



# 1192  
**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 Grinnell-Newburg Community School District
2. The real property subject to the Application is located in Poweshiek County.
3. The date the condemnation application was filed by the undersigned County Recorder is March month, 15 day, 2013 year.
4. The attached Condemnation Application is filed of record at Document # 0726  
 Book 0927, Page 0162.

Dianna Longhenry  
 County Recorder for

Poweshiek 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 Grinnell-Newburg Community School District
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 0726, Book 0927, Page 0162 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 2165  
 Book 0935, Page 0572; on August month, 19 day, 2013 year.

Dianna Longhenry  
 County Recorder for

Poweshiek 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 IOWA DISTRICT COURT IN AND FOR POWESHIEK COUNTY RECEIVED

IN THE MATTER OF CONDEMNATION )  
OF 400 SIXTH AVENUE W., GRINNELL, )  
IOWA, BY GRINNELL-NEWBURG )  
COMMUNITY SCHOOL DISTRICT )

APPLICATION FOR CONDEMNATION POWESHIEK COUNTY SHERIFF  
MONTZUMA, IOWA

2013 MAR 15 AM 11:17

\* File No. 0726  
BK 0927 PG: 0162  
Recorded: 03/15/2013 at 12:00 PM  
Fee Amt: \$72.00 Auditor:  
Revenue Tax: \$0.00 Stamp# 0  
Poweshiek County Iowa  
Dianna Longhenry, Recorder

TO: THE HONORABLE MARY ANN BROWN, CHIEF JUDGE  
EIGHTH JUDICIAL DISTRICT

The Applicant, Grinnell-Newburg Community School District, an Iowa School Corporation pursuant to Iowa Code Chapter 274 (the "School District") applies for condemnation of 400 Sixth Avenue W., Grinnell, Iowa, for the purposes of constructing an elementary PreK-6 building/transportation building, playground and athletic fields, and ancillary facilities for the use, safety and/or benefit of students of the District, in fee simple, absolute, all as more fully described in this Application, on certain real estate legally described in this Application. In support of this Application, the School District states as follows:

1. The property to be condemned is legally described as:
  - a) Lot B in Lot 3 in Lot F in the NW ¼ of 17-80-16, according to the Plat thereof appearing of record in Survey Book 5 at page 110; excepting therefrom Parcel A in said Lot B in Lot 3 in Lot F according to the Plat thereof appearing of record in Survey Book 6 at page 74A, Poweshiek County Recorder.
  - b) Lot C in Lot 3 in Lot F in the NW ¼ of 17-80-16, according to the Plat thereof appearing of record in Survey Book 5 at page 112, Poweshiek County Recorder.
  - c) Parcel A in Lot B in Lot 3 in Lot F, according to the Plat thereof appearing of record in Survey Book 6 at page 74A, Poweshiek County Recorder.
  - d) Parcel A in Lot J in the NW ¼ of 17-80-16, according to the Plat thereof appearing of record in Survey Book 6 at page 77A, Poweshiek County Recorder.
  - e) Parcel C in Lot J in the NW ¼ of 17-80-16, according to the Plat thereof appearing of record in Survey Book 8 at page 144A, Poweshiek County Recorder.
  - f) Lot J in the NW ¼ of 17-80-16, according to the Plat thereof appearing of record in Survey Book 5 at page 111, excepting therefrom Parcel A in said Lot J

according to the Plat thereof appearing of record in Survey Book 6 at page 77A further excepting therefrom Parcel B in said Lot J according to the Plat thereof appearing of record in Survey Book 6 at page 135A, and further excepting therefrom Parcel C in said Lot J according to the plat thereof appearing of record in Survey Book 8 at page 144A, Poweshiek County Recorder.

2. Plats showing the locations of the property to be condemned are attached to this Application and marked as Exhibit " B" (pages 1, 2a, 2b, 3, 4, 5, 6a and 6b).

3. The property is not "agricultural land" in Iowa Code Section 6A.21; the damages will not be paid by the State of Iowa; and the land being condemned is not within an agricultural area as provided in Chapter 352 of the Iowa Code.

4. Record title is vested in and the place of business of the title holder so far as known to the School District:

R & C Industries, Inc., an Iowa Corporation  
Richard Ahrens, Registered Agent and President  
400 Highway 6 West  
P.O. Box 230  
Grinnell, IA 50112

5. Record holders of liens, mortgages, unpaid taxes and other encumbrances on the real estate, and the place of residence of all such persons so far as known to the School District:

- a) Grattan Backhoe Service, 546 320<sup>th</sup> Avenue, Grinnell, IA 50112.
- b) Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, IA 50319-0209.
- c) Auto Owners Insurance, c/o Blake D. Lubinus, Attorney, 4044 SE 14<sup>th</sup> Street, Suite B, Des Moines, IA 50320.
- d) Patriot Bank, 619 6<sup>th</sup> Avenue, P.O. Box 447, Grinnell, IA 50112.
- e) US Bank National Association, 800 Nicollet Mall, BC-MN-H21R, Minneapolis, MN 55402.
- f) Poweshiek County, Iowa c/o Poweshiek County Auditor, P.O. Box 57, 302 E. Main, Montezuma, IA 50171.
- g) G.E. Capital Information, c/o Thomas G. Berndsen, Law Offices of Thomas G. Berndsen, P.C., 1650 Des Peres Road, Suite 135, St. Louis, MO 6313-1899.

- h) Pitney Bowes Global Financial Service, c/o Litow & Pech, P.C., Attorneys, P.O. Box 2165, Cedar Rapids, IA 52406.
- i) Discover Bank, American Express Travel, c/o Wetsch, Abbott & Osborn, Attorneys, P.L.C., 974 73<sup>rd</sup> St., Suite 20, Des Moines, IA 50324.
- j) Wells Fargo Bank, Iowa, NA, c/o Corporation Service Company, 505 5<sup>th</sup> Avenue, suite 729, Des Moines, IA 50309.
- k) United States of America/Internal Revenue Service

Pursuant to 28 U.S.C.A. §2410 the nature of the lien in favor of the United States of America/Internal Revenue Service involves taxpayer: Ahrens Manufacturing Co., a Corporation, 400 Hwy 6 West, Grinnell, IA 50112-0000; a Notice of Federal Tax Lien was filed January 14, 2009 in Book 0843, Page 0111, Poweshiek County Recorder; and was filed by the Chicago, Illinois Internal Revenue Service Office.

- l) City of Grinnell, City Clerk, 927 Fourth Ave., Grinnell, IA 50112.

6. The condemnation is sought to acquire the real estate to construct an elementary PreK-6 building/transportation building, playground and athletic fields, and ancillary facilities for the use, safety and/or benefit of students of the District and that these activities are for public purpose.

7. The School District has determined that 32.53 acres M/L is the minimum amount of land necessary to achieve the public purpose detailed in the preceding paragraph. 32.53 acres M/L is the amount of land to be acquired and consist of the total at the site.

8. The School District requests the appointment of a commission to appraise the damages.

9. The School District made the following efforts in good faith to negotiate the purchase of the property:

- a) Offer Letter to Purchase Property dated November 9, 2012 from the Superintendent of the School District to the titleholder identified in paragraph 4 above;
- b) Letter dated November 15, 2012 from the attorney for the titleholder rejecting School District's offer; no counteroffer made by titleholder;


- c) Letter dated November 20, 2012 from the attorney for the School District to the attorney for the titleholder giving notice of condemnation proceedings and inviting a counteroffer.
- d) Numerous phone conferences with realtor for R & C Industries in December 2012, January and February 2013 concerning possible offers.



BRIAN L. GRUHN      LI0002018  
Gruhn Law Firm  
2405 Westdale Drive SW  
Cedar Rapids, Iowa 52404  
Phone: (319) 396-9711  
Fax: (319) 396-9714  
Email: [brian@gruhnlawfirm.com](mailto:brian@gruhnlawfirm.com)

ATTORNEY FOR SCHOOL DISTRICT

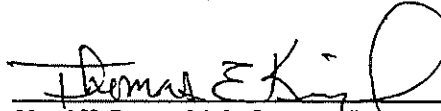
Filed in my office on the 8<sup>th</sup> day of March, 2013.



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Mary Ann Brown, Chief Judge  
8<sup>th</sup> Judicial District

Filed in my office on the 15<sup>th</sup> day of MARCH, 2013.



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Sheriff, Poweshiek County, Iowa

SURVEY AND PLAT OF LOT B IN LOT 3 IN LOT F  
IN NW¼ SECTION 17, T80N, R16W

MATHIAS O. HANSEN, L. S.

TO WHOM IT MAY CONCERN:

This survey was made at the request of Richard Ahrens, in order that a portion of Lot 3 in Lot F in the NW¼ of SECTION 17, T80N, R16W of the 5th P. M. might be set out and given an identifying letter whereby it might be known in the future.

The following plat shows the area surveyed, together with the bearing and distance of each course and is more particularly described as follows:

Beginning at the S. E. corner of Lot A in Lot 3 in Lot F in the NW¼ of Section 17, T80N, R16W, according to Plat and Survey recorded in Book 4, Page 35; thence N. 0°-20' E. 440.2 feet along the East line of Lot A; thence S. 89°-12'-50" E. 787.7 feet; thence S. 0°-01'-40" W. 433.2 feet; thence N. 89°-12'-50" W. 423.9 feet; thence South 7.0 feet; thence N. 89°-12'-50" W. 366.25 feet to the Point of Beginning, containing 7.90 acres, more or less, and shall hereinafter be known as LOT B in Lot 3 in Lot F in the NW¼ of Section 17, T80N, R16W.

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Signature:

Mathias O. Hansen  
 MATHIAS O. HANSEN



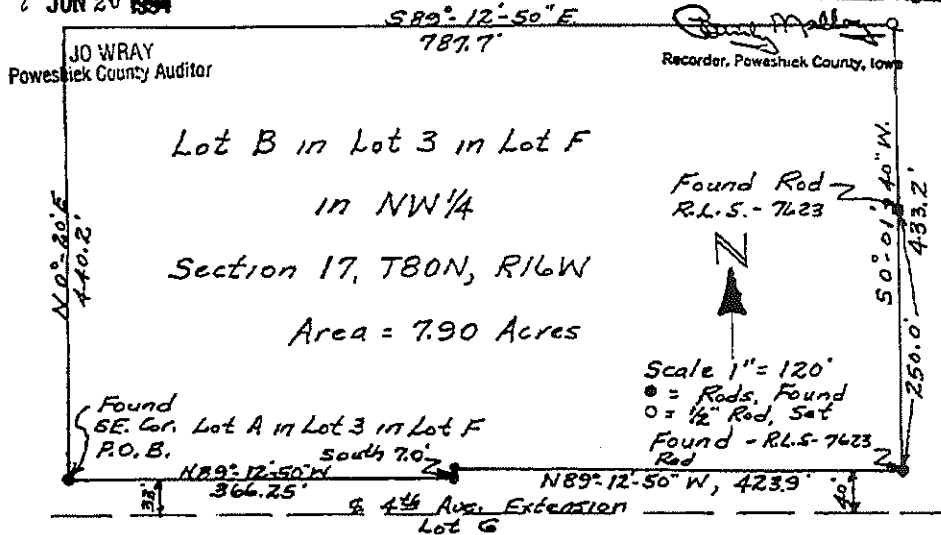
Date June 20, 1994 Reg. NO. 4134  
 (Month, day, year)

My registration expires December 31, 1995.

ENTERED FOR TAXATION

*for 1/16*  
 JUN 20 1994

File No. 03952 Fee 6<sup>00</sup>  
 Recorded this 20<sup>th</sup> day of June 1994  
 at 10:02 o'clock A. M. Book 5 Page 110



Subscribed and sworn to before me by the said Mathias o. Hansen this 20<sup>th</sup> day of June 1994.



Anna Grace Dayton

Exhibit B page 1/6

SURVEY AND PLAT OF LOT C IN LOT 3 IN LOT F

IN NW¼ SECTION 17, T80N, R16W

MATHIAS O. HANSEN, L. S.

TO WHOM IT MAY CONCERN:

This survey was made at the request of Richard Ahrens, in order that a portion of Lot 3 in Lot F in the NW¼ of Section 17, T80N, R16W of the 5th P. M. might be set out and given an identifying letter whereby it might be known in the future.

The attached plat marked Exhibit "A", and by this reference is made a part of this instrument, shows the area surveyed, together with the bearing and distance of each course and is more particularly described as follows.

Commencing at the N. E. corner of the NW¼ of Section 17, T80N, R16W; thence South 70.0 feet to the Point of Beginning; thence South 650.6 feet; thence N. 89°-12'-50" W. 300.0 feet; thence South 51.0 feet; thence N. 89°-12'-50" W. 175.0 feet; thence North 1.0 feet; thence N. 89°-12'-50" W. 260.0 feet; thence N. 0°-01' - 40" E. 720.5 feet; thence S. 89°-58' E. 61.2 feet; thence S. 79°-17' E. 321.6 feet; thence N. 83°-36' E. 359.8 feet to the Point of Beginning, containing 11.27 acres, more or less, and shall hereinafter be known as Lot C in Lot 3 in Lot F in the NW¼ of Section 17, T80N, R16W.

NOTE: The East line of the NW¼ of Section 17-80-16 is assumed to bear due North and South.

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Signature:

Mathias O. Hansen  
MATHIAS O. HANSEN



Date June 20, 1994  
(Month, day, year)

Reg. No. 4134

My registration expires December 31, 1995.

Subscribed and sworn to before me by the said Mathias O. Hansen this 20th day of June 1994.

File No. 03954 9/100  
Recorded this 20th day of June 1994  
at Des Moines, Iowa, this 5 day of June 1994  
Bruce M. Miller  
Recorder, Poweshiek County, Iowa

Anna Grace Dayton

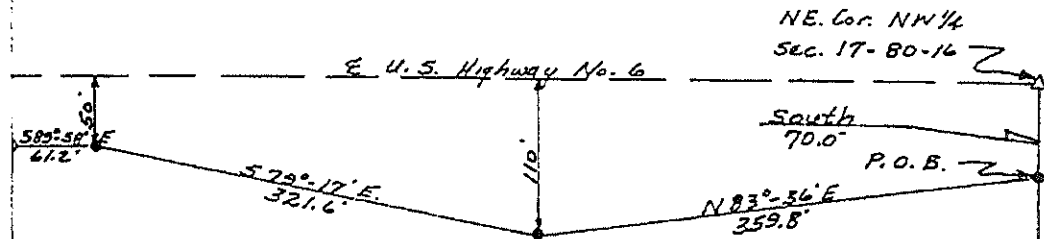


ENTERED FOR TAXATION  
16 # 1/C  
JUN 20 1994

JO WEA  
Poweshiek County Auditor

Exhibit B 2a/6

Exhibit "A"



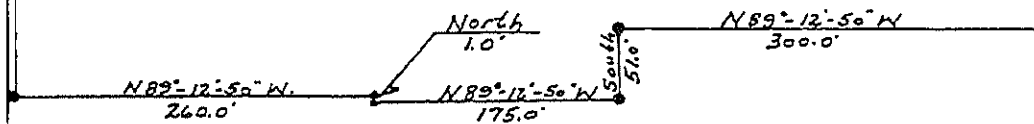
Lot C in Lot 3 in Lot F  
in NW 1/4  
Section 17, T80N, R16W  
Area = 11.27 Acres

N 0°-01'-40" E, 720.5'

South 650.6'



Scale 1" = 90'  
● = Cor., found  
○ = 1/2 Rod, Set



03954

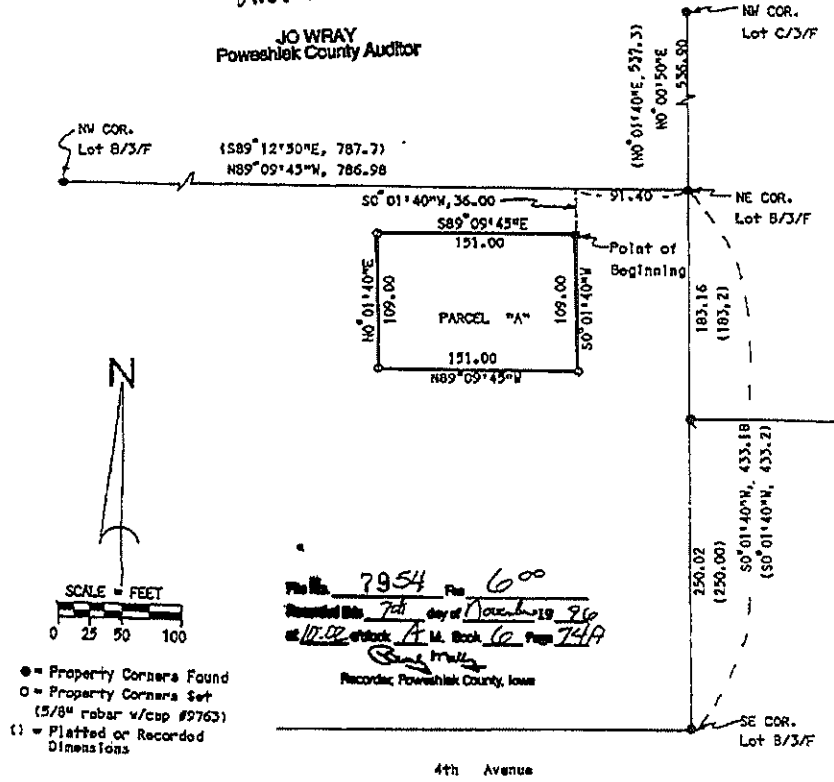
Exhibit B 2b/6



ENTERED FOR TAXATION

for N/C.  
NOV 07 1996

JO WRAY  
Powsheik County Auditor



File No. 7954 Fee 6.00  
Recorded this 7th day of November 1996  
at 11:02 o'clock A.M. Book 6 Page 749  
Recorded, Powsheik County, Iowa

- = Property Corners Found
- = Property Corners Set (5/8" rebar w/cap #9763)
- ( ) = Platted or Recorded Dimensions

PLAT OF SURVEY

DESCRIPTION: Parcel "A" in Lot B in Lot 3 in Lot F in the Northwest Quarter of Section 17, Township 80 North, Range 16 West of the 5th P.M., Powsheik County, Iowa according to the Plat thereof in Plat Book 5, Page 110. Further described as: Commencing at the Northeast Corner of said Lot B; Thence N89°09'45"W, 91.40 ft along the North Line of said Lot B; Thence S0°01'40"W, 36.00 ft to the Point of Beginning; Thence S0°01'40"W, 109.00 ft; Thence N89°09'45"W, 151.00 ft; Thence N0°01'40"E, 109.00 ft; Thence S89°09'45"E, 151.00 ft to the Point of Beginning. Said Parcel containing 0.38 acres.

OWNER: R&C Industries, Inc., an Iowa Corporation.

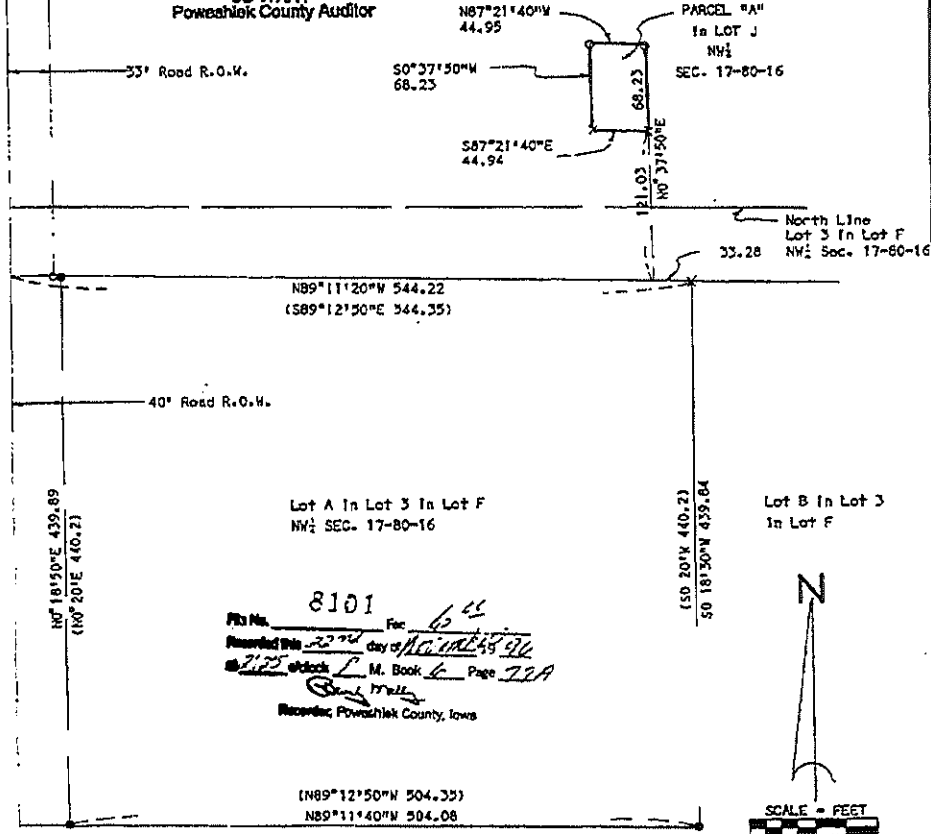
REC Industries, Inc Grinnell, Powsheik County, Iowa		STEWART SURVEYING 564 TERRY TERRACE MARSHALLTOWN, IA 50138 515-752-2590							
I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.  HOWARD R. STEWART      IA NO. 9763      SEPT. 27, 1996      Date My Registration Renewal is December 31, 1996		<table border="1"> <tr> <td>Date</td> <td>Drawn</td> </tr> <tr> <td>9-27-96</td> <td>HRS</td> </tr> <tr> <td>Scale</td> <td>PN</td> </tr> <tr> <td>1" = 100'</td> <td>95145</td> </tr> </table>	Date	Drawn	9-27-96	HRS	Scale	PN	1" = 100'
Date	Drawn								
9-27-96	HRS								
Scale	PN								
1" = 100'	95145								

Exhibit B 3/6

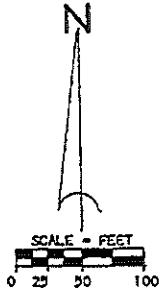
ENTERED FOR TAXATION

NO CHANGE  
NOV 22 1996

JO WRAY  
Poweshiek County Auditor



8101  
 Plt No. \_\_\_\_\_ Sec. 16  
 Recorded this 22<sup>nd</sup> day of NOVEMBER 1996  
 Book 1 M. Book 6 Page 72A  
 Recorder, Poweshiek County, Iowa



NOTE: This plat amends and corrects previously recorded 'Plat of Survey' recorded in Book 16, page 77 in the Poweshiek County, Iowa Recorder's Office.

- = Property Cors. Found
- X & O = Property Cors. Set (5/8" rebar w/cap #9763)
- ( ) = Platted or Recorded Dimensions
- X = PK Nails

PLAT OF SURVEY

DESCRIPTION: Parcel "A" in Lot J in the Northwest Quarter of Section 17, Township 80 North, Range 16 West of the 5th P.M., Poweshiek County, Iowa, according to the plat thereof appearing of record in Plat Book D at page 390 in the Poweshiek County Recorder's Office. Further described as: Commencing at the Northeast Corner of Lot A in Lot 3 in Lot F in said NW<sup>1</sup>/<sub>4</sub> Section 17-80-16; thence N89°11'20"W, 33.28ft along the North Line of said Lot A; thence N0°37'50"E, 121.03ft to the Point of Beginning; thence N0°37'50"E, 68.23ft; thence N87°21'40"W, 44.95ft; thence S0°37'50"W, 68.23ft; thence S87°21'40"E, 44.95ft to the Point of Beginning.

Said Parcel containing 3,065 square feet.

OWNER: R & C Industries Inc., an Iowa Corporation  
 R & C INDUSTRIES SURVEY  
 GRINNELL, IOWA

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

*Howard R. Stewart* Nov 22, 1996  
 HOWARD R. STEWART IA. NO 9763 Date  
 My Registration Renewal is December 31, 1996



STEWART SURVEYING  
 504 TERRY TERRACE  
 MARSHALLTOWN, IA 50158  
 515-752-2590

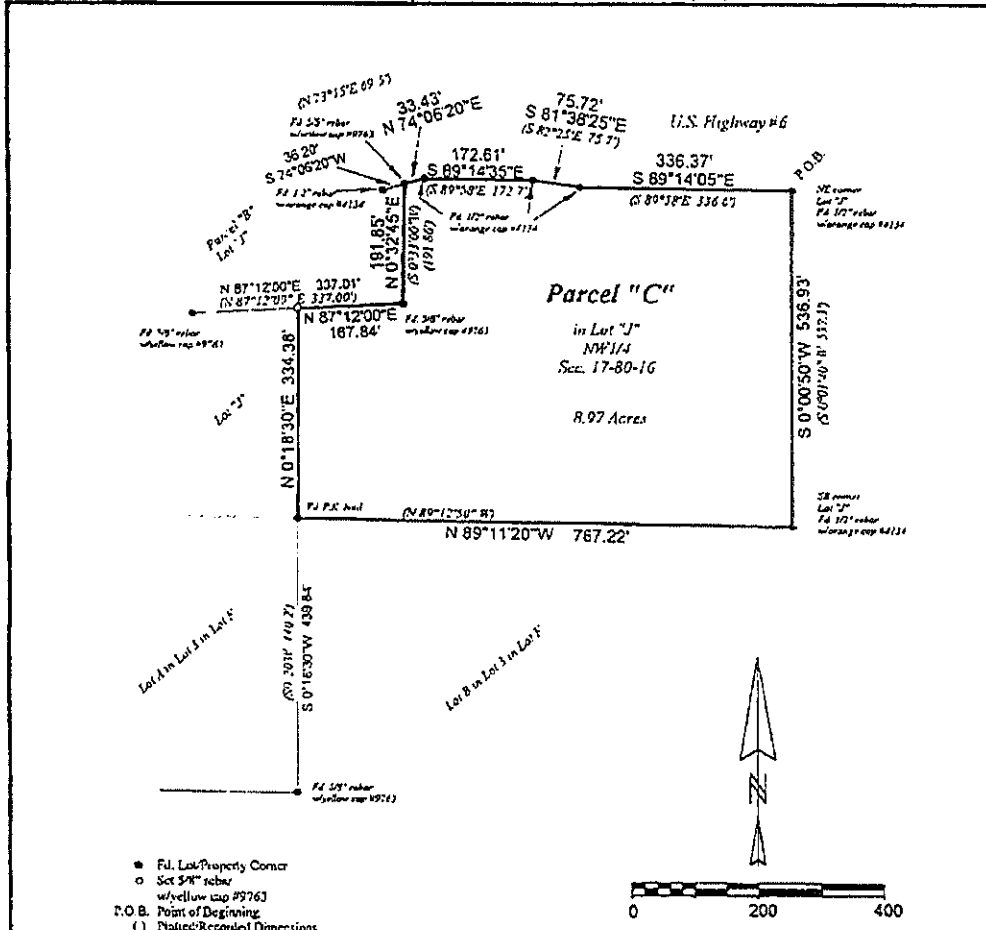
Date	Drawn
11-6-96	JLG
Scale	PK
1" = 100'	96145

ENTERED FOR TAXATION  
 SEP 26 2001

JO WRAY  
 Poweshiek County Auditor

File No. 3384  
 Rec. 6/20  
 Index date 05/20/01  
 at 9:27 a.m. in P. O. Box 144A  
 County Auditor  
 Recorder, Poweshiek County, Iowa

Howard R. Stewart 504 Terry Terrace, Marshalltown, IA. 50158 (641) 752-2590



PLAT OF SURVEY

Description:  
 Parcel "C" in Lot "J" in the Northwest Quarter (NW1/4) of Section 17, Township 80 North, Range 16 West of the 5th P.M., Poweshiek County, Iowa. Further described as:  
 Beginning at the Northeast Corner of said Lot "J" in the NW1/4 of Section 17, T80N, R16W of the 5th P.M., Poweshiek County, Iowa; thence S 00°00'50"W, 536.93 feet to the SE corner of said Lot "J"; thence N 89°11'20" W, 787.22 feet along the South line of said Lot "J" to the NE corner of Lot "A" in Lot 3 in Lot "F" of said NW1/4; thence N 00°18'30" E, 334.38 feet to the South line of Parcel "B" in said Lot "J"; thence N 87°12'00" E, 167.84 feet to the SE corner of said Parcel "B"; thence N 00°32'45" E, 191.85 feet to the NE corner of said Parcel "B"; thence N 74°06'20" E, 33.43 feet along the North line of said Lot "J"; thence S 89°14'35" E, 172.61 feet along said North line, thence S 81°38'25" E, 75.72 feet continuing along said North line; thence S 89°14'05" E, 336.37 feet along said North line to the Point of Beginning. Said parcel containing 8.97 acres

Owner of Record: R & C Industries Inc.  
 Survey requested by: Richard Ahrens

R & C INDUSTRIES SURVEY NW1/4, SECTION 17-80-16 GRINNELL, POWESHIEK COUNTY, IOWA			STEWART SURVEYING 504 TERRY TERRACE MARSHALLTOWN, IA 50158 641-752-2590	
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 that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.   SEPT. 20, 2001			Date 05/20/01	Drawn by BDP
HOWARD R. STEWART My license renewal is December 31, 2002		IA. NO. 9763	Date	Scale 1"=200'
		Page 1 of 1		PN 01133

SURVEY AND PLAT OF LOT J IN NW¼ SECTION 17, T80N, R16W

MATHIAS O. HANSEN, L. S.

TO WHOM IT MAY CONCERN:

This survey was made at the request of Richard Ahrens, in order to incorporate all of Lot D in the NW¼ of Section 17, T80N, R16W of the 5th P. M. and a portion of Lot 3 in Lot F in the NW¼ of Section 17, T80N, R16W of the 5th P. M. might be set out and given an identifying letter whereby it might be known in the future.

The attached plat marked Exhibit "A" and by this reference made a part of this instrument, shows the area surveyed, together with the bearing and distance of each course and is more particularly described as follows:

Beginning at the N. W. corner of Lot A in Lot 3 in Lot F in the NW¼ of Section 17, T80N, R16W, according to plat and survey recorded in Book 4, Page 35; thence N. 0°-20' E. 280.0 feet; thence N. 61°-31'-40" E. 270.1 feet; thence Northeasterly along curve concave Northwesterly 461.6 feet with chord bearing, N. 76°-11'-50" E. 454.45 feet; thence N. 73°-15' E. 69.5 feet; thence S. 89°-58' E. 172.7 feet; thence S. 82°-25' E. 75.7 feet; thence S. 89°-58' E. 336.6 feet; thence S. 0°-01' 40" W. 537.3 feet; thence N. 89°-12'-50" W. 1332.05 feet to the Point of Beginning, containing 14.86 acres, more or less, and shall hereinafter be known as Lot J in the NW¼ of Section 17, T80N, R16W.

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Signature:

*Mathias O. Hansen*  
MATHIAS O. HANSEN



Date June 20, 1994  
(Month, day, year)

Reg. No. 4134

My registration expires December 31 19 95

Subscribed and sworn to before me by the said Mathias O. Hansen this 20th day of June 1994.

File No. 03953 \$ 11.00  
Recorded this 20th day of June 1994  
at 8:35 o'clock A. M. on June 15 Page 111  
*Paul J. Mollen*  
Recorder, Poweshiek County, Iowa

*Anna Grace Dayton*



ENTERED FOR TAXATION

JUN 20 1994

JO WFA:  
Poweshiek County Auditor

Exhibit B 6a/6

Exhibit "A"

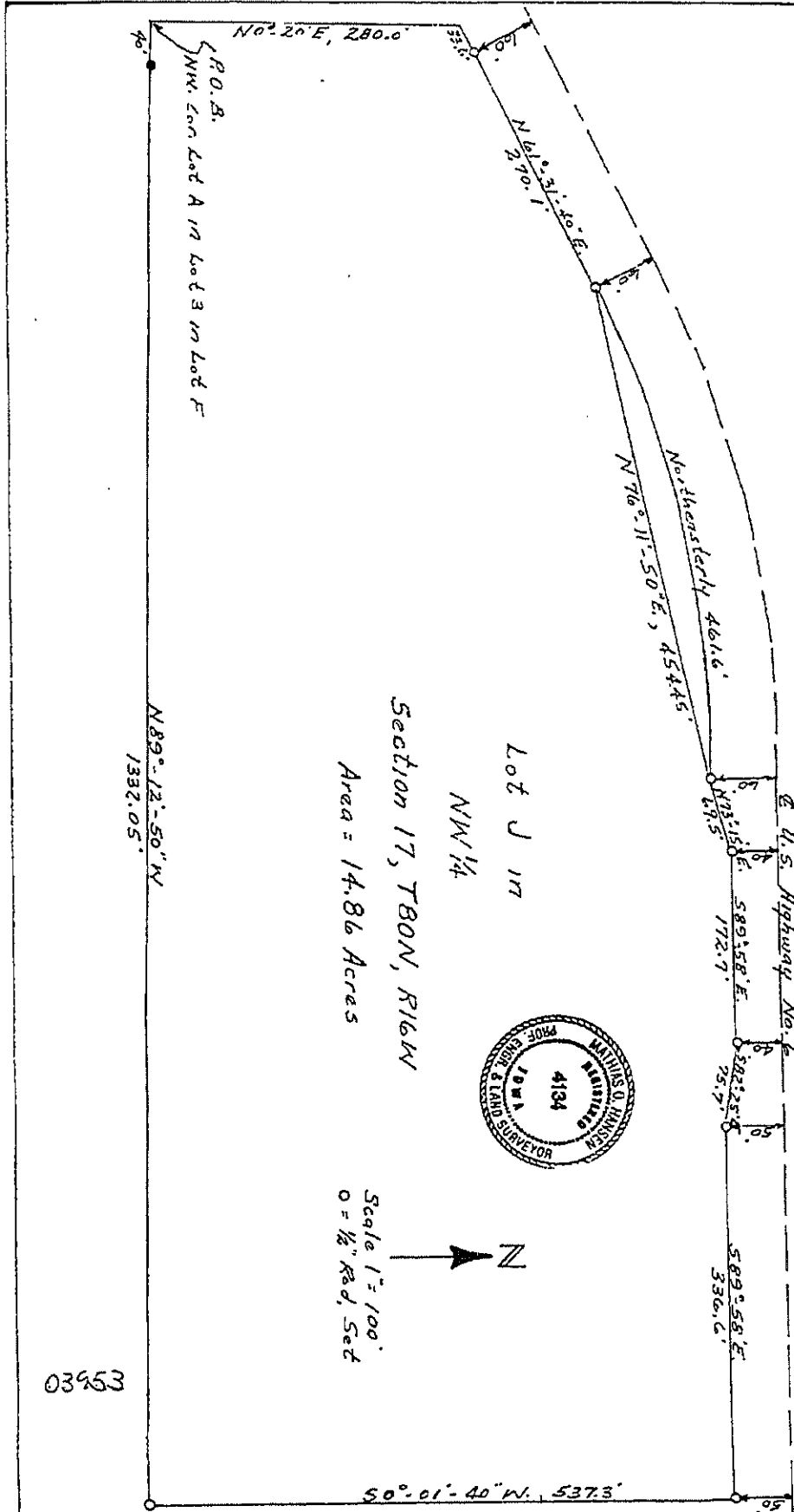


Exhibit B 6b/6