



#1266

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 IDOT
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 February month, 01 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # \_\_\_\_\_  
Book 9459, Page 130.

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 IDOT
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # \_\_\_\_\_, Book 9459, Page 130 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # \_\_\_\_\_  
Book 9538, Page 346, on May month, 17 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



Doc ID: 022299390063 Type: GEN  
Recorded: 05/17/2016 at 02:43:25 PM  
Fee Amt: \$1,467.60 Page 1 of 63  
Revenue Tax: \$1,145.60  
Linn County Iowa  
JOAN MCCALMANT RECORDER

BK **9538** PG **346-408**

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 "O"

Iowa Department of Transportation  
vs  
Ryan Benson

)  
)  
) **Sheriff's filing of Record after**  
) **Receiving Notice of Appeal**  
)  
)  
)

To: Roxann Repstien, Clerk of the Linn County District Court

Pursuant to 6B.20 Code of Iowa, I am advising you that I have this 10<sup>th</sup>, day of  
May, 2016, been served with a Notice of Appeal by the above named plaintiffs.

I hereby certify that the attached documents are the ORIGINAL/TRUE copies of the  
Condemnation Proceedings which were held on the 13<sup>th</sup> day of April, 2016, and I am in receipt  
of \$716,080.00, which represents the Commissions Award in this matter.

Brian D Gardner  
Linn County Sheriff

By: Sgt. Deric Oshel, Deputy

In the matter of the Condemnation of certain Real Estate in )  
 Land by the Iowa Department of Transportation )  
 for the improvement of )  
 )  
 Primary Road No. IA 100 )  
 West of the City of Cedar Rapids )

**Sheriff's Certification of  
 Costs and Awards**

Project No. NHSN-100-1(40)—2R-57 Group "O"

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 13th day of April, 2016, and thereupon proceeded to view the premises and the said Commissioners did thereafter on the 13th day of April, 2016, file their written report with me awarding damages as follows:

	LAND & IMPROVE.	CONSEQ. DAMAGES	TOTAL AWARD	ATTY FEES
Ryan Benson Linn County Treasurer } 3	\$564,000.00	\$152,080.00	\$716,080.00	

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

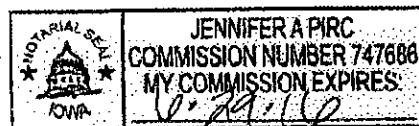
Expense of Summoning Commissioners	\$	
Serving Condemnees	\$	\$30.00
Expense of Commissioners	\$	\$1296.80
Sheriff's Mileage Serving Condemnees	\$	\$13.96
Sheriff's Mileage Transporting Commissioners	\$	\$11.88
Copies	\$	\$12.00
Sheriff's Fee Attending Condemnation	\$	\$100.00
Notary	\$	
Publication	\$	\$21.27
Postage	\$	\$12.96
Recording Fee	\$	<u>To Be Paid by IDOT Attn: Katie Johnson</u>
<b>Total</b>	\$	<b>\$1,498.87</b>

Given under my hand this 13<sup>th</sup> day of April, 2016.

Brian D Gardner, Sheriff  
 Linn County, Iowa  
*Sgt Deric Oshel*  
 By Sgt. Deric Oshel #192

Subscribed and sworn to before me this 13<sup>th</sup> day of April, 2016, by Sgt. Deric Oshel, Deputy Sheriff, Linn County, Iowa.

*Jennifer A Pirc*  
 \_\_\_\_\_  
 NOTARY PUBLIC In and for the State of Iowa



CERTIFIED TRUE COPY

BK: 9459 PG: 130  
Recorded: 2/1/2016 at 2:20:21.840 PM  
Fee Amount: \$72.00  
Revenue Tax:  
Joan McCalmant RECORDER  
Linn County, Iowa  
Unique Doc ID: 2362845

REC'D  
16 FEB -5 PM 12:34  
BRIAN D. GARDNER  
SHERIFF  
LINN COUNTY, IOWA

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

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

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

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

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

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 "O"

TO:

Ryan H. Benson, 7408 76<sup>th</sup> Avenue SW, Fairfax, IA 52228  
Linn County, Iowa, c/o County Auditor, 935 2nd Street SW, Cedar Rapids, IA 52404

REC'D  
16 FEB -5 PM 12:35  
ERIAN D. GARDNER  
SHERIFF  
LINN COUNTY, IOWA

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 5<sup>th</sup> 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 5<sup>th</sup> 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 Quarter of the Northeast Quarter (NE1/4 NE1/4) a distance of 121.70 feet; thence South 80°50'16" West,

Linn County Project No. NHSN-100-1(40)--2R-57  
Ryan H. Benson (Parcel 35)  
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Ryan H. Benson (Parcel 35)

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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 5<sup>th</sup> Principal Meridian, Linn County, Iowa, said parcel being shown on Acquisition Plat Exhibit "A-2" attached hereto and by reference made a part hereof.

Linn County Project No. NHSN-100-1(40)--2R-57  
Ryan H. Benson (Parcel 35)  
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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 5<sup>th</sup> 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 80<sup>th</sup> 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 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.

Linn County Project No. NHSN-100-1(40)--2R-57  
Ryan H. Benson (Parcel 35)  
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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 80<sup>th</sup> 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 ½ of the NE ¼ of Section 28, Township 83 North, Range 8 West of the 5<sup>th</sup> P.M., Linn County, Iowa, from Sta. 2563+31± (Property Line) to Sta. 2565+56, on the south side.

Linn County Project No. NHSN-100-1(40)--2R-57  
Ryan H. Benson (Parcel 35)  
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