



**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.

- The name of the acquiring agency is Iowa Department of Transportation
- The real property subject to the Application is located in Woodbury County.
- The date the condemnation application was filed by the undersigned County Recorder is December month, 23 day, 2013 year.
- The attached Condemnation Application is filed of record at Document # 7707  
Book 733, Page 3704.  
Roll \_\_\_\_\_ Image \_\_\_\_\_

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

- The name of the acquiring agency is Iowa Department of Transportation
- The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 7707, Book 733, Page 3704 and a copy was sent to the Secretary of State.  
Roll \_\_\_\_\_ Image \_\_\_\_\_
- The attached Sheriff's Statement was filed of record at Document # 13020.  
Book 735, Page 3213; on May month, 13 day, 2014 year.  
Roll \_\_\_\_\_ Image \_\_\_\_\_

Patrick F. Gill  
County Recorder for  
**PATRICK F. GILL** by C. Murphy, Designee  
**WOODBURY COUNTY AUDITOR & RECORDER** 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 735 Image 3213-3288  
Document 13020 Type CONDM Pages 76  
Date 5/13/2014 Time 11:18 AM  
Rec Amt \$382.00 Aud Amt \$10.00  
Rev Transfer Tax \$146.40

Roll 733 Image 3704  
Document Number: 7707  
Recorded: 12/23/2013 at 1:24:07.0 PM  
Fee Amount: \$67.00  
Revenue Tax:  
PATRICK F. GILL, AUDITOR AND RECORDER  
Woodbury County, Iowa

PATRICK F. GILL, AUDITOR AND RECORDER  
WOODBURY COUNTY IOWA

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

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

CERTIFIED TRUE COPY

Interstate Route No. 29  
North of the City of Salkx  
located in Woodbury County, Iowa

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

Project No. IMN-029-6(159)136--0E-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 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

2014  
MAY 13 11:18 AM  
2014

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 12 day of December, 2013.

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

By David Widick  
David Widick  
Condemnation Unit Coordinator  
Office of Right of Way

Filed in my office at Sioux City, Iowa, this 12 day of December, 2013.

Duane E. Hoffmeyer  
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.

Aelma Sweeney  
Condemnation Unit Scheduler

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

Interstate Route No. 29

NOTICE

North of the City of Salix

located in Woodbury County, Iowa

Project No. IMN-029-6(159)136--0E-97

Group "B"

TO:

Barbara Oehlerking Revocable Trust dated July 10, 2013, c/o Barbara Oehlerking, Trustee, 5411 Patton Street,  
Sergeant Bluff, Iowa 51054  
TGV Holdings, Inc., unknown address  
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 Southeast ¼ of the Southeast ¼ of Section 21, Township 87 North, Range 47  
West of the Fifth Principal Meridian, Woodbury County, Iowa

You, and each of you, are hereby notified that the State of Iowa and Woodbury County, Iowa, desire certain  
rights in land more specifically described as follows and shown with reference to their location as to land  
affected on the Acquisition Plats Exhibit "A" and Exhibit "A" Plat 1 of 2 and Plat 2 of 2 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, for the use and benefit of the State of Iowa, is in land  
described as follows:

A parcel of land located in a part of the Southeast ¼ of the Southeast ¼ of Section 21, Township 87 North,  
Range 47 West of the Fifth Principal Meridian, 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 Southeast ¼ of the Southeast ¼ of said Section 21; thence North  
00°58'25" East, 70.01 feet along the West line of the Southeast ¼ of the Southeast ¼ of said Section 21 to a

Woodbury County Project No. IMN-029-6(159)136--0E-97  
Barbara Oehlerking Revocable Trust (Parcel 4)  
Continued on next page

Page 1

point on the existing North right of way line of local road 260<sup>th</sup> Street (D51); thence South 88°05'38" East, 383.71 feet along said existing North right of way line; thence South 03°49'44" East, 70.35 feet to a point on the South line of the Southeast ¼ of said Section 21; thence North 88°05'38" West, 389.60 feet along said South line to the Point of Beginning, containing 0.62 acre of existing roadway easement.

The access rights in fee simple title sought to be appropriated, for the use and benefit of the State of Iowa, are described as follows:

All rights of direct access between local road 260<sup>th</sup> Street (D51) and condemnee's remaining property abutting thereon in the SE¼ SE¼ of Section 21, T87N, R47W, of the 5<sup>th</sup> P.M., Woodbury County, Iowa, from Sta. 21502+76 to Sta. 21507+45, on the north side.

The easement for highway purposes sought to be appropriated, for the use and benefit of Woodbury County, Iowa, is in land described as follows:

A parcel of land located in a part of the Southeast ¼ of the Southeast ¼ of Section 21, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" Plat 1 of 2 attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Southwest Corner of the Southeast ¼ of the Southeast ¼ of said Section 21; thence North 00°58'25" East, 70.01 feet along the West line of the Southeast ¼ of the Southeast ¼ of said Section 21 to the Point of Beginning; thence continuing North 00°58'25" East, 291.07 feet along said West line; thence South 60°16'51" East, 508.28 feet; thence South 04°58'35" East, 54.26 feet to a point on the existing North right of way line of local road 260<sup>th</sup> Street (D51); thence North 88°05'38" West, 451.32 feet along said existing North right of way line to the Point of Beginning, containing 1.77 acres.

And,

A parcel of land located in a part of the Southeast ¼ of the Southeast ¼ of Section 21, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A" Plat 2 of 2, attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Southeast Corner of the Southeast ¼ of said Section 21; thence North 01°00'19" East, 70.01 feet along the East line of said Southeast ¼ to a point of intersection of the existing North right of way line of local road 260<sup>th</sup> Street (D51) and the existing Centerline of local road Benton Avenue; thence North 88°05'38"

West, 33.00 feet along said existing North right of way line to the Point of Beginning; thence continuing North 88°05'38" West, 382.67 feet along said existing North right of way line; thence North 83°57'00" East, 66.71 feet; thence South 88°13'04" East, 316.44 feet to a point on the existing West right of way line of Benton Avenue; thence South 01°00'19" West, 9.92 feet along said existing West right of way line to the Point of Beginning, containing 0.08 acre.

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 and by easement for highway purposes are condemned in their entirety.
2. Any farm field drainage tile, or outlets, which are located within the land being acquired under this proceeding, 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 condemnee's remaining property for the specific purpose of effecting such relocation, replacement or restoration.
3. The area sought to be appropriated by temporary easement, for the specific purpose of relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.
4. Condemner hereby gives notice of condemnee's five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.



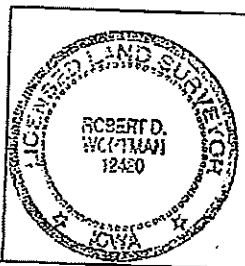
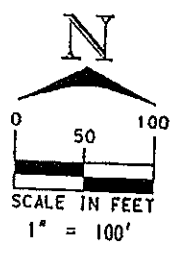
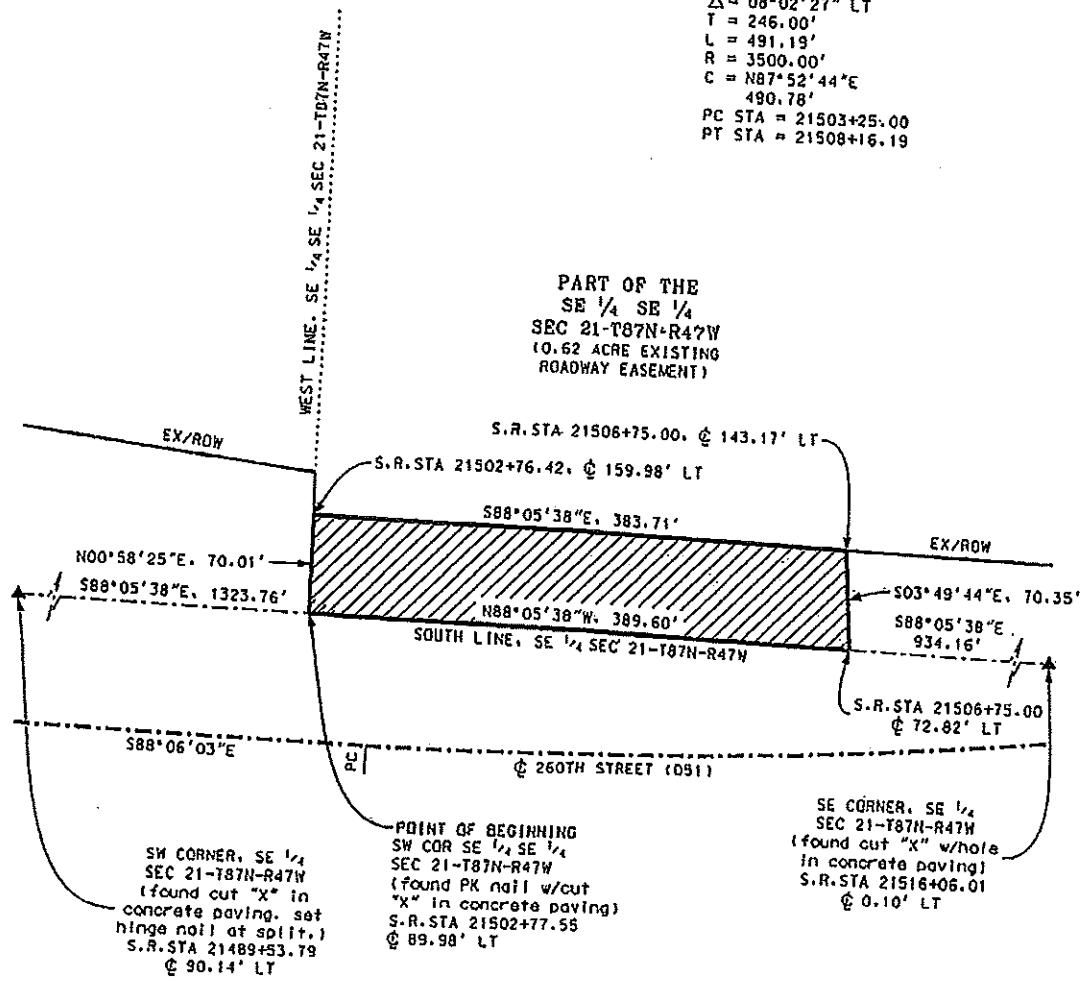
IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAT  
EXHIBIT "A"



COUNTY WOODBURY STATE CONTROL NO.           
 PROJECT NO. IAN-029-6(159)136--0E-97 PARCEL NO.           
 SECTION 21 TOWNSHIP 87N RANGE 47W  
 ROW - FEE 0.62 ACRE ± EASE          QUIT CLAIM           
 ACQUIRED ACCESS RIGHTS FROM STA.          TO STA.          MAIN LINE          SIDE           
 ACQUIRED ACCESS RIGHTS FROM STA. 21502+76 TO STA. 21607+45 SIDE ROAD north SIDE           
 ACQUIRED FROM Barbara Oehlerking Revocable Trust

\* 0.62 ACRE OF EXISTING ROADWAY EASEMENT.

260TH STREET (051)  
 @ CURVE DATA:  
 Δ = 08°02'27" LT  
 T = 246.00'  
 L = 491.19'  
 R = 3500.00'  
 C = N87°52'44"E  
 490.78'  
 PC STA = 21503+25.00  
 PT STA = 21508+16.19



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. Wirtz* 1-10-2013  
 Robert D. Wirtz License No. 12420 Date  
 My license renewal date is December 31, 2013  
 Pages or sheets covered by this seal: THIS SHEET ONLY

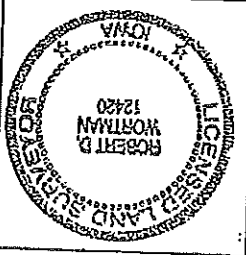
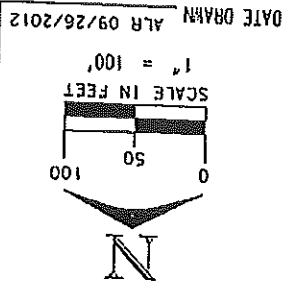
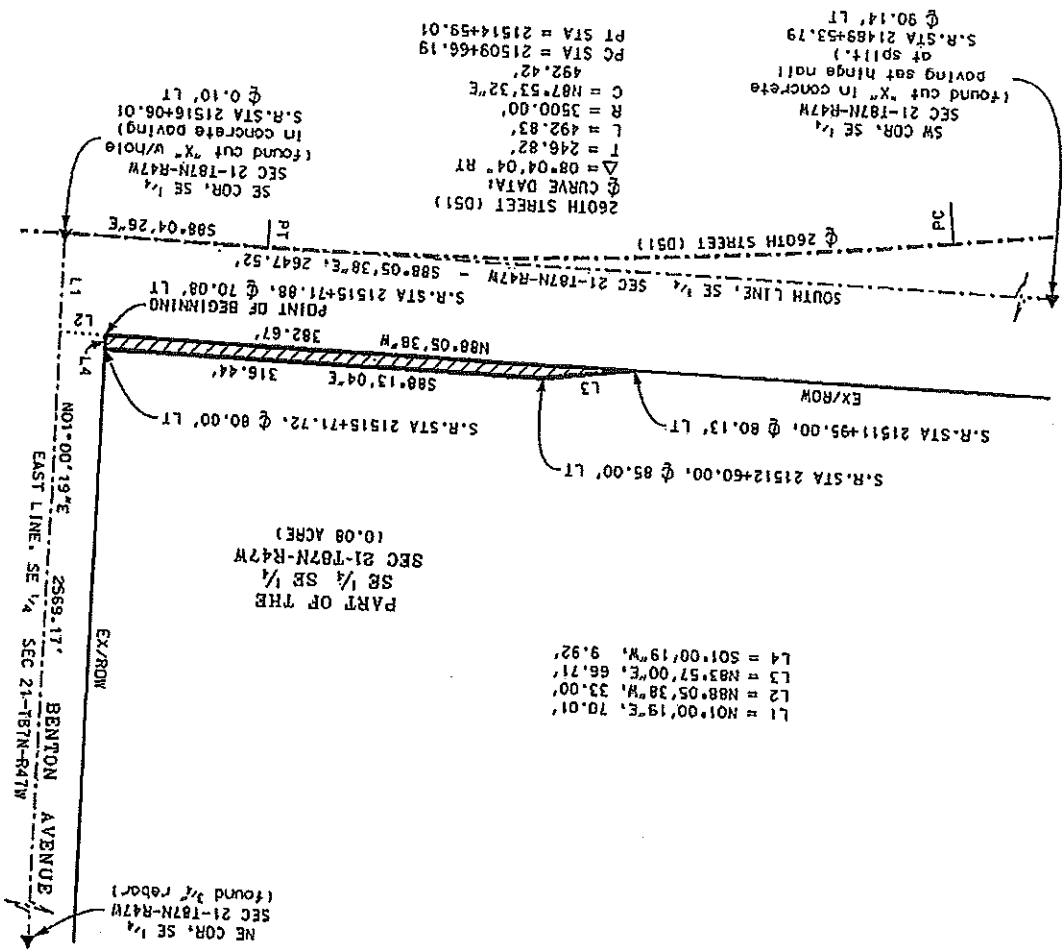
DATE DRAWN ALR 09/26/2012

IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAT  
EXHIBIT "A" PLAT 2 OF 2



COUNTY: WOODBURY  
PROJECT NO.: IAW-029-6(159)136-0E-97  
SECTION: 21  
TOWNSHIP: 87N  
RANGE: 47W  
ROW - FEE: 0.08 ACRE #  
ACQUIRED ACCESS RIGHTS FROM STA. TO STA. \_\_\_\_\_  
ACQUIRED ACCESS RIGHTS FROM STA. TO STA. \_\_\_\_\_  
ACQUIRED FROM \_\_\_\_\_  
Barbara Oehlertg Revocable Trust  
SIDE ROAD \_\_\_\_\_  
SIDE \_\_\_\_\_  
MAIN LINE \_\_\_\_\_  
QUIT CLAIM \_\_\_\_\_  
PARCEL NO. 4  
STATE CONTROL NO. \_\_\_\_\_

\* ACQUIRED IN THE NAME OF WOODBURY COUNTY FOR ROADWAY PURPOSES.



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. Montman 1-10-2013  
 My license renewal date is December 31, 2013  
 Pages or sheets covered by this seal: THIS SHEET ONLY

DATE DRAWN ALR 09/26/2012





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

Interstate Route No. 29

NOTICE

North of the City of Salix

located in Woodbury County, Iowa

Project No. IMN-029-6(159)136--0E-97

Group "B"

TO:

Laurence V. Reynolds Trust, c/o Laurence J. Reynolds, Trustee, 1541 Ocean Avenue, Apt. 305, Santa Monica, California 90401

Laurence V. Reynolds Trust, c/o Debbie Flynn, Trustee, 304 East Hickory Bend, Enterprise, Alabama 36330  
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 Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and in a part of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 28, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa

You, and each of you, are hereby notified that the State of Iowa and Woodbury County, Iowa, desire certain rights in land more specifically described as follows and shown with reference to their location as to land affected on the Acquisition Plats Exhibit "A1" and Exhibit "A2" 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, for the use and benefit of the State of Iowa, is in land described as follows:

A parcel of land located in a part of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and in a part of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 28, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A1" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Woodbury County Project No. IMN-029-6(159)136--0E-97  
Laurence V. Reynolds Trust (Parcel 5)  
Continued on next page

Beginning at the Northwest Corner of the Northeast ¼ of the Northeast ¼ of said Section 28; thence South 88°05'38" East, 389.60 feet along the North line of the Northeast ¼ of said Section 28; thence South 03°49'47" East, 192.82 feet; thence South 87°39'38" West, 447.62 feet; thence South 33°01'13" West, 92.97 feet; thence South 10°01'50" East, 418.51 feet to a point on the existing East right of way line of Interstate Route No. 29; thence in a northerly direction along said existing East right of way line for the following 3 courses, North 18°33'27" West, 504.72 feet; thence North 47°53'03" East, 246.32 feet; thence North 00°32'57" East, 70.02 feet to the Point of Beginning, containing 2.68 acres, inclusive of 0.63 acre of existing roadway easement.

The access rights in fee simple title sought to be appropriated, for the use and benefit of the State of Iowa, are described as follows:

All rights of direct access between local road 260<sup>th</sup> Street (D-51) and condemnee's remaining property abutting thereon in the NE¼ NE¼ of Section 28, T87N, R47W of the 5<sup>th</sup> P.M., Woodbury County, Iowa, from Sta. 21502+79 to Sta. 21506+75, on the north side.

The easement for highway purposes sought to be appropriated, for the use and benefit of Woodbury County, Iowa, is in land described as follows:

A parcel of land located in a part of the Northeast ¼ of the Northeast ¼ of Section 28, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, as shown on the Acquisition Plat Exhibit "A2" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Northeast Corner of the Northeast ¼ of said Section 28; thence North 88°05'38" West, 33.01 feet along the North line of said Northeast ¼; thence South 00°37'26" West, 70.02 feet to a point of intersection of the existing South right of way line of local road 260<sup>th</sup> Street (D-51) and the existing West right of way line of local road Benton Avenue and the Point of Beginning; thence continuing South 00°37'26" West, 10.09 feet along said existing West right of way line of Benton Avenue; thence South 87°54'43" West, 455.90 feet; thence South 81°20'19" West, 436.28 feet; thence North 03°49'47" West, 122.46 feet to a point on the existing South right of way line of local road 260<sup>th</sup> Street (D-51); thence South 88°05'38" East, 895.69 feet along said existing South right of way line to the Point of Beginning, containing 1.09 acres.

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

1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought in fee simple title and by easement for highway purposes are condemned in their entirety.

2. Any farm field drainage tile, or outlets, which are located within the land being acquired under this proceeding, 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 condemnee's remaining property for the specific purpose of effecting such relocation, replacement or restoration.
3. The area sought to be appropriated by temporary easement, for the specific purpose of relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.
4. Condemner hereby gives notice of condemnee's five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.

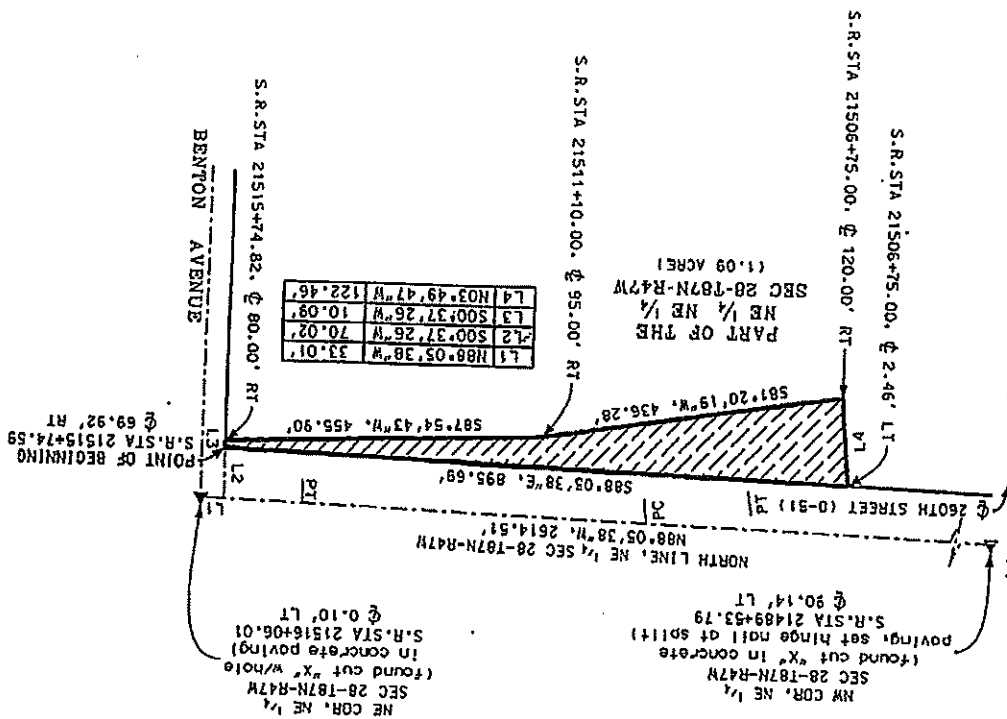


IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAN  
EXHIBIT "A2"



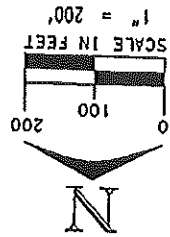
COUNTY: WOODBURY PROJECT NO. 1M-029-6(159)136-0E-97 STATE CONTROL NO. 5  
SECTION: 28 TOWNSHIP: 87N RANGE: 47W  
ROW - FEE: ACQUIRED ACCESS RIGHTS FROM STA. TO STA. 1.09 ACRES \*  
ACQUIRED ACCESS RIGHTS FROM STA. TO STA. MAIN LINE SIDE  
ACQUIRED FROM Laurence V. Reynolds Trust TO STA. SIDE ROAD SIDE

\* ACQUIRED IN THE NAME OF WOODBURY COUNTY FOR ROADWAY PURPOSES.



260TH STREET (051)  
 @ CURVE DATA:  
 Δ = 08°02'27" LT  
 T = 246.00'  
 L = 491.19'  
 R = 3500.00'  
 C = N87°52'44"E  
 PC STA = 21503+25.00  
 PT STA = 21508+16.19

260TH STREET (051)  
 @ CURVE DATA:  
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 T = 246.82'  
 L = 492.83'  
 R = 3500.00'  
 C = N87°53'32"E  
 PC STA = 21509+66.19  
 PT STA = 21514+59.01



DATE DRAWN ALR 10/02/2012



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. Wortman 1-10-2013  
 Robert D. Wortman License No. 12420  
 My license renewal date is December 31, 2013  
 Pages or sheets covered by this date: THIS SHEET ONLY



