

#1313



PAUL D. PATE
Secretary of State
State of Iowa

TRANSMITTAL FORM FOR CONDEMNATION APPLICATION –
Pursuant to Iowa Code sections 6B.3(3), 9.2A, and 331.602(24)



Box 1

TRANSMITTAL FORM FOR SHERIFF'S STATEMENT –
Pursuant to Iowa Code sections 6b.38, 9.2A, and 331.602(24)



Box 2

Part I: CONDEMNATION APPLICATION

Pursuant to Iowa Code section 6B.3(3), the undersigned County Recorder files a copy of the attached Condemnation Application with the Office of the Secretary of State, noting as follows.

1. The name of the acquiring agency is Iowa Department of Transportation
2. The real property subject to the Application is located in Tama County.
3. The date the condemnation application was filed by the undersigned County Recorder is March month, 7 day, 2017 year.
4. The attached Condemnation Application is filed of record at Document # 2017-0695
Book 971, Page 89.

Deborah Kupka
County Recorder for

Tama 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

Tama County, Iowa
Deborah Kupka RECORDER
Recorded: 3/7/2017 at 8:11:00.0 AM
BK: 971 PG: 89
Fee Amount: \$37.00
Revenue Tax:
Unique Doc ID: 3/7/2017_2017-0695

Indexed ✓
Compared ✓

Prepared by: Allyssa Myers, IA Dept. of Transportation, Right of Way-Condensation,
800 Lincoln Way, Ames, IA 50010 515-239-1757
Return to: Allyssa Myers, IA Dept. of Transportation, Right of Way-Condensation,
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
East of the City of Tama
located in Tama County, Iowa

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

Project No. NHSN-030-6(188)--2R-86 Group "D"

TO: Patrick R. Grady, Chief Judge, 6th Judicial District including Tama 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 13 day of February, 2017.

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 22nd day of February, 2017.

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

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

Allyssa Myers
Allyssa Myers, 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

East of the City of Tama

located in Tama County, Iowa

Project No. NHSN-030-6(188)--2R-86

Group "D"

TO:

Paul B. Nardini, 2390 Highway 30, Tama, IA 52339
Farm Credit Services of America, FLCA, 5015 S. 118th Street, Omaha, NE 68137
Tama County, Iowa, c/o County Auditor, 104 W. State Street, Toledo, IA 52342

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 83 North, Range 13 West of the 5th Principal Meridian, Tama County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and Tama 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 "A" (1 of 2) and (2 of 2) attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Tama County, Iowa, and in the Office of the Sheriff of Tama 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 in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 83 North, Range 13 West of the 5th Principal Meridian, Tama County, Iowa, as shown on Acquisition Plat Exhibit "A" (1 of 2) attached hereto, which by this reference is made a part hereof.

Said parcel is described as follows:

Beginning at the NW Corner of said Section 36; thence N 88°50'54"E, 656.76 feet on the north line of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 36; thence N 88°44'35"E, 659.65 feet on the north line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ to the NE Corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 36; thence S 00°17'23"E,

Tama County Project No. NHSN-030-6(188)--2R-86

Paul B. Nardini (Parcel 88A)

Continued on next page

300.04 feet on the east line of said NW¼ of the NW¼ to the existing southerly right of way line of Primary Road No. U.S. 30; thence S 88°44'36"W, 515.82 feet on said existing southerly right of way line; thence N 01°08'36"W, 150.66 feet on said existing southerly right of way line; thence S 89°56'08"W, 799.06 feet to a point on the west line of the NW¼ of the NW¼ of said Section 36; thence N 00°03'08"E, 133.95 feet on said west line to the Point of Beginning, containing 6.16 acres, of which 5.77 acres are within existing road right of way.

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. U.S. 30 and condemnee's remaining property abutting thereon in the NW¼ of the NW¼ of Section 36, Township 83 North, Range 13 West of the 5th Principal Meridian., Tama County, Iowa, from Sta. 688+40.62± (Property Line) to Sta. 701+53.47± (Property Line), on the south side.

The easement for highway purposes sought to be appropriated, for the use and benefit of Tama County, Iowa, is in land described as follows:

A parcel of land in the NW¼ of the NW¼ of Section 36, Township 83 North, Range 13 West of the 5th Principal Meridian, Tama County, Iowa, as shown on Acquisition Plat Exhibit "A" (2 of 2) attached hereto, which by this reference is made a part hereof.

Said parcel is described as follows:

Commencing at the NW Corner of said Section 36; thence S 00°03'08"W, 133.95 feet on the west line of the NW¼ of the NW¼ of said Section 36; thence N 89°56'08"E, 64.47 feet to a point on the existing easterly right of way line of "X" Avenue, the Point of Beginning; thence continuing N 89°56'08"E, 28.08 feet; thence S 20°31'18"W, 87.36 feet; thence S 09°28'08"W, 177.20 feet to a point on the existing easterly right of way line of "X" Avenue; thence N 00°05'07"E, 58.49 feet on said existing easterly right of way line; thence N 09°04'05"E, 200.59 feet on said existing easterly right of way line, to the Point of Beginning, containing 0.07 acre.

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

1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought in fee simple title and by easement for highway purposes, are condemned in their entirety.
2. 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.

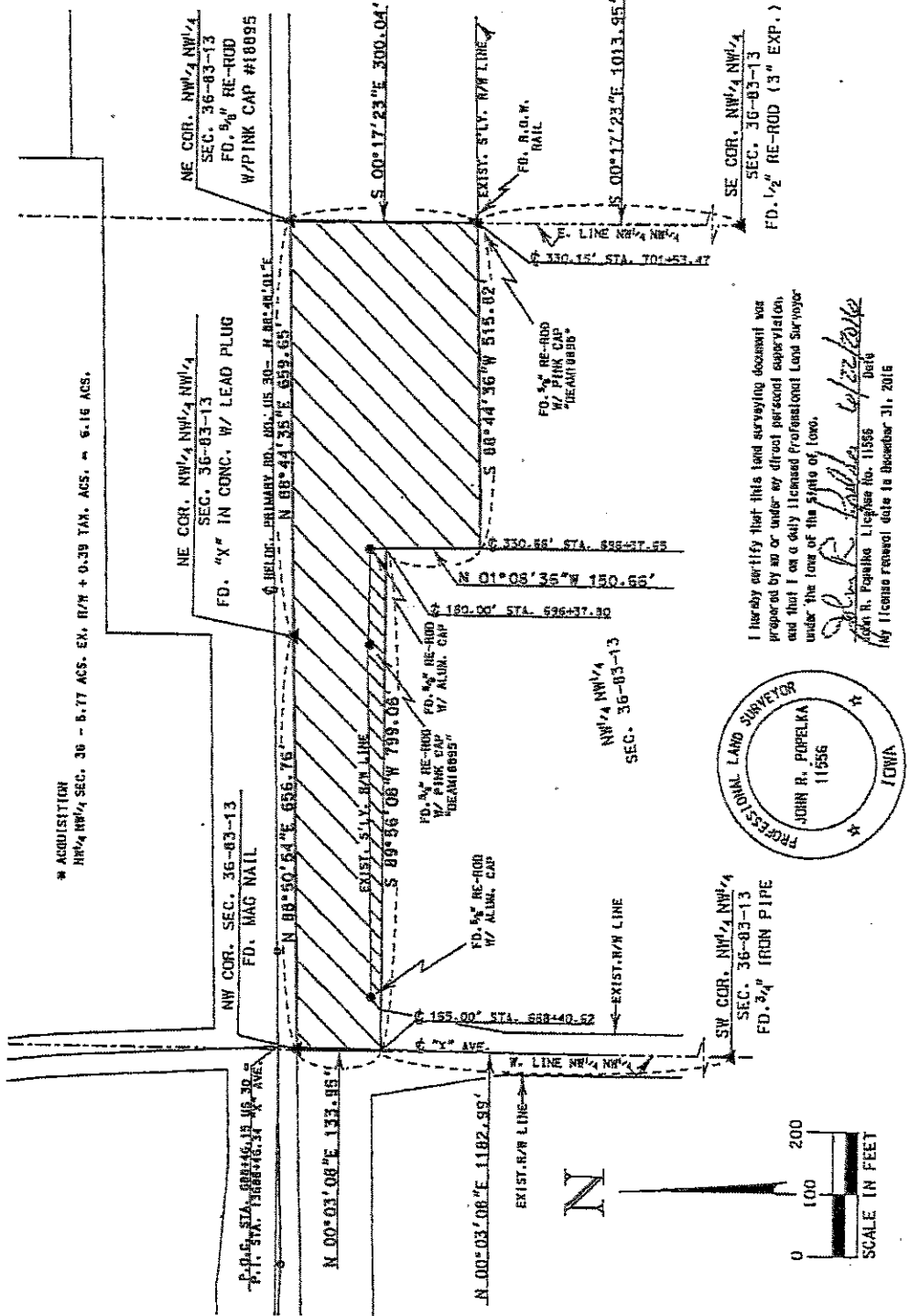
3. The area sought to be appropriated by temporary easement, for the specific purpose of relocating, replacing, or restoring tile, if any, is reserved to the condemnee until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.
4. 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.

IOWA DEPARTMENT OF TRANSPORTATION



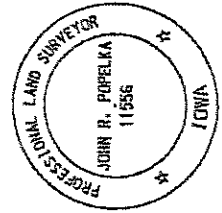
ACQUISITION PLAT
EXHIBIT "A" (1 of 2)

COUNTY TAMA STATE CONTROL NO. 86-0200
 PROJECT NO. NHSN-030-6(188)--2R-86 PARCEL NO. 88A
 SECTION 36 TOWNSHIP 83N RANGE 13W
 ROW - FEE * 6.16 AC. EASE _____ AC. QUIT CLAIM _____ AC
 ACQUIRED ACCESS RIGHTS FROM STA. 688+40.62 TO STA. 701+53.47 MAIN LINE SOUTH SIDE
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE
 ACQUIRED FROM Paul B. Nardini



* ACQUISITION
 NW 1/4 NW 1/4 SEC. 36 - 6.77 ACS. EX. R/W + 0.39 TAM. ACS. ~ 6.16 ACS.

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.
John R. Popelka
 John R. Popelka License No. 11556 Date
 My license renewal date is December 31, 2016

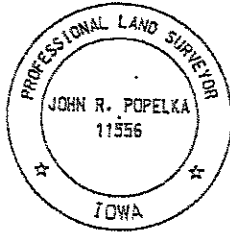
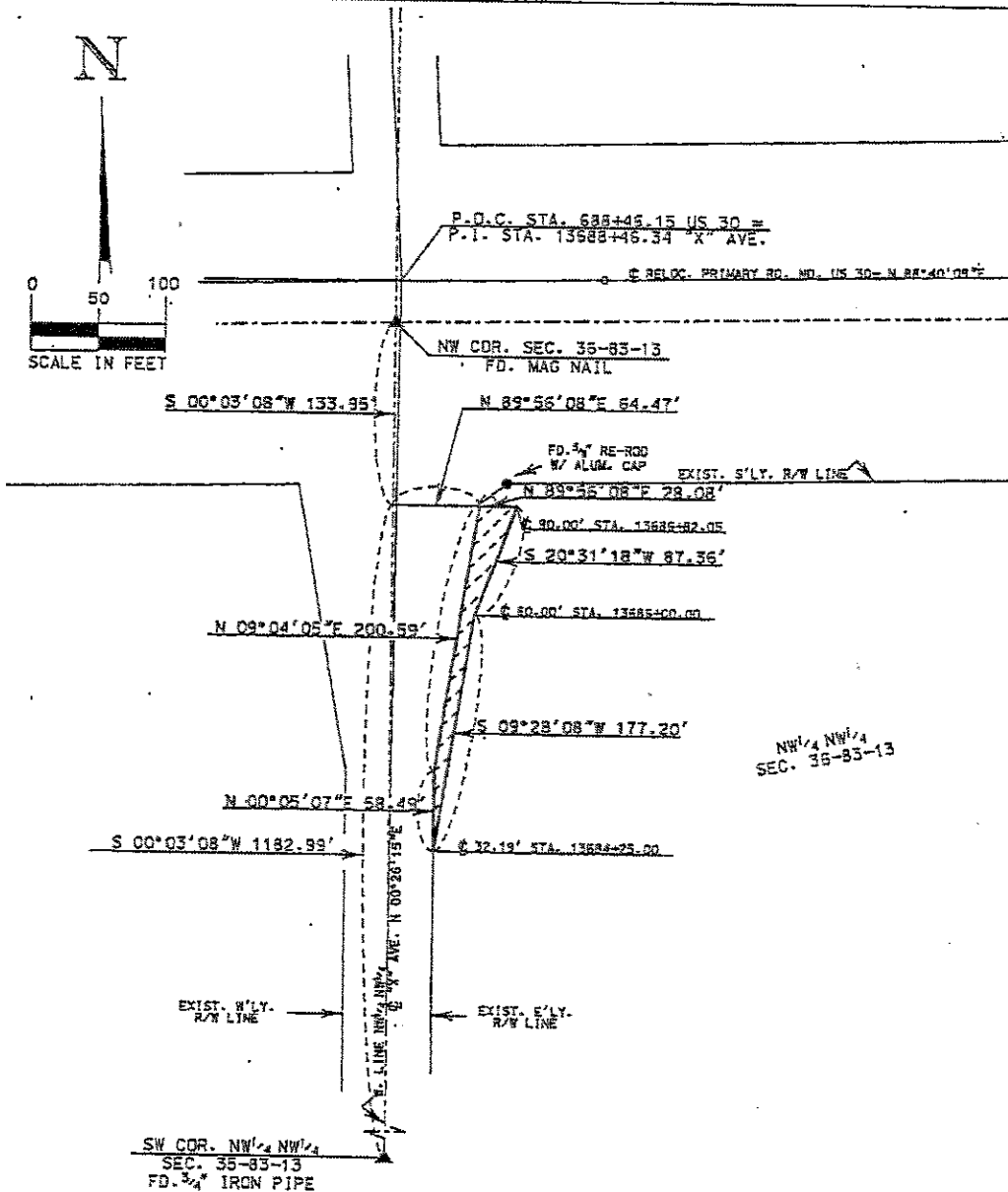


DATE DRAWN JUNE 7, 2016 J.C.D.

ACQUISITION PLAT
EXHIBIT "A" (2 of 2)

COUNTY TAMA STATE CONTROL NO. 86-0200
 PROJECT NO. NHSN-030-6(188)--2R-86 PARCEL NO. 88A
 SECTION 36 TOWNSHIP 83N RANGE 13W
 ROW - FEE _____ AC. EASE 0.07 AC. EXCESS - FEE _____ AC
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM Paul B. Nardini

ACQUIRED IN THE NAME OF TAMA COUNTY, IOWA.



I hereby certify that this land surveying document was prepared by me or under my direct personal supervision, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

John R. Popelka 6/1/2016
 John R. Popelka - License No. 11556 Date
 My license renewal date is December 31, 2016

DATE DRAWN JUNE 6, 2016 J.R.P.
 REVISED AUGUST 4, 2016 J.C.D.

#1313



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

County Recorder for

County

Part II: SHERIFF'S STATEMENT

Pursuant to Iowa Code section 6B.38, the undersigned County Recorder files a copy of the attached Sheriff's Statement with the Office of the Secretary of State, noting as follows.

1. The name of the acquiring agency is Iowa Department of Transportation
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 2017-0695, Book 971, Page 89 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 2017-1431, Book 972, Page 267; on May month, 3rd day, 2017 year.


County Recorder for

Tama County

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

SEE INSTRUCTIONS ON BACK

Tama County, Iowa
Deborah Kupka RECORDER
Recorded: 5/3/2017 at 8:04:00.0 AM
BK: 972 PG: 267
Fee Amount: \$17.00
Revenue Tax:
Unique Doc ID: 5/3/2017_2017-1431



**DISMISSAL OF
CONDEMNATION**

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

GRANTOR(S):
Paul B. Nardini

GRANTEE(S):
State of Iowa (Condemnor)
And Tama County, Iowa

DOCUMENT OR INSTRUMENT NUMBER OF PREVIOUSLY RECORDED DOCUMENTS:
Application for Condemnation filed March 7, 2017, in Book 971, Page 89

LEGAL DESCRIPTION:
See page 2

TAMA- 11 11 17

2017 APR 26 PM 2: 13

In the Matter of the Condemnation of
Certain Rights in Land by the Iowa

Prepared by and Return To:

Allyssa Myers, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010
(515)239-1757

Department of Transportation for the
Improvement of
Primary Road No. U.S. 30
East of the City of Tama
located in Tama County, Iowa
Project No. NHSN-030-6(188)--2R-86
Group "D" Parcel 88A

DISMISSAL

TO: Dennis Kucera, Sheriff of Tama County, Iowa
and

TO:

Paul B. Nardini, 2390 Highway 30, Tama, IA 52339

Farm Credit Services of America, FLCA, 5015 S. 118th Street, Omaha, NE 68137

Tama County, Iowa, c/o County Auditor, 104 W. State Street, Toledo, IA 52342

and to all other persons, companies or corporations having any interest in or owning any of the following
described real estate: Part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 83 North, Range 13 West of the 5th
Principal Meridian, Tama County, Iowa.

The Iowa Department of Transportation dismisses, without prejudice, the above-referenced proceeding against
all properties and property owners. The original Certified Application for Condemnation approved by the Chief
Judge was filed in the Office of the Tama County Recorder on March 7, 2017, and occurs in Book 971, Page 89.

Dated at Ames, Iowa, this 24th day of April, 2017.

IOWA DEPARTMENT OF TRANSPORTATION
DAVID S. GORHAM
Special Assistant Attorney General and Counsel

By Katie A. Johnson
Katie A. Johnson
Condemnation Unit Coordinator

Time-Stamped in my office at Toledo, Iowa, this 1st day of May, 2017.

Dennis Kucera
Dennis Kucera
Sheriff of Tama County, Iowa