



**MATT SCHULTZ**  
Secretary of State  
State of Iowa

#1193

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 IA Dept of Transportation
2. The real property subject to the Application is located in Clay County.
3. The date the condemnation application was filed by the undersigned County Recorder is February month, 24 day, 2014 year.
4. The attached Condemnation Application is filed of record at Document # 2014-450  
Book \_\_\_\_\_, Page \_\_\_\_\_.

Shirley Boyette  
County Recorder for

Clay 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 IA Dept of Transportation
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 2014-450, Book \_\_\_\_\_, Page \_\_\_\_\_ and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 2014-1442, Book \_\_\_\_\_, Page \_\_\_\_\_; on June month, 13 day, 2014 year.

Shirley Boyette  
County Recorder for

Clay County

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

**SEE INSTRUCTIONS ON BACK**

Dismissal 2014-660 3-17-14

Document 2014 450  
Book 2014 Page 450  
Recorded: 2/24/2014 at 9:35:46.0 AM  
Fee Amount: \$42.00  
Rev Transfer Tax  
SHIRLEY GOYETTE RECORDER  
Clay County, Iowa

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

Primary Road No. U.S. 18  
Northwest of the City of Everly  
located in Clay County, Iowa

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

Project No. NHSN-018-2(109)--2R-21 Group "A"

TO: Duane E. Hoffmeyer, Chief Judge, 3rd Judicial District including Clay County, Iowa

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in **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

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 13 day of February, 2014.

IOWA DEPARTMENT OF TRANSPORTATION  
David S. Gorham  
Special Assistant Attorney General  
and General Counsel to the Iowa DOT

By Katie A. Johnson  
Katie A. Johnson  
Condemnation Unit Coordinator  
Office of Right of Way

Filed in my office at Stacy City, Iowa, this 14 day of Feb., 2014.

Duane E. Hoffmeyer  
Duane E. Hoffmeyer  
Chief Judge of the 3rd Judicial District  
including Clay County, Iowa.

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

Aeyssa Sweeney  
Condemnation Unit

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

Primary Road No. U.S. 18

NOTICE

Northwest of the City of Everly

located in Clay County, Iowa

Project No. NHSN-018-2(109)--2R-21

Group "A"

TO:

Michael Roland Namtvedt, 6305 Sun Ridge Road, Rapid City, South Dakota 57702  
Cheryl Namtvedt, 6305 Sun Ridge Road, Rapid City, South Dakota 57702  
Farm Credit Services of America, FLCA, 5015 South 118<sup>th</sup> Street, Omaha, Nebraska 68137  
Clay County, Iowa, c/o County Auditor, 300 West 4<sup>th</sup> Street, Suite 4, Spencer, Iowa 51301

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the Southwest ¼ of the Southeast ¼ of Section 30, Township 97 North, Range 38 West of the Fifth Principal Meridian, Clay 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 Acquisition Plat Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Clay County, Iowa, and in the Office of the Sheriff of Clay County, Iowa, to which you are referred:

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in a part of the Southwest ¼ of the Southeast ¼ of Section 30, Township 97 North, Range 38 West of the Fifth Principal Meridian, Clay 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 Southwest Corner of the Southeast ¼ of said Section 30; thence South 87°22'34" East, 335.69 feet along the South line of said Southeast ¼; thence North 02°37'11" East, 86.71 feet to a point on the existing North Right of Way line of Primary Road No. U.S. 18 and the Point of Beginning; thence North 89°02'03" East, 300.59 feet; thence North 64°00'33" East, 62.65 feet; thence South 87°22'49" East, 105.00 feet; thence South 00°16'50" West, 70.06 feet to a point on the existing North Right of Way line of Primary

Clay County Project No. NHSN-018-2(109)--2R-21  
Michael Roland Namtvedt (Parcel 1)  
Continued on next page

Road No. U.S. 18; thence North 87°22'49" West, 407.85 feet along said North line; thence North 66°17'59" West, 58.94 feet along said North line to the Point of Beginning, containing 0.44 acre.

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 by easement for highway purposes, 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 condemnee's remaining property for the specific purpose of effecting such relocation, replacement or restoration.
3. The area sought to be appropriated by temporary easement, for the specific purpose of relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.
4. Condemner hereby gives notice of condemnee's 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.

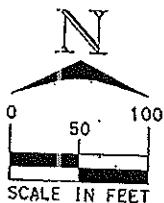
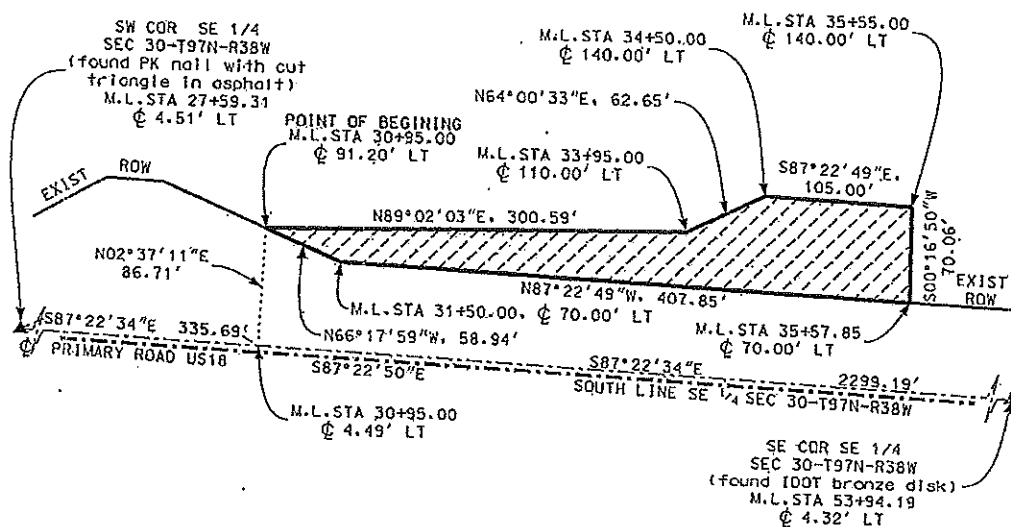


IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAT  
EXHIBIT "A"

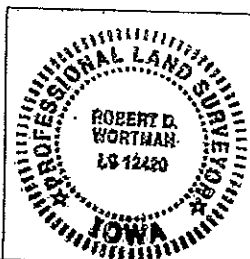


COUNTY \_\_\_\_\_ CLAY STATE CONTROL NO. \_\_\_\_\_  
 PROJECT NO. NHSN-018-2(1091)-2R-21 PARCEL NO. 1  
 SECTION 30 TOWNSHIP 97N RANGE 38W  
 ROW - FEE \_\_\_\_\_ EASE 0.44 ACRE QUIT CLAIM \_\_\_\_\_  
 ACQUIRED ACCESS RIGHTS FROM STA. \_\_\_\_\_ TO STA. \_\_\_\_\_ MAIN LINE \_\_\_\_\_ SIDE \_\_\_\_\_  
 ACQUIRED ACCESS RIGHTS FROM STA. \_\_\_\_\_ TO STA. \_\_\_\_\_ SIDE ROAD \_\_\_\_\_ SIDE \_\_\_\_\_  
 ACQUIRED FROM Michael Roland Namtvedt

PART OF THE  
 SW/4 SE 1/4  
 SEC 30 T97N-R38W  
 (0.44 acre)



DATE DRAWN COH 06/19/2013



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 Professional Land Surveyor under the laws of the State of Iowa.

Robert D. Wortman 8-21-2013  
 Robert D. Wortman License No. 12420 Date  
 My license renewal date is December 31, 2013  
 Pages or sheets covered by this seal: THIS SHEET ONLY

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

Primary Road No. U.S. 18

NOTICE

Northwest of the City of Everly

located in Clay County, Iowa

Project No. NHSN-018-2(109)--2R-21

Group "A"

TO:

Eric Roth Testamentary Trust, c/o Dennis Cmelik, Trustee, 165 S. Central Avenue, Hartley, Iowa 51346  
Clay County, Iowa, c/o County Auditor, 300 West 4<sup>th</sup> Street, Suite 4, Spencer, Iowa 51301

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and part of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  Quarter of Section 30, Township 97 North, Range 38 West of the Fifth Principal Meridian, Clay 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 Acquisition Plat Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Clay County, Iowa, and in the Office of the Sheriff of Clay County, Iowa, to which you are referred:

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in a part of the Southeast  $\frac{1}{4}$  of Section 30, Township 97 North, Range 38 West of the Fifth Principal Meridian, Clay 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 Southwest Corner of the Southeast  $\frac{1}{4}$  of said Section 30; thence South  $87^{\circ}22'34''$  East, 801.22 feet along the South line of said Southeast  $\frac{1}{4}$ ; thence North  $00^{\circ}16'50''$  East, 65.60 feet to a point on the existing North Right of Way line of Primary Road No. U.S. 18 and the Point of Beginning; thence North  $00^{\circ}16'50''$  East, 70.06 feet; thence South  $87^{\circ}22'49''$  East, 110.00 feet; thence South  $45^{\circ}06'24''$  East, 74.33 feet; thence South  $86^{\circ}39'19''$  East, 395.03 feet; thence South  $56^{\circ}25'00''$  East, 29.15 feet to a point on the existing North Right of Way line of Primary Road No. U.S. 18; thence North  $87^{\circ}22'49''$  West, 582.15 feet along said North line to the Point of Beginning, containing 0.39 acre.

Clay County Project No. NHSN-018-2(109)--2R-21  
Eric Roth Testamentary Trust (Parcel 3)  
Continued on next page

Page 1

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 by easement for highway purposes, 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 condemnee's remaining property for the specific purpose of effecting such relocation, replacement or restoration.
3. The area sought to be appropriated by temporary easement, for the specific purpose of relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.
4. Condemner hereby gives notice of condemnee's 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.

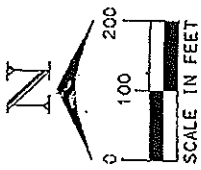
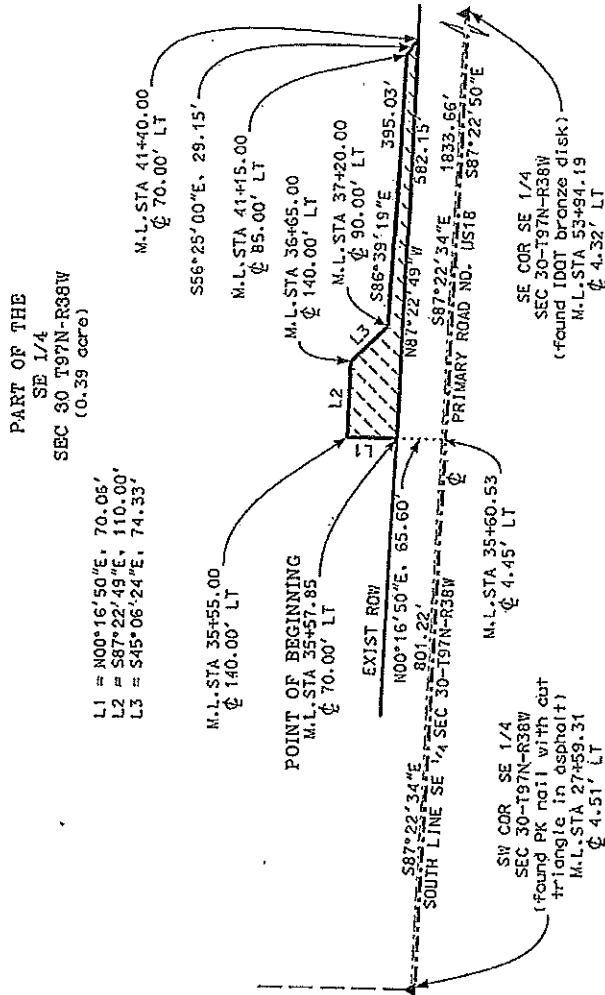




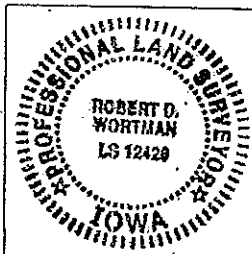
IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAT  
EXHIBIT "A"



COUNTY CLAY STATE CONTROL NO.           
 PROJECT NO. NHSN-018-2(109)--2R-21 PARCEL NO. 3  
 SECTION 30 TOWNSHIP 97N RANGE 38W  
 ROW - FEE          EASE 0.39 ACRE QUIT CLAIM           
 ACQUIRED ACCESS RIGHTS FROM STA.          TO STA.          MAIN LINE          SIDE           
 ACQUIRED ACCESS RIGHTS FROM STA.          TO STA.          SIDE ROAD          SIDE           
 ACQUIRED FROM Eric Roth Testamentary Trust



DATE DRAWN COH 06/28/2013



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 Professional Land Surveyor under the laws of the State of Iowa.

*Robert D. Worthman* 8-21-2013  
 Robert D. Worthman License No. 12420 Date  
 My license renewal date is December 31, 2013  
 Pages or sheets covered by this seal: THIS SHEET ONLY