

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

 \boxtimes

Box 1

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

M

Box 2

Part I: CONDEMNATION APPLICATION

• • • • • • • • • • • • • • • • • • • •	
Pursuant to Iowa Code section 6B.3(3), the undersigned County Condemnation Application with the Office of the Secretary of Sta	ate, noting as follows.
1. The name of the acquiring agency is Towa Departm	
2. The real property subject to the Application is located in	Woodbury County.
3. The date the condemnation application was filed by the und	
4. The attached Condemnation Application is filed of record at Book 733 Page 2454.	to 1-1-1 01/11
	by c. Muppy designer
	Woodbuy County
>++++++++++++++++++++++++++++++++++++++	***************************************
Part II: SHERIFF'S ST	TATEMENT
Pursuant to Iowa Code section 6B.38, the undersigned County Sheriff's Statement with the Office of the Secretary of State, no	/ Recorder files a copy of the attached of the object of the object of the attached of the object of
1. The name of the acquiring agency is <u>Towa Dep</u>	artment of Transportation
2. The corresponding Condemnation Application to this Sheri Document # 7419 , Beek 733 , Page Secretary of State.	iff's Statement was filed of record at <u>2454</u> and a copy was sent to the
3. The attached Sheriff's Statement was filed of record at Doc Book 735 , Page 2437; on	cument # 12855
January Comments of the Commen	County Recorder for _ log C. murphy, Designee

PLEASE SUBMIT TO:

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

SEE INSTRUCTIONS ON BACK

· Roll 735 Image 2437-2518 Document 12855 Type CONDM Pages 82 Date 5/08/2014 Time 1:34 PM Rec Amt \$412.00 Aud Amt \$10.00 Rev Transfer Tax \$174.40

PATRICK F GILL, AUDITOR AND RECORDER WOODBURY COUNTY TOWA

Roll 733 Image 2454 Document Number: 7419 Recorded: 12/12/2013 at 3:51:25.0 PM

Fee Amount: \$72.00

Revenue Tax: PATRICK F. GILL, AUDITOR AND RECORDER

Woodbury County, lowa

Prepared by:

Allysta Sweeney 515-239-1757, IA Dept. of Transportation, Right of Way-Condemnation,

800 Lincoln Way, Arties, IA 50010 Allyssa Sweeney 515-239-1757, 1A Dept. of Transportation, Right of Way-Condemnation,

Return to:

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 North of and in the City of Salix located in Woodbury County, Iowa

Project No. IMN-29-6159)136--0E-97 Group "A"

TO: Duane B. Hoffmeyer, Chief Judge, 3rd Judicial District including Woodbury 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.

Good Faith Negotiations: The Applicant has made an effort to negotiate in good faith with the

JUDGE OF THE 3rd JUDICIAL DISTRICT

DAMAGES

APPLICATION TO THE CHIEF

FOR THE APPOINTMENT OF A

COMMISSION TO APPRAISE

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 5 day of December, 2013.

IOWA DEPARTMENT OF TRANSPORTATION

David S. Gorham

Special Assistant Attorney General and General Counsel to the Iowa DOT

David Widick

Condemnation Unit Coordinator

Office of Right of Way

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.

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

North of and in the City of Salix

located in Woodbury County, Iowa

Project No. IMN-029-6(159)136--0E-97

Group "A"

TO:

Richard Patterson, also known as Richard J.G. Patterson, 2708 Benton Avenue, Salix, Iowa 51052 Farm Credit Services of America, FLCA, 5015 S. 118th Street, Omaha, Nebraska 68137 Heidi R. Patterson, address unknown City of Salix, Iowa, c/o City Clerk, 317 Tipton Street, Salix, Iowa 51052 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 the Northeast ¼ of the Northwest ¼ and part of the Northwest ¼ of the Northeast ¼ of Section 28, Township 87 North, Range 47 West of the Fifth Principal Meridian, in the City of Salix, Woodbury County, Iowa, and part of the Southwest ¼ of the Southwest ¼ of Section 21, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and Woodbury 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 Plat Exhibit "A", the Acquisition Plats Exhibit "A" 1 of 2 and 2 of 2 and the Graphic Exhibits "B" 1 of 2 and 2 of 2 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, for the use and benefit of the State of Iowa, is in land described as follows:

A parcel of land located in a part of the Northeast ¼ of the Northwest ¼ and in a part of the Northwest ¼ of the Northeast ¼ of Section 28, Township 87 North, Range 47 West of the Fifth Principal Meridian, in the City of Salix, Woodbury 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:

Woodbury County Project No. IMN-029-6(159)136--0E-97 Richard Patterson (Parcel 2) Continued on next page Page 1

Commencing at the Northwest Corner of the Northeast ¼ of the Northwest ¼ of said Section 28; thence South 88°08'11" East, 161.53 feet along the North line of said Northwest ¼ to the Point of Beginning; thence continuing South 88°08'11" East, 455.10 feet along said North line to a point on the existing Westerly right of way line of Interstate Route No. 29; thence in a southeasterly direction along said existing West right of way line for the following 5 courses, South 01°51'56" West, 117.11 feet; thence 278.35 feet along the arc of a 743.57 foot radius curve, concave South and having a chord bearing South 73°13'32" East, 276.73 feet; thence South 62°30'05" East, 1176.00 feet; thence South 56°14'55" East, 230.94 feet; thence South 39°19'17" East, 205.68 feet; thence departing from said existing West right of way line, North 56°17'16" West, 308.42 feet; thence North 60°31'51" West, 1078.02 feet; thence North 72°39'10" West, 268.86 feet; thence North 84°12'14" West, 639.39 feet; thence North 01°51'49" East, 195.96 feet to the Point of Beginning, containing 4.65 acres, inclusive of 0.34 acre existing roadway easement.

The easements for highway purposes sought to be appropriated, for the use and benefit of Woodbury County, Iowa, are in land described as follows:

A parcel of land located in a part of the Southwest ¼ of the Southwest ¼ of Section 21, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury 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 Southeast Corner of the Southwest ¼ of the Southwest ¼ of said Section 21; thence North 88°08'11" West, 299.92 feet along the South line of said Southwest ¼ to a point of intersection with the existing West right of way line of Burnett Avenue, extended South; thence North 00°51'29" East, 70.01 feet to the Point of Beginning; thence North 00°51"29" East, 94.50 feet along the existing West right of way line of Burnett Avenue; thence South 06°55'15" West, 94.85 feet to a point on the existing North right of way line of 260th Street (D-51); thence South 88°08'11" East, 10.02 feet along said existing North right of way line to the Point of Beginning, containing 0.01 acre.

and,

A parcel of land located in a part of the Northeast ¼ of the Northwest ¼ of Section 28, Township 87 North, Range 47 West of the Fifth Principal Meridian, in the City of Salix, Woodbury 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 Northwest Corner of the Northeast ¼ of the Northwest ¼ of said Section 28; thence South 00°34'05" West, 33.01 feet along the West line of said Northeast ¼ of the Northwest ¼ to the Point of

Woodbury County Project No. IMN-029-6(159)136--0B-97 Richard Patterson (Parcel 2) Continued on next page Beginning; thence continuing South 00°34'05" West, 152.57 feet along said West line; thence South 84°20'32" East, 157.68 feet; thence North 01°51'49" East, 162.96 feet to a point on the existing South right of way line of 260th Street (D-51); thence North 88°08'11" West, 160.78 feet along said existing South right of way line to the Point of Beginning, containing 0.58 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.
- The State of Iowa will construct entrances at Sta. 21468+38 and Sta. 21471+78, both on the North side of local road 260th Street (D-51) and at Sta. 21476+37 on the South side of local road 260th Street (D-51). The existing entrance at Sta. 21470+00 on the North side of local road 260th Street (D-51) will be closed and the entrance eliminated.
- 3. The State of Iowa shall have a right of temporary easement in the Southwest ¼ of the Southwest ¼ of Section 21, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, for the specific purpose of constructing entrances, in land described as follows and as shown on the Graphic Exhibit "B" 1 of 2 attached hereto and by reference made a part hereof and more particularly described as follows:

Tract "A": Commencing at the Southwest Corner of the Southwest ¼ of said Section 21; thence South 88°08'11" East, 507.32 feet along the South line of said Southwest ¼; thence North 01°53'20" East, 70.00 feet to the Point of Beginning; thence continuing North 01°53'20" East, 15.88 feet; thence South 87°39'39" East, 56.34 feet; thence South 02°47'22" West, 15.42 feet to a point on the existing North right of way line of 260th Street (D-51); thence North 88°08'11" West, 56.09 feet along said existing North right of way line to the Point of Beginning.

and,

Tract "B": Commencing at the Southwest Corner of the Southwest ¼ of said Section 21; thence South 88°08'11" East, 843.27 feet along the South line of said Southwest ¼; thence North 07°22'23" East, 70.32 feet to the Point of Beginning; thence continuing North 07°22'23" East, 14.32 feet; thence South 82°10'36" East, 56.57 feet; thence South 08°16'24" West, 8.43 feet to a point on the existing North right of way line of 260th Street (D-51); thence North 88°08'11" West, 56.70 feet along said existing North right of way line to the Point of Beginning.

- 4. The State of Iowa shall have a right of temporary easement in the Northeast ¼ of the Northwest ¼ of Section 28, Township 87 North, Range 47 West of the Fifth Principal Meridian, in the City of Salix, Woodbury County, Iowa, for the specific purpose of constructing an entrance, in land described as follows and as shown on the Graphic Exhibit "B" 2 of 2 attached hereto and by reference made a part hereof and more particularly described as follows:
 - Commencing at the Northwest Corner of the Northeast ¼ of the Northwest ¼ of said Section 28; thence South 00°34'05" West, 185.58 feet along the West line of said Northeast ¼ of the Northwest ¼ to the Point of Beginning; thence continuing South 00°34'05" West, 55.33 feet along said West line; thence South 83°21'07" East, 21.15 feet; thence North 16°59'02" Bast, 56.58 feet; thence North 84°20'32" West, 37.17 feet to the Point of Beginning.
- 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 condemnee's 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 entrances 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.
- 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.



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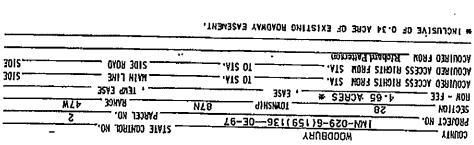
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IOVA DEPARTMENT OF TRANSPORTATION ACQUISITION PLAT EXHIBIT "4" LOG 2



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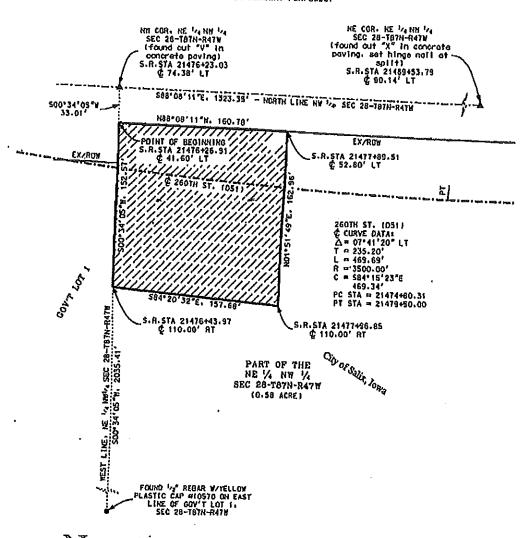


10MA DEPARTMENT OF TRANSPORTATION ACCURSITION PLAT EXHIBIT "A" 2 of 2



COUNTY .	WOODBURY		STATE CONTROL NO	A
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ACQUIRED FROM <u>Rich</u>	ard Patterson		JUE NURU	

ACQUIRED IN THE NAME OF MOCOBURY COUNTY FOR ROADWAY PURPOSES.





DATE DRAMN ALR 09/20/2012



I hereby certify that this land surreying document not proposed and the releted surrey work was performed by us or under my direct posteral supervisition and that I on a duty illumised land surreyor under the local of the Siete of local.

Robert D. Worteran.	1-10-2013
Ricord C. Norteon License Sic. 11(10)	Date

My Houses remaind dolls is December 31. 2013

Forces or afacts covered by this seeks _____ TRIS SECTIONALY ____

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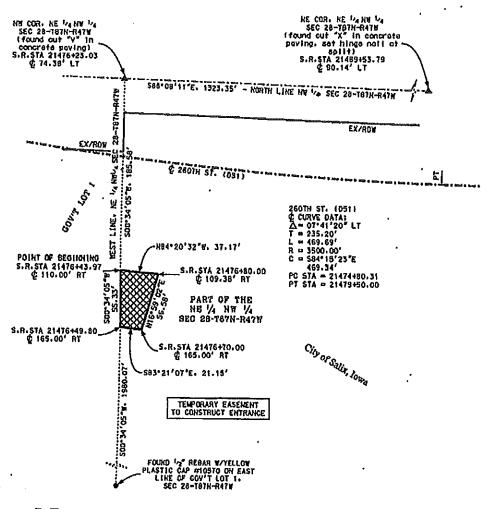


IOVA DEPARTMENT OF TRANSPORTATION Graphic Exhibit "B" 2 of 2



COUNTY	#00DBURY MN-029-6(159)1360E-97	STATE CONTROL NO. 2
SECTION28		B7N RANGE 47H
ROY - FEE	EASE	. TEVP EASE
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ACQUIRED ACCESS RIGHTS	FROM STATO STA	SIDE ROAD SIDE
ACQUIRED FROM Richard	Patterson	- The state of the

* TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE.





DATE DRAWN ALR 10/28/2013

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

North of the City of Salix

located in Woodbury County, Iowa

Project No. IMN-029-6(159)136--0E-97

Group "A"

TO:

Michael L. Patterson, 1866 Highway 141, Sloan, Iowa 51055 Linda M. Patterson, 1866 Highway 141, Sloan, Iowa 51055 Richard Patterson, 2708 Benton Avenue, Salix, Iowa 51052 Farm Credit Services of America, FLCA, 5015 S. 118th Street, Omaha, Nebraska 68137 Woodbury County, Iowa, c/o County Auditor, 620 Douglas Street, Sloux 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 the Southwest 1/4 of the Southeast 1/4 of Section 21, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa.

You, and each of you, are hereby notified that Woodbury County, 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" 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 easement for highway purposes sought to be appropriated, for the use and benefit of Woodbury County, Iowa, is in land described as follows:

A parcel of land located in a part of the Southwest ¼ of the Southeast ¼ of Section 21, Township 87 North, Range 47 West of the Fifth Principal Meridian, Woodbury 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 Southeast Corner of the Southwest ¼ of the Southeast ¼ of said Section 21; thence North 00°58'25" East, 100.00 feet along the East line of the Southwest ¼ of the Southeast ¼ of said Section 21 to the

Woodbury County Project No. IMN-029-6(159)136--0E-97 Michael L. Patterson (Parcel 3) Continued on next page

Page 1

Point of Beginning; thence continuing North 00°58'25" East, 261.08 feet along said East line; thence North 61°54'28" West, 638.96 feet; thence North 77°35'32" West, 233.61 feet to a point on the existing Northerly right of way line of local road, Liberty Lane; thence Southeasterly along said existing Northerly right of way line for the following 3 courses, South 72°05'14" East, 231.79 feet; thence South 51°28'27" East, 551.68 feet; thence South 34°26'41" East, 239.12 feet to the Point of Beginning, containing 1.50 acres.

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 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 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.
- 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 condemnees 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.
- 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.

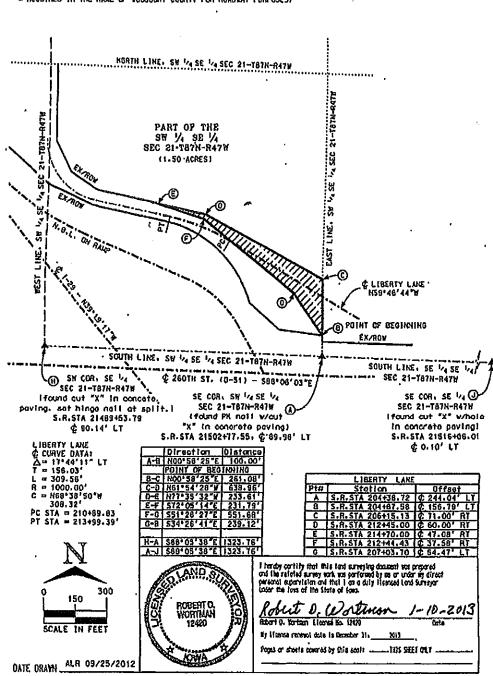


10MA DEPARTMENT OF TRANSPORTATION ACQUISITION PLAT EXHIBIT "A"



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ACOUIRED FROM Michael L. Patterson	4	- 15007 4	

* ACCUIRED IN THE HAVE OF VOCOBURY COUNTY FOR ROADWAY PURPOSES.



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 North of and in the City of Salix located in Woodbury County, Iowa

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

Project No. IMN-29-6159)136--0E-97 Group "A"

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ommissi	ioners did on the 76 day of	W MACh	_, 20 <u>_/</u> 4_, fi	le their report in 1	- promises, and said ny office, awarding
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3.chad	NAMES OF CONDEMNEE	is .	\$	WARD	ATTORNEY FEES AND COSTS
teldi Ko	etterson, woodbury burnty thed	Sun.	≥ \$ <u>0∄,</u>	510.00	<u> </u>
Miched	L Pasterson, Unda m Pasterson	r	<u> </u>		\$ <u></u>
	right Sourias of America, Woodbu		>\$ 25	500.00	\$
TOTAL	DAMAGES AWARDED:	Trassum	/ \$		<u> </u>
	hat the costs incident to this proceeding parate list if necessary)	g are taxed and	Notices were	served as listed be	elow:
Date	Names of Condemnees	Service Fee	Mileage x Ro	te Per Mile = Amoun	t Sum
	See Attached Page Z			··	
	-	1			
Sheri	M's Fees			Sub Total	s 196.60
Sumn (Ma	noning and attending Commissioners (aximum allowed by Code Section 331.	655 is \$100.00)	tees)		<u>\$ 93.50 _</u>
Milea (ge while summoning and attending Co	mmissioners nile)			s 139.83
		Λ		TOTAL:	s 429.93
		W. A	ust	•	
	David Dre Sheriff of V	Woodbury Cou	nty, Iowa		