

1240



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 City of Cedar Rapids
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, 3 day, 2015 year.
4. The attached Condemnation Application is filed of record at Document # _____
Book 9319, Page 238

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 City of Cedar Rapids
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # _____, Book 9319, Page 238 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # _____
Book 9391, Page 113; on October month, 27 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)
)
 COLLINS ROAD (IA 100) PHASE I)
 COMPLETE STREETS PROJECT FROM)
 EAST OF NORTHLAND AVENUE NE)
 TO TWIXT TOWN ROAD NE)



Sheriff's Certification of
 Costs and Awards

Doc ID: 022016790121 Type: GEN
 Recorded: 10/27/2015 at 10:00:12 AM
 Fee Amt: \$1,681.60 Page 1 of 121
 Revenue Tax: \$1,069.60
 Linn County Iowa
 JOAN MCCALMANT RECORDER

By: City of Cedar Rapids)
)
 To: City of Cedar Rapids, Attn: Becky Kluesner)

BK 9391 PG 113-233

I hereby certify that the appointed Commissioners in the above entitled Condemnation Commission Proceedings convened at Cedar Rapids, Iowa, on the 23rd day of September, 2015, and thereupon proceeded to view the premises and the said Commissioners did thereafter on the 23rd day of SEPT, 2015, file their written report with me awarding damages as follows:

	LAND & IMPROVE.	CONSEQ. DAMAGES	TOTAL AWARD	ATTY FEES
Sears, Roebuck and Co. Linn County Treasurer			20,000.00	

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

Expense of Summoning Commissioners	\$			
Serving Condemnees	\$		15.00	
Expense of Commissioners	\$			
Sheriff's Mileage Serving Condemnees	\$			
Sheriff's Mileage Transporting Commissioners	\$			
Copies	\$		36.50	
Sheriff's Fee Attending Condemnation	\$			
Notary	\$			
Publication	\$			
Postage	\$			
Recording Fee	\$			
	\$ TO BE PAID BY CITY OF CEDAR RAPIDS" ATTEN: BECKY KLUESNER			
Total	\$		51.50	

Given under my hand this 28th day of SEPTEMBER, 2015.

Brian D. Gardner, Sheriff
 Linn County, Iowa

By:  Deputy
 LT. R. ROWLAND

Subscribed and sworn to before me this 28th day of SEPTEMBER, 2015, by
 LT. R. ROWLAND, Deputy Sheriff, Linn County, Iowa.


 NOTARY PUBLIC In and for the State of Iowa



Cedar Rapids Engineer
 Attn: Becky Kluesner
 301446/CONDEMNATION 8, 9, 18/SHERIFF PAPERS/CERTIFICATION OF COSTS - SEARS ROEBUCK
 \$612.00 Chg
 1069.60 RW

In the matter of the Condemnation of certain Real Estate for)
)
 COLLINS ROAD (IA 100) PHASE I)
 COMPLETE STREETS PROJECT FROM)
 EAST OF NORTHLAND AVENUE NE)
 TO TWIXT TOWN ROAD NE)

Sheriff's Certification of
 Costs and Awards

By: City of Cedar Rapids)

To: City of Cedar Rapids, Attn: Becky Kluesner)

I hereby certify that the appointed Commissioners in the above entitled Condemnation Commission Proceedings convened at Cedar Rapids, Iowa, on the 23rd day of September, 2015, and thereupon proceeded to view the premises and the said Commissioners did thereafter on the 23rd day of SEPT, 2015 file their written report with me awarding damages as follows:

	LAND & IMPROVE.	CONSEQ. DAMAGES	TOTAL AWARD	ATTY FEES
MEE Real Estate Holdings, LLC				
TS Collins, LLC, ME Collins, LLC				
Mumm Holdings, LLC, Viggers-OP, LLC			\$261,100.00	
Bankers Trust Company				
MICHAEL'S STORES, INC.				
Linn County Treasurer				

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

Expense of Summoning Commissioners	\$	
Serving Condemnees	\$	30.00
Expense of Commissioners	\$	
Sheriff's Mileage Serving Condemnees	\$	
Sheriff's Mileage Transporting Commissioners	\$	
Copies	\$	
Sheriff's Fee Attending Condemnation	\$	
Notary	\$	
Publication	\$	
Postage	\$	15.96
Recording Fee	\$	TO BE PAID BY CITY OF CEDAR RAPIDS! ATTN: BECKY KLUESNER
Total	\$	45.96

Given under my hand this 28th day of SEPTEMBER, 2015.



Brian D. Gardner, Sheriff
 Linn County, Iowa

By: [Signature] Deputy
 LT. R. ROWLAND

Subscribed and sworn to before me this 28th day of SEPTEMBER, 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 Real Estate for)

COLLINS ROAD (IA 100) PHASE 1)
COMPLETE STREETS PROJECT FROM)
EAST OF NORTHLAND AVENUE NE)
TO TWIXT TOWN ROAD NE)

Sheriff's Certification of
Costs and Awards

By: City of Cedar Rapids)

To: City of Cedar Rapids, Attn: Becky Kluesner)

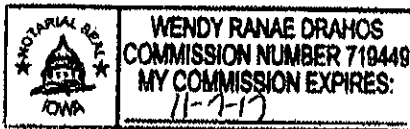
I hereby certify that the appointed Commissioners in the above entitled Condemnation Commission Proceedings convened at Cedar Rapids, Iowa, on the 23rd day of September, 2015, and thereupon proceeded to view the premises and the said Commissioners did thereafter on the 23rd day of SEPT, 2015 file their written report with me awarding damages as follows:

	LAND & IMPROVE.	CONSEQ. DAMAGES	TOTAL AWARD	ATTY FEES
Collins Square, LLC				
RCC Real Estate, Inc.				
Bryan Phum, City of Marion, Iowa				
Marion Elderly Housing, Inc.				
Pier 1 Imports (U.S.), Inc.				
MICHAEL'S STORES, INC.				
Linn County Treasurer				
			\$ 387,500 ⁰⁰	RL

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

Expense of Summoning Commissioners	\$	
Serving Condemnees	\$	45.00
Expense of Commissioners	\$	1,202.90
Sheriff's Mileage Serving Condemnees	\$	23.55
Sheriff's Mileage Transporting Commissioners	\$	13.00
Copies	\$	
Sheriff's Fee Attending Condemnation	\$	100.00
Notary	\$	
Publication	\$	
Postage	\$	40.25
Recording Fee	\$	TO BE PAID BY CITY OF CEDAR RAPIDS, ATTEN: BECKY KLUESNER
Total	\$	1,505.50

Given under my hand this 28th day of SEPTEMBER, 2015.

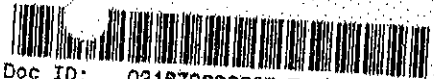


Brian D. Gardner, Sheriff
Linn County, Iowa

By: [Signature] Deputy
LT. R. ROWLAND

Subscribed and sworn to before me this 28th day of SEPTEMBER, 2015, by
LT. R. ROWLAND, Deputy Sheriff, Linn County, Iowa.

Wendy Ranae Drahos
Notary Public in & for the State of Iowa
301446/CONDEMNATION 8, 9, 18/SHERIFF PAPERS/CERTIFICATION OF COSTS - COLLINS SQUARE



Doc ID: 021879690067 Type: GEN
Recorded: 08/03/2015 at 01:22:53 PM
Fee Amt: \$337.00 Page 1 of 67
Revenue Tax: \$0.00
Linn County Iowa
JOAN MCCALMANT RECORDER

BK 9319 PG 238-304

IN THE MATTER OF THE CONDEMNATION)
OF STREET RIGHT-OF-WAY, ACCESS)
EASEMENTS, UTILITY EASEMENTS,)
AND TEMPORARY CONSTRUCTION)
EASEMENTS BY THE INCORPORATED)
CITY OF CEDAR RAPIDS FOR PURPOSES)
OF IMPROVING COLLINS ROAD NE)
FRONT 301, DEPARTMENT ID 301000)
PROJECT 301446, AND FOR ANY AND ALL)
OTHER PUBLIC PURPOSES AS MAY BE)
DETERMINED IN THE DISCRETION OF THE)
CITY COUNCIL OF THE CITY OF)
CEDAR RAPIDS, IOWA)

APPLICATION FOR
CONDEMNATION

BRIAN D. GARDNER
SHERIFF
LINN COUNTY, IOWA

15 AUG - 5 PM 12: 29

REC'D

TO: THE HONORABLE PATRICK R. GRADY, CHIEF JUDGE,
SIXTH JUDICIAL DISTRICT

The Applicant, the Incorporated City of Cedar Rapids, Iowa (hereinafter "City" or "Applicant") applies for condemnation of lands for street right-of-way in fee simple absolute and temporary construction easements, all as more fully described herein, on certain real property legally described herein. In support of this Application, the City of Cedar Rapids, Iowa states as follows:

PARCEL A:

1.a. The property to be condemned for an access easement is legally described as follows:

Part of the SW¼ NE¼ of Section 2, Township-83-North, Range-7-West of the 5th p.m., Linn County, Iowa further described as follows:

Commencing at the center of said Section 2;

Thence S89°48'52"E along the south line of the SW¼ NE¼ of said Section 2, 683.06 feet;

Thence N01°11'08"E, 65.26 feet to the north right-of-way line of Collins Road NE and the southeasterly right-of-way line of Lindale Drive NE;

Thence N18°25'13"E along said southeasterly right-of-way line, 192.27 feet to the point of beginning;

Thence continuing N18°25'13"E along said southeasterly right-of-way line, 31.58 feet;

Thence S89°46'53"E, 391.71 feet to the east line of a parcel described in Exhibit B of Warranty Deed recorded in Book 8818, Page 429 in the Recorder's Office of Linn County, Iowa;

Thence S00°13'07"W along said east line, 30.00 feet;

Thence N89°46'53"W, 401.57 feet to the point of beginning containing 0.27 acres (11,899 Sq.Ft.) more or less.

Subject to existing easements and restrictions of record.

1.b. The property to be condemned for permanent utility easement is legally described as follows:

Part of the SW¼ NE¼ of Section 2, Township-83-North, Range-7-West of the 5th p.m., Linn County, Iowa further described as follows:

Commencing at the center of said Section 2;

Thence S89°48'52"E along the south line of the SW¼ NE¼ of said Section 2, 905.16 feet;

Thence N00°11'08"E, 68.01 feet to the north right-of-way line of Collins Road NE and the southwest corner of parcel described in Exhibit B of Warranty Deed recorded in Book 8818, Page 429 in the Recorder's Office of Linn County, Iowa being the point of beginning;

Thence N00°02'02"E along the west line of said parcel, 10.01 feet;

Thence S86°02'34"E, 26.64 feet;

Thence S70°24'12"E, 24.86 feet to said north right-of-way line of Collins Road NE;

Thence N89°48'51"W along said north right-of-way line, 50.00 feet to the point of beginning containing 0.01 acres (340 Sq.Ft.) more or less.

Subject to existing easements and restrictions of record.

1.c. The property to be condemned for temporary construction easements is legally described as follows:

Part of the SW¼ NE¼ of Section 2, Township-83-North, Range-7-West of the 5th p.m., Linn County, Iowa further described as follows:

Commencing at the center of said Section 2;

Thence S89°48'52"E along the south line of the SW¼ NE¼ of said Section 2, 905.16 feet;

Thence N00°11'08"E, 68.01 feet to the north right-of-way line of Collins Road NE and the southwest corner of parcel described in Exhibit B of Warranty Deed recorded in Book 8818, Page 429 in the Recorder's Office of Linn County, Iowa being the point of beginning;

Thence N00°02'02"E along the west line of said parcel, 54.49 feet;

Thence S89°39'14"E, 35.27 feet;

Thence S00°21'14"W, 32.35 feet;

Thence S89°38'46"E, 14.91 feet;

Thence S00°02'02"W, 21.99 feet to said north right-of-way line of Collins Road NE;

Thence N89°48'51"W along said north right-of-way line, 50.00 feet to the point of beginning containing 0.05 acres (2,241 Sq.Ft. more or less.

Subject to existing easements and restrictions of record.

AND

Part of the SW¼ NE¼ of Section 2, Township-83-North, Range-7-West of the 5th p.m., Linn County, Iowa further described as follows:

Commencing at the center of said Section 2;

Thence S89°48'52"E along the south line of the SW¼ NE¼ of said Section 2, 683.06 feet;

Thence N01°11'08"E, 65.26 feet to the north right-of-way line of Collins Road NE and the southeasterly right-of-way line of Lindale Drive NE;

Thence N18°25'13"E along said southeasterly right-of-way line, 192.27 feet to the point of beginning;

Thence continuing N18°25'13"E along said southeasterly right-of-way line, 88.59 feet;

Thence S71°37'28"E, 15.00 feet;

Thence S18°25'13"W, 83.66 feet;

Thence N89°46'53"W, 15.79 feet to the point of beginning containing 0.03 acres (1,292 Sq.Ft.) more or less.

Subject to existing easements and restrictions of record.

2. Plats showing the location of the property to be condemned and the interest to be acquired are attached hereto. The property referred to in Paragraph 1.a. immediately above is attached as Exhibit A, the property referred to in Paragraph 1.b. immediately above is attached hereto as Exhibit B and the property referred to in Paragraph 1.c. immediately above is attached as Exhibit C-1 and Exhibit C-2 and all of the plats are incorporated herein by this reference.

3. The names of the record owners, holders of liens and encumbrances and persons otherwise affected by these proceedings so far as are known to this Applicant are as follows:

Record title is vested in: MEE Real Estate Holdings LLC, a Wisconsin limited liability company, c/o Michael Erkamaa, W3468 County Road J, East Troy, Wisconsin, 53120; TS Collins LLC, a Wisconsin limited liability company, c/o CT Corporation System, 8020 Excelsior Drive, Suite 200, Madison, Wisconsin, 53717; ME Collins LLC, a Wisconsin limited liability company, c/o Michael Erkamaa, W3468 County Road J, East Troy, Wisconsin, 53120; Mumm Holdings LLC, an Iowa limited liability company, c/o Robert D. Andeweg, 700 Walnut Street, Suite 1600, Des Moines, Iowa, 50309; Viggers-OP, LLC, an Iowa limited liability company, c/o William R. Stiles, 699 Walnut Street, Suite 1600, Des Moines, Iowa, 50309, as tenants in common.

Record holders of liens, mortgages and other encumbrances on such lands as far as are shown of record: Bankers Trust Company, 221 3rd Avenue SE, Suite 150, Cedar Rapids, Iowa, 52401.

Easements: MICHAEL'S STORES, INC., c/o Corporation Service Company, 505 5th Avenue, Suite 729, Des Moines, Iowa, 50309.