



#1172
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.

- The name of the acquiring agency is CITY OF CORALVILLE
- The real property subject to the Application is located in JOHNSON County.
- The date the condemnation application was filed by the undersigned County Recorder is JULY month, 5 day, 2013 year.
- The attached Condemnation Application is filed of record at Document # _____
Book 512, Page 212.

Kimberly A. Painter
County Recorder for

JOHNSON 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.

- The name of the acquiring agency is _____
- 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.
- 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: 515-242-6952

SEE INSTRUCTIONS ON BACK



Doc ID: 023000800013 Type: GEN
Kind: CONDEMNATION
Recorded: 07/05/2013 at 12:34:38 PM
Fee Amt: \$72.00 Page 1 of 13
Revenue Tax: \$0.00
Johnson County Iowa
Kim Painter County Recorder

BK 5122 PG 212-224

Fee

APPLICATION FOR CONDEMNATION
Recorder's Cover Sheet

Legal Description: A tract of land in the SE ¼ of Section 5, Township 79 North, Range 6 West
of the 5th P.M.

Grantor: N/A

Grantee: N/A

Preparer Information:

Kevin D. Olson, Coralville City Attorney
1512 7th Street
Coralville, Iowa 52241
(319)248-1700

Return Document To:

Kevin D. Olson, Coralville City Attorney
PO Box 5127
Coralville, Iowa 52241

IN THE SHERIFF'S OFFICE OF JOHNSON COUNTY, IOWA

IN THE MATTER OF)
 THE CONDEMNATION OF)
 CERTAIN RIGHTS IN LAND FOR)
 USE IN THE OLD TOWN CORALVILLE)
 FLOOD PROTECTION PROJECT)
)
 Property Owner:) **APPLICATION FOR**
 Campus Town, LLC) **CONDEMNATION**
)
 by the)
)
 CITY OF CORALVILLE, IOWA,)
)
 Applicant.)

TO: THE HON. PATRICK R. GRADY, CHIEF JUDGE, SIXTH JUDICIAL DISTRICT

YOU ARE HEREBY NOTIFIED that the Applicant, the City of Coralville, Iowa, a municipal corporation, desires to take, acquire and condemn a permanent easement interest and temporary easement interests in the property hereafter described, together with any and all leasehold interests, easement interests and other legal or equitable interests therein, together with all structures and appurtenances located upon the properties sought to be condemned. The City of Coralville desires the rights specified in the property sought to be condemned for the use in the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT.

1. PROPERTY TO BE ACQUIRED; PUBLIC USE OR PURPOSE FOR THE TAKING.

A. PERMANENT EASEMENT INTEREST. The property in which the City seeks to acquire a permanent easement interest for the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT is shown and legally described on the attached plat attached hereto as

Exhibit "A" and by this reference made a part thereof. Said permanent easement described on Exhibit "A" will be used by the City of Coralville, Iowa for the public purpose of constructing, operating, maintaining, using and reconstructing flood protection berms and underground communications equipment to connect to the adjacent pump stations and all necessary appliances and also a right-of-way with the right of ingress and egress thereto, over, through and across the permanent easement area to be constructed in conjunction with the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT.

1. In connection with this condemnation of the permanent public improvements easement, it is specifically provided as follows:

a. This permanent public improvements easement is being condemned for the purpose of constructing, operating, maintaining, using and reconstructing flood protection berms and underground communications equipment to connect to the adjacent pump stations and all necessary appliances and also a right-of-way with the right of ingress and egress thereto, over, through and across the permanent easement area to be constructed in conjunction with the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT.

b. The City of Coralville, Iowa, shall have the following rights in connection with the above-referenced uses:

i. The right to make excavations and to grade as it may find reasonably necessary for the installation, construction, operation, repair, maintenance and reconstruction of the Project in the easement area.

ii. The right to trim and remove all trees, bushes and other brush from time to time, which may be a hazard to the Easement Area in the City's opinion, or interferes or affects the City's easement rights herein.

iii. The City shall promptly backfill any trench made by it, and repair any damages caused by the City within the Easement Area, including any damages by virtue of future excavation or use of the Easement Area, but specifically excluding the removal of trees, bushes and brush on the Easement Areas. The City shall indemnify the Property Owner against loss or damage which occurs as a result of the City's negligent acts or omissions in the exercise of its easement rights herein.

B. TEMPORARY CONSTRUCTION EASEMENT INTERESTS. The property in which the City seeks to acquire a temporary construction easement for the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT is legally described on Exhibit "B" attached hereto and by this reference made a part hereof. Said temporary construction easement shown on Exhibit "B" will be used by the City of Coralville, Iowa for the public purpose of facilitating the City's construction of the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT.

1. In connection with this condemnation of a temporary construction easement, it is specifically provided as follows:

a. That this temporary construction easement is being condemned for the purpose of facilitating the City's construction of the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT, which grant to City shall include necessary grading, excavations, piling of dirt, regarding, restoration, storage of materials and equipment, and ingress and egress of persons and equipment to the Temporary Easement Areas as needed to complete the Project.

b. The area sought to be condemned for the temporary construction easement is Reserved to the Condemnee until the date the area is actually required for the construction of the Project. Said temporary construction easement shall terminate upon completion of the Project, but in no event shall the temporary construction easement extend beyond one (1) year from the date of commencement of construction.

c. With respect to the Temporary Construction Easement, the City shall have the following rights and obligations:

i. The City shall have the right to make excavations within the Temporary Easement Areas, and to grade as the City may find reasonably necessary for construction of the Project. City covenants and agrees to protect such excavations during construction; to promptly fill said excavations following construction; and to hold the Property Owner harmless from third party liability during construction.

ii. The City shall promptly backfill any trench made by it, and repair any damage caused by the City within the Temporary Easement Areas, but excluding specifically the replacement of trees, shrubs and brush on the Easement Areas. City shall indemnify Property Owner against loss of damage which occurs as a result of the City's negligent acts or omissions in the exercise of its easement rights herein. Once the Temporary Easement Areas have been restored substantially to their prior condition and except as otherwise provided in this Temporary

Easement Agreement, the City shall have no further responsibility for maintaining the Temporary Easement Areas.

iii. The City shall have the right of ingress and egress to and from the Temporary Easement areas by such routes as shall occasion the least practical damage to the Property Owner.

iv. The City shall have the right to trim and remove all trees, bushes and brush which may interfere with the exercise of the City's rights to the temporary construction easement.

2. NAMES OF RECORD OWNERS AND HOLDERS OF LIENS AND ENCUMBRANCERS OF THE PROPERTY.

The names and addresses of all record owners and holders of liens and encumbrancers with respect to Exhibits "A" and "B", are shown as follows:

A. TITLEHOLDERS:

Campus Town, LLC
c/o 327 2nd Street, Suite 200
Coralville, Iowa 52241

B. LIENHOLDERS, ENCUMBRANCERS, LEASEHOLDERS, EASEMENT HOLDERS AND OTHERS:

Johnson County, Iowa
c/o Johnson County Auditor
County Administration Building
913 S. Dubuque Street
Iowa City, Iowa 52240

Johnson County, Iowa
c/o Johnson County Treasurer
County Administration Building
913 S. Dubuque Street
Iowa City, Iowa 52240

3. LANDS NECESSARY TO ACHIEVE A PUBLIC PURPOSE AND LANDS TO BE

ACQUIRED FOR THE PROJECT.

The permanent easement in Exhibit "A" and the temporary construction easement in Exhibit "B" are required by the City of Coralville for the public purpose of constructing, operating, maintaining, using and reconstructing flood protection berms and underground communications equipment to connect to the adjacent pump stations and all necessary appliances and also a right-of-way with the right of ingress and egress thereto, over, through and across the permanent easement area to be constructed in conjunction with the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT.

The City further asserts that said interests constitute the minimum necessary amount of interests in land to achieve the public purpose herein identified, and that no portion of said parcel is being acquired as an uneconomic remnant.

4. GOOD FAITH EFFORTS MADE BY THE CITY TO NEGOTIATE THE PURCHASE OF THE PROPERTY.

The City represents and warrants that it has undertaken the following activities in attempting to negotiate the purchase of the interests in Exhibits "A" and "B" from the Property Owner.

a. On April 9, 2013, the Coralville City Council, via Resolution 2013-109 considered the commencement of the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT and the proposed acquisition of property rights for the Project. Said Resolution 2013-109 declared the City's intent to proceed with and authorize the acquisition of property rights for the Project, including the property rights identified above, and authorized the City Administrator to establish on behalf of the City, an amount the City believes to be just compensation for the property to be acquired.

b. The City subsequently engaged Cook Appraisal, a licensed appraiser in the State of Iowa, to appraise and determine the fair market value of the the property rights to be acquired from the Property Owner for the Project.

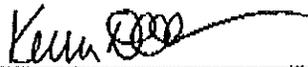
c. On May 30, 2013, the Coralville City Attorney's Office mailed to the Property Owner an Offer to purchase the above-referenced property interests in Exhibits "A" and "B" for the OLD TOWN CORALVILLE FLOOD PROTECTION PROJECT at the fair market value thereof, as set forth in the appraisal and as established by the City Council, together with the Property Owners Statement of Rights and a copy of the appraisal. The Coralville City Attorney's Office has met with the Property Owner and exchanged numerous e-mails with the Property Owner to discuss the aforementioned acquisition. To date, the City has been unable to negotiate acquisition of the property interests described above from the Property Owner.

NOW, THEREFORE, pursuant to a regularly adopted resolution of the City Council of the City of Coralville, Iowa, **YOU ARE HEREBY REQUESTED** to appoint a Compensation Commission to appraise the damages caused by this appropriation; said Commission to consist of six commissioners who shall be residents of Johnson County, Iowa.

YOU ARE FURTHER REQUESTED to give written notice to the City of Coralville, Iowa, as soon as the commissioners have been appointed.

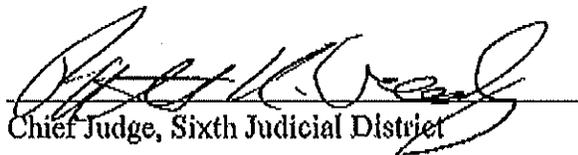
Dated this 19 day of June, 2013.

CITY OF CORALVILLE, IOWA

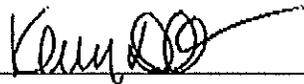
By: 

Kevin D. Olson AT0005986
Coralville City Attorney
1400 5th Street, P.O. Box 5640
Coralville, Iowa 52241
319-351-2277
319-351-2279 Fax
kolson@ci.coralville.ia.us

APPROVED June 26, 2013 (Date)


Chief Judge, Sixth Judicial District

In accord with Iowa Code Section 6B.3(7), the undersigned hereby certifies under penalty of perjury and pursuant to the laws of this state that this Original Application for Condemnation has been approved by the Chief Judge of the Sixth Judicial District.


Kevin D. Olson AT0005986
Coralville City Attorney

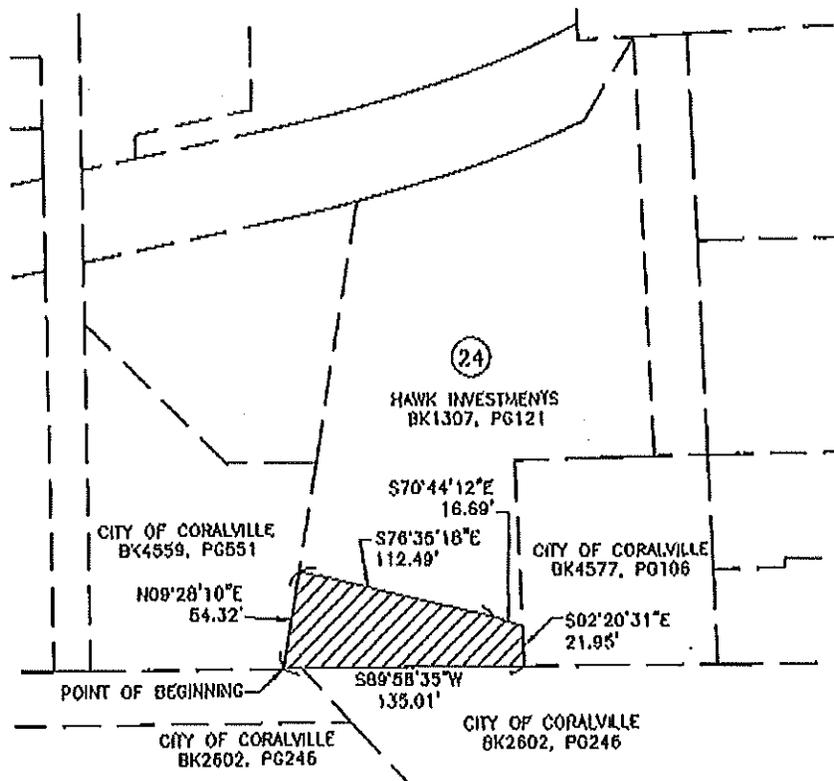
Filed in my office at Iowa City, Iowa on _____, 2013

Sheriff of Johnson County, Iowa

EXHIBIT "A"

JEFFREY R. HUTTON, P.L.S. * P.O. BOX 9009, CEDAR RAPIDS, IOWA 52409-9009 * 319.841.4000

ACQUISITION PLAT - EXHIBIT "A" PARCEL 24 PERMANENT PUBLIC IMPROVEMENT EASEMENT CITY OF CORALVILLE, JOHNSON COUNTY, IOWA



CLIENT:
CITY OF CORALVILLE, IOWA

OWNER:
HAWK INVESTMENTS
BOOK 1307, PAGE 121

LEGEND:
[Hatched Box] = PERMANENT EASEMENT



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 I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Jeffrey R. Hutton 8 July 11
 DATE
 JEFFREY R. HUTTON, P.L.S.
 License Number 17929
 My license renewal date is December 31, 2011.
 Pages or sheets covered by this seal
 THIS SHEET ONLY



0 80
 SCALE: 1" = 80'



Howard R. Green Company

Johnson County
I-Jobs II Storm Water Improvements
& Storm Water Pump Station
Parcel #24

THE PERMANENT EASEMENT GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land being a portion of that tract of land within the Southeast Quarter of Section 5, Township 79 North, Range 6 West of the Fifth Principal Meridian as described in Book 1307, Page 121 and recorded in the office of the Recorder for Johnson County, Iowa, with said parcel being more particularly described as follows:

Beginning at the Southwest Corner of that tract described in said Book 1307, Page 121; thence North 09 degrees 28 minutes 10 seconds East along the westerly line of said tract 54.32 feet; thence South 76 degrees 35 minutes 18 seconds East, 112.49 feet; thence South 70 degrees 44 minutes 12 seconds East, 16.69 feet to the easterly line of said tract; thence South 02 degrees 20 minutes 31 seconds East along said easterly line 21.95 feet to the southerly line of said tract; thence South 89 degrees 58 minutes 35 seconds West along said southerly line 135.01 feet to the Point of Beginning.

Containing 5,071 square feet, more or less.

EXHIBIT "B"

Johnson County
I-Jobs II Storm Water Improvements
& Storm Water Pump Station
Parcel #24

**THE TEMPORARY CONSTRUCTION EASEMENT GRANTED IS TO LAND DESCRIBED AS
FOLLOWS:**

A parcel of land being a portion of that tract of land within the Southeast Quarter of Section 5, Township 79 North, Range 6 West of the Fifth Principal Meridian as described in Book 1307, Page 121 and recorded in the office of the Recorder for Johnson County, Iowa, with said parcel being more particularly described as follows:

Commencing at the Southwest Corner of that tract described in said Book 1307, Page 121;
Thence North 09 degrees 28 minutes 10 seconds East along the westerly line of said tract 54.32 feet to the Point of Beginning; thence continuing North 09 degrees 28 minutes 10 seconds East along said westerly line 10.02 feet; thence South 76 degrees 35 minutes 18 seconds East, 113.69 feet; thence South 70 degrees 44 minutes 12 seconds East, 13.24 feet to the easterly line of said tract; thence South 02 degrees 20 minutes 31 seconds East along said easterly line 10.76 feet; thence North 70 degrees 44 minutes 12 seconds West, 16.69 feet; thence North 76 degrees 35 minutes 18 seconds West, 112.49 feet to said westerly line and the Point of Beginning.

Containing 1,281 square feet, more or less.