



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.36, 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 Van Buren County.
3. The date the condemnation application was filed by the undersigned County Recorder is June month, 24 day, 2013 year.
4. The attached Condemnation Application is filed of record at Document # 2013 - 765  
Book 0, Page 2.

Ann Skaggs  
County Recorder for

Van Buren County

### Part II: SHERIFF'S STATEMENT

Pursuant to Iowa Code section 6B.36, 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



Document 2013 765

Book Page Pages 5

Date 6/24/2013 Time 9:58 AM

Rec Amt \$27.00

AAE

INDX ✓  
NOTE  
CANC  
SCAN J

ANN SKAGGS, RECORDER  
VAN BUREN COUNTY IOWA

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

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

Primary Road No. IA 98  
in the unincorporated Town of Douds  
located in Van Buren County, Iowa

APPLICATION TO THE CHIEF  
JUDGE OF THE  
8th JUDICIAL DISTRICT  
FOR THE APPOINTMENT OF A  
COMMISSION TO APPRAISE  
DAMAGES

Project No. STPN-98-1(8)--2J-89 Group "A"

TO: Mary Ann Brown, Chief Judge, 8th Judicial District including Van Buren 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 Condernnation 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 condernned or affected are described on the attached Notice of Condernnation which is made a part of this Application. **Plat:** The location of the right of way or other property rights sought to be condernned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condernnation.

**Minimum Land Needs:** The minimum amount of land necessary to achieve the public purpose is as described in and shown on the Notice of Condernnation 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 Condernnation.

**Purpose:** The Department of Transportation desires the rights specified in the lands sought to be condernned 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 23 day of May, 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 Burlington, Iowa, this 13<sup>th</sup> day of June, 2013.

Mary Ann Brown  
~~James Q. Blomgren~~ Mary Ann Brown  
Chief Judge of the 8th Judicial District  
including Van Buren County, Iowa.

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

David B. Younie  
Condemnation Unit Coordinator 6/20/13

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

Primary Road No. IA 98

NOTICE

in the unincorporated Town of Douds

located in Van Buren County, Iowa

Project No. STPN-98-1(8)--2J-89

Group "A"

TO:

Theresa Gustafson Hudak, also known as Theresa J. Gustafson and Theresa Gustafson, 420 N Liberty  
Street, Birmingham, Iowa 52535

Joel Gustafson, address unknown

Jennifer Gatlin, 14766 1<sup>st</sup> Street, Douds, Iowa 52551

Farmers and Traders Savings Bank, 14155 Highway 98, Douds, Iowa 52551

Van Buren County, Iowa, c/o County Auditor, 406 Dodge Street, Keosauqua, Iowa 52565

and to all other persons, companies or corporations having any interest in or owning any of the following  
described real estate: Lot 1 of Block 4 in the unincorporated Town of Douds, Van Buren 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 plat Exhibit "A"  
attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Van Buren  
County, Iowa, and in the Office of the Sheriff of Van Buren County, Iowa, to which you are referred:

The easement for highway purposes sought to be appropriated is in land described as follows:

A tract of land located in Lot 1 of Block 4 in the unincorporated Town of Douds, Van Buren 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:

Beginning at the Northwesterly Corner of said Lot 1; thence South 66 degrees 29 minutes 21 seconds East, a  
distance of 15.16 feet along the Northerly line of said Lot 1; thence South 39 degrees 23 minutes 37 seconds  
West, a distance of 55.41 feet to the Westerly line of said Lot 1; thence North 23 degrees 30 minutes 39 seconds  
East, a distance of 53.30 feet along the westerly line of said Lot 1 to the Point of Beginning, containing 404  
square feet, more or less.

NOTE: The Northerly line of said Lot 1 is assumed to bear South 66 degrees 29 minutes 21 seconds East.

Van Buren County Project No. STPN-98-1(8)--2J-89

Theresa Gustafson Hudak et al (Parcel 4)

Continued on next page

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

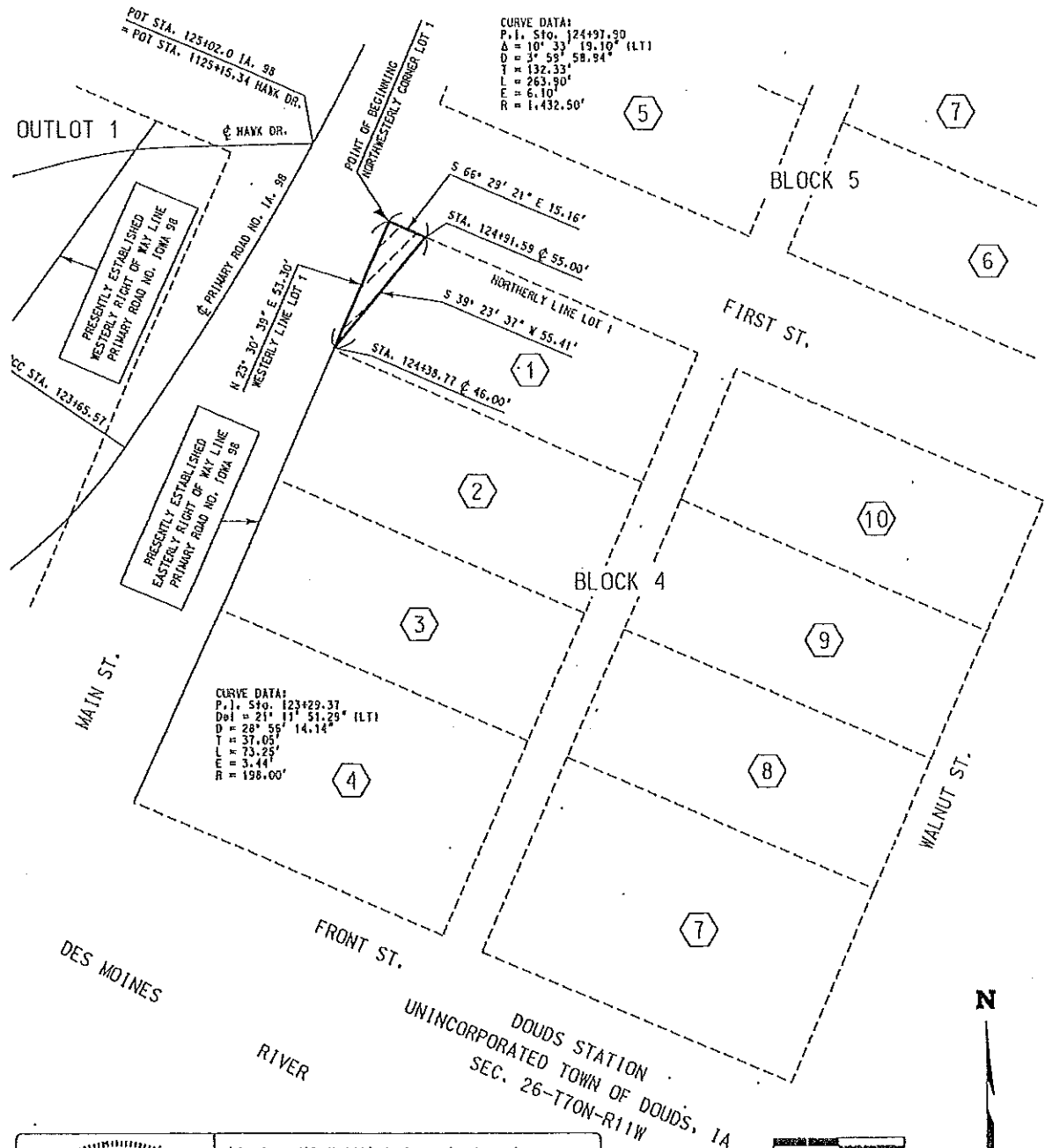
1. Any and all improvements located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. Condemner hereby gives notice of condemnees' five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.



Iowa Department of Transportation  
ACQUISITION PLAT  
EXHIBIT "A"

COUNTY VAN BUREN STATE CONTROL NO. \_\_\_\_\_  
 PROJECT NO. STPN-98-1(8)--2J-89 PARCEL NO. 4  
 SECTION 26 TOWNSHIP 70N RANGE 11W  
 ROW-FEE \_\_\_\_\_ SO. FT. EASE 404\* SO. FT. EXCESS-FEE \_\_\_\_\_ SO. FT.  
 ACCESS RIGHTS \_\_\_\_\_  
 ACQUIRED FROM Theresa Gustafson Hudak et al

\*IN THE UNINCORPORATED TOWN OF DOUDS



LICENSED LAND SURVEYOR

**CRAIG J. STEFFENSMEIER**

LS15216

IOWA

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

*Craig J. Steffensmeier* 10-11-2012

Craig J. Steffensmeier, R.L.S., License Number: 15216

My license is subject to renewal on December 31, 2013.

Pages or sheets covered by this seal: This sheet only

