



MATT SCHULTZ
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.

- The name of the acquiring agency is Iowa DOT
- The real property subject to the Application is located in Woodbury County.
- The date the condemnation application was filed by the undersigned County Recorder is July month, 5 day, 2013 year.
- The attached Condemnation Application is filed of record at Document # 267
~~Book 730 Page 7096~~
 Roll Image

Patrick F. Gill

County Recorder for **PATRICK F. GILL**
WOODBURY COUNTY AUDITOR & RECORDER
by S Dimmitt, designee
Woodbury County

Part II: SHERIFF'S STATEMENT

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

- The name of the acquiring agency is _____
- 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.
- 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

Roll 730 Image 7096-7099

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Date 7/05/2013 Time 2:13 PM
Rec Amt \$22.00

PATRICK F GILL, AUDITOR AND RECORDER
WOODBURY COUNTY IOWA

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

Interstate Route No. 29
in the City of Sioux City
located in Woodbury County, Iowa

Project No. IMN-029-6(150)142--0E-97 Group "T"

TO: Duane E. Hoffmeyer, Chief Judge, 3rd Judicial District including Woodbury County, Iowa

**APPLICATION TO THE CHIEF
JUDGE OF THE
3rd JUDICIAL DISTRICT
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE
DAMAGES**

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in **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 18 day of June, 2013.

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

By David B. Younie
David B. Younie
Condemnation Unit Coordinator
Office of Right of Way

Filed in my office at Sioux City, Iowa, this 25th day of June, 2013

Duane E. Hoffmeyer
Duane E. Hoffmeyer
Chief Judge of the 3rd Judicial District
including Woodbury County, Iowa.

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

David B. Younie 7/1/13
Condemnation Unit Coordinator

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

Interstate Route No. 29

NOTICE

in the City of Sioux City

located in Woodbury County, Iowa

Project No. IMN-029-6(150)142--0E-97

Group "T"

TO:

Avery Brothers, LLC, c/o Milton D. Avery, Registered Agent, 2420 Correctionville Road, Sioux City, Iowa
51106

City of Sioux City, Iowa, c/o City Clerk, 405 6th Street, Sioux City, Iowa 51102

Woodbury County, Iowa, c/o County Auditor, 620 Douglas Street, Sioux City, Iowa 51101

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: part of Tax Lot 16, Auditor's 1943 Plat of that part of Tax Lots 1 and 2, Section 33, Township 89 North, Range 47 West of the 5th P.M., in the City of Sioux City, Woodbury County, Iowa, and all lands contiguous thereto lying South of the North line of East Sioux City and North of U.S. Harbor line and West of the West line of Court Street.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to land affected on the Graphic Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Woodbury County, Iowa, and in the Office of the Sheriff of Woodbury County, Iowa, to which you are referred:

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

All that part of Tax Lot 16 lying North of a straight line between a point 80 feet South of the Northeast Corner of Tax Lot 16 and a point 30 feet South of the Northwest Corner of Tax Lot 16, Auditor's 1943 Plat of that part of Tax Lots 1 and 2, Section 33, Township 89 North, Range 47 West of the 5th P.M., in the City of Sioux City, Woodbury County, Iowa, and all lands contiguous thereto lying South of the North line of East Sioux City and North of U.S. Harbor line and West of the West line of Court Street.

In connection with this condemnation proceeding it is specifically provided as follows: Any and all improvements, including the 45 foot by 12 foot single faced billboard (Permit Number 97-0244), located wholly within the land sought in fee simple title are condemned in their entirety.

Woodbury County Project No. IMN-029-6(150)142--0E-97
Avery Brothers, LLC (Parcel 227)

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IOWA DEPARTMENT OF TRANSPORTATION
GRAPHIC EXHIBIT "A"



COUNTY WOODBURY STATE CONTROL NO. _____
 PROJECT NO. IMN-029-6(150)142--0E-97 PARCEL NO. 227
 SECTION 33 TOWNSHIP 89N RANGE 47W
 ROW-FEE TOTAL AC, EASE _____ AC, BORROW _____ 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 AVERY BROTHERS, L L C

CITY OF SIOUX CITY

