

1247



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 State of Iowa
2. The real property subject to the Application is located in Jones County
3. The date the condemnation application was filed by the undersigned County Recorder is September month, 8 day, 2015 year.
4. The attached Condemnation Application is filed of record at Document # 2015-2561
Book _____, Page _____.

This document is attached to the Sheriff's award

Shelli Gymer
County Recorder for

Jones 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 State of Iowa
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 2015-2561, Book _____, Page _____ and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 2016-0491
Book _____, Page _____; on February month, 22 day, 2016 year.

Shelli Gymer
County Recorder for

Jones County

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

SEE INSTRUCTIONS ON BACK

Instrument #: 2016-0491
02/22/2016 10:58:31 AM Total Pages: 42
ZCON CONDEMNATION
Recording Fee: \$217.00 Transfer Tax: \$0.00
Sheri L. Jones, Recorder, Jones County Iowa



**CONDEMNATION
PROCEEDINGS**
Recorder's Cover Sheet

PREPARER INFORMATION: Jones County Sheriff, 500 W. Main, Anamosa, IA 52205
319-462-5305

TAXPAYER INFORMATION: Tax Exempt-IA Code Sec. 427.2 (Prop Mgmt-ROW
Office, IDOT, 800 Lincoln Way, Ames, IA 50010)

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

GRANTORS:

Kenneth James and Deborah Burda,
Patricia Lee Burda and
Ruth E. Burda Estate

GRANTEES:

State of Iowa (Condemnor)

**DOCUMENT OR INSTRUMENT NUMBER OF PREVIOUSLY RECORDED
DOCUMENTS:** Application for Condemnation filed September 8, 2015, as Document
No. 2015-2561

LEGAL DESCRIPTION: Part of the SE ¼ SW ¼ of Section 23, Township 83 North,
Range 1 West of the 5th P.M., Jones County, Iowa.

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Number: 2015-2561
Recorded: 9/8/2015 at 3:45:19.0 PM
Fee Amount: \$37.00
Revenue Tax:
Sheri L. Jones RECORDER
Jones County, Iowa

CERTIFIED TRUE COPY

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. IA 136
East of the City of Oxford Junction
located in Jones County, Iowa

Project No. STPN-136-2(28)--2J-53 Group "A"

TO: Patrick R. Grady, Chief Judge, 6th Judicial District including Jones 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

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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 31 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 Corbin, Iowa, this 22 day of September, 2015.

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

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

Cheryl Watson
Cheryl Watson
Condemnation Unit

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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 136

NOTICE

East of the City of Oxford Junction

located in Jones County, Iowa

Project No. STPN-136-2(28)--2J-53

Group "A"

TO:

Kenneth James Burda, 8571 14th Avenue, Onekama, Michigan 49675
Deborah Burda, 8571 14th Avenue, Onekama, Michigan 49675
Patricia Lee Burda, 4810 Twisting Road, Houston, Texas 77084
Ruth E. Burda Estate, c/o Kenneth J. Burda, Executor, 8571 14th Avenue, Onekama, Michigan 49675
Joel Lasak, 2658 Highway 136, Oxford Junction, Iowa 52323
Jones County, Iowa, c/o County Auditor, 500 West Main Street, Anamosa, Iowa 52205

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the SE ¼ SW ¼ of Section 23, Township 83 North, Range 1 West of the 5th P.M., Jones 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 Plat Exhibit "A" and Graphic Exhibit "B" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Jones County, Iowa, and in the Office of the Sheriff of Jones County, Iowa, to which you are referred:

The easement for highway purposes sought to be appropriated, is in land described as follows:

A parcel of land located in the SE ¼ SW ¼ of Section 23, Township 83 North, Range 1 West of the 5th P.M., Jones County, Iowa, as shown on the Acquisition Plat Exhibit "A", attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Jones County Project No. STPN-136-2(28)--2J-53
Kenneth James Burda, et al (Parcel 1)
Continued on next page

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Jones County Project No. STPN-136-2(28)--2J-53
Kenneth James Burda, et al (Parcel 1)

Page 2

Commencing at the Southeast Corner said Section 23; thence S88°34'02"W, 2650.88 feet along the south line of the SE ¼ of said Section 23 to the South ¼ Corner of said Section 23 and the presently established northerly right-of-way line of Primary Road No. IA 136; thence N73°10'51"W 411.51 feet along said right-of-way line to the Point of Beginning; thence continuing N73°10'51"W, 317.44 feet along said right-of-way line; thence westerly 67.08 feet along said right-of-way line along a 1375.54 foot radius curve concave northerly having a long chord bearing N71°47'02"W, 67.07 feet to the easterly line of Parcel No. 2003-45 as recorded as Doc. No. 2003-3664 in the Office of the Jones County Recorder; thence N00°08'39"W, 10.63 feet along said easterly line; thence S84°53'16"E, 237.53 feet; thence S52°01'11"E, 166.21 feet to the Point of Beginning, containing 0.30 acre, more or less.

Note: The South line of the SE ¼ of said Section 23 is assumed to bear S88°34'02"W.

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 by easement for highway purposes, are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement in the SE ¼ SW ¼ of Section 23, Township 83 North, Range 1 West of the 5th P.M., Jones County, Iowa, for the specific purpose of shaping, in land described as follows and as shown on the Graphic Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the Southeast Corner of said Section 23; thence S88°34'02"W, 2650.88 feet along the South line of the SE ¼ of said Section 23 to the South ¼ Corner of said Section 23 and the presently established northerly right-of-way line of Primary Road No. IA 136; thence N73°10'51"W 411.51 feet along said right-of-way line; thence N52°01'11"W, 91.15 feet to the Point of Beginning; thence continuing N52°01'11"W, 75.06 feet; thence N68°09'34"E, 32.02 feet; thence S40°42'35"E, 65.19 feet; thence S66°23'55"W, 15.70 feet to the Point of Beginning.

Note: The South line of the SE ¼ of said Section 23 is assumed to bear S88°34'02"W.

3. 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.

Jones County Project No. STPN-136-2(28)--2J-53
Kenneth James Burda, et al (Parcel 1)
Continued on next page

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Jones County Project No. STPN-136-2(28)--2J-53
Kenneth James Burda, et al (Parcel 1)

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4. The areas sought to be appropriated by temporary easement, for the specific purpose of shaping and for relocating, replacing, or restoring tile, if any, are reserved to the condemnees until the actual date said areas are required for construction of this highway improvement. Also, said temporary easement rights shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than the completion of this highway improvement.
5. 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.

Jones County Project No. STPN-136-2(28)--2J-53
Kenneth James Burda, et al (Parcel 1)

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Iowa Department of Transportation

ACQUISITION PLAT EXHIBIT "A"



COUNTY JONES STATE CONTROL NO. _____

PROJECT NO. STPN-136-2(28)-2J-53 PARCEL NO. 1

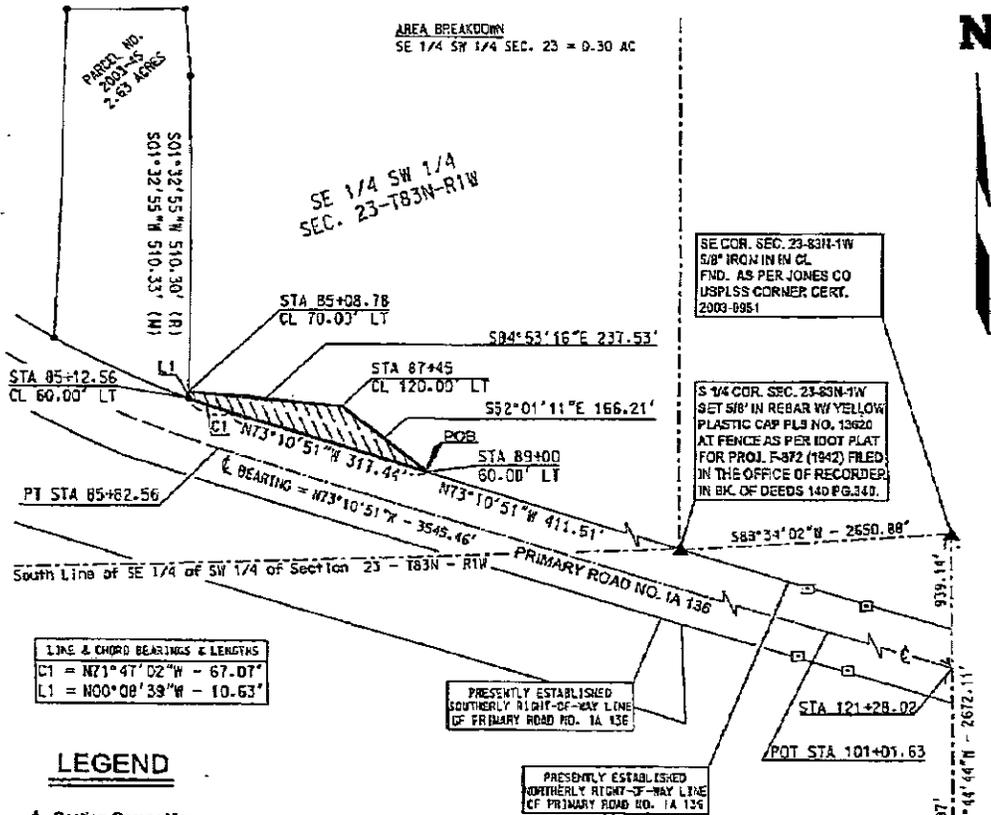
SECTION 23 TOWNSHIP 83-N RANGE 1-W

ROW-FEE _____ AC. EASE 0.30 AC EXCESS-FEE _____ AC

ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE _____

ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE _____

ACQUIRED FROM Kenneth James Burda, et al

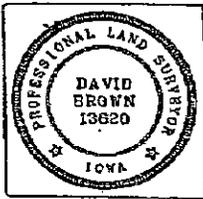


LEGEND

- ▲ Section Corner Mon.
- Found Rebar as Noted on Correction Plat of Survey 2003-3664 Jones Co. Recorder Office
- ⊗ Found ROW Rail
- (R) Record Document No. 2003-3664 in the Office of the Jones County Recorder
- ⊠ IDOT Conc. Mon. with 1/2" Rebar

CURVE DATA IA. #136
P.I. STA 81+24.40

Δ	= 38°02'01"
D	= 03°59'28"
T	= 494.77'
L	= 352.93'
E	= 82.87'
R	= 1435.54'



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.

David B. Brown Dec. 24, 2014
DAVID B. BROWN LICENSE NO. 13620 DATE

My license renewal date is December 31, 2019.

Pages or sheets covered by this seal: this page only

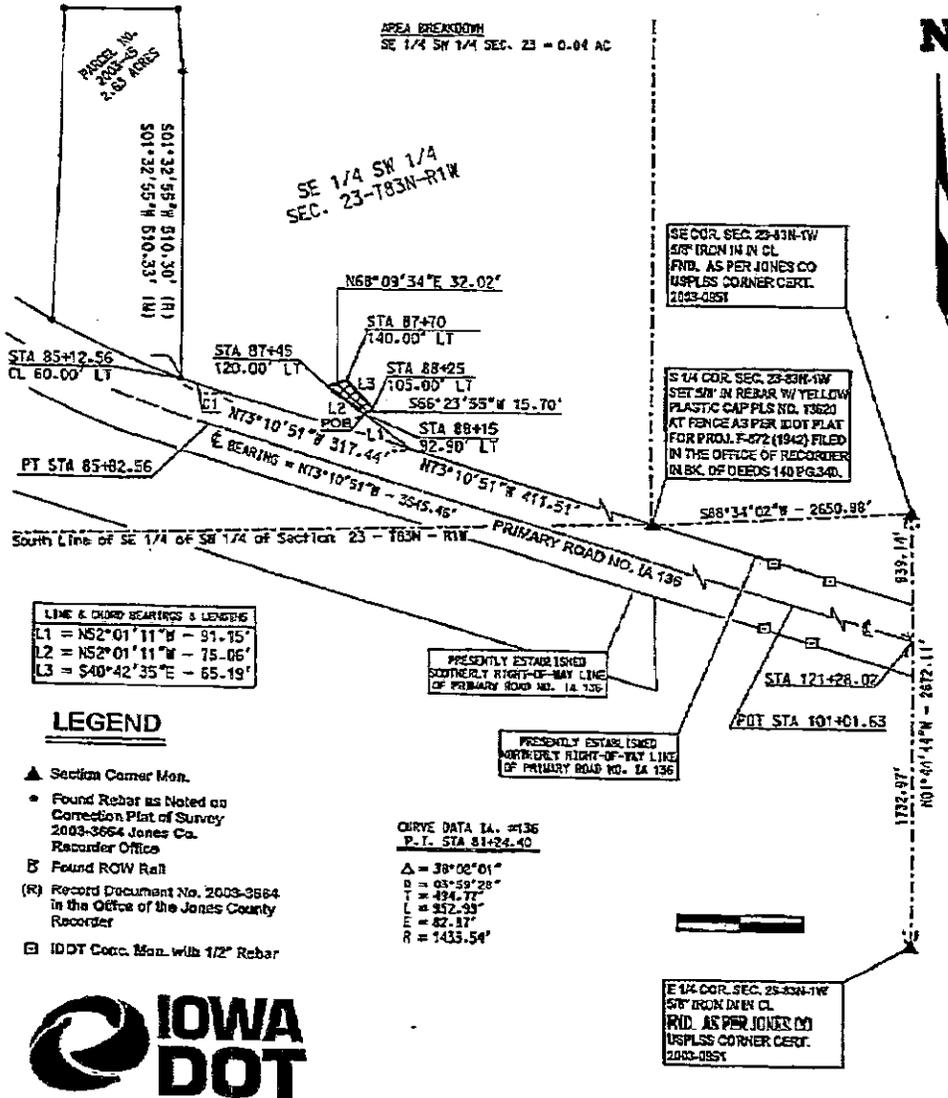
E 1/4 COR. SEC. 26-83N-1W 5/8" IRON IN IN CL FND. AS PER JONES CO USPLSS CORNER CERT. 2003-0951

Iowa Department of Transportation
GRAPHIC EXHIBIT 'B'



COUNTY JONES STATE CONTROL NO. _____
 PROJECT NO. STPN-136-2(28)-2J-53 PARCEL NO. 1
 SECTION 23 TOWNSHIP 83-N RANGE 1-W
 ROW-FEE _____ AC. EASE _____ AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE _____
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE _____
 ACQUIRED FROM Kenneth James Burda, et al

Temporary Easement to Shape



300
3700.00

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 136
East of the City of Oxford Junction
located in Jones County, Iowa

SHERIFF'S CERTIFICATION
AS TO AWARDS AND COSTS

Project No. STPN-136-2(28)--2J-53 Group "A"

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN
BOOK _____, PAGE _____, OR INSTRUMENT/DOCUMENT NUMBER 2015-2561
AND DATED 9-8-15

TO: Iowa Department of Transportation, Ames, Iowa

I certify that the commissioners in the above-entitled cause convened at Anamosa, Iowa,
on the 19th day of December, 2015, and thereupon proceeded to view the premises, and said*
commissioners did on the _____ day of _____, 20____, file their report in my office, awarding
damages as follows:

Viewing of the premises was waived by all parties

NAMES OF CONDEMNNEES	AWARD	ATTORNEY FEES AND COSTS
<u>Joel Lasak</u>	<u>\$ 3,700.00</u>	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
TOTAL DAMAGES AWARDED:	\$ _____	\$ _____

I certify that the costs incident to this proceeding are taxed and Notices were served as listed below:
(attach separate list if necessary)

Date	Names of Condemnees	Service Fee	Mileage x Rate Per Mile = Amount	Sum
<u>10/24/15</u>	<u>Jones County Iowa - (County Auditor)</u>	<u>15.50</u>	<u>29.90</u>	<u>45.40</u>
<u>10/27/15</u>	<u>Joel Lasak</u>	<u>15.50</u>	<u>1.00</u>	<u>16.50</u>

Sub Total \$ 61.90

Sheriff's Fees
Summoning and attending Commissioners (includes service fees)
(Maximum allowed by Code Section 331.655 is \$100.00) \$ 100.00

Mileage while summoning and attending Commissioners
(257 miles x \$.575 per mile) \$ 153.53

TOTAL: \$ 315.43

Greg A. Graver
Greg Graver
Sheriff of Jones County, Iowa