

15 FEB - 11 AM '16

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. 61 north of the City of Burlington located in Des Moines County, Iowa

SUMMONS TO COMMISSIONERS

Project No. NHSN-61-2(55)--2R-29 Group "A"

TO: Ray Robertson

The Iowa Department of Transportation has filed with the Chief Judge of the 8th Judicial District including Des Moines County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to 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 such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in Des Moines County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 8th Judicial District for Des Moines County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Gwen Wixom has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Burlington, Des Moines County, State of Iowa, on the 6th day of April, 2016, at 9:30 o'clock a.m. (DST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

Mike Johnstone
Mike Johnstone
Sheriff of Des Moines County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Medina polis, Iowa, this 5 day of MARCH, 2016. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

X Ray Robertson

Filed in my office at Burlington, Iowa, this 9th day of March, 2016.

Mike Johnstone
Mike Johnstone
Sheriff of Des Moines County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Des Moines County, Iowa.

REPORT OF COMPENSATION COMMISSIONERS

Minutes of Deliberations

Date: April 6, 2016 Time: 9:30AM
Place: Des Moines County Sheriff's Office

Members Present: Gwen Wixom (Chairperson); Barb Kelley; Jeff Burgus;
Ronald Kelley; Lee Robertson; Ray Robertson

Minutes Taken By: *Barbara J. Kelley*

Minutes Taken:

9:25 AM Instruction read by Sheriff dept
9:35 Vack read & passed to sign
DOT introductions of commission

Ente properties legal description
51.99 Acres plus 1.35 Acres right of way
234,000 to award.

Explanation of mediation process.

9:45 AM to sign at the agreed price by commissioners

10:50 AM concluded hearing

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. 61 north of the City of Burlington located in Des Moines County, Iowa

OATH OF COMMISSIONERS

Project No. NHSN-61-2(55)--2R-29 Group "A"

STATE OF IOWA }
Des Moines County } ss

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 owner(s), 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 rights set forth and described in the Application and Notice of Condemnation in the Office of the Sheriff for the improvement of roads and streets and make a written report to the Sheriff as Authorized and prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 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 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 damages.

[Signature]
Name:

Licensed Real Estate Salesperson or Broker

[Signature]
Name:

Licensed Real Estate Salesperson or Broker

[Signature]
Name:

Knowledgeable of Property Values by Virtue of Occupation

[Signature]
Name:

Knowledgeable of Property Values by Virtue of Occupation

[Signature]
Name:

agricultural

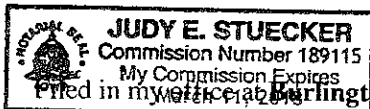
[Signature]
Name:

agricultural

Acknowledged, subscribed and sworn to before me this 6th day of April, 2016.

[Signature]

(Notary Public / Clerk of Court) in and for said County and State



in my office at Burlington, Iowa, this 6th day of April, 2016.

[Signature]

Mike Johnstone
Sheriff of Des Moines County, Iowa

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Des Moines 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 for Project No. NHSN-61-2(55)--2R-29, held on the 6th day of April, 2016, are as follows and that these claims are due, just, and unpaid.

<u>1</u> day service at \$200.00	\$ <u>200.00</u>
<u>5</u> miles at <u>.54</u> cents	\$ <u>2.70</u>
<u>0</u> meals	\$ <u>202.70</u>

Signed this 6th day of April, 2016.



COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Des Moines 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 for Project No. NHSN-61-2(55)--2R-29, held on the 6th day of April, 2016, are as follows and that these claims are due, just, and unpaid.

<u>1</u> day service at \$200.00	\$ <u>200.00</u>
<u>6</u> miles at <u>.54</u> cents	\$ <u>3.24</u>
<u>0</u> meals	\$ <u>—</u>

Signed this 6 day of April, 2016.

Barbara J. Kelley
 COMMISSIONER

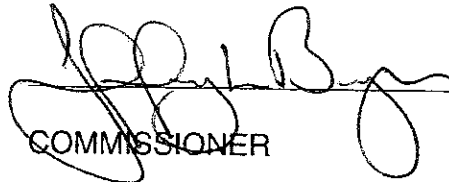
CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Des Moines 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 for Project No. NHSN-61-2(55)--2R-29, held on the 6th day of April, 2016, are as follows and that these claims are due, just, and unpaid.

<u>1</u> day service at \$200.00	\$ <u>200.00</u>
<u>30</u> <u>28</u> miles at <u>.54</u> cents	\$ <u>14.55</u>
<u> </u> meals	\$ <u> </u>

Signed this 6th day of April, 2016.



 COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Des Moines 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 for Project No. NHSN-61-2(55)--2R-29, held on the 6th day of April, 2016, are as follows and that these claims are due, just, and unpaid.

<u>1</u> day service at \$200.00	\$ <u>200.00</u>
<u>0</u> miles at <u>.54</u> cents	\$ <u>0</u>
<u>0</u> meals	\$ <u>—</u>

Signed this 6 day of April, 2016.

Ronald R. Kelley

COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Des Moines 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 for Project No. NHSN-61-2(55)--2R-29, held on the 6th day of April, 2016, are as follows and that these claims are due, just, and unpaid.

<u>1</u> day service at \$200.00	\$ <u>200.00</u>
<u>40</u> miles at <u>.54</u> cents	\$ <u>21.60</u>
<u>0</u> meals	\$ <u> </u>

Signed this 6 day of April, 2016.

Lee Robertson
 COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Des Moines 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 for Project No. NHSN-61-2(55)--2R-29, held on the 6th day of April, 2016, are as follows and that these claims are due, just, and unpaid.

<u>1</u> day service at \$200.00	\$ <u>200.00</u>
<u>30</u> miles at <u>.54</u> cents	\$ <u>25616.20</u>
<u>0</u> meals	\$ <u>—</u>

Signed this 6 day of April, 2016.

Ray Robertson

 COMMISSIONER

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. 61 north of the City of Burlington located in Des Moines County, Iowa

REPORT OF COMPENSATION COMMISSION

Project No. NHSN-61-2(55)-2R-29 Group "A"

TO: Mike Johnstone, Sheriff of Des Moines County, Iowa

We, the undersigned, being duly-appointed and qualified Commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights as set forth and described in the Notice of Condemnation filed in the above-entitled matter, respectfully report as follows.

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

Parcel 12:

	Land and Improvements	Consequential Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs
Unknown Heirs and Assigns of Vivian M. Johnson, deceased Kenneth A. Johnson Joyce Johnson David S. Johnson Lois Johnson Kellee A. Johnson Des Moines County Treasurer	\$ _____	\$ _____	\$ 234,000	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____

Value of Condemnee's dwelling: \$ _____

Respectfully reported at Burlington, Iowa, this 6th day of April, 2016.

Signatures of commissioners: Lee Robertson, Barbara J. Kelley, Donald S. Kelley

Signatures of Mike Johnstone and Des Moines County Treasurer

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Burlington, Iowa, this 6th day of April, 2016.

Signature of Mike Johnstone, Sheriff of Des Moines County, Iowa

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

Primary Road No. U.S. 61 north of the City of Burlington located in Des Moines County, Iowa

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

Project No. NHSN-61-2(55)--2R-29 Group "A"

Parcel No. 12

	Land and Improvements	Consequential Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs
Unknown Heirs and Assigns of Vivian M. Johnson, deceased Kenneth A. Johnson Joyce Johnson David S. Johnson Lois Johnson Kellee A. Johnson Des Moines County Treasurer	\$	\$	\$ 239,000	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

NOTE: If Owner-Occupied Dwelling is acquired:

Value of Condemnees' Dwelling: \$ _____
Value of Land and Improvements other than Condemnees' Dwelling: \$ _____

You and each of you are hereby notified that on the 6th day of April, 2016, 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 the Code of Iowa, you may, within (30) days from the date of mailing this Notice, appeal to the District Court as by law provided. If no appeal is filed, you may pick up the award warrant on deposit with the Sheriff. In the event an appeal is filed, it will be necessary for the court to order any disbursement of funds.

Signed this 6th day of April, 2016.
Mike Johnstone
Mike Johnstone
Sheriff of Des Moines County, Iowa

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

AFFIDAVIT OF FINAL OFFER

Primary Road No. U.S. 61
north of the City of Burlington
located in **Des Moines** County, Iowa

Project No. **NHSN-61-2(55)--2R-29** Group "A"

Parcel No. **12**

On this the 6 day of April, 2016, comes the Iowa Department of Transportation and states, as by law provided, that the most recent offers made to the owner(s), lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant in the Notice of Condemnation filed in the above matter are as follows:

Owner(s) & Lienholders
Unknown Heirs and Assigns of
Vivian M. Johnson, deceased
Kenneth A. Johnson
Joyce Johnson
David S. Johnson
Lois Johnson
Kellee A. Johnson
Des Moines County Treasurer

\$ 234,000⁰⁰

Tenant(s)

\$ 0/A

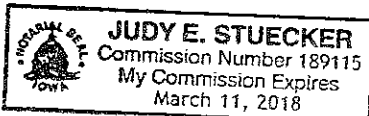
IOWA DEPARTMENT OF TRANSPORTATION

By

[Signature]

Condemnation Hearing Compliance Officer
Office of Right of Way

Acknowledged, subscribed and sworn to before me this 6th day of April, 2016.



[Signature]
(Notary Public / Clerk of Court) in and for said County and State

Filed in my office at **Burlington**, Iowa, this 6th day of April, 2016.

[Signature]
Mike Johnstone
Sheriff of **Des Moines** County, Iowa

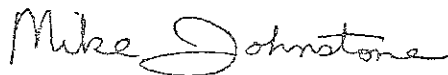
In the Matter of the Condemnation
of Certain Rights in Land by the
Iowa Department of Transportation
for the Improvement of

Primary Road No. U.S. 61
north of the City of Burlington
located in **Des Moines** County, Iowa

**ENDORSEMENT OF SHERIFF
OF MAILING OF NOTICE OF
APPRAISEMENT OF DAMAGES
AND TIME FOR APPEAL**

Project No. **NHSN-61-2(55)--2R-29** Group "A"

I, the undersigned, hereby endorse and certify that a true copy of the *Notice of Appraisement of Damages and Time for Appeal* was served upon each of the parties of this proceeding, as listed herein, by enclosing said *Notice* in an envelope addressed to each such party at their respective last-known mailing address as disclosed by the record in the *Application to the Chief Judge* (excepting those parties, if any, listed below), with postage prepaid, and by depositing said envelope in a United States Post Office depository in Burlington, Iowa, on the 6th day of April, 2016.



Mike Johnstone
Sheriff of **Des Moines** County, Iowa



MIKE JOHNSTONE, SHERIFF
512 N. Main St, Ste 2
Burlington, IA 52601
Phone: 319-753-8212
Fax: 319-754-6910



Date: April 19, 2016

To: Kenneth A Johnson
12061 Hwy 61
Burlington, IA 52601

Joyce Johnson
12061 Hwy 61
Burlington, IA 52601

RE Condemnation: 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. 61 north of the City of Burlington, located in Des Moines County, Iowa

This is to advise you that there has been deposited with our office, check number 68223306 in the amount of \$234,000.00 from the State of Iowa. This check represents the amount of the Compensation Commission award made on April 6, 2016 regarding a condemnation. The following names have been named on this check as it was included in the condemnation proceedings from the beginning: Kenneth A Johnson, Joyce Johnson David S Johnson, Lois Johnson, Kellee A Johnson & Des Moines County Treasurer

This check cannot be picked up from the Des Moines County Sheriff's Office until thirty (30) days elapses from the date of the Condemnation. The end of the 30-day period expires on May 6, 2016. We have been advised that you might jeopardize your appeal rights if you pick this check up before the thirty (30) days elapses.

If you appeal your awards, we will require a Court Order before releasing any funds.

You must contact Judy Stuecker at the Des Moines County Sheriff's Office, 319-753-8213, to make arrangements on picking your check up.

Sincerely,

Mike Johnstone

Mike Johnstone, Sheriff
Des Moines County, Iowa

MJ/js

Sheriff's Office Use Only: (Receipt)

Received the above named check on the 6th day of May, 2016.

Judy C Stuecker
(witness)

Kenneth Johnson
Joyce Johnson

15 MAY -6 11:05:21



MIKE JOHNSTONE, SHERIFF

512 N. Main St, PO Box 986
Burlington, IA 52601
Phone: 319-753-8289 (Civil)
Fax: 319-754-6910



Civil # 16-000474
Case # NHSN-61-2(55)--2R-29

Date: April 19, 2016

Received from the State of Iowa, check # 68223306 dated April 13, 2016, made payable to Kenneth A & Joyce Johnson from the Compensation Commission Award made from the condemnation on April 6, 2016 in the amount of \$234,000.00

Mike Johnstone, Sheriff
Des Moines County, Iowa

Judy Eskue

Date: May 6, 2016

Received from the Des Moines County Sheriff's Office, the above named check.

Kenneth Johnson
Joyce Johnson

Judy Eskue
Witness

16 MAY -6 AM 10:28

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. 61 north of the City of Burlington located in Des Moines County, Iowa

SHERIFF'S CERTIFICATION

AS TO AWARDS AND COSTS

Project No. NHSN-61-2(55)--2R-29 Group "A"

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED AS DOCUMENT NUMBER 2016-000476

TO: Iowa Department of Transportation, Ames, Iowa

I certify that the commissioners in the above-entitled cause convened at Burlington, Iowa, on the 6th day of April, 2016, and thereupon proceeded to view the premises, and said commissioners did on th 6th day of April, 2016, file their report in my office, awarding damages as follows:

NAMES OF CONDEMNEES	AWARD	ATTORNEY FEES & COSTS
Kenneth A & Joyce Johnson	\$ 234,000.00	\$ 0.00
	\$	\$
	\$	\$
	\$	\$
	\$	\$
TOTAL DAMAGES AWARDED:	\$ 234,000.00	\$ 0.00

I certify that the costs incident to this proceeding are taxed and Notices were served as listed below: (attach separate list if necessary)

Date	Names of Condemnees	Service Fee	Mileage	Rate per Mile	= Amount	Sum
3/1/16	Kenneth A Johnson	\$15.00	4	\$0.540	\$2.16	\$17.16
3/1/16	Joyce L Johnson	\$10.00	0	\$0.540	\$0.00	\$10.00
3/3/16	Des Moines County, IA	\$15.00	4	\$0.540	\$2.16	\$17.16
		\$0.00	0	\$0.540	\$0.00	\$0.00
		\$0.00	0	\$0.540	\$0.00	\$0.00
		\$0.00	0	\$0.540	\$0.00	\$0.00
		\$0.00	0	\$0.540	\$0.00	\$0.00
Sub Total						\$44.32

Sheriff's Fees:

Summoning and attending Commissioners (includes service fees) (Maximum allowed by Code Section 331.655 is \$100.00)

\$100.00

Publication Fee

\$22.85

Mileage while summoning and attending Commissioners 0 miles x \$0.540 per mile)

\$0.00

TOTAL: \$167.17

Signature of Mike Johnstone, Sheriff of Des Moines County, Iowa

COMMISSIONERS' COSTS

<u>Gwen Wixom</u>	of	
<u>Burlington</u>	, Iowa	
<u>1</u> day service		<u>\$200.00</u>
<u>5</u> miles at \$.54 cents		<u>\$2.70</u>
meals		
TOTAL		<u>\$202.70</u>

<u>Barbara Kelley</u>	of	
<u>Burlington</u>	, Iowa	
<u>1</u> day service		<u>\$200.00</u>
<u>6</u> miles at \$.54 cents		<u>\$3.24</u>
meals		
TOTAL		<u>\$203.24</u>

<u>Jeff Burgus</u>	of	
<u>Mediapolis</u>	, Iowa	
<u>1</u> day service		<u>\$200.00</u>
<u>30</u> miles at \$.54 cents		<u>\$14.55</u>
meals		
TOTAL		<u>\$214.55</u>

<u>Ronald Kelley</u>	of	
<u>Burlington</u>	, Iowa	
<u>1</u> day service		<u>\$200.00</u>
<u>0</u> miles at \$.54 cents		<u>\$0.00</u>
meals		
TOTAL		<u>\$200.00</u>

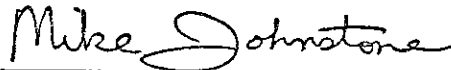
<u>Lee Robertson</u>	of	
<u>Mediapolis</u>	, Iowa	
<u>1</u> day service		<u>\$200.00</u>
<u>40</u> miles at \$.54 cents		<u>\$21.60</u>
meals		
TOTAL		<u>\$221.60</u>

<u>Ray Robertson</u>	of	
<u>Mediapolis</u>	, Iowa	
<u>1</u> day service		<u>\$200.00</u>
<u>30</u> miles at \$.54 cents		<u>\$16.20</u>
meals		
TOTAL		<u>\$216.20</u>

GRAND TOTAL \$1,425.46

I certify that the foregoing amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Dated this 14th day of April, 2016



Mike Johnstone
Sheriff of Des Moines County, Iowa

IN THE IOWA DISTRICT COURT FOR DES MOINES COUNTY

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. 61 north of City of Burlington)
located in Des Moines County, Iowa)

No. Project No. NHSN-61-2(55)--2R-29 Group "A"

SHERIFF'S REPORT FOR CONDEMNATION PROCEEDINGS

I further certify that I received from the State of Iowa award check as follows:

\$ 234,000.00 payable to Kenneth A Johnson; Joyce Johnson; David S Johnson;
Lois Johnson; Kellee A Johnson; Des Moines County
Treasurer

and attorney and appraiser fee checks as follows:

\$ _____ payable to _____
\$ _____ payable to _____
\$ _____ payable to _____

I further certify that as of the date entered below, said checks: _____ have not been disbursed
X have been disbursed as follows:

<u>Kenneth A & Joyce Johnson's</u>	check for	<u>234,000.00</u>	disbursed on	<u>May 6, 2016</u>
_____	check for	_____	disbursed on	_____
_____	check for	_____	disbursed on	_____
_____	check for	_____	disbursed on	_____
_____	check for	_____	disbursed on	_____

Dated this 6th of May, 2016

Mike Johnstone
Sheriff of Des Moines County, Iowa

1250



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

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 Department of Transportaion
2. The real property subject to the Application is located in Des Moines County County.
3. The date the condemnation application was filed by the undersigned County Recorder is January month, 29 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # 2016-000476
Book _____, Page _____.

Lisa L. Schawiner
County Recorder for
by Natalee Steffner, deputy
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

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

SEE INSTRUCTIONS ON BACK

2016-000476
Number: 2016-000476
Recorded: 1/29/2016 at 1:14:49.0 PM
Fee Amount: \$32.00
Revenue Tax:
Lisa L. Schreiner RECORDER
Des Moines County, Iowa

Prepared by: Colleen Chapa, IA Dept. of Transportation, Right of Way-Condemnation,
800 Lincoln Way, Ames, IA 50010 515-239-1067
Return to: Colleen Chapa, 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

Primary Road No. U.S. 61
north of the City of Burlington
located in Des Moines County, Iowa

Project No. NHSN-61-2(55)--2R-29 Group "A"

TO: Mary Ann Brown, Chief Judge, 8th Judicial District including Des Moines County, Iowa

**APPLICATION TO THE CHIEF
JUDGE OF THE
8th JUDICIAL DISTRICT
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE
DAMAGES**

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

Description: The lands and/or property rights sought to be condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application.

Plat: The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

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

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

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

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

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

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

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

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

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

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

Dated at Ames, Iowa, this 25th day of January, 2016.

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

By Katic A. Johnson
Katic A. Johnson
Condemnation Unit Coordinator
Office of Right of Way

Filed in my office at Burlington, Iowa, this 27 day of January, 2016.

Mary Ann Brown
Mary Ann Brown
Chief Judge of the 8th Judicial District
including Des Moines County, Iowa.

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

Colleen Chapa
Colleen Chapa, Condemnation Unit

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

NOTICE

Primary Road No. U.S. 61

North of the City of Burlington

located in Des Moines County, Iowa

Project No. NHSN-61-2(55)--2R-29

Group "A"

TO:

Unknown Heirs and Assigns of Vivian M. Johnson, deceased
Kenneth A. Johnson, 12069 Highway 61, Burlington, IA 52601
Joyce Johnson, 12069 Highway 61, Burlington, IA 52601
David S. Johnson, 9455 NW 121st Street, Granger, IA 50109
Lois Johnson, 9455 NW 121st Street, Granger, IA 50109
Kellee A. Johnson, 25023 N. Turkey Creek, Evergreen, CO 80439
Des Moines County, Iowa, c/o County Auditor, 513 N. Main Street, Burlington, IA 52601

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 13, and part of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 14, all in Township 70 North, Range 3 West of the 5th P.M., Des Moines 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 Graphic Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Des Moines County, Iowa, and in the Office of the Sheriff of Des Moines County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows and as shown on Graphic Exhibit "A" attached hereto and by reference made a part hereof:

The west 31 $\frac{3}{4}$ acres of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 13. Also beginning at the southwest corner of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 13; thence S 89 $\frac{3}{4}$ $^{\circ}$ E 16.60 chains; thence N 8 $^{\circ}$ 50' W 7.34 chains; thence N 27 $^{\circ}$ 35' W 5.19 chains; thence W 13.16 chains; thence S 20' E 11.80 chains to beginning, containing 18.22 acres. Also beginning at a stone 18.48 chains, north of the southeast corner of Section 14; thence N 75 $^{\circ}$ W 13.57 chains; thence N 1 $^{\circ}$ W 6.29 chains; thence S 88 $^{\circ}$ 40' W 6.89 chains; thence N 3.73 chains; thence E 20.03 chains to the section line; thence S 13.32 chains more or less to the place of beginning. All in Township 70 North, Range 3 West of the 5th P.M., containing 67 $\frac{3}{4}$ acres more or less, except the following five tracts:

Des Moines County Project No. NHSN-61-2(55)--2R-29
Unknown Heirs and Assigns of Vivian M. Johnson (Parcel 12)
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Des Moines County Project No. NHSN-61-2(55)--2R-29
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Page 2

Tract 1: Part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 70 North, Range 3 West of the 5th P.M., bounded and described as follows: Commencing at the southwest corner of said Section 13, and running thence east, along the south line of the SW $\frac{1}{4}$ of said Section, 1072.5 feet to the center-line of Highway No. U.S. 61; thence northwardly, along said center-line, 625 feet; thence N 81° 17' W 60 feet to the place of beginning; thence on same course (N 81° 17' W) 158.2 feet; thence N 3° 36' E 276 feet; thence S 81° 17' E 159.6 feet; thence S 3° 36' W 276 feet to the place of beginning, containing one acre, more or less.

Tract 2: A parcel of land located in the SW $\frac{1}{4}$ of Section 13, Township 70 North, Range 3 West of the 5th P.M., Des Moines County, Iowa, lying on the west side of part of the following described centerline of Primary Road No. U.S. 61 as shown on Official plans for Project F-301. The centerline, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 96+70.4, a point 1071.7 feet east of the southwest corner of said Section 13, on the south line thereof; thence N 10° 12 $\frac{1}{2}$ ' W 187.5 feet to Sta. 98+57.9; thence northerly 209.3 feet along a 955.0 feet radius curve, concave easterly and tangent to the preceding and following courses to Sta. 100+67.2; thence N 2° 21' E 770.7 feet to Sta. 108+37.9; thence northerly 956.6 feet along a 1763.1 feet radius curve, concave westerly and tangent to the preceding and following courses to Sta. 117+94.5; thence north, thence N 28° 44 $\frac{1}{2}$ ' W 55.5 feet to Sta. 118+50. Said parcel is described as follows: All that part of a tract of land described as the west 31 $\frac{3}{4}$ acres of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 13. Also beginning at the southwest corner of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 13; thence S 89 $\frac{3}{4}$ ° E 16.60 chains; thence N 8° 50' W 7.34 chains; thence N 27° 35' W 5.19 chains; thence W 13.16 chains; thence S 20° E 11.80 chains to beginning, except "Commencing at the southwest corner of said Section 13, and running thence east, along the south line of the SW $\frac{1}{4}$ of said Section, 1072.5 feet to the center-line of Highway No. U.S. 61; thence northwardly along said center-line, 625 feet; thence N 81° 17' W 60 feet to the place of beginning; thence on same course (N 81° 17' W) 158.2 feet; thence N 3° 36' E 276 feet; thence S 81° 17' E 159.6 feet; thence S 3° 36' W 276 feet to the place of beginning", that lies easterly of a line beginning at a point 150 feet normally distant westerly from centerline on the south line of the SW $\frac{1}{4}$ of said Section 13; thence to a point 60 feet normally distant westerly from Sta. 97+70; thence to a point 60 feet normally distant westerly from Sta. 98+57.9; thence to a point 80 feet radially distant westerly from centerline on an east-west fence line through Sta. 100+02; thence to a point 125 feet normally distant westerly from centerline on an east-west fence line through Sta. 100+88; thence to a point 125 feet normally distant westerly from Sta. 102+25; thence to a point 80 feet, normally distant westerly from centerline on the south line of said excepted tract and lying easterly of a line beginning at a point 80 feet normally distant westerly from centerline on the north line of said excepted tract; thence to a point 110 feet normally distant westerly from Sta. 108+37.9; thence to a point 170 feet normally distant westerly from Sta. 117+94.5; thence to a point 170 feet normally distant westerly from centerline on the north line of said tract. Said parcel contains 3.8 acres, more or less, exclusive of the present established roads.

Also excepting the following tract of land: Bounded on the north by a line normal to centerline through Sta. 105+45, on the south by a line normal to centerline through Sta. 102+97, on the east by the above described centerline of Primary Road No. U.S. 61, and on the west by a line 60 feet normally distant westerly of and parallel to the above described centerline of Primary Road No. U.S. 61.

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Unknown Heirs and Assigns of Vivian M. Johnson (Parcel 12)
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Tract 3: Part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 70 North, Range 3 West of the 5th P.M., bounded and described as follows: Commencing at the southwest corner of said Section 13, and running thence east, along the south line of the SW $\frac{1}{4}$ of said Section 1072.5 feet to the centerline of Highway No. U.S. 61; thence northwardly along said centerline 625 feet; thence N 81° 17' W 60 feet; thence on same course (N 81° 17' W) 158.2 feet, to the place of beginning (as per plat and description furnished by J. F. Winters, C.E.). Thence on same course (N 81° 17' W) 157.8 feet; thence N 3° 36' E 276.0 feet; thence S 81° 17' E, 157.8 feet; thence S 3° 36' W, 276.0 feet to the place of beginning, containing one acre, more or less.

Tract 4: Commencing at the southwest corner of Section 13, Township 70 North, Range 3 West of the 5th P.M. in Des Moines County, Iowa; thence east along the south section line of said Section 13, 200 feet; thence north and parallel with the west section line of said Section 13, 762 feet; thence west 200 feet to the west section line of said Section 13; thence south along the west section line to the place of beginning, containing 3.5 acres more or less.

Tract 5: A tract of land located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13, Township 70 North, Range 3 West of the 5th P.M., Des Moines County, Iowa, described as follows: Commencing at the southwest corner of said Section 13; thence east 1010.90 feet to a point; thence N 10° 32' W 91.00 feet to a point; thence continuing N 10° 32' W 87.40 feet to a point; thence N 11° 58' W 65.70 feet to the point of beginning; thence N 87° 10' W 277.80 feet to a point; thence N 06° 15' E 393.90 feet to a point; thence S 86° 03' E 222.48 feet to a point; thence S 32° 47' W 86.90 feet to a point; thence S 02° 38' W 115.10 feet to a point; thence S 23° 53' E 104.90 feet to a point; thence S 11° 58' E 108.60 feet to the point of beginning, containing 1.954 acres, more or less.

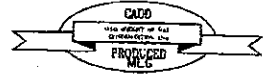
Also, excepting Lot 2 in Johnson Corner Subdivision, a Subdivision in Des Moines County, Iowa as per Plat filed February 26, 1998, and recorded as Document No. 98-001189 in the Office of the Recorder of Des Moines County, Iowa.

In connection with this condemnation proceeding it is specifically provided that 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.

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IOWA DEPARTMENT OF TRANSPORTATION
GRAPHIC EXHIBIT "A"



COUNTY DES MOINES STATE CONTROL NO. _____
 PROJECT NO. NHSN-61-2(55)--2R-29 PARCEL NO. 12
 SECTION 13,14 TOWNSHIP 70N RANGE 3W
 ROW-FEE TOTAL _____ AC, EASE _____ AC, BORROW _____ AC, EXCESS-FEE _____ AC
 ACQUIRED FROM UNKNOWN HEIRS AND ASSIGNS OF VIVIAN M. JOHNSON

