01/2012