



#1165
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.3B, 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 Woodbury County.
3. The date the condemnation application was filed by the undersigned County Recorder is May month, 15 day, 2013 year.
4. The attached Condemnation Application is filed of record at Document # 15745
Roll Book 729, Page 6383
Image

Pattish J. Gill
County Recorder for
by C. Murphy, Designee
WOODBURY County

Part II: SHERIFF'S STATEMENT

Pursuant to Iowa Code section 6B.3B, 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 Iowa Dept of Transportation
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 15745, Book Roll 729, Page Image 6383 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 3752, Book 731, Page 10108; on September month, 16 day, 2013 year.
Roll Image

Pattish J. Gill
County Recorder for Auditor by C. Murphy, Designee
Woodbury County

PLEASE SUBMIT TO:
Secretary of State
Attention: Condemnation Filings
State Capitol, Des Moines, IA 50319
FAX: 515-242-5962

SEE INSTRUCTIONS ON BACK

Roll 729 Image 6383-6387
Document 15745 Type APCON Pages 5
Date 5/15/2013 Time 11:56 AM
Rec Amt \$27.00

Roll 731 Image 10108-10152
Document 3752 Type CONDM Pages 45
Date 9/16/2013 Time 2:17 PM
Rec Amt \$227.00 Aud Amt \$5.00
Rev Transfer Tax \$24.80

PATRICK F GILL, AUDITOR AND RECORDER
WOODBURY COUNTY IOWA

PATRICK F GILL, AUDITOR AND RECORDER
WOODBURY COUNTY IOWA

2013 MAY 21 PM 1:00
WOODBURY COUNTY IOWA
SHERIFF

E Prepared by: Allyssa Sweesney 515-239-1757, Right of Way-Condernation, 800 Lincoln Way, Ames, IA 50010
Return to: Allyssa Sweesney 515-239-1757, Right of Way-Condernation, 800 Lincoln Way, Ames, IA 50010

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

CERTIFIED TRUE COPY

Interstate Route No. 29
in the City of Sergeant Bluff
located in Woodbury County, Iowa

APPLICATION TO THE CHIEF
JUDGE OF THE
3rd JUDICIAL DISTRICT
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE
DAMAGES

Project No. IMN-029-6(150)142--0E-97 Group "U"

TO: Duane E. 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 Non-Agricultural land by Condernation 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 conderned or affected are described on the attached Notice of Condernation which is made a part of this Application. **Plat:** The location of the right of way or other property rights sought to be conderned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condernation.

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

Purpose: The Department of Transportation desires the rights specified in the lands sought to be conderned 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 29 day of April, 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 Sioux City, Iowa, this 6th day of May, 2013.

[Signature]
 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.

David B. Younie 5/13/13
 Condemnation Unit Coordinator

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

in the City of Sergeant Bluff

located in Woodbury County, Iowa

Project No. IMN-029-6(150)142--0E-97

Group "U"

TO:

Dan Hiserote, 1969 Elk Creek Road, Sergeant Bluff, Iowa 51054

Ginger Hiserote, 1969 Elk Creek Road, Sergeant Bluff, Iowa 51054

City of Sergeant Bluff, Iowa, c/o City Clerk, 401 4th Street, Sergeant Bluff, Iowa 51054

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 $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 30, Township 88 North, Range 47 West of the 5th P.M., in the City of Sergeant Bluff, Woodbury 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 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 is in land described as follows:

A parcel of land located in a part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and in a part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 30, Township 88 North, Range 47 West of the 5th P.M., City of Sergeant Bluff, 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 Northeast Corner of the Northwest $\frac{1}{4}$ of said Section 30; thence North 89°03'02" West, 1106.69 feet along the North line of said Northwest $\frac{1}{4}$ to the Point of Beginning; thence continuing North 89°03'02" West, 10.44 feet along said North line to a point on the existing East right of way line of Interstate Route No. 29; thence Southerly along said existing East right of way line 1078.56 feet along the arc of a 8064.94 foot radius curve, concave West and having a chord bearing South 05°48'24" West, 1077.76 feet;

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Dan Hiserote et ux (Parcel 127)

Continued on next page

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Dan Hiserote et ux (Parcel 127)

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thence South 07°14'21" West, 955.67 feet along said existing East right of way line; thence South 87°20'06" East, 33.25 feet; thence North 09°00'56" East, 460.32 feet; thence North 00°32'52" East, 177.23 feet; thence North 11°00'46" East, 125.04 feet; thence North 07°32'12" East, 275.94 feet; thence North 17°03'14" West, 56.62 feet; thence North 08°52'43" East, 25.36 feet; thence North 17°17'07" East, 97.62 feet; thence North 07°54'24" East, 55.90 feet; thence North 04°04'03" East, 659.99 feet; thence North 01°39'41" West, 50.87 feet; thence North 03°28'43" East, 56.68 feet to the Point of Beginning, containing 53,376 square feet.

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 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 areas sought to be appropriated by temporary easement, for the specific purpose of 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.
4. 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.

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Dan Hiserote et ux (Parcel 127)

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