

1235



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.

- The name of the acquiring agency is IOWA DEPT OF TRANSPORTATION
- The real property subject to the Application is located in LINN County.
- The date the condemnation application was filed by the undersigned County Recorder is AUGUST month, 31 day, 2015 year.
- The attached Condemnation Application is filed of record at Document # _____
Book 9343, Page 587.

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.

- The name of the acquiring agency is IOWA DEPT OF TRANSPORTATION
- The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # _____, Book 9343, Page 587 and a copy was sent to the Secretary of State.
- The attached Sheriff's Statement was filed of record at Document # _____
Book 9441, Page 383; on JANUARY month, 4 day, 2016 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



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 Fee Amt: \$107.00 Page 1 of 21
 Linn County Iowa
 JOAN MCCALMANT RECORDER

BK **9343** PG **587-607**

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

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

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 24th day of August, 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 Adelphi, Iowa, this 27 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.

Colleen Chapa
Condemnation Unit COLLEEN CHAPA

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 the City of Cedar Rapids

located in Linn County, Iowa

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

Group "M"

TO:

Ryan H. Benson, 7408 76th Avenue SW, Fairfax, IA 52228
Jody Lefebure, 8705 Lefebure Drive, Fairfax, IA 52228
Linn County, Iowa, c/o County Auditor, 935 2nd Street SW, Cedar Rapids, IA 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 E1/2 of the NE1/4 and the N1/2 of the NE1/4 of the SE1/4, all in Section 28, Township 83 North, Range 8 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 the Acquisition Plats Exhibit "A-1" (1 of 4), (2 of 4), (3 of 4) and (4 of 4), Exhibit "A-2", and Exhibit "A-3" (1 of 2) and (2 of 2) 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 within the East One-Half of the Northeast Quarter (E1/2 NE1/4) and within the North One-Half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) all in Section Twenty-eight (28), Township Eighty-three (83) North, Range Eight (8) West of the 5th Principal Meridian, Linn County, Iowa; said parcel being shown on Acquisition Plats Exhibit "A-1" (1 of 4), (2 of 4), (3 of 4) and (4 of 4) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the northeast corner of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of said Section 28; thence South 01°10'15" East (South 01°10'37" East-Record) along the east line of said Northeast

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Quarter of the Northeast Quarter (NE1/4 NE1/4) a distance of 121.70 feet; thence South 80°50'16" West, 263.39 feet; thence South 21°51'30" West, 207.62 feet; thence South 23°07'26" West, 100.50 feet; thence South 23°05'47" West, 100.49 feet; thence South 22°16'00" West, 100.36 feet; thence South 22°32'24" West, 100.40 feet; thence South 20°37'16" West, 100.16 feet; thence South 23°30'01" West, 100.56 feet; thence South 13°00'10" West, 97.50 feet; thence South 15°15'23" West, 96.46 feet; thence South 11°41'32" West, 96.48 feet; thence South 16°30'57" West, 94.39 feet; thence South 12°07'08" West, 99.97 feet; thence South 10°43'10" West, 99.81 feet; thence South 10°18'26" West, 99.82 feet; thence South 09°32'17" West, 99.78 feet; thence South 11°38'23" West, 100.26 feet; thence South 12°45'25" West, 100.65 feet; thence South 03°27'38" East, 100.37 feet; thence South 06°09'37" East, 100.95 feet; thence South 08°25'14" East, 33.06 feet; thence South 05°33'44" West, 67.11 feet; thence South 05°09'58" West, 99.48 feet; thence South 04°18'39" West, 99.46 feet; thence South 03°59'20" West, 99.47 feet; thence South 03°45'16" West, 99.48 feet; thence South 00°05'45" East, 99.53 feet; thence South 07°54'50" East, 100.89 feet; thence South 04°10'53" East, 265.75 feet; thence South 06°18'38" East, 158.92 feet; thence North 89°49'31" East, 212.74 feet; thence South 49°41'02" West, 213.74 feet to the south line of the North One-half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of said Section 28; thence South 88°27'21" West along said south line 396.34 feet; thence North 01°14'50" West, 165.49 feet; thence North 06°47'33" East, 114.09 feet; thence North 04°31'58" East, 100.80 feet; thence North 08°06'49" East, 101.27 feet; thence North 04°09'12" East 110.92 feet; thence North 06°30'34" East, 90.55 feet; thence North 06°28'23" East, 100.77 feet; thence North 01°45'06" West, 100.76 feet; thence North 03°46'48" East, 100.52 feet; thence North 02°30'21" East, 100.50 feet; thence North 02°29'06" East, 100.51 feet; thence North 03°47'20" East, 22.73 feet; thence North 03°01'57" East, 77.78 feet; thence North 02°13'08" West, 101.07 feet; thence North 04°10'59" East, 100.55 feet; thence North 06°01'14" East, 100.60 feet; thence North 06°50'50" East 100.62 feet; thence North 00°02'13" East, 100.87 feet; thence North 03°38'57" East, 100.59 feet; thence North 01°51'17" East, 100.75 feet; thence North 00°45'07" West, 101.21 feet; thence North 02°18'10" West, 193.90 feet; thence North 09°53'53" West, 96.88 feet; thence North 07°20'49" West, 100.19 feet; thence North 01°44'02" East, 81.74 feet; thence North 00°11'45" East, 118.83 feet; thence North 03°25'12" West, 100.00 feet; thence North 10°33'58" West, 100.78 feet; thence North 14°00'52" West, 101.74 feet; thence North 11°18'51" West, 100.96 feet; thence North 13°28'31" West, 121.36 feet; thence South 88°38'13" West, 224.88 feet to the west line of the said Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4); thence North 01°08'10" West along said west line 119.51 feet to the north line of said Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4); thence North 88°23'08" East along said north line 1,331.06 feet to the Point of Beginning, containing 31.31 acres, more or less, including 1.58 acres, more or less, within existing right-of-way.

Basis of Bearing: The east line of the Northeast Quarter (NE1/4) of said Section 28 is assumed to bear South 01°10'15" East (South 01°10'37" East-Record).

and,

A parcel of land within the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) in Section Twenty-eight (28), Township Eighty-three (83) North, Range Eight (8) West of the 5th Principal Meridian, Linn County,

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Iowa, said parcel being shown on Acquisition Plat Exhibit "A-2" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the northeast corner of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of said Section 28; thence South 01°10'15" East (South 01°10'37" East-Record) along the east line of said Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) a distance of 121.70 feet to the Point of Beginning; thence continuing South 01°10'15" East (South 01°10'37" East-Record) along said east line 343.50 feet; thence South 88°49'45" West, 129.73 feet; thence South 28°37'54" West, 401.28 feet to the beginning of a 255.00 foot radius non-tangent curve, concave easterly; thence southerly 229.33 feet along the arc of said curve with a chord that bears South 07°50'09" West, 221.68 feet; thence South 01°10'15" East, 55.69 feet; thence South 88°49'45" West, 271.42 feet; thence North 15°15'23" East, 96.46 feet; thence North 13°00'10" East, 97.50 feet; thence North 23°30'01" East, 100.56 feet; thence North 20°37'16" East, 100.16 feet; thence North 22°32'24" East, 100.40 feet; thence North 22°16'00" East, 100.36 feet; thence North 23°05'47" East, 100.49 feet; thence North 23°07'26" East, 100.50 feet; thence North 21°51'30" East, 207.62 feet; thence North 80°50'16" East, 263.39 feet to the Point of Beginning, containing 5.79 acres, more or less, including 0.26 acres, more or less, within existing right-of-way.

Basis of Bearing: The east line of the Northeast Quarter (NE1/4) of said Section 28 is assumed to bear South 01°10'15" East (South 01°10'37" East-Record).

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

Three tracts of land within the East One-Half of the Northeast Quarter (E1/2 NE1/4) and within the North One-Half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) all in Section Twenty-eight (28), Township Eighty-three (83) North, Range Eight (8) West of the 5th Principal Meridian, Linn County, Iowa, said tracts being shown as Tract "A", Tract "B" and Tract "C" on Acquisition Plats Exhibit "A-3" (1 of 2) and (2 of 2) attached hereto and by reference made a part hereof.

Said tracts are described as follows:

TRACT A

Commencing at the southeast corner of the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of said Section 28; thence North 01°10'15" West (North 01°10'37" West-Record) along the east line of said Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) a distance of 150.57 feet to the Point of Beginning of the herein described Tract A; thence North 90°00'00" West, 62.18 feet; thence North 03°19'19" West, 36.18 feet; thence North 10°51'13" East, 146.52 feet to the presently established westerly right-of-way line of 80th Street SW; thence North 01°10'15" West along said westerly right-of-way line 643.82 feet; thence North 88°49'45" East, 33.00 feet to said east line; thence South 01°10'15" East (South 01°10'37" East-Record) along said east line

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824.55 feet to the Point of Beginning, containing 0.70 acre, more or less, including 0.62 acre, more or less, within existing right-of-way.

and,

TRACT B

Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of said Section 28; thence South 01°07'05" East along the east line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) a distance of 670.72 feet to the south line of the North One-half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4); thence South 88°27'21" West along said south line 33.00 feet to the presently established westerly right-of-way line of 80th St. SW and the Point of Beginning of the herein described Tract B; thence continuing South 88°27'21" West along said south line 724.02 feet; thence North 49°41'02" East, 213.74 feet; thence North 89°49'31" East, 10.37 feet; thence North 89°48'20" East, 250.00 feet; thence South 89°53'48" East, 50.00 feet; thence North 89°26'04" East, 100.01 feet; thence North 89°01'33" East, 148.03 feet to said westerly right-of-way line; thence South 01°07'05" East along said westerly right-of-way line 123.09 feet to the Point of Beginning, containing 1.89 acres, more or less.

and,

TRACT C

Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of said Section 28; thence South 01°07'05" East along the east line of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) a distance of 670.72 feet to the south line of the North One-half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4); thence South 88°27'21" West along said south line 1,153.36 feet to the Point of Beginning of the herein described Tract C; thence continuing South 88°27'21" West along said south line 179.10 feet to the west line of the said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4); thence North 01°07'02" West along said west line 165.72 feet; thence North 88°31'35" East, 178.73 feet; thence South 01°14'50" East, 165.49 feet to said south line and the Point of Beginning, containing 0.68 acre, more or less.

Containing 3.27 acres total, more or less, including 0.62 acre, more or less, within existing right-of-way.

Basis of Bearing: The east line of the Northeast Quarter (NE1/4) of said Section 28 is assumed to bear South 01°10'15" East (South 01°10'37" East-Record).

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 local road E Avenue and condemnee's remaining property abutting thereon in the E 1/2 of the NE 1/4 of Section 28, Township 83 North, Range 8 West of the 5th P.M., Linn County, Iowa, from Sta. 2563+31± (Property Line) to Sta. 2565+56, on the south side.

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