

1732



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 August month, 6 day, 2015 year.
4. The attached Condemnation Application is filed of record at Document # _____
Book 9323, Page 324.

[Signature]
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 9323, Page 324 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # _____
Book 9433, Page 98, on December month, 21 day, 2015 year.

[Signature]
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



Doc ID: 022096900054 Type: GEN
Recorded: 12/21/2015 at 01:55:37 PM
Fee Amt: \$1,805.80 Page 1 of 54
Revenue Tax: \$1,328.80
Linn County Iowa
JOAN MCCALMANT RECORDER

BK 9433 PG 98-151



**CONDEMNATION
PROCEEDINGS**
Recorder's Cover Sheet

PREPARER INFORMATION: Linn County Sheriff, 310 2nd Avenue SW, Cedar Rapids, IA 52406

TAXPAYER INFORMATION: Tax Exempt-IA Code Sec. 427.1 (for fee) (Prop Mgmt-ROW Office, IDOT, 800 Lincoln Way, Ames, IA 50010) Tax Exempt-IA Code Sec. 427.1 (for fee) (Linn County Engineer's Office, 1888 County Home Road, Marion, IA 52302)

RETURN DOCUMENT TO: Cheryl Watson, Iowa Department of Transportation, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010

GRANTORS:
Michael D. Bergman and Lynn L. Bergman

GRANTEES:
State of Iowa (Condemnor)
And Linn County, Iowa

DOCUMENT OR INSTRUMENT NUMBER OF PREVIOUSLY RECORDED DOCUMENTS: Application for Condemnation filed August 6, 2015, in Book 9323, Page 324

LEGAL DESCRIPTION: Part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa.

IN THE MATTER OF THE CONDEMNATION
OF CERTAIN REAL ESTATE FOR
Primary Road No. U.S. 30 Southeast of the City
Of Lisbon Loacted in Linn County, Iowa
Project No. NHSN-30-7(101)---2R-57

SHERIFF'S FILING OF RECORD 30
DAYS AFTER THE DATE OF THE
REPORT OF THE COMMISSIONERS

WITH Michael D. Bergman & Lynn L. Bergman

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 18th day of, November, 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:

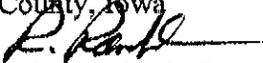
Date Claimed

Warrant #68003710 in the amount of \$830,986.00 parcel 51A

The Application for Condemnation was filed with your office on the 6th day of August, 2015 in volume 9323 on page 324

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

Brian D Gardner, Sheriff
Linn County, Iowa


By: Lt. R. Rowland, Deputy

Date: December 21st, 2015

In the matter of the Condemnation of certain Real Estate for
 Primary Road No. U.S. 30
 Southeast of the City of Lisbon
 Located in Linn County, Iowa
 Project No. NHSN-030-7(101)-2R-57

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 18th day of November, 2015, and thereupon proceeded to view the premises and the said Commissioners did thereafter on the 18th day of November, 2015, file their written report with me awarding damages as follows:

LAND & IMPROVE. CONSEQ. DAMAGES TOTAL AWARD ATTY FEES

Michael D. Bergman
 Lynn L. Bergman
 Linn County Treasurer

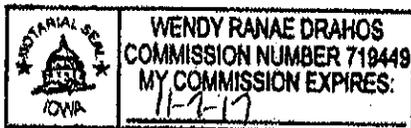
\$830,986.00

I further certify that costs incidental to these proceeding have been taxed as follows:

Expense of Summoning Commissioners	\$ _____
Serving Condemnees	\$ _____ 65.00
Expense of Commissioners	\$ _____ 1,360.30
Sheriff's Mileage Serving Condemnees	\$ _____ 18.50
Sheriff's Mileage Transporting Commissioners	\$ _____ 40.25
Copies	\$ _____ 7.50
Sheriff's Fee Attending Condemnation	\$ _____ 100.00
Notary	\$ _____
Publication	\$ _____ 20.79
Postage	\$ _____ 9.72
Recording Fee	\$ <i>To be paid by I.D. DT.</i>
Total	\$ _____ 1,622.06

Allen: Katie Johnson

Given under my hand this 18th day of November, 2015.



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

Subscribed and sworn to before me this 18th day of November, 2015, by Lt. R. Rowland, Deputy Sheriff, Linn County, Iowa.

Wendy Ranae Drahos

NOTARY PUBLIC In and for the State of Iowa

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. 30

NOTICE

Southeast of the City of Lisbon

located in Linn County, Iowa

Project No. NHSN-030-7(101)--2R-57

Group "A"

TO:

Michael D. Bergman, 225 Oak Ridge Drive SE, Mt. Vernon, Iowa 52314
Lynn L. Bergman, 225 Oak Ridge Drive SE, Mt. Vernon, Iowa 52314
Linn County, Iowa, c/o County Auditor, 935 2nd Street SW, Cedar Rapids, Iowa 52404

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 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and Linn County, Iowa, desire certain rights in land more specifically described as follows and shown with reference to their location as to land affected on Acquisition Plats Exhibit "A1" and Exhibit "A2" 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, for the use and benefit of the State of Iowa, is in land described as follows:

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A1", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Linn County Project No. NHSN-030-7(101)--2R-57

Page 1

Michael D. Bergman, et ux (Parcel 51A)

Continued on next page

Linn County Project No. NHSN-030-7(101)--2R-57
Michael D. Bergman, et ux (Parcel 51A)

Page 2

Beginning at the Southeast Corner of said Southeast 1/4 of the Northeast 1/4; thence South 01° 19' 33" East along the East line of said Northeast 1/4 of the Southeast 1/4, a distance of 180.77 feet; thence South 69° 08' 30" West, 1400.64 feet to the West line of said Northeast 1/4 of the Southeast 1/4; thence North 01° 14' 13" West along said West line, 418.51 feet; thence North 40° 42' 17" East, 1134.55 feet; thence North 39° 55' 38" West, 488.81 feet; thence North 46° 44' 27" East, 150.00 feet; thence South 46° 01' 32" East, 540.41 feet; thence North 67° 00' 42" East, 401.36 feet to the East line of the Southeast 1/4 of the Northeast 1/4; thence South 01° 19' 38" East along said East line, 858.45 feet to the Point of Beginning, containing 27.54 acres, more or less.

Note: The East line of said Southeast 1/4 of the Northeast 1/4 of Section 13 is assumed to bear South 01°19'38" East.

No rights of direct access shall be permitted between Relocated Primary Road No. U.S. 30, including its ramps and approaches thereto, and condemnees' remaining property abutting thereon.

The access rights in fee simple title sought to be appropriated, for the use and benefit of the State of Iowa, are described as follows:

All rights of direct access between relocated local road Adams Avenue and condemnees' remaining property abutting thereon in the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, from Sta. 11867+59± to Sta. 11879+70, on both sides.

The title in fee simple sought to be appropriated, for the use and benefit of Linn County, Iowa, is in land described as follows:

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 13, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A2", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Northeast Corner of said Southeast 1/4 of the Northeast 1/4; thence South 87° 15' 01" West along the North line of said Southeast 1/4 of the Northeast 1/4, a distance of 942.63 feet to the Point of Beginning; thence South 44° 17' 27" East, 277.63 feet; thence South 46° 44' 27" West, 150.00 feet; thence North 41° 48' 04" West, 393.06 feet to said North line; thence North 87° 15' 01" East along said North line, 177.56 feet to the Point of Beginning, containing 1.10 acres, more or less.

Note: The East line of said Southeast 1/4 of the Northeast 1/4 of Section 13 is assumed to bear South 01°19'38" East.

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

Linn County Project No. NHSN-030-7(101)--2R-57
Michael D. Bergman, et ux (Parcel 51A)
Continued on next page

Page 2

1232



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.36, 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 August month, 6 day, 2015 year.
4. The attached Condemnation Application is filed of record at Document # _____
Book 9323, Page 324.

[Signature]
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 _____
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # _____, Book _____, Page _____ and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # _____, Book _____, Page _____; on _____ month, _____ day, _____ year.

County Recorder for

County

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

SEE INSTRUCTIONS ON BACK

BK: 9323 PG: 324
Recorded: 8/6/2015 at 12:25:05.573 PM
Fee Amount: \$42.00
Revenue Tax:
Joan McCalmant RECORDER
Linn County, Iowa
Unique Doc ID: 2337003



**APPLICATION FOR
CONDEMNATION**
Recorder's Cover Sheet

PREPARER INFORMATION: Cheryl Watson, Iowa Department of Transportation,
Office of Right of Way, 800 Lincoln Way, Ames, IA 50010 515-239-1273

RETURN DOCUMENT TO: Cheryl Watson, Iowa Department of Transportation, Office
of Right of Way, 800 Lincoln Way, Ames, IA 50010

GRANTORS:
Michael D. Bergman, et ux

GRANTEES:
State of Iowa (Condemnor)

**DOCUMENT OR INSTRUMENT NUMBER OF PREVIOUSLY RECORDED
DOCUMENTS:** N/A

LEGAL DESCRIPTION: Part of the Southeast 1/4 of the Northeast 1/4 and the
Northeast 1/4 of the Southeast 1/4 of Section 13, Township 82 North, Range 5 West of
the 5th P.M., Linn County, Iowa.

Prepared by: Cheryl Watson 515-239-1273, IA Dept. of Transportation, Right of Way-Condemnation,
800 Lincoln Way, Ames, IA 50010
Return to: Cheryl Watson 515-239-1273, 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. 30
Southeast of the City of Lisbon
located in Linn County, Iowa

Project No. NHSN-030-7(101)--2R-57 Group "A"

TO: Patrick R. Grady, Chief Judge, 6th Judicial District including Linn County, Iowa

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

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 27 day of July, 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 4th day of August, 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.

Cheryl Watson
Cheryl Watson
Condemnation Unit

Page 4 of 8

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. 30

NOTICE

Southeast of the City of Lisbon

located in Linn County, Iowa

Project No. NHSN-030-7(101)--2R-57

Group "A"

TO:

Michael D. Bergman, 225 Oak Ridge Drive SE, Mt. Vernon, Iowa 52314
Lynn L. Bergman, 225 Oak Ridge Drive SE, Mt. Vernon, Iowa 52314
Linn County, Iowa, c/o County Auditor, 935 2nd Street SW, Cedar Rapids, Iowa 52404

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 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and Linn County, Iowa, desire certain rights in land more specifically described as follows and shown with reference to their location as to land affected on Acquisition Plats Exhibit "A1" and Exhibit "A2" 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:

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Said parcel is described as follows:

Linn County Project No. NHSN-030-7(101)--2R-57
Michael D. Bergman, et ux (Parcel 51A)
Continued on next page

Page 1

Book: 9323 Page: 324 Seq: 4

Page 5 of 8

Linn County Project No. NHSN-030-7(101)--2R-57
Michael D. Bergman, et ux (Parcel 51A)

Page 2

Beginning at the Southeast Corner of said Southeast 1/4 of the Northeast 1/4; thence South 01° 19' 33" East along the East line of said Northeast 1/4 of the Southeast 1/4, a distance of 180.77 feet; thence South 69° 08' 30" West, 1400.64 feet to the West line of said Northeast 1/4 of the Southeast 1/4; thence North 01° 14' 13" West along said West line, 418.51 feet; thence North 40° 42' 17" East, 1134.55 feet; thence North 39° 55' 38" West, 488.81 feet; thence North 46° 44' 27" East, 150.00 feet; thence South 46° 01' 32" East, 540.41 feet; thence North 67° 00' 42" East, 401.36 feet to the East line of the Southeast 1/4 of the Northeast 1/4; thence South 01° 19' 38" East along said East line, 858.45 feet to the Point of Beginning, containing 27.54 acres, more or less.

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The access rights in fee simple title sought to be appropriated, for the use and benefit of the State of Iowa, are described as follows:

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The title in fee simple sought to be appropriated, for the use and benefit of Linn County, Iowa, is in land described as follows:

A parcel of land located in the Southeast 1/4 of the Northeast 1/4 of Section 13, Township 82 North, Range 5 West of the 5th P.M., Linn County, Iowa, as shown on the Acquisition Plat Exhibit "A2", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Northeast Corner of said Southeast 1/4 of the Northeast 1/4; thence South 87° 15' 01" West along the North line of said Southeast 1/4 of the Northeast 1/4, a distance of 942.63 feet to the Point of Beginning; thence South 44° 17' 27" East, 277.63 feet; thence South 46° 44' 27" West, 150.00 feet; thence North 41° 48' 04" West, 393.06 feet to said North line; thence North 87° 15' 01" East along said North line, 177.56 feet to the Point of Beginning, containing 1.10 acres, more or less.

Note: The East line of said Southeast 1/4 of the Northeast 1/4 of Section 13 is assumed to bear South 01°19'38" East.

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

Linn County Project No. NHSN-030-7(101)--2R-57
Michael D. Bergman, et ux (Parcel 51A)
Continued on next page

Page 2