



Book 2024 Page 213

Document 2024 213 Type 03 008 Pages 56
Date 1/25/2024 Time 1:00:31PM
Rec Amt \$282.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA



**RECORDER'S COVER SHEET
CONDEMNATION PROCEEDINGS**

Prepared by: Delaware County Sheriff, 1225 W. Howard St., Manchester, IA 52057
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):
Kenneth & Karen Ries, LLC

GRANTEE(S):
State of Iowa (Condemner)

DOCUMENT OR INSTRUMENT NUMBER OF PREVIOUSLY RECORDED DOCUMENTS:
Application for Condemnation filed 9/29/23, in Book 2023, Page 2446

LEGAL DESCRIPTION:
Part of the NE¼ of the SW¼, the SE¼ of the NW¼ and the NE¼ of the NW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa.

ACQUISITION:
Land by Permanent Easement for Highway Purposes to State: 1.63 acres
Temporary Easements constructing entrances

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 9:09:07.0 AM
County Recording Fee: \$47.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$50.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2446

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 10-23-23 TIME 12:50pm

CERTIFIED TRUE COPY

Prepared By & Return To: Allyssa Myers, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1757

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 "B"

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 **Agricultural** land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 6B.2A, 6B.2B and 6B.3, the Code of Iowa, as amended by H.F. 476, the following is set forth:

Description: The lands and/or property rights sought to be condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application.

Plat: The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

Minimum Land Needs: The minimum amount of land necessary to achieve the public purpose is as described in and shown on the Notice of Condemnation and attached plat(s).

Names and Addresses: The names and addresses of the record owners, lienholders, encumbrancers and other persons affected by this proceeding are listed on the attached Notice of Condemnation.

Purpose: The Department of Transportation desires the rights specified in the lands sought to be condemned for the improvement and/or maintenance of roads and streets within the State of Iowa.

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

Good Faith Negotiations: The Applicant has made an effort to negotiate in good faith with the

owner(s) to acquire the property sought to be condemned. These efforts include:

1. Provided the owner(s) with written notification at least 30 days prior to the intent to proceed with this public improvement.
2. Provided the owner(s) with a copy of the appraisal of the property sought.
3. Discussed the basis of determining value.
4. Reviewed the project design plans.
5. Discussed the contents of the acquisition contract.
6. Addressed owner's questions and concerns.
7. Provided the owner(s) with a written offer of the fair market value.

Based on these efforts, we were unable to reach an agreement.

Agricultural Land: A part of the lands sought to be appropriated may be classified as Class I or Class II within an agricultural area and, if so classified, is reasonably necessary for this internal improvement.

Request: NOW, THEREFORE, the Iowa Department of Transportation hereby requests the appointment of a compensation commission of six qualified persons to view the premises and appraise the damages which the owners, lienholders, encumbrancers and other persons affected will sustain by reason of this Condemnation.

Dated at Ames, Iowa, this 18th 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 Wadena, Iowa, this 21 day of September, 20 23.

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.

Allyssa Myers
Allyssa Myers, Condemnation Agent

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 "B"

TO:

Kenneth & Karen Ries, LLC, c/o Kenneth E. Ries, Registered Agent, 3257 150th Avenue, Ryan, IA
52330

Farm Credit Services of America, FLCA, 5015 South 118th Street, Omaha, NE 68137
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 the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, 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" (1 of 2) and (2 of 2) 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 the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa, as shown on Acquisition Plat Exhibit "A" (1 of 2) and (2 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the SE Corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence S88°18'21"W 1234.00 feet along the South line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 to the Point of Beginning; thence continuing along said South line S88°18'21"W 16.27 feet to

Delaware County Project No. NHSN-013-2(43)--2R-28
Kenneth & Karen Ries, LLC (Parcel 10)
Continued on next page

Page 1

the existing Easterly right of way line of Primary Road No. Iowa 13; thence N02°07'39"W 3956.44 feet along said existing Easterly right of way line to the existing Southerly right of way line of 180th Street; thence N88°13'07"E 29.01 feet along said existing Southerly right of way line; thence S01°08'55"E 635.37 feet; thence S00°37'21"W 225.22 feet; thence S08°28'57"E 201.32 feet; thence S00°59'32"W 275.36 feet; thence S02°59'30"E 750.13 feet; thence S00°57'00"E 825.12 feet; thence S03°10'20"E 275.07 feet; thence S00°02'29"W 175.10 feet; thence S02°33'45"E 179.01 feet; thence S04°40'18"E 354.41 feet; thence S05°18'14"W 63.60 feet to the Point of Beginning, containing 1.63 acres more or less.

Note: The South line of the NE¼ of the SW¼ of Section 17, Township 89 North, Range 5 West, of the 5th P.M., Delaware County, Iowa is assumed to bear S88°18'21"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 the NE¼ of the SW¼, the SE¼ of the NW¼ and the NE¼ of the NW¼ of Section 17, Township 89 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 NW Corner of the NE¼ of the SW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence N02°10'20"W, 31.63 feet along the West line of the SE¼ of the NW¼ of said Section 17; thence N87°49'40"E, 77.99 feet to the Point of Beginning; thence N88°04'40"E, 12.69 feet; thence S00°38'57"E, 45.01 feet; thence S88°04'40"W, 12.45 feet; thence N00°57'00"W, 45.01 feet to the Point of Beginning.

and,

Commencing at the SW Corner of the SE¼ of the NW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence N02°10'20"W, 1322.63 feet along the West line of the SE¼ of the NW¼ of said Section 17; thence N87°49'40"E, 79.78 feet to the Point of Beginning; thence N00°59'32"E, 45.06 feet; thence N88°04'40"E, 3.24 feet; thence S00°38'57"E, 45.01 feet; thence S88°04'40"W, 4.53 feet to the Point of Beginning.

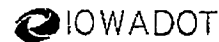
Note: The West line of the SE¼ of the NW¼ of Section 17, Township 89 North, Range 5 West, of the 5th P.M., Delaware County, Iowa is assumed to bear N02°10'20"W.

3. The State of Iowa will construct Type C entrances at Sta. 1072+65 and Sta. 1086+01, both on the east side of Primary Road No. IA 13, and at Sta. 6100+22 on the south side of Local Road 180th Street.

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 condemnee, 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 condemnee 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 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

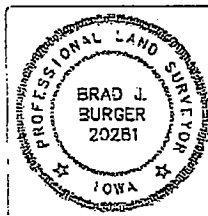
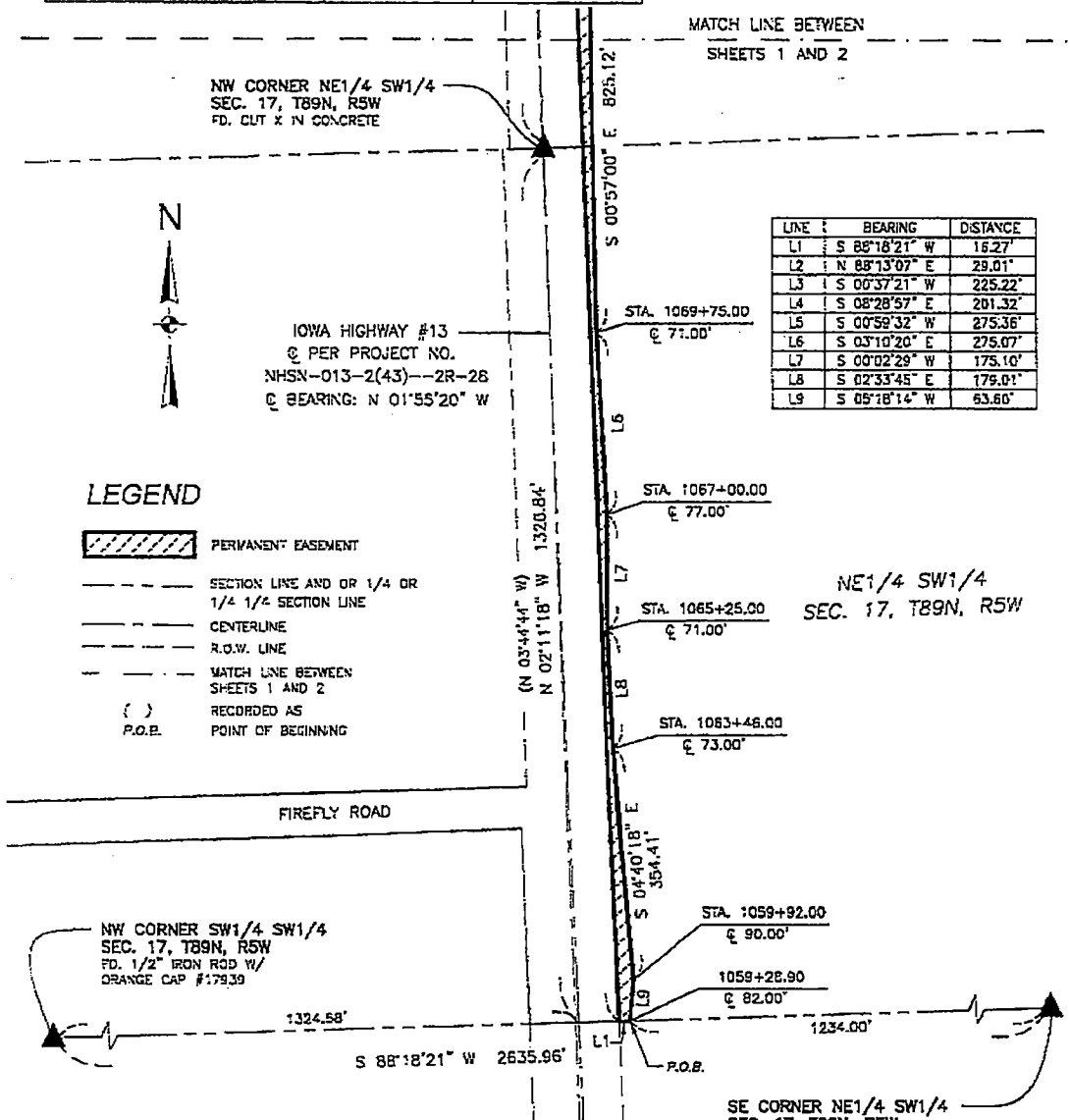
ACQUISITION PLAT
EXHIBIT "A" SHEET (1 OF 2)



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)-2R-28 PARCEL NO. 10
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 1.63 +/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM Kenneth and Karen Ries, LLC

ACREAGE SUMMARY TABLE

PARCEL 10	NE1/4 SW1/4 SEC. 17, T89N, R5W ACRES	SE1/4 NW1/4 SEC. 17, T89N, R5W ACRES	NE1/4 NW1/4 SEC. 17, T89N, R5W ACRES
	0.39 +/-	0.62 +/-	0.62 +/-



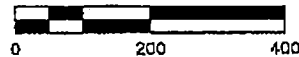
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Brad J. Burger 11/16/2022
 BRAD J. BURGER LICENSE NO. 20281 DATE
 My license renewal date is December 31, 2022.

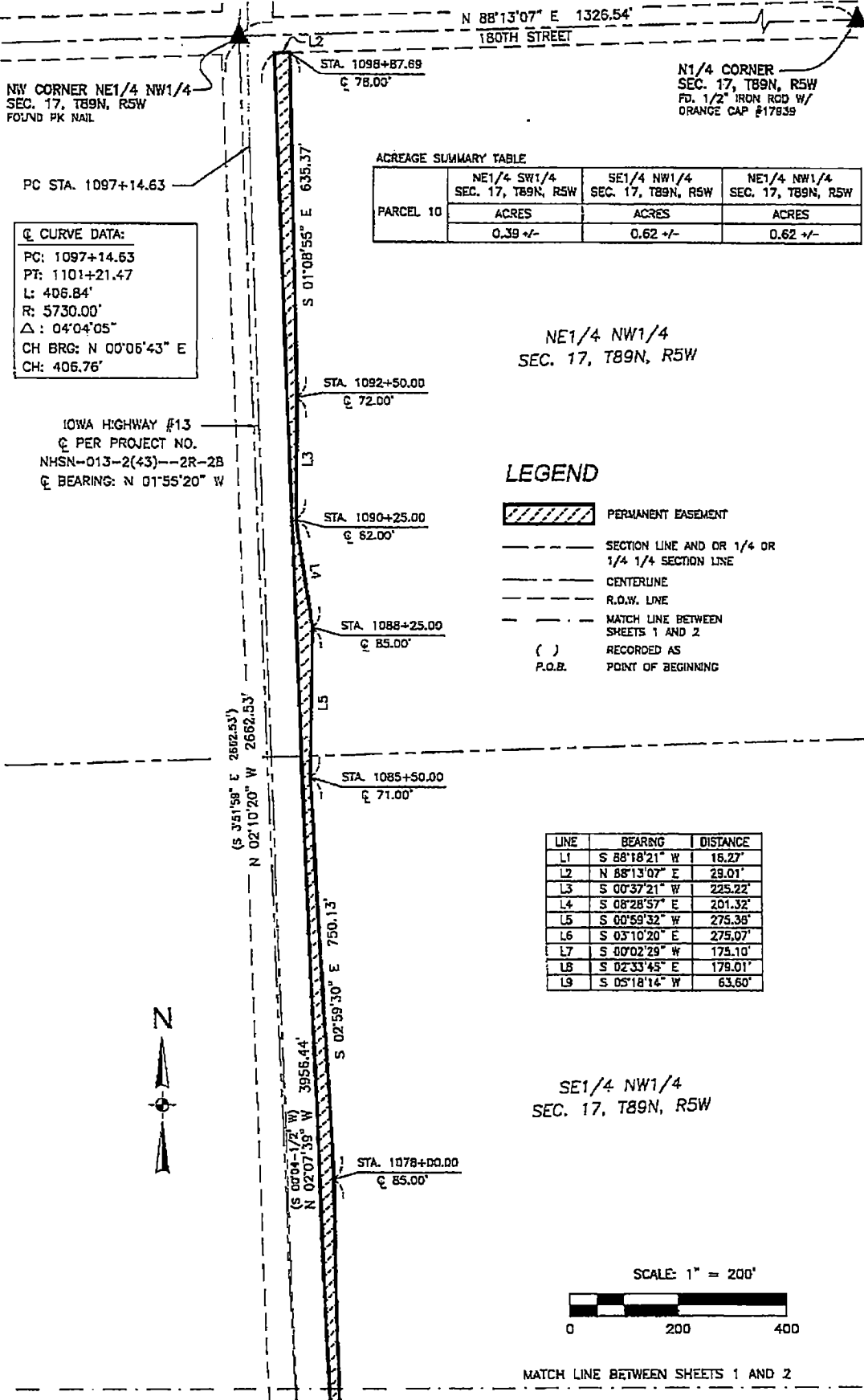
Pages or sheets covered by this plat: Sheets 1 and 2

DATE DRAWN: 7/27/2022
 DATE REVISED: 11/14/2022

SCALE: 1" = 200'



Iowa Department of Transportation
ACQUISITION PLAT
EXHIBIT "A" SHEET (2 OF 2)



NW CORNER NE1/4 NW1/4
SEC. 17, T89N, R5W
FOUND PK NAIL

N1/4 CORNER
SEC. 17, T89N, R5W
FD. 1/2" IRON ROD W/
ORANGE CAP #17839

☉ CURVE DATA:
PC: 1097+14.63
PT: 1101+21.47
L: 406.84'
R: 5730.00'
Δ: 04°04'05"
CH BRG: N 00°06'43" E
CH: 406.76'

IOWA HIGHWAY #13
☉ PER PROJECT NO.
NHSN-013-2(43)--2R-2B
☉ BEARING: N 01°55'20" W

ACREAGE SUMMARY TABLE

PARCEL 10	NE1/4 SW1/4 SEC. 17, T89N, R5W	SE1/4 NW1/4 SEC. 17, T89N, R5W	NE1/4 NW1/4 SEC. 17, T89N, R5W
	ACRES	ACRES	ACRES
	0.39 +/-	0.62 +/-	0.62 +/-

NE1/4 NW1/4
SEC. 17, T89N, R5W

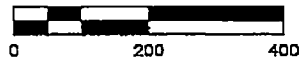
LEGEND

- PERMANENT EASEMENT
- SECTION LINE AND OR 1/4 OR 1/4 SECTION LINE
- CENTERLINE
- R.O.W. LINE
- MATCH LINE BETWEEN SHEETS 1 AND 2
- () RECORDED AS
- P.O.B. POINT OF BEGINNING

LINE	BEARING	DISTANCE
L1	S 88°18'21" W	18.27'
L2	N 88°13'07" E	29.01'
L3	S 00°37'21" W	225.22'
L4	S 08°28'57" E	201.32'
L5	S 00°59'32" W	275.38'
L6	S 03°10'20" E	275.07'
L7	S 00°02'29" W	175.10'
L8	S 02°33'45" E	179.01'
L9	S 05°18'14" W	63.60'

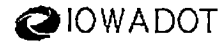
SE1/4 NW1/4
SEC. 17, T89N, R5W

SCALE: 1" = 200'



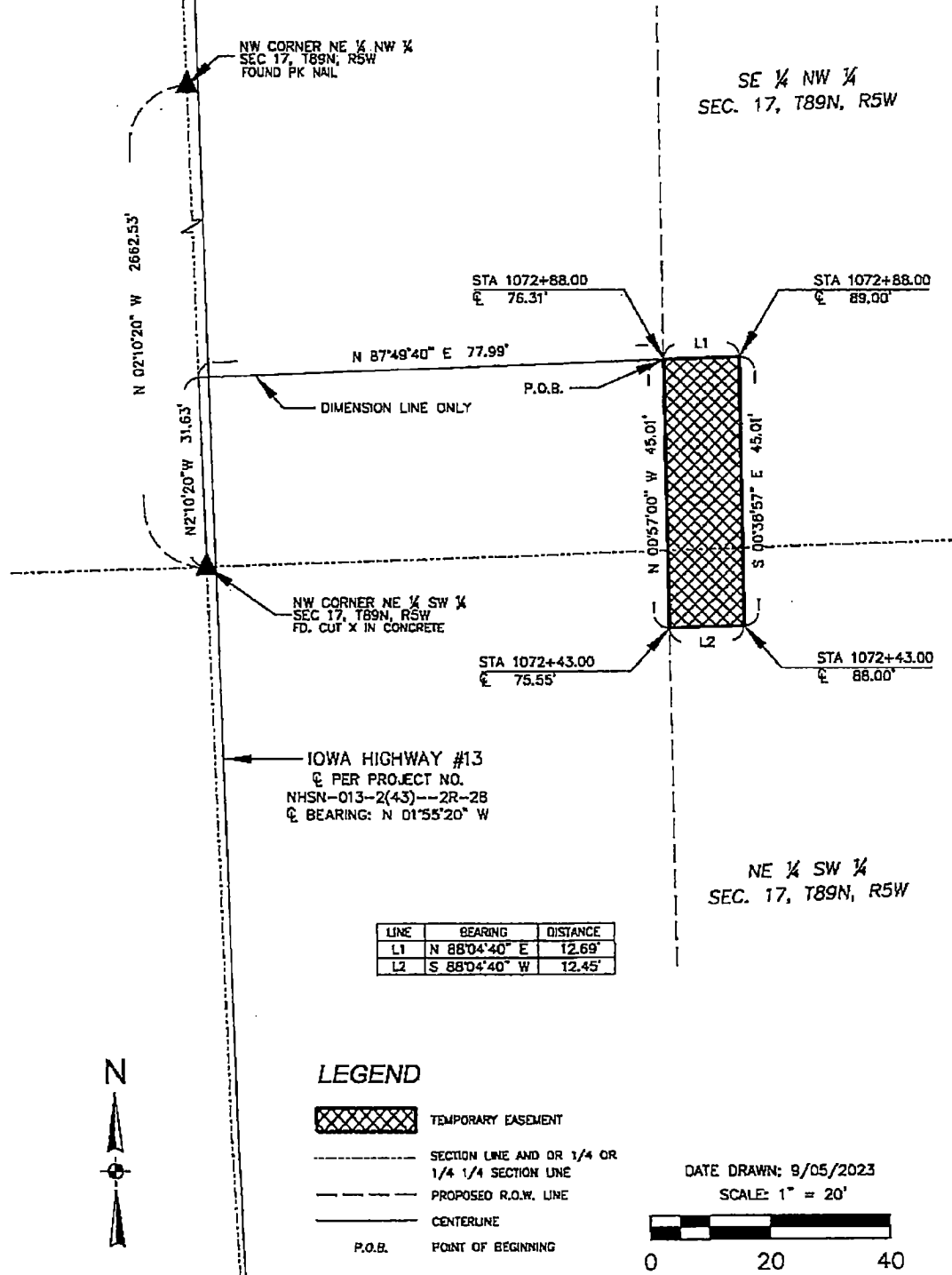
MATCH LINE BETWEEN SHEETS 1 AND 2

Iowa Department of Transportation
ACQUISITION PLAT
GRAPHIC EXHIBIT "B-6 OF 2"

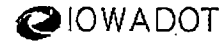


COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 10
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE _____ AC
 Acquired from Kenneth and Karen Ries, LLC

TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE

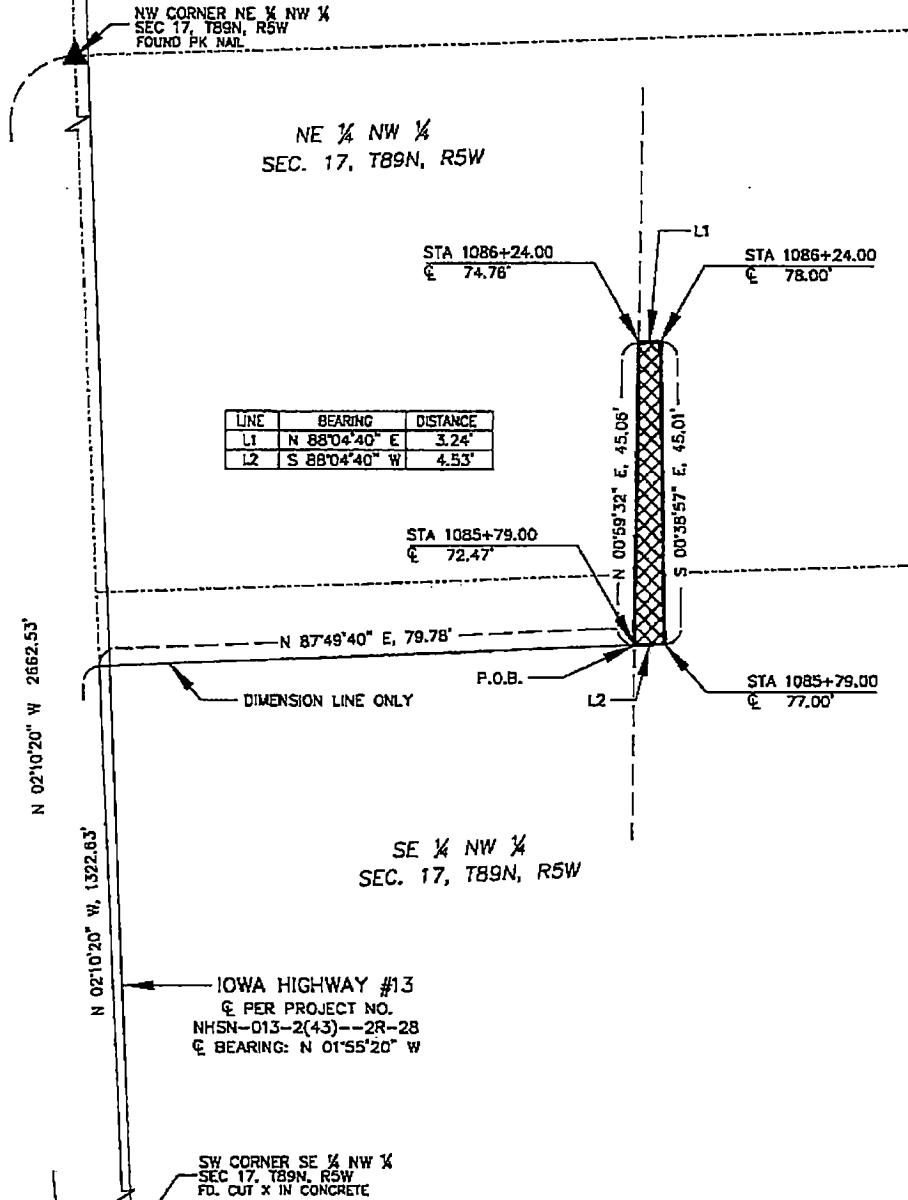


Iowa Department of Transportation
 ACQUISITION PLAT
 GRAPHIC EXHIBIT "B-(2 OF 2)"



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 10
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE _____ AC
 Acquired from Kenneth and Karen Ries, LLC

TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE

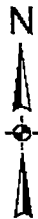
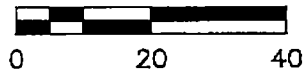


LINE	BEARING	DISTANCE
L1	N 88°04'40" E	3.24'
L2	S 88°04'40" W	4.53'

LEGEND

- TEMPORARY EASEMENT
- SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- PROPOSED R.O.W. LINE
- CENTERLINE
- P.O.B. POINT OF BEGINNING

DATE DRAWN: 9/05/2023
 SCALE: 1" = 20'



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 "B"

46

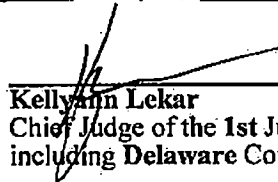
An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation 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. Kristine Baldwin	1883 Honey Creek Road Manchester 52057	Licensed Real Estate Salesperson or Broker
2. Kevin Graybill	21913 182 nd Avenue Manchester 52057	
1. Bruce Nieman	800 Tanglewood Drive Manchester 52057	Knowledgeable of Property Values by Virtue of Occupation
2. Scott Wegmann	1017 Sunrise Drive Manchester 52057	
1. Wilbur Kehrl	1596 210 th Street Manchester 52057	Agricultural
2. Marvin Heims	1590 400 th Street Strawberry Point 52076	

I further designate, select and appoint the above-named ~~PERSONS~~ Kristine Baldwin 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 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 23 day of October, 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**

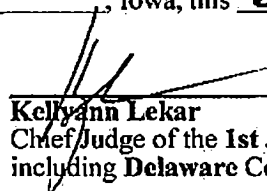
Project No. NHSN-013-2(43)--2R-28 Group "B"

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. Mary Kay Starks 2. Teresa Greve 3. Barb Sailer 4. Bob Wendt 5. Teresa Turnis	25944 225 th Avenue Delhi 52223 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. Donna Reeder 2. Alison Kass 3. Elaine Funke 4. Cody Naber 5. Kevin Funke	108 Tower Drive Manchester 52057 817 Tanglewood Drive Manchester, IA 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. Doran Zumbach 2. Larry Lamont 3. Lea Ann Smith 4. Tom Klaus 5. Steve Luekan	3278 110 th Avenue Coggon 52218 3253 300 th ave Hopkinton IA 52237 1837 130 th Avenue Manchester 52057 2854 115 th Street Colesburg 52035 3075 State Hwy 3 Colesburg, IA 52035	Agricultural

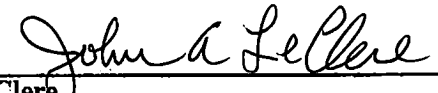
The Sheriff of Delaware County, Iowa, shall, upon being informed of a vacancy in the compensation commission, notify an alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at 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 23 day of October, 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

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 "B"

TO: Kristine Baldwin

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 Kristine Baldwin 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 12th day of DEC, 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. LeClerc
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.



Filed in my office at **Manchester**, Iowa, this 26 day of October, 2023.



John A. LeClerc
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

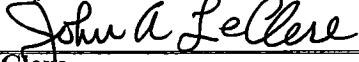
Project No. **NHSN-013-2(43)--2R-28** Group "B"

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 Kristine Baldwin 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 12th day of DEC, 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.

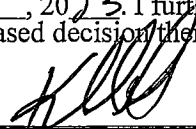


John A. LeClere
Sheriff of Delaware County, Iowa


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 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 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 "**B**"

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 Kristine Baldwin 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 12th day of DEC, **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 26th 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 26 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 "**B**"

TO: CODY NOBER

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 Kristine Baldwin 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 12th 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 11 day of December, 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.

Cody Nober

Filed in my office at **Manchester**, Iowa, this 11th day of December, 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

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 "B"

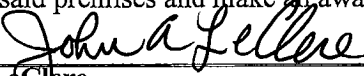
SUMMONS TO COMMISSIONERS

TO: Wilbur Kehrl

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 Kristine Baldwin 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 12th day of DEC, 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.

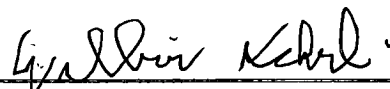


John A. LeClere
Sheriff of Delaware County, Iowa


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 28th 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.



Filed in my office at **Manchester**, Iowa, this 26 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 "B"

TO: Doran Zumbach

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 Kristine Baldwin 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 12th day of DEC, 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 Coggon, 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.

Doran Zumbach

Filed in my office at **Manchester, Iowa**, this 25 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

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 "B"

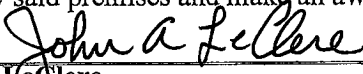
SUMMONS TO COMMISSIONERS

TO: Bruce Nieman

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 Kristine Baldwin 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 12th day of DEC., 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

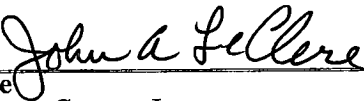
ACCEPTANCE OF SERVICE

(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 25th 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.



Filed in my office at **Manchester**, Iowa, this 26 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

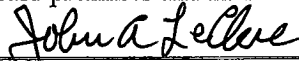
Project No. **NHSN-013-2(43)--2R-28** Group "B"

TO: Scott Wegmann

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 Kristine Baldwin 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 12th day of DEC, 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.

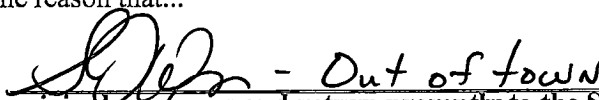
Filed in my office at **Manchester**, Iowa, this 25 day of October, 2023.



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...

 - Out of town

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

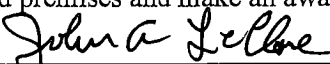
Project No. **NHSN-013-2(43)--2R-28** Group "B"

TO: Marvin Heims

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 Kristine Baldwin 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 12th day of DEC, 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 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...

 Out of Town

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 B**

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.

Kristine Baldwin
Name: Kristine Baldwin
Licensed Real Estate Salesperson
Or Broker

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

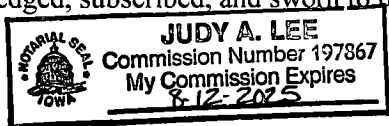
Cody Naber
Name: Cody Naber
Knowledgeable of Property Values
By Virtue of Occupation

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

Wilbur Kehrl
Name: Wilbur Kehrl
Agricultural

Doran Zumbach
Name: Doran Zumbach
Agricultural

Acknowledged, subscribed, and sworn to before me this 12th day of December, 2023.



Judy A. Lee
Notary Public, State of Iowa

Filed in my office at **Manchester**, Iowa, this 12th day of December, 2023.

John LeClere
John LeClere, 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, Group B, held on the 12th 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> 7 </u> miles at .655 cents	<u>\$ 4.59</u>
<u> 0 </u> meals	<u>\$ 0.00</u>

Signed this 12th day of December, 2023.



COMMISSIONER – Kristine Baldwin

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, Group B, held on the 12th 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 12th 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, Group B, held on the 12th 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 12th 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, Group B, held on the 12th 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
 16 miles at .655 cents \$ 10.48
 0 meals \$ 0.00

Signed this 12th day of December, 2023.



COMMISSIONER – Cody Naber

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, Group B, held on the 12th 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>1.5</u> miles at .655 cents	<u>\$.98</u>
<u>0</u> meals	<u>\$ 0.00</u>

Signed this 12th day of December, 2023.



COMMISSIONER – Wilbur Kehrli

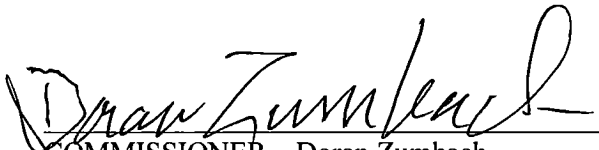
CONDEMNATION COMMISSIONER'S STATEMENT

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, Group B, held on the 12th 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
 34 miles at .655 cents \$ 22.27
 0 meals \$ 0.00

Signed this 12th day of December, 2023.


COMMISSIONER – Doran Zumbach

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 "B"

TO:

Kenneth & Karen Ries, LLC, c/o Kenneth E. Ries, Registered Agent, 3257 150th Avenue, Ryan, IA
52330

Farm Credit Services of America, FLCA, 5015 South 118th Street, Omaha, NE 68137
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 the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, 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" (1 of 2) and (2 of 2) 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 the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa, as shown on Acquisition Plat Exhibit "A" (1 of 2) and (2 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the SE Corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence S88°18'21"W 1234.00 feet along the South line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 to the Point of Beginning; thence continuing along said South line S88°18'21"W 16.27 feet to

Delaware County Project No. NHSN-013-2(43)--2R-28
Kenneth & Karen Ries, LLC (Parcel 10)
Continued on next page

Page 1

the existing Easterly right of way line of Primary Road No. Iowa 13; thence N02°07'39"W 3956.44 feet along said existing Easterly right of way line to the existing Southerly right of way line of 180th Street; thence N88°13'07"E 29.01 feet along said existing Southerly right of way line; thence S01°08'55"E 635.37 feet; thence S00°37'21"W 225.22 feet; thence S08°28'57"E 201.32 feet; thence S00°59'32"W 275.36 feet; thence S02°59'30"E 750.13 feet; thence S00°57'00"E 825.12 feet; thence S03°10'20"E 275.07 feet; thence S00°02'29"W 175.10 feet; thence S02°33'45"E 179.01 feet; thence S04°40'18"E 354.41 feet; thence S05°18'14"W 63.60 feet to the Point of Beginning, containing 1.63 acres more or less.

Note: The South line of the NE¼ of the SW¼ of Section 17, Township 89 North, Range 5 West, of the 5th P.M., Delaware County, Iowa is assumed to bear S88°18'21"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 the NE¼ of the SW¼, the SE¼ of the NW¼ and the NE¼ of the NW¼ of Section 17, Township 89 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 NW Corner of the NE¼ of the SW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence N02°10'20"W, 31.63 feet along the West line of the SE¼ of the NW¼ of said Section 17; thence N87°49'40"E, 77.99 feet to the Point of Beginning; thence N88°04'40"E, 12.69 feet; thence S00°38'57"E, 45.01 feet; thence S88°04'40"W, 12.45 feet; thence N00°57'00"W, 45.01 feet to the Point of Beginning.

and,

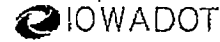
Commencing at the SW Corner of the SE¼ of the NW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence N02°10'20"W, 1322.63 feet along the West line of the SE¼ of the NW¼ of said Section 17; thence N87°49'40"E, 79.78 feet to the Point of Beginning; thence N00°59'32"E, 45.06 feet; thence N88°04'40"E, 3.24 feet; thence S00°38'57"E, 45.01 feet; thence S88°04'40"W, 4.53 feet to the Point of Beginning.

Note: The West line of the SE¼ of the NW¼ of Section 17, Township 89 North, Range 5 West, of the 5th P.M., Delaware County, Iowa is assumed to bear N02°10'20"W.

3. The State of Iowa will construct Type C entrances at Sta. 1072+65 and Sta. 1086+01, both on the east side of Primary Road No. IA 13, and at Sta. 6100+22 on the south side of Local Road 180th Street.

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 condemnee, 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 condemnee 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 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.

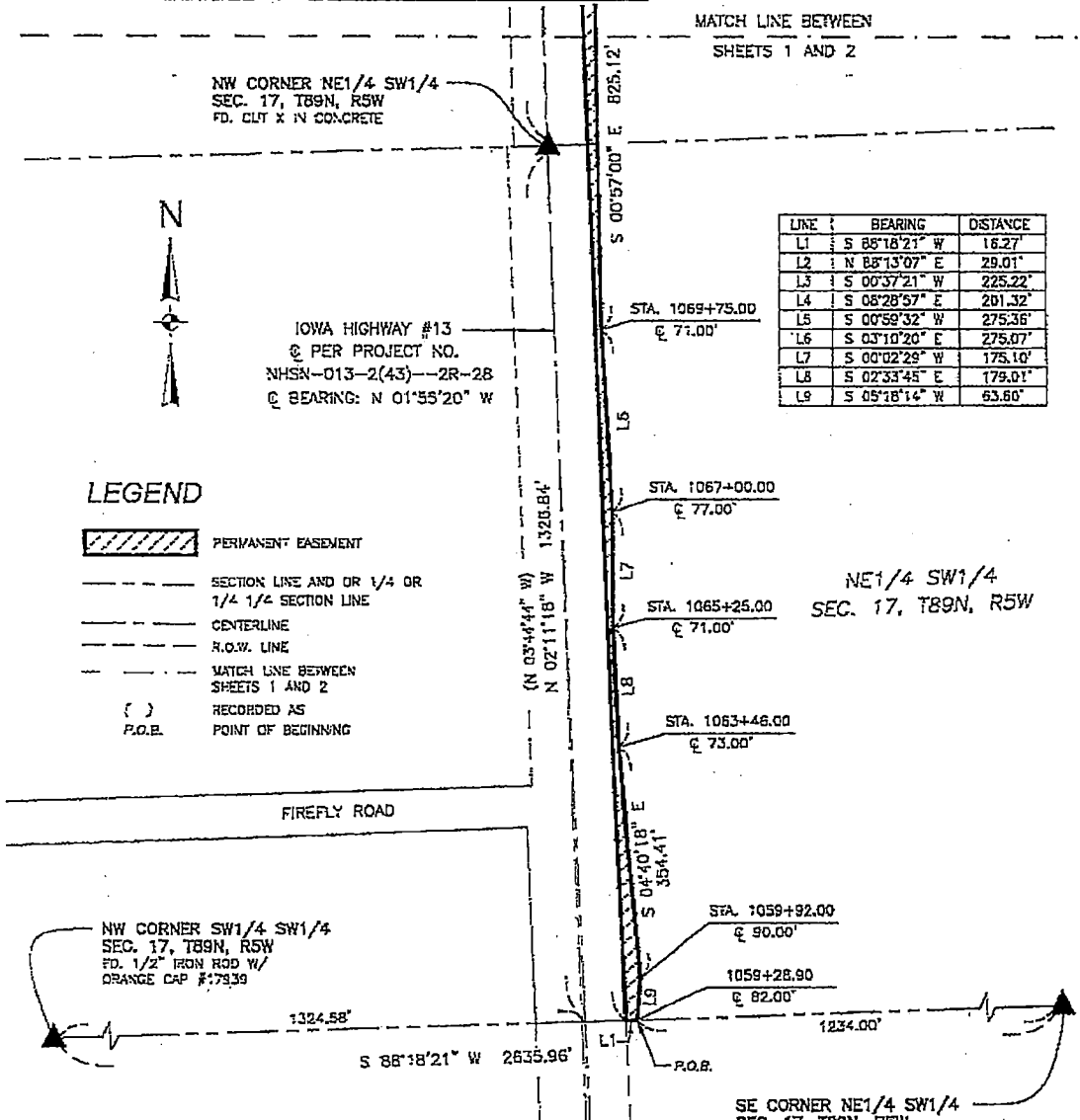
Iowa Department of Transportation
ACQUISITION PLAT
EXHIBIT "A" SHEET (OF 2)



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)-2R-28 PARCEL NO. 10
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE 1.63 +/- AC EXCESS-FEE _____ AC
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE
 ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE
 ACQUIRED FROM Kenneth and Karen Ries, LLC

ACREAGE SUMMARY TABLE

PARCEL 10	NE1/4 SW1/4 SEC. 17, T89N, R5W	SE1/4 NW1/4 SEC. 17, T89N, R5W	NE1/4 NW1/4 SEC. 17, T89N, R5W
	ACRES	ACRES	ACRES
	0.39 +/-	0.62 +/-	0.62 +/-



LEGEND

- PERMANENT EASEMENT
- SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- CENTERLINE
- R.O.W. LINE
- MATCH LINE BETWEEN SHEETS 1 AND 2
- () RECORDED AS P.O.B. POINT OF BEGINNING

PROFESSIONAL LAND SURVEYOR

BRAD J. BURGER

202B1

IOWA

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 11/16/2022

BRAD J. BURGER LICENSE NO. 202B1 DATE

My license expires on or before December 31, 2022.

Pages or sheets covered by this work: Sheets 1 and 2

DATE DRAWN: 7/27/2022
DATE REVISED: 11/14/2022

SCALE: 1" = 200'

Iowa Department of Transportation
ACQUISITION PLAT
EXHIBIT "A" SHEET (2 OF 2)

NW CORNER NE1/4 NW1/4
SEC. 17, T89N, R5W
FOUND PK NAIL

N1/4 CORNER
SEC. 17, T89N, R5W
FD. 1/2" IRON ROD W/
ORANGE CAP #17939

ACREAGE SUMMARY TABLE


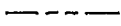
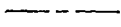
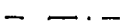
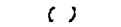
PARCEL 10	NE1/4 SW1/4 SEC. 17, T89N, R5W	SE1/4 NW1/4 SEC. 17, T89N, R5W	NE1/4 NW1/4 SEC. 17, T89N, R5W
	ACRES	ACRES	ACRES
	0.39 +/-	0.62 +/-	0.62 +/-

☉ CURVE DATA:
PC: 1097+14.63
PT: 1101+21.47
L: 406.84'
R: 5730.00'
Δ: 04°04'05"
CH BRC: N 00°05'43" E
CH: 406.76'

IOWA HIGHWAY #13
☉ PER PROJECT NO.
NHSN-013-2(43)-2R-2B
☉ BEARING: N 01°55'20" W

NE1/4 NW1/4
SEC. 17, T89N, R5W

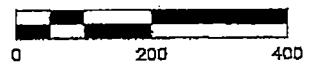
LEGEND

-  PERMANENT EASEMENT
-  SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
-  CENTERLINE
-  R.O.W. LINE
-  MATCH LINE BETWEEN SHEETS 1 AND 2
- () RECORDED AS
- P.O.B. POINT OF BEGINNING

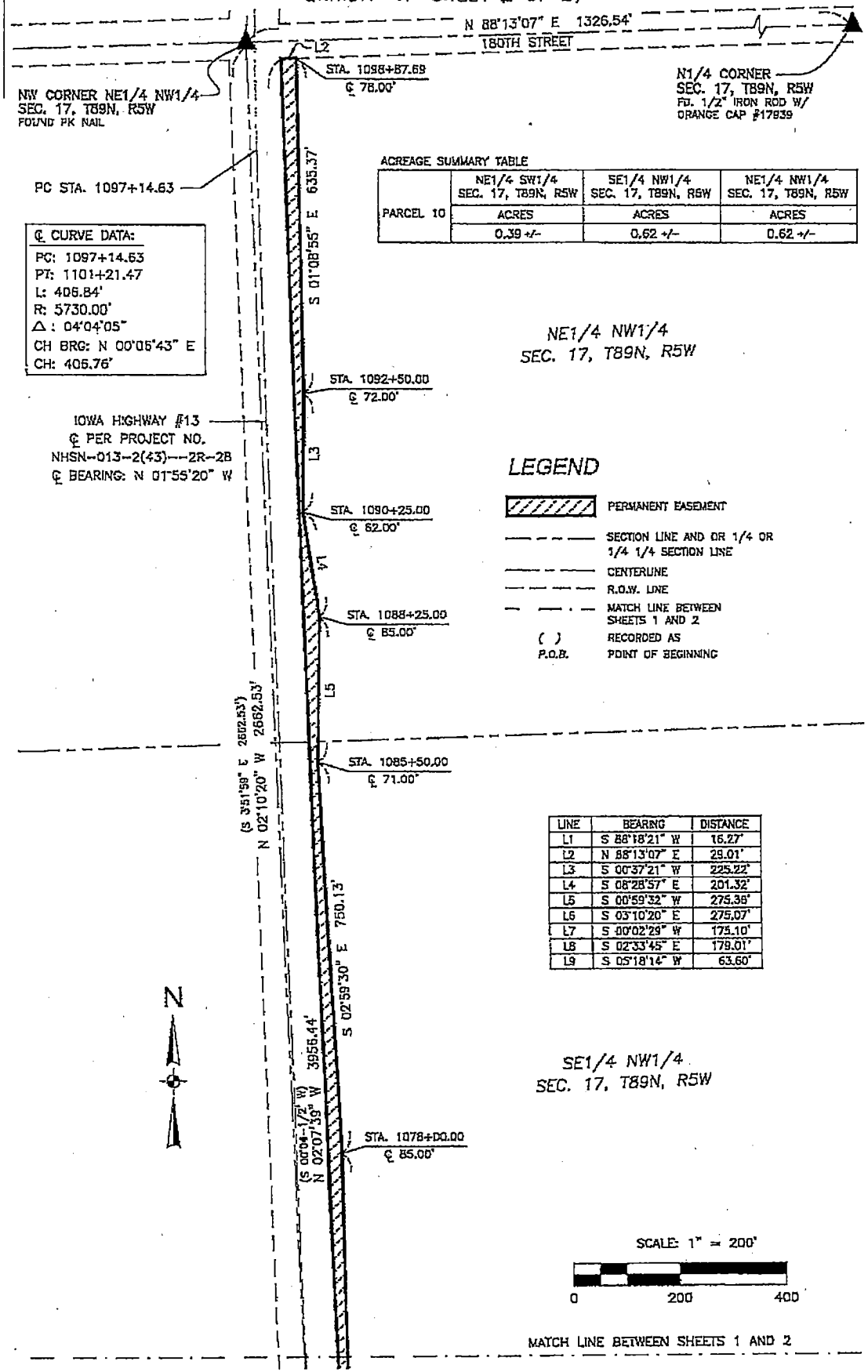
LINE	BEARING	DISTANCE
L1	S 88°18'21" W	16.27'
L2	N 88°13'07" E	29.01'
L3	S 00°37'21" W	225.22'
L4	S 08°28'57" E	201.32'
L5	S 00°59'32" W	275.38'
L6	S 03°10'20" E	275.07'
L7	S 00°02'29" W	175.10'
L8	S 02°33'45" E	178.01'
L9	S 05°18'14" W	63.60'

SE1/4 NW1/4
SEC. 17, T89N, R5W

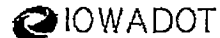
SCALE: 1" = 200'



MATCH LINE BETWEEN SHEETS 1 AND 2

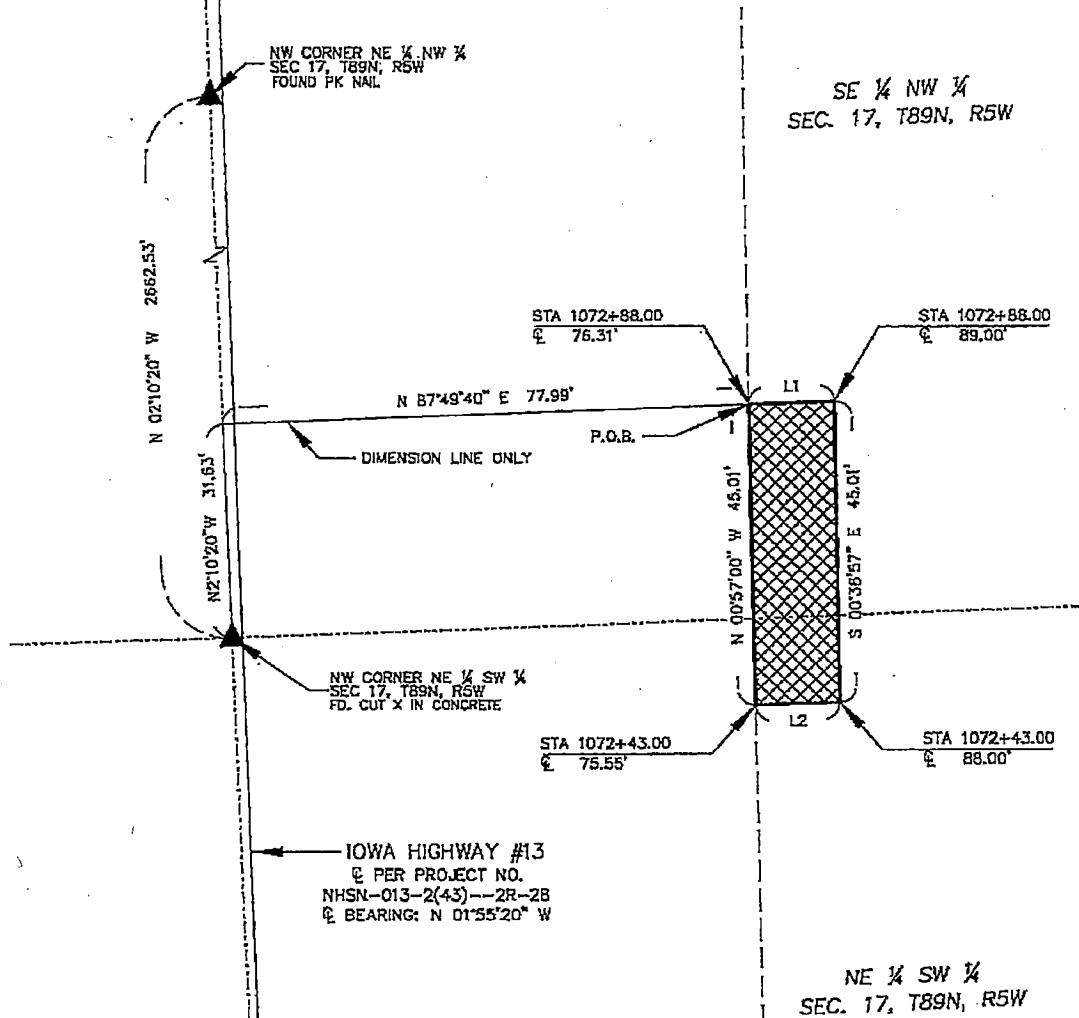


Iowa Department of Transportation
ACQUISITION PLAT
GRAPHIC EXHIBIT "B-6" OF 2



COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)-2R-28 PARCEL NO. 10
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE _____ AC
 Acquired from Kenneth and Karen Ries, LLC

TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE



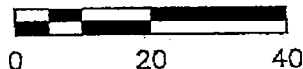
LINE	BEARING	DISTANCE
L1	N 88°04'40\"	12.69'
L2	S 88°04'40\"	12.45'



LEGEND

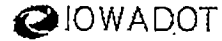
- TEMPORARY EASEMENT
- SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- PROPOSED R.O.W. LINE
- CENTERLINE
- P.O.B. POINT OF BEGINNING

DATE DRAWN: 9/05/2023
SCALE: 1" = 20'



Iowa Department of Transportation

ACQUISITION PLAT
GRAPHIC EXHIBIT "B-(2 OF 2)"



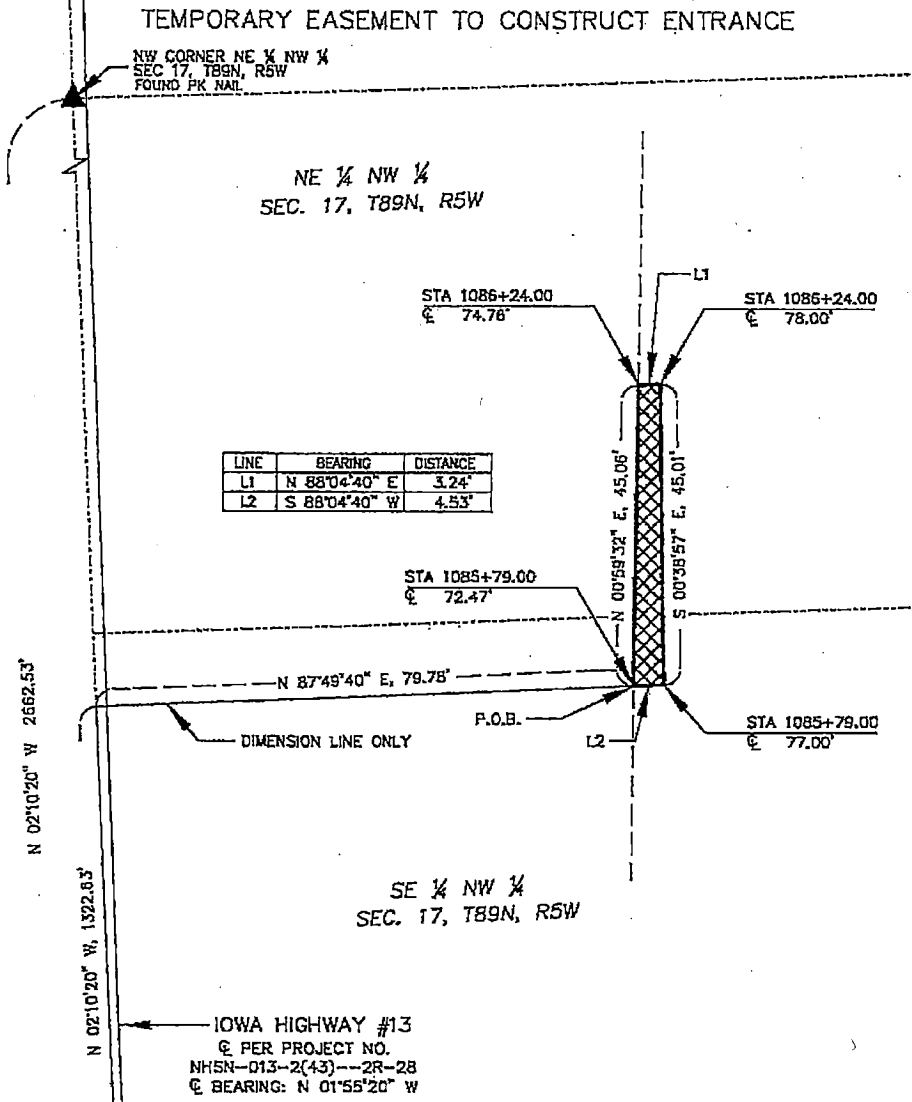
COUNTY DELAWARE STATE CONTROL NO. _____
 ROW PROJECT NO. NHSN-013-2(43)--2R-28 PARCEL NO. 10
 SECTION 17 TOWNSHIP 89 NORTH RANGE 5 WEST
 ROW-FEE _____ AC, EASE _____ AC EXCESS-FEE _____ AC
 Acquired from Kenneth and Karen Ries, LLC

TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE

NW CORNER NE 1/4 NW 1/4
SEC. 17, T89N, R5W
FOUND PK NAIL

NE 1/4 NW 1/4
SEC. 17, T89N, R5W

LINE	BEARING	DISTANCE
L1	N 88°04'40" E	3.24'
L2	S 88°04'40" W	4.53'



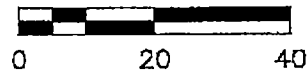
IOWA HIGHWAY #13
 @ PER PROJECT NO.
 NHSN-013-2(43)--2R-28
 @ BEARING: N 01°55'20" W

SW CORNER SE 1/4 NW 1/4
SEC. 17, T89N, R5W
FDL CUT X IN CONCRETE

LEGEND

- TEMPORARY EASEMENT
- SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- PROPOSED R.O.W. LINE
- CENTERLINE
- P.O.B. POINT OF BEGINNING

DATE DRAWN: 9/05/2023
 SCALE: 1" = 20'



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 **12th** 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 9:09:07.0 AM
County Recording Fee: \$47.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$50.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2446

CERTIFIED TRUE COPY

Prepared By & Return To: Allyssa Myers, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1757

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 "B"

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 **Agricultural** land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 6B.2A, 6B.2B and 6B.3, the Code of Iowa, as amended by H.F. 476, the following is set forth:

Description: The lands and/or property rights sought to be condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application.

Plat: The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

Minimum Land Needs: The minimum amount of land necessary to achieve the public purpose is as described in and shown on the Notice of Condemnation and attached plat(s).

Names and Addresses: The names and addresses of the record owners, lienholders, encumbrancers and other persons affected by this proceeding are listed on the attached Notice of Condemnation.

Purpose: The Department of Transportation desires the rights specified in the lands sought to be condemned for the improvement and/or maintenance of roads and streets within the State of Iowa.

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

Good Faith Negotiations: The Applicant has made an effort to negotiate in good faith with the

owner(s) to acquire the property sought to be condemned. These efforts include:

1. Provided the owner(s) with written notification at least 30 days prior to the intent to proceed with this public improvement.
2. Provided the owner(s) with a copy of the appraisal of the property sought.
3. Discussed the basis of determining value.
4. Reviewed the project design plans.
5. Discussed the contents of the acquisition contract.
6. Addressed owner's questions and concerns.
7. Provided the owner(s) with a written offer of the fair market value.

Based on these efforts, we were unable to reach an agreement.

Agricultural Land: A part of the lands sought to be appropriated may be classified as Class I or Class II within an agricultural area and, if so classified, is reasonably necessary for this internal improvement.

Request: NOW, THEREFORE, the Iowa Department of Transportation hereby requests the appointment of a compensation commission of six qualified persons to view the premises and appraise the damages which the owners, lienholders, encumbrancers and other persons affected will sustain by reason of this Condemnation.

Dated at Ames, Iowa, this 18th 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 Wadena, 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.

Allyssa Myers
Allyssa Myers, Condemnation Agent

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 "B"

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:

Table with 3 columns: NAME, ADDRESS, QUALIFICATIONS. It lists six individuals with their addresses and qualifications such as 'Licensed Real Estate Salesperson or Broker', 'Knowledgeable of Property Values by Virtue of Occupation', and 'Agricultural'.

I further designate, select and appoint the above-named ~~PERSONS~~ Kristine Baldwin 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 Waterloo, Iowa, this 21 day of September, 2020.

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

Filed in my office at Manchester, Iowa, this ___ day of ___, 20__.

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**

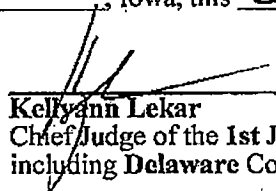
Project No. NHSN-013-2(43)--2R-28 Group "B"

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. Mary Kay Starks 2. Teresa Greve 3. Barb Sailer 4. Bob Wendt 5. Teresa Turnis	25944 225 th Avenue Delhi 52223 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. Donna Reeder 2. Alison Kass 3. Elaine Funke 4. Cody Naber 5. Kevin Funke	108 Tower Drive Manchester 52057 817 Tanglewood Drive Manchester, IA 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. Doran Zumbach 2. Larry Lamont 3. Lea Ann Smith 4. Tom Klaus 5. Steve Luekan	3278 110 th Avenue Coggon 52218 3253 300 th ave Hopkinton IA 52237 1837 130 th Avenue Manchester 52057 2854 115 th Street Colesburg 52035 3075 State Hwy 3 Colesburg, IA 52035	Agricultural

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 Waters, 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 _____ day of _____, 20_____.

John A. LeClere
Sheriff of Delaware County, Iowa

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 GROU**
Civil Number: **23-000717**
Date Received: **10/23/2023 @ 12:56**
Date Printed: **10/25/2023 @ 12:25**

STATE OF IOWA
DELAWARE COUNTY

}

I hereby certify that I served a copy of:

**APPLICATION
NOTICE**

To: **DELAWARE COUNTY IOWA C/O DELAWARE COUNTY at 301 E MAIN ST MANCHESTER, IA 52057**
on **10/23/2023 @ 15:17** Type of Service: **OFFICIAL**

By substitute service on:

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

Remarks:

Fees:

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

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: /s/ SHERIFF JOHN LECLERE

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 GROU**
Civil Number: **23-000717**
Date Received: **10/23/2023 @ 12:56**
Date Printed: **10/25/2023 @ 12:25**

STATE OF IOWA
DELAWARE COUNTY

}

I hereby certify that I served a copy of:

**APPLICATION
NOTICE**

To: **KENNETH & KAREN RIES LLC at 3257 150TH AVE RYAN, IA 52330**
on **10/24/2023 @ 12:00** Type of Service: **CORPORATION/ASSOCIATION**

By substitute service on:

KENNETH RIES at 3257 150TH AVE RYAN IA 52330
Relationship/Title: **REG AGENT**

Legal Age:

Remarks:

Fees:

Service Fees:	30.00
Mileage:	13.10
Copies:	0.00
Total:	43.10

JOHN A. LECLERE, SHERIFF
DELAWARE COUNTY

By: ISI DEPUTY MATT MENARD

Paid By:
Date:
Check #:

**AFFIDAVIT OF MAILING OF NOTICE
BY STATE OF IOWA, CONDEMNOR**

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 "B" Parcel 10

STATE OF IOWA)
) ss.
COUNTY OF STORY)

I, Katie A. Johnson, being duly sworn, state that I am the Condemnation Unit Coordinator for the Iowa Department of Transportation in the above-entitled matter.

I further state that personal service cannot be made to an out of state party: Farm Credit Services of America, FLCA, 5015 South 118th Street, Omaha, NE 68137

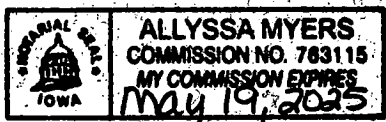
I further state the Notice will be published on list all 3 dates paper running; in the Manchester Press newspaper, in accordance with the Rules of Civil Procedure 60.1 and 62.

Therefore, a copy of the Notice in this matter was mailed to the above condemnee at the place set opposite its name.

I further state that other persons, companies or corporations not listed may own or have an interest in the land sought to be appropriated. Therefore, to protect whatever interest, if any, they may possess, the Notice of Condemnation, when published, shall provide notification of the forthcoming condemnation proceeding.

Katie A. Johnson
Katie A. Johnson
Condemnation Unit Coordinator

Subscribed and sworn to before me this 17th day of October, 2023.



Allyssa Myers
Allyssa Myers
Notary Public in and for the State of Iowa

STATE OF IOWA
DUBUQUE COUNTY

SS:

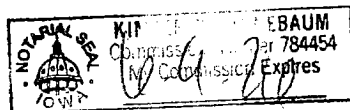
CERTIFICATE OF PUBLICATION

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 10-20, 11-1 & 11-8, 2023
and for which the charge is \$ 291.00.

Tiffany Lott

Subscribed to before me, a Notary Public in and for Delaware County, Iowa, this 8th day of Nov, 2023.



Kimberly Kimmel
Notary Public in and for 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 Project No. NHSN-013-2(43)-2R-28 Group "B" Parcel 10

TO:
Kenneth & Karen Ries, LLC, c/o Kenneth E. Ries, Registered Agent, 3257 150th Avenue, Ryan, IA 52330
Farm Credit Services of America, FLCA, 5015 South 118th Street, Omaha, NE 68137
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 the NE¼ of the SW¼, the SE¼ of the NW¼ and the NE¼ of the NW¼ of Section 17, 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" (1 of 2) and (2 of 2) and Graphic Exhibit "B" (1 of 2) and (2 of 2) 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 the NE¼ of the SW¼, the SE¼ of the NW¼ and the NE¼ of the NW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa, as shown on Acquisition Plat Exhibit "A" (1 of 2) and (2 of 2) and by reference made a part hereof.

Said parcel is described as follows: Commencing at the SE Corner of the NE¼ of the SW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence S88°18'21"W 1234.00 feet along the South line of the NE¼ of the SW¼ of said Section 17 to the Point of Beginning; thence continuing along said South line S88°18'21"W 16.27 feet to

the existing Easterly right of way line of Primary Road No. Iowa 13; thence N02°07'39"W 3956.44 feet along said existing Easterly right of way line to the existing Southerly right of way line of 180th Street; thence N88°13'07"E 29.01 feet along said existing Southerly right of way line; thence S01°08'55"E 635.37 feet; thence S00°37'21"W 225.22 feet; thence S08°28'57"E 201.32 feet; thence S00°59'32"W 275.36 feet; thence S02°59'30"E 750.13 feet; thence S00°57'00"E 825.12 feet; thence S03°10'20"E 275.07 feet; thence S00°02'29"W 175.10 feet; thence S02°33'45"E 179.01 feet; thence S04°40'18"E 354.41 feet; thence S05°18'14"W 63.60 feet to the Point of Beginning, containing 1.63 acres more or less.

Note: The South line of the NE¼ of the SW¼ of Section 17, Township 89 North, Range 5 West, of the 5th P.M., Delaware County, Iowa is assumed to bear S88°18'21"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 the NE¼ of the SW¼, the SE¼ of the NW¼ and the NE¼ of the NW¼ of Section 17, Township 89 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) and by reference made a part hereof:

Commencing at the NW Corner of the NE¼ of the SW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence N02°10'20"W 31.63 feet along the West line of the SE¼ of the NW¼ of said Section 17; thence N87°49'40"E, 77.99 feet to the Point of Beginning; thence N88°04'40"E, 12.69 feet; thence S00°38'57"E, 45.01 feet; thence S88°04'40"W, 12.45 feet; thence N00°57'00"W, 45.01 feet to the Point of Beginning, and

Commencing at the SW Corner of the SE¼ of the NW¼ of Section 17, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa; thence N02°10'20"W 1322.63 feet along the West line of the SE¼ of the NW¼ of said Section 17; thence N87°49'40"E, 79.78 feet to the Point of Beginning; thence N00°59'32"E, 45.06 feet; thence N88°04'40"E, 3.24 feet; thence S00°38'57"E, 45.01 feet; thence S88°04'40"W, 4.53 feet to the Point of Beginning.

Note: The West line of the SE¼ of the NW¼ of Section 17, Township 89 North, Range 5 West, of the 5th P.M., Delaware County, Iowa is assumed to bear N02°10'20"W.

3. The State of Iowa will construct Type C entrances at Sta. 1072+65 and Sta. 1086+01, both on the east side of Primary Road No. IA-13; and at Sta. 6100+22 on the south side of Local Road 180th Street.

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 condemnee, 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 condemnee 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 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.

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 12th 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
Special Assistant Attorney General and General Counsel to the Iowa DOT

By: Katie A. Johnson
Condemnation Unit Coordinator
Right of Way Bureau
Iowa Department of Transportation
Ames, Iowa 50010
10-25/11-1-8

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 11-29 and 12-20-23
and for which the charge is \$ 25.34

[Handwritten Signature]

Subscribed to before me, a Notary Public in and for Delaware County, Iowa, this 29th day of Nov, 2023.



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

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

In the Matter of 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 "B"

To: Kristine Baldwin, Kevin Graybill, Bruce Nieman, Donna Reeder, Wilbur Kehrl and Doran Zumbach

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 12th 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.

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 "B"

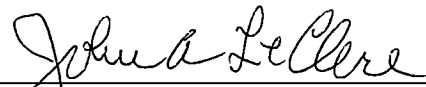
TO: Kristine Baldwin, Kevin Graybill, Bruce Nieman, Donna Reeder, Wilbur Kehrli and Doran Zumbach

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 **12th** 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 "B"

Parcel No. **10**

On this the 12th day of December, 2023, 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
Kenneth & Karen Ries, LLC
Farm Credit Services of America
Delaware County, Treasurer

\$ 28,950.00

Tenant(s)

\$ n/a

IOWA DEPARTMENT OF TRANSPORTATION

By William J Knudt

Condemnation Hearing Compliance Officer
Right of Way Bureau

Acknowledged, subscribed and sworn to before me this 12th day of December, 2023.



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

Filed in my office at **Manchester, Iowa**, this 12th day of December, 2023.

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 "B"

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. 10	Land and Improvements	Additional Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs incl. One Appraisal
<u>Kenneth & Karen Ries, LLC</u> <u>Farm Credit Services of America</u> <u>Delaware County, Treasurer</u>	\$ _____	\$ _____	\$ <u>47,360.⁰⁰</u>	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	Value of Condemnee's dwelling:	\$ <u>0</u>		

Respectfully reported at Manchester, Iowa, this 12th day of December, 20 23.

Kristine Baldwin
Cody Mah
Joanna Beaker

John A. LeClere
Wilbur Kehl

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 12th day of December, 20 23.

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

Minutes of Meeting of Commissioners

Date: December 12, 2023

Time: 9:00 A.M.

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

Condemnee: Kenneth & Karen Ries, 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):

DOT

Witness for condemner:

Bill Knudten

Condemnee (and/or Attorney):

Ken Ries

Witness for condemnee:

none

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):

Value finding appraisal
Land Values
CSR
Land location
testimony from Ken Ries & Bill Knudsen

TOTAL AMOUNT AWARDED: \$ \$ 47,360.⁰⁰

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

IF YES HAS THE CONDEMNEE 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 CONDEMNEE AS DETERMINED BY THE COMMISSIONERS

AMOUNT AWARDED FOR ATTORNEY FEES & COST: \$ n/a

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 12, 2023

Time: 10:50 am

<u>Commissioner</u>	<u>Category</u>	<u>Vote</u>
Kristine Baldwin	Licensed Real Estate Salesperson or Broker	Yes
Kevin Graybill	Licensed Real Estate Salesperson or Broker	Yes
Donna Reeder	Knowledgeable of Property Values by Virtue of Occupation	Yes
Cody Naber	Knowledgeable of Property Values by Virtue of Occupation	Yes
Wilbur Kehrli	Agricultural	Yes
Doran Zumbach	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.

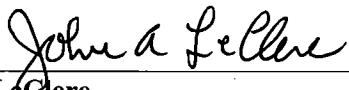
In the Matter of the Condemnation
of Certain Rights in Land by the
Iowa Department of Transportation
for the Improvement of

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

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

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

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 12th 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 **"B"**

Parcel No. **10**

	Land and Improvements	Additional Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs incl. One Appraisal
<u>Kenneth & Karen Ries, LLC</u> <u>Farm Credit Services of America</u> <u>Delaware County, Treasurer</u>	\$ _____	\$ _____	\$47,360.00	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____

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 12th 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 12th day of December, 2023

John A. LeClere

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

Notice to Condemnee

January 9, 2024

Kenneth & Karen Ries, LLC
c/o Kenneth E. Ries
3257 150th Ave
Ryan, IA 52330

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 "B"

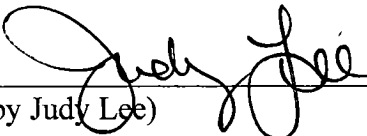
To Whom it May Concern:

Regarding the condemnation listed above, a warrant for the award of \$47,360.00, which was rendered on December 12, 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 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

Kenneth & Karen Ries, LLC
c/o Kenneth E. Ries
3257 150th Ave
Ryan, IA 52330

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 "B"

I, Kenneth E. Ries, have received the following warrant from the Delaware County Sheriff's Office:

State of Iowa Warrant No. 72839252 payable to Kenneth & Karen Ries LLC - \$47,360.00

Received on this 25 day of January, 2024



Kenneth E. Ries