



#1161
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 City of Mount Vernon
2. The real property subject to the Application is located in Linn County.
3. The date the condemnation application was filed by the undersigned County Recorder is March month, 11 day, 2013 year.
4. The attached Condemnation Application is filed of record at Document # _____
Book 8608, Page 419.

County Recorder for

Linn 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 City of Mount Vernon
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # _____, Book 8608, Page 419 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 March month, 11 day, 2013 year.

County Recorder for

Linn County

APPLICATION & CONDEMNATION ALL ONE DOCUMENT

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

SEE INSTRUCTIONS ON BACK



Doc ID: 020412330079 Type: GEN
Recorded: 03/11/2013 at 03:25:09 PM
Fee Amt: \$402.00 Page 1 of 79
Linn County Iowa
JOAN MCCALMANT RECORDER

BK 8608 pg 419-497

IN THE SHERIFF'S OFFICE IN LINN COUNTY, IOWA

IN THE MATTER OF THE)
CONDEMNATION OF CERTAIN)
RIGHTS IN LAND FOR THE)
CITY OF MOUNT VERNON, IOWA,)
FOR ITS PCC PAVEMENT)
ROUNDBABOUTS ON U.S. HIGHWAY 30)
FROM 10TH AVENUE TO VIRGIL)
AVENUE PROJECT)
Project #STP-A-030-7(159)--86-57)
Parcel #7)
APPLICANT: City of Mount Vernon, Iowa)

NOTICE OF CONDEMNATION

NOTICE To All Owners, Tenants, Lien Holders, and Encumbrance Holders:

To: Owner
Lucille D. Dietrich, Trustee of the Lucille D. Dietrich Revocable Trust
751 1st Avenue SW
Mount Vernon, IA 52314

To: Contract Purchaser: None.

To: Attorney for the Owner: None.

To: Tenant(s): None.

To: Lien Holder(s) or Encumbrance Holder(s):

Mount Vernon Bank And Trust Company (Mortgage)
206 1st Street West
Mount Vernon, IA 52314
President/CEO: David Ryan

REC'D
MAR 11 2013
MOUNT VERNON, IA

*City of Mount Vernon
attn: Michael R. Beiner
213 First St NW
Mount Vernon, IA 52314
m.r.beiner@cityofmv.com*

Billy G. Lange and Connie S. Lange
(25 feet wide easement)
211 Highway 30 SW
Mount Vernon, IA 52314

ABCM Corporation
(Asserted prescriptive easement)
Registered agent: Richard A. Allbee
1320 4th Street NE
Hampton, IA 50441

Linn County Treasurer (Real Estate Taxes)
c/o Linn County Auditor
Joel Miller
930 1st Street Sw
Cedar Rapids, IA 52404

You are hereby notified that the City of Mount Vernon, Iowa desires to take and acquire by condemnation a portion of property, or an interest in the following described property:

Lot Two (2), excepting therefrom the SW-ly Twenty-five (25) feet (measured at right angles to the SW-ly line of said Lot Two (2),) "Auditor's Plat No. 424, Linn County, Iowa".

and

The Sw-ly Twenty-five (25) feet of Lot Two (2), "Auditor's Plat No. 424, Linn County, Iowa" and all that part of Lot Three (3), "Auditor's Plat No. 424, Linn County, Iowa" described as follows: Beginning at the NE corner of said Lot Three (3); Thence S28°48'20" E 388.03 feet along the NE-ly line of said Lot Three (3) to the SE corner; Thence S68°34'30" W 153.2 feet; Thence N00°22'50" E 311.55 feet (Plat-N 00°18'15" W 312 feet) to a point on the NE-y line of Lot Three (3); Thence W 138.41 feet; Thence N 00°54'00" E 84.94 feet to the N-ly line of said Lot Three (3); Thence S 89°40'30" E 90.65 feet to the point of beginning. Containing 0.95 acres. (The N line of Lot Three (3) is assumed to bear due E and W.)

The portion of the above property which is necessary to acquire by condemnation in fee title is described as follows:

A part of Lot 2, Auditor's Plat No. 424 Linn County, Iowa recorded in Book 10, Page 369, at the Linn County, Iowa Recorders office described as follows:

Beginning at the easterly corner of Lot 2, Auditor's Plat No. 424, Thence S 40°41'55" W along the southeasterly line of said Lot 2 (bearing assumed for this description)

to the southeasterly corner of said Lot 2, a distance of 154.98 feet;
Thence S 66°18'17" W along the southerly line of said Lot 2, a distance of 11.57 feet;
Thence N 40°41'55" E and parallel with said southeasterly line to the northeasterly
line of said Lot 2, a distance of 167.48 feet;
Thence S 26°51'53" E along said northeasterly line to said easterly corner and point
of beginning a distance of 5.41 feet.
Said parcel contains 806 sqft, 0.019 acres, more or less.

The portion of the above property which is necessary to acquire by condemnation for a temporary construction easement is described as follows:

Part of Lot 2 and part of Lot 3, Auditor's Plat No. 424 Linn County, Iowa recorded in Book 10, Page 369, at the Linn County, Iowa Recorders office described as follows:

Commencing at the easterly corner of Lot 2, Auditor's Plat No. 424, Thence N 26°51'53" W along the northeasterly line of said Lot 2, (bearing assumed for this description) to the Point of Beginning a distance of 5.41 feet;
Thence S 40°41'55" W a distance of 109.63 feet;
Thence S 66°18'17" W a distance of 34.71 feet;
Thence N 40°41'55" E to the northeasterly line of said Lot 2, a distance of 147.12 feet
Thence S 26°51'53" E along said northeasterly line to the point of beginning a distance of 16.23 feet.
Said parcel contains 1,926 sqft, 0.044 acres, more or less.

Attached hereto and incorporated herein by this reference are Land Acquisition Plats of said property being acquired and condemned.

The purpose of these condemnation proceedings is to acquire land and rights in land needed for the roundabouts on the Highway 30 from 10th Avenue to Virgil Avenue project.

Attached hereto is a copy of the Application For Condemnation to the Chief Judge of the Sixth Judicial District for the Appointment of a Commission to Appraise Damages.

A Commission has been appointed as provided by law for appraising the damages that will be caused by this Condemnation.

Attached hereto is the List Of Compensation Commissioners and alternates selected by the

Prepared by: Robert W. Goodwin, 311 W. Lincoln Way, Suite 1, Ames, Iowa, 50010; 515-232-7390.
Return to: Robert W. Goodwin, 311 W. Lincoln Way, Suite 1, Ames, Iowa, 50010; 515-232-7390.

IN THE SHERIFF'S OFFICE IN LINN COUNTY, IOWA

IN THE MATTER OF THE)
CONDEMNATION OF CERTAIN)
RIGHTS IN LAND FOR THE)
CITY OF MOUNT VERNON, IOWA,)
FOR ITS PCC PAVEMENT)
ROUNDBABOUTS ON U.S. HIGHWAY 30)
FROM 10TH AVENUE TO VIRGIL)
AVENUE PROJECT)
Project #STP-A-030-7(159)--86-57)
Parcel #7)
APPLICANT: City of Mount Vernon, Iowa)

APPLICATION FOR CONDEMNATION
TO THE CHIEF JUDGE OF THE 6TH
JUDICIAL DISTRICT FOR THE
APPOINTMENT OF A COMMISSION
TO APPRAISE DAMAGES

TO: Patrick R. Grady, Chief Judge of the 6th Judicial District of Iowa, Courthouse
3rd Avenue Bridge, Cedar Rapids, Iowa 52406

IDENTIFICATION OF PROPERTY AFFECTED OR SOUGHT TO BE CONDEMNED:

The Applicant, the City of Mount Vernon, Iowa, has been unable to acquire a portion of or an interest in the following described property owned by Lucille D. Dietrich, Trustee of the Lucille D. Dietrich Revocable Trust by purchase and conveyance, and desires to take and acquire said property by condemnation, together with any and all lease hold interests, easement interests and other legal

and equitable interests therein, and together with all structures and appurtenances located upon said property, to be used in connection with the City of Mount Vernon, Iowa Roundabouts On Highway 30 From 10th Avenue To Virgil Avenue Project.

The property from which a portion is to be condemned is described as follows:

Lot Two (2), excepting therefrom the SW-ly Twenty-five (25) feet (measured at right angles to the SW-ly line of said Lot Two (2),) "Auditor's Plat No. 424, Linn County, Iowa".

and

The Sw-ly Twenty-five (25) feet of Lot Two (2), "Auditor's Plat No. 424, Linn County, Iowa" and all that part of Lot Three (3), "Auditor's Plat No. 424, Linn County, Iowa" described as follows: Beginning at the NE corner of said Lot Three (3); Thence S28°48'20" E 388.03 feet along the NE-ly line of said Lot Three (3) to the SE corner; Thence S68°34'30" W 153.2 feet; Thence N00°22'50" E 311.55 feet (Plat-N 00°18'15" W 312 feet) to a point on the NE-ly line of Lot Three (3); Thence W 138.41 feet; Thence N 00°54'00" E 84.94 feet to the N-ly line of said Lot Three (3); Thence S 89°40'30" E 90.65 feet to the point of beginning. Containing 0.95 acres. (The N line of Lot Three (3) is assumed to bear due E and W.)

The portion of the above property which is necessary to acquire by condemnation in fee title is described as follows:

A part of Lot 2, Auditor's Plat No. 424 Linn County, Iowa recorded in Book 10, Page 369, at the Linn County, Iowa Recorders office described as follows:

Beginning at the easterly corner of Lot 2, Auditor's Plat No. 424, Thence S 40°41'55" W along the southeasterly line of said Lot 2 (bearing assumed for this description) to the southeasterly corner of said Lot 2, a distance of 154.98 feet;
Thence S 66°18'17" W along the southerly line of said Lot 2, a distance of 11.57 feet;
Thence N 40°41'55" E and parallel with said southeasterly line to the northeasterly line of said Lot 2, a distance of 167.48 feet;
Thence S 26°51'53" E along said northeasterly line to said easterly corner and point of beginning a distance of 5.41 feet.
Said parcel contains 806 sqft, 0.019 acres, more or less.

The portion of the above property which is necessary to acquire by condemnation for a temporary construction easement is described as follows:

Part of Lot 2 and part of Lot 3, Auditor's Plat No. 424 Linn County, Iowa recorded in Book 10, Page 369, at the Linn County, Iowa Recorders office described as

follows:

Commencing at the easterly corner of Lot 2, Auditor's Plat No. 424, Thence N 26°51'53" W along the northeasterly line of said Lot 2, (bearing assumed for this description) to the Point of Beginning a distance of 5.41 feet;

Thence S 40°41'55" W a distance of 109.63 feet;

Thence S 66°18'17" W a distance of 34.71 feet;

Thence N 40°41'55" E to the northeasterly line of said Lot 2, a distance of 147.12 feet

Thence S 26°51'53" E along said northeasterly line to the point of beginning a distance of 16.23 feet.

Said parcel contains 1,926 sqft, 0.044 acres, more or less.

Attached hereto and incorporated herein by this reference are Land Acquisition Plats of said property being acquired and condemned.

PURPOSE FOR WHICH CONDEMNATION IS SOUGHT: Mount Vernon, Iowa, in conjunction with the Iowa Department of Transportation, intends to construct two roundabouts, one at the intersection of 10th Avenue South and U.S. Highway 30, and the other at the intersection of State Highway 1 and U.S. Highway 30, to alleviate traffic congestion and problems at those intersections, and to resurface and widen U.S. Highway 30 between those two intersections and the streets and highway surfaces approaching those intersections.

NAMES AND ADDRESSES OF CONDEMNEDS: The names and addresses of all record owners and holders of liens and encumbrances, as far as known, are as follows:

Owner: Lucille D. Dietrich, Trustee of the Lucille D. Dietrich Revocable Trust
751 1st Avenue SW
Mount Vernon, IA 52314

Contract Purchaser: None.

Attorney for the Owner: None.

Tenant(s): None.

Lien Holder(s) or Encumbrance Holder(s):

IN THE MATTER OF THE CONDEMNATION
 OF CERTAIN RIGHTS IN LAND FOR THE CITY OF
 MOUNT VERNON, IOWA, FOR ITS PCC PAVEMENT
 ROUNDABOUTS ON U.S. HIGHWAY 30 FROM 10TH
 AVENUE TO VIRGIL AVENUE PROJECT

Project #STP-A-030' 7(159)---86-57

Parcel #7

By: City of Mount Vernon

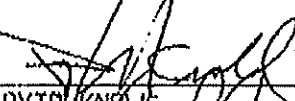
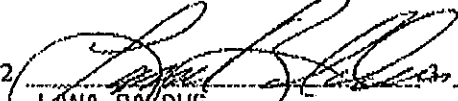
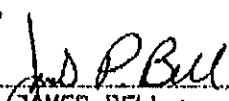
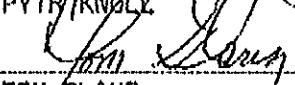
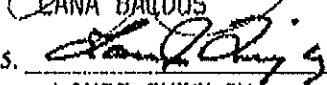

**REPORT OF COMMISSIONERS
 TO THE SHERIFF**

To: Brian D Gardner, Sheriff of Linn County, Iowa

We, the undersigned, being duly appointed and qualified Commissioners appointed to assess the damages and value sustained by the respective owners, leinholders, encumbrancers and other persons interested in the premises affected by the appropriation of the following described lands; their designation being determined by the Application for Condemnation filed by the Condemner, with the Chief Judge of the Sixth Judicial District on 12-12-12, in the above entitled condemnation proceedings. (A complete legal description of the affected real estate is included in the Condemner's Application for Condemnation included herein and made a part of these proceedings)

	Land and Improvements	Consequential Damages	Total Award	Attorney Fees
LUCILLE D DIETRICH, TRUSTEE OF LUCILLE D DIETRICH FOMCABLE	\$ 0	\$ 0	\$ 0	\$ 0
MT VERNON BANK & TRUST	0	0	0	0
BILLY & CONNIE LANGE	0	0	0	0
ABCM CORPORATION	0	0	0	0
LINN COUNTY TREASURER	0	0	0	0

and all other persons, companies or corporations having any interest in or owning any part of the property condemned.
 Respectfully reported at Cedar Rapids, Iowa this 6th day of February, 2013.

1.  PYTRYK KNÖBLE
 2.  LANA BALDUS
 3.  JAMES BELL
 4.  TOM GLANZ
 5.  LANCE QUIGLEY
 6.  KEN PATRICK
 Filed in my office at Cedar Rapids, Iowa this 6th day of February, 2013.

Date of mailing: 02-06-13

Brian D Gardner, Sheriff
 Linn County, Iowa

 By Lt. K. Rowland, Deputy

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PARTIES THAT THEY MAY, WITHIN THIRTY (30) DAYS FROM THE DATE OF MAILING OF THIS NOTICE, APPEAL TO THE IOWA DISTRICT COURT IN WHICH THE REAL ESTATE IS LOCATED AND BY GIVING WRITTEN NOTICE TO THE SHERIFF THAT THE APPEAL HAS BEEN TAKEN