



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.

- The name of the acquiring agency is City of Sioux City
- 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 June month, 23rd day, 2014 year.
- The attached Condemnation Application is filed of record at Document # 601
 Book 736, Page 2358
 Roll Image

Patrick F. Gill
 by C. Murphy, designee
 County Recorder for

PATRICK F. GILL
 WOODBURY COUNTY AUDITOR & RECORDER
 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 City of Sioux City
- The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 601, Book 736, Page 2358 and a copy was sent to the Secretary of State.
 Roll Image
- The attached Sheriff's Statement was filed of record at Document # 4458
 Book 737, Page 8906; on October month, 14 day, 2014 year.
 Roll Image

Patrick F. Gill by C. Murphy
 County Recorder for Designee

PATRICK F. GILL
 WOODBURY COUNTY AUDITOR & RECORDER
 County

PLEASE SUBMIT TO:

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

SEE INSTRUCTIONS ON BACK

Roll 736 Image 2358-2360

Document 601 Type APCON Pages 3
Date 7/16/2014 Time 1:00 PM
Rec Amt \$17.00

PATRICK F GILL, AUDITOR AND RECORDER
WOODBURY COUNTY IOWA

Roll 737 Image 8906-8951

Document 4458 Type CONDM Pages 46
Date 10/14/2014 Time 3:42 PM
Rec Amt \$232.00 Aud Amt \$5.00
Rev Transfer Tax \$14.40

PATRICK F GILL, AUDITOR AND RECORDER
WOODBURY COUNTY IOWA

Prepared by: Amber L. Hegarty, City of Sioux City, P.O. Box 447, Sioux City, IA 51102 (712) 279-6318
Return to: Amber L. Hegarty, City of Sioux City, P.O. Box 447, Sioux City, IA 51102

In the Matter of the Condemnation
of Certain Rights in Land by City of
Sioux City, Iowa, a Municipal
Corporation, for a Project Located
In Sioux City, Woodbury County Iowa
Known as Perry Way Reconstruction Project

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

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

Comes now the City of Sioux City and states that the public interest requires that certain rights be acquired in nonagricultural land by Condemnation proceedings. The City of Sioux City 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 City of Sioux City 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 City of Sioux City 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:

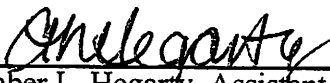
1. Provided the owner(s) with written notification at least 30 days prior to the intent to proceed with this public improvement.
2. Provided the owner(s) with a copy of the appraisal of the property sought.
3. Discussed the basis of determining value.
4. Reviewed the project design plans.
5. Discussed 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.


Request: NOW, THEREFORE, the City of Sioux City 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 Sioux City Iowa, this 18th day of June, 2014.

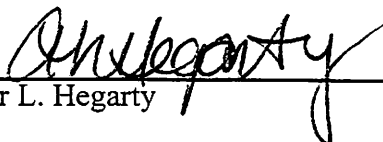
Sioux City, Iowa, a municipal corporation

By 
Amber L. Hegarty, Assistant City Attorney

Filed in my office at Sioux City, Iowa, this 23rd day of June, 2014.


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

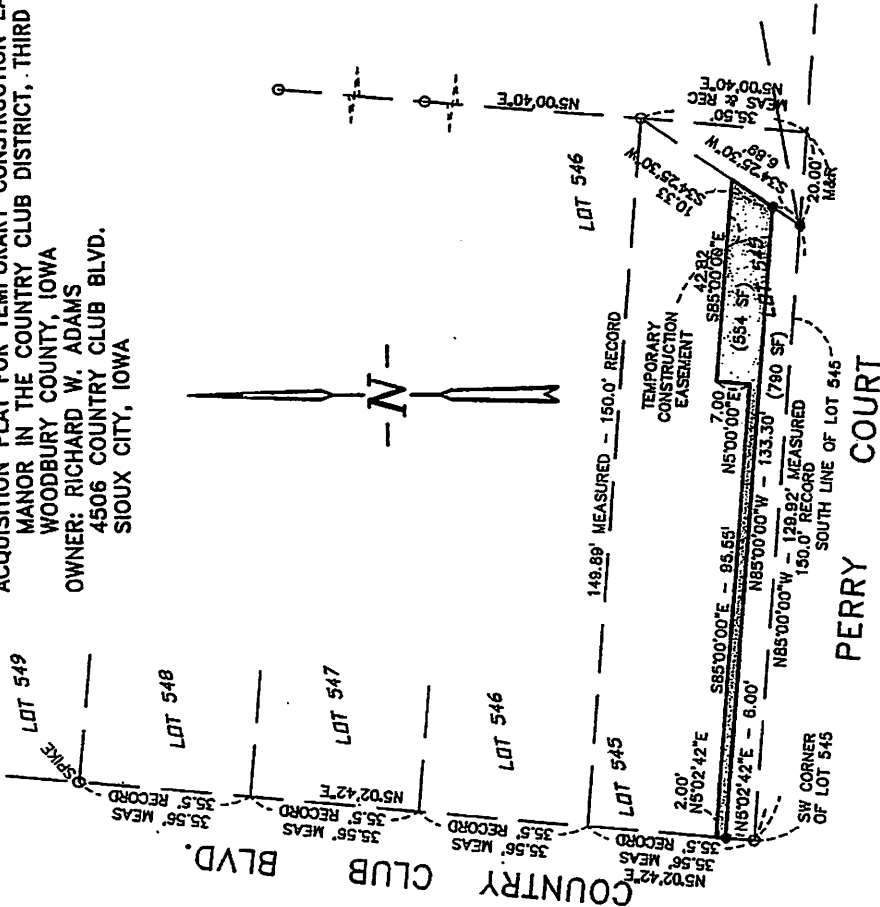
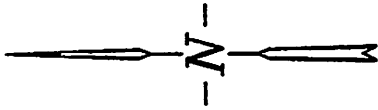
I certify that this Application for Condemnation has been approved by the Chief Judge.


Amber L. Hegarty

SURVEY #4832BE

PROJECT: PERRY WAY RECONSTRUCTION PROJECT
 ACQUISITION PLAT FOR TEMPORARY CONSTRUCTION EASEMENT IN PART OF LOT 545, BUCKWALTER
 MANOR IN THE COUNTRY CLUB DISTRICT, THIRD FILING, AN ADDITION TO SIOUX CITY,
 WOODBURY COUNTY, IOWA
 OWNER: RICHARD W. ADAMS
 4506 COUNTRY CLUB BLVD.
 SIOUX CITY, IOWA

○ INDICATES FOUND IRON PIPE
 UNLESS OTHERWISE INDICATED
 ● INDICATES SET 1/2" IRON
 PIN W/ YELLOW CAP #10570
 SCALE: 1" = 30'



CERTIFICATION BLOCK

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.

Douglas J. Mondhorst
 DOUGLAS J. MONDHORST
 LICENSE NUMBER 10570
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2014
 THIS SHEET COVERED BY THIS SEAL
 PLOT DATE OCTOBER 4, 2013



In the Matter of the Condemnation
of Certain Rights in Land by City of
Sioux City, Iowa, a Municipal
Corporation, for a Project Located
In Sioux City, Woodbury County Iowa
Known as Perry Way Reconstruction Project

NOTICE

TO: Owners of record: Richard W. Adams, Sr.

Tenants: None

Lienholders: None

and to Mike Clayton, Woodbury County Treasurer, Pat Gill, Woodbury County Auditor, other interested persons; and to all other persons, companies or corporations having any interest in or owning any of the following described property:

Fee Title Acquisition: All that part of Lot 545, Buckwalter Manor in the Country Club District, Third Filing, an Addition to Sioux City, Woodbury County, Iowa, described as follows: Beginning at the Southwest corner of said Lot 545; thence North 5°02'42" East along the West line of said Lot 545 for 6.00 feet; thence South 85°00'00" East for 133.30 feet; thence South 34°25'30" West for 6.89 feet to the South line of said Lot 545; thence North 85°00'00" West along said South line for 129.92 feet to the point of beginning. (Said described parcel contains 0.018 acres, more or less, or 790 square feet, more or less.)

Temporary Construction Easement: A temporary construction easement over all that part of Lot 545, Buckwalter Manor in the Country Club District, Third Filing, an Addition to Sioux City, Woodbury County, Iowa, described as follows: Commencing at the Southwest corner of said Lot 545; thence North 5°02'42" East along the West line of said Lot 545 for 6.00 feet to the point of beginning; thence continuing North 5°02'42" East along said West line for 2.00 feet; thence South 85°00'00" East for 95.55 feet; thence North 5°00'00" East for 7.00 feet; thence South 85°00'00" East for 42.82 feet; thence South 34°25'30" West for 10.33 feet; thence North 85°00'00" West for 133.30 feet to the point of beginning. (Said described parcel contains 554 square feet, more or less).

Said property is further described further in Attachment "A" hereto.

You, and each of you, are hereby notified that the City of Sioux City desires the condemnation of the described land for the Perry Way Reconstruction Project. That such condemnation is sought for the following purpose: fee title and temporary construction easement

That a Commission has been appointed by law for the purpose of appraising the damages which will be caused by said condemnation.

In connection with this condemnation proceeding it is specifically provided as follows:

1. Any and all improvements located wholly within the land sought in fee simple title are condemned in their entirety.
2. The City of Sioux City, Iowa shall have a right of temporary easement in the following: Lot 545, Buckwalter Manor in the Country Club District, Third Filing, an Addition to Sioux City, Woodbury County, Iowa, described as follows: Commencing at the Southwest corner of said Lot 545; thence North 5°02'42" East along the West line of said Lot 545 for 6.00 feet to the point of beginning;

thence continuing North 5°02'42" East along said West line for 2.00 feet; thence South 85°00'00" East for 95.55 feet; thence North 5°00'00" East for 7.00 feet; thence South 85°00'00" East for 42.82 feet; thence South 34°25'30" West for 10.33 feet; thence North 85°00'00" West for 133.30 feet to the point of beginning. (Said described parcel contains 554 square feet, more or less).

3. The area sought to be appropriated by temporary easement is reserved to the condemnee until the actual date said area is required for construction of this 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 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.

That such condemnation is sought for the improvement and/or maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B of the Code of Iowa and all amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed.

You are further notified that the Commissioners will report to the Sheriff's Office in Sioux City, Iowa, at 9:30 a.m. on the 9th day of September, 2014, and will view your property at approximately _____ a.m. on the same day. They will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

SIOUX CITY, IOWA, a municipal corporation

By Amber L. Hegarty
Amber L. Hegarty
Assistant City Attorney
P.O. Box 447
Sioux City, IA 51102

ACCEPTANCE OF SERVICE

I accept service of the above notice, I acknowledge receipt of a copy and I waive time of service and any requirements that such notice be published in a newspaper.

Dated at _____, this _____ day of _____, 20____.

STATE OF IOWA)
COUNTY OF _____) ss:

Received the within notice the _____ day of _____, 20____, and I hereby certify that I have served to each person named below by delivering a true copy of the same to each person at the time and place set opposite their respective names:

NAME	DATE	CITY OR TOWN	COUNTY	STATE

FEES:
Service \$ _____
Mileage \$ _____
TOTAL \$ _____

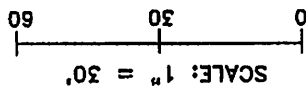
Sheriff of Woodbury County, Iowa

MLS & ASSOCIATES P.L.C. 201 BENSON BLDG SIOUX CITY, IA (712)258-
 SHEET 1 OF 1

SURVEY #4832BE

PROJECT: PERRY WAY RECONSTRUCTION PROJECT
 ACQUISITION PLAT FOR TEMPORARY CONSTRUCTION EASEMENT IN PART OF LOT 545, BUCKWALTER
 MANOR IN THE COUNTRY CLUB DISTRICT, THIRD FILING, AN ADDITION TO SIOUX CITY,
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 OWNER: RICHARD W. ADAMS
 4506 COUNTRY CLUB BLVD.
 SIOUX CITY, IOWA

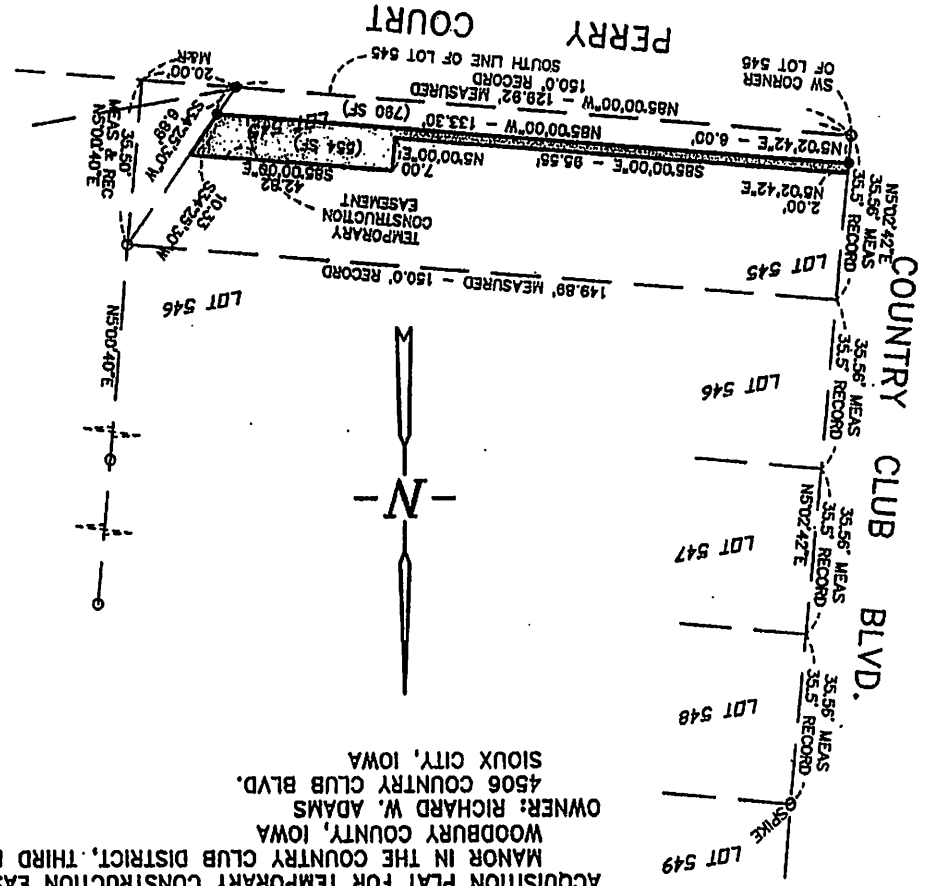
- INDICATES FOUND IRON PIPE UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2" IRON PIN W/ YELLOW CAP #10570



CERTIFICATION BLOCK

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.

Douglas J. Mordhorst
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In the Matter of the Condemnation
of Certain Rights in Land by City of
Sioux City, Iowa, a Municipal
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In Sioux City, Woodbury County Iowa
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REPORT OF COMPENSATION COMMISSION

TO: David Drew, Sheriff of Woodbury County, Iowa

We, the undersigned, being duly-appointed and qualified Commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights as set forth and described in the Notice of Condemnation filed in the above-entitled matter, respectfully report as follows.

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

	Land and Improvements	Consequential Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs
<i>Richard W. Adams Sr.</i>	\$ 1880.20	\$ CB	\$ 1,880.20	\$
<i>Land & Improvements</i>	\$ 131.85	\$ CB	\$ 131.85	\$
<i>Rem. Easement</i>	\$ 5,922.00	\$ CB	\$ 5,922.00	\$
<i>Landscaping</i>	\$ 1,650.00	\$ CB	\$ 1,650	\$
<i>Sprinkler</i>	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
Value of Condemnee's dwelling:	\$ 9,584.05			

Respectfully reported at Sioux City, Iowa, this 9 day of Sept, 20 14.
Myma Keizer
Colleen B. Baker
Gustav L. Small
Patrick A. Carr
Jenna C. Mottusiny
Kathleen F. Fenarong

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Sioux City, Iowa, this 9 day of Sept, 20 14.

David Drew
David Drew
Sheriff of Woodbury County, Iowa

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