

#1292



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 Dept of Transportation
2. The real property subject to the Application is located in Linn County.
3. The date the condemnation application was filed by the undersigned County Recorder is September month, 26 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # _____
Book 9657, Page 189.

County Recorder for

Linn 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

BK: 9657 PG: 189
Recorded: 9/26/2016 at 1:45:22.997 PM
Fee Amount: \$57.00
Revenue Tax:
Joan McCalmant RECORDER
Linn County, Iowa
Unique Doc ID: 2399762

Prepared by: Katie A. Johnson, IA Dept. of Transportation, Right of Way-Condemnation,
 800 Lincoln Way, Ames, IA 50010 515-239-1633
 Return to: Katie A. Johnson, 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. 30
 in the City of Mount Vernon
 located in Linn County, Iowa

**APPLICATION TO THE CHIEF
 JUDGE OF THE
 6th JUDICIAL DISTRICT
 FOR THE APPOINTMENT OF A
 COMMISSION TO APPRAISE
 DAMAGES**

Project No. NHSN-030-7(101)--2R-57 Group "F"

TO: Patrick R. Grady, Chief Judge, 6th Judicial District including Linn 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

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 19th day of September, 2016.

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

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

Filed in my office at Cedar Rapids Iowa, this 21st day of September 2016.

Patrick R. Grady
Patrick R. Grady
Chief Judge of the 6th Judicial District
including Linn County, Iowa.

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

Katie A. Johnson
Katie A. Johnson, Condemnation Unit

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. 30

in the City of Mount Vernon

located in Linn County, Iowa

Project No. NHSN-030-7(101)--2R-57

Group "F"

TO:

LRD Corp., c/o Ray Glenn Stoner, Registered Agent, 1621 Museum Road, Mount Vernon, IA 52314
City of Mount Vernon, Iowa, c/o City Clerk, 213 First Street NW, Mount Vernon, IA 52314
Linn County, Iowa, c/o County Auditor, 935 Second Street SW, Cedar Rapids, IA 52404

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 Northwest $\frac{1}{4}$, Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, and Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, all in Section 16, Township 82 North, Range 5 West of the 5th P.M., City of Mount Vernon, Linn 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 Acquisition Plat Exhibit "A" and Graphic Exhibit "B" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Linn County, Iowa, and in the Office of the Sheriff of Linn 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 the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, the Northeast $\frac{1}{4}$, and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, all in Section 16, Township 82 North, Range 5 West of the 5th P.M., City of Mount Vernon, Linn 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:

Commencing at the Northwest Corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 16; thence South $01^{\circ}16'36''$ East along the west line of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, a distance of 495.39 feet to the point

Linn County Project No. NHSN-030-7(101)--2R-57

LRD Corp. (Parcel 12)

Continued on next page

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Linn County Project No. NHSN-030-7(101)--2R-57
LRD Corp. (Parcel 12)

Page 2

of beginning; thence North 89°55'32" East, 250.08 feet; thence South 72°54'30" East, 378.81 feet; thence South 64°42'03" East, 725.29 feet; thence South 61°15'34" East, 535.95 feet; thence South 68°19'14" East, 1499.33 feet; thence North 39°02'15" East, 314.32 feet; thence South 01°10'51" East, 46.65 feet to the northwest right-of-way line of Primary Road No. IA 1; thence South 40°50'25" West along said right-of-way line, 2116.67 feet; thence North 31°19'30" East, 304.16 feet; thence North 40°29'57" East, 683.65 feet; thence North 50°17'21" West, 293.47 feet; thence North 39°52'44" West, 455.41 feet; thence North 57°27'43" West, 1284.85 feet; thence North 74°22'50" West, 431.80 feet; thence South 82°29'17" West, 199.64 feet; thence North 66°03'43" West, 216.96 feet; thence North 52°29'21" West, 160.17 feet; thence North 01°16'36" West, 352.99 feet to the point of beginning and containing 1,581,146 square feet.

Note: The north line of the Northeast ¼ of the Northwest ¼ of Section 16 is assumed to bear North 88°40'13" East.

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

All rights of direct access between Primary Road No. IA 1 and condemnee's remaining property abutting thereon in the Southwest ¼ of the Northeast ¼, Southeast ¼ of the Northeast ¼ and Northwest ¼ of the Southeast ¼, all in Section 16, Township 82 North, Range 5 West of the 5th P.M., City of Mount Vernon, Linn County, Iowa, from Sta. 6677+53 to Sta. 6694+51±(Property Line), on the west side.

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

1. Any and all improvements, including fences, if any, located wholly within the land sought in fee simple title, are condemned in their entirety.
2. Any 2016 crops growing on the land sought to be appropriated are reserved to the condemnee until December 1, 2016. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.
3. The State of Iowa shall have a right of temporary easement in the Southeast ¼ of the Northeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 16, Township 82 North, Range 5 West of the 5th P.M., City of Mount Vernon, Linn County, Iowa, for the specific purpose of constructing entrances, in land described as follows and as shown as Area "A" and Area "C" on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

AREA "A"

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said Northeast ¼, a distance of 1073.18 feet; thence South 88°48'53" West, 635.72 feet to the point of beginning; thence South 39°02'04" West, 60.03 feet; thence North 49°11'22" West, 23.15 feet; thence North 40°48'38" East, 60.00 feet; thence South 49°11'22" East, 21.29 feet to the point of beginning.

Linn County Project No. NHSN-030-7(101)--2R-57
LRD Corp. (Parcel 12)
Continued on next page

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Linn County Project No. NHSN-030-7(101)--2R-57
LRD Corp. (Parcel 12)

Page 3

AREA "C"

Commencing at the Center of said Section 16; thence South 00°54'02" East along the west line of said Northwest ¼ of the Southeast ¼, a distance of 471.13 feet; thence North 89°05'58" East, 596.29 feet to the point of beginning; thence North 49°11'22" West, 51.67 feet; thence North 40°48'38" East, 70.00 feet; thence South 49°11'22" East, 40.00 feet; thence South 31°20'54" West, 70.97 feet to the point of beginning.

4. The State of Iowa shall have a right of temporary easement in the Northeast ¼ of the Northeast ¼ of Section 16, Township 82 North, Range 5 West of the 5th P.M., City of Mount Vernon, Linn County, Iowa, for the specific purpose of shaping, in land described as follows and as shown as Area "B" on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

AREA "B"

Commencing at the Northeast Corner of said Section 16; thence South 01°11'07" East along the east line of said Northeast ¼, a distance of 1334.35 feet; thence South 88°46'17" West, 608.99 feet to the west line of Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 in the records of the Linn County Recorder's Office; thence North 01°10'51" West along the west line of said Parcel "B", 351.61 feet to the point of beginning; thence North 59°26'44" West, 16.74 feet; thence North 47°02'36" East, 19.10 feet to the west line of said Parcel "B"; thence South 01°10'51" East along said west line, 21.53 feet to the point of beginning.

5. The State of Iowa will construct an entrance at Sta. 6673+82 on the west side of Primary Road No. IA 1.
6. The State of Iowa will construct an entrance at Sta. 6693+80 on the west side of Primary Road No. IA 1, as a conditional access for farm field only. In the event the land use changes, this entrance shall be extinguished and access control limits will be enforced.
7. No rights of direct access shall be permitted between Relocated Primary Road No. U.S. 30, including its ramps and approaches thereto, and condemnee's remaining property abutting thereon.
8. 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 condemnee, 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.

Linn County Project No. NHSN-030-7(101)--2R-57
LRD Corp. (Parcel 12)
Continued on next page

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#1292



PAUL D. PATE
Secretary of State
State of Iowa

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Pursuant to Iowa Code sections 6B.3(3), 9.2A, and 331.602(24)

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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 Dept of Transportation
- The real property subject to the Application is located in Linn County.
- The date the condemnation application was filed by the undersigned County Recorder is September month, 26 day, 2016 year.
- The attached Condemnation Application is filed of record at Document # _____
Book 9657, Page 189

County Recorder for

Linn 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 # _____, Book 9657, Page 189 and a copy was sent to the Secretary of State.
- The attached Sheriff's Statement was filed of record at Document # _____
Book 9754, Page 418, on JANUARY month, 24 day, 2017 year.

JOHN MCALMAN
County Recorder for
LINN County

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

SEE INSTRUCTIONS ON BACK

IN THE MATTER OF THE CONDEMNATION
OF CERTAIN REAL ESTATE FOR

SHERIFF'S FILING OF RECORD 30
DAYS AFTER THE DATE OF THE
REPORT OF THE COMMISSIONERS

WITH LRD Corp., Linn County Treasurer, Dan L. Stoner Farms, Inc, David V. Stoner Farms, Inc, Ray G. Stoner Farms, Inc

By Iowa Department of Transportation

TO: Linn County Recorder

Please find attached the following papers regarding the above-described Condemnation proceedings which was held in my office on the 21st day of December, 2016:

A certified copy of the Application for Condemnation.
All notices, together with all returns of services endorsed.
The Report of the Commissioners.
All other papers filed with the Sheriff in these proceedings.

I further certify that I have or had in my possession payable to the above named Condemnees:

Date Claimed

Warrant # 68673161 in the amount of \$ 645,000.00 parcel 12

Warrant # 68673162 in the amount of \$ 3,000.00 parcel 12A

The Application for Condemnation was filed with your office on the 26th day of September, 2016 in volume 9657 on page 189

This filing is being done pursuant to Section 6B.35, Code of Iowa.

Brian D Gardner, Sheriff
Linn County, Iowa

By: Lt. R. Rowland, Deputy

Date: 01-24-2017

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

REC'D

16 OCT -3 AM 11:29

BRIAN D. GARDNER
 SHERIFF
 LINN COUNTY, IOWA

NOTICE

Primary Road No. U.S. 30

in the City of Mount Vernon

located in Linn County, Iowa

Project No. NHSN-030-7(101)--2R-57

Group "F"

TO:

LRD Corp., c/o Ray Glenn Stoner, Registered Agent, 1621 Museum Road, Mount Vernon, IA 52314
 City of Mount Vernon, Iowa, c/o City Clerk, 213 First Street NW, Mount Vernon, IA 52314
 Linn County, Iowa, c/o County Auditor, 935 Second Street SW, Cedar Rapids, IA 52404

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 Northwest $\frac{1}{4}$, Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, and Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, all in Section 16, Township 82 North, Range 5 West of the 5th P.M., City of Mount Vernon, Linn County, Iowa.

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 LRD Corp. (Parcel 12)
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Linn County Project No. NHSN-030-7(101)-2R-57
LRD Corp. (Parcel 12)
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Linn County Project No. NHSN-030-7(101)--2R-57
LRD Corp. (Parcel 12)

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AREA "C"

Commencing at the Center of said Section 16; thence South 00°54'02" East along the west line of said Northwest ¼ of the Southeast ¼, a distance of 471.13 feet; thence North 89°05'58" East, 596.29 feet to the point of beginning; thence North 49°11'22" West, 51.67 feet; thence North 40°48'38" East, 70.00 feet; thence South 49°11'22" East, 40.00 feet; thence South 31°20'54" West, 70.97 feet to the point of beginning.

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7. No rights of direct access shall be permitted between Relocated Primary Road No. U.S. 30, including its ramps and approaches thereto, and condemnee's remaining property abutting thereon.
8. 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 condemnee, 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.

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LRD Corp. (Parcel 12)
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9. The areas sought to be appropriated by temporary easement, for the specific purpose of shaping, constructing entrances and for relocating, replacing, or restoring tile, if any, are reserved to the condemnee 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.
10. 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.

Linn County Project No. NHSN-030-7(101)--2R-57
LRD Corp. (Parcel 12)

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