

# 1180



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 Iowa DOT
- The real property subject to the Application is located in Woodbury County.
- The date the condemnation application was filed by the undersigned County Recorder is August month, 22 day, 2012 year.
- The attached Condemnation Application is filed of record at Document # 2651  
Book Roll 731, Page 4300  
Image

Patrick F. Gill  
County Recorder for **PATRICK F. GILL**  
**WOODBURY COUNTY AUDITOR & RECORDER**  
by C. Murphy, Designee  
Woodbury 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.

- The name of the acquiring agency is Iowa DOT
- The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 2651, Book 731, Page 4300 and a copy was sent to the Secretary of State.  
Roll Image
- The attached Sheriff's Statement was filed of record at Document # 8426  
Book 733, Page 6792, on Jan. month, 13 day, 2014 year.  
Roll Image

Patrick F. Gill  
County Recorder for **PATRICK F. GILL**  
**WOODBURY COUNTY AUDITOR & RECORDER**  
Woodbury County  
by C. Murphy,  
Designee

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

SEE INSTRUCTIONS ON BACK

Roll 731 Image 4300-4304  
Document 2651 Type APCON Pages 5  
Date 8/22/2013 Time 1:15 PM  
Rec Amt \$27.00

Roll 733 Image 6792-6842  
Document 8426 Type APCON Pages 51  
Date 1/13/2014 Time 11:24 AM  
Rec Amt \$257.00 Aud Amt \$5.00  
Rev Transfer Tax \$599.20

PATRICK F GILL, AUDITOR AND RECORDER  
WOODBURY COUNTY IOWA

PATRICK F GILL, AUDITOR AND RECORDER  
WOODBURY COUNTY IOWA

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

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  
in the City of Sioux City  
located in Woodbury County, Iowa

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

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 Condemnation 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 condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application. **Plat:** The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

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

**Purpose:** The Department of Transportation desires the rights specified in the lands sought to be condemned 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

CERTIFIED TRUE COPY

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

2013 SEP - 15 AM 9:17  
WOODBURY COUNTY IOWA

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 22 day of July, 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 Decorah City, Iowa, this 31 day of July, 2013.

Duane E. Hoffmeyer  
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  
Condemnation Unit Coordinator 8/12/13

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

Interstate Route No. 29

NOTICE

in the City of Sioux City

located in Woodbury County, Iowa

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

Group "V"

TO:

First American Bank, 12333 University Avenue, Des Moines, Iowa 50325  
City of Sioux City, Iowa, c/o City Clerk, 405 6<sup>th</sup> Street, Sioux City, Iowa 51102  
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 Tax Lots 3 & 4 and part of vacated Dace Avenue adjacent to said Tax Lots 3 and 4 of the plat identified as Auditor's 1943 Plat of that part of Government Lots 1 and 2, Section 33, Township 89 North, Range 47 West of the Fifth Principal Meridian and land contiguous thereto lying South of the North line of East Sioux City and North of U.S. Harbor line and West of the West line of Court Street in the City of Sioux City, Woodbury County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain leasehold rights in land more specifically described as follows and shown with reference to their location as to land affected on the Graphic 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 leasehold interest, if any, sought to be appropriated is in land described as follows and as shown on Graphic Exhibit "A", attached hereto and by reference made a part hereof:

All that part of the Tax Lots 3 and 4 and part of the vacated portion of Dace Avenue adjacent to said Tax Lots 3 and 4 of the plat identified as the Auditor's 1943 Plat of that part of Government Lots 1 and 2, Section 33, Township 89 North, Range 47 West of the Fifth Principal Meridian and land contiguous thereto lying South of the North Line of East Sioux City and North of U.S. Harbor Line and West of the West Line of Court Street in the City of Sioux City, Woodbury County, Iowa, as shown on Graphic Exhibit "A" attached hereto and by reference made a part hereof and is more particularly described as follows:

Commencing at a point 12.60 feet South of the Northeast Corner of said Tax Lot 4 on the South right of way line of Gordon Drive as staked and established by the City of Sioux City, Iowa; thence North 89°55'36" West along said established right of way line for 81.48 feet to the Point of Beginning; thence South 00°13'40" West

Woodbury County Project No. IMN-029-6(150)142--0E-97  
First American Bank (Parcel 214E) - leasehold interest only  
Continued on next page

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Woodbury County Project No. IMN-029-6(150)142--0E-97  
First American Bank (Parcel 214E) - leasehold interest only

Page 2

for 303.81 feet to the Westerly projection of the North line of Dace Avenue; thence North  $89^{\circ}56'51''$  West for 56.80 feet to the intersection of said line with the Southerly line of said vacated Dace Avenue; thence North  $64^{\circ}23'37''$  West along said line for 134.89 feet as measured (134.81 feet record) to the West line of Tax Lot 3 and said line projected Southerly; thence North  $0^{\circ}06'17''$  West along said line for 245.56 feet to a point 12.00 feet South of the Northwest Corner of said Tax Lot 3 and on said established South Right of Way of Gordon Drive; thence South  $89^{\circ}58'31''$  East along said established right of way line for 150.12 feet (150.0 feet record); thence continuing along said right of way line South  $89^{\circ}55'36''$  East for 29.97 feet to the Point of Beginning.

In connection with this condemnation proceeding it is specifically provided as follows: It is the intent of the condemner to acquire only the leasehold rights of the condemnee in the above described real estate.

Woodbury County Project No. IMN-029-6(150)142--0E-97  
First American Bank (Parcel 214E) - leasehold interest only

Page 2

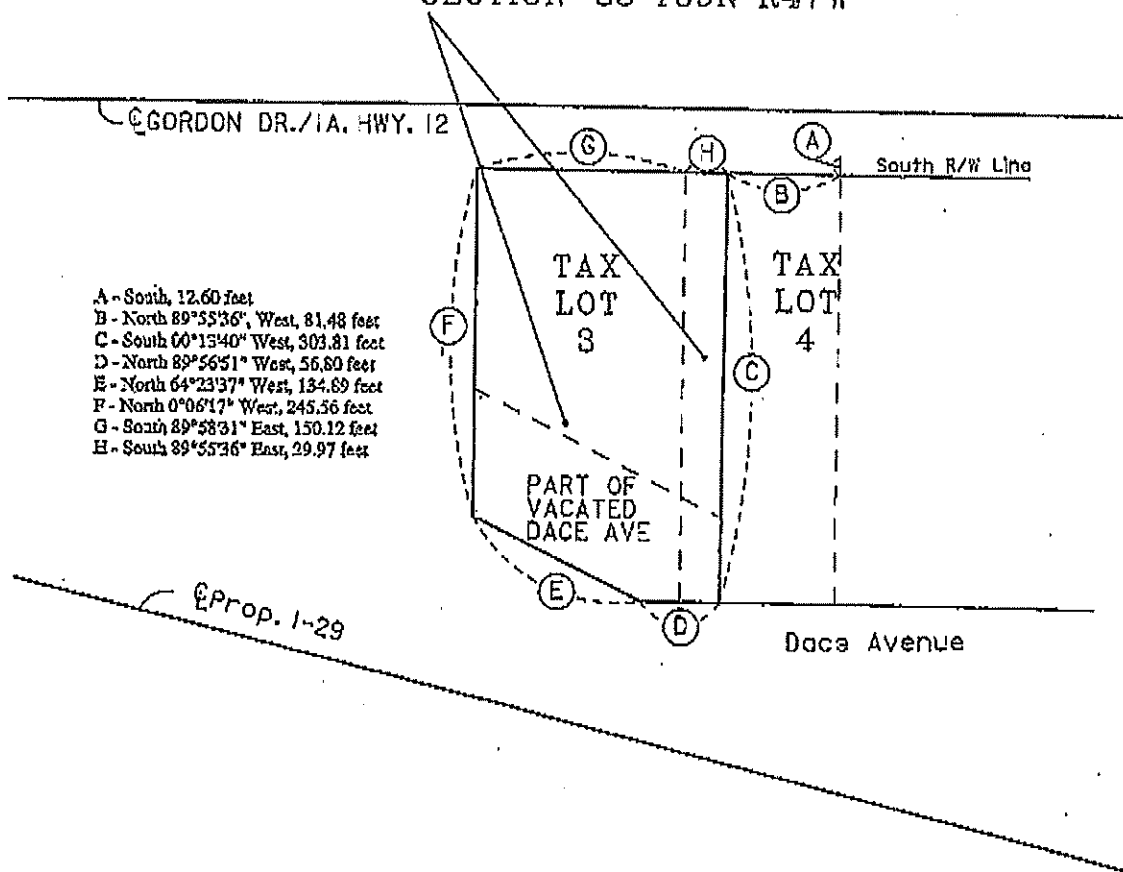
IOWA DEPARTMENT OF TRANSPORTATION  
GRAPHIC EXHIBIT "A"



COUNTY WOODBURY STATE CONTROL NO. \_\_\_\_\_  
 PROJECT NO. IMN-025-6(150)42-CE-97 PARCEL NO. 214E  
 SECTION 33 TOWNSHIP 89N RANGE 47W  
 ROW-FEE \_\_\_\_\_ AC, EASE \_\_\_\_\_ AC, BORROW \_\_\_\_\_ AC, EXCESS-FEE \_\_\_\_\_ AO  
 ACQUIRED ACCESS RIGHTS FROM STA. \_\_\_\_\_ TO STA. \_\_\_\_\_ MAIN LINE \_\_\_\_\_ SIDE  
 ACQUIRED ACCESS RIGHTS FROM STA. \_\_\_\_\_ TO STA. \_\_\_\_\_ SIDE ROAD \_\_\_\_\_ SIDE  
 ACQUIRED FROM FIRST AMERICAN BANK (LEASE HOLD INTEREST ONLY)

CITY OF SIOUX CITY, IOWA.

PART OF TAX LOTS 3 & 4  
AUDITOR'S 1943 PLAT OF GOV'T LOTS 1 & 2  
SECTION 33-T89N-R47W



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 in the City of Sioux City located in Woodbury County, Iowa

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

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN BOOK PAGE OR INSTRUMENT/DOCUMENT NUMBER AND DATED

Roll 731 Image 4300-4304

TO: Iowa Department of Transportation, Ames, Iowa

I certify that the commissioners in the above-entitled cause convened at Sioux City, Iowa, on the 5 day of November, 2013, and thereupon proceeded to view the premises, and said commissioners did on the 11th day of November, 2013, file their report in my office, awarding damages as follows: WAIVED VIEWING

Table with columns: NAMES OF CONDEMNNEES, AWARD, ATTORNEY FEES AND COSTS. Includes entries for First American Bank, City of Sioux City, Iowa, and Woodbury County, Iowa.

I certify that the costs incident to this proceeding are taxed and Notices were served as listed below: (attach separate list if necessary)

Table with columns: Date, Names of Condemnees, Service Fee, Mileage x Rate Per Mile = Amount, Sum. Includes entries for City of Sioux City, Iowa and Woodbury County, Iowa.

Sub Total \$ 36.86
Sheriff's Fees \$ 100.00
Mileage while summoning and attending Commissioners \$ 86.90
TOTAL: \$ 223.76

Signature of David Drew
David Drew
Sheriff of Woodbury County, Iowa