

#1197



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 City of Des Moines
2. The real property subject to the Application is located in Des Moines County.
3. The date the condemnation application was filed by the undersigned County Recorder is July month, 28 day, 2011 year.
4. The attached Condemnation Application is filed of record at Document # 2011-10553  
Book \_\_\_\_\_, Page \_\_\_\_\_.

Kathy Flynn Thurston Dq  
County Recorder for

Des Moines 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 \_\_\_\_\_
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_ and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_; on \_\_\_\_\_ month, \_\_\_\_\_ day, \_\_\_\_\_ year.

\_\_\_\_\_  
County Recorder for  
\_\_\_\_\_  
County

RECEIVED  
IOWA SECRETARY OF STATE  
MATT SCHULTZ  
14 SEP 16 PM 3:34

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

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Doc ID: 007112760039 Type: GEN  
Kind: CONDEMNATION  
Recorded: 07/28/2011 at 11:41:03 AM  
Fee Amt: \$197.00 Page 1 of 39  
Revenue Tax: \$0.00  
Dubuque County Iowa  
Kathy Flynn Thurlow Recorder

File **2011-00010553**

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

**Condemnation #199**

Southwest Arterial, a municipal road project  
South of the City of Dubuque  
located in Dubuque County, Iowa

**APPLICATION TO THE CHIEF  
JUDGE OF THE  
1st JUDICIAL DISTRICT  
FOR THE APPOINTMENT OF A  
COMMISSION TO APPRAISE  
DAMAGES**

Project No. **ESL-2100(646)--7S-31 Group "A"**

TO: **Jon C. Fister, Chief Judge, 1st Judicial District including Dubuque 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

*Letras Iowa DOT*      *(X) 1197.00 City Engineer*

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 19 day of July, 2011.

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 WATERLOO, Iowa, this 21 day of JULY, 2011.

Thomas N. Bower  
~~Jon C. Pieter~~ THOMAS N. BOWER  
Chief Judge of the 1st Judicial District  
including Dubuque County, Iowa.

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

David B. Younie 7/25/11  
Condemnation Unit Coordinator

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

The Southwest Arterial, a municipal road project

NOTICE

South of the City of Dubuque

located in Dubuque County, Iowa

Project No. ESL-2100(646)--7S-31

Group "A"

TO:

Sharon L. Bradley Trust, c/o Sharon L. Bradley, Trustee, 12016 English Mill Road, Dubuque, Iowa  
Robert W. Bradley Trust, c/o Robert W. Bradley, Trustee, 12016 English Mill Road, Dubuque, Iowa  
Dubuque County, Iowa, c/o County Auditor, 720 Central Avenue, Dubuque, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Lot 1 of Green Valley Farms Subdivision in Section 32, Township 89 North, Range 2 East of the 5<sup>th</sup> P.M., Dubuque County, Iowa; Lot 1 of 1 of the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and Lot 2 of the NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 32, Township 89 North, Range 2 East of the 5<sup>th</sup> P.M., Dubuque County, Iowa; the NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> and the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 33, Township 89 North, Range 2 East of the 5<sup>th</sup> P.M., Dubuque County, Iowa; the N<sup>1</sup>/<sub>2</sub> NE fractional <sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 5, Township 88 North, Range 2 East of the 5<sup>th</sup> P.M., Dubuque County, Iowa; Lot 3 of the NW<sup>1</sup>/<sub>4</sub> fractional NE<sup>1</sup>/<sub>4</sub> of Section 5, Township 88 North, Range 2 East of the 5<sup>th</sup> P.M., Dubuque County, Iowa; and Lot 2 of the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 32, Township 89 North, Range 2 East of the 5<sup>th</sup> P.M., Dubuque County, Iowa.

You, and each of you, are hereby notified that the City of Dubuque, Iowa, desires certain rights in land more specifically described on the attached Acquisition Plats A1 Sheet 2 of 2, A2 Sheet 2 of 2, A3 Sheet 2 of 2, A4 Sheet 2 of 2, A5 Sheet 2 of 2, A6 Sheet 2 of 2, A7 Sheet 2 of 2 and A8 Sheet 2 of 2, and Plats B1 Sheet 2 of 2, B2 Sheet 2 of 2, B3 Sheet 2 of 2, B4 Sheet 2 of 2, B5 Sheet 2 of 2 and B6 Sheet 2 of 2, and shown with reference to their location as to land affected on the attached Acquisition Plats A1 Sheet 1 of 2, A2 Sheet 1 of 2, A3 Sheet 1 of 2, A4 Sheet 1 of 2, A5 Sheet 1 of 2, A6 Sheet 1 of 2, A7 Sheet 1 of 2 and A8 Sheet 1 of 2, and Plats B1 Sheet 1 of 2, B2 Sheet 1 of 2, B3 Sheet 1 of 2, B4 Sheet 1 of 2, B5 Sheet 1 of 2 and B6 Sheet 1 of 2, attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Dubuque County, Iowa, and in the Office of the Sheriff of Dubuque County, Iowa, to which you are referred:

Dubuque County Project ESL-2100(646)--7S-31  
Sharon L. Bradley Trust et al (Parcels 124, 130)  
Continued on next page

Page 1

Dubuque County Project ESL-2100(646)--7S-31  
Sharon L. Bradley Trust et al (Parcels 124, 130)

Page 2

The title in fee simple sought to be appropriated, for the use and benefit of the City of Dubuque, Iowa, is in land described on Acquisition Plat A1 Sheet 2 of 2, on Acquisition Plat A2 Sheet 2 of 2, on Acquisition Plat A3 Sheet 2 of 2, on Acquisition Plat A4 Sheet 2 of 2, on Acquisition Plat A5 Sheet 2 of 2 and on Acquisition Plat A6 Sheet 2 of 2, and as shown on Acquisition Plat A1 Sheet 1 of 2, on Acquisition Plat A2 Sheet 1 of 2, and on Acquisition Plat A3 Sheet 1 of 2, on Acquisition Plat A4 Sheet 1 of 2, on Acquisition Plat A5 Sheet 1 of 2 and on Acquisition Plat A6 Sheet 1 of 2, attached hereto and by reference made a part hereof.

No rights of direct access shall be permitted between the Southwest Arterial and condemnees' remaining property abutting thereon.

The permanent utility easements sought to be appropriated, for the use and benefit of the City of Dubuque, Iowa, is in land described on Acquisition Plat A7 Sheet 2 of 2 and on Acquisition Plat A8 Sheet 2 of 2 and as shown on Acquisition Plat A7 Sheet 1 of 2 and on Acquisition Plat A8 Sheet 1 of 2, attached hereto and by reference made a part hereof.

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 for permanent utility easements, are condemned in their entirety.
2. The City of Dubuque, Iowa, shall have a right of temporary utility easements in land described on Plat B1 Sheet 2 of 2 and on Plat B2 Sheet 2 of 2 and as shown on Plat B1 Sheet 1 of 2 and on Plat B2 Sheet 1 of 2, attached hereto and by reference made a part hereof.
3. The City of Dubuque, Iowa, shall have a right of temporary easement to shape in land described on Plat B3 Sheet 2 of 2 and on Plat B4 Sheet 2 of 2 and as shown on Plat B3 Sheet 1 of 2 and Plat B4 Sheet 1 of 2, attached hereto and by reference made a part hereof.
4. The City of Dubuque, Iowa, shall have a right of temporary easement to construct entrances in land described on Plat B5 Sheet 2 of 2 and on Plat B6 Sheet 2 of 2 and as shown on Plat B5 Sheet 1 of 2 and Plat B6 Sheet 1 of 2, all being attached hereto and by reference made a part hereof.
5. 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 City of Dubuque, 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.

Dubuque County Project ESL-2100(646)--7S-31  
Sharon L. Bradley Trust et al (Parcels 124, 130)  
Continued on next page

Page 2

Dubuque County Project ESL-2100(646)--7S-31  
Sharon L. Bradley Trust et al (Parcels 124, 130)

Page 3

6. The areas sought to be appropriated by temporary easement, for temporary utility easements, shaping, constructing entrances and 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.
7. 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.

Dubuque County Project ESL-2100(646)--7S-31  
Sharon L. Bradley Trust et al (Parcels 124, 130)

Page 3



# 1197  
**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 \_\_\_\_\_
2. The real property subject to the Application is located in \_\_\_\_\_ County.
3. The date the condemnation application was filed by the undersigned County Recorder is \_\_\_\_\_ month, \_\_\_\_\_ day, \_\_\_\_\_ year.
4. The attached Condemnation Application is filed of record at Document # \_\_\_\_\_  
 Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_  
 County Recorder for

\_\_\_\_\_  
 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 Dept. of Transportation
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 2011-10553, Book \_\_\_\_\_, Page \_\_\_\_\_ and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 2014-10222, Book \_\_\_\_\_, Page \_\_\_\_\_; on Sept. month, 15 day, 2014 year.

Kelly Flynn Truelsen DG  
 County Recorder for

Dubuque County

RECEIVED  
 IOWA SECRETARY OF STATE  
 MATT SCHULTZ  
 14 SEP 15 PM 3:54

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

SEE INSTRUCTIONS ON BACK

## OFFICE OF SHERIFF

DUBUQUE LAW ENFORCEMENT CENTER

770 IOWA STREET - PO BOX 1004 - DUBUQUE, IOWA 52004-1004

PHONES: EMERGENCY 911 - ADMINISTRATION 563-589-4406 -- FAX 563-589-7882

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY THE IOWA DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENT OF THE SOUTHWEST ARTERIAL A MUNICIPAL ROAD PROJECT SOTU OF THE CITY OF DUBUQUE, LOCATED IN DUBUQUE COUNTY, IOWA

PROJECT #ESL-2100(646)--7S-31

GROUP A

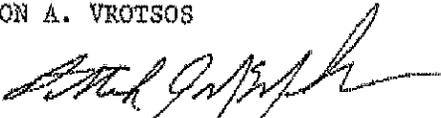
TO: BETTY TIGGES & DUBUQUE COUNTY, IOWA

I SHERIFF DON A VROTSOS, RETURN TO THE DUBUQUE COUNTY RECORDER, A COMPLETE AND FULL TRANSCRIPT OF THE ABOVE CONDEMNATION. I CERTIFY THAT I RECEIVED THE CONDEMNATION PAPERS ON 8-11-11 AND WE SERVED BOTH BETTY TIGGES AND DUBUQUE COUNTY ON 8-12-14.

SUMMONS TO COMMISSIONERS WAS PUBLISHED IN THE TELEGRAPH HERALD ON 9-14-11 AND THE CONDEMNATION WAS HELD AT THE DLEC ON 9-28-2011. THE PROPERTY WAS VIEWED BY THE COMMISSIONERS AND RETURNED TO THE DLEC AND BOTH PARTIES PRESENTED THEIR CASES TO THE COMMISSIONERS. THE CONDEMNATION WAS MADE OPEN TO THE PUBLIC AND COMMISSIONERS AWARDED BETTY TIGGES \$35,000.00. THE CONDEMNATION WAS APPEALED BY BETTY TIGGES THRU ATTY NATE RUNDE ON 10-26-11. REC'D AN ORDER TO RELEASE THE FUNDS HELD BY US AND REL'D TO ATTY JEFF HIATT WHO IS IN THE SAME FIRM AT NATE RUNDE ON 2-6-14. REC'D A DISMISSAL IN THE CASE ON 8-5-14 AND FILING ALL PAPERS THIS DATE.

DATED, AUGUST 5TH, 2014

DON A. VROTSOS



BY PATRICK J MCMAHON, SGT

#1197



PAUL D. PATE  
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

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Pursuant to Iowa Code sections 6b.38, 9.2A, and 331.602(24)

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### Part I: CONDEMNATION APPLICATION

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4. The attached Condemnation Application is filed of record at Document # \_\_\_\_\_  
Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_  
County Recorder for

\_\_\_\_\_  
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 CITY OF DUBUQUE
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 2011-10553, Book \_\_\_\_\_, Page \_\_\_\_\_ and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 2016-14507, Book \_\_\_\_\_, Page \_\_\_\_\_; on OCTOBER month, 26th day, 2016 year.

John L. Murphy  
County Recorder for

DUBUQUE County

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

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**OFFICE OF SHERIFF**  
DUBUQUE LAW ENFORCEMENT CENTER  
770 IOWA STREET - PO BOX 1004 - DUBUQUE, IOWA 52004-1004  
PHONES: EMERGENCY 911 - ADMINISTRATION 563-589-4406 - FAX 563-589-7882

**Statement of Sheriff**

In the matter of the condemnation of certain rights in land by the Iowa Department of Transportation for the improvement of the Southwest Arterial, a municipal road project south of the City of Dubuque, located in Dubuque County, Iowa.

Project #ESL-2100 (646)—7S-31

Group A

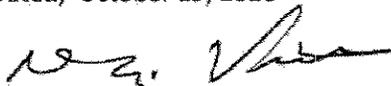
I Sheriff Don A. Vrotsos, return to the recorder of Dubuque County, Iowa, a complete and full transcript of the above condemnation. I received the condemnation paper on March 21, 2016 and I served the Condemnees, Sharon and Robert Bradley on August 11, 2011 and Dubuque County on August 12, 2016. The Summons to Commissioners was published in the Telegraph Herald on September 14, 2011.

The condemnation was held on September 28, 2011 at 9:30 am at the Dubuque Law Enforcement Center, 770 Iowa Street, Dubuque Iowa. The instructions were read to the Commissioners and the Oath to the Commissioners was read to them and each one signed off on the Oath.

The Commissioners were then driven to the property and viewed the parcel of land. They were returned to the Dubuque Law enforcement Center and the City of Dubuque presented their case. The Condemnees were then given their opportunity to present their case. The commissioners then met in closed session to make an award. The Commissioners notified the Sheriff's Office that a decision had been made. The Condemnation was opened back up to the public and the commissioners made an award of \$851,000.00

The notice of appeal was mailed out to the Condemnees on September 28, 2011. An appeal was filed with the Clerk of Court.

Dated; October 19, 2016



By Don A. Vrotsos  
Sheriff, Dubuque County