

#1335



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 Adair County, Iowa
2. The corresponding Condemnation Application to this Sheriff's Statement was filed of record at Document # 2017-0786, Book 759, Page 212 and a copy was sent to the Secretary of State.
3. The attached Sheriff's Statement was filed of record at Document # 2018-0038, Book 768, Page 282; on January month, 11 day, 2018 year.

Janice Schneider  
County Recorder for

Adair County

**PLEASE SUBMIT TO:**

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

SEE INSTRUCTIONS ON BACK



**PAUL D. PATE**  
*Secretary of State*  
*State of Iowa*

## **INSTRUCTIONS**

**for Filing CONDEMNATION APPLICATIONS  
and SHERIFF'S STATEMENTS**

1. All original Applications for Condemnation approved by the Chief Judge and filed with the County Recorder must be filed by the County Recorder with the Office of Secretary of State pursuant to Iowa Code § 6B.3(3).
2. After the Condemnation Application is recorded by your office, complete Part I of the Transmittal Form and FAX (or mail) the Application and the Form to the address at the bottom of the Form. Be sure to check Box 1 to indicate you are sending an attached Condemnation Application.
3. A copy of the Sheriff's Statement must be filed by the County Recorder with the Office of Secretary of State pursuant to Iowa Code § 6B.38.
4. When the Sheriff's Statement that corresponds to the previously filed Condemnation Application is recorded by your office, complete Part II of the Transmittal Form and FAX (or mail) the Statement and the Form to the address at the bottom of the Form. Be sure to check Box 2 to indicate you are sending an attached Sheriff's Statement.
5. Since the Sheriff's Statement is filed after the Condemnation Application, you may either complete Part II and resubmit the copy of the Transmittal Form that you used to file the corresponding Condemnation Application, or submit a new Transmittal Form with Part II completed.

### **PLEASE SUBMIT TO:**

Secretary of State  
Attention: Condemnation Filings  
State Capitol, Des Moines, IA 50319

FAX: 515-242-5952

>

Adair  
 Janelle Schneider  
 Instrument #2018-0038  
 01/11/2018 @02:29 PM  
 MCC CONDEMNATION  
 Book: 768 Page: 282 # Pages: 15  
 Total Fees: \$0.00

**CONDEMNATION FINAL PROCEEDINGS  
 Recorder's Cover Sheet**

**Preparer Information:** Clint Hight, 164 Public Square, Box 32, Greenfield, IA 50849, Phone: (641) 743-6197  
**Return Address:** Clint Hight, 164 Public Square, Box 32, Greenfield, IA 50849  
**Taxpayer Information:** Adair County Courthouse, 400 Public Square, Greenfield, IA 50849

282

**Grantors:** Leland E. Grubbs and Joanie I. Grubbs

**Grantees:** Adair County, Iowa

**Legal Description:** Acquisition plat located in a portion of Parcel "C" of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  32-77-33, being more particularly described as follows: Commencing at the southwest corner of said Section 32; thence S 88°37'05" E, a distance of 32.82 feet, thence N 1°22'55" E, a distance of 33.00 feet, to a point on the north right of way line of 160th Street, and the east right of way line of Brown Avenue, also being described as the point of beginning, thence N1°03'54" E, along the east right of way line of Brown Avenue, a distance of 205.79 feet, thence S 20°15'17" E, a distance of 113.80 feet, thence S 88°37'05" E, a distance of 723.72 feet, thence N 80°59'21" E, a distance of 173.42 feet, to the east line of Parcel "C", thence S 1°25'14" W, along the east line of Parcel "C", a distance of 131.28 feet, thence N 88°37'05" W, along the north right of way line of 160th Street, a distance of 935.02 feet, to the point of beginning, containing 2.259 acres, more or less, subject to any and all easements of record

IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG77-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA

NOTICE OF APPRAISEMENT; APPEAL OF AWARD; NOTICE OF APPEAL

You are hereby notified that on 10/25, 2017, the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out as follows:

Parcel No. 5:

Damages for Easement for Highway Purposes 2.259 Acres and fencing	\$ 38,000.00
Total	\$ <u>38,000.00</u>

283

Additionally, the Commission also found that Leland E. Grubbs and Joanie I. Grubbs are entitled to \$ \_\_\_\_\_ in attorney fees.

Any interested party may, within thirty (30) days from the date of mailing the notice of the appraisalment of damages, appeal to the district court by filing notice of appeal with the district court of the county in which the real estate is located and by giving written notice to the Sheriff that the appeal has been taken.

The sheriff shall endorse the date of mailing of notice upon the original appraisalment of damages.

10-27-17  
Date

  
Adair County Sheriff

Attachment: Report of Compensation Commissioners

The Commissioners made their decision based on the following documents and information received for consideration in arriving at the award(s):

The Commission awards the amount of \$38,000 in compensation as follows:

- \$16,900 - for tree replacement
- \$ 900 - for driveway replacement cost
- \$ 1,166 - for fences
- \$10,000 - one acre of front yard
- \$9,034 - 1.259 acres of pasture land

10 284

Commissioners vote on the award was majority by the following commissioners:

David Doud - Aye *David Doud*

Ryan Frederick - Aye *Ryan Frederick*

Dennis Kellenberg - Aye *Dennis Kellenberg*

Marc Don Carlos - Aye *Marc Don Carlos*

Barb Riley - Aye *Barb Riley*

Ronnie Martin - Aye *Ronnie Martin*

BY:

The commission shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The minutes shall be public record open to public inspection. Iowa Code Section 6B.14

COMMISSIONERS' COSTS:

1.	Dennis Greenfield Kellenberg of _____, Iowa	<u>1</u> days of service at \$200.00 <u>42</u> miles at .535 per mile _____ meals/parking	<u>\$200.00</u> \$ 22.47 \$
	Total Due		<u>\$222.47</u>
2.	Ryan Frederick of Orient, Iowa	<u>1</u> days of service at \$200.00 <u>20</u> miles at .535 per mile _____ meals/parking	<u>\$200.00</u> \$ 10.70 \$
	Total Due		<u>\$210.70</u>
3.	David Doud of Stuart, Iowa	<u>1</u> days of service at \$200.00 <u>28</u> miles at .535 per mile _____ meals/parking	<u>\$200.00</u> \$ 14.98 \$
	Total Due		<u>\$214.98</u>
4.	Marc Don Carlos of Greenfield, Iowa	<u>1</u> days of service at \$200.00 <u>1</u> miles at .535 per mile (minimum \$1.00) _____ meals/parking	<u>\$200.00</u> \$ 1.00 \$
	Total Due		<u>\$201.00</u>
5.	Barbara Greenfield, Riley of _____, Iowa	<u>1</u> days of service at \$200.00 _____ miles at _____ per mile _____ meals/parking	<u>\$200.00</u> \$ \$
	Total Due		<u>\$200.00</u>
6.	Ronnie Greenfield, Martin of _____, Iowa	<u>1</u> days of service at \$200.00 _____ miles at _____ per mile _____ meals/parking	<u>\$200.00</u> \$ \$
	Total Due		<u>\$200.00</u>

Grand Total Due: \$1,249.15

I certify that the foregoing amounts are legally payable to each claimant and that the claim is correct and just and that the payment has not been received.

10-27-17  
Date

  
Adair County Sheriff

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IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA

COMPENSATION COMMISSIONERS  
STATEMENT

To: Adair County Sheriff

I certify that my fee and expenses as a member of the Commission in the matter of the  
Condemnation of certain real estate that was held on the 25 day of Oct., 2017  
are as follows and that these claims are due, just and unpaid.

000286

<u>1</u> days of service at \$ <u>200</u> <sup>00</sup>	\$ <u>200</u> <sup>00</sup>
<u>42</u> miles at <u>535</u> per mile	\$ <u>22.47</u>
<u>—</u> meals/parking	\$ <u>—</u>
Total Due	\$ <u>222.47</u>

Dated this 25 day of Oct, 2017.

Dennis Kellenberg  
Commissioner

Dennis Kellenberg  
Print Name

IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA


COMPENSATION COMMISSIONERS  
STATEMENT

To: Adair County Sheriff

I certify that my fee and expenses as a member of the Commission in the matter of the  
Condemnation of certain real estate that was held on the 25 day of October, 2017  
are as follows and that these claims are due, just and unpaid.

<u>1</u> days of service at \$ <u>200</u> <sup>00</sup>	\$ <u>200</u> <sup>00</sup>
<u>20</u> miles at <u>.535</u> per mile	\$ <u>10</u> <sup>70</sup>
<u>      </u> meals/parking	\$ <u>      </u>
<b>Total Due</b>	\$ <u>210</u> <sup>70</sup>

Dated this 25<sup>th</sup> day of October, 2017.

  
 Commissioner  
Ryan W. Frederick  
 Print Name

287



IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA

COMPENSATION COMMISSIONERS  
STATEMENT

To: Adair County Sheriff

I certify that my fee and expenses as a member of the Commission in the matter of the  
Condemnation of certain real estate that was held on the 25<sup>th</sup> day of October, 2017  
are as follows and that these claims are due, just and unpaid.

288

1 days of service at \$ 200<sup>xx</sup>  
28 miles at 535 per mile  
       meals/parking

\$ 200<sup>00</sup>  
\$ 14.98  
\$  
\$ 214<sup>98</sup>

Total Due

Dated this 25<sup>th</sup> day of October, 2017.

David M. Doud  
Commissioner

DAVID M. DOUD  
Print Name

IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA

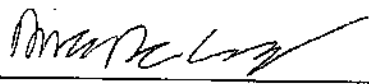
COMPENSATION COMMISSIONERS  
STATEMENT

To: Adair County Sheriff

I certify that my fee and expenses as a member of the Commission in the matter of the  
Condemnation of certain real estate that was held on the 25 day of October, 2017  
are as follows and that these claims are due, just and unpaid.

<u>1</u> days of service at \$ <u>200</u>	\$ <u>200</u>
<u>1</u> miles at _____ per mile	\$ <u>100</u>
_____ meals/parking	\$ _____
Total Due	\$ <u>200.00</u>

Dated this 25 day of October, 2017.

  
\_\_\_\_\_  
Commissioner

Marc Don Carlos  
\_\_\_\_\_  
Print Name

682

IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA

COMPENSATION COMMISSIONERS  
STATEMENT

To: Adair County Sheriff

I certify that my fee and expenses as a member of the Commission in the matter of the  
Condemnation of certain real estate that was held on the 25 day of October, 2017  
are as follows and that these claims are due, just and unpaid.

290

<u>1</u> days of service at \$ <u>200</u> <sup>00</sup>	\$ <u>200</u>
<u>      </u> miles at <u>      </u> per mile	\$ <u>      </u>
<u>      </u> meals/parking	\$ <u>      </u>
Total Due	\$ <u>200</u>

Dated this 25 day of October, 2017.

Barbara Riley  
Commissioner  
Barbara Riley  
Print Name

IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA

COMPENSATION COMMISSIONERS  
STATEMENT

To: Adair County Sheriff

I certify that my fee and expenses as a member of the Commission in the matter of the  
Condemnation of certain real estate that was held on the 25<sup>th</sup> day of October, 2017  
are as follows and that these claims are due, just and unpaid.

<u>1</u> days of service at \$ <u>200.00</u>	\$ <u>200<sup>00</sup></u>
<u>    </u> miles at <u>    </u> per mile	\$
<u>    </u> meals/parking	\$
Total Due	\$ <u>200<sup>00</sup></u>

162

Dated this 25 day of Oct, 2017.

*Ronnie Martin*  
Commissioner

Ronnie Martin  
Print Name

IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA

AFFIDAVIT OF FINAL OFFER

On this 7<sup>th</sup> day of September, 2017, Adair County, Iowa states that the most recent offer made to the owners interested in the condemnation of certain specified rights in certain land as described by the Applicant in the Application for Condemnation filed in the above matter is as follows:

CO. 292

Parcel No. 5:

Damages for Easement for Highway Purposes: 2.259 Acres and fencing	\$34,757.41
Total	\$34,757.41

Adair County, Iowa

By: *Clint Hight*  
Clint Hight, Adair County Attorney  
164 Public Square, Box 32  
Greenfield, Iowa 50849  
T: 641-743-6390/F: 641-743-6198  
[chightlaw@gmail.com](mailto:chightlaw@gmail.com)

Subscribed and sworn to before me this 7<sup>th</sup> day of September, 2017.



*Nadine Ingwers*  
Notary Public

Filed in my office in Greenfield, Iowa on 9-7-17, 2017.

*JA Jaudenator*  
Adair County Sheriff

Open session

00 293

In order 12:30 PM

Present: Dennis  
Ryan  
Max  
Kemie  
Bob  
David

Closed session 2:51 PM

Reopened session 3:00 PM

Motion Passed 2d Date  
adjourned 3:23 PM

293

47175.76

Closed session 2:51 PM

00-294

Matter Ben b- 2nd Ronnie Warren

\$38000

Trees - \$16900

Driveway - \$900

Fence - 1166.01

Fruit yard 10000

1.259 @ 7175.76 = \$9034.29  
\$38000

\$10400 - land  
\$1166.01 fence  
\$11566.01

All eye

Rose f/ closed session 3:00 PM.

ADAIR COUNTY SHERIFF  
302 E. Iowa Street  
Greenfield, Iowa 50849

IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY ADAIR COUNTY, IOWA

STATEMENT OF SHERIFF

I, Jeff Vandewater, return to the recorder of Adair County, Iowa, a complete and full transcript of the above condemnation. I received the condemnation paper on SEPT 17, 2017 and I served the Condemnees, \_\_\_\_\_, on SEPT 14, 2017. The Summons to Commissioners was published in the Adair County Free Press on OCT 11, 2017.

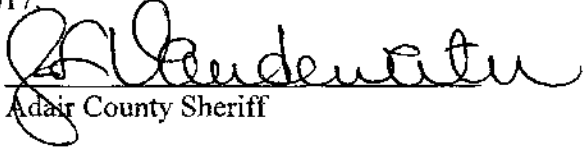
295

The condemnation was held on OCT 25, 2017 at 12:30 p.m. at the Adair County Sheriff's Office, 302 E. Iowa St., Greenfield, Iowa. The instructions were read to the Commissioners and the Oath to the Commissioners was read to them and each one signed off on the oath.

The Commissioners were then driven to the property and viewed the parcel of land. They were returned to the Adair County Sheriff's Office and Adair County presented its case. The Condemnees were then given their opportunity to present their case. The Commissioners then met in closed session to make an award. The Commissioners notified me that a decision had been made. The Condemnation was opened back up to the public and the Commissioners made an aware of \$38,000.00

The notice of appeal was mailed out to the Condemnees on OCT 27, 2017. An appeal was filed with the Clerk of Court on \_\_\_\_\_, 2017.

1-8-18  
Date

  
Adair County Sheriff



IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
CERTAIN RIGHTS IN LAND  
BY ADAIR COUNTY, IOWA  
FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-006267

BY ADAIR COUNTY, IOWA

OATH OF COMPENSATION  
COMMISSIONERS

STATE OF IOWA, ADAIR COUNTY, SS:

Each of the undersigned, being duly sworn, states:

I do possess the qualifications listed under my name below; and

I do not possess any interest in the proceedings which would cause me to render a biased decision; and

I will, to the best of my ability, faithfully and impartially assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of the appropriation of the right as set forth and described in the Application now on file in the office of the Adair County Sheriff; and

I will make a written report of the assessment of damages to the Sheriff, all as authorized and prescribed in Chapters 6A and 6B, Code of Iowa, and any amendments thereto, and in accordance with the instructions of the Chief Justice of the Supreme Court; and

I will well and truly perform any and all other duties imposed upon me by law as a member of the Compensation Commission selected and appointed to assess said damage.

Alvin Kellenberg  
Daniel M. Rand  
Mark ...

Tomie Hart  
Barbara Riley  
...

Subscribed and sworn to before me this 25<sup>th</sup> day of October, 2017.



JEFFREY L. VANDEWATER  
Iowa Notarial Seal  
Commission Number: 198632  
My Commission Expires

J. Vandewater  
Notary Public

Filed in my office in Greenfield, Iowa on October 25, 2017.

J. Vandewater  
Adair County Sheriff

00. 296

# 1335



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 Adair County, Iowa
2. The real property subject to the Application is located in Adair County.
3. The date the condemnation application was filed by the undersigned County Recorder is September month, 06 day, 2017 year.
4. The attached Condemnation Application is filed of record at Document # 2017-0786  
Book 759, Page 212.

*Janelle Schneider*  
County Recorder for

Adair 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

212

Adair  
Janelle Schneider  
Instrument #2017-0786  
09/06/2017 @10:50 AM  
MCC CONDEMNATION  
Book: 759 Page: 212 # Pages: 5  
Total Fees: \$0.00

**APPLICATION FOR CONDEMNATION**  
**Recorder's Cover Sheet**

**Preparer Information:** Clint Hight, 164 Public Square, Box 32, Greenfield, IA 50849, Phone:  
(641) 743-6197

**Taxpayer Information:** Leland E & Joanie I. Grubbs  
1594 Brown Ave.  
Adair, Iowa 50002

**Return Address:** Clint Hight, 164 Public Square, Box 32, Greenfield, IA 50849

**Grantors:** N/A

**Grantees:** N/A

**Legal Description:** Acquisition plat located in a portion of Parcel "C" of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  32-77-33, being more particularly described as follows: Commencing at the southwest corner of said Section 32; thence S 88°37'05" E, a distance of 32.82 feet, thence N 1°22'55" E, a distance of 33.00 feet, to a point on the north right of way line of 160th Street, and the east right of way line of Brown Avenue, also being described as the point of beginning, thence N1°03'54" E, along the east right of way line of Brown Avenue, a distance of 205.79 feet, thence S 20°15'17" E, a distance of 113.80 feet, thence S 88°37'05" E, a distance of 723.72 feet, thence N 80°59'21" E, a distance of 173.42 feet, to the east line of Parcel "C", thence S 1°25'14" W, along the east line of Parcel "C", a distance of 131.28 feet, thence N 88°37'05" W, along the north right of way line of 160th Street, a distance of 935.02 feet, to the point of beginning, containing 2.259 acres, more or less, subject to any and all easements of record

212

## IN THE SHERIFF'S OFFICE IN ADAIR COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF  
 CERTAIN RIGHTS IN LAND  
 BY ADAIR COUNTY, IOWA  
 FOR THE LFM-LGG27-7X-01 PROJECT

NO. 17-000267

BY

ADAIR COUNTY, IOWA

## APPLICATION FOR CONDEMNATION

TO: The Chief Judge of the Fifth Judicial District

YOU ARE HEREBY NOTIFIED that the Applicant, Adair County, Iowa, desires to take, acquire and condemn an easement for highway purposes to the property hereafter described. The applicant desires to acquire the property sought to be condemned for the LFM-LGG27-7X-01 Project.

## 1. PROPERTY TO BE ACQUIRED; PUBLIC USE OR PURPOSE FOR THE TAKING.

The property sought to be acquired is for an easement for public for highway for the construction of the LFM-LGG27-7X-01 Project, Adair County, Iowa.

LEGAL DESCRIPTION

Project Parcel No. 5 which is an easement for highway purposes upon the following described real estate:

Acquisition plat located in a portion of Parcel "C" of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  32-77-33, being more particularly described as follows: Commencing at the southwest corner of said Section 32; thence S 88°37'05" E, a distance of 32.82 feet, thence N 1°22'55" E, a distance of 33.00 feet, to a point on the north right of way line of 160<sup>th</sup> Street, and the east right of way line of Brown Avenue, also being described as the point of beginning, thence N1°03'54" E, along the east right of way line of Brown Avenue, a distance of 205.79 feet, thence S 20°15'17" E, a distance of 113.80 feet, thence S 88°37'05" E, a distance of 723.72 feet, thence N 80°59'21" E, a distance of 173.42 feet, to the east line of Parcel "C", thence S 1°25'14" W, along the east line of Parcel "C", a distance of 131.28 feet, thence N 88°37'05" W, along the north right of way line of 160<sup>th</sup> Street, a distance of 935.02 feet, to the point of beginning, containing 2.259 acres, more or less, subject to any and all easements of record,

which is a portion of County Parcel No. 0132300009. See Acquisition Plat attached

hereto and by reference made a part hereof.

2. NAMES OF RECORD OWNERS AND HOLDERS OF LIENS AND ENCUMBRANCERS OF THE PROPERTY.

The names and addresses of all record owners and holders of liens and encumbrancers are as follows:

Title Holders: Leland E. Grubbs & Joanie I. Grubbs, husband and wife  
Address: 1594 Brown Ave., Adair, IA 50002

Lienholders, Encumbrancers and Leasholders:  
Address: Community Choice Credit Union  
2710 S. Ankeny Blvd., Ankeny, IA 50023

Farm Tenant: None.

3. LANDS NECESSARY TO ACHIEVE THE PUBLIC PURPOSE AND LANDS PROPOSED TO BE ACQUIRED FOR THE PROJECT.

The Applicant asserts that the property constitutes the necessary minimum amount of land to achieve the purpose herein identified, and that no portion of the property is being acquired as or will result in an uneconomic remnant.

4. GOOD FAITH EFFORTS MADE BY THE COUNTY TO NEGOTIATE THE PURCHASE OF THE PROPERTY.

The Applicant represents and warrants that it has undertaken activities in attempting to negotiate the purchase of the property from the property owner by offering the fair market value established by the Board of Supervisors based on appraised value for the property being acquired.

5. NO STATE FUNDS.

No part of the damages are to be paid by the State of Iowa and the land to be condemned is NOT within an agricultural area as provided in Chapter 352.

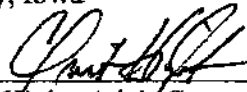
NOW, THEREFORE, pursuant to a regularly adopted resolution by the Adair County Board of Supervisors, YOU ARE HEREBY REQUESTED to appoint a Compensation Commission to appraise the damages caused by this appropriation, such Commission to consist of six (6) commissioners who shall be residents of Adair County, Iowa.

YOU ARE FURTHER REQUESTED to file written notice to the undersigned as soon as the Commissioners have been appointed.

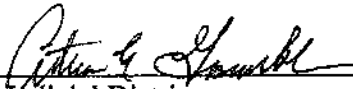
Dated this 10<sup>th</sup> day of July, 2017.

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Adair County, Iowa

By:   
 Clint Hight, Adair County Attorney  
 164 Public Square, Box 32  
 Greenfield, Iowa 50849  
 T: 641-743-6390/F: 641-743-6198  
[chightlaw@gmail.com](mailto:chightlaw@gmail.com)

APPROVED this 14<sup>th</sup> day of July, 2017.

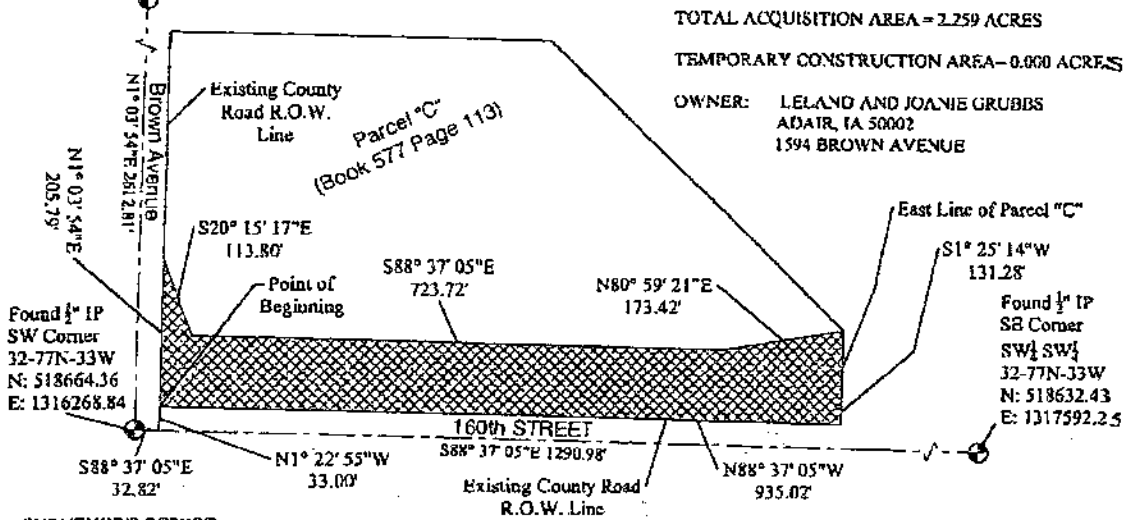
  
 Chief Judge, Fifth Judicial District

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ACQUISITION PLAT	
INDEX LEGEND	
COUNTY:	ADAIR
SECTION:	32 - T77N - R33W
PROJECT NUMBER:	LFM-LGG27-7X-01
PARCEL NO.:	N/A
PROPRIETOR:	LELAND AND JOANIE GRUBBS
REQUESTED BY:	ADAIR COUNTY
PREPARED BY:	NICK KAUFFMAN P.E. Adair Co. Eng.
602 SW 2nd St. Greenfield, Iowa 50849 (641)-743-8111	

FOR RECORDER USE ONLY

Found 1/4 IP  
W 1/4 Corner  
32-77N-33W  
N: 521276.72  
E: 1316317.40



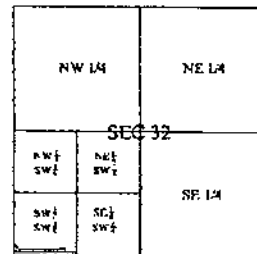
TOTAL ACQUISITION AREA = 2.259 ACRES  
 TEMPORARY CONSTRUCTION AREA = 0.000 ACRES  
 OWNER: LELAND AND JOANIE GRUBBS  
 ADAIR, IA 50002  
 1594 BROWN AVENUE

**SURVEYOR'S REPORT**

THIS SURVEY WAS PERFORMED BY THE ADAIR COUNTY ENGINEER'S OFFICE FOR THE PROPOSED GRADING PROJECT ALONG 160TH STREET. ALL LINES WERE PRODUCED AND MEASURED AS SHOWN ON THE PLAT. ALL LINES PRODUCED AND ANGLES AND DISTANCES MEASURED WITH A TOPCON HIPER II GPS UNIT AND A TOPCON TESLA UNIT USING THE IOWA REAL TIME NETWORK. COORDINATES WERE BASED ON THE NORTH AMERICAN DATUM OF 1983. THE FIELD WORK PHASE OF THIS SURVEY WAS COMPLETED IN WINTER 2015/2016. ALL BEARINGS ARE ASSUMED USING IOWA RTN GPS.

**BOUNDARY DESCRIPTION**

ACQUISITION PLAT LOCATED IN A PORTION OF PARCEL "C" IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 77 NORTH, RANGE 33 WEST OF THE 5TH P.M., ADAIR COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE S88°37'05"E, A DISTANCE OF 32.82 FEET, THENCE N1°22'55"E, A DISTANCE OF 33.00 FEET, TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 160TH STREET, AND THE EAST RIGHT OF WAY LINE OF BROWN AVENUE, ALSO BEING DESCRIBED AS THE POINT OF BEGINNING, THENCE N1°03'54"E, ALONG THE EAST RIGHT OF WAY LINE OF BROWN AVENUE, A DISTANCE OF 205.79 FEET, THENCE S20°15'17"E, A DISTANCE OF 113.80 FEET, THENCE S88°37'05"E, A DISTANCE OF 723.72 FEET, THENCE N80°59'21"E, A DISTANCE OF 173.42 FEET, TO THE EAST LINE OF PARCEL "C", THENCE S1°25'14"W, ALONG THE EAST LINE OF PARCEL "C", A DISTANCE OF 131.28 FEET, THENCE N88°37'05"W, ALONG THE NORTH RIGHT OF WAY LINE OF 160TH STREET, A DISTANCE OF 935.02 FEET, TO THE POINT OF BEGINNING, CONTAINING 2.259 ACRES, MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.



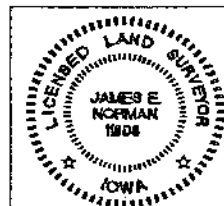
LOCATION OF PLAT



**LEGEND**

- H.O.W. ACQUISITION
- TEMPORARY CONSTRUCTION EASEMENT

DO NOT SCALE DRAWING



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.

JAMES E. NORMAN, L.S.  
 LICENSE NUMBER 11800  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017  
 PAGES OR SHEETS COVERED BY THIS SEAL: SHEET 1 OF 1