



1160

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.

1. The name of the acquiring agency is LEE DICKSON & CARL BORRETT
2. The real property subject to the Application is located in CLAYTON County.
3. The date the condemnation application was filed by the undersigned County Recorder is MARCH month, 8TH day, 2013 year.
4. The attached Condemnation Application is filed of record at Document # 2013R01044
Book N/A, Page _____.

Sue Meyer
County Recorder for

CLAYTON 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



2013R01044
 SUE MEYER
 CLAYTON COUNTY RECORDER
 ELKADER, IA
 RECORDED ON
 03/08/2013 01:27PM
 REC FEE: 27.00
 PAGES: 5
 STAMP#:

CONDEMNATION #77

Preparer: Kathleen Neylan, 129 S. Main, Box 194, Elkader, IA 52043-0194 (563) 245-1561

In the Matter of the Condemnation
 of Certain Rights in Land for the
 Establishment of a Roadway to an
 Existing Public Way, Yellowstone
 Road, Located in Clayton County,
 Iowa

APPLICATION FOR CONDEMNATION
 AND APPOINTMENT OF COMMISSION
 TO APPRAISE DAMAGES

To: Kellyann M. Lekar, Chief Judge, First Judicial District in and for Clayton
 County, Iowa

The undersigned, owners of land-locked real estate, state:

1. The property affected by this application is agricultural land and is described as follows: The NE ¼ of the NW ¼ of Section 23, Township 91 North, Range 3, West of the 5th P.M., and a part of this may be classified as Class I or Class II and, if so classified, is reasonably necessary for this condemned use.
2. A Plat which shows the location of the right of way sought to be condemned with reference to the above description is attached as Exhibit 1.
3. Condemnation is sought for the purpose of providing a roadway which connects the land owned by the applicants to an existing public road, namely, Yellowstone Road, as provided by Section 6A.4(2), The Code.
4. The minimum amount of land needed is a forty foot wide easement which runs from the applicants' land in a direct line to the existing public way named Yellowstone Road a/ka Clayton County Road 543 NS established in the year 1880 and is 66 feet in width.
5. The name and address of the owners of the land-locked land are: Carl Borrett, 3080 Mesquite Rd., Colesburg, IA 52035 and Lee Dickson, P.O. Box 765, Guttenberg, IA 52052. The record owners of the tract sought to be condemned are: Daniel H.

Finnegan and Julie A. Finnegan and their address is 36454 Osterdock Road, Colesburg, IA 52035. There are no record holders of liens and encumbrances on such lands, so far as known to the applicants.

6. Applicants have contacted the owners of the land several times in the past and prior to filing this Application, have made efforts to negotiate in good faith with the owners to acquire the private property sought to be condemned. These efforts included: meetings and correspondence with the owners and their attorney, written notification of intent, furnishing a copy of the appraisal and a written offer to buy. No agreement has been reached.

7. Applicants request the appointment of a commission to appraise the damages.

WHEREFORE, the undersigned apply for approval of their Application and the appointment of a commission to appraise the damages the owners will sustain as a result of this condemnation.

Lee Dickson 2-21-13
Lee Dickson Date

Carl Borrett 2-21-13
Carl Borrett Date

ORDER

The foregoing Application having been presented to the court, this court approves the Application.

Done and Ordered this 26 day of February, 2013.

Kellyann M. Lekar
Kellyann M. Lekar
Chief Judge, First Judicial District

CERTIFICATION

The applicants hereby certify that the Application for Condemnation has been approved by the chief judge of the first judicial district which includes Clayton County, Iowa.

Lee Dickson 3-4-13
Lee Dickson Date

Carl Borrett 3-4-13
Carl Borrett Date

ORDER

This court having approved the Application for Condemnation, now selects by lot and hereby appoints the following six persons as compensation commissioners to assess the damages:

Owner-Operators of Agricultural Land

Kathy Wettleason, 13593 160th St., Postville, IA 52162

James Fuhrman, 28028 Bluebird Ave, Volga, IA 52077
Licensed Real Estate Sales Persons or Brokers

Owen Sylvester, 22351 Grandview Rd., Elkport, IA 52044

Myra Voss, Box 295, Elkader, IA 52043-0295
Persons with Knowledge of Property Values
Due to Their Occupations

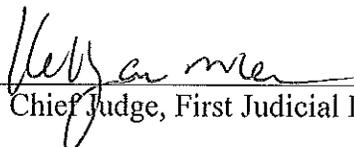
Paul Manson, 202 Eagleview Dr., Guttenberg, IA 52052

Tom Neuhaus, 203 Monroe Street, Monona, IA 52159
is appointed chairperson of the compensation
commission
Owen Sylvester

Each commissioner shall qualify by filing with the sheriff his or her written oath as provided by Section 6B.7, The Code, prior to the first meeting.

The Clayton County Sheriff shall transmit a copy of this order and copies of the written instructions for members of the compensation commission to each of the above named commissioners, shall read aloud the instructions to the commission before it commences its duties, shall arrange an appropriate meeting place, coordinate the meetings, assure the attendance of the commissioners, give notice of the date, time and place of the first meeting and proceed as provided with the duties of the sheriff as set out in Chapter 6B, The Code.

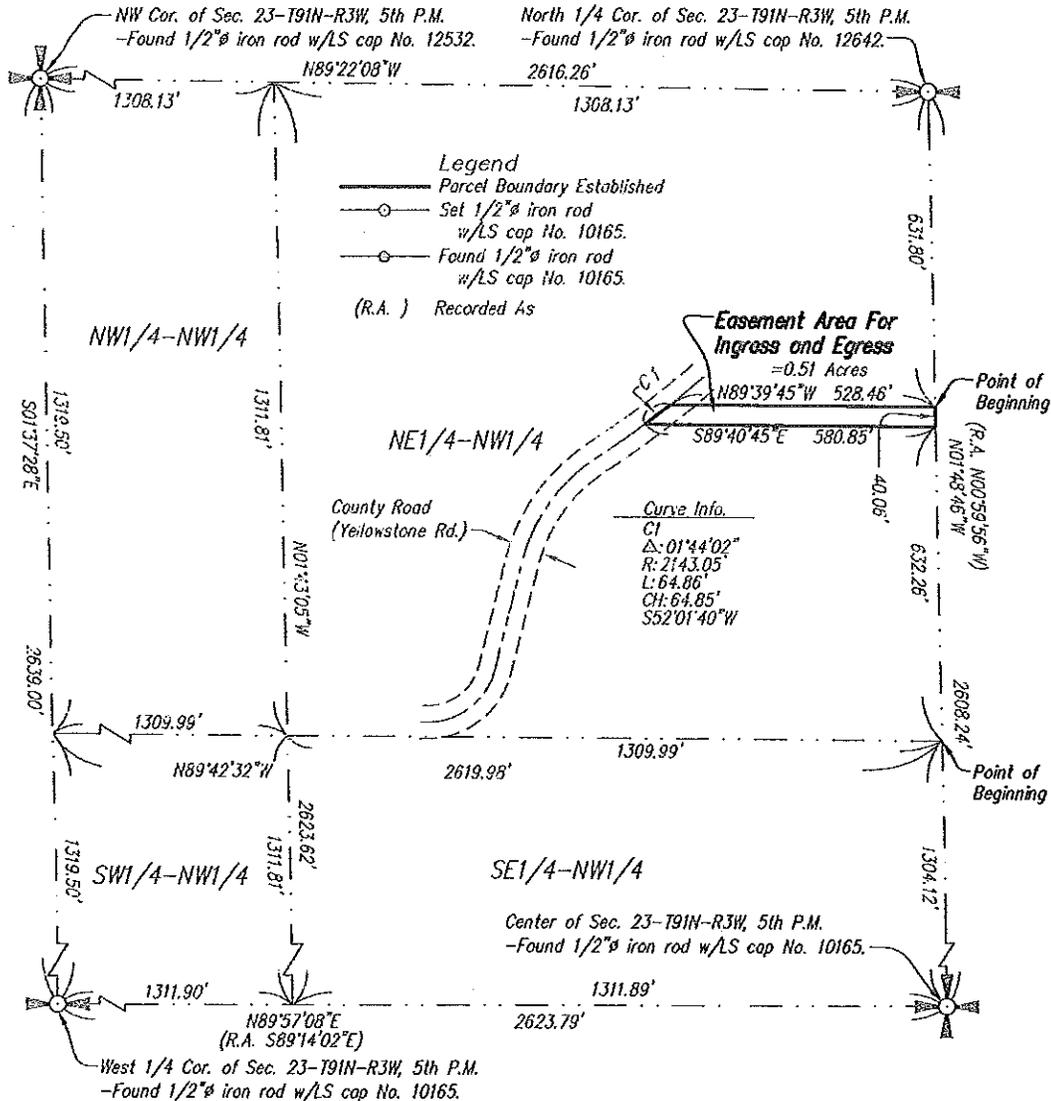
Done and Ordered this 26 day of February, 2013.



Chief Judge, First Judicial District

PLAT OF SURVEY

of
 EASEMENT AREA FOR INGRESS AND EGRESS IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4-NW1/4)
 OF SECTION 23, TOWNSHIP 91 NORTH, RANGE 3 WEST OF THE 5TH PRINCIPAL MERIDIAN, CLAYTON COUNTY, IOWA.



Legend
 Parcel Boundary Established
 Set 1/2" iron rod w/LS cap No. 10165.
 Found 1/2" iron rod w/LS cap No. 10165.
 (R.A.) Recorded As

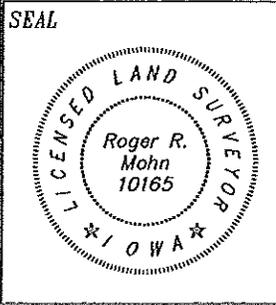
Curve Info.
 CI
 Δ: 01°44'02"
 R: 2143.05'
 L: 64.86'
 CH: 64.85'
 S52°01'40"W

Notes
 1. All easements of record may not be shown on this plat of survey.
 2. Bearings are based on the Iowa State Plane Coordinate System North Zone (1401) Horizontal NAD83 (1996).

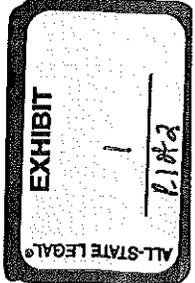
Scale 1" = 300'

Proprietor(s):
 Daniel H. & Julie A. Finnegan
 Survey requested by:
 Kathleen Neylon, Atty.
 Neylon Law Office

Sheet No. 1 of 2
 Surveyed: December 10, 2012 (281, 117-122)
 January 15, 2013 Drawn By: RRB, RRM
 S:\Drawings\Surveys\2012\
 Clayton\LDICKSON\LDickson.dwg



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.
 Roger R. Mohn January 15, 2013
 Roger R. Mohn Date
 License Number 10165
 My license renewal date is December 31, 2014
 Pages or sheets covered by this seal:
 Sheet 1 of 2 through 2 of 2



LEGAL DESCRIPTION OF EASEMENT AREA:

An easement for ingress and egress located in the Northeast Quarter of the Northwest Quarter (NE1/4-NW1/4) of Section Twenty-three (23), Township Ninety-one (91) North, Range Three (3) West of the Fifth Principal Meridian, Clayton County, Iowa. The exterior boundary of said described easement is more particularly described by metes and bounds as follows:

Commencing at the North $\frac{1}{4}$ Corner of Section 23, Township 91 North, Range 3 West of the 5th P.M.; thence S $01^{\circ}-48'-46''$ E, 631.80 feet along the east line of the NE1/4-NW1/4 of said Section 23 to the Point of Beginning; thence N $89^{\circ}-39'-45''$ W, 528.46 feet; thence 64.86 feet along the approximate centerline of Yellowstone Road which is along a 2143.05 foot radius curve concave northwesterly with a central angle of $01^{\circ}-44'-02''$ and a long chord which bears S $52^{\circ}-01'-40''$ W, 64.85 feet; thence S $89^{\circ}-40'-45''$ E, 580.85 feet; thence N $01^{\circ}-48'-46''$ W, 40.06 feet along the east line of said NE1/4-NW1/4 to the Point of Beginning. Bearings are based on the Iowa State Plane Coordinate System North Zone (1401) Horizontal NAD 83 (1996).

