



#1157
MICHAEL A. MAURO
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 Sioux County, Iowa
2. The real property subject to the Application is located in Sioux County.
3. The date the condemnation application was filed by the undersigned County Recorder is February month, 21 day, 2013 year.
4. The attached Condemnation Application is filed of record at Document # 1154
Book File 2013 Page Card 1154

Anita K. Van Bruggen,

Anita K. Van Bruggen
 County Recorder for

Sioux 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

1154

1154

RECORDED
SIOUX COUNTY IOWA

2013 FEB 21 AM 11 28

FILE 2013 CARD 1154

Arita K. Van Bruggen
A. VAN BRUGGEN RECORDER

Prepared by: Coleman J. McAllister
210 Central Ave SW
Orange City, IA 51041

After Recording Please Return to: Sioux County Sheriff
4363 Ironwood Ave, Ste. 1
Orange City, IA 51041

IN THE MATTER OF THE CONDEMNATION
OF CERTAIN RIGHTS IN LAND BY SIOUX
COUNTY FOR THE IMPROVEMENT OF
PUBLIC ROADWAYS LOCATED IN NASSAU
TOWNSHIP

SIOUX COUNTY, IOWA,

APPLICANT.

APPLICATION FOR CONDEMNATION AND
FOR APPOINTMENT OF CONDEMNATION
COMMISSIONERS PURSUANT TO IOWA
CODE SECTIONS 306.28 AND 6B.4

**TO: The Honorable Duane Hoffmeyer, Chief Judge of the Third Judicial District,
Sioux County, Iowa:**

COMES NOW the Applicant, Sioux County, Iowa, and states that it desires to take, acquire and condemn a right of way interest in the real property and improvements hereinafter described, including any and all leasehold interests, easement interests and other legal or equitable interests herein, together with all structures and appurtenances, if any, located upon the land sought to be condemned; further that such real property legally described below is contiguous to an existing secondary road right of way; further that such right of way property to be acquired is necessary for the maintenance, safety improvement and/or upgrade of the existing secondary road; and further that such right of way acquisition is being done by condemnation proceedings authorized by Iowa law, to wit, Iowa Code Sections 306.28 to 306.37.

1. The property to be condemned is located in an agricultural district. A description of all property in which a right of way interest is sought to be acquired and condemned is legally described as follows:

PARCEL A:

Beginning at the SW corner of Section 9, Township 94 North, Range 44 West of the 5th P.M., thence east on the section line a distance of 1,326.70 feet, thence North 60.0 feet, thence west 1,326.70 feet, thence south 60.0 feet to the point of beginning, containing 0.80 acres excluding the present established highway.

PARCEL B:

Beginning at the SE corner of Section 9, Township 94 North, Range 44 West of the 5th P.M., thence west on the section line a distance of 2,325.24 feet, thence north 60.0 feet, thence east 2,325.24 feet, thence south 60.0 feet to the point of beginning, containing 1.42 acres excluding the present established highway.

PARCEL C:

Beginning at the NW corner of Section 16, Township 94 North, Range 44 West of the 5th P.M., thence east on the section line a distance of 1,326.70 feet, thence south 60.0 feet, thence west 1,326.70 feet, thence north 60.0 feet to the point of beginning, containing 0.79 acres excluding the present established highway.

PARCEL D:

Beginning at the NW corner of Section 15, Township 94 North, Range 44 West of the 5th P.M., thence east on the section line a distance of 2,652.05 feet, thence south 60.0 feet, thence west 2,652.05 feet, thence north 60.0 feet to the point of beginning, containing 1.53 acres excluding the present established highway ROW and Iowa DOT ROW recorded in File 2001, Card 1564 & 1565

2. The names and addresses of all record owners of the tract of land sought to be condemned and all record holders of liens and encumbrances on the land, and other persons interested herein, are as follows and the place of residence of all such persons as far as known to the applicant are as follows:

PARCEL A LANDOWNER

Eveleen VanPeurseem, Trustee
Eveleen VanPeurseem Rrevocable Trust
Under Agreement Dated September
28, 2004
1007 4th St NW
Orange City, IA 51041

TAXING AUTHORITY

Sioux County Assessor
210 Central Ave SW
PO Box 18
Orange City, IA 51041

PARCEL B LANDOWNER

Nora VanPeurseem
3551 440th St
Orange City, IA 51041

TAXING AUTHORITY

Sioux County Assessor
210 Central Ave SW
PO Box 18
Orange City, IA 51041

AGRICULTURAL MORTGAGE HOLDER

Northwestern Bank – File-2001 Card-7634
122 Central Ave NW
Orange City, IA 51041

PARCEL C LANDOWNER

Nelvina De Haan Life Estate
Nora Van Peurseem Rem.
403 Amsterdam Dr
Orange City, IA 51041

TAXING AUTHORITY

Sioux County Assessor
210 Central Ave SW
PO Box 18
Orange City, IA 51041

PARCEL D LANDOWNER

Eveleen Van Peurseem, Trustee
Eveleen Van Peurseem Revocable Trust
Under Agreement Dated September
28, 2004
1007 4th St. NW
Orange City, IA. 51041

TAXING AUTHORITY

Sioux County Assessor
210 Central Ave SW
PO Box 18
Orange City, IA 51041

3. The public purpose for which acquisition and condemnation of the property described above and sought by the Sioux County is for the maintenance, safety improvement and/or upgrade of the existing secondary road abutting the right of way sought to be condemned, to wit, the grading and paving of 470th Street, a secondary road established and maintained by Sioux County, Iowa.

4. The minimum amount of land required from these landowners in order to achieve the public purpose herein identified and the amount of land to be acquired by condemnation for the public improvement is the four tracts of land described herein consisting of approximately 4.54 acres.

5. Sioux County, Iowa, acting through its representatives, has communicated with the owners of such land, has negotiated with the owners to acquire the right of way sought to be condemned, and has made an offer to the owners to acquire the right of way sought to be condemned. However, Sioux County, Iowa's good faith negotiation efforts did not result in an agreement with the owners concerning the acquisition thereof by Sioux County, Iowa. Therefore, Sioux County, Iowa has been unable to secure the described rights in the land by purchase and conveyance through negotiation with the owners. Pursuant to Iowa law, notice was provided to the property owners that Sioux County intended to propose acquisition of the property by eminent domain. The Sioux County Board of Supervisors authorized the use of eminent domain on September 11, 2011 by passing a resolution.

6. Sioux County, Iowa requests the appointment of a commission to appraise the damages.

NOW, THEREFORE, Sioux County, Iowa hereby requests the appointment of a compensation commission of six persons qualified as prescribed in Iowa Code Section 6B.4, not interested in the same or a like question, to view the real estate involved and appraise the damages, as authorized by Iowa Code Section 306.28, which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation herein sought to be condemned, for the purpose herein stated, and make their report in writing to the Sheriff of Sioux County, Iowa, as provided by law.

DATED at ORANGE CITY, Iowa this 20TH day of February, 2013.

Sioux County, Iowa, Applicant

By: 

Coleman J. McAllister AT0004985
Sioux County Attorney
210 Central Ave SW, PO Box 168
Orange City, IA 51041
(712) 737-2457 – phone
(712) 737-4560 – fax
colemanm@siouxcounty.org

As Assistant Chief Judge of the Third Judicial District, the undersigned has been designated by Chief Judge Duane Hoffmeyer, pursuant to Iowa Rule of Judicial Administration 22.5, to act at the Chief Judge's pleasure with all the duties and powers of the Chief Judge, including the power to appoint condemnation commissioners as the Chief Judge's designee pursuant to Iowa Code Section 6B.4.

I further certify that this Application has been filed in duplicate in my office at Orange City, Iowa and APPROVED this 21st day of Feb, 2013, at 9:50 o'clock A.m.


Assistant Chief Judge of the Third Judicial District
Sioux County, Iowa

In accordance with Iowa Code Section 6B.3, I, the undersigned, certify that this Original Application for Condemnation has been approved by the Chief Judge's designee, Assistant Chief Judge James D. Scott.



Coleman J. McAllister AT0004985
Sioux County Attorney
210 Central Ave SW, PO Box 168
Orange City, IA 51041
(712) 737-2457 – phone
(712) 737-4560 – fax
colemanm@siouxcounty.org

SUBSCRIBED AND SWORN to before me this 21st day of February, 2013.




Notary Public in and for said State

FILED in my office at Orange City, Iowa, this 21st day of February, 2013.


Sheriff, Sioux County, Iowa