

#1231



PAUL D. PATE
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 Iowa Dept of Transportation
- 2. The real property subject to the Application is located in Linn County.
- 3. The date the condemnation application was filed by the undersigned County Recorder is April month, 21 day, 2015 year.
- 4. The attached Condemnation Application is filed of record at Document # _____
Book 9224, Page 622.

County Recorder for

LINN 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 Iowa Dept of Transportation
- 2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # _____, Book 9224, Page 622 and a copy was sent to the Secretary of State.
- 3. The attached Sheriff's Statement was filed of record at Document # _____
Book 9326, Page 145; on August month, 10 day, 2015 year.

County Recorder for

LINN 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 matter of the Condemnation of certain Real Estate for
Primary Road No. IA 100
West of Cedar Rapids Located in Linn County, Iowa
Project No. NHSN-100-1(40)—2R-57 Group "I"

Sheriff's Certification of
Costs and Awards

By: Iowa Department of Transportation

To: Iowa Department of Transportation

I hereby certify that the appointed Commissioners in the above entitled Condemnation Commission Proceedings convened at Cedar Rapids, Iowa, on the ~~9th~~ 6th day of ~~July~~ *July*, 2015, and thereupon proceeded to view the premises and the said Commissioners did thereafter on the 6th day of May, 2015, file their written report with me awarding damages as follows:

LAND & IMPROVE. CONSEQ. DAMAGES TOTAL AWARD ATTY FEES

William G. and Jeanne T. Gibney Trust
established March 20, 2000
c/o William G. Gibney, Co-Trustee

William G. and Jeanne T. Gibney Trust
established March 20, 2000
c/o Jeanne T. Gibney, Co-Trustee

Patrice Ann Hunt
Jefferson Hunt

Joellyn Alexander, formerly known as
Joellyn Weller

Lincoln Alexander

Michaela Lynn Frank, formerly known as
Michaela Lynn Weller

Lynn Frank

James William Weller

Farida Weller

Chris Ann Zanda, formerly known as
Chris Ann Weller

Remi Zanda

Kristie L. Hooper, formerly known as
Kristie L. Gibney

Eric Hooper

Kara K. McRoberts, formerly known as
Kara K. Gibney

Chad McRoberts

Michael T. Gibney

Ronda K. Gibney

Any and all unknown heirs and assigns of
Kimberly A. Gibney, deceased

City of Cedar Rapids, Iowa c/o City Clerk
Linn County Treasurer



Doc ID: 021893120077 Type: GEN
Recorded: 08/10/2015 at 04:18:54 PM
Fee Amt: \$1,595.80 Page 1 of 77
Revenue Tax: \$1,204.80
Linn County Iowa
JOAN MCCALMANT RECORDER

BK 9326 PG 145-221

\$741,262.00 \$ 14,225.00

Appraisal Fee \$3,000.00

Return - IDOT

Jason Kwapil (Tenant)	\$12,255.00
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I further certify that costs incidental to these proceeding have been taxed as follows:

Expense of Summoning Commissioners	\$ _____
Serving Condemnees	\$ _____ 95.00
Expense of Commissioners	\$ _____ 1,274.93
Sheriff's Mileage Serving Condemnees	\$ _____ 33.16
Sheriff's Mileage Transporting Commissioners	\$ _____ 16.10
Copies	\$ _____ 4.00
Sheriff's Fee Attending Condemnation	\$ _____ 100.00
Notary	\$ _____
Publication	\$ _____ 21.03
Postage	\$ _____
Recording Fee	\$ To be paid by I.D.O.T.-Attn Katie Johnson
Total	\$ _____ 1,544.22

Given under my hand this 9th day of July, 2015.



Brian D Gardner, Sheriff
Linn County, Iowa
R. Rowland
By Lt. R. Rowland, Deputy

Subscribed and sworn to before me this 9th day of July, 2015, by Lt. R. Rowland, Deputy Sheriff, Linn County, Iowa.

Jennifer A. Pirc
NOTARY PUBLIC In and for the State of Iowa

IN THE MATTER OF THE CONDEMNATION
 OF CERTAIN REAL ESTATE FOR
 Primary Road No. 100. IA West of and in the City
 Cedar Rapids Located in Linn County, Iowa
 Project No. NHSN-100-1(40)—2R-57
 Group "I"

SHERIFF'S FILING OF RECORD 30
 DAYS AFTER THE DATE OF THE
 Report of the Commissioners

WITH

By: Iowa Department of Transportation

TO: Linn County Recorder

Please find attached the following papers regarding the above-described Condemnation proceedings which was held in my office on the 9th day of, July 2015:

- A certified copy of the Application for Condemnation.
- All notices, together with all returns of services endorsed.
- The Report of the Commissioners.
- All other papers filed with the Sheriff in these proceedings.

I further certify that I have or had in my possession payable to the above named Condemnees:

			Date Claimed
Warrant # 67715525	in the amount of \$741,262.00	parcel 60	
Warrant # 67715529	in the amount of \$12,255.00	parcel 60	08-03-15

The Application for Condemnation was filed with your office on the 21st day of April, 2015 in volume 9224 on page 622

This filing is being done pursuant to Section 6B.35, Code of Iowa.

Brian D Gardner, Sheriff
 Linn County, Iowa

R. Rowland
 By: Lt. R. Rowland, Deputy

Date: Aug. 10th, 2015

CERTIFIED TRUE COPY

BK: 9224 PG: 622
Recorded: 4/21/2015 at 10:20:09.450 AM
Fee Amount: \$47.00
Revenue Tax:
Joan McCalmant RECORDER
Linn County, Iowa
Unique Doc ID: 2318042

REC'D
15 APR 30 AM 8:36
BRIAN D. GARDNER
SHERIFF
LINN COUNTY, IOWA

Prepared by: Colleen Chapa 515-239-1067, IA Dept. of Transportation, Right of Way-Condernation,
800 Lincoln Way, Ames, IA 50010
Return to: Colleen Chapa 515-239-1067, IA Dept. of Transportation, Right of Way-Condernation,
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. IA 100
West of and in the City of Cedar Rapids
located in Linn County, Iowa

**APPLICATION TO THE CHIEF
JUDGE OF THE
6th JUDICIAL DISTRICT
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE
DAMAGES**

Project No. NHSN-100-1(40)-2R-57 Group "I"

TO: Patrick R. Grady, Chief Judge, 6th Judicial District including Linn 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 10th day of April, 2015.

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 Ames, Iowa, this 14th day of April, 2015.

Patrick R. Grady
Patrick R. Grady
Chief Judge of the 6th Judicial District
including Linn County, Iowa.

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

Colleen Chapin
Condemnation Unit COLLEEN CHAPIN

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

NOTICE

Primary Road No. IA 100

West of and in the City of Cedar Rapids

located in Linn County, Iowa

Project No. NHSN-100-1(40)--2R-57

Group "T"

TO:

William G. and Jeanne T. Gibney Trust established March 20, 2000, c/o William G. Gibney, Co-Trustee, 526 Linn Street, Fairfax, IA 52228

William G. and Jeanne T. Gibney Trust established March 20, 2000, c/o Jeanne T. Gibney, Co-Trustee, 526 Linn Street, Fairfax, IA 52228

Patrice Ann Hunt, 2414 Angle Court, Decatur, IL 62521

Jefferson Hunt, 2414 Angle Court, Decatur, IL 62521

Joellyn Alexander, formerly known as Joellyn Weller, 5 Mitchell Road, Mattoon, IL 61938

Lincoln Alexander, 5 Mitchell Road, Mattoon, IL 61938

Michaela Lynn Frank, formerly known as Michaela Lynn Weller, 1549 Preston Road, Naperville, IL 60563

Lynn Frank, 1549 Preston Road, Naperville, IL 60563

James William Weller, 1646 West Berwyn #2, Chicago, IL 60640

Farida Weller, 1646 West Berwyn #2, Chicago, IL 60640

Chris Ann Zanda, formerly known as Chris Ann Weller, 1646 West Berwyn #2, Chicago, IL 60640

Remi Zanda, 1646 West Berwyn #2, Chicago, IL 60640

Kristie L. Hooper, formerly known as Kristie L. Gibney, 13712 145th Street Ct. E, Puyallup, WA 98373

Eric Hooper, 13712 145th Street Ct. E, Puyallup, WA 98373

Kara K. McRoberts, formerly known as Kara K. Gibney, 2010 W. Ohio Street, Chicago, IL 60612

Chad McRoberts, 2010 W. Ohio Street, Chicago, IL 60612

Michael T. Gibney, 8108 Ellis Road, Palo, IA 52324

Ronda K. Gibney, 8108 Ellis Road, Palo, IA 52324

Any and all unknown heirs and assigns of Kimberly A. Gibney, deceased

Jason Kwapil, 4509 Trinity Road, Palo, IA 52324

City of Cedar Rapids, Iowa, c/o City Clerk, 101 First Street SE, Cedar Rapids, IA 52401

Linn County, Iowa, c/o County Auditor, 935 2nd Street SW, Cedar Rapids, IA 52404

Linn County Project No. NHSN-100-1(40)--2R-57

William G. and Jeanne T. Gibney Trust, et al (Parcel 60)

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Linn County Project No. NHSN-100-1(40)--2R-57
William G. and Jeanne T. Gibney Trust, et al (Parcel 60)

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and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the NW1/4 NW1/4 and SW1/4 NW1/4 of Section 15, and part of the SE1/4 NE1/4 of Section 16, all in Township 83 North, Range 8 West of the 5th Principal Meridian, Linn 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 Plats Exhibit "A" 1 of 3 (land needed for public improvement), 2 of 3 (land needed for public improvement), and 3 of 3 (uneconomical remnant), attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Linn County, Iowa, and in the Office of the Sheriff of Linn County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land within Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) and the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section Fifteen (15), and the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section Sixteen (16), all in Township Eighty-three (83) North, Range Eight (8) West of the 5th Principal Meridian, Linn County, Iowa, as shown on Acquisition Plats Exhibit "A" 1 of 3 and 2 of 3 attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the southwest corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section 15; thence North 01°19'26" West along the west line of said Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) a distance of 50.00 feet to the Point of Beginning; thence South 88°31'46" West along the presently established northerly right-of-way line of Ellis Road 132.60 feet; thence North 02°19'30" East, 293.48 feet; thence North 48°00'04" West, 123.92 feet; thence North 00°00'00" West, 65.01 feet; thence North 06°55'05" East, 52.84 feet; thence North 02°01'29" East, 100.00 feet; thence North 11°03'23" East, 101.17 feet; thence North 09°43'15" West, 102.25 feet; thence North 20°10'19" East, 105.06 feet; thence North 02°59'28" West, 100.43 feet; thence North 02°50'27" East, 108.85 feet; thence North 02°12'42" East, 191.22 feet to the north line of said Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4); thence North 88°10'50" East along said north line 127.13 feet to the west line of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of said Section 15; thence North 01°19'26" West along said west line 824.21 feet; thence North 14°14'04" East, 103.01 feet; thence North 10°39'38" East, 108.60 feet; thence North 21°18'17" East, 232.21 feet; thence North 31°26'30" East, 92.35 feet; thence North 36°30'41" East, 21.86 feet to the north line of said Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4); thence North 89°54'45" East along said north line 345.41 feet; thence South 23°56'47" West, 91.97 feet; thence South 22°09'25" West, 93.38 feet; thence South 23°22'26" West, 184.44 feet; thence South 21°39'58" West, 184.41 feet; thence South 16°28'26" West, 92.37 feet; thence South 13°36'36" West, 92.42 feet; thence South 08°15'46" West, 131.88 feet; thence South 02°53'06" West, 408.09 feet; thence South 07°00'19" East, 67.72 feet to the presently established northwesterly right-of-way line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 40°22'40" West along said northwesterly right-of-way line 338.85 feet to the west line of said Southwest

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William G. and Jeanne T. Gibney Trust, et al (Parcel 60)
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Quarter of the Northwest Quarter (SW1/4 NW1/4); thence South 01°19'26" East along said west line 150.32 feet to the presently established southeasterly right-of-way line of said former Chicago, Milwaukee, St. Paul and Pacific Railroad; thence North 40°22'40" East along said southeasterly right-of-way line 317.42 feet; thence South 00°11'01" West, 259.52 feet; thence South 00°31'21" West, 100.23 feet; thence South 07°49'49" West, 100.18 feet; thence South 14°21'47" East, 42.88 feet; thence South 00°54'04" West, 100.03 feet; thence South 04°32'47" West, 100.08 feet; thence South 05°25'45" West, 119.22 feet; thence South 43°42'47" West, 130.32 feet; thence South 02°19'30" West, 261.54 feet to said northerly right-of-way line; thence South 89°16'45" West along said northerly right-of-way line 57.85 feet to the Point of Beginning, containing 17.61 acres, more or less.

Basis of Bearing: The west line of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section 15 is assumed to bear North 01°19'26" West.

and,

Two tracts of land within the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section Fifteen (15), Township Eighty-three (83) North, Range Eight (8) West of the 5th Principal Meridian, Linn County, Iowa, as shown on Acquisition Plat Exhibit "A" 3 of 3 attached hereto and by reference made a part hereof.

Said tracts are described as follows:

TRACT "A"

Beginning at the northwest corner of said Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4); thence North 89°54'45" East along the north line of said Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) a distance of 202.96 feet; thence South 36°30'41" West, 21.86 feet; thence South 31°26'30" West, 92.35 feet; thence South 21°18'17" West, 232.21 feet; thence South 10°39'38" West, 108.60 feet; thence South 14°14'04" West, 103.01 feet to the west line of said Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4); thence North 01°19'26" West along said west line 519.11 feet to the Point of Beginning, containing 0.97 acre, more or less.

and,

TRACT "B"

Commencing at the northwest corner of said Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4); thence North 89°54'45" East along the north line of said Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) a distance of 548.37 feet to the Point of Beginning; thence continuing along said north line North 89°54'45" East, 756.69 feet to the presently established northwesterly right-of-way line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 40°22'40" West along said northwesterly right-of-way line 700.00 feet; thence North 90°00'00" East along said northwesterly right-of-way 52.51 feet; thence South 40°22'40" West along said northwesterly right-of-way 1,001.35 feet; thence North 07°00'19" West, 67.72 feet; thence North 02°53'06" East, 408.09 feet; thence North 08°15'46" East, 131.88 feet; thence North 13°36'36"

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William G. and Jeanne T. Gibney Trust, et al (Parcel 60)
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East, 92.42 feet; thence North 16°28'26" East, 92.37 feet; thence North 21°39'58" East, 184.41 feet; thence North 23°22'26" East, 184.44 feet; thence North 22°09'25" East, 93.38 feet; thence North 23°56'47" East, 91.97 feet to said north line and the Point of Beginning, containing 13.28 acres, more or less.

Tracts "A" and "B" contain 14.25 acres, more or less, total.

Basis of Bearing: The west line of the Northwest Quarter (NW1/4) of said Section 15 is assumed to bear North 01°19'26" West.

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 in fee simple title, 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 condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
3. The area sought to be appropriated by temporary easement, for 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 condemnees' 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.

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