


Courtney Vorwald

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

IN THE MATTER OF THE	)	
CONDEMNATION OF LAND LOCATED	)	
IN THE UNINCORPORATED AREA OF	)	
PETERSBURG FOR THE PETERSBURG	)	APPLICATION FOR CONDEMNATION
WASTEWATER TREATMENT FACILITY	)	
PROJECT AND LOCALLY KNOWN AS	)	
299 <sup>th</sup> Avenue, located in Delaware County,	)	
Iowa,	)	
	)	Book 2021 Page 3345
	)	Document 2021 3345 Type 03 008 Pages 6
by	)	Date 9/20/2021 Time 1:56:37PM
	)	Rec Amt \$.00
DELAWARE COUNTY, IOWA	)	
	)	
Applicant.	)	Daneen Schindler, RECORDER/REGISTRAR
	)	DELAWARE COUNTY IOWA

TO: KELLYANN LEKAR, CHIEF JUDGE, FIRST JUDICIAL DISTRICT

YOU ARE HEREBY NOTIFIED that the Applicant, Delaware County, Iowa desires to take, acquire and condemn an easement in non-agricultural land for a public utility and temporary construction easement in connection with the Petersburg Wastewater Treatment Facility Project, located in the Unincorporated Area of Petersburg, along 299<sup>th</sup> Avenue, Delaware County, Iowa, approved by the Board of Supervisors of Delaware County, Iowa. The County has not been able to secure rights in lands by purchase and conveyance. 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 County desires the rights specified in the land sought to be condemned for the construction, operation, maintenance, repair, use, and reconstruction of a permanent sanitary sewer main.

**Statement of Individual Rights:** The County has provided the owner(s) with a statement of their individual rights and published notification as required under Sec. 6B.2A.

**Good Faith Negotiations:** The Applicant has been unable to negotiate in good faith with the owner(s) to acquire the property sought to be condemned, as the titleholders are deceased.

**Request:** NOW, THEREFORE, Delaware County 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 this 8th day of September, 2021.

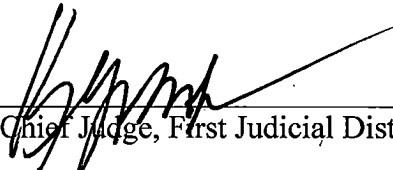
DELAWARE COUNTY, IOWA



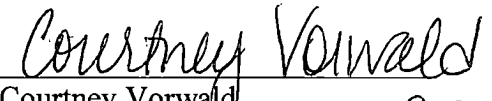
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Courtney Vorwald ATC280002  
Assistant County Attorney  
Delaware County Attorney's Office  
301 East Main Street  
Manchester, Iowa 52057  
Ph. 563-927-3819  
Fax 563-927-9074  
coatty@co.delaware.ia.us

Received in my office this 14<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
Chief Judge, First Judicial District

In accord with Iowa Code Section 6B.3(7), I, the undersigned, certify under penalty of perjury and pursuant to the laws of the State of Iowa that this Original Application for Condemnation has been approved by the Chief Judge of the First Judicial District.

  
\_\_\_\_\_  
Courtney Vorwald  
County Attorney's Office 9-20-21

Filed in my office at Manchester, Iowa, this \_\_\_\_ day of September, 2021.

\_\_\_\_\_  
Sheriff of Delaware County, Iowa

In the Matter of the Condemnation  
Of Land Located in the Unincorporated  
Area of Petersburg for the Petersburg  
Wastewater Treatment Facility Project and  
Locally Known as

299<sup>th</sup> Avenue,

NOTICE

located in Delaware County, Iowa

TO: Unknown Heirs, Designees, and Assigns of Anton and Rose M. Mormann, deceased

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: 299<sup>th</sup> Avenue lying within the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 5, Township 89 North, Range 3 West of the 5<sup>th</sup> Principal Meridian, Delaware County, Iowa.

You, and each of you, are hereby notified that Delaware County, Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to land affected on the Easement Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Delaware County, Iowa, and in the Office of the Sheriff of Delaware County, Iowa, to which you are referred:

A public utility easement and temporary construction easement are sought to be appropriated in land described as follows:

lying within the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 5, Township 89 North, Range 3 West of the 5<sup>th</sup> Principal Meridian, Delaware County, Iowa, as shown on Easement Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

#### LEGAL DESCRIPTION

A permanent sanitary sewer easement lying within Westside Street of Mormann Subdivision, as recorded in Plat Book 2, Page 60, Delaware county, Iowa, more particularly described as follows;

Beginning at the Southwest Corner of Said Westside Street; thence North 03 Degrees, 31 minutes, 06 seconds East along the West line of said Westside Street, 549.38 feet to the North line of said Westside Street; thence North 86 degrees, 17 minutes, 15 seconds East along said North line, 34.97 feet; thence South 46 degrees, 53 minutes, 05 seconds West, 21.39 feet; thence South 03 degrees, 31 minutes, 06 seconds West, 537.00 feet to the South line of said Westside Street; thence North 89 degrees, 59 minutes, 37 seconds West along said South line, 20.04 feet to the point of beginning.

Unknown Heirs, Designees, and Assigns of Anton and Rose M. Mormann, deceased

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

1. An exclusive permanent public utility easement for the purposes of constructing, operating, maintaining, repairing, using, and reconstructing a sanitary sewer main.
2. An exclusive temporary construction easement for the purpose of constructing the Project, which shall terminate and become nonexistent after the construction is fully completed.
3. This easement includes the right to make excavations and to grade as it may reasonable be necessary for the construction, installation, operation, repair, maintenance, and reconstruction of the sanitary sewer main in the permanent easement area.
4. The Applicant shall have the right to trim and remove all trees and bushes which may interfere with Applicant's use of the easement.
5. Condemner hereby gives notice of condemnees' five-year right to negotiate construction or maintenance damages not apparent at the time of the condemnation as required by Iowa Code Section 6B.52.

Index Legend	
Location:	WESTSIDE STREET SE1/4 - NE1/4 SEC. 5, T88N, R3W DELAWARE COUNTY IOWA
Proprietor:	MORMANN, ANTON
Requestor:	EIRUSS
Surveyor:	JOHN M. TRANMER
Surveyor Company:	IIW, P.C., 4155 PENNSYLVANIA AVE DUBUQUE, IOWA 52002-2628 PHONE: (563)556-2464

FOR RECORDER USE

## EASEMENT EXHIBIT

### A PERMANENT SANITARY SEWER EASEMENT LYING WITHIN WESTSIDE STREET OF MORMANN SUBDIVISION, SE1/4 - NE1/4, SEC. 5, T89N, R3W, DELAWARE COUNTY, IOWA

#### EASEMENT AREA

PERMANENT SANITARY SEWER: 11,100 SQ. FT.

#### NOTE

THIS SURVEY IS SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD AND NOT OF RECORD.

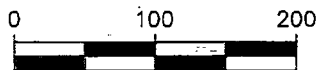
#### LEGAL DESCRIPTION

A PERMANENT SANITARY SEWER EASEMENT LYING WITHIN WESTSIDE STREET OF MORMANN SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 60, DELAWARE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID WESTSIDE STREET;  
THENCE NORTH 03 DEGREES 31 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF SAID WESTSIDE STREET, 549.38 FEET TO THE NORTH LINE OF SAID WESTSIDE STREET;  
THENCE NORTH 86 DEGREES 17 MINUTES 15 SECONDS EAST ALONG SAID NORTH LINE, 34.97 FEET;  
THENCE SOUTH 46 DEGREES 53 MINUTES 05 SECONDS WEST, 21.39 FEET;  
THENCE SOUTH 03 DEGREES 31 MINUTES 06 SECONDS WEST, 537.00 FEET TO THE SOUTH LINE OF SAID WESTSIDE STREET;  
THENCE NORTH 89 DEGREES 59 MINUTES 37 SECONDS WEST ALONG SAID SOUTH LINE, 20.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,100 SQUARE FEET, MORE OR LESS, AND SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD AND NOT OF RECORD.

#### GRAPHIC SCALE

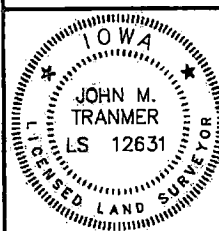
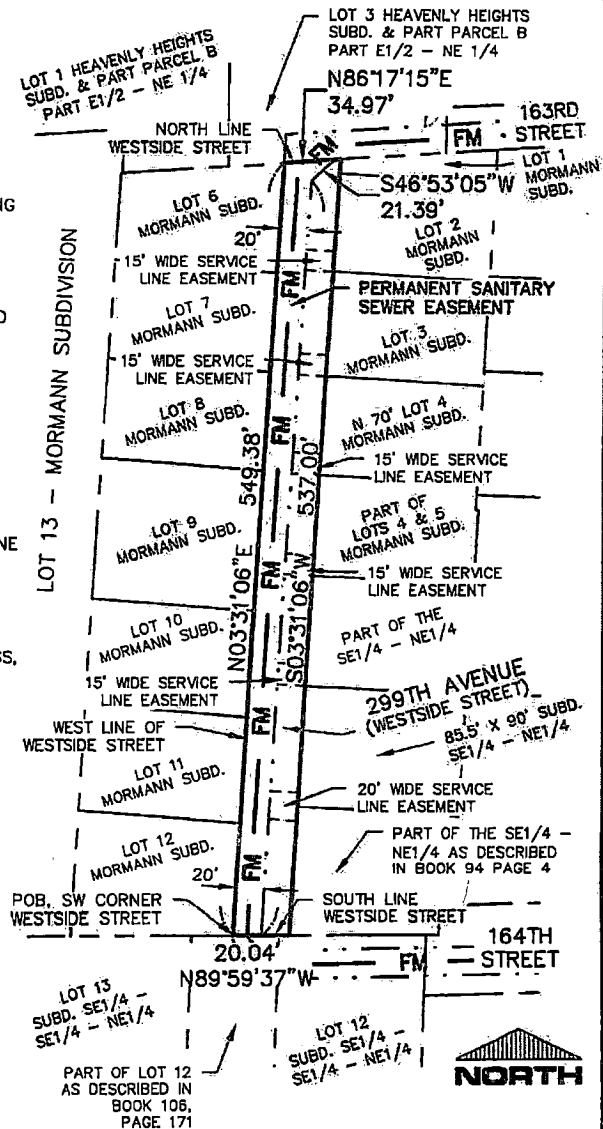


1" = 100'

DRAWING MAY HAVE BEEN REDUCED

#### LEGEND

	PROPERTY BOUNDARY
	LOT LINE
	EASEMENT LINE
	SECTION LINE
	EASEMENT AREA
	SECTION
	RIGHT-OF-WAY
	RECORDED AS
	POINT OF BEGINNING



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.

FOR IIW, P.C.

*John M. Tranmer* 12/4/20  
JOHN M. TRANMER (DATE)

LICENSE NO. 12631 MY LICENSE RENEWAL DATE IS 12/31/2020

PAGES OR SHEETS COVERED BY THIS SEAL THIS SHEET ONLY

IIW, P.C.

**iiw**  
INTEGRITY • EXPERTISE • SOLUTIONS

DRAWN DMK	PLAT NO. Mormann
CHECKED JMT	PROJ. NO. 1502601
DATE 12-4-20	SHEET 1 of 1
P:\151026\DRAWINGS\SURVEY\15026 EASEMENTS2	

ARCHITECTURE  
CIVIL ENGINEERING  
CONSTRUCTION SERVICES  
ENVIRONMENTAL ENGINEERING  
LAND SURVEYING  
MUNICIPAL ENGINEERING  
STRUCTURAL ENGINEERING  
TRANSPORTATION ENGINEERING

Exhibit A