

#1297



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 October month, 24 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # \_\_\_\_\_  
Book 9681, Page 522

*[Signature]*  
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: 9681 PG: 522**  
**Recorded: 10/24/2016 at 12:45:06.967 PM**  
**Fee Amount: \$112.00**  
**Revenue Tax:**  
**Joan McCalmant RECORDER**  
**Linn County, Iowa**  
**Unique Doc ID: 2404063**

Prepared by: Joe Cuva, IA Dept. of Transportation, Right of Way-Condernnation,  
800 Lincoln Way, Ames, IA 50010 515-239-1273  
Return to: Joe Cuva, IA Dept. of Transportation, Right of Way-Condernnation,  
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  
South of the City of Lisbon  
located in Linn County, Iowa

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

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 13th day of October, 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 25th day of October, 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.

Joe Cywa  
Joe Cywa, 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. 30

South of the City of Lisbon

located in Linn County, Iowa

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

Group "H"

TO:

Robert L. Broulik, 257 Bud Road, Lisbon, IA 52253

Anna M. Broulik, 257 Bud Road, Lisbon, IA 52253

Mount Vernon Bank and Trust Company, 206 First Street West, Mount Vernon, IA 52314

Internal Revenue Service, Department of the Treasury, 210 Walnut Street, Des Moines, IA 50309

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 Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , and the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15, part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , and the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 14, and part of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , and the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 23, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., Linn County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and Linn 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" (land required for public improvement) (1 of 3), (2 of 3) and (3 of 3), "A2" (land required for public improvement), "A3" (uneconomical remnant), "A4" (uneconomical remnant), "A5" (land required for public improvement), "A6" (land required for public improvement), and "A7" (land required for public improvement) 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, for the use and benefit of the State of Iowa, is in land described as follows:

A parcel of land located in the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, the Southwest  $\frac{1}{4}$  and the Southeast  $\frac{1}{4}$  of Section 14, and the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 23, all in Township 82 North, Range 5

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

Robert L. Broulik, et ux (Parcel 18)

Continued on next page

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Linn County Project No. NHSN-030-7(101)--2R-57  
Robert L. Broulik, et ux (Parcel 18)

Page 2.

West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A1" (1 of 3), (2 of 3) and (3 of 3), attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the Southeast Corner of said Section 15; thence North 87°55'15" East along the south line of the Southwest ¼ of said Section 14, a distance of 364.52 feet to the point of beginning; thence North 84°10'11" West, 538.06 feet; thence North 86°07'52" West, 639.97 feet; thence North 78°44'47" West, 524.99 feet to the west line of said Southeast ¼ of the Southeast ¼ of Section 15; thence North 01°09'00" West along said west line, 439.86 feet; thence South 68°53'51" East, 651.34 feet; thence North 86°59'50" East, 627.24 feet; thence South 89°00'57" East, 571.52 feet; thence South 80°30'11" East, 285.35 feet; thence South 88°57'11" East, 430.46 feet; thence North 65°33'01" East, 103.08 feet; thence North 88°23'02" East, 175.00 feet; thence North 85°18'06" East, 650.94 feet; thence North 66°34'57" East, 107.70 feet; thence South 86°30'11" East, 953.80 feet; thence North 86°39'01" East, 826.30 feet to the east line of the Southwest ¼ of the Southeast ¼ of said Section 14; thence South 01°02'57" East along said east line, 396.05 feet to the southeast corner of said Southwest ¼ of the Southeast ¼; thence North 67°19'38" West, 111.91 feet; thence North 89°53'21" West, 995.45 feet; thence South 77°21'16" West, 601.10 feet; thence North 67°59'12" West, 174.64 feet; thence North 89°44'17" West, 1525.82 feet; thence South 68°30'31" West, 265.83 feet to the point of beginning and containing 43.43 acres, including 0.48 acre within the presently established right of way.

and,

A parcel of land located in the Southwest ¼ of Section 15, Township 82 North, Range 5 West of the 5th P.M., Linn 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:

Beginning at the West ¼ Corner of said Section 15; thence North 87°44'52" East along the north line of said Southwest ¼, a distance of 167.44 feet; thence South 49°41'37" East, 519.56 feet; thence South 59°52'27" East, 1924.33 feet; thence South 65°39'08" East, 499.34 feet to the east line of said Southwest ¼; thence South 01°15'26" East along said east line, 338.11 feet; thence North 71°16'34" West, 221.39 feet; thence North 60°37'03" West, 2836.47 feet to the west line of said Southwest ¼; thence North 01°22'09" West along said west line, 376.59 feet to the point of beginning and containing 22.18 acres.

and,

A parcel of land located in the Southeast ¼ of the Southeast ¼ of Section 15, and the Southwest ¼ of the Southwest ¼ of Section 14, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A3", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Linn County Project No. NHSN-030-7(101)--2R-57  
Robert L. Broulik, et ux (Parcel 18)  
Continued on next page

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Linn County Project No. NHSN-030-7(101)--2R-57  
Robert L. Broulik, et ux (Parcel 18)

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Beginning at the Southeast Corner of said Section 15; thence South 87°29'47" West along the south line of said Southeast ¼ of the Southeast ¼, a distance of 1320.22 feet to the southwest corner of said Southeast ¼ of the Southeast ¼; thence North 01°09'00" West along the east line of said Southeast ¼ of the Southeast ¼, a distance of 271.24 feet; thence South 78°44'47" East, 524.99 feet; thence South 86°07'52" East, 639.97 feet; thence South 84°10'11" East, 538.06 feet to the south line of said Southwest ¼ of the Southwest ¼ of Section 14; thence South 87°55'15" West along said south line, 364.52 feet to the point of beginning and containing 4.54 acres.

and,

A parcel of land located in the Southwest ¼ of Section 15, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A4", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the center of said Section 15; thence South 01°15'26" East along the east line of said Southwest ¼, a distance of 1605.71 feet; thence North 65°39'08" West, 499.34 feet; thence North 59°52'27" West, 1924.33 feet; thence North 49°41'37" West, 519.56 feet to the north line of said Southwest ¼; thence North 87°44'52" East along said north line, 2482.22 feet to the point of beginning and containing 49.70 acres.

The title in fee simple sought to be appropriated, for the use and benefit of Linn County, Iowa, is in land described as follows:

A parcel of land located in the North 21 acres of the Northeast ¼ of the Northeast ¼ of Section 23, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A5", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the Northeast Corner of said Section 23; thence South 01°34'21" East along the east line of said Northeast ¼, a distance of 692.06 feet to the southeast corner of said North 21 acres of the Northeast ¼ of the Northeast ¼; thence South 88°47'01" West along the south line of said North 21 acres, 178.27 feet; thence North 12°16'55" West, 322.49 feet; thence North 32°17'51" West, 325.00 feet; thence North 18°02'51" West, 101.74 feet to the north line of said Northeast ¼ of the Northeast ¼; thence North 88°48'24" East along said north line, 433.10 feet to the point of beginning and containing 4.50 acres, including 2.41 acres within the presently established right of way.

and,

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Robert L. Broulik, et ux (Parcel 18)  
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Linn County Project No. NHSN-030-7(101)--2R-57  
Robert L. Broulik, et ux (Parcel 18)

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A parcel of land located in the Southwest  $\frac{1}{4}$  of Section 14, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A6", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Southwest Corner of said Section 14; thence North  $87^{\circ}55'15''$  East along the south line of the Southwest  $\frac{1}{4}$  of said Section 14, a distance of 1292.52 feet; thence North  $01^{\circ}04'57''$  West, 382.89 feet to the point of beginning; thence North  $01^{\circ}04'55''$  West, 932.79 feet; thence North  $88^{\circ}56'36''$  East, 33.00 feet; thence North  $01^{\circ}04'55''$  West, 429.69 feet; thence North  $87^{\circ}58'42''$  East, 42.42 feet; thence South  $34^{\circ}54'35''$  East, 39.30 feet; thence South  $12^{\circ}18'10''$  East, 173.58 feet; thence South  $05^{\circ}26'44''$  East, 327.91 feet; thence South  $00^{\circ}32'55''$  East, 460.03 feet; thence South  $10^{\circ}24'22''$  East, 373.89 feet; thence South  $85^{\circ}18'06''$  West, 43.95 feet; thence South  $88^{\circ}23'02''$  West, 168.47 feet to the point of beginning and containing 4.44 acres, including 1.78 acres within the presently established right of way.

and,

A parcel of land located in the Southwest  $\frac{1}{4}$  of Section 14 and the Northwest  $\frac{1}{4}$  of Section 23, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A7", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Northwest Corner of said Section 23; thence North  $87^{\circ}55'15''$  East along the north line of said Section 23, a distance of 1277.78 feet to the point of beginning; thence North  $24^{\circ}59'39''$  West, 67.69 feet; thence South  $89^{\circ}44'17''$  East, 245.08 feet; thence South  $29^{\circ}24'32''$  West, 98.28 feet; thence South  $00^{\circ}38'32''$  West, 179.29 feet; thence South  $07^{\circ}35'58''$  West, 365.87 feet; thence South  $00^{\circ}58'58''$  West, 242.11 feet; thence South  $11^{\circ}43'25''$  West, 51.36 feet; thence South  $88^{\circ}30'58''$  West, 66.00 feet; thence North  $04^{\circ}04'43''$  West, 50.05 feet; thence North  $02^{\circ}01'04''$  West, 273.64 feet; thence North  $03^{\circ}50'20''$  East, 51.00 feet; thence North  $01^{\circ}29'49''$  West, 453.76 feet; thence North  $24^{\circ}59'39''$  West, 36.97 feet to the point of beginning and containing 2.56 acres, including 1.40 acres within the presently established right of way.

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

1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought in fee simple title, are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement in the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 14, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, for the specific purpose of constructing an entrance, in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

Linn County Project No. NHSN-030-7(101)--2R-57  
Robert L. Broulik, et ux (Parcel 18)  
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Linn County Project No. NHSN-030-7(101)--2R-57  
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Commencing at the Northeast Corner of the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 14; thence South  $88^{\circ}27'14''$  West along the north line of said West  $\frac{1}{2}$ , a distance of 42.17 feet to the west right-of-way line of Sutliff Road and to the point of beginning; thence South  $88^{\circ}27'14''$  West along said north line of the West  $\frac{1}{2}$ , a distance of 4.35 feet; thence southeasterly continuing along said west right-of-way line and along a concave curve southwesterly whose radius is 1844.86 feet, whose arc length is 60.05 feet and whose chord bears South  $07^{\circ}10'22''$  East, 60.04 feet; thence South  $77^{\circ}50'29''$  West, 12.99 feet; thence North  $12^{\circ}09'31''$  West, 65.00 feet; thence North  $77^{\circ}50'29''$  East, 22.90 feet to said west right-of-way line of Sutliff Road; thence continuing along said west line and along a concave curve southwesterly whose radius is 1849.86 feet, whose arc length is 6.00 feet and whose chord bears South  $08^{\circ}12'04''$  East, 6.00 feet to the point of beginning.

3. The State of Iowa will construct entrances at Sta. 7775+77 on both sides of local road Standing Rock Road, at Sta. 8817+68 on the west side of local road Sutliff Road, and at Sta. 8800+40 on the west side of local road Sutliff Road. The existing entrance at Sta. 7775+26 on the west side of local road Standing Rock Road will be closed and the entrance eliminated.
4. No rights of direct access shall be permitted between Relocated Primary Road No. U.S. 30 and condemnees' remaining property abutting thereon.
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 State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
6. The areas sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance and for 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.

Linn County Project No. NHSN-030-7(101)--2R-57  
Robert L. Broulik, et ux (Parcel 18)

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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. 30

South of the City of Lisbon

located in Linn County, Iowa

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

Group "H"

TO:

Scott C. Sherwood, 549 Sutliff Road, Lisbon, IA 52253  
Unbridled Spirits, Thoroughbred Retirement Ranch, Inc., c/o Christina Norris, Registered Agent,  
549 Sutliff Road, Lisbon, IA 52253  
Linn Area Credit Union, 3015 Blairs Ferry Road NE, Cedar Rapids, IA 52402  
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 South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 13, and part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 24, all in Township 82 North, Range 5 West of the 5th P.M., 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 part of the South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 13, Township 82 North, Range 5 West of the 5th P.M., 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 Southwest Corner of said Section 13; thence North  $0^{\circ}58'44''$  West along the west line of said Southwest  $\frac{1}{4}$ , a distance of 97.76 feet to the point of beginning; thence continuing North  $0^{\circ}58'44''$  West

Linn County Project No. NHSN-030-7(101)--2R-57  
Scott C. Sherwood (Parcel 34A)  
Continued on next page

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Linn County Project No. NHSN-030-7(101)--2R-57  
 Scott C. Sherwood (Parcel 34A)

Page 2

along said west line, 412.13 feet to the northwest corner of said South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence North  $87^{\circ}42'13''$  East along the north line of said South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , a distance of 604.27 feet; thence North  $87^{\circ}30'56''$  East continuing along said north line, 725.79 feet to the northeast corner of said South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence South  $01^{\circ}08'09''$  East along the east line of said South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , a distance of 289.03 feet; thence South  $79^{\circ}55'49''$  West, 736.63 feet; thence South  $85^{\circ}15'27''$  West, 604.37 feet to the point of beginning and containing 11.16 acres, more or less.

Note: The west line of the Southwest  $\frac{1}{4}$  of Section 13 is assumed to bear South  $0^{\circ}58'44''$  East.

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

1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought in fee simple title, are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement in the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 24, Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., Linn County, Iowa, for the specific purpose of constructing an entrance, in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the Northwest Corner of said Section 24; thence South  $01^{\circ}34'21''$  East along the west line of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , a distance of 1217.75 feet; thence North  $88^{\circ}25'39''$  East, 65.18 feet to the east right-of-way line of Sutliff Road and to the point of beginning; thence North  $84^{\circ}58'55''$  East, 14.29 feet; thence South  $04^{\circ}29'34''$  East, 56.56 feet; thence South  $86^{\circ}01'57''$  West, 17.14 feet to said east right-of-way line of Sutliff Road; thence North  $01^{\circ}35'17''$  West along said east right-of-way line, 56.34 feet to the point of beginning.

Note: The west line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 24 is assumed to bear South  $01^{\circ}34'21''$  East.

3. The State of Iowa will construct an entrance at Sta. 8791+23 on the east side of local road Sutliff Road.
4. 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.
5. The areas sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance 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

Linn County Project No. NHSN-030-7(101)--2R-57  
 Scott C. Sherwood (Parcel 34A)  
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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 October month, 24 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # \_\_\_\_\_  
Book 9681, Page 522.

  
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 IOWA DEPT OF TRANSPORTATION
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # ---, Book 9681, Page 522 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # \_\_\_\_\_  
Book 9769, Page 279; on FEBRUARY month, 17 day, 2017 year.

  
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 Rights in Land  
by the Iowa Department of Transportation  
for the Improvement of

REC'D  
16 OCT 26 AM 11:51  
BRIAN D. GARDNER  
SHERIFF  
LINN COUNTY, IOWA

NOTICE

Primary Road No. U.S. 30

South of the City of Lisbon

located in Linn County, Iowa

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

Group "H"

TO:

Scott C. Sherwood, 549 Sutliff Road, Lisbon, IA 52253  
Unbridled Spirits, Thoroughbred Retirement Ranch, Inc., c/o Christina Norris, Registered Agent,  
549 Sutliff Road, Lisbon, IA 52253  
Linn Area Credit Union, 3015 Blairs Ferry Road NE, Cedar Rapids, IA 52402  
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 South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 13, and part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 24, all in Township 82 North, Range 5 West of the 5th P.M., 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 part of the South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 13, Township 82 North, Range 5 West of the 5th P.M., 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 Southwest Corner of said Section 13; thence North  $0^{\circ}58'44''$  West along the west line of said Southwest  $\frac{1}{4}$ , a distance of 97.76 feet to the point of beginning; thence continuing North  $0^{\circ}58'44''$  West

Linn County Project No. NHSN-030-7(101)--2R-57  
Scott C. Sherwood (Parcel 34A)  
Continued on next page

Page 1

along said west line, 412.13 feet to the northwest corner of said South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence North  $87^{\circ}42'13''$  East along the north line of said South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , a distance of 604.27 feet; thence North  $87^{\circ}30'56''$  East continuing along said north line, 725.79 feet to the northeast corner of said South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence South  $01^{\circ}08'09''$  East along the east line of said South 15 acres of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , a distance of 289.03 feet; thence South  $79^{\circ}55'49''$  West, 736.63 feet; thence South  $85^{\circ}15'27''$  West, 604.37 feet to the point of beginning and containing 11.16 acres, more or less.

Note: The west line of the Southwest  $\frac{1}{4}$  of Section 13 is assumed to bear South  $0^{\circ}58'44''$  East.

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

1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought in fee simple title, are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement in the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 24, Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., Linn County, Iowa, for the specific purpose of constructing an entrance, in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the Northwest Corner of said Section 24; thence South  $01^{\circ}34'21''$  East along the west line of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , a distance of 1217.75 feet; thence North  $88^{\circ}25'39''$  East, 65.18 feet to the east right-of-way line of Sutliff Road and to the point of beginning; thence North  $84^{\circ}58'55''$  East, 14.29 feet; thence South  $04^{\circ}29'34''$  East, 56.56 feet; thence South  $86^{\circ}01'57''$  West, 17.14 feet to said east right-of-way line of Sutliff Road; thence North  $01^{\circ}35'17''$  West along said east right-of-way line, 56.34 feet to the point of beginning.

Note: The west line of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 24 is assumed to bear South  $01^{\circ}34'21''$  East.

3. The State of Iowa will construct an entrance at Sta. 8791+23 on the east side of local road Sutliff Road.
4. 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.
5. The areas sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance 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.

6. 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.

IN THE MATTER OF THE CONDEMNATION  
OF CERTAIN REAL ESTATE FOR  
Improvement of Primary Road No. U.S. 30  
South of the City of Lisbon located in Linn  
County, Iowa

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

WITH Scott C. Sherwood, Linn Area Credit Union, Linn County and Unbridled Spirits  
Throughbred Retirement Ranch 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 11<sup>th</sup> day of, January, 2017:

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 # 68705842 in the amount of \$174,375.00 parcel 34A	02-07-2017
Warrant # 68705843 in the amount of \$100.00 parcel 34A	02-07-2017

The Application for Condemnation was filed with your office on the 24<sup>th</sup> day of  
October, 2016 in volume 9681 on page 522

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: February 13<sup>th</sup>, 2017

\$33200 ↓ 27849 Rev Tax - Chg - PB  
Iowa Dept. of Transportation  
office of Right of Way  
800 Lincoln Way  
Ames, IA 50010