



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 DOT
2. The real property subject to the Application is located in Story County.
3. The date the condemnation application was filed by the undersigned County Recorder is May month, 5 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # 16-03740
Book _____, Page _____.

Stacie Herdige
County Recorder for

Story 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

Instr. Number: 2016-00003740
Recorded: 5/5/2016 at 1:02:32.0 PM
Recording Fee: \$32.00
Transfer Tax:
Stacie L. Herridge - Recorder
Story County, Iowa

Prepared by: Allyssa Myers, IA Dept. of Transportation, Right of Way-Condensation,
800 Lincoln Way, Ames, IA 50010 515-239-1757
Return to: Allyssa Myers, IA Dept. of Transportation, Right of Way-Condensation,
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

Interstate Route No. U.S. 35
Southeast of the City of Ames
located in Story County, Iowa

Project No. IMN-035-4(186)112--0E-85 Group "A"

TO: Kurt Wilke, Chief Judge, 2nd Judicial District including Story County, Iowa

APPLICATION TO THE CHIEF
JUDGE OF THE
2nd 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 Non-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 29 day of April, 2016.

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 FF Dodge, Iowa, this 3rd day of May, 2016.

Kurt Wilke
Kurt Wilke
Chief Judge of the 2nd Judicial District
including Story County, Iowa.

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

Allyssa Myers
Allyssa Myers, Condemnation Unit

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

NOTICE

Interstate Route No. U.S. 35

Southeast of the City of Ames

located in Story County, Iowa

Project No. IMN-035-4(186)112--0E-85

Group "A"

TO:

Troy Bigelow, 56533 245th Street, Ames, Iowa 50010
JoAnn Lois Barten, 56533 245th Street, Ames, Iowa 50010
State Bank & Trust Co., 1025 6th Street, Nevada, Iowa 50201
Shawn Robert Cole, 1018 4th Street, Nevada, IA 50201
Story County Clerk of Court, 1315 South B Avenue, Nevada, IA 50201
(CDDM010421)
Story County, Iowa, c/o County Auditor, 900 6th Street, Nevada, IA 50201

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 83 North, Range 23 West of the 5th Principal Meridian, Story 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" Plat 1 of 2 (land required for the public improvement) and Exhibit "A" Plat 2 of 2 (uneconomical remnant) attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Story County, Iowa, and in the Office of the Sheriff of Story 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 in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 83 North, Range 23 West of the 5th Principal Meridian, Story County, Iowa, as shown on Acquisition Plat Exhibit "A" Plat 1 of 2, which by this reference is made a part hereof.

Said parcel is described as follows:

Story County Project No. IMN-035-4(186)112--0E-85
Troy Bigelow, et ux, (Parcel 8)
Continued on next page

Story County Project No. IMN-035-4(186)112--0E-85
Troy Bigelow, et ux (Parcel 8)

Page 2

Commencing at the NW Corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 18; thence N 89°00'47"E, 60.06 feet on the north line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ to a point on the existing easterly right of way line of Interstate Route No. 35, the Point of Beginning; thence; continuing N 89°00'47"E, 322.84 feet on said north line; thence S 09°18'48"E, 260.53 feet; thence S 38°46'01"W, 221.28 feet; thence S 89°44'23"W, 283.21 feet to the west line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 18; thence N 00°26'18"W, 301.88 feet on said west line to a point on the existing easterly right of way line of Interstate Route No. 35; thence N 14°07'34"E, 26.27 feet on said existing easterly right of way line; thence N 28°16'09"E, 111.28 feet on said existing easterly right of way line to the Point of Beginning, containing 3.68 acres, of which 0.61 acre is within existing road right of way.

and,

A parcel of land in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18, Township 83 North, Range 23 West of the 5th Principal Meridian, Story County, Iowa, as shown on Acquisition Plat Exhibit "A" Plat 2 of 2, which by this reference is made a part hereof.

Said parcel is described as follows:

Commencing at the NW Corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 18; thence N 89°00'47"E, 382.90 feet on the north line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ to the Point of Beginning; thence continuing N 89°00'47"E, 623.67 feet on said north line; thence S 00°43'15"E, 437.10 feet; thence S 89°44'23"W, 725.47 feet; thence N 38°46'01"E, 221.28 feet; thence N 09°18'48"W, 260.53 feet to the Point of Beginning, containing 6.21 acres.

The land described above is also described in a certain Warranty Deed recorded in the Story County Recorder's Office on October 4, 2013 as Instrument Number 2013-11932 as follows: The North Ten (10) Acres of the South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Eighteen (18), Township Eighty-three (83) North, Range Twenty-three (23) West of the 5th P.M., Story County, Iowa, except the East 50.2 Acres of the South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 18 and excepting that portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) that lies Northwesterly of a line beginning at a point 65 feet radially distant Southeasterly from Station 2562+10 (Edge of Slab Ramp "B"), thence concentric with the centerline of Ramp "B" to a point 65 feet radially distant Southeasterly from Station 2562+50, thence to a point 90 feet radially distant Southeasterly from the edge of slab of Ramp "B" on the North line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$).

In connection with this condemnation proceeding it is specifically provided that 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.

Story County Project No. IMN-035-4(186)112--0E-85
Troy Bigelow, et ux (Parcel 8)

Page 2

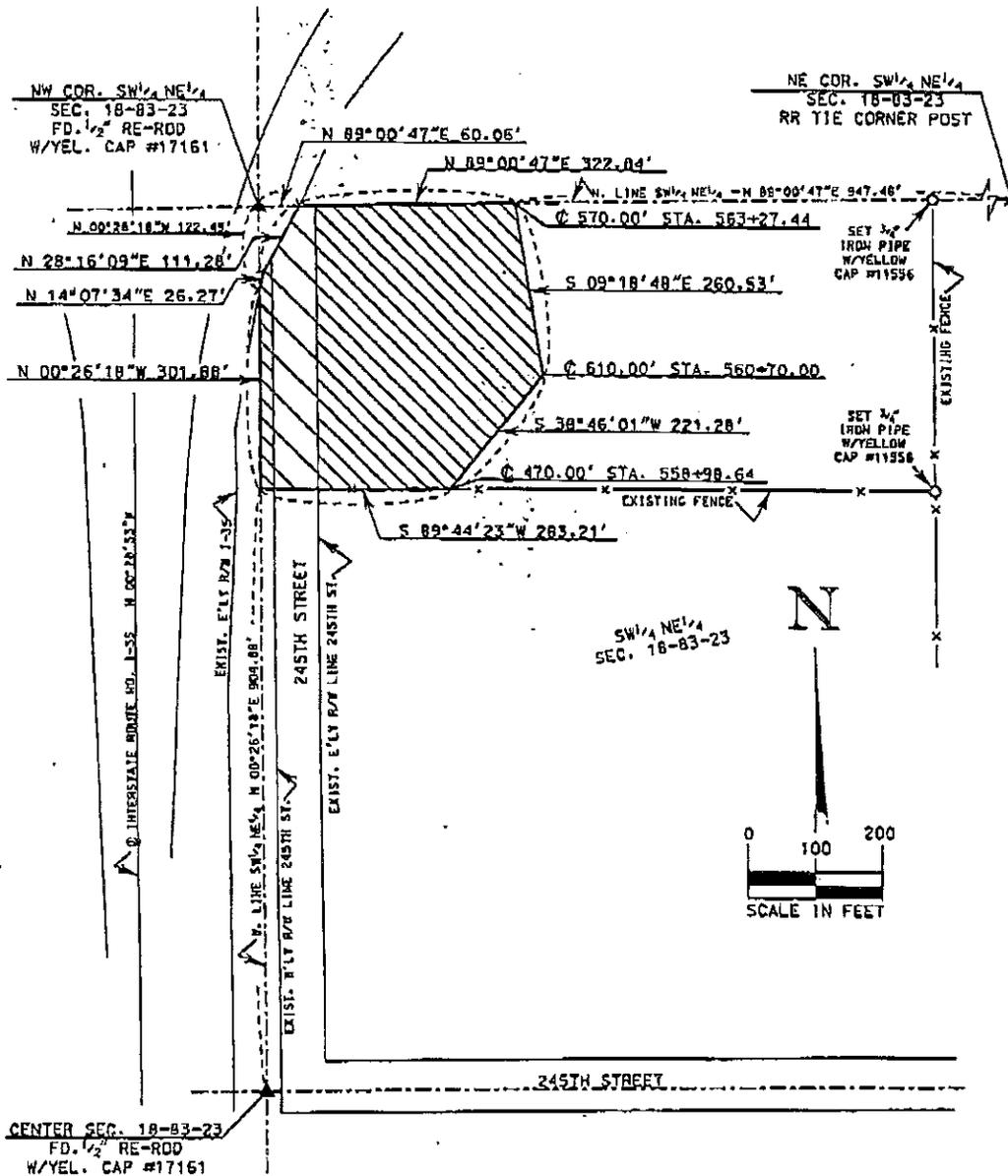
IOWA DEPARTMENT OF TRANSPORTATION



ACQUISITION PLAT
EXHIBIT "A" PLAT 1 OF 2

COUNTY _____ STORY _____ STATE CONTROL NO. 85-1200
 PROJECT NO. IMN-035-4(186)112-OE-85 PARCEL NO. 8
 SECTION 18 TOWNSHIP 83N RANGE 23W
 ROW - FEE #3.68 AC. EASE _____ AC. EXCESS - FEE _____ AC
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM _____

#3.68 ACRES FEE TITLE INCLUDES 0.61 ACRE WITHIN EXISTING ROAD RIGHT OF WAY.



CENTER SEC. 18-83-23
FD. 1/2" RE-ROD
W/YEL. CAP #17161



I hereby certify that this land surveying document was prepared by me or under my direct personal supervision, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.
John R. Popelka 10/28/2015
 John R. Popelka License No. 11556 Date
 My license renewal date is December 31, 2016

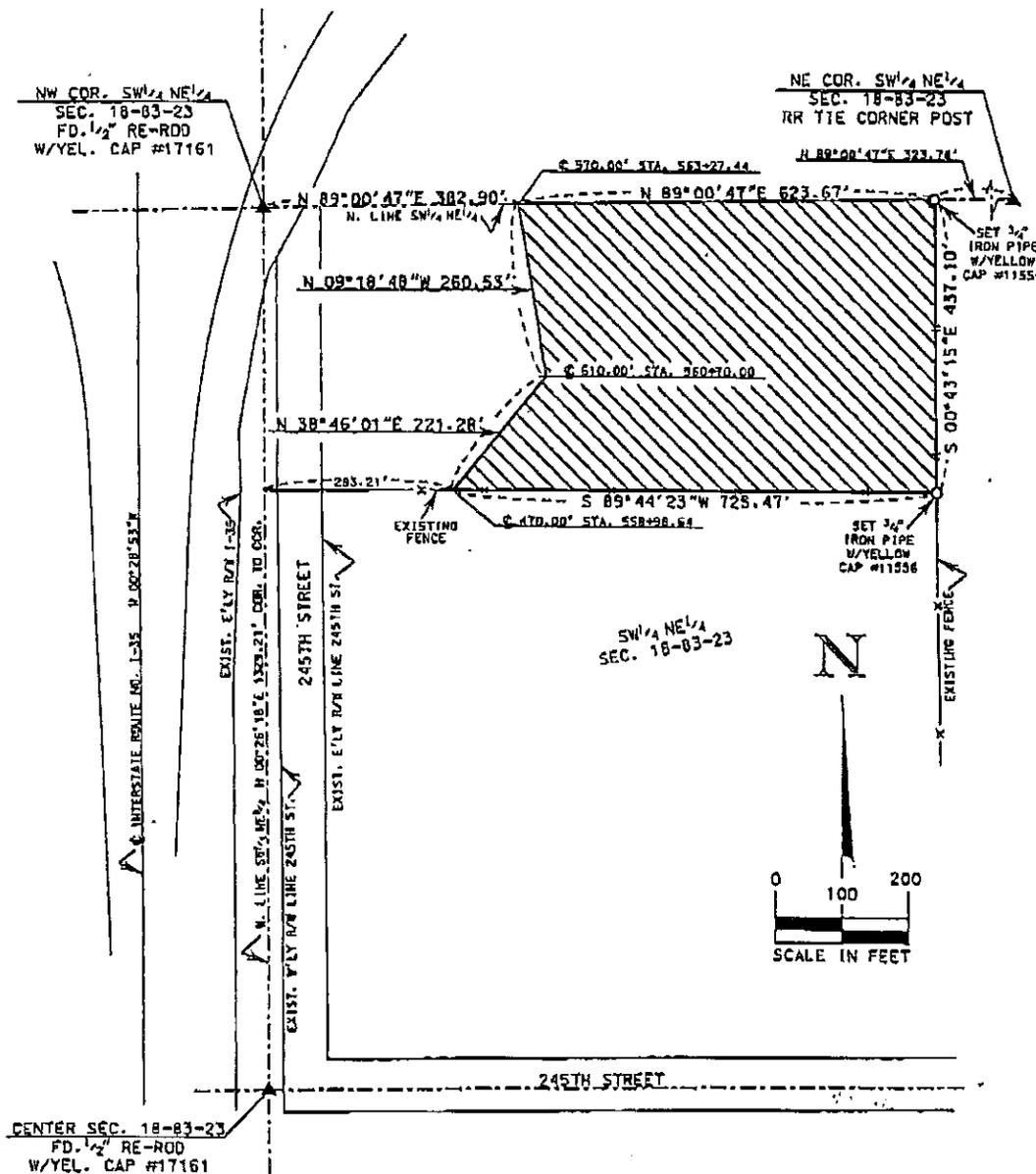
DATE DRAWN OCT. 21, 2015 J.R.P.
CORRECTED OCT. 28, 2015 J.R.P.

IOWA DEPARTMENT OF TRANSPORTATION



ACQUISITION PLAT
EXHIBIT "A" PLAT 2 OF 2

COUNTY	STORY	STATE CONTRL NO.	85-1200
PROJECT NO.	IMN-035-4(186)112-OE-05	PARCEL NO.	8
SECTION	18	TOWNSHIP	83N
		RANGE	23W
ROW - FEE	6.21	AC. EASE	
		AC. EXCESS - FEE	AC
ACQUIRED ACCESS RIGHTS FROM STA.		TO STA.	
		MAIN LINE	SIDE
ACQUIRED ACCESS RIGHTS FROM STA.		TO STA.	
		SIDE ROAD	SIDE
ACQUIRED FROM			



CENTER SEC. 18-83-23
FD. 1/2" RE-ROD
W/YEL. CAP #17161



I hereby certify that this land surveying document was prepared by me or under my direct personal supervision, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

John R. Popelka 10/24/2015
John R. Popelka License No. 11556 Date
My license renewal date is December 31, 2016

DATE DRAWN OCT. 21, 2015 J.R.P.

#1263



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

County Recorder for

_____ 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 DOT
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 16-03740, Book _____, Page _____ and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 16-07851, Book _____, Page _____; on August month, 16 day, 2016 year.

Stacie Herridge
County Recorder for

Story 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- 00007251
 Date: Aug 12, 2016 02:46:07P
 Rec Fee: 215.00 E-Com Fee: 1.00
 Aud Fee: 5.00 Trans Tax: 919.20
 Rec Management Fee: 1.00
 Non-Standard Page Fee: .00
 Filed for record in Story County, Iowa
 Stacie L. Herridge, County Recorder



**CONDEMNATION
 PROCEEDINGS**
 Recorder's Cover Sheet

PREPARER INFORMATION: Story County Sheriff, 1315 S. "B" Ave., Nevada, IA
 50201

TAXPAYER INFORMATION: Tax Exempt-IA Code Sec. 427.1 Prop Mgmt-ROW
 Office, IDOT, 800 Lincoln Way, Ames, IA 50010

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

GRANTORS:

Troy Bigelow
 JoAnn Lois Barten
 State Bank & Trust
 Shawn Robert Cole
 Story County Clerk of court
 Story County Auditor

GRANTEES:

State of Iowa

DOCUMENT OR INSTRUMENT NUMBER OF PREVIOUSLY RECORDED DOCUMENTS:

Application for Condemnation filed 5/5/2016 Instr. No. 2016-3740

LEGAL DESCRIPTION: A parcel of land located in part of the Southwest $\frac{1}{4}$ of the
 Northeast $\frac{1}{4}$ of Section 18, Township 83 North, Range 23 West of the Fifth Principal
 Meridian, Story County, Iowa.

Story County Project No. IMN-035-4(186)112--0E-85
 Troy Bigelow, et al (Parcel No. 8)

Prepared by Paul H. Fitzgerald, Story County Sheriff, 1315 S B Ave., Nevada, IA 50201 Phone 515-382-7460

In the Matter of the Condemnation of Certain Rights in Land by the Iowa Department of Transportation for the Improvement of Interstate Rout No. U.S. 35, southeast of the City of Ames located in Story County, Iowa

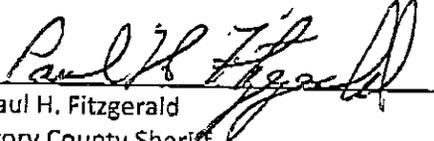
Project No. IMN-035-4(186)112--0E85 Group "A"
Sheriff's Number 16-001571

STATE OF IOWA, STORY COUNTY, ss:

I, Paul H. Fitzgerald, Sheriff of Story County, Iowa, do hereby certify that the foregoing are the papers as originally filed in the above titled matter in my office, consisting of the following in the Iowa Department of Transportation Condemnation hearing held on the 12th day of July, 2016.

1. Sheriff's Report of Condemnation Proceedings
2. "Certified True Copy" of the APPLICATION TO THE CHIEF JUDGE
3. SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONS
4. SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS
5. Signed copies of the SUMMONS TO COMMISSIONERS (6)
6. OATH OF CONDEMNATION COMMISSIONERS
7. SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS
8. CONDEMNATION COMMISSIONER'S STATEMENT (6)
9. NOTICE OF CONDEMNATION
10. RETURNS OF SERVICE
11. PROOF OF PUBLICATION
12. AFFIDAVIT OF FINAL OFFER
13. REPORT OF COMPENSATION COMMISSION
14. ENDORSEMENT OF SHERIFF OF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL
15. NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

Dated at Nevada, Iowa, County of Story, this 12th day of August 2016,


Paul H. Fitzgerald
Story County Sheriff

P-2

Sheriff's Report of Condemnation Proceedings

State of Iowa)
County of Story)

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

Interstate Route No. U.S. 35
Southeast of the City of Ames
Located in Story County, Iowa

Project No. IMN-035-4(186)112--OE-85 Group "A"
Sheriff's Number 16-001571

I Paul H. Fitzgerald, Sheriff of Story County, Iowa, certify that I received the attached, certified copy of the Application for Condemnation on the 11th Day of May, 2016. This application was filed with the Story County Recorder on the 5th day of May, 2016, Instrument Number: 2016-00003740.

I further certify that the condemnation hearing was held on the 12th day of July, 2016, and the awards made, a copy of which is included.

I further certify that the total cost of the hearing was \$1,534.44, which has been paid to the Sheriff by the Iowa Department of Transportation/State of Iowa. The money has will be disbursed in the following manner:

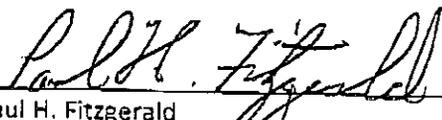
Commissioner Borton.....	\$205.40	Commissioner Flack.....	\$210.80
Commissioner Mallon.....	\$221.60	Commissioner Olive.....	\$221.60
Commissioner Bauer.....	\$210.80	Commissioner Grandon.....	\$210.80
Sheriff's Fees for holding condemnation hearing <u>\$100.00</u> , Publication of notice in the Ames Tribune <u>\$25.64</u>			
Mileage <u>\$37.80</u> , Service of Condemnees <u>\$90.00</u>			
Total Disbursed.....			\$1,534.44

I further certify that I received from the Iowa Department of Transportation/State of Iowa an award check in the amount of \$575,000.00, check #67478173, payable to Troy Bigelow, Joann Lois Barten, State Bank & Trust Co., Shawn Robert Cole, Story County Clerk of Court and Story County Treasurer.

I further certify that as of the date entered below, said checks have been disbursed or are scheduled for disbursement:

1. Condemnation Commissioner's checks will be disbursed by ordinary mail upon receipt from Department of Transportation.
2. Publication check to Ames Tribune will be disbursed upon receipt from Department of Transportation.
3. The check for Troy Bigelow and Joann Barten was disbursed on August 12th, 2016 in the amount of \$575,000.00.

Dated this 12th day of August 2016


 Paul H. Fitzgerald
 Story County Sheriff