

#1293



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)

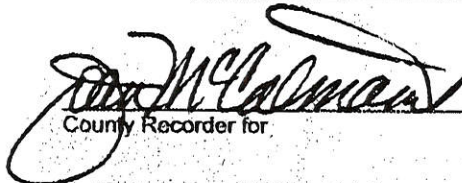


Box 2

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.

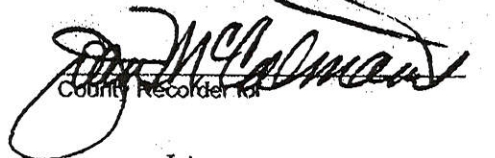
1. The name of the acquiring agency is Iowa Dept of Transportation
2. The real property subject to the Application is located in Linn County.
3. The date the condemnation application was filed by the undersigned County Recorder is June month, 13 day, 2016 year.
4. The attached Condemnation Application is filed of record at Document # _____
Book 9562, Page 81.


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 Iowa Dept of Transportation
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # _____, Book 9562, Page 81 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # _____
Book 9667, Page 380; on October month, 6 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: 022533640041 Type: GEN
Recorded: 10/06/2016 at 09:33:11 AM
Fee Amt: \$239.20 Page 1 of 41
Revenue Tax: \$27.20
Linn County Iowa
JOAN MCCALMANT RECORDER

PK 9667 PG 380-420

In the matter of the Condemnation of certain Real Estate for
Primary Road No. U.S. 30 in the City of Mount Vernon
Located in Linn County, Iowa
Project No. NHSN-30-7(101)---2R-57 Group "B"

Sheriff's Certification of
Costs and Awards

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 31st day of August, 2016, and thereupon proceeded to view the premises and the said Commissioners did thereafter on the 31st day of August, 2016, file their written report with me awarding damages as follows:

	LAND & IMPROVE.	CONSEQ. DAMAGES	TOTAL AWARD	ATTY FEES
Parcel 14B ARC CAFEHLD001, LLC Hardee's Restaurant, LLC Westar Foods, Inc Linn County Treasurer			\$17,100.00	

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	\$ _____ 1,224.84
Sheriff's Mileage Serving Condemnees	\$ _____ 17.20
Sheriff's Mileage Transporting Commissioners	\$ _____
Copies	\$ _____
Sheriff's Fee Attending Condemnation	\$ _____ 100.00
Notary	\$ _____
Publication	\$ _____ 21.03
Postage	\$ _____ 9.72
Recording Fee	\$ To be paid by I.D.O.T.-Attn: Katie Johnson
Total	\$ _____ 1,402.79

Given under my hand this 31st day of August, 2016.

Brian D Gardner, Sheriff
Linn County, Iowa

R. Rowland
By Lt. R. Rowland, Deputy

Subscribed and sworn to before me this 31st day of August, 2016, by Lt. R. Rowland, Deputy Sheriff, Linn County, Iowa.

Jennifer A. Pirc
NOTARY PUBLIC In and for the State of Iowa



27.00
212.00

BK: 9562 PG: 81
Recorded: 6/13/2016 at 10:20:08.103 AM
Fee Amount: \$37.00
Revenue Tax:
Joan McCalmant RECORDER
Linn County, Iowa
Unique Doc ID: 2382543

CERTIFIED TRUE COPY

REC'D
16 JUN 17 PM 2:03
GRIAN D. GARNER
SHERIFF
LINN COUNTY, IOWA

Prepared by: Katie A. Johnson, IA Dept. of Transportation, Right of Way-Condemnation,
800 Lincoln Way, Ames, IA 50010 515-239-1633
Return to: Katie A. Johnson, 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. U.S. 30
in the City of Mount Vernon
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-030-7(101)--2R-57 Group "B"

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 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 2 day of June, 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 Cedar Rapids Iowa, this 9th day of June, 2016.

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.

Katie A. Johnson
Katie A. Johnson, Condemnation Unit

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

Primary Road No. U.S. 30

NOTICE

in the City of Mount Vernon

located in Linn County, Iowa

Project No. NHSN-030-7(101)--2R-57

Group "B"

TO:

ARC CAFEHLD001, LLC, c/o C T Corporation System, Registered Agent, 400 E Court Avenue, Des Moines,
Iowa 50309

Hardee's Restaurants, LLC, c/o CSC-Lawyers Incorporating Service Company, Registered Agent, 221 Bolivar
Street, Jefferson City, Missouri 65101

Westar Foods, Inc., c/o C T Corporation System, Registered Agent, 400 E Court Avenue, Des Moines,
Iowa 50309

City of Mount Vernon, Iowa, c/o City Clerk, 213 First Street NW, Mount Vernon, Iowa 52314

Linn County, Iowa, c/o County Auditor, 935 Second Street SW, Cedar Rapids, Iowa 52404

and to all other persons, companies or corporations having any interest in or owning any of the following
described real estate: Part of Lot 1, Stoner Plaza Addition, an Official Plat in the City of Mount Vernon, Linn
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 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 is in land described as follows:

A parcel of land located in Lot 1, Stoner Plaza Addition, an Official Plat in the City of Mount Vernon, Linn
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:

Linn County Project No. NHSN-030-7(101)--2R-57
ARC CAFEHLD001, LLC (Parcel 14B)
Continued on next page

Page 1

Linn County Project No. NHSN-030-7(101)--2R-57
 ARC CAFEHLD001, LLC (Parcel 14B)

Page 2

Commencing at the West Corner of said Lot 1; thence North 40°44'24" East along the northwesterly line of said Lot 1, a distance of 59.46 feet to the Point of Beginning; thence continuing North 40°44'24" East along said northwesterly line, 58.61 feet; thence South 49°15'36" East along the existing easterly right-of-way line of Primary Road No. IA 1, a distance of 8.00 feet; thence North 40°27'42" East continuing along said easterly right-of-way line, 136.34 feet to the northwesterly line of said Lot 1; thence North 69°32'46" East along said northwesterly line, 4.99 feet; thence South 35°32'54" West, 72.10 feet; thence South 42°22'26" West, 61.55 feet; thence South 53°08'29" West, 67.58 feet to the Point of Beginning, containing 1,277 square feet.

Note: The northwesterly line of Lot 1, Stoner Plaza Addition is assumed to bear North 40°44'24" East.

In connection with this condemnation proceeding it is specifically provided as follows:

1. Any and all improvements, including fences, if any, located wholly within the land sought in fee simple title are condemned in their entirety, except as noted in Item 2 below.
2. It is not the intent of the condemner to acquire the "Drive Thru" sign located at Sta. 6705+21 on the south side of Primary Road No. IA 1.
3. The State of Iowa will construct an entrance at Sta. 6705+43 on the south side of Primary Road No. IA 1.
4. The State of Iowa shall have a right of temporary easement in Part of Lot 1, Stoner Plaza Addition, an Official Plat in the City of Mount Vernon, Linn County, Iowa, for the specific purpose of shaping, in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the West Corner of said Lot 1; thence North 40°44'24" East along the northwesterly line of said Lot 1, a distance of 20.22 feet to the Point of Beginning; thence continuing North 40°44'24" East along said northwesterly line, 39.24 feet; thence North 53°08'29" East, 67.58 feet; thence North 42°22'26" East, 61.55 feet; thence North 35°32'54" East, 72.10 feet to the northwesterly line of said Lot 1; thence North 69°32'46" East along said northwesterly line, 30.25 feet; thence South 39°59'15" West, 161.20 feet; thence South 49°20'31" East, 21.13 feet; thence South 39°54'17" West, 26.86 feet; thence South 72°38'07" West, 90.77 feet to the Point of Beginning.

Note: The northwesterly line of Lot 1, Stoner Plaza Addition is assumed to bear North 40°44'24" East.

5. The area sought to be appropriated by temporary easement, for the specific purpose of shaping, is reserved to the condemnee until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.

Linn County Project No. NHSN-030-7(101)--2R-57
 ARC CAFEHLD001, LLC (Parcel 14B)
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