

#1171



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 LINN COUNTY
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 JULY month, 3RD day, 2013 year.
4. The attached Condemnation Application is filed of record at Document # ---
Book 8726, Page 525.

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 _____
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



Doc ID: 020636500012 Type: GEN
 Recorded: 07/03/2013 at 09:18:32 AM
 Fee Amt: \$62.00 Page 1 of 12
 Revenue Tax: \$0.00
 Linn County Iowa
 JOAN MCCALMANT RECORDER

BK 8726 PG 525-536

\$62.00 chg AS

(Enu)

Prepared by: Allyssa Sweeney 515-239-1757, Right of Way-Condernnation, 800 Lincoln Way, Ames, IA 50010
 Return to: Allyssa Sweeney 515-239-1757, Right of Way-Condernnation, 800 Lincoln Way, Ames, IA 50010

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

Primary Road No. IA 100
 West of the City of Cedar Rapids
 located in Linn County, Iowa

**APPLICATION TO THE CHIEF
 JUDGE OF THE
 6th JUDICIAL DISTRICT
 FOR THE APPOINTMENT OF A
 COMMISSION TO APPRAISE
 DAMAGES**

Project No. NHSN-100-1(40)--2R-57 Group "B"

TO: Patrick R. Grady, Chief Judge, 6th Judicial District including Linn 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 Condernnation 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 condernned or affected are described on the attached Notice of Condernnation which is made a part of this Application. **Plat:** The location of the right of way or other property rights sought to be condernned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condernnation.

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

Purpose: The Department of Transportation desires the rights specified in the lands sought to be condernned 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 19 day of June, 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 Cedar Rapids Iowa, this 25th day of June, 2013.

Patrick R. Grady
Patrick R. Grady
Chief Judge of the 6th Judicial District
including Linn County, Iowa.

I certify that this Application for Condemnation has been approved by the Chief Judge.

David B. Younie 6/26/13
Condemnation Unit Coordinator

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

Primary Road No. IA 100

NOTICE

West of the City of Cedar Rapids

located in Linn County, Iowa

Project No. NHSN-100-1(40)--2R-57

Group "B"

TO:
James Properties, Incorporated, c/o James J. Buresh, Registered Agent, 1630 42nd Street NE, Cedar Rapids,
Iowa 52402
Linn County, Iowa, c/o County Auditor, Public Service Center, 935 2nd Street SW, Cedar Rapids, Iowa 52404

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the SW¹/₄NW¹/₄, part of the NW¹/₄SW¹/₄ and part of the NE¹/₄SW¹/₄ of Section 1, T83N, R8W of the 5th P.M., Linn 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 Acquisition Plats Exhibit "A" 1 of 3, Exhibit "A" 2 of 3 and Exhibit "A" 3 of 3, and Acquisition Plats Exhibit "B" 1 of 3, Exhibit "B" 2 of 3 and Exhibit "B" 3 of 3 attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Linn County, Iowa, and in the Office of the Sheriff of Linn 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 within that part of the Southwest Quarter of the Northwest Quarter (SW¹/₄ NW¹/₄) lying south of Woodland Estates 9th Addition and Woodland Estates 6th Addition, and also part of Lots 1, 2 and 4 of the Irregular Survey of the Northwest Quarter of the Southwest Quarter (NW¹/₄ SW¹/₄), and also part lying within Parcel "A" of Plat of Survey No. 932 of the Northeast Quarter of the Southwest Quarter (NE¹/₄ SW¹/₄), all within Section One (1), Township Eighty-Three (83) North, Range Eight (8) West of the Fifth Principal Meridian, Linn County, Iowa, said parcel being shown on Acquisition Plats Exhibit "A" 1 of 3, Exhibit "A" 2 of 3 and Exhibit "A" 3 of 3 attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the northwest corner of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section 1; thence North 01°38'42" West (North 01°15'25" East-record) along the west line of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section 1 a distance of 38.81 feet; thence North 84°12'09" East, 62.95 feet; thence South 78°56'52" East, 409.25 feet; thence South 78°38'17" East, 899.97 feet; thence South 87°41'52" East, 85.37 feet; thence South 80°42'11" East, 111.05 feet; thence South 78°16'38" East, 97.81 feet; thence South 82°19'30" East, 50.97 feet; thence North 90°00'00" East, 106.84 feet; thence South 87°14'46" East, 192.62 feet to the presently established northwesterly right-of-way line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 76°34'06" West (South 76°39'00" West-record) along said northwesterly right-of-way line 479.03 feet; thence North 83°06'06" West, 305.37 feet; thence North 77°03'11" West, 100.03 feet; thence North 74°47'47" West, 100.20 feet; thence North 74°33'00" West, 100.23 feet; thence North 75°00'46" West, 100.18 feet; thence North 79°09'21" West, 399.54 feet; thence South 89°59'19" West, 100.05 feet; thence North 85°24'28" West, 262.51 feet; thence South 89°07'38" West, 71.48 feet to the west line of Lot 1 of Irregular Survey of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section 1; thence North 01°27'11" West along said west line 146.18 feet to the Point of Beginning, containing 6.02 acres, more or less.

Basis of Bearing: The north line of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section 1 is assumed to bear North 88°43'46" East.

and,

Three tracts of land within part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) lying south of Woodland Estates 9th Addition and Woodland Estates 6th Addition, and also part of Lots 1, 2 and 4 of Irregular Survey of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) and also part lying within Parcel "A" of Plat of Survey No. 932 of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) all within Section One (1), Township Eighty-Three (83) North, Range Eight (8) West of the Fifth Principal Meridian, Linn County, Iowa, said tracts being shown on Acquisition Plats Exhibit "B" 1 of 3, Exhibit "B" 2 of 3 and Exhibit "B" 3 of 3 attached hereto and by reference made a part hereof.

Said tracts are described as follows:

Tract A:

Beginning at the northeast corner of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section 1 also being the northwest corner of Parcel "A" of Plat of Survey No. 932 of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) said Section 1; thence North 88°51'46" East (North 88°55'30" East-Record) along the north line of said Parcel "A" 748.21 feet (748.27 feet-Record) to the northeast corner of said Parcel "A"; thence South 02°09'11" East (South 01°58'40" East-Record) along the east line of said Parcel "A" 297.74 feet (298.17 feet-Record) to a point on the northwesterly right-of-way line of former Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 76°34'06" West (South 76°39'00" West-Record) along said northwesterly right-of-way 59.02 feet; thence North 87°14'46" West, 192.62 feet; thence North 90°00'00" West, 106.84 feet; thence North 82°19'30" West, 50.97 feet; thence North 78°16'38" West, 97.81 feet; thence

North 80°42'11" West, 111.05 feet; thence North 87°41'52" West, 85.37 feet; thence North 78°38'17" West, 899.97 feet; thence North 78°56'52" West, 409.25 feet; thence South 84°12'09" West, 62.95 feet to the west line of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4); thence North 01°38'42" West along said west line 203.58 feet to the south line of Woodland Estates 9th Addition as recorded in Book 4087, Page 303 in the office of the Linn County Recorder; thence North 88°07'20" East (South 89°37'30" East-Record) along said south line 318.45 feet (318.52 feet-Record); thence South 72°17'30" East (South 70°30'00" East-Record) along said south line 233.67 feet (234.06 feet-Record) to the southeast corner of Lot 8 of said Woodland Estates 9th Addition; thence North 17°29'02" East (North 19°26'20" East-Record) along the east line of said Lot 8 a distance of 280.24 feet (280.00 feet-Record) to the presently established southwesterly right-of-way line of Doe Run Drive; thence South 72°33'02" East (South 70°30'00" East-Record) along said southwesterly right-of-way 326.06 feet (337.35 feet-Record) to the northwest corner of Lot 7 of Woodland Estates 6th Addition as recorded in Book 3079, Page 491-509 in the office of the Linn County Recorder; thence South 62°28'29" West (South 64°30'00" West-Record) along the west line of said Lot 7 a distance of 28.28 feet (28.28 feet-Record); thence South 17°28'29" West (South 19°30'00" West-Record) along said west line 207.20 feet (207.20 feet-Record) to the beginning of a 308.00 foot (308.00 foot-Record) radius tangent curve concave northwesterly; thence southwesterly 53.06 feet (53.06 feet-Record) along the arc of said curve and said west line having a chord that bears South 22°24'36" West, 53.00 feet (South 24°26'07" West, 53.00 feet-Record) to the southwest corner of said Lot 7; thence South 75°18'02" East (South 73°16'50" East) along the south line of said Woodland Estates 6th Addition 479.92 feet (479.96 feet-Record) to the southeast corner of Lot 6 of said Woodland Estates 6th Addition and also being a point on the west line of said Parcel "A"; thence North 01°44'49" West (North 00°12'00" East-Record) along the east line of said Lot 6 a distance of 58.82 feet to the Point of Beginning, containing 12.99 acres, more or less.

and,

Tract B:

Commencing at the northwest corner of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section 1; thence South 01°27'11" East along the west line of said Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) a distance of 146.18 feet to the Point of Beginning of the herein described Tract "B"; thence North 89°07'38" East, 71.48 feet; thence South 85°24'28" East, 262.51 feet; thence North 89°59'19" East, 100.05 feet; thence South 79°09'21" East, 399.54 feet; thence South 75°00'46" East, 100.18 feet; thence South 74°33'00" East, 100.23 feet; thence South 74°47'47" East, 100.20 feet; thence South 77°03'11" East, 100.03 feet; thence South 83°06'06" East, 305.37 feet to a point on the northwesterly right-of-way line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 76°34'06" West (South 76°39'00" West-Record) along said northwesterly right-of-way 805.52 feet to the presently established northeasterly right-of-way line of the Chicago, Rock Island & Pacific Railroad; thence North 55°23'18" West along said northeasterly right-of-way line 171.58 feet to the beginning of a 1,600.07 foot radius tangent curve, concave southwesterly; thence northwesterly 645.35 feet along the arc of said curve and said northeasterly right-of-way with a chord that bears North 66°56'34" West, 640.99 feet to the west line of Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section 1; thence North 01°27'11" West along said west line 71.68 feet to the Point of Beginning, containing 6.01 acres, more or less.

and,

Tract C:

Commencing at the northwest corner of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section 1; thence South $01^{\circ}27'11''$ East along the west line of said Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) a distance of 217.86 feet to the presently established northeasterly right-of-way of line of the Chicago, Rock Island & Pacific Railroad and the beginning of a 1,600.07 foot radius non-tangent curve, concave southwesterly; thence southeasterly 645.35 feet along the arc of said curve and said northeasterly right-of-way with a chord that bears South $66^{\circ}56'34''$ East, 640.99 feet; thence South $55^{\circ}23'18''$ East along said northeasterly right-of-way 238.81 feet to the presently established southeasterly right-of-way line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad and the Point of Beginning of the herein described Tract C; thence North $76^{\circ}34'06''$ East (North $76^{\circ}39'00''$ East-Record) along said southeasterly right-of-way 95.18 feet to the east line of Lot 2 Irregular Survey of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of said Section 1; thence South $01^{\circ}38'32''$ East along said east line 55.24 feet to the southeast corner of said Lot 2; thence South $88^{\circ}49'53''$ West along the south line of said Lot 2 a distance of 44.87 feet to said northeasterly right-of-way; thence North $55^{\circ}23'18''$ West along said northeasterly right-of-way 59.89 feet to the Point of Beginning, containing 0.08 acres, more or less.

Basis of Bearing: The west line of the Southwest Quarter (SW1/4) of said Section 1 is assumed to bear South $01^{\circ}27'11''$ East.

In connection with this condemnation proceeding it is specifically provided as follows: Any and all improvements located wholly within the land sought in fee simple title are condemned in their entirety.



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 _____
2. The real property subject to the Application is located in _____ County.
3. The date the condemnation application was filed by the undersigned County Recorder is _____ month, _____ day, _____ year.
4. The attached Condemnation Application is filed of record at Document # _____
 Book _____, Page _____

 County Recorder for

 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 Iowa Dept. of Transportation
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # _____, Book 8726, Page 525 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # _____, Book 8845, Page 343, on November month, 13 day, 2013 year.



 County Recorder for

 Linn County

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

SEE INSTRUCTIONS ON BACK

IN THE MATTER OF THE CONDEMNATION)
OF CERTAIN REAL ESTATE FOR
Primary Road No. IA 100 West of the City of
Cedar Rapids located in Linn County, Iowa
Project No. NHSN-100-1(40)---2R-57 Group "B"

SHERIFF'S FILING OF RECORD 30
DAYS AFTER THE DATE OF THE
Report of the Commission



Doc ID: 02088545004B Type: GEN
Recorded: 11/13/2013 at 10:38:67 AM
Fee Amt: \$1,448.00 Page 1 of 40
Revenue Tax: \$1,204.00
Linn County Iowa
JOAN MCCALMANT RECORDER

BK 8845 PG 343-388

WITH James Properties Incorporated

By Iowa Department of Transportation

TO: Linn County Recorder

Please find attached the following papers regarding the above-described Condemnation proceedings which was held in my office on the 9th day of, October, 2013

- A certified copy of the Application for Condemnation.
- All notices, together with all returns of services endorsed.
- The Report of the Commissioners.
- All other papers filed with the Sheriff in these proceedings.

I further certify that I have or had in my possession payable to the above named Condemnees:

Warrant #	Amount	Parcel	Date Claimed
662124B1	in the amount of \$ 753,000.00	parcel	11-05-13
Warrant #	in the amount of \$	parcel	
Warrant #	in the amount of \$	parcel	
Warrant #	in the amount of \$	parcel	

The Application for Condemnation was filed with your office on the 3rd day of July, 2013 in volume 8726 on page 525-536

This filing is being done pursuant to Section 6B.35, Code of Iowa.

Brian D. Gardner, Sheriff
Linn County, Iowa

By: Lt. R. Rowland, Deputy

Date: ~~11-11-13~~ 11-12-13

IDOT
Attn: Allyssa Sweeney
800 Lincoln Way
Ames 50010-6993
DT 134416.00 Chrg.