

#1298



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, 25 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # \_\_\_\_\_  
Book 9682, Page 651.

*[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: 9682 PG: 651**  
**Recorded: 10/25/2016 at 9:15:18.857 AM**  
**Fee Amount: \$82.00**  
**Revenue Tax:**  
**Joan McCalmant RECORDER**  
**Linn County, Iowa**  
**Unique Doc ID: 2404279**

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 "I"

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 **Non-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 13<sup>th</sup> 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 Cockfield, Iowa, this 14<sup>th</sup> 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.

Katie A. Johnson  
Katie A. Johnson, Condemnation Unit

Page 3 of 16

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

## 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 "I"

TO:

Rush Insurance Services, Inc., c/o Kenneth R. Kolek, Registered Agent, 5925 Council Street NE,  
Suite 130, Cedar Rapids, IA 52402

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of Lot 1, Stoner Plaza 6<sup>th</sup> Addition, an Official Plat in the City of Mount Vernon, Linn County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and the City of Mount Vernon, Iowa, desire certain leasehold 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" (1 of 2) and (2 of 2) 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 leasehold interest, if any, 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 Lot 1, Stoner Plaza 6<sup>th</sup> Addition, an Official Plat in the City of Mount Vernon, Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A" (1 of 2), attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the west corner of said Lot 1; thence North 40°44'24" East along the northwest line of said Lot 1, a distance of 158.14 feet; thence South 28°05'35" West, 66.63 feet; thence South 40°48'38" West, 35.00 feet; thence South 45°44'26" West, 58.35 feet to the southwest line of said Lot 1; thence North 49°14'35" West along said southwest line, 9.46 feet to the point of beginning, containing 1,682 square feet.

Note: The northwesterly line of said Lot 1 is assumed to bear North 40°44'24" East.

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

Rush Insurance Services, Inc. (Leasehold Interest Only) (Parcel 14)

Continued on next page

Page 1

Linn County Project No. NHSN-030-7(101)--2R-57  
Rush Insurance Services, Inc. (Leasehold Interest Only) (Parcel 14)

Page 2

The leasehold interest, if any, sought to be appropriated, for the use and benefit of the City of Mount Vernon, Iowa, is in land described as follows:

A parcel of land located in Lot 1, Stoner Plaza 6<sup>th</sup> Addition, an Official Plat in the City of Mount Vernon, Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A" (2 of 2), attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the west corner of said Lot 1; thence South 49°14'35" East along the southwesterly line of said Lot 1, a distance of 9.46 feet to the point of beginning; thence North 45°44'26" East, 4.95 feet; thence South 49°22'14" East, 87.90 feet; thence South 40°37'46" West, 5.12 feet to said southwesterly line; thence North 49°14'35" West along said southwesterly line, 88.34 feet to the point of beginning, containing 443 square feet.

Note: The northwesterly line of said Lot 1 is assumed to bear North 40°44'24" East.

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

1. The State of Iowa shall have a right of temporary easement in Lot 1, Stoner Plaza 6<sup>th</sup> Addition, an Official Plat in the 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 "B" on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

AREA "A"

Commencing at the west corner of said Lot 1; thence North 40°44'24" East along the northwest line of said Lot 1, a distance of 158.14 feet to the point of beginning; thence South 21°50'45" East, 10.89 feet; thence South 82°52'46" East, 18.03 feet; thence South 49°11'22" East, 15.00 feet; thence South 40°48'38" West, 50.00 feet; thence North 87°50'58" West, 32.02 feet; thence North 28°05'35" East 66.63 feet to the point of beginning.

Note: The northwesterly line of said Lot 1 is assumed to bear North 40°44'24" East.

and,

AREA "B"

Commencing at the west corner of said Lot 1; thence South 49°14'35" East along the southwesterly line of said Lot 1, a distance of 9.46 feet; thence North 45°44'26" East, 4.95 feet to the point of beginning; thence continuing North 45°44'26" East, 25.10 feet; thence South 49°22'14" East, 60.67 feet; thence South 40°37'46" West, 25.00 feet; thence North 49°22'14" West, 62.90 feet to the point of beginning.

Note: The southwesterly line of said Lot 1 is assumed to bear South 49°14'35" East.

Linn County Project No. NHSN-030-7(101)--2R-57  
Rush Insurance Services, Inc. (Leasehold Interest Only) (Parcel 14)  
Continued on next page

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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

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 "I"

NOTICE

TO:

Mari, L.C., c/o Mari Greb, Registered Agent, 1 Oaknoll Court, Apt G574, Iowa City, IA 52246  
Plaza Auto Auction, Inc., c/o Matthew J. Hayek, Registered Agent, 120 E. Washington Street, Iowa  
City, IA 52240

American Cancer Society, Midwest Division, Inc., c/o Iowa Secretary of State, Registered Agent,  
Lucas State Office Building, 321 E. Walnut, Des Moines, IA 50319

Holden Comprehensive Cancer Center at the University of Iowa, 200 Hawkins Drive, Iowa City,  
IA 52242

Mayo Clinic, c/o Edwin McIntosh, Registered Agent, 801 Grand, Suite 3900, Des Moines,  
IA 50309

Hospice of Mercy, 701 10<sup>th</sup> Street SE, Cedar Rapids, IA 52403

Immaculate Conception Catholic Church, 857 3<sup>rd</sup> Avenue SE, Cedar Rapids, IA 52403

Girls & Boys Town, 14100 Crawford Street, Boys Town, NE 68010

St. Jude's Children's Research Hospital, c/o C T Corporation System, Registered Agent, 400 E.  
Court Avenue, Des Moines, IA 50309

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 Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East ½ of the Northeast ¼ of Section 16 and the Northwest ¼ of the Northwest ¼ of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of Mount Vernon, Linn County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and the City of Mount Vernon, 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 Plat Exhibit "A" (1 of 2) and (2 of 2) and Graphic Exhibit "B" attached hereto and to

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

Mari, L.C. (Parcel 15)

Continued on next page

Page 1

Linn County Project No. NHSN-030-7(101)--2R-57  
Mari, L.C. (Parcel 15)

Page 2

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 Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 16 and the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of Mount Vernon, Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A" (1 of 2), attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 16; thence North  $01^{\circ}11'07''$  West along the east line of said Northeast  $\frac{1}{4}$ , a distance of 1058.09 feet; thence South  $88^{\circ}48'53''$  West, 609.01 feet to the southwest corner of said Parcel "B" and to the point of beginning; thence North  $01^{\circ}10'51''$  West along the west line of said Parcel "B", 46.65 feet; thence North  $32^{\circ}09'18''$  East, 99.81 feet; thence North  $44^{\circ}37'29''$  East, 451.00 feet; thence North  $40^{\circ}48'38''$  East, 385.00 feet; thence North  $61^{\circ}41'11''$  East, 42.06 feet to the southeasterly line of said Parcel "B"; thence South  $40^{\circ}44'24''$  West along said southeasterly line, 1007.64 feet to the point of beginning and containing 24,379 square feet.

Note: The east line of the Northeast  $\frac{1}{4}$  of Section 16 is assumed to bear North  $01^{\circ}11'07''$  West.

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

All rights of direct access between Primary Road No. IA 1 and condemnee's remaining property abutting thereon in Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 16 and the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of Mount Vernon, Linn County, Iowa, from Sta. 6694+51± (Property Line) to Sta. 6696+53, on the west side.

The easement for storm sewer sought to be appropriated, for the use and benefit of the City of Mount Vernon, Iowa, is in land described as follows:

Two parcels of land located in Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 16 and the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of

Linn County Project No. NHSN-030-7(101)--2R-57  
Mari, L.C. (Parcel 15)  
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Linn County Project No. NHSN-030-7(101)--2R-57  
Mari, L.C. (Parcel 15)

Page 3

Mount Vernon, Linn County, Iowa, as shown as Area "A" and Area "B" on the Acquisition Plat Exhibit "A" (2 of 2) attached hereto and by reference made a part hereof.

Said parcels are described as follows:

AREA "A"

Commencing at the East  $\frac{1}{4}$  Corner of said Section 16; thence North  $01^{\circ}11'07''$  West along the east line of said Northeast  $\frac{1}{4}$ , a distance of 1058.09 feet; thence South  $88^{\circ}48'53''$  West, 609.01 feet to the southwest corner of said Parcel "B"; thence North  $01^{\circ}10'51''$  West along the west line of said Parcel "B", 201.92 feet to the point of beginning; thence continuing North  $01^{\circ}10'51''$  West along said west line, 23.63 feet; thence South  $58^{\circ}59'42''$  East, 109.81 feet; thence South  $44^{\circ}37'29''$  West, 20.58 feet; thence North  $58^{\circ}59'42''$  West, 92.38 feet to the point of beginning and containing 2,022 square feet.

and,

AREA "B"

Commencing at the East  $\frac{1}{4}$  Corner of said Section 16; thence North  $01^{\circ}11'07''$  West along the east line of said Northeast  $\frac{1}{4}$ , a distance of 1058.09 feet; thence South  $88^{\circ}48'53''$  West, 609.01 feet to the southwest corner of said Parcel "B"; thence North  $01^{\circ}10'51''$  West along the west line of said Parcel "B", 627.41 feet to the point of beginning; thence continuing North  $01^{\circ}10'51''$  West along said west line, 21.53 feet; thence South  $86^{\circ}32'43''$  East, 525.77 feet; thence South  $40^{\circ}48'38''$  West, 26.00 feet; thence North  $86^{\circ}38'04''$  West, 508.26 feet to the point of beginning and containing 10,887 square feet.

Note: The east line of the Northeast  $\frac{1}{4}$  of Section 16 is assumed to bear North  $01^{\circ}11'07''$  West.

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

1. Any and all improvements, including fences or buildings, if any, located wholly within the land sought in fee simple title and by easement for storm sewer, are condemned in their entirety, except as noted in Item 2 below.
2. It is not the intent of the condemner to acquire the on-premise "Plaza Auto Auction Inc." sign located at Sta. 6699+58± on the west side of Primary Road No. IA 1.
3. The State of Iowa shall have a right of temporary easement in Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 16 and the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of Mount Vernon, Linn County, Iowa, for the specific purpose of constructing storm sewer, in land described as follows and as shown as Area "A", Area "B", Area "C" and Area "D" on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

Linn County Project No. NHSN-030-7(101)--2R-57  
Mari, L.C. (Parcel 15)  
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Linn County Project No. NHSN-030-7(101)--2R-57  
Mari, L.C. (Parcel 15)

Page 4

**AREA "A"**

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the westerly line of said Parcel "B", 186.11 feet to the point of beginning; thence continuing North 01°10'51" West along said westerly line, 15.81 feet; thence South 58°59'42" East, 92.38 feet; thence South 44°37'29" West, 12.50 feet; thence North 59°52'07" West, 81.02 feet to the point of beginning.

and,

**AREA "B"**

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the westerly line of said Parcel "B", 225.55 feet to the point of beginning; thence continuing North 01°10'51" West along said westerly line, 14.38 feet; thence South 58°45'54" East, 120.30 feet; thence South 44°37'29" West, 12.02 feet; thence North 58°59'42" West, 109.81 feet to the point of beginning.

and,

**AREA "C"**

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the westerly line of said Parcel "B", 616.85 feet to the point of beginning; thence continuing North 01°10'51" West along said westerly line, 10.76 feet; thence South 86°38'04" East, 508.26 feet; thence South 40°48'38" West, 12.00 feet; thence North 86°46'20" West, 500.11 feet to the point of beginning.

and,

**AREA "D"**

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the westerly line of said Parcel "B", 649.14 feet to the point of beginning; thence continuing North 01°10'51" West along said westerly line, 8.07 feet; thence South 86°42'19" East, 533.71 feet; thence South 40°48'38" West, 12.00 feet; thence North 86°32'43" West, 525.77 feet to the point of beginning.

4. The State of Iowa shall have a right of temporary easement in Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East ½ of the Northeast ¼ of Section 16 and the Northwest ¼ of the Northwest ¼ of Section 15, all in

Linn County Project No. NHSN-030-7(101)--2R-57  
Mari, L.C. (Parcel 15)  
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Linn County Project No. NHSN-030-7(101)-2R-57  
Mari, L.C. (Parcel 15)

Page 5

Township 82 North, Range 5 West of the 5<sup>th</sup> 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 "E" and Area "F" on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

## AREA "E"

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 40°44'24" East along the southeasterly line of said Parcel "B", 883.36 feet; thence North 49°15'36" West, 15.14 feet to the point of beginning; thence North 49°11'22" West, 85.00 feet; thence North 40°48'38" East, 65.00 feet; thence South 49°11'22" East, 85.00 feet; thence South 40°48'38" West, 65.00 feet to the point of beginning.

and,

## AREA "F"

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 40°44'24" East along the southeasterly line of said Parcel "B", 498.37 feet; thence North 49°15'36" West, 21.28 feet to the point of beginning; thence North 49°11'22" West, 59.33 feet; thence North 40°48'38" East, 85.00 feet; thence South 49°11'22" East, 65.00 feet; thence South 44°37'29" West, 85.19 feet to the point of beginning.

5. The State of Iowa will construct entrances at Sta. 6699+57 and Sta. 6703+33, both on the west side of Primary Road No. IA 1.
6. The areas sought to be appropriated by temporary easement, for the specific purpose of constructing storm sewer and constructing entrances 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.
7. 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  
Mari, L.C. (Parcel 15)

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#1298



**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, 25 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # \_\_\_\_\_  
Book 9682, Page 651.

  
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 9682, Page 651 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # \_\_\_\_\_  
Book 9774, Page 433 on February month, 27 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 Leasehold Rights in Land  
by the Iowa Department of Transportation  
for the Improvement of

REC'D

16 OCT 31 AM 11:36

BRIAN D. GARDNER NOTICE  
SHERIFF  
LINN COUNTY, IOWA

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 "I"

TO:

Rush Insurance Services, Inc., c/o Kenneth R. Kolek, Registered Agent, 5925 Council Street NE,  
Suite 130, Cedar Rapids, IA 52402

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of Lot 1, Stoner Plaza 6<sup>th</sup> Addition, an Official Plat in the City of Mount Vernon, Linn County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and the City of Mount Vernon, Iowa, desire certain leasehold 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" (1 of 2) and (2 of 2) 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 leasehold interest, if any, 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 Lot 1, Stoner Plaza 6<sup>th</sup> Addition, an Official Plat in the City of Mount Vernon, Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A" (1 of 2), attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the west corner of said Lot 1; thence North 40°44'24" East along the northwest line of said Lot 1, a distance of 158.14 feet; thence South 28°05'35" West, 66.63 feet; thence South 40°48'38" West, 35.00 feet; thence South 45°44'26" West, 58.35 feet to the southwest line of said Lot 1; thence North 49°14'35" West along said southwest line, 9.46 feet to the point of beginning, containing 1,682 square feet.

Note: The northwesterly line of said Lot 1 is assumed to bear North 40°44'24" East.

Linn County Project No. NHSN-030-7(101)--2R-57  
Rush Insurance Services, Inc. (Leasehold Interest Only) (Parcel 14)  
Continued on next page

The leasehold interest, if any, sought to be appropriated, for the use and benefit of the City of Mount Vernon, Iowa, is in land described as follows:

A parcel of land located in Lot 1, Stoner Plaza 6<sup>th</sup> Addition, an Official Plat in the City of Mount Vernon, Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A" (2 of 2), attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the west corner of said Lot 1; thence South 49°14'35" East along the southwesterly line of said Lot 1, a distance of 9.46 feet to the point of beginning; thence North 45°44'26" East, 4.95 feet; thence South 49°22'14" East, 87.90 feet; thence South 40°37'46" West, 5.12 feet to said southwesterly line; thence North 49°14'35" West along said southwesterly line, 88.34 feet to the point of beginning, containing 443 square feet.

Note: The northwesterly line of said Lot 1 is assumed to bear North 40°44'24" East.

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

1. The State of Iowa shall have a right of temporary easement in Lot 1, Stoner Plaza 6<sup>th</sup> Addition, an Official Plat in the 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 "B" on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

AREA "A"

Commencing at the west corner of said Lot 1; thence North 40°44'24" East along the northwest line of said Lot 1, a distance of 158.14 feet to the point of beginning; thence South 21°50'45" East, 10.89 feet; thence South 82°52'46" East, 18.03 feet; thence South 49°11'22" East, 15.00 feet; thence South 40°48'38" West, 50.00 feet; thence North 87°50'58" West, 32.02 feet; thence North 28°05'35" East 66.63 feet to the point of beginning.

Note: The northwesterly line of said Lot 1 is assumed to bear North 40°44'24" East.

and,

AREA "B"

Commencing at the west corner of said Lot 1; thence South 49°14'35" East along the southwesterly line of said Lot 1, a distance of 9.46 feet; thence North 45°44'26" East, 4.95 feet to the point of beginning; thence continuing North 45°44'26" East, 25.10 feet; thence South 49°22'14" East, 60.67 feet; thence South 40°37'46" West, 25.00 feet; thence North 49°22'14" West, 62.90 feet to the point of beginning.

Note: The southwesterly line of said Lot 1 is assumed to bear South 49°14'35" East.

2. It is the intent of the condemner to acquire only the leasehold rights, if any, of the condemnee in the above described temporary easements to construct entrances.
3. The State of Iowa will construct entrances at Sta. 6701+22 on the east side of Primary Road No. IA 1 and at Sta. 20700+49 on the north side of local road Rachel Street SE.
4. The areas sought to be appropriated by temporary easement, for the specific purpose of constructing entrances 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.
5. 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.

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 Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East ½ of the Northeast ¼ of Section 16 and the Northwest ¼ of the Northwest ¼ of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of Mount Vernon, Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A" (1 of 2), attached hereto and by reference made a part hereof.

Said parcel is described as follows:

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 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B" and to the point of beginning; thence North 01°10'51" West along the west line of said Parcel "B", 46.65 feet; thence North 32°09'18" East, 99.81 feet; thence North 44°37'29" East, 451.00 feet; thence North 40°48'38" East, 385.00 feet; thence North 61°41'11" East, 42.06 feet to the southeasterly line of said Parcel "B"; thence South 40°44'24" West along said southeasterly line, 1007.64 feet to the point of beginning and containing 24,379 square feet.

Note: The east line of the Northeast ¼ of Section 16 is assumed to bear North 01°11'07" West.

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

All rights of direct access between Primary Road No. IA 1 and condemnee's remaining property abutting thereon in Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East ½ of the Northeast ¼ of Section 16 and the Northwest ¼ of the Northwest ¼ of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of Mount Vernon, Linn County, Iowa, from Sta. 6694+51± (Property Line) to Sta. 6696+53, on the west side.

The easement for storm sewer sought to be appropriated, for the use and benefit of the City of Mount Vernon, Iowa, is in land described as follows:

Two parcels of land located in Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East ½ of the Northeast ¼ of Section 16 and the Northwest ¼ of the Northwest ¼ of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of

Mount Vernon, Linn County, Iowa, as shown as Area "A" and Area "B" on the Acquisition Plat Exhibit "A" (2 of 2) attached hereto and by reference made a part hereof.

Said parcels are described as follows:

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 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the west line of said Parcel "B", 201.92 feet to the point of beginning; thence continuing North 01°10'51" West along said west line, 23.63 feet; thence South 58°59'42" East, 109.81 feet; thence South 44°37'29" West, 20.58 feet; thence North 58°59'42" West, 92.38 feet to the point of beginning and containing 2,022 square feet.

and,

AREA "B"

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 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the west line of said Parcel "B", 627.41 feet to the point of beginning; thence continuing North 01°10'51" West along said west line, 21.53 feet; thence South 86°32'43" East, 525.77 feet; thence South 40°48'38" West, 26.00 feet; thence North 86°38'04" West, 508.26 feet to the point of beginning and containing 10,887 square feet.

Note: The east line of the Northeast ¼ of Section 16 is assumed to bear North 01°11'07" West.

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

1. Any and all improvements, including fences or buildings, if any, located wholly within the land sought in fee simple title and by easement for storm sewer, are condemned in their entirety, except as noted in Item 2 below.
2. It is not the intent of the condemner to acquire the on-premise "Plaza Auto Auction Inc." sign located at Sta. 6699+58± on the west side of Primary Road No. IA 1.
3. The State of Iowa shall have a right of temporary easement in Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East ½ of the Northeast ¼ of Section 16 and the Northwest ¼ of the Northwest ¼ of Section 15, all in Township 82 North, Range 5 West of the 5<sup>th</sup> P.M., City of Mount Vernon, Linn County, Iowa, for the specific purpose of constructing storm sewer, in land described as follows and as shown as Area "A", Area "B", Area "C" and Area "D" 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 East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the westerly line of said Parcel "B", 186.11 feet to the point of beginning; thence continuing North 01°10'51" West along said westerly line, 15.81 feet; thence South 58°59'42" East, 92.38 feet; thence South 44°37'29" West, 12.50 feet; thence North 59°52'07" West, 81.02 feet to the point of beginning.

and,

AREA "B"

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the westerly line of said Parcel "B", 225.55 feet to the point of beginning; thence continuing North 01°10'51" West along said westerly line, 14.38 feet; thence South 58°45'54" East, 120.30 feet; thence South 44°37'29" West, 12.02 feet; thence North 58°59'42" West, 109.81 feet to the point of beginning.

and,

AREA "C"

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the westerly line of said Parcel "B", 616.85 feet to the point of beginning; thence continuing North 01°10'51" West along said westerly line, 10.76 feet; thence South 86°38'04" East, 508.26 feet; thence South 40°48'38" West, 12.00 feet; thence North 86°46'20" West, 500.11 feet to the point of beginning.

and,

AREA "D"

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 01°10'51" West along the westerly line of said Parcel "B", 649.14 feet to the point of beginning; thence continuing North 01°10'51" West along said westerly line, 8.07 feet; thence South 86°42'19" East, 533.71 feet; thence South 40°48'38" West, 12.00 feet; thence North 86°32'43" West, 525.77 feet to the point of beginning.

4. The State of Iowa shall have a right of temporary easement in Parcel "B" as shown on Plat of Survey Number 578 as recorded in Book 3680, Page 671 of the Linn County Recorder's Office, being part of the East ½ of the Northeast ¼ of Section 16 and the Northwest ¼ of the Northwest ¼ of Section 15, all in

Township 82 North, Range 5 West of the 5<sup>th</sup> 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 "E" and Area "F" on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

AREA "E"

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 40°44'24" East along the southeasterly line of said Parcel "B", 883.36 feet; thence North 49°15'36" West, 15.14 feet to the point of beginning; thence North 49°11'22" West, 85.00 feet; thence North 40°48'38" East, 65.00 feet; thence South 49°11'22" East, 85.00 feet; thence South 40°48'38" West, 65.00 feet to the point of beginning.

and,

AREA "F"

Commencing at the East ¼ Corner of said Section 16; thence North 01°11'07" West along the east line of said East ¼, a distance of 1058.09 feet; thence South 88°48'53" West, 609.01 feet to the southwest corner of said Parcel "B"; thence North 40°44'24" East along the southeasterly line of said Parcel "B", 498.37 feet; thence North 49°15'36" West, 21.28 feet to the point of beginning; thence North 49°11'22" West, 59.33 feet; thence North 40°48'38" East, 85.00 feet; thence South 49°11'22" East, 65.00 feet; thence South 44°37'29" West, 85.19 feet to the point of beginning.

5. The State of Iowa will construct entrances at Sta. 6699+57 and Sta. 6703+33, both on the west side of Primary Road No. IA 1.
6. The areas sought to be appropriated by temporary easement, for the specific purpose of constructing storm sewer and constructing entrances 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.
7. 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  
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 "T"

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



Doc ID: 022727820094 Type: GEN  
Recorded: 02/27/2017 at 04:01:11 PM  
Fee Amt: \$1,182.00 Page 1 of 94  
Revenue Tax: \$700.00  
Linn County Iowa  
JOAN MCCALMANT RECORDER

BK 9774 PG 433-526

WITH- Mari, L.C., Linn County Treasurer, Rush Insurance Services, Inc., Plaza Auto  
Auction, 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 25<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 # 68726462 in the amount of \$210,835.00 parcel 15 (Mari, L.C.)  
Warrant # 68726461 in the amount of \$226,600.00 parcel 15 (Plaza Auto Auction)  
Warrant # 68726460 in the amount of \$100.00 parcel 14 (Rush Insurance Services)

The Application for Condemnation was filed with your office on the 25<sup>th</sup> day of  
October, 2016, in volume 9682 on page 651

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: 02-27-2017

Iowa Dept of Transportation  
800 Lincoln Way  
Ames, IA 50010  
#48200118 PB  
#7000 Revenue Tax

In the matter of the Condemnation of certain Real Estate for

Sheriff's Certification of  
Costs and Awards

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 "I"

By: Iowa Department of Transportation

To: Iowa Department of Transportation

I hereby certify that the appointed Commissioners in the above entitled Condemnation Commission Proceedings convened at Cedar Rapids, Iowa, on the 25th day of January, 2017, and thereupon proceeded to view the premises and the said Commissioners did thereafter on the 25th day of January, 2017, file their written report with me awarding damages as follows:

|  | LAND & IMPROVE. | CONSEQ. DAMAGES | TOTAL AWARD  | ATTY FEES  |
|--|-----------------|-----------------|--------------|------------|
| Mari, L.C.<br>Linn County Treasurer  |                 |                 | \$210,835.00 | \$2,500.00 |
| American Cancer Society<br>Holden Comprehensive Cancer Center at U of I<br>Mayo Clinic<br>Hospice of Mercy<br>Immaculate Catholic Church<br>Girls & Boys Town<br>St. Jude's Children Research Hospital |                 |                 | \$0.00       |            |
| Plaza Auto Auction, Inc  |                 |                 | \$226,600.00 | \$8,000.00 |
| Rush Insurance Sevices, Inc  |                 |                 | \$100.00     |            |

I further certify that costs incidental to these proceeding have been taxed as follows:

|  |    |  |
|--|----|--|
| Expense of Summoning Commissioners           | \$ |  |
| Serving Condemnees                           | \$ | 75.00                                  |
| Expense of Commissioners                     | \$ | 1,232.63                               |
| Sheriff's Mileage Serving Condemnees         | \$ | 28.00                                  |
| Sheriff's Mileage Transporting Commissioners | \$ | 32.10                                  |
| Copies                                       | \$ | 16.50                                  |
| Sheriff's Fee Attending Condemnation         | \$ | 100.00                                 |
| Notary                                       | \$ |  |
| Publication                                  | \$ | 21.03                                  |
| Postage                                      | \$ | 12.96                                  |
| Recording Fee                                | \$ | To be paid by IDOT.-Attn Katie Johnson |
| Total  | \$ | 1,518.22                               |

Given under my hand this 25<sup>th</sup> day of January, 2017.

Brian D Gardner, Sheriff