




Book 2024 Page 83

Document 2024 83 Type 03 008 Pages 52
Date 1/10/2024 Time 2:40:18PM
Rec Amt \$262.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA



**RECORDER'S COVER SHEET
CONDEMNATION PROCEEDINGS**

Prepared by: John A. LeClere County Sheriff, 1225 W Howard St., Manchester, IA 52057 (563)-927-3135
Return to:  Katie A. Johnson, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010
Address Tax Statements Iowa DOT, Office of Right of Way-Property Management, 800 Lincoln Way, Ames, IA 50010

GRANTOR(S):
Nicholas R. McGraw
Rachel L. McGraw

GRANTEE(S):
State of Iowa (Condemner)

DOCUMENT OR INSTRUMENT NUMBER OF PREVIOUSLY RECORDED DOCUMENTS:
Application for Condemnation filed September 29, 2023, in Book 2023, Page 2444

LEGAL DESCRIPTION:
Part of Lots 4 and 5 of Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18 and 20, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa.

ACQUISITION:
Land by Permanent Easement for Highway Purposes to State: 0.01 acre

This easement and transfer is exempt from transfer tax. Iowa Code Sec. 428A.2(17).

This land is being acquired for public purposes through eminent domain and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

Recorded: 9/29/2023 at 8:38:29.0 AM
County Recording Fee: \$57.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$60.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2444

CERTIFIED TRUE COPY

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 10-19-23 TIME 11:45 AM

Prepared By & Return To: Lisa Obrecht, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1813

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 13
North of the City of Manchester
located in Delaware County, Iowa**

**APPLICATION TO THE CHIEF
JUDGE OF THE 1ST
JUDICIAL DISTRICT FOR THE
APPOINTMENT OF A
COMMISSION TO APPRAISE
DAMAGES**

Project No. NHSN-013-2(43)-2R-28 Group A

TO: Kellyann Lekar, Chief Judge, 1ST Judicial District including Delaware County, Iowa

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in **Nonagricultural** 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 14th day of September, 2023.

IOWA DEPARTMENT OF TRANSPORTATION
SHEAN FLETCHALL
Transportation Section Chief
Assistant Attorney General

By Katie A. Johnson
Katie A. Johnson
Condemnation Unit Coordinator
Right of Way Bureau

Filed in my office at Waverly, Iowa, this 21 day of September, 2023.

Kellyann Lekar
Kellyann Lekar
Chief Judge of the 1ST Judicial District
including Delaware County, Iowa.

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

Lisa Obrecht
Lisa Obrecht, Condemnation Unit

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 13

North of the City of Manchester

located in Delaware County, Iowa

Project No. NHSN-013-2(43)--2R-28

Group "A"

TO:

Nicholas R. McGraw, 1901 Iowa Highway 13, Manchester, IA 52057
Rachel L. McGraw, 1901 Iowa Highway 13, Manchester, IA 52057
The Hangover Express, LLC, c/o Nick McGraw, Registered Agent, 1901 Iowa Highway 13,
Manchester, IA 52057
Delaware County, Iowa, c/o County Auditor, 301 East Main Street, Manchester, IA 52057

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of Lots 4 and 5 of Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18 and 20, Township 89 North, Range 5 West of the 5th P.M., Delaware 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" 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:

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in Lots 4 and 5 of Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18 and 20, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa, as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the SE Corner of Lot 5, Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18, and 20, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa as recorded in Plat Book 2, Page 20

Delaware County Project No. NHSN-013-2(43)--2R-28
Nicholas R. McGraw, et ux (Parcel 7)
Continued on next page

in the Office of the Delaware County Recorder; thence S87°40'02"W 8.04 feet along the South line of said Lot 5; thence N07°25'57"E 30.76 feet; thence N02°44'43"W 69.61 feet to the North line of Lot 4 of said Block 1 of Sunset Beach; thence N87°42'20"E 4.03 feet along the North line and to the NE Corner of said Lot 4; thence S01°55'34"E 99.92 feet along the East line of Lots 4 and 5 of said Block 1 of Sunset Beach to the Point of Beginning, containing 0.01 acre more or less.

Note: The South line of Lot 5, Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18, and 20, Township 89 North, Range 5 West of the 5th P.M, Delaware County, Iowa is assumed to bear S87°40'02"W.

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

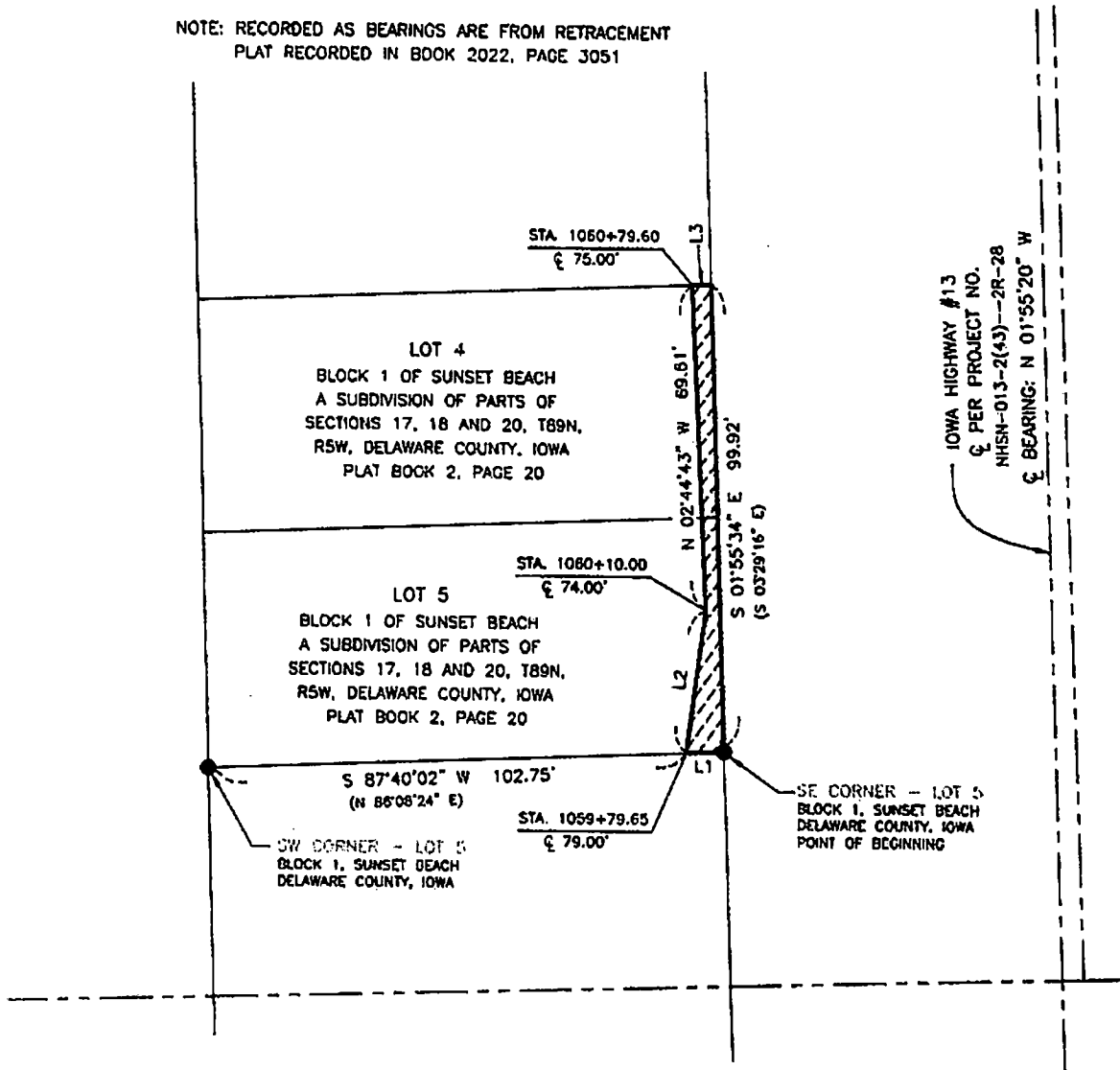
1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. Condemner hereby gives notice of condemnee's five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.

Iowa Department of Transportation
ACQUISITION PLAT
EXHIBIT "A"



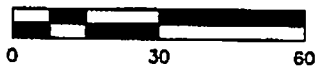
COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 7
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 0.01+/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE _____
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE _____
 ACQUIRED FROM Nicholas R. McGraw, et ux

NOTE: RECORDED AS BEARINGS ARE FROM RETRACEMENT
 PLAT RECORDED IN BOOK 2022, PAGE 3051



DATE DRAWN: 7/27/2022
 DATE REVISED: 11/14/2022 & 4/21/2023

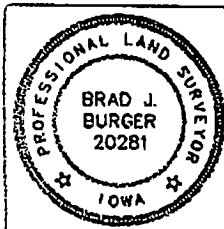
SCALE: 1" = 30'



LINE	BEARING	DISTANCE
L1	S 87°40'02" W (N 88°08'24" E)	8.04'
L2	N 07°25'57" E	30.76'
L3	N 87°42'20" E (N 88°10'41" E)	4.03'

LEGEND

- FD. 1/2" IRON ROD W/
ORANGE CAP #17939
- CENTERLINE
- SECTION LINE AND OR 1/4
OR 1/4 1/4 SECTION LINE
- PERMANENT EASEMENT
RECORDED AS



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.
Brad J. Burger 4/24/2023
 BRAD J. BURGER LICENSE NO. 20281 DATE
 My license renewal date is December 31, 2024
 Pages or sheets covered by this seal: this page only

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 13

North of the City of Manchester

located in Delaware County, Iowa

Project No. NHSN-013-2(43)--2R-28

Group "A"

TO:

Gerald A. Heims, 1518 Iowa Highway 13, Manchester, IA 52057
Cheryl M. Heims, 1518 Iowa Highway 13, Manchester, IA 52057
Delaware County, Iowa, c/o County Auditor, 301 East Main Street, Manchester, IA 52057

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of Parcel A in the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West of the 5th P.M., Delaware 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" (1 of 2) and (2 of 2) 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:

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in Parcel A in the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West of the 5th P.M., Delaware County, Iowa, as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

A parcel of land located in Parcel A in the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West of the 5th P.M., Delaware County, Iowa, as shown on the Acquisition Plat Exhibit "A", attached hereto and by reference made a part hereof and more particularly described as follows:

Delaware County Project No. NHSN-013-2(43)--2R-28
Gerald A. Heims, et ux (Parcel 36)
Continued on next page

Page 1

Commencing at the SW corner of the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence N86°55'38"E, 78.58 feet along the South line of the NW¼ of the NW¼ of said Section 32, also being the South line of Parcel A as recorded in Book 7, Page 152 in the Office of the Delaware County Recorder to the existing Easterly right of way line of Primary Road No. 1A 13 and the Point of Beginning; thence N00°45'35"E, 854.39 feet along said existing Easterly right of way line to the Northerly line of said Parcel A; thence S58°00'34"E, 6.64 feet along the Northerly line of said Parcel A; thence S01°31'48"W, 297.73 feet; thence S21°37'12"E, 18.38 feet; thence S00°45'37"W, 460.00 feet; thence S06°04'37"E, 75.60 feet to the South line of said NW¼ of the NW¼ and the South line of said Parcel A; thence S86°55'38"W, 17.71 feet along the South line of said NW¼ of the NW¼ and the South line of said Parcel A to the Point of Beginning, containing 0.14 acre, more or less.

Note: The West line of the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West of the 5th P.M., Delaware County, Iowa is assumed to bear S00°43'32"W.

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

1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement in Parcel A in the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West of the 5th P.M., Delaware County, Iowa, for the specific purpose of constructing entrances, in land described as follows and as shown on Graphic Exhibit "B" (1 of 2) and (2 of 2) attached hereto and by reference made a part hereof:

Commencing at the SW corner of the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West, of the 5th P.M., Delaware County, Iowa; thence N00°43'32"E 472.44 feet along the West line of the NW¼ of the NW¼ of said Section 32, also being the West line of Parcel A as recorded in Book 7, Page 152 in the Office of the Delaware County Recorder; thence S89°16'29"E, 87.35 feet to the Point of Beginning; thence N00°45'37"E, 69.00 feet; thence N21°37'12"W, 18.38 feet; thence S52°22'12"E, 40.00 feet; thence S00°34'19"E, 43.01 feet; thence S54°36'07"W, 32.20 feet to the Point of Beginning.

Note: The West line of the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West of the 5th P.M., Delaware County, Iowa is assumed to bear N00°43'32"E.

and,

Commencing at the SW corner of the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West, of the 5th P.M., Delaware County, Iowa; thence N86°55'38"E, 96.28 feet along the South line of the NW¼ of the NW¼ of said Section 32, also being the South line of Parcel A as recorded in Book 7, Page 152 in the Office of the Delaware County Recorder to the Point of Beginning; thence N06°04'37"W, 19.20 feet; thence S89°14'23"E, 6.29 feet; thence S00°45'37"W, 18.79 feet to the South line of said Parcel A; thence S86°55'38"W, 4.01 feet along said South line to the Point of Beginning.

Note: The South line of the NW¼ of the NW¼ of Section 32, Township 90 North, Range 5 West, of the 5th P.M., Delaware County, Iowa is assumed to bear N86°55'38"E.

3. The State of Iowa will construct Type C entrances at Sta. 1250+45 and at Sta. 1255+57 both on the east side of Primary Road No. IA 13.
4. Any farm field drainage tile, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemner and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnee's remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. The areas sought to be appropriated by temporary easement, for the specific purpose of constructing entrances and for relocating, replacing, or restoring tile, if any, are reserved to the condemnees until the actual date said areas are required for construction of this highway improvement. Also, said temporary easement rights shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than the completion of this highway improvement.
6. Condemner hereby gives notice of condemnees' five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.

Iowa Department of Transportation
ACQUISITION PLAT
EXHIBIT "A"



COUNTY DELAWARE STATE CONTROL NO. _____
 PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 36
 SECTION 32 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE _____ AC ±, EASE 0.14 AC ±, EXCESS-FEE _____ AC ±
 ACQUIRED FROM Gerald A. Heims, et ux

NORTHWEST CORNER
SECTION 32 T90N, R5W
FOUND CUT "X" PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4687

P.O.T. STA 1263+76.23

PARCEL 36 ACREAGE SUMMARY TABLE SECTION 32, T90N, R5W		
PLAT OF SURVEY PARCEL	PART OF	NEW R.O.W.
PARCEL "A"	NW 1/4 NW 1/4	0.14 AC. ±
ACQUISITION TOTAL ACREAGE		0.14 AC. ±

IA 13 CENTERLINE DATA FOR PROJECT NO. NHSN-013-2(43)--2R-28		
COURSE	BEARING	DISTANCE
STA 1237+04.98		
TO	N 00°45' 37" E	2671.25'
STA 1263+76.23		

STATION/OFFSET NEW R.O.W. ACQUISITION		
POINT	STATION	OFFSET
T2431	1258+97.70	76.00'
T2438	1250+47.94	88.00'
T2439	1251+23.00	79.00'
T2440	1255+83.00	79.00'
T2442	1256+00.00	72.00'

R.O.W. STATIONS/OFFSETS
ARE PERPENDICULAR
TO PROJECT C

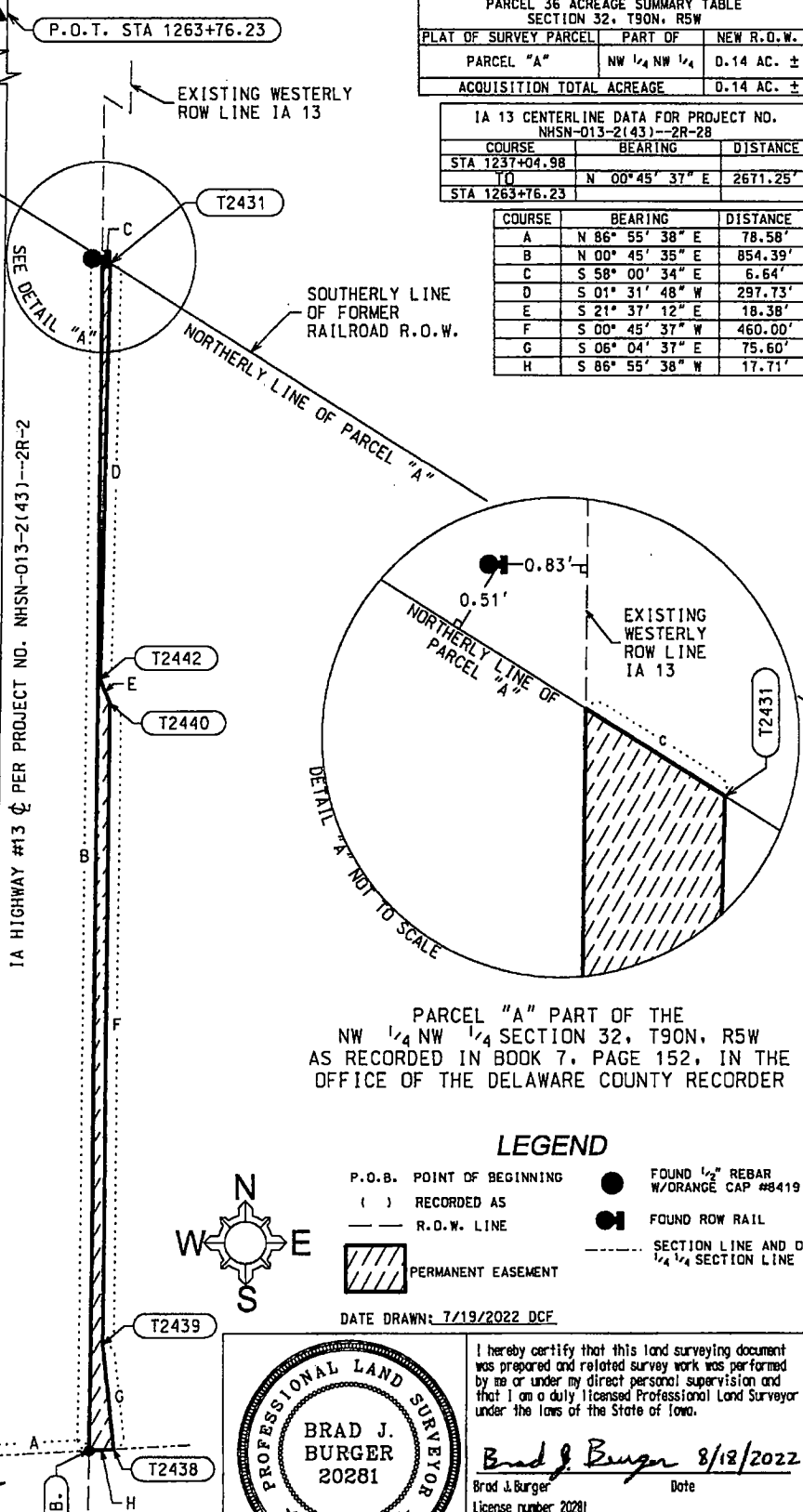
COURSE	BEARING	DISTANCE
A	N 86° 55' 38" E	78.58'
B	N 00° 45' 35" E	854.39'
C	S 58° 00' 34" E	6.64'
D	S 01° 31' 48" W	297.73'
E	S 21° 37' 12" E	18.38'
F	S 00° 45' 37" W	460.00'
G	S 06° 04' 37" E	75.60'
H	S 86° 55' 38" W	17.71'

NW CORNER TO
SW CORNER NW 1/4 NW 1/4
BEARING/DISTANCE
S 00°43' 32" W
1334.80' (1334.80')

WEST LINE NW 1/4 NW 1/4 SECTION 32, T90N, R5W

IA HIGHWAY #13 C PER PROJECT NO. NHSN-013-2(43)--2R-2

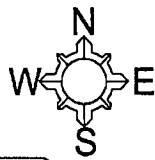
SEE DETAIL "A"



PARCEL "A" PART OF THE
NW 1/4 NW 1/4 SECTION 32, T90N, R5W
AS RECORDED IN BOOK 7, PAGE 152, IN THE
OFFICE OF THE DELAWARE COUNTY RECORDER

LEGEND

- P.O.B. POINT OF BEGINNING
- () RECORDED AS
- R.O.W. LINE
- ▨ PERMANENT EASEMENT
- FOUND 1/2" REBAR W/ORANGE CAP #8419
- FOUND ROW RAIL
- SECTION LINE AND OR 1/4 SECTION LINE



DATE DRAWN: 7/19/2022 DCF

SW CORNER NW 1/4 NW 1/4
SECTION 32, T90N, R5W
FOUND CUT "X" PER
CORNER CERTIFICATE
BOOK 2020, PAGE 4687

P.O.T. STA 1237+04.98



I hereby certify that this land surveying document was prepared and related survey work was performed 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.

Brad J. Burger 8/12/2022
 Brad J. Burger Date
 License number 20281
 My license renewal date is December 31, 2022
 Pages or Sheets covered by this seal: Sheet 1 of 1

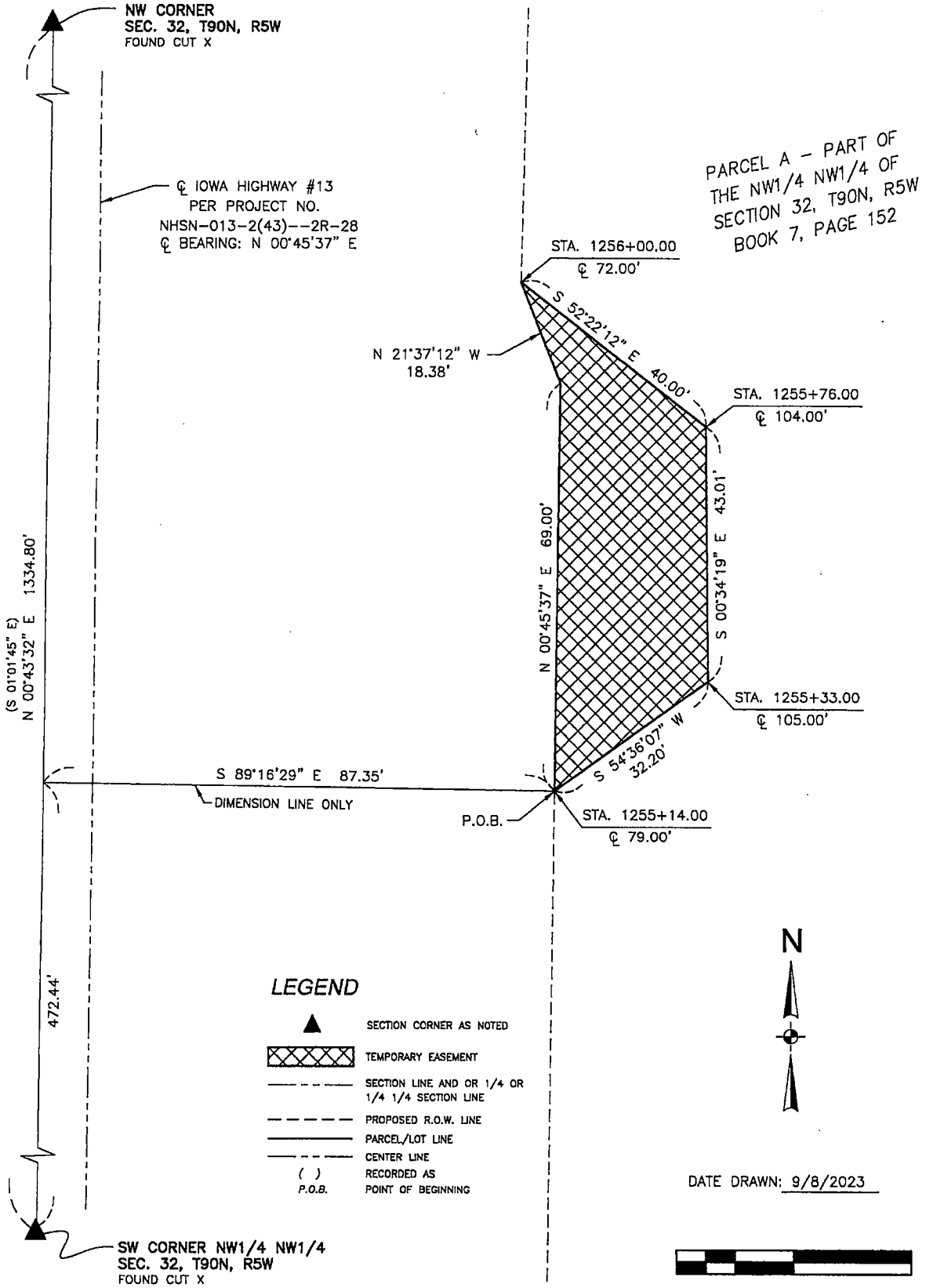
Iowa Department of Transportation

GRAPHIC EXHIBIT

"B" (1 of 2)

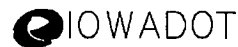


COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 36
 SECTION 32 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE _____ AC
 Acquired from Gerald A. Heims, et ux
 * TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE

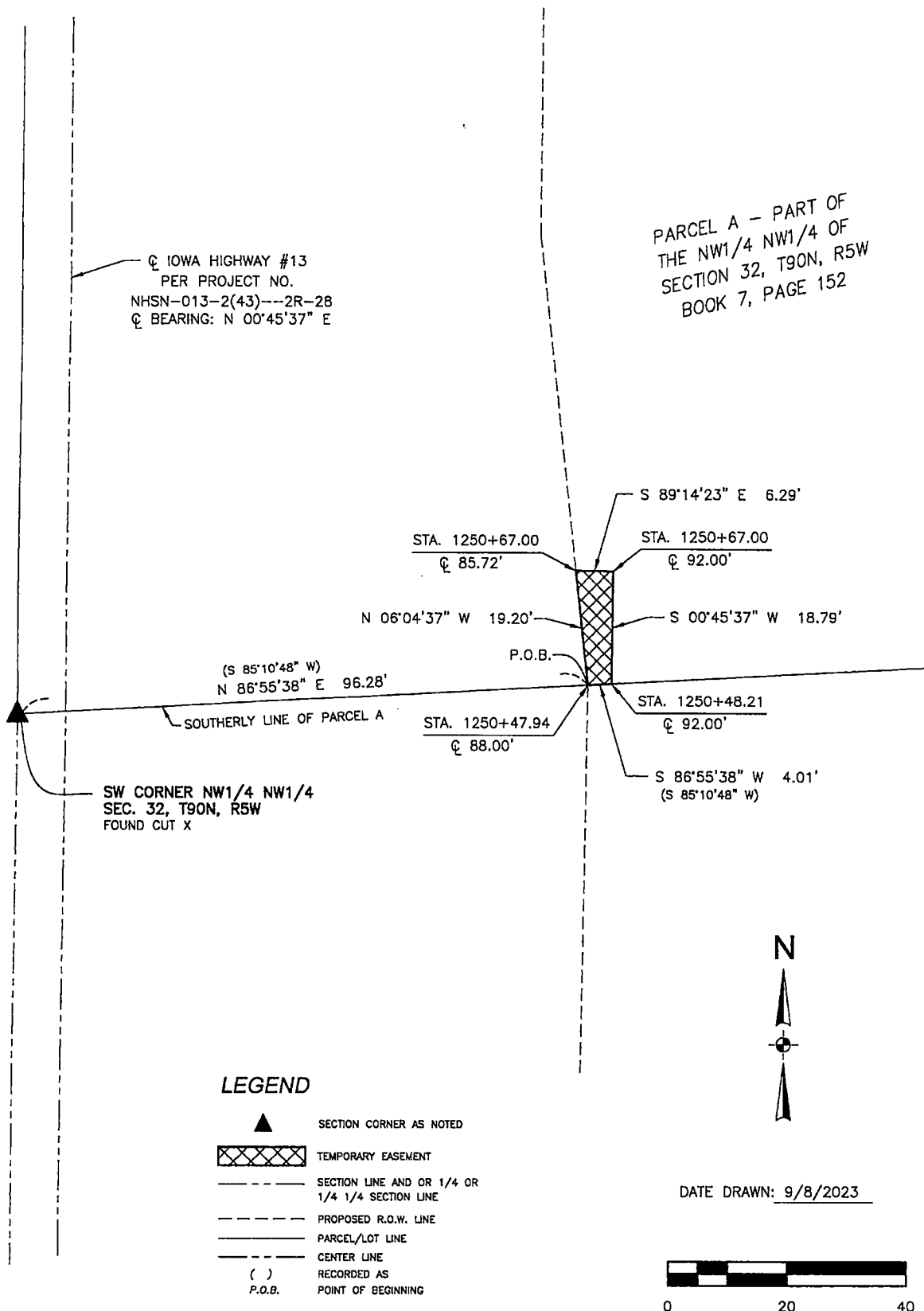


Iowa Department of Transportation

GRAPHIC EXHIBIT
"B" (2 of 2)



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 36
 SECTION 32 TOWNSHIP 90 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE _____ AC
 Acquired from Gerald A. Heims, et ux
 * TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE



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 13
North of the City of Manchester
located in Delaware County, Iowa

Project No. NHSN-013-2(43)--2R-28 Group A

**SELECTION AND APPOINTMENT OF
COMPENSATION COMMISSIONERS
BY THE CHIEF JUDGE OF THE
1ST JUDICIAL DISTRICT**

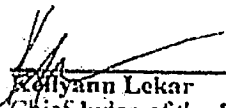
An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above-entitled matter, I hereby DESIGNATE, SELECT AND APPOINT as the members of said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Kevin Graybill 21913 182 nd Avenue Manchester 52057		Licensed Real Estate Salesperson or Broker
2. Mary Kay Starks 25944 225 th Avenue Delhi 52223		
1. Alison Kass 817 Tanglewood Drive Manchester, IA 52057		Knowledgeable of Property Values by Virtue of Occupation
2. Donna Reeder 108 Tower Drive Manchester 52057		
1. Wes Schulte 19156 Goodland Drive Manchester 52057		Nonagricultural
2. Larry Stone 307 S. Washington Street Edgewood 52042		

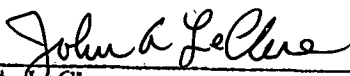
I further designate, select and appoint the above-named KEVIN GRAYBILL to act as
Chairperson of said commission.

To the Sheriff of Delaware County, Iowa: Attached hereto please find a duplicate of the Application for
Condemnation in the above-entitled matter.

Dated at Watonwan, Iowa, this 21 day of September, 2023


Kellyann Lekar
Chief Judge of the 1st Judicial District
including Delaware County, Iowa

Filed in my office at Manchester, Iowa, this 19 day of Oct, 2023


John A. LeClere
Sheriff of Delaware County, Iowa

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 13
North of the City of Manchester
located in Delaware County, Iowa

**SUPPLEMENTARY ORDER
APPOINTING ALTERNATE
COMPENSATION COMMISSIONERS**

Project No. NHSN-013-2(43)--2R-28 Group A

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation, entitled as above, for the selection and appointment, by lot, of a duly-constituted compensation commission, and said selection and appointment of up to five alternate commissioners, having been made by me, I further DESIGNATE, SELECT and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

NAME	ADDRESS	QUALIFICATIONS
1. Kristine Baldwin 2. Teresa Greve 3. Barb Sailer 4. Bob Wendt 5. Teresa Turnis	1883 Honey Creek Road Manchester 52057 2151 110 th Avenue Masonville 50654 1100 Rosewood Drive Manchester 52057 1101 Stiles Street Manchester 52057 2418 180 th Avenue Manchester 52057	Licensed Real Estate Salesperson or Broker
1. Bruce Nieman 2. Scott Wegmann 3. Elaine Funke 4. Cody Naber 5. Kevin Funke	800 Tanglewood Drive Manchester 52057 1017 Sunrise Drive Manchester 52057 1071 Laser Road Edgewood 52042 1630 190 th Ave Manchester, IA 52057 3171 285 th Avenue Hopkinton 52237	Knowledgeable of Property Values by Virtue of Occupation
1. Ed Wulfekuhle 2. Karen Schmitz 3. Barb Robinson 4. Lorraine Gaffney 5. Mary Ann Poynor	108 Franklin St Delhi IA 52223 111 Beckner St Greeley, IA 52050 306 South Street Dundee 52038 PO Box 64 Ryan 52330 724 E. Howard Street Manchester 52057	Nonagricultural

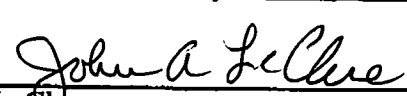
The Sheriff of Delaware County, Iowa, shall, upon being informed of a vacancy in the compensation commission, notify an alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Waterloo, Iowa, this 21 day of September, 2023



Kellyann Lekar
Chief Judge of the 1st Judicial District
including Delaware County, Iowa.

Filed in my office at Manchester, Iowa, this 19 day of Oct., 2023



John A. LeClerc
Sheriff of Delaware County, Iowa

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

SUMMONS TO COMMISSIONERS

**Primary Road No. IA 13
North of the City of Manchester**
located in **Delaware County, Iowa**

Project No. **NHSN-013-2(43)--2R-28** Group A

TO: Kevin Graybill

The Iowa Department of Transportation has filed with the Chief Judge of the 1st Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to 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 such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 1st Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that KEVIN GRAYBILL has been designated as **Chairperson** of the Commission.

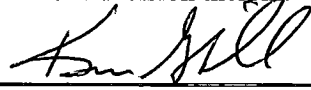
NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 6th day of December, 2023, at 9:00 a.m. for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.


John A. LeClere
Sheriff of **Delaware** County, Iowa

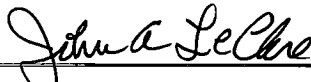
ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Manchester, Iowa, this 20 day of Oct, 2023 I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.



Filed in my office at **Manchester**, Iowa, this 23 day of October, 2023.


John A. LeClere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

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

SUMMONS TO COMMISSIONERS

Primary Road No. IA 13
North of the City of Manchester
located in Delaware County, Iowa

Project No. NHSN-013-2(43)--2R-28 Group A

TO: Mary Kay Starks

The Iowa Department of Transportation has filed with the Chief Judge of the 1st Judicial District including Delaware County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to 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 such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in Delaware County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 1st Judicial District for Delaware County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that KEVIN GRAYBILL has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware County, State of Iowa**, on the 6th day of **December, 2023**, at **9:00 a.m.** for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

John A. LeClere
John A. LeClere
Sheriff of Delaware County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Manchester, Iowa, this 23 day of October, 2023. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Mary Kay Starks

Filed in my office at **Manchester, Iowa**, this 23 day of October, 2023.

John A. LeClere
John A. LeClere
Sheriff of Delaware County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

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

SUMMONS TO COMMISSIONERS

Primary Road No. IA 13
North of the City of Manchester
located in **Delaware County, Iowa**

Project No. **NHSN-013-2(43)--2R-28** Group A

TO: A lison Kass

The Iowa Department of Transportation has filed with the Chief Judge of the 1st Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to 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 such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 1st Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that KEVIN GRAYBILL has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 6th day of December, 2023, at **9:00 a.m.** for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.



John A. LeClere
Sheriff of **Delaware** County, Iowa

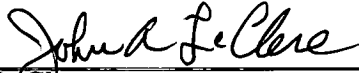
ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Manchester, Iowa, this 23rd day of October, 2023. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

x 

Filed in my office at **Manchester**, Iowa, this 25 day of October, 2023.



John A. LeClere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

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

SUMMONS TO COMMISSIONERS

Primary Road No. IA 13
North of the City of Manchester
located in **Delaware County, Iowa**

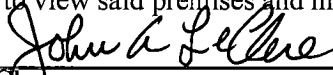
Project No. **NHSN-013-2(43)--2R-28** Group A

TO: Donna Reeder

The Iowa Department of Transportation has filed with the Chief Judge of the 1st Judicial District including **Delaware County, Iowa**, an Application and Notice of Condemnation for the selection of a Compensation Commission to 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 such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware County, Iowa**, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 1st Judicial District for **Delaware County, Iowa**, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that KEVIN GRAYBILL has been designated as **Chairperson** of the Commission.

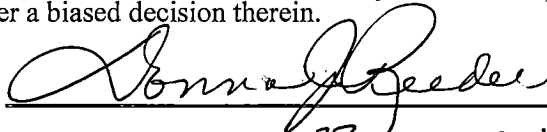
NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware County, State of Iowa**, on the 6th day of **December, 2023**, at **9:00 a.m.** for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.


John A. LeClere
Sheriff of **Delaware County, Iowa**

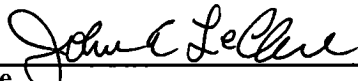
ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Manchester, Iowa, this 23 day of October, 2023. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.


Donna Reeder

Filed in my office at **Manchester, Iowa**, this 23 day of October, 2023.


John A. LeClere
Sheriff of **Delaware County, Iowa**

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

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

SUMMONS TO COMMISSIONERS

Primary Road No. IA 13
North of the City of Manchester
located in **Delaware** County, Iowa

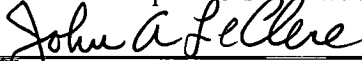
Project No. **NHSN-013-2(43)--2R-28** Group A

TO: Wes Schulte

The Iowa Department of Transportation has filed with the Chief Judge of the 1st Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to 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 such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 1st Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that KEVIN GRAYBILL has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 6th day of December, 2023, at **9:00 a.m.** for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

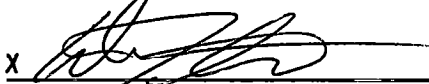


John A. LeClere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Manchester, Iowa, this 25 day of October, 2023 I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

x 

Filed in my office at **Manchester**, Iowa, this 25 day of October, 2023.



John A. LeClere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

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

SUMMONS TO COMMISSIONERS

Primary Road No. IA 13
North of the City of Manchester
located in **Delaware** County, Iowa

Project No. **NHSN-013-2(43)--2R-28** Group A

TO: Ed Walfekable

The Iowa Department of Transportation has filed with the Chief Judge of the 1st Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to 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 such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 1st Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that KEVIN GRAYBILL has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 6th day of December, 2023, at **9:00 a.m.** for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

John A. LeClere
John A. LeClere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Delhi, Iowa, this 24 day of Oct, 2023. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Edward Walfekable

Filed in my office at **Manchester**, Iowa, this 24 day of October, 2023.

John A. LeClere
John A. LeClere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

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

SUMMONS TO COMMISSIONERS

Primary Road No. IA 13
North of the City of Manchester
located in **Delaware County, Iowa**


Project No. **NHSN-013-2(43)--2R-28** Group A

TO: Larry Stone

The Iowa Department of Transportation has filed with the Chief Judge of the 1st Judicial District including **Delaware** County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to 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 such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or maintenance of roads and streets in **Delaware** County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 1st Judicial District for **Delaware** County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that KEVIN GRAYBILL has been designated as **Chairperson** of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at **Manchester, Delaware** County, State of Iowa, on the 6th day of December, 2023, at **9:00 a.m.** for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

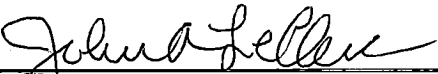

John A. LeClere
Sheriff of **Delaware** County, Iowa

ACCEPTANCE OF SERVICE

(Before accepting appointment to this commission, please note the persons and real estate affected by the condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision.)

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa, this ___ day of _____, 20___. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Filed in my office at **Manchester, Iowa**, this 24 day of Oct., 2023.


John A. LeClere
Sheriff of **Delaware** County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that...

Larry Stone G. Heims is a good Friend
Please sign original summons and return promptly to the Sheriff of Delaware County, Iowa.

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

OATH OF COMMISSIONERS

Primary Road No. IA 13
North of the City of Manchester
located in Delaware County, Iowa

Project No. NHSN-013-2(43)—2R-28, Group A

STATE OF IOWA)
) ss
DELAWARE COUNTY)

Each of the undersigned, being duly sworn, says:

That I do possess the qualifications listed under my name below, and

That I do not possess any interest in the proceeding which would cause me to render a biased decision,

And, that I will, to the best of my ability, faithfully and impartially assess the damages which owner(s), 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 rights set forth and described in the Application and Notice of Condemnation in the Office of the Sheriff for the improvement of roads and streets and make a written report to the Sheriff as Authorized and prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 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 will 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 damages.

Kevin Graybill
Name: Kevin Graybill
Licensed Real Estate Salesperson
Or Broker

Mary Kay Starks
Name: Mary Kay Starks
Licensed Real Estate Salesperson
Or Broker

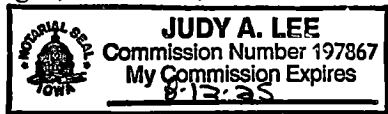
Alison Kass
Name: Alison Kass
Knowledgeable of Property Values
By Virtue of Occupation

Donna Reeder
Name: Donna Reeder
Knowledgeable of Property Values
By Virtue of Occupation

Wes Schulte
Name: Wes Schulte
Non-Agricultural

Ed Wulfekuhle
Name: Ed Wulfekuhle
Non-Agricultural

Acknowledged, subscribed, and sworn to before me this 6th day of December, 2023.



Judy A. Lee
Notary Public, State of Iowa

Filed in my office at Manchester, Iowa, this 6th day of December, 2023.

John LeClere
John LeClere, Sheriff of Delaware County, Iowa

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

SHERIFF'S CERTIFICATION
AS TO AWARDS AND COSTS

Primary Road No. IA 13
North of the City of Manchester
located in **Delaware County, Iowa**

Project No. **NHSN-013-2(43)--2R-28, Group A**

**THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED
IN BOOK 2023, PAGE 2444, OR INSTRUMENT/DOCUMENT NUMBER _____,
AND DATED 09/29/2023.**

TO: Iowa Department of Transportation, Ames, Iowa

I further certify that the commissioners in the above-entitled cause convened at Manchester, Iowa on the 6th day of December, 2023, and thereupon proceeded to view the premises, and said commissioners did on the 6th day of December, 2023, file their report in my office, awarding damages as follows:

NAMES OF CONDEMNEES	AWARD	ATTORNEY FEES AND COSTS INCL., ONE APPRAISAL
<u>Nicholas R. McGraw, Rachel L. McGraw</u>	<u>\$ 1041.00</u>	<u>0</u>
<u>The Hangover Express, LLC</u>	<u>\$ 100.00</u>	<u>0</u>
TOTAL DAMAGES AWARDED	<u>\$ 1141.00</u>	<u>0</u>

COSTS

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

Summoning Commissioners (Service Fees Included)	\$ <u>200.00</u> (Code 331.655)
Sheriff's Mileage While Summoning and Attending Commissioners	\$ <u>0.00</u>
Sheriff's Mileage Transporting Commissioners	\$ <u>4.59</u>
Serving Condemnees (Service and Mileage)	\$ <u>154.00</u>
Copies	\$ <u>0.00</u>
Publication of Notice of Appraisement Hearing	\$ <u>25.94</u>
Other:	\$ <u>0.00</u>
6 COMMISSIONER COSTS (attach each Commissioner's Statement Form)	\$ <u>1,248.14</u>
TOTAL COSTS	\$ <u>1,632.67</u>

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.

Dated this 6 day of December, 2023.



Sheriff of Delaware County, Iowa

CONDEMNATION COMMISSIONER'S STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-013-2(43)—2R-28, held on the 6th day of December, 2023, are as follows and that these claims are due, just and unpaid.

 1 Day of service at \$200.00 \$ 200.00
 6 miles at .655 cents \$ 3.93
 0 meals \$ 0.00

Signed this 6 day of December, 2023.



COMMISSIONER – Kevin Graybill

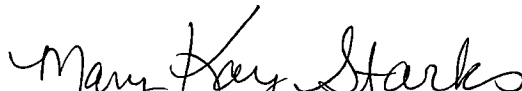
CONDEMNATION COMMISSIONER'S STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-013-2(43)—2R-28, held on the 6th day of December, 2023, are as follows and that these claims are due, just and unpaid.

 1 Day of service at \$200.00 \$ 200.00
 24 miles at .655 cents \$ 15.72
 0 meals \$ 0.00

Signed this 6 day of December, 2023.



COMMISSIONER – Mary Kay Starks

CONDEMNATION COMMISSIONER'S STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-013-2(43)—2R-28, held on the 6th day of December, 2023, are as follows and that these claims are due, just and unpaid.

<u> 1 </u> Day of service at \$200.00	<u>\$ 200.00</u>
<u> 5.5 </u> miles at .655 cents	<u>\$ 3.60</u>
<u> 0 </u> meals	<u>\$ 0.00</u>

Signed this 6 day of December, 2023.

 Alison M Kass
COMMISSIONER – Alison Kass

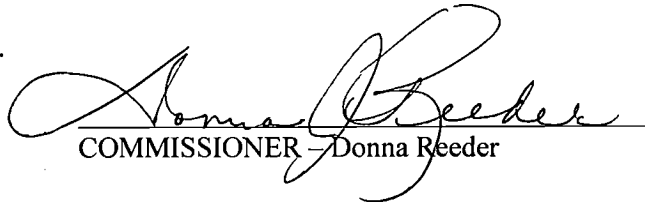
CONDEMNATION COMMISSIONER'S STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-013-2(43)—2R-28, held on the 6th day of December, 2023, are as follows and that these claims are due, just and unpaid.

 1 Day of service at \$200.00 \$ 200.00
 4 miles at .655 cents \$ 2.62
 0 meals \$ 0.00

Signed this 6 day of December, 2023.


COMMISSIONER — Donna Reeder

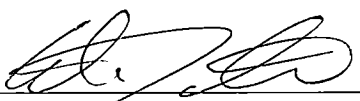
CONDEMNATION COMMISSIONER'S STATEMENT

To the Sheriff of Delaware County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-013-2(43)—2R-28, held on the 6th day of December, 2023, are as follows and that these claims are due, just and unpaid.

 1 Day of service at \$200.00 \$ 200.00
 10 miles at .655 cents \$ 6.55
 0 meals \$ 0.00

Signed this 6 day of December, 2023.



COMMISSIONER – Wes Schulte

CONDEMNATION COMMISSIONER'S STATEMENT

To the Sheriff of Delaware County


I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. NHSN-013-2(43)—2R-28, held on the 6th day of December, 2023, are as follows and that these claims are due, just and unpaid.

 1 Day of service at \$200.00 \$ 200.00

 24 miles at .655 cents \$ 15.72

 0 meals \$ 0.00

Signed this 6 day of December, 2023.



COMMISSIONER – Ed Wulfekuhle

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 13

North of the City of Manchester

located in Delaware County, Iowa

Project No. NHSN-013-2(43)--2R-28

Group "A"

TO:

Nicholas R. McGraw, 1901 Iowa Highway 13, Manchester, IA 52057
Rachel L. McGraw, 1901 Iowa Highway 13, Manchester, IA 52057
The Hangover Express, LLC, c/o Nick McGraw, Registered Agent, 1901 Iowa Highway 13,
Manchester, IA 52057
Delaware County, Iowa, c/o County Auditor, 301 East Main Street, Manchester, IA 52057

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of Lots 4 and 5 of Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18 and 20, Township 89 North, Range 5 West of the 5th P.M., Delaware 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" 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:

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in Lots 4 and 5 of Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18 and 20, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa, as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the SE Corner of Lot 5, Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18, and 20, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa as recorded in Plat Book 2, Page 20

Delaware County Project No. NHSN-013-2(43)--2R-28
Nicholas R. McGraw, et ux (Parcel 7)
Continued on next page

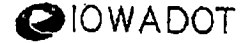
in the Office of the Delaware County Recorder; thence S87°40'02"W 8.04 feet along the South line of said Lot 5; thence N07°25'57"E 30.76 feet; thence N02°44'43"W 69.61 feet to the North line of Lot 4 of said Block 1 of Sunset Beach; thence N87°42'20"E 4.03 feet along the North line and to the NE Corner of said Lot 4; thence S01°55'34"E 99.92 feet along the East line of Lots 4 and 5 of said Block 1 of Sunset Beach to the Point of Beginning, containing 0.01 acre more or less.

Note: The South line of Lot 5, Block 1 of Sunset Beach, a Subdivision of parts of Sections 17, 18, and 20, Township 89 North, Range 5 West of the 5th P.M, Delaware County, Iowa is assumed to bear S87°40'02"W.

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

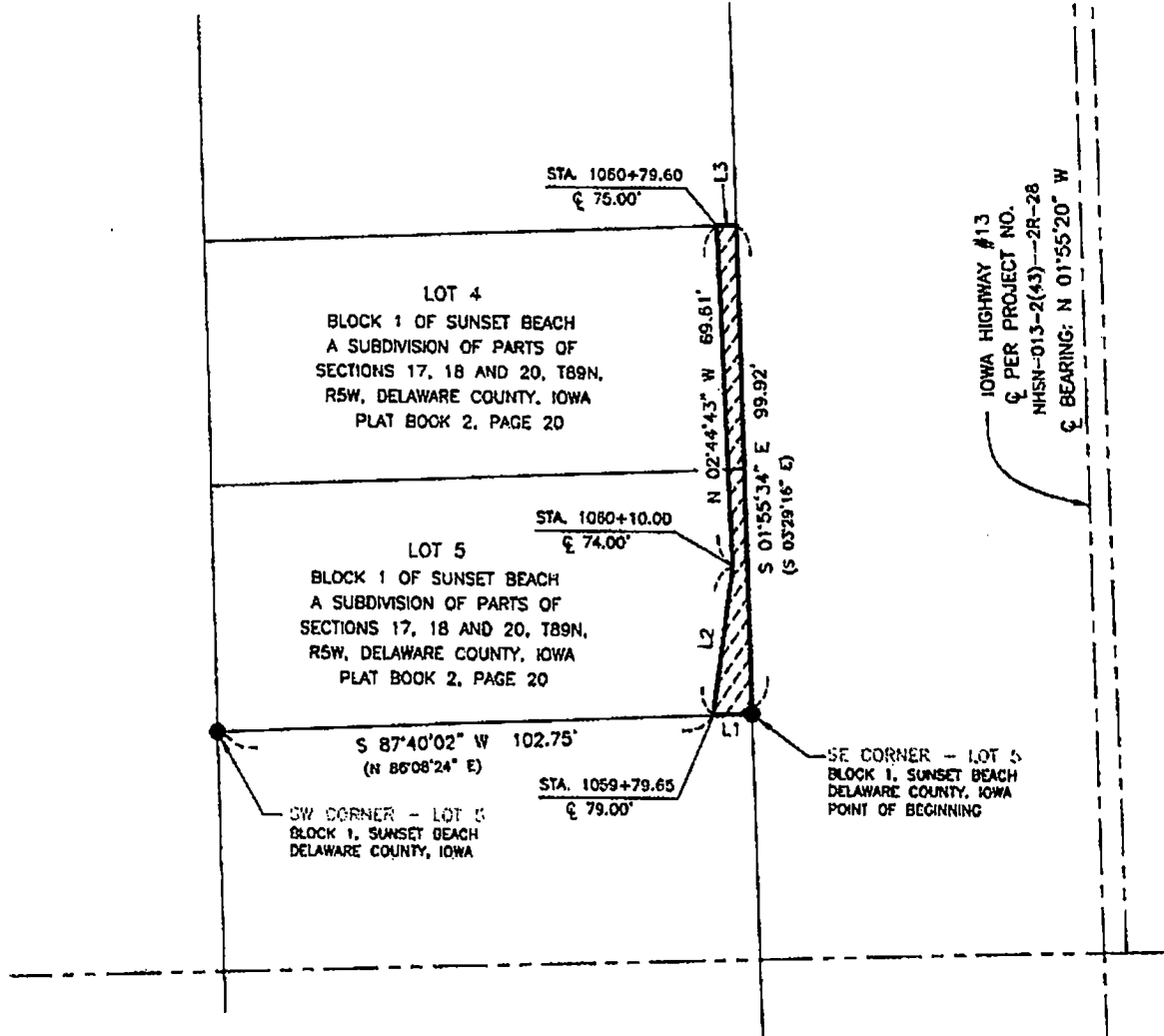
1. Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. Condemner hereby gives notice of condemnee's five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52.

Iowa Department of Transportation
ACQUISITION PLAT
EXHIBIT "A"



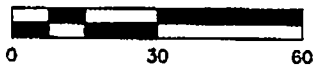
COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 7
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 0.01+/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM Nicholas R. McGraw, et ux

NOTE: RECORDED AS BEARINGS ARE FROM RETRACEMENT
 PLAT RECORDED IN BOOK 2022, PAGE 3051



DATE DRAWN: 7/27/2022
 DATE REVISED: 11/14/2022 & 4/21/2023

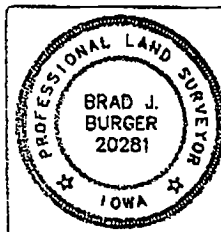
SCALE: 1" = 30'



LINE	BEARING	DISTANCE
L1	S 87°40'02" W (N 86°08'24" E)	8.04'
L2	N 07°25'57" E	30.76'
L3	N 87°42'20" E (N 88°10'41" E)	4.03'

LEGEND

- FD. 1/2" IRON ROD W/
ORANGE CAP #17939
- CENTERLINE
- SECTION LINE AND OR 1/4
OR 1/4 1/4 SECTION LINE
- ▨ PERMANENT EASEMENT
RECORDED AS



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.
Brad J. Burger 4/24/2023
 BRAD J. BURGER LICENSE NO. 20281 DATE
 My license renewal date is December 31, 2024
 Pages or sheets covered by this set: this page only

That such condemnation is sought for the improvement and/or maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B of the Code of Iowa and all amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed.

You are further notified that the Commissioners will report to the Sheriff's Office in **Manchester**, Iowa, at **9:00 a.m.** on the **6th** day of **December, 2023**, and will view your property at approximately **9:30** a.m. on the same day. They will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

IOWA DEPARTMENT OF TRANSPORTATION
SHEAN FLETCHALL
Transportation Section Chief
Assistant Attorney General

By Katie A. Johnson
Katie A. Johnson
Condemnation Unit Coordinator
Right of Way Bureau
Iowa Department of Transportation
Ames, Iowa 50010

ACCEPTANCE OF SERVICE

I accept service of the above notice, I acknowledge receipt of a copy and I waive time of service and any requirements that such notice be published in a newspaper.

Dated at _____, this _____ day of _____, 20_____.

STATE OF IOWA)
COUNTY OF _____) ss:

Received the within notice the _____ day of _____, 20_____, and I hereby certify that I have served to each person named below by delivering a true copy of the same to each person at the time and place set opposite their respective names:

NAME	DATE	CITY OR TOWN	COUNTY	STATE

FEES:
Service \$ _____
Mileage \$ _____
TOTAL \$ _____

Sheriff of _____ County, Iowa

Recorded: 9/29/2023 at 8:38:29.0 AM
County Recording Fee: \$57.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$60.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2444

CERTIFIED TRUE COPY

Prepared By & Return To: Lisa Obrecht, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1813

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 13
North of the City of Manchester
located in Delaware County, Iowa

**APPLICATION TO THE CHIEF
JUDGE OF THE 1ST
JUDICIAL DISTRICT FOR THE
APPOINTMENT OF A
COMMISSION TO APPRAISE
DAMAGES**

Project No. NHSN-013-2(43)--2R-28 Group A

TO: Kellyann Lekar, Chief Judge, 1ST Judicial District including Delaware County, Iowa

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in **Nonagricultural** 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 14th day of September, 2023.

IOWA DEPARTMENT OF TRANSPORTATION
SHEAN FLETCHALL
Transportation Section Chief
Assistant Attorney General

By Katie A. Johnson
Katie A. Johnson
Condemnation Unit Coordinator
Right of Way Bureau

Filed in my office at Waterloo, Iowa, this 21 day of September, 2023.

Kellyann Lekar
Kellyann Lekar
Chief Judge of the 1ST Judicial District
including Delaware County, Iowa.

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

Lisa Obrecht
Lisa Obrecht, 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. IA 13
North of the City of Manchester
located in Delaware County, Iowa

SELECTION AND APPOINTMENT OF
COMPENSATION COMMISSIONERS
BY THE CHIEF JUDGE OF THE
1ST JUDICIAL DISTRICT

Project No. NHSN-013-2(43)--2R-28 Group A


An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above-entitled matter, I hereby DESIGNATE, SELECT AND APPOINT as the members of said compensation commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
1. Kevin Graybill 11913 182 nd Avenue Manchester 52057		Licensed Real Estate Salesperson or Broker
2. Mary Kay Starks 25944 225 th Avenue Delhi 52223		
1. Alison Kass 817 Tanglewood Drive Manchester, IA 52057		Knowledgeable of Property Values by Virtue of Occupation
2. Donna Reeder 108 Tower Drive Manchester 52057		
1. Wes Schille 19156 Goodland Drive Manchester 52057		Nonagricultural
2. Larry Stone 307 S. Washington Street Edgewood 52042		

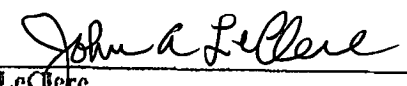
I further designate, select and appoint the above-named KEVIN GRAYBILL to act as
Chairperson of said commission.

To the Sheriff of Delaware County, Iowa: Attached hereto please find a duplicate of the Application for
Condemnation in the above-entitled matter.

Dated at Wadena, Iowa, this 21 day of September, 2023


Kellyann Lekar
Chief Judge of the 1st Judicial District
including Delaware County, Iowa

Filed in my office at Manchester, Iowa, this 19 day of Oct, 2023


John A. LeClere
Sheriff of Delaware County, Iowa

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 13
North of the City of Manchester
located in Delaware County, Iowa

**SUPPLEMENTARY ORDER
APPOINTING ALTERNATE
COMPENSATION COMMISSIONERS**


Project No. NHSN-013-2(43)--2R-28 Group A

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation, entitled as above, for the selection and appointment, by lot, of a duly-constituted compensation commission, and said selection and appointment of up to five alternate commissioners, having been made by me, I further DESIGNATE, SELECT and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

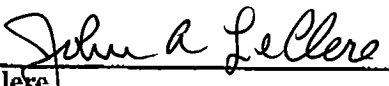
NAME	ADDRESS	QUALIFICATIONS
1. Kristine Baldwin 2. Teresa Greve 3. Barb Sailer 4. Bob Wendt 5. Teresa Turnis	1883 Honey Creek Road Manchester 52057 2151 110 th Avenue Masonville 50654 1100 Rosewood Drive Manchester 52057 1101 Stiles Street Manchester 52057 2418 180 th Avenue Manchester 52057	Licensed Real Estate Salesperson or Broker
1. Bruce Nieman 2. Scott Wegmann 3. Elaine Funke 4. Cody Naber 5. Kevin Funke	800 Tanglewood Drive Manchester 52057 1017 Sunrise Drive Manchester 52057 1071 Laser Road Edgewood 52042 1630 190 th Ave Manchester, IA 52057 3171 285 th Avenue Hopkinton 52237	Knowledgeable of Property Values by Virtue of Occupation
1. Ed Wulfekuhle 2. Karen Schmitz 3. Barb Robinson 4. Lorraine Gaffney 5. Mary Ann Poynor	108 Franklin St Delhi IA 52223 111 Beckner St Greeley, IA 52050 306 South Street Dundee 52038 PO Box 64 Ryan 52330 724 E. Howard Street Manchester 52057	Nonagricultural

The Sheriff of Delaware County, Iowa, shall, upon being informed of a vacancy in the compensation commission, notify an alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Waterloo, Iowa, this 21 day of September, 2023


Kelly Ann Lekar
Chief Judge of the 1st Judicial District
including Delaware County, Iowa.

Filed in my office at Manchester, Iowa, this 19 day of Oct, 2023


John A. LeClerc
Sheriff of Delaware County, Iowa

Return of Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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 13
NORTH OF THE CITY OF MANCHESTER
LOCATED IN DELAWARE COUNTY, IOWA

Case Number: **NHSN-013-2(43)--2R-28**
Civil Number: **23-000712**
Date Received: **10/19/2023 @ 11:45**
Date Printed: **10/23/2023 @ 11:57**

STATE OF IOWA
DELAWARE COUNTY

}

I hereby certify that I served a copy of:

**APPLICATION
NOTICE**

To: **MCGRAW, NICHOLAS R at 1901 HWY 13 MANCHESTER, IA 52057**
on **10/20/2023 @ 14:50** Type of Service: **PERSONAL**
Remarks:

Fees:

Service Fees:	30.00
Mileage:	1.00
Copies:	0.00
Total:	31.00

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: IS/ DEPUTY JILL KNIPPER

Paid By:
Date:
Check #:

Return of Substitute Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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 13
NORTH OF THE CITY OF MANCHESTER
LOCATED IN DELAWARE COUNTY, IOWA

Case Number: **NHSN-013-2(43)--2R-28**
Civil Number: **23-000712**
Date Received: **10/19/2023 @ 11:45**
Date Printed: **10/23/2023 @ 11:57**

STATE OF IOWA
DELAWARE COUNTY

}

I hereby certify that I served a copy of:

**APPLICATION
NOTICE**

To: **MCGRAW,RACHEL L at 1901 HWY 13 MANCHESTER, IA 52057**
on **10/20/2023 @ 14:50** Type of Service: **DWELLING/SUBSTITUTE**

By substitute service on:

NICHOLAS R MCGRAW at 1901 HWY 13 MANCHESTER IA 52057
Relationship/Title: **SPOUSE** Legal Age:

Remarks:

Fees:

Service Fees:	20.00
Mileage:	0.00
Copies:	0.00
Total:	20.00

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: ISI DEPUTY JILL KNIPPER

Paid By:
Date:
Check #:

Return of Substitute Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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 13
NORTH OF THE CITY OF MANCHESTER
LOCATED IN DELAWARE COUNTY, IOWA

Case Number: **NHSN-013-2(43)--2R-28**
Civil Number: **23-000712**
Date Received: **10/19/2023 @ 11:45**
Date Printed: **10/23/2023 @ 11:57**

STATE OF IOWA
DELAWARE COUNTY

}

I hereby certify that I served a copy of:

**APPLICATION
NOTICE**

To: **THE HANGOVER EXPRESS LLC C/O NICK MCGRAW** at **1901 HWY 13 MANCHESTER, IA 52057**
on **10/20/2023 @ 14:50** Type of Service: **CORPORATION/ASSOCIATION**

By substitute service on:

NICHOLAS R MCGRAW at **1901 HWY 13 MANCHESTER IA 52057**
Relationship/Title: **REG AGENT** Legal Age:

Remarks:

Fees:

Service Fees:	20.00
Mileage:	0.00
Copies:	0.00
Total:	20.00

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: ISI DEPUTY JILL KNIPPER

Paid By:
Date:
Check #:

Return of Substitute Service

IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY

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 13
NORTH OF THE CITY OF MANCHESTER
LOCATED IN DELAWARE COUNTY, IOWA

Case Number: **NHSN-013-2(43)--2R-28**
Civil Number: **23-000712**
Date Received: **10/19/2023 @ 11:45**
Date Printed: **10/23/2023 @ 11:57**

STATE OF IOWA
DELAWARE COUNTY

}

I hereby certify that I served a copy of:

**APPLICATION
NOTICE**

To: **DELAWARE COUNTY IOWA C/O COUNTY AUDITOR at 301 E MAIN ST MANCHESTER, IA 52057**
on **10/20/2023 @ 10:52** Type of Service: **OFFICIAL**

By substitute service on:

CARLA BECKER - AUDITOR at 301 E MAIN ST MANCHESTER IA 52057
Relationship/Title: **AGENT** Legal Age:

Remarks:

Fees:

Service Fees:	30.00
Mileage:	1.00
Copies:	0.00
Total:	31.00

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: IS/ SHERIFF JOHN LECLERE

Paid By:
Date:
Check #:

STATE OF IOWA
DUBUQUE COUNTY

SS:

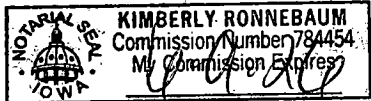
CERTIFICATE OF PUBLICATION

I, Tiffany Lott, of Woodward Communications, Inc., an Iowa corporation, publisher of the Manchester Press, a newspaper of general circulation published in the City of Manchester, County of Delaware and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following

dates 11-21 2023,
and for which the charge is \$ 25.00.

[Signature]

Subscribed to before me, a Notary Public in
and for Delaware County, Iowa,
this 22nd day of Nov, 2023.



[Signature]
Notary Public in and for
Delaware County, Iowa

Notice of Appraisal Hearing and Public Meeting of Compensation Commission to Assess Damages
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 13 North of the City of Manchester located in Delaware County, Iowa
Project No. NHSN-013-2(43)-2R-28, Group "A"
TO: Kevin Graybill, Mary Kay Starks, Alison Kass, Donna Reeder, Wes Schulte and Ed Wulfekuhle
An Application of Condemnation, having been presented to the Chief Judge of the Judicial District; requesting the appointment of six (6) qualified persons as a Condemnation Commission:
WHEREAS, such an appointment has been filed in my office and whereas you have been appointed and selected as such Condemnation

Commissioners:
NOW THEREFORE, you are commanded to be and appear before the undersigned at the Office of Sheriff of DELAWARE County, Iowa at 1225 W. Howard St., Manchester, Iowa on the 6th day of December, 2023, at the hour of 9:00 A.M. for the purpose of qualifying as such commissioner, and proceed to view said premises and made an award of damages as provided by law.
This notice published pursuant to Section 6B.11, Code of Iowa.
John A. LeClere,
Sheriff of Delaware County, Iowa
Prior to the meeting of the commission, the commission or a commissioner shall not communicate with the applicant, property owner, or tenant, or their agents, regarding the condemnation proceedings.
11-22

Notice of Appraisal Hearing and Public Meeting of Compensation Commission to Assess Damages

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 13 North of the City of Manchester located in Delaware County, Iowa

Project No. NHSN-013-2(43)—2R-28, Group "A"


TO: Kevin Graybill, Mary Kay Starks, Alison Kass, Donna Reeder, Wes Schulte and Larry Stone

An Application of Condemnation, having been presented to the Chief Judge of the Judicial District, requesting the appointment of six (6) qualified persons as a Condemnation Commission:

WHEREAS, such an appointment has been filed in my office and whereas you have been appointed and selected as such Condemnation Commissioners:

NOW THEREFORE, you are commanded to be and appear before the undersigned at the Office of the Sheriff of DELAWARE County, Iowa, at 1225 W. Howard St, Manchester, Iowa on the 6th day of December, 2023, at the hour of 9:00 A.M. for the purpose of qualifying as such commissioner, and proceed to view said premises and make an award of damages as provided by law.

This notice published pursuant to Section 6B.11, Code of Iowa.



John A. LeClere
Sheriff of Delaware County, Iowa

Prior to the meeting of the commission, the commission or a commissioner shall not communicate with the applicant, property owner, or tenant, or their agents, regarding the condemnation proceedings.

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

AFFIDAVIT OF FINAL OFFER

Primary Road No. IA 13
North of the City of Manchester
located in **Delaware County, Iowa**

Project No. **NHSN-013-2(43)--2R-28** Group A

Parcel No. 7

On this the 6th day of December, 20 23, comes the Iowa Department of Transportation and states, as by law provided, that the most recent offers made to the owner(s), lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant in the Notice of Condemnation filed in the above matter are/as follows:

Owner(s) & Lienholders

\$ 1041.00

Nicholas R. McGraw
Rachel L. McGraw
Delaware County Treasurer

Tenant(s)

\$ 100.00

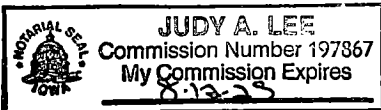
The Hangover Express, LLC

IOWA DEPARTMENT OF TRANSPORTATION

By

William J. Knudt
Condemnation Hearing Compliance Officer
Right of Way Bureau

Acknowledged, subscribed and sworn to before me this 6th day of December, 20 23.



Judy A. Lee
(Notary Public / Clerk of Court) in and for said County and State

Filed in my office at **Manchester, Iowa**, this 6th day of December, 20 23.

John A. LeClere
John A. LeClere
Sheriff of Delaware County, Iowa

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 13
North of the City of Manchester
located in **Delaware County, Iowa**

**REPORT OF
COMPENSATION
COMMISSION**

Project No. **NHSN-013-2(43)--2R-28** Group A

TO: John A. LeClere, Sheriff of Delaware County, Iowa

We, the undersigned, being duly-appointed and qualified Commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights as set forth and described in the Notice of Condemnation filed in the above-entitled matter, respectfully report as follows.

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

Parcel No. 7	Land and Improvements	Additional Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs incl. One Appraisal
Nicholas R. McGraw	\$ _____	\$ _____	\$ 1041.00	\$ _____
Rachel L. McGraw	\$ _____	\$ _____	\$ _____	\$ _____
Delaware County Treasurer	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
The Hangover Express, LLC	\$ _____	\$ _____	\$ 100.00	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
Value of Condemnee's dwelling:	\$ 0			

Respectfully reported at Manchester, Iowa, this 6th day of December, 2023.
Alison M. Kass
Edward Wulfschlaegle
Donna J. Geeder
John A. LeClere
John A. LeClere

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

Filed in my office at Manchester, Iowa, this 6th day of December, 2023.

John A. LeClere
John A. LeClere
Sheriff of **Delaware County, Iowa**

Minutes of Meeting of Commissioners

Date: December 6, 2023

Time: 9:00 A.M.

Place: Delaware County Sheriff's Office, 1225 W. Howard Street, Manchester, Iowa 52057

Condemnee: Nicholas R. McGraw; Rachel L. McGraw; and The Hangover Express, LLC

Condemner: State of Iowa - Department of Transportation

On the date listed above a hearing regarding the above listed condemnation was held. The Commissioners heard presentations from:

Condemner (and/or Attorney):

D.O.T

Witness for condemner:

Bill Knudsen

Condemnee (and/or Attorney):

No show

Witness for condemnee:

N/A

Report of Compensation Commission

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

*Info provided by D.O.T and notice provided,
And after visiting property*

TOTAL AMOUNT AWARDED: \$ 1141⁰⁰

IS THE AMOUNT AWARDED OVER 110% OF CONDEMNOR'S FINAL OFFER? YES NO

IF YES HAS THE CONDEMNOR SUBMITTED AN APPLICATION FOR FEES AND COST TO THE DELAWARE COUNTY SHERIFF? YES NO

IF YES TO BOTH ABOVE QUESTIONS:

THE COMMISSION SHALL SET A REASONABLE AMOUNT FOR ATTORNEY FEES AND COSTS, INCLUDING THE REASONABLE COST OF ONE APPRAISAL, INCURRED BY THE CONDEMNOR AS DETERMINED BY THE COMMISSIONERS

AMOUNT AWARDED FOR ATTORNEY FEES & COST: \$ 0

The Commissioner's vote on the award was unanimous, unless other noted.

Report of Compensation Commission

Results of votes taken by the Commissioners during the meeting are as follows:

Date: December 6, 2023.

Time: 10:03

<u>Commissioner</u>	<u>Category</u>	<u>Vote</u>
Kevin Graybill	Licensed Real Estate Salesperson or Broker	Yes
Mary Kay Starks	Licensed Real Estate Salesperson or Broker	Yes
Alison Kass	Knowledgeable of Property Values by Virtue of Occupation	Yes
Donna Reeder	Knowledgeable of Property Values by Virtue of Occupation	Yes
Wes Schulte	Non-Agricultural	Yes
Ed Wulfekuhle	Non-Agricultural	Yes

Note to Commissioners: Complete a separate sheet for each vote taken. The results of each vote taken during closed session must be made public after reconvening in open session.

Took verbal vote to

Approve DOT's offer of \$1041⁰⁰ plus \$100
to Tenant of said property

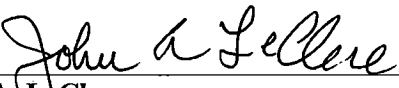
In the Matter of the Condemnation
of Certain Rights in Land by the
Iowa Department of Transportation
for the Improvement of

Primary Road No. IA 13
North of the City of Manchester
located in **Delaware County, Iowa**

Project No. **NHSN-013-2(43)--2R-28** Group A

**ENDORSEMENT OF SHERIFF
OF MAILING OF NOTICE OF
APPRAISEMENT OF DAMAGES
AND TIME FOR APPEAL**

I, the undersigned, hereby endorse and certify that a true copy of the *Notice of Appraisement of Damages and Time for Appeal* was served upon each of the parties of this proceeding, as listed herein, by enclosing said *Notice* in an envelope addressed to each such party at their respective last-known mailing address as disclosed by the record in the *Application to the Chief Judge* (excepting those parties, if any, listed below), with postage prepaid, and by depositing said envelope in a United States Post Office depository in Manchester, Iowa, on the 6th day of December, 20 23.



John A. LeClere
Sheriff of **Delaware County, Iowa**

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 13
North of the City of Manchester
located in **Delaware County, Iowa**

**NOTICE OF APPRAISEMENT
OF DAMAGES AND TIME
FOR APPEAL**

Project No. **NHSN-013-2(43)--2R-28** Group A

Parcel No. **7**

		Land and	Additional	Condemnee's	Condemnee's
		Improvements	Damages	Total Award	Attorney Fees
					and Costs incl.
					One Appraisal
Nicholas R. McGraw	3	\$ _____	\$ _____	\$ 1041.00	\$ _____
Rachel L. McGraw		\$ _____	\$ _____	\$ _____	\$ _____
Delaware County Treasurer		\$ _____	\$ _____	\$ _____	\$ _____
		\$ _____	\$ _____	\$ _____	\$ _____
		\$ _____	\$ _____	\$ _____	\$ _____
The Hangover Express, LLC	→	\$ _____	\$ _____	\$ 100.00	\$ _____
_____		\$ _____	\$ _____	\$ _____	\$ _____
_____		\$ _____	\$ _____	\$ _____	\$ _____
_____		\$ _____	\$ _____	\$ _____	\$ _____

NOTE: If Owner-Occupied Dwelling is acquired:

Value of Condemnees' Dwelling: \$ Ø

Value of Land and Improvements
other than Condemnees' Dwelling: \$ Ø

You and each of you are hereby notified that on the 6th day of December, 2023, the duly-appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to the Code of Iowa, you may, within (30) days from the date of mailing this Notice, appeal to the District Court as by law provided. If no appeal is filed, you may pick up the award warrant on deposit with the Sheriff. In the event an appeal is filed, it will be necessary for the court to order any disbursement of funds.

Signed this 6th day of December, 2023.

John A. LeClere
John A. LeClere
Sheriff of **Delaware** County, Iowa

Notice to Condemnee

January 9, 2024

Nicholas R. McGraw
Rachel L. McGraw
Hangover Express, LLC

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 13 North of the City of Manchester located in Delaware County, Iowa

Project No. NHSN-013-2(43)—2R-28, Group "A"

To Whom it May Concern:

Regarding the condemnation listed above, a warrant for the award of \$1,041.00 and a second warrant for the award of \$100.00 which was rendered on December 6, 2023, has been deposited in our office. If you have **not** appealed this assessment, and it is 30 days passed condemnation date (6b.18) you may pick-up the warrant(s) in person at the Delaware County Sheriff's Office located at 1225 W. Howard Street, Manchester, Iowa 52057.

If you are unable to pick up the warrant(s) in person, you must contact me in writing requesting me to mail your warrant.

Thank you.

Sincerely,
John A. LeClere, Sheriff of Delaware County, Iowa


(by Judy Lee)

RECEIPT OF WARRANT

Nicholas R. McGraw
Rachel L. McGraw
Hangover Express, LLC


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 13 North of the City of Manchester located in Delaware County, Iowa

Project No. NHSN-013-2(43)—2R-28, Group "A"

I, Nicholas R. McGraw / Rachel L. McGraw, have received the following warrant(s) from the Delaware County Sheriff's Office:

State of Iowa Warrant No. 72837727 payable to Nicholas R. McGraw and Rachel L. McGraw- \$1,041.00
State of Iowa Warrant No. 72837728 payable to The Hangover Express, LLC - \$100.00

Received on this 10 day of January, 2024



Nicholas R. McGraw / Rachel L. McGraw