



**HIGHWAY ADMINISTRATION  
PROJECT DELIVERY DIVISION**

**RIGHT OF WAY BUREAU  
CONDEMNATION MANUAL**

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## ***CONDEMNATION UNIT FUNCTION***

The primary function of the Condemnation Unit is to prepare the documents necessary for the acquisition of right of way and other land required for the improvement and/or maintenance of roads and streets in the State of Iowa and for other public purposes, all by the exercise of the state's right of Eminent Domain. The Condemnation Unit functions within the Right of Way Fiscal & Title Section, but the Unit's activity is generally controlled by the General Counsel Division assigned to the Iowa Department of Transportation.

## ***CONDEMNATION UNIT RESPONSIBILITIES***

Perform a title review and audit the parcel to determine all interested parties, including who has merchantable title, lien holders and other encumbrances on the land to be acquired. This is done by reviewing the title documents, which are located in the parcel file or through online sources.

Prepare the documents necessary to conduct a condemnation hearing and comply with statutes and service procedures.

Coordinate with county offices to schedule condemnation hearings.

Ensure proper retention of information in the Right of Way parcel file.

Determine when possession of parcels has been acquired and update the Project Scheduling System accordingly.

## ***CONDEMNATION POLICY***

Policy and Procedures of the Condemnation Unit are governed by statutes, rules, and court decisions. This manual refers to many of these sources for policies and procedures including: Iowa Constitution, Code of Iowa (IC), Rules of Civil Procedure, Eminent Domain in Iowa - prepared under the auspices of the Office of the Iowa Attorney General, and others.

### ***State's Right of Eminent Domain***

The State of Iowa has the inherent right of sovereignty or supreme dominion, over all real property within the State. This power or right authorizes the State to acquire private property for public purposes (IC Section 6A.1) and is generally referred to as the State's right of Eminent Domain. The acquisition of highway right of way by condemnation is an example of the exercise of the State's right of Eminent Domain.

Eminent Domain terminates a private property owner's right to own, hold, use and enjoy real property when it becomes necessary to devote the property to the use and enjoyment of the public as a whole. While both the Iowa Constitution and the Code of Iowa speak primarily of private property being condemned for public use, both private and public property may be condemned for public use. Condemnation of property is not permitted if the purpose of the exercise of the power of Eminent Domain is not for a valid public use.

## ***Just Compensation***

The ultimate objective of the Eminent Domain procedure is to convert the use of (or acquire) the property, but inherent with this goal is the responsibility to provide just compensation to the property owner(s) for what was lost.

This right to compensation for property acquired through Eminent Domain is guaranteed by both the Federal and State Constitutions. Article I, Section 18, Iowa Constitution states:

*"Private property shall not be taken for public use without just compensation first being made or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken."*

## ***DOT's Authority***

The State Legislature has delegated to the Iowa Department of Transportation the authority to act for the State in the exercise of the State's power of Eminent Domain. This authority is found in parts of the following chapters of the Code of Iowa, (IC):

- [Chapter 6A](#) Eminent Domain Law (Condemnation)
- [Chapter 6B](#) Procedure Under Eminent Domain
- [Chapter 17A](#) Administrative Procedure Act
- [Chapter 28E](#) Joint Exercise of Governmental Powers
- [Chapter 28F](#) Joint Financing of Public Works and Facilities
- [Chapter 306](#) Establishment, Alteration and Vacation of Highways
- [Chapter 306A](#) Controlled - Access Highways
- [Chapter 306B](#) Outdoor Advertising along Interstate Highways
- [Chapter 306C](#) Junkyard Beautification and Billboard Control
- [Chapter 307](#) Department of Transportation (DOT)
- [Chapter 307A](#) Transportation Commission
- [Chapter 313](#) Primary Roads
- [Chapter 314](#) Administrative Provisions for Highways

## ***Purposes***

IC Section 306.19 provides that the agency having jurisdiction and control of such road is authorized to purchase or to institute and maintain proceedings for the condemnation of the necessary right of way for the maintenance, relocation, establishment or the improvement of any road, including the extension of such road within cities. This section also provides the authority to purchase or institute and maintain proceedings for the condemnation of land necessary for highway drainage, or land containing gravel or other suitable material for the improvement or maintenance of highways, together within the necessary road access or right of access thereto. Acquisition either by purchase or condemnation under this statute is limited to that land which is necessary for the purpose as stated.

### ***Right of Way Bureau's Duties***

IC Chapter 6B describes in detail the procedure for condemnation of private property for highway purposes by the State of Iowa. IC Section 6B.2 provides that such proceedings shall be conducted by the attorney general when the damages are payable from the state treasury, and then further states that the section shall not be construed as prohibiting any other authorized representative from conducting such proceedings.

All condemnation proceedings are accordingly approved and held under the general control of the Office of the General Counsel assigned to the Department of Transportation (IC Section 307.23 and 6B.2). The duty to prepare, schedule, coordinate and appear at such proceedings on behalf of the Iowa DOT is delegated to the Right of Way Bureau.

### ***Limitations on Right to Condemn***

As a general rule, the right to condemn must be specified in a statute. The existence of the right to condemn for a specific public purpose will not be implied. Conversely, once the power to condemn for a specific public purpose has been granted by statute, the application of that power will be liberally interpreted to affect the stated public purpose.

**CAVEAT:** It is assumed that all prior actions taken on the proposed acquisition have complied with Federal and State guidelines, including, but not limited to, the proper appraisal and negotiation procedures.

## ***DETERMINATION OF PARCELS TO BE CONDEMNED***

The Right of Way Acquisition Section submits parcels to be acquired by condemnation. When the situation dictates condemnation, it is usually the result of one of two issues:

### ***No Contractual Agreement***

Good faith negotiations for a parcel have failed, and there is total rejection of the offer by all or some of the landowners involved. The State's offer to consenting owners is conditioned upon the State's receipt of the signature of all owners on the agreement. Similarly, if negotiations with any affected tenant(s) on a parcel are unsuccessful, the tenant(s) interest will be acquired by condemnation.

### ***Title Issues***

Clear title is of concern - this includes a variety of situations in which the land ownership is so severely encumbered that the fee owner is unable to convey merchantable title. Examples of this include several or extensive judgments or other liens, past due taxes or an unredeemed tax sale certificate, assets of a receiver in bankruptcy or the property is subject to a pending foreclosure or execution.

Parcels are also condemned where title itself is so complex or title holders are so numerous that, despite a diligent search, the status of title prevents meaningful negotiations. Examples of such title conditions include a nonresident owner who could not be located, severely fractionalized and diverse ownership, unknown heirs, contingent ownership or interests being held by persons under legal disability.

## ***TRANSMITTAL TO CONDEMNATION***

Where good faith negotiations for a parcel appear to have failed or severe title problems exist, the Acquisition Agent shall recommend that the parcel be condemned. All recommendations shall be made in writing on the [Information for Condemnation Proceedings](#) form. The form shall be filled out and signed by the Acquisition Agent, the Acquisition Production Coordinator and approved by the Acquisition Supervisor.

After a determination has been made to submit the parcel to the Condemnation Unit for processing, the Acquisition Production Coordinator will transmit the file to the Condemnation Unit and notify the owner(s) by mail that condemnation proceedings will be initiated. Negotiations will continue from the time the parcel is submitted up to the condemnation hearing.

Upon transmittal of the file to the Condemnation Unit, the Condemnation Production Coordinator shall sign the [Information for Condemnation Proceedings](#) form and place the parcel in a group based on land use. Parcels are grouped together so that more than one property may be acquired at one hearing. Parcels will be grouped with primary consideration being whether parcels are agricultural or non-agricultural. Agricultural parcels cannot be grouped with non-agricultural parcels because of the difference in the qualifications of Commissioners. Other considerations for grouping are similarity of properties, extent of acquisition, proximity from one parcel to the other for convenience of viewing on the day of the hearing and common ownerships. Groups will be named as group "A", group "B", etc. Priorities are assigned to each group in accord with the following: production schedule, the acquisition of an owner-occupied house, outbuilding, garden, or orchard; next priority is if publication of the Notice is required, such as out of state interest holders or title issues.

The Condemnation Production Coordinator will assign the parcel to the Condemnation Unit Agent ("Agent"), specifying Group, land use and due date.

## ***TITLE REVIEW***

Each file submitted to the Condemnation Unit shall be subject to a title review which is performed by the Agent. The purpose of this review is to determine all interested parties, including who has merchantable title, lien holders and other encumbrances of the land to be acquired.

A [Report of Ownership and Liens](#) (or Deed Information if not required) is ordered and made available by the Right of Way Design Section when the parcel is created. The Agent shall review this report and the supporting documents to verify its completeness, confirm current ownership and check if any of the following items will affect the proposed acquisition:

- Easements, Leases or other Land Use Agreements
- Current Contracts for sale of real estate
- Mortgages
- Judgments and Liens
- Unpaid taxes or unredeemed tax sale certificates
- Divorce Decrees
- Life Estates
- Estates/Conservatorships/Trusts
- Corporation, Partnership or LLC Ownership

If the [Report of Ownership and Liens](#) is over 60 days old, the Agent shall order a title update, to be furnished by an approved abstractor, which will bring the title information current. No update is necessary if the interest to be condemned is a tenant only.

In addition to reviewing the title information, the Agent shall also verify addresses contained on the [Information for Condemnation Proceedings](#) form, provided by the Acquisition Section, for the interested parties. The correct addresses are necessary to ensure proper service and notice to all parties. An online search may be necessary, particularly to check the addresses of partnerships, corporations, LLCs, and lending institutions. This online records search may include:

Iowa Secretary of State site <http://sos.iowa.gov/>

NIC Lender Information <http://www.ffiec.gov/nicpubweb/nicweb/SearchForm.aspx>

NOTE: The "Registered Agent" is the preferred contact name and address for any partnership, corporation, LLC or lending institution that is registered with the Iowa Secretary of State.

## ***AUDITING THE PARCEL***

In addition to reviewing title information, the Agent shall also audit the parcel information to ensure that all of the proposed property rights are properly identified, valued and listed to be acquired (See [Condemnation Parcel Checklist](#)). Using the parcel information, the Agent should determine:

- Type of Acquisition (Partial or Total) (Fee or Easement)
- Acres or square footage to be acquired
- Excess land identified
- Acquisition in the name of the State, County, or City
- If Easement acquisition - what purpose
- Temporary Easement needs
- Underlying fee to be acquired
- Access rights to be acquired
- Access Location Points
- Entrance information
- Location of Acquisition (i.e. Section, Township, Range, 1/4 1/4 or Subdivision, Block, Lot)

The Agent shall also review the draft of the purchase agreement(s) and supporting documents submitted by the Acquisition Section to ensure consistency and accuracy regarding the following items:

- County, Project, Parcel, Route
- Seller names and marital status
- Location of proposed acquisition (brief legal description)
- Access Rights acquired
- Payment amount and Performance terms
- Land by Fee Title to State, County, or City, and acres/square feet
- Underlying Fee Title and acres/square feet
- Permanent Easement for "purpose", to State, County, or City, and acres/square feet
- Buildings/Improvements acquired
- Items salvaged back to owner
- All applicable clauses including tenant, temporary easement, entrance locations, etc.
- All appropriate attachments

NOTE: If any information is found to be incorrect or missing as a result of this audit, the Agent shall notify the Condemnation Production Coordinator immediately.

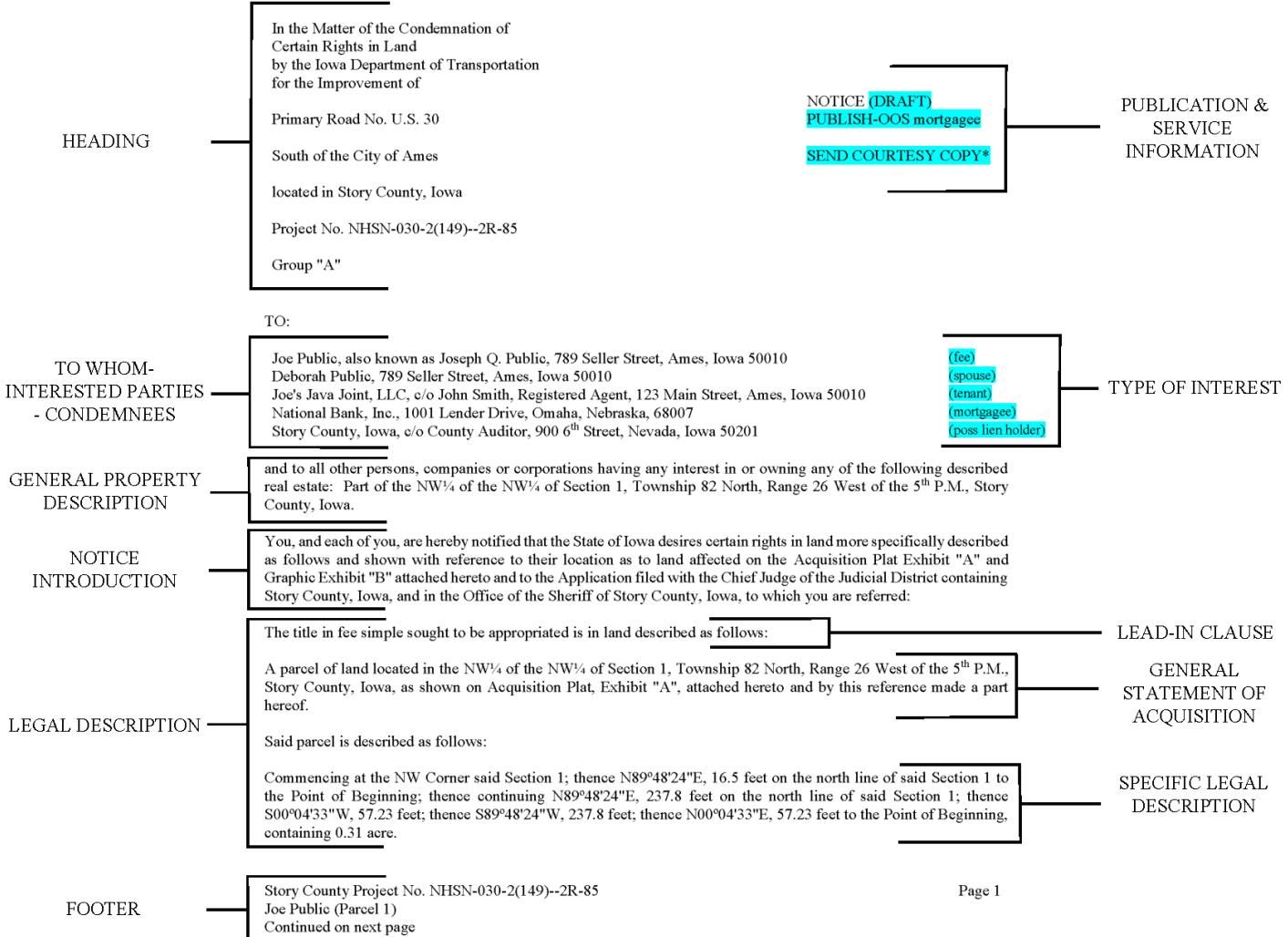
#### ***PLAT PROOFING AND REVIEW***

The original [Acquisition Plat, Excess Land Plat](#) and legal description of the acquisition prepared by the Licensed Land Surveyor shall be reviewed by the Agent for consistency and accuracy. If the parcel requires temporary easement acquisition, the Agent shall contact the Land Surveyor and request a [Graphic Exhibit "B"](#) and description of the temporary easement area. If the parcel is a total acquisition, the Agent shall also coordinate with the Right of Way Design Section to create a [Graphic Exhibit "A"](#).

NOTE: If the proposed acquisition includes excess land, separate plats must be provided to illustrate what part of the acquisition is "needed for the public improvement" and what part is an "uneconomical remnant" (excess).

#### ***PREPARATION OF CONDEMNATION NOTICE***

Using the information from the title review, auditing the parcel and the plat review, the Agent may start creating the [Draft Notice](#), which contains the following segments: (See Example below)



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

1. Any and all improvements, located wholly within the land sought in fee simple title and by easement for highway purposes are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement in NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 1, Township 82 North, Range 26 West of the 5<sup>th</sup> P.M., Story County, Iowa, for the specific purpose of constructing an entrance, in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the NW Corner said Section 1; thence N89°48'24"E, 254.3 feet along the north line of said Section 1 to the Point of Beginning; thence continuing N89°48'24"E, 10.0 feet along the north line of said Section 1; thence S00°04'33"W, 57.23 feet; thence S89°48'24"W, 10.0 feet; thence N00°04'33"E, 57.23 feet to the Point of Beginning.
3. The State of Iowa will construct an entrance at Sta. 456+00 on the south side of Primary Road No. U.S. 30. The existing entrance at Sta. 478+56 on the south side of Primary Road No. U.S. 30 will be closed and the entrance eliminated.
4. The area sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance is reserved to the condemnee until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.
5. 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.

PARCEL INFORMATION —

APPRAISAL WAIVER INFORMATION, etc: 1. \$9,385.00 John Agent, (Acquisition)

Reviewed By: Paul Agent

Amount Last Offered (and shown on Draft Purchase Agreement): \$9,385.00

Amount Asked by Owner or Objections: Owner disagrees with the amount of compensation being offered

Taking:

Land by Fee Title to State: 0.31 acre

Temporary Easement to construct entrance

NON-AGRICULTURAL land

House in Taking: NO

Owner-Occupied: N/A

Processor's initials: KJ

Saved PW: 8503001001 - Draft Notice

### ***Heading***

List the Primary Road No., the highway location as to the nearest city, county, project number, and group number.

### ***To Whom - Interested Parties - Condemnees***

All interested parties, identified in the title review and parcel audit, will be listed on the [Draft Notice](#) as condemnees, with their service addresses. These include the following in order:

- Fee owners, and spouses, if any (including life estate tenants and contingent remaindermen, if any)
- Contract purchasers and spouses, if any
- Major leasehold interest holders, or tenants, if any
- Licensees or easement owners, if any
- Mortgage, judgment or lien holders, if any
- The Clerk of Court (if any court costs for judgments are outstanding)
- Tax lien holders, if any
- Mineral estate holders, if any
- City Clerk, if property to be acquired is within the corporate limits
- County Auditor, as taxing authority

Strict adherence to the statutory procedures of notice to proper parties is required. Service is jurisdictional and improper service of notice on an interested party would render the proceedings against that party void.

If condemnees are listed different ways (John Doe, John A. Doe, John Albert Doe) on title documents, list all variations of the names using "also known as" between the various ways. Also, use similar variations when other circumstances exist, such as, "doing business as", "formerly known as", "successor in interest to".

If the interest to be acquired is a temporary easement only, easement holders, mortgage holders, city and/or county are not named because no permanent interest is being acquired.

In the case of a tenant interest only, city and/or county are not named as well, unless the tenant owns improvements or buildings located on the property that are subject to real estate tax.

### ***General Property Description***

A general description of the property affected. IC Section 6B.3(1) provides that this listing shall be by its congressional numbers, in tracts not exceeding one-sixteenth of a section, or, if the land consists of lots, by the numbers of the lot and block, and plat designation.

### ***Notice Introduction***

A basic introduction paragraph providing notice that the State (or City or County) are seeking to acquire land or certain rights in land. This portion lists all exhibits that are attached to the Notice as well as specifying in which county the land is located.

NOTE: When a Joint Condemnation proceeding is being held, e.g., State of Iowa and Jones County, Iowa, then the notice language must specify that both government bodies are seeking certain rights in

land. This reference is made by including the words "...are hereby notified that the State of Iowa and Jones County, Iowa, desire certain rights in land..."

### ***Legal Description***

Lead-in Clause: The lead-in clause "sets the stage" by indicating the type of rights sought. The following are a list of the most frequently used lead-in clauses:

- When acquiring fee title: "The title in fee simple sought to be appropriated is in land described as follows:"
- When acquiring a permanent easement: "The easement for (highway purposes) (shaping and maintaining slopes) (securing borrow material) (etc.) sought to be appropriated is in land described as follows:"
- When acquiring access rights: "The access rights in fee simple title sought to be appropriated are described as follows:" (See [\*\*\*Access Rights Clauses for Notice\*\*\*](#))
- When acquiring temporary easement only: "The right of temporary easement sought to be appropriated, for the specific purpose of (constructing entrances) (securing borrow material) (shaping slopes) (constructing ditch inlet/outlet) (etc.) sought to be appropriated is in land described as follows:"
- When acquiring tenant or leasehold interests: "The (tenant)(leasehold) interest sought to be appropriated is in land described as follows:"
- When leasehold sign interests only are being condemned: "The leasehold right, if any, sought to be appropriated is in land described as follows."

NOTE: When a Joint Condemnation proceeding is being held, e.g., State of Iowa and Jones County, Iowa, then the lead-in clause must specify for which government body the acquisition is sought. This reference is made by including the words "for the use and benefit of the State of Iowa or Jones County, Iowa," after the "sought to be appropriated" portion of the lead-in clause.

General Statement of Acquisition: The general statement provides the general location of the land in quarter-quarter (40-acre tracts) or city lot increments. The following is the basic general statement of the acquisition:

"A parcel of land located in (the 1/4 1/4 of Section       , Township        North, Range        (West) (East) of the 5<sup>th</sup> P.M.), or (Lot       , Block        in        Subdivision, in the City of       ,)        County, Iowa, as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof."

Specific Legal Description: This is the actual legal description of the land to be acquired prepared by a Licensed Land Surveyor, with accompanying plat which graphically illustrates the acquisition. The description supplied with the plat is cross checked with the plat and modified to reflect uniform description formats used for Eminent Domain Notices.

### ***Special Provision Clauses***

Following the description of the acquisition of land, the following statement will be used as a lead-in to all special provision clauses: "In connection with this condemnation proceeding it is specifically provided as follows:"

Each clause following the lead-in clause shown above is numbered (See [\*\*\*Special Provision Clauses for Notice\*\*\*](#)).

### ***Parcel Information***

This information is pulled from the parcel audit and from the [Information for Condemnation Proceedings](#) form.

### ***Header & Footer***

These notations are located on every page to designate how the condemnation will be referenced. This includes the county, project number, parcel number, name and page number.

If husband and wife are both listed as fee owners on the title deed for the property, the name will be "John Doe, et ux" or "Jane Doe, et vir", whoever is listed first on the deed document is named first. If title holders are brothers and/or sisters, or there are contract purchasers or major leasehold interests involved, the name will be "John Doe, et al".

NOTE: The name listed in the Footer is also shown and entered on the "Acquired From" line on the plats attached to the notice.

### ***Proofreading and Final Form Notice***

After the [Draft Notice](#) has been prepared by the Agent, the file is reviewed by the Lead Condemnation Agent. Any amendments or edits to the documents are incorporated. The Agent and Lead Condemnation Agent then proofread the Draft Notice against the parcel information and plats.

The proofreaders look for typographical errors, omission of words, misspelling of names, mislabeled ¼'s, incorrect labeling of land corners, right of way lines and centerlines, and exclusion of language necessary to acquire what is designed. Reviewing the file and proofreading the description against the plat are very important steps which can eliminate future corrective work. These quality assurance measures are necessary to ensure correctness, uniformity, and completeness of the Notice.

After proofreading, the Agent will incorporate any edits to complete the *final* [Condemnation Notice](#) and begin preparing the Group Papers.

NOTE: The [Draft Notice](#) includes additional information about the service required, appraised amount, compensation offered and reason for condemnation (items highlighted in blue). This additional information is removed when preparing the *final* [Condemnation Notice](#).

## ***PREPARATION OF GROUP PAPERS***

Most of the documents used by the Sheriff to conduct a condemnation hearing are provided by the Agent. These documents are collectively referred to as the *Group Papers*.

For specific instructions for preparation and distribution, see [\*\*Instructions for Group Papers\*\*](#). Some of the documents prepared are sent to the Chief Judge, some are mailed to the Sheriff and some are sent to the Office of the General Counsel assigned to the Iowa Department of Transportation. The *Group Papers* include:

- [General Counsel Approval](#)
- [Certificate and Notice of Commencement of Condemnation Proceedings](#)
- [Property Sheet](#)
- [Letter to Chief Judge](#)
- [Application to the Chief Judge](#)
- [Selection and Appointment of Compensation Commissioners](#)
- [Supplementary Order](#)
- [Newspaper Letter](#)
- [Affidavit of Mailing Notice](#)
- [Out of County Service Request Letter](#)
- [Letter to Sheriff](#)
- [Summons to Commissioners](#)
- [Oath of Commissioners](#)
- [Sheriff's Certification as to Awards and Costs](#)
- [Condemnation Commissioner's Statement](#)
- [Acceptance of Service Sheet](#)
- [Hearing Papers Cover Sheet](#)
- [Report of Compensation Commission](#)
- [Endorsement of Sheriff](#)
- [Notice of Appraisement of Damages](#)
- [Affidavit of Final Offer](#)
- [Warrant Letter](#)
- [W-9/Allocation of Proceeds Letter](#)
- [Treasurer Letter](#)
- [Recording Data Sheet](#)
- [Dismissal](#)
- [Amendment](#)
- [Order Appointing Substitute Compensation Commissioner\(s\)](#)

#### ***APPLICATION TO CHIEF JUDGE***

Condemnation proceedings in Iowa are instituted by a written [Application to the Chief Judge](#) with attached [Condemnation Notice](#) and plats. The information to be set forth in this document is outlined in IC Section 6B.3. The Agent shall forward it, along with the [Letter to Chief Judge](#), [Selection and Appointment of Compensation Commissioners](#), [Supplementary Order](#) and [Property Sheet](#) (collectively known as the *Judge's Packet* - see [\*\*Instructions for Group Papers\*\*](#)) to the Chief Judge of the Judicial District of the county in which the land sought to be condemned is located for review and approval, and for the judge's selection of commissioners. The Chief Judge, or the Judge's designee, by selecting the six members and six alternates of the Compensation Commission, in effect approves the stated purpose of the condemnation.

Once the fully executed [Application to the Chief Judge](#) and other documents are received back from the Judge, the Agent shall sign it and then record it in the County Recorder's Office. (See *E-Submission Process Manual*). The County Recorder shall file and index the application in the record of deeds and with the Office of the Secretary of State. This recording constitutes constructive notice to the public that such a proceeding is pending, and no interest can be acquired by a third-party interceder(s) against the applicant. Once the recording is complete, the Agent shall submit the parcel to the Condemnation Production Coordinator to schedule the hearing.

## ***HEARING SCHEDULING***

The Condemnation Production Coordinator contacts the Sheriff's office in the county where the land is situated to schedule a hearing date. When setting a date, consideration must be given to the Original Notice Service and Time for Appraisement Requirements, as found in IC Section 6B.3, 6B.4, 6B.8, 6B.11, and in the Rules of Civil Procedure. A rule of thumb followed is:

- If publication is required, schedule a hearing at least sixty (60) days from the date the Application is recorded.
- If publication is not required, schedule a hearing at least forty-five (45) days from the date the Application is recorded.
- Other considerations when scheduling a hearing date are the proposed letting dates for the project and when houses and/or buildings which are owner occupied are being acquired.

**CAVEAT:** A hearing **MUST** be held within one hundred twenty (120) days from the date the Application is recorded.

After the hearing date has been set, the Condemnation Production Coordinator or designee ensures notification to the Condemnation Hearing Compliance Officer, District Engineer, the Resident Construction Engineer and other officials informing them of the date of the hearing. The Resident Construction Engineer is also requested to stake the proposed acquisition areas to facilitate viewing by the Compensation Commissioners. The parcel is then returned to the Agent, who will prepare any necessary publication and request additional service of condemnees before mailing the required paperwork to the Sheriff holding the hearing.

## ***PUBLICATION AND SERVICE***

The Agent is responsible for securing service and notice of the upcoming condemnation hearing on all condemnees. The procedures for service and the type of service can vary depending on where the condemnee resides.

### ***In-County***

For condemnees that reside within the county in which the land sought to be condemned is located, the Sheriff performing the hearing shall provide personal service. The Agent will include, in the *Sheriff's Packet*, a *Service Packet* to serve upon each condemnee that resides in that county. The *Service Packet* includes (in this order):

- A copy of the [Condemnation Notice](#) with plats
- [Acceptance of Service Sheet](#)
- A copy and the recorded [Application to the Chief Judge](#) stamped "Certified True Copy"
- A copy of the [Selection and Appointment of Compensation Commissioners](#)
- A copy of the [Supplementary Order](#)

### ***Out-of-County***

For condemnees that reside within Iowa, but *outside* of the county in which the land sought to be condemned is located, personal service is requested from the Sheriff of county in which they reside (see [Out of County Service Request Letter](#)). The Agent will also send that Sheriff a *Service Packet* to serve upon the condemnee that resides in that county.

NOTE: All condemnees receiving personal service must be served at least thirty (30) days prior to the hearing.

### ***Out-of-State or Unknown***

For out-of-state or unknown condemnees, publication is required. The Agent shall arrange for the notice to be published in a newspaper of general circulation, closest to the location of the land to be acquired, once each week for three (3) consecutive weeks after the Application is recorded. The last of said publication must occur at least thirty (30) days prior to the hearing (see [Newspaper Letter](#)).

A *Service Packet* will also be sent via regular mail to the last known address of each out-of-state condemnee, and an [Affidavit of Mailing Notice](#) is prepared, signed by the Condemnation Production Coordinator, notarized and sent to the Sheriff in the *Sheriff's Packet*.

### ***Additional Publication***

For every condemnation hearing, the Sheriff holding the hearing is required to publish a [Notice of Appraisement Hearing](#), which serves as public notice of a meeting/hearing (IC Section 6B.11 and 331.305). This form is not provided by the DOT, but we include an example in the *Sheriff's Packet* for reference. The notice must be published once in a newspaper of general circulation not less than four (4) days, nor more than twenty (20) days before the hearing date.

After out-of-county service and publication has been arranged (if required) the *Sheriff's Packet* is sent to the Sheriff performing the hearing along with an instructional letter (see [Instructions for Group Papers](#)).

## ***APPOINTMENT OF COMPENSATION COMMISSION***

After receiving the *Sheriff's Packet* from the Agent, the Sheriff will notify the selected Commissioners of the pending hearing. If a commissioner has an interest in the property (e.g., part owner, family member, business partner, client, or associate) or for some other reason, will not accept the appointment to the Commission, an alternate Commissioner is contacted. Either party may challenge one

commissioner without stating cause not less than seven (7) days prior to hearing in writing and an alternate commissioner must then be selected not less than twenty-four hours before the hearing.

Ultimately, six Commissioners, two from each of three categories depending on the type of property being acquired (agricultural or non-agricultural - see IC Section 6B.4), are seated on the Compensation Commission. When the application was previously sent to the Chief Judge, the Agent requested the Chief Judge to select Alternate Commissioners in each of the required categories. This practice helps to avoid unnecessary loss of time and expense in canceling and rescheduling a condemnation hearing when one of the six compensation commissioners is unable to serve. At times, even more alternates must be requested from the Chief Judge (see [Order Appointing Substitute Compensation Commissioner\(s\)](#)) and, less frequently, new potential commissioners may need to be appointed by the County Board of Supervisors to seat a full six member Commission of qualified persons.

### ***CHANGES TO CONDEMNATION PROCEEDINGS***

Occasionally, a revision to the [Condemnation Notice](#) may be necessary or a hearing may be cancelled after the Notice has been filed with the County Recorder. When this occurs, additional documents are signed by the Sheriff and then filed with the County Recorder to make the public aware of the changes.

#### ***Amendments***

An [Amendment](#) is required when the acquisition area is decreased or if there are additional or changes to the existing condemnees. The [Amendment](#) is prepared by the Agent, signed by the Condemnation Production Coordinator, and then sent to the Sheriff for signature with instructions on service requirements (see examples below). In some instances, the fully executed [Amendment](#) will be returned to the Agent to file with the County Recorder. \*

- If the amendment changes the acquisition, it should be filed with the County Recorder and served on all condemnees at least thirty (30) days prior to the hearing. NOTE: If the proposed revision involves *increasing* the acquisition, an amendment **cannot** be used to change the notice. The scheduled hearing must be dismissed, and the process will start over by sending a new application to the Chief Judge with the revised condemnation notice.
- If the amendment changes the date of the hearing, it should be served on all condemnees at least thirty (30) days prior to the new hearing date.
- If the amendment adds a condemnee, it should be filed with the County Recorder and served on the new condemnee at least thirty (30) days prior to the hearing. The Agent should also mail it to the other condemnees listed in the Notice.
- If the amendment removes a condemnee, or is correcting a scrivener's error, it should be filed with the County Recorder, and the Agent should mail it to all condemnees listed in the Notice. No personal service is necessary.

\*If filed with the County Recorder, a copy of the recorded [Amendment](#) is sent to the Sheriff with instructions to include it with the other condemnation papers in the *Final Recording Packet*.

NOTE: If the [Amendment](#) is prepared prior to the Agent sending the *Sheriff's Packet* to the Sheriff, the Sheriff's signature is not required, and a copy of the [Amendment](#) is added to each *Service Packet*.

## ***Dismissals***

Many acquisitions are settled by agreement prior to the hearing. At other times, parcels are deleted. These situations may necessitate cancelling or dismissing the condemnation proceeding. A [Dismissal](#) is necessary only in situations where the [Application to the Chief Judge](#) has already been recorded.

The [Dismissal](#) is prepared by the Agent and signed by the Condemnation Production Coordinator. It is then sent to the Sheriff for signature and returned to the Agent to be filed with the County Recorder. Copies of the recorded [Dismissal](#) are then mailed to all condemnees listed in the Notice.

If the parcel dismissed is the only parcel in the group, a copy of the recorded [Dismissal](#) is sent to the County Sheriff, and nothing further is required. However, the Sheriff may submit a bill to the Agent for payment of the fees and costs associated with serving the legal notices, if service has already occurred.

If a hearing will still be held for a remaining parcel in the group, a copy of the recorded [Dismissal](#) is sent to the County Sheriff with instructions to include it with the other condemnation papers in the *Final Recording Packet*.

## ***PREPARATION OF HEARING PACKET***

The week before the hearing, the Agent provides the Condemnation Hearing Compliance Officer with additional paperwork needed for the proceedings. These documents are referred to as the *Hearing Packet*. For specific instructions for preparation of the *Hearing Packet*, see [Instructions for Group Papers](#). The *Hearing Packet* includes:

- [Hearing Papers Cover Sheet](#) with a copy of the [Condemnation Notice](#) (and any [Amendment\(s\)](#))
- [Report of Compensation Commission](#) with [Endorsement of Sheriff](#) attached
- [Notice of Appraisement of Damages](#)
- [Affidavit of Final Offer](#)

In addition, stamped and self-addressed envelopes for each condemnee are prepared so that the Sheriff can mail copies of the [Notice of Appraisement of Damages](#) to each condemnee following the hearing. A [W-9/Allocation of Proceeds Letter](#), [W-9 Form](#) and [Allocation of Proceeds Statement](#) (if required) are placed in the envelope of each fee owner and tenant, if applicable.

## ***W-9 Form***

A [W-9 Form](#) is requested from every fee owner, contract purchaser and tenant early in the acquisition process. In most cases, parties that refuse to sign an acquisition agreement will refuse to provide this form as well, so it is requested again after the hearing. If a completed [W-9 Form](#) is received by the Agent, it is entered into the 1099 database.

## ***Allocation of Proceeds Statement***

If there is more than one fee owner (except in the case of married couples), or if there is a contract purchaser, an [Allocation of Proceeds Statement](#) is sent to the fee owners and contract purchasers along with the [W-9 Form](#) for completion and entry into the 1099 database as well.

At the end of the year, this information is used to prepare 1099 forms that are sent to the property owners indicating gross proceeds received from the DOT. They use this information when filing their income tax returns.

## ***HEARING***

Prior to the hearing, the Condemnation Hearing Compliance Officer reviews the *Hearing Packet* and acquisition history for each parcel (including the property's location, design of the acquisition, appraisals, and sales used as comparables) to prepare to present the State's case to the Compensation Commissioners at the hearing.

### ***Hearing Forms***

Upon arrival at the Sheriff's Office, and prior to the arrival of the Compensation Commissioners, the Condemnation Hearing Compliance Officer should ensure that the Sheriff's file is in order, that all condemnation forms are signed, and that those to be signed are available and ready. These forms are:

- [Selection and Appointment of Compensation Commissioners](#)
- [Supplementary Order](#)
- [Summons to Commissioners](#) (signed by the Sheriff)
- [Oath of Commissioners](#) (to be signed by the Sheriff and by all Commissioners and notarized on the day of hearing)
- [Report of Compensation Commission](#) (to be signed by the Sheriff and all Commissioners on the day of the hearing)
- [Endorsement of Sheriff](#)
- [Sheriff's Certification as to Awards and Costs](#)
- [Affidavit of Final Offer](#) (to be signed by the Condemnation Hearing Compliance Officer and Sheriff and notarized on the day of the hearing)
- [Notice of Appraisement of Damages](#) (to be signed by the Sheriff, forwarded to the condemner and mailed to all condemnees upon completion of the hearing)

The Condemnation Hearing Compliance Officer should also check that any [Amendment](#)(s) submitted between the application date and the hearing date have been filed with the Sheriff.

### ***Additional Condemnees***

An interested party, who has not been properly served, but appears at the hearing to request that his or her property be viewed and an award be made, has made what constitutes a general appearance. By their presence, the improper service becomes a non-issue, and their requests should be considered. The Condemnation Hearing Compliance Officer should, if they provide sufficient evidence of interest, provide them with a *Service Packet* (which the Sheriff should have) and have them sign the [Acceptance of Service Sheet](#) attached thereto, and then document the appearance in the [Hearing Report](#). The name of the party(ies) making the general appearance should be added onto the [Report of Compensation Commission](#) and the [Notice of Appraisement of Damages](#) forms with the accompanying award shown for the party(ies). The name(s) shall also appear on the reverse of the [Report of Compensation Commission](#) and the [Endorsement of Sheriff](#) to indicate that the name(s) were not originally on or are different than those on the [Application to the Chief Judge](#).

### ***Swearing in of Compensation Commissioners***

The Condemnation Hearing Compliance Officer should greet each of the Compensation Commissioners as they arrive, handing each a [Hearing Papers Cover Sheet](#) with a copy of the [Condemnation Notice](#) (and any [Amendment](#)(s)) attached. The [Instructions from the Chief Justice](#) of the Iowa Supreme Court should be read at the scheduled time for the hearing to commence. The Condemnation Hearing Compliance

Officer should make sure that there are enough copies of the Instructions, one to give to each of the Commissioners to retain.

The [Instructions from the Chief Justice](#) are a general overview of considerations for the Commissioners. If any of the acquisitions involve purchasing buildings, the Condemnation Hearing Compliance Officer should make special reference to Instruction No. 2 (pertaining to removing buildings onto abutting land of the property owner) and inform the Commissioners that the State's policy on buildings is to acquire the building(s) unless otherwise stated in the Notice. If personal property is involved, the Condemnation Hearing Compliance Officer should instruct the Commissioners not to make allowance for moving personal property as indicated in Instruction No. 3. Actual costs of moving personal property are paid apart from any acquisition of real estate through relocation assistance and that additional consideration would involve duplicate payment.

After the Instructions have been read and any questions answered, the Sheriff will read the [Oath of Commissioners](#) to the Compensation Commissioners. Each Commissioner must take the oath, sign the oath, and the Sheriff must acknowledge those acts in order to preserve and validate the condemnation proceeding.

### ***Viewing of the Properties***

After the oath has been read and signed, the Condemnation Hearing Compliance Officer, the Sheriff, the condemnees and the Compensation Commission will proceed to view the property(s) involved. It is the Sheriff's responsibility to transport the Commissioners to and from the viewings.

### ***Conduct of Hearings***

After viewing the property, the Compensation Commission will meet at a location specified by the Sheriff. The property owner(s) (condemnees) and Condemnation Hearing Compliance Officer will present evidence and arguments to support their claim for the amount of damages that the owner(s) will sustain. Property owners are often represented by legal counsel at this meeting with the Compensation Commission.

The Condemnation Hearing Compliance Officer should present the State's position using a previously prepared outline of the acquisition. References should be made to appraisals obtained by the State. The use of graphic illustrations on blackboards, maps, aerial photos and official highway plans can be very helpful in describing aspects of the acquisition.

When a fence or building is located on property condemned for highway purposes, the condemner is responsible for the actual costs incurred by the property owner in replacing or moving the fence or moving the building or fence onto property owned by the landowner and abutting the condemned land. These costs cannot constitute an additional element of damages which would be a duplication of payment. Therefore, the Condemnation Hearing Compliance Officer should indicate that the relocation costs should not be considered when determining the award of damages, if covered by a relocation offer.

The Condemnation Hearing Compliance Officer should submit the State's final offer after all appraisals and valuations supporting the State's position have been explained. The offer should be made using the appraisal or appraisals as a base and should include compensation for those factors observed that have not been previously considered in the appraisal or by the reviewing appraiser.

The Condemnation Hearing Compliance Officer should listen to and take notes on evidence of valuation or other relevant data as presented by owners, their witnesses, and/or their attorneys. The Condemnation Hearing Compliance Officer should be prepared to ask questions and point out attempts to claim speculative or non-compensable items of damage. The Condemnation Hearing Compliance Officer should be prepared to answer any questions, particularly those questions from owners and/or their attorneys intended to weaken or discredit the State's position.

The condemner or condemnee(s) should then request the Compensation Commission divide the damages into parts to indicate the value of any dwelling, the land and improvements, and any additional damages. This would also be the proper time for either the condemner or condemnees to request the Compensation Commission to apportion the damages between the landlord and the tenant.

At the conclusion of the presentations, the Condemnation Hearing Compliance Officer should present to the Chairman of the Compensation Commission the [Report of Compensation Commission](#) (original and two copies) and explain how they are to be completed.

When the Compensation Commission has begun its deliberation subject to IC Chapter 21, the Condemnation Hearing Compliance Officer should file with the Sheriff the [Affidavit of Final Offer](#) and retain a copy for the State's files. The Compensation Commission, upon completing its determination of the award of damages shall consider awarding attorney fees, costs and the cost of one appraisal to the condemnee(s), if this award exceeds 110 percent of the final offer made to the landowner by the condemner.

The Compensation Commission will file its award with the Sheriff. The Condemnation Hearing Compliance Officer shall obtain two copies of the completed [Report of Compensation Commission](#) making sure each form is properly signed. The original remains with the Sheriff to be recorded with the other condemnation papers in the *Final Recording Packet*.

The [Notice of Appraisement of Damages](#) and [Endorsement of Sheriff](#) will be completed by the Sheriff and mailed along with a copy of the [Report of Compensation Commission](#) to every condemnee. It is also given to the condemner via the Condemnation Hearing Compliance Officer.

## ***POST-HEARING PROCEDURES***

After the hearing and upon returning to the office, the Condemnation Hearing Compliance Officer will prepare a [Hearing Report](#) with recommended disposition of the award and the [Right of Way Director's Recommendation](#).

### ***Hearing Report***

The Hearing Report describes the evidence and gives possible reasons for the award. It should document the facts thoroughly. The report should include the evidence presented by all participants, as well as the particulars of the acquisition itself and the property from which the acquisition came. As well, the Condemnation Hearing Compliance Officer should attempt to determine the reasons the Commissioners decided what the award would be. Information of this sort will be invaluable in the event of an appeal. After obtaining the Right of Way Director's written approval of the recommendation, the Condemnation Hearing Compliance Officer will then discuss and obtain written concurrence of the recommendation from the General Counsel. The original [Right of Way Director's Recommendation](#) is then delivered to the Condemnation Production Coordinator after receiving recommendations from both offices.

### ***Recommendation***

The Condemnation Hearing Compliance Officer recommends the acceptance or rejection of the condemnation award on the [Right of Way Director's Recommendation](#) and justifies this recommendation in the Condemnation [Hearing Report](#). The Condemnation Hearing Compliance Officer will then discuss the results with the Chief Acquisition Agent and the Right of Way Director and obtain the Director's signature on both forms. At this time, if an Appeal is indicated, the Condemnation Hearing Compliance Officer will complete the bottom portion of the Recommendation for each parcel to be appealed, which suggests to the General Counsel a partial disbursement of the Compensation Commissioners dollar award to save interest dollars. This suggested partial dollar disbursement will most often reflect the State's appraised value of the property acquired or the condemnation final offer. The General Counsel has the responsibility to determine whether there will be a disbursement and, if so, how much will be disbursed.

Along with the [Hearing Report](#) and [Right of Way Director's Recommendation](#), the Condemnation Hearing Compliance Officer shall also submit the [Report of Compensation Commission](#), [Notice of Appraisement of Damages](#), [Affidavit of Final Offer](#) and any additional *Service Packets* for processing by the Condemnation Unit.

### ***Payment of Award***

Upon receipt of the fully executed [Hearing Report](#), [Right of Way Director's Recommendation](#), [Report of Compensation Commission](#), [Notice of Appraisement of Damages](#) and [Affidavit of Final Offer](#), the Condemnation Production Coordinator initiates preparation of the voucher to pay the award of damages forwarding these documents to the Right of Way Payment and Audit Unit for initial auditing. If the acquisition is for a project using Federal funds in Right of Way, the Payment and Audit Unit submits these documents to the Federal aid auditors for approval. The Payment and Audit Agent, or designee, audits the claim for payment of award of damages and prepares the voucher.

On the voucher the Payment and Audit Agent will instruct the Finance Bureau to "Mail Warrant to ROW-Condemnation" and submit it to the Finance Bureau for issuance. When the warrant is issued, a copy is supplied to the Condemnation Production Coordinator for review. The warrant is then forwarded to the Sheriff along with the following documents in the *Warrant Packet*:

- [Warrant Letter](#)
- [Recorder's Cover Sheet](#)
- [Recording Data Sheet](#)
- [Notification Postcard](#)
- Original [Returns of Service](#) (if any)
- Original [Proof of Publication](#) (if any)

At this time, the [Treasurer Letter](#), with copies of the [Acquisition Plat\(s\)](#) and [Warrant Letter](#) attached, is also sent the County Treasurer. The County Treasurer is listed as a co-payee on the warrant for every parcel involving permanent acquisition of real estate, as IC Section 427.2 requires the acquiring authority to assist in the collection of real estate taxes and special assessments. Once land is acquired as right of way for a public road it is no longer taxable real property. The County Treasurer shall prorate the real estate taxes based on the hearing date and will collect the taxes and assessments due and owing when the warrant is presented for endorsement (see [Online Tax Brochure](#))

The Sheriff indicates on the [Notification Postcard](#) if the condemnee or condemner, as the case may be, has filed an appeal, or whether the condemnee has accepted the award, or that the time for filing an appeal has run out (30 days) and the award has not been picked up by the condemnee. This [Notification Postcard](#) is mailed back to the Agent and retained in the parcel file.

### ***Possession***

Designees of the Department may enter the condemned property and proceed with the project after the award of damages is on deposit with the Sheriff.

An exception to this right of possession guideline is in the case of the acquisition of an owner-occupied dwelling, out buildings if the dwelling is acquired, orchard or garden (See IC Section 6B.26). Assuming the availability of replacement housing, possession of an owner-occupied house may be taken 180 days from the date of the deposit of the award as specified in a 30-day notice to the occupant to vacate. Where the condemnee accepts the award as full payment and fails to file an appeal, a 30-day notice will be sent by the Right of Way Relocation Unit the day that the time for appeal has expired.

Another exception is when buildings or fences are reserved to the condemnees until a certain date. The right of possession is then contingent upon the reservation date as stated in the [Condemnation Notice](#).

### ***Title to Property Condemned***

Title to the property passes to the condemner when the award of damages is finally determined and paid. If a condemnation is not appealed, title will pass when the warrant is deposited with the Sheriff and the thirty (30) day appeal period has passed. If a condemnation is appealed, title will pass when the final award has been determined, through verdict or stipulated agreement, and the warrant is either deposited with the Clerk of Court or mailed directly to the condemnees.

### ***Payment of Fees and Costs and Final Recording***

After the hearing, the Sheriff submits the completed [Sheriff's Certification as to Awards and Costs](#) to the Agent for payment of the fees and costs associated with the hearing. The claims may include: Sheriff's costs for serving the legal notices, Commissioner's costs (basic fee, transportation and meals), Sheriff's attendant fees at the hearing, copy fees, etc.

At least thirty (30) days after the date of mailing of the [Notice of Appraisement of Damages](#) to each condemnee, the Sheriff shall file with the County Recorder of the county in which the condemned land is situated the *Final Recording Packet*, which includes the following documents:

- [Recorder's Cover Sheet](#)
- The complete recorded [Application to the Chief Judge](#) stamped "Certified True Copy", with the [Condemnation Notice](#) and plats attached
- [Selection and Appointment of Compensation Commissioners](#)
- [Supplementary Order](#)
- The signed copy of the [Summons to Commissioners](#) for each original, alternate or substitute commissioner
- [Oath of Commissioners](#), with an original signature from each commissioner
- The signed copy of the [Sheriff's Certification as to Awards and Costs](#)
- [Condemnation Commissioner's Statement](#) (one signed statement from each commissioner)
- Each [Return of Service](#)

- [Proof of Publication](#) (if applicable)
- [Affidavit of Final Offer](#)
- [Report of Compensation Commission](#) signed by each commissioner and certified by the Sheriff
- [Endorsement of Sheriff](#)
- [Notice of Appraisement of Damages](#) endorsed by the Sheriff
- All other papers filed in connection with said proceedings and a written statement by the Sheriff of all monies received in payment of damages, from whom received, and to whom paid, and the amount paid to each claimant

The Sheriff will also provide the Recorder with the [Recording Data Sheet](#) to be completed and submitted to the Agent after recording for payment. After payment has been received by the Recorder, the *Final Recording Packet* will be returned to the Agent. The Agent will review the *Final Recording Packet* to ensure that all documents required were included and properly recorded.

If an appeal is taken from the award of the Compensation Commission, the Sheriff will at once file with the Clerk of the District Court a certified copy of as much of the assessment as applies to the part appealed from, in addition to the recording above.

As a standard practice, in the event of an appeal, the Iowa DOT instructs the Sheriff to immediately file the *original* condemnation proceedings as the *Final Recording Packet* with the County Recorder and, at the same time, file a *certified* copy of these papers with the Clerk of the District Court. A certified copy usually means making a machine copy of the papers with an attached certificate form stating that these copies are true and identical copies of the originals.

## ***APPEAL***

The appraisement of damages by the Compensation Commission is final unless the condemnee or condemner appeals the award to District Court within the prescribed time limit (See IC Section 6B.17 and 6B.18). After the [Notice of Appraisement of Damages](#) is delivered to the Sheriff, the Sheriff gives written Notice, by ordinary mail, to the condemnee(s) of the results. Either party has thirty (30) days from the date of this mailing to appeal the award to District Court.

### ***HowAppealed***

If the award is appealed, the appellant will serve written notice on the other party, his/her attorney or agent, and on all other interested parties as well as the Sheriff. The notice of appeal shall be served in the same manner as an Original Notice (see Rules of Civil Procedure Rule 56.1). If the condemnation involves the Department of Transportation, the notice of appeal is served upon the Attorney General, or the General Counsel to the Department of Transportation, or upon the Chief Highway Engineer of the Department of Transportation.

In any condemnation proceedings instituted by the Department of Transportation, when the notice of appeal is delivered to the Sheriff with the intent that it be served upon the Attorney General, the Department of Transportation General Counsel, or the Department of Transportation Chief Highway Engineer, delivery of the notice of appeal shall be deemed a commencement of the appeal proceedings (IC Section 6B.19).

Appeals are not handled by the Condemnation Unit, but rather by the General Counsel. When the notice of the appeal is received, the General Counsel will request a copy of all appraisal, title, and other condemnation information from the Right of Way sections to prepare its case.

The General Counsel will notify the County Treasurer if an appeal is filed. This will give the taxing authority an opportunity to file a claim for the payment of taxes and special assessments from the proceeds of the award of the Compensation Commission. The Treasurer will not be a payee on warrants paying final condemnation awards in cases appealed to the District Court unless an appearance and a claim for payment is filed. A sample "Application for the Payment of Taxes and Special Assessment" and a sample "Order of the District Court" are available from the Right of Way Bureau for the County Treasurer's use.

### ***Possession in the Case of Appeal***

An appeal of the award of condemnation for highway purposes does not affect the right of the State to proceed with the construction of the road except in the case where a landowner's residence, dwelling house, outbuildings, orchard or garden is located on the right of way condemned. In these cases, entry cannot be made upon these areas until either the damages have been finally determined and paid OR one hundred and eighty (180) days after the Compensation Commission has determined and filed its award. In the latter situation, the appraisement of damages must be paid to the property owner before the right of possession is obtained.

After the damages have been finally determined and paid (30 days), or after the appeal case has been disposed of or no later than 150 days (or 180 less 30 days) from the date the Compensation Commission has filed its award, the Relocation Unit will send a 30-day notice to vacate to the owner occupants of the residence or dwelling. Designees of the Department may take possession of or enter on land where the landowner's residence, dwelling, outbuildings, orchard or garden is located only after notifying the General Counsel to ensure that the possession or entry will be in a manner that complies with the terms of any stipulated agreement, order of the court, or 30-day notice.

Any time after an appeal is taken, if the condemner declines to take the property and pay the damages awarded by the Compensation Commission, the condemner is bound to pay any costs or damages actually suffered by the landowner plus reasonable fees as taxed by the court. The Code provides for removal of the condemner from the condemned land for failure to pay the award determined. (See IC 6B.32 and 6B.34).

### ***Question Determined***

The only question to be determined in a condemnation appeal is the amount of damages to be awarded to the property owner. A challenge to the validity of the condemnation or the like is not properly a part of a condemnation appeal.

The party appealing the award of the Compensation Commission (either the condemnee or condemner) shall be the plaintiff in the action. All other interested parties to the action will be defendants.

### ***Change of Damages by Trial***

If on trial, the amount of damages awarded by the Compensation Commission is decreased, only the reduced amount will be paid to the landowner. If the previous condemnation award had been disbursed to the condemnee(s), the difference between the amount received from the Compensation Commission award by the landowner and the trial verdict shall be repaid to the condemner with interest, the person

who received the excess payment shall have a judgment entered against them. If on trial, the verdict is greater than the damages awarded by the Compensation Commission, the condemner will pay the condemnee the additional amount with interest. The condemner is to deposit the additional money with the Sheriff, but in actual practice it is deposited with the Clerk of Court and the receipt is documented in the Clerk's records.

### ***Appeal Final***

Upon completion of the appeal the Clerk of Court will provide the County Recorder with the certified copies of the condemnation proceeding papers (which do not need to be filed if they duplicate the original papers already recorded) as well as a copy of the record entry of damages, and a written statement of all money received in damages and paid to each claimant.

Payment of stipulated settlements, awards of the court and court costs are requested by the General Counsel. The requests are sent to the Payment and Audit Unit of the Right of Way Bureau, where they are audited for cost. The Payment and Audit Unit then prepares the voucher(s) and sends them to the Finance Bureau for warrant issuance. Warrants are returned to the General Counsel and forwarded to the Clerk of Court to be paid to the claimant(s).

The General Counsel furnishes Notice of Final Disposition directly to both the Resident Construction Engineer and the Right of Way Bureau. These Notices may take the form of a Stipulated Settlement, a dismissal or other forms of Decree indicating the final disposition of the appeal case.

### ***CLOSING CONDEMNATION FILE***

Sixty (60) days after the condemnation hearing has been held (if not appealed), or immediately after the settling of an appeal, the Agent will review the file to ensure that all steps in the condemnation process have been completed and retain all necessary documents in the parcel file. A copy of the [Condemnation Notice](#) and plat(s) with recording information is transmitted to the file room to be stored in the Right of Way Contracts file for the project. The original acquisition plats are placed in the Plat Book. Specific information concerning an appeal may be found in the Office of the General Counsel.

## ***APPENDIX A (Checklists and Guides)***

- [Condemnation Parcel Checklist \(A-1\)](#)
- [Access Rights Clauses for Notice \(A-2\)](#)
- [Special Provision Clauses for Notice \(A-3\)](#)
- [Instructions for Group Papers \(A-4\)](#)
- [W-9 Form Guidelines \(A-5\)](#)
- [ProjectWise File Guide \(A-6\)](#)

## ***APPENDIX B (Examples/Samples/Templates)***

- [Report of Ownership and Liens \(B-1\)](#)
- [Information for Condemnation Proceedings \(B-2\)](#)
- [Acquisition Plat \(B-3\)](#)
- [Excess Land Plat \(B-4\)](#)
- [Graphic Exhibit "B" \(B-5\)](#)
- [Graphic Exhibit "A" \(B-6\)](#)
- [Draft Notice-Standard \(B-7\)](#)
- [Draft Notice-Temporary Easement Only \(B-8\)](#)
- [Draft Notice-Tenant Only \(B-9\)](#)
- [Draft Notice-Access Rights Only \(B-10\)](#)
- [Draft Notice-Advertising Device Only \(B-11\)](#)
- [Draft Notice-Total Acquisition \(B-12\)](#)
- [Draft Notice-Total Acquisition with Excess \(B-13\)](#)
- [Condemnation Notice-Standard \(B-14\)](#)
- [General Counsel Approval \(B-15\)](#)
- [Certificate and Notice of Commencement of Condemnation Proceedings \(B-16\)](#)
- [Property Sheet \(B-17\)](#)
- [Letter to Chief Judge \(B-18\)](#)
- [Application to the Chief Judge \(B-19\)](#)
- [Selection and Appointment of Compensation Commissioners \(B-20\)](#)
- [Supplementary Order \(B-21\)](#)
- [Newspaper Letter \(B-22\)](#)
- [Affidavit of Mailing Notice \(B-23\)](#)
- [Out of County Service Request Letter \(B-24\)](#)
- [Letter to Sheriff \(B-25\)](#)
- [Summons to Commissioners \(B-26\)](#)
- [Oath of Commissioners \(B-27\)](#)
- [Sheriff's Certification as to Awards and Costs \(B-28\)](#)
- [Condemnation Commissioner's Statement \(B-29\)](#)
- [Acceptance of Service Sheet \(B-30\)](#)
- [Hearing Papers Cover Sheet \(B-31\)](#)
- [Report of Compensation Commission \(B-32\)](#)
- [Endorsement of Sheriff \(B-33\)](#)
- [Notice of Appraisement of Damages \(B-34\)](#)
- [Affidavit of Final Offer \(B-35\)](#)
- [Warrant Letter \(B-36\)](#)
- [W-9/Allocation of Proceeds Letter \(B-37\)](#)
- [Treasurer Letter \(B-38\)](#)
- [Recording Data Sheet \(B-39\)](#)
- [Dismissal \(B-40\)](#)
- [Amendment \(B-41\)](#)
- [Order Appointing Substitute Compensation Commissioner\(s\) \(B-42\)](#)
- [Notice of Appraisement Hearing \(B-43\)](#)
- [W-9 Form \(B-44\)](#)
- [Allocation of Proceeds Statement \(B-45\)](#)
- [Instructions from the Chief Justice \(B-46\)](#)

[Hearing Report \(B-47\)](#)

[Right of Way Director's Recommendation \(B-48\)](#)

[Recorder's Cover Sheet \(B-49\)](#)

[Notification Postcard \(B-50\)](#)

[Return of Service \(B-51\)](#)

[Proof of Publication \(B-52\)](#)

**CONDEMNATION ELECTRONIC PARCEL CHECKLIST (4/2020)**

ProjectWise Directory No: _____	Hearing Date: _____		
Project No: _____	Parcel No.: _____ Group: _____		
<b>In PW</b>			
<b>Y NA Design Folder:</b>			
<input type="checkbox"/>	Original Report of Liens	Comments _____	
<input type="checkbox"/>	Report of Liens Update <b>Ordered:</b> _____	Dated: _____	Received: _____ <b>Voucher #:</b> _____
<input type="checkbox"/>	Design Revision Request(s)	_____	
<input type="checkbox"/>	Summary of Acquisition	_____	
<input type="checkbox"/>	Acquisition Plat(s)	_____	
<input type="checkbox"/>	Excess Land Plot Plan or Excess Land Plat	_____	
<b>Appraisal Folder:</b>			
<input type="checkbox"/>	Appraisal	By: _____	_____
<input type="checkbox"/>	Review Appraisal Dated _____	By: _____	\$ _____
<input type="checkbox"/>	Tenant Information Form	_____	
<input type="checkbox"/>	Appraisal Waiver Determination	_____	
<b>Acquisition Folder:</b>			
<input type="checkbox"/>	Appraisal Waiver Dated _____	By: _____	\$ _____
<input type="checkbox"/>	Tenant Information form (If Appraisal Waiver)	_____	
<input type="checkbox"/>	Appraisal Mailing Letter	_____	
<input type="checkbox"/>	Certification of Negotiator	_____	
<input type="checkbox"/>	Offer to Purchase-Owner Dated _____	By: _____	\$ _____
<input type="checkbox"/>	Revised Offer to Purchase Dated _____	By: _____	\$ _____
<input type="checkbox"/>	Offer to Purchase-Tenant Dated _____	By: _____	\$ _____
<b>Condemnation:</b> <i>(Items in Blue are saved into the Correspondence subfolder)</i>			
<input type="checkbox"/>	Information for Condemnation	(Scanned upon receipt)	
<input type="checkbox"/>	Graphic Exhibits needed?	Y	N
<input type="checkbox"/>	Draft Notice	Ordered: _____	Received: _____
<b>PREPARE GROUP PAPERS</b>			
<input type="checkbox"/>	Letter to Chief Judge with Judge's Packet <b>PSS Entry</b>	General Counsel Approval needed? Y N	
<input type="checkbox"/>	Application and Notice <b>PSS Entry</b>	_____	
<input type="checkbox"/>	Property Sheet	_____	
<input type="checkbox"/>	Commencement of Condemnation Proceedings	_____	
<input type="checkbox"/>	Letter to Sheriff with Sheriff's Packet	_____	
<input type="checkbox"/>	Letter to Sheriff-Service Request (Other County)	_____	
<input type="checkbox"/>	Affidavit of Mailing Notice needed? Y N	_____	
<input type="checkbox"/>	Newspaper Letter - Publication Request	_____	
<input type="checkbox"/>	Publication Dates: 1 _____	_____	
<input type="checkbox"/>	Service Packet	_____	
<input type="checkbox"/>	Draft Notice & Service Packet to Hearing Officer	_____	
<input type="checkbox"/>	Amendment To Sheriff: _____	_____	
<input type="checkbox"/>	Dismissal <b>PSS Entry</b> To Sheriff: _____	_____	
<input type="checkbox"/>	Hearing Papers Cover Sheet	_____	
<input type="checkbox"/>	W-9 Letter(s)	_____	
<input type="checkbox"/>	Allocation of Proceeds needed? Y N	_____	
<i>(Include with W-9 Letter)</i>			
<b>Hearing Packet to Hearing Officer</b>			
Sheriff's Certificate as to Awards & Costs			
<input type="checkbox"/>	Hearing Report	Received: _____	<b>Voucher #:</b> _____
<input type="checkbox"/>	Warrant Letter with Warrant Packet	(Scanned upon receipt)	
<input type="checkbox"/>	Treasurer Letter	Received: _____	Warrant #: _____
<input type="checkbox"/>	Notification Postcard	Received: _____	Warrant #: _____
<input type="checkbox"/>	Final Condemnation Packet <b>PSS Entry</b>	Received: _____	<b>Voucher #:</b> _____
Other Notes/Requirements: _____			
<b>Closed File Audit &amp; Transmittal</b>		Date: _____	_____
<b>OR</b>		_____	
<b>Notice of Appeal</b>		Received: _____	(give entire file to Production Coordinator)
Acquisition Agent: _____		Condemnation Agent: _____	_____

**ACCESS CONTROL CLAUSES - CONDEMNATION**

**NEW ACCESS RIGHTS ACQUIRED - NO ACCESS:**

The access rights in fee simple title sought to be appropriated, (for the use and benefit of the State of Iowa,) are described as follows:

All rights of direct access between Primary Road No. IA/U.S. xx and condemnee's<sup>1</sup> remaining property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, from Sta. xx+xx± (Property Line) to Sta. xx+xx± (Property Line), on the xx side.

**NEW ACCESS RIGHTS ACQUIRED - WITH ACCESS ALLOWED:**

The access rights in fee simple title sought to be appropriated, (for the use and benefit of the State of Iowa,) are described as follows:

All rights of direct access between Primary Road No. IA/U.S. xx and condemnee's<sup>1</sup> remaining property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, from Sta. xx+xx± (Property Line) to Sta. xx+xx± (Property Line), on the xx side. Access will be permitted at Sta. xx+xx on the xx side of Primary Road No. IA/U.S. xx.

**REVISION: PREVIOUSLY RESERVED ENTRANCE - NOW CLOSED/ELIMINATED:**

The access rights in fee simple title sought to be appropriated, (for the use and benefit of the State of Iowa,) are described as follows:

The access point located at Sta. xx+xx, now identified as Sta. xx+xx, on the xx side of Primary Road No. IA/U.S. xx, reserved in a certain Warranty Deed/Condemnation Proceeding recorded in the xx County Recorder's Office, on xx, in Book xx, Page xx, is hereby condemned.

**REVISION: PREVIOUSLY RESERVED ENTRANCE BEING MOVED:**

The access rights in fee simple title sought to be appropriated, (for the use and benefit of the State of Iowa,) are described as follows:

The access point located at Sta. xx+xx, now identified as Sta. xx+xx, on the xx side of Primary Road No. IA/U.S. xx, reserved in a certain Warranty Deed/Condemnation Proceeding recorded in the xx County Recorder's Office, on xx, in Book xx, Page xx, is hereby condemned. Access will be permitted at Sta. xx+xx on the xx side of Primary Road No. IA/U.S. xx.

\*Specific Provisions - numbered paragraphs at end of Notice:

**\*NO PRIOR ACCESS RESERVATIONS WITH ACCESS NOW ALLOWED:**

The right of controlled access between Primary Road No. IA/U.S. xx and condemnee's<sup>1</sup> property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, acquired in a certain Warranty Deed/Condemnation Proceeding recorded in the xx County Recorder's Office, on xx, in Book xx, Page xx, is hereby amended to permit access at Sta. xx+xx on the xx side of Primary Road No. IA/U.S. xx.

**\*NO ACCESS ALLOWED - NEW HIGHWAY - TRAILBLAZING:**

No rights of direct access shall be permitted between Interstate Route No./Relocated Primary Road No. IA/U.S. xx, including its ramps and approaches thereto, and condemnee's<sup>1</sup> remaining property abutting thereon.

**PREVIOUSLY RESERVED ENTRANCE HAS A REVISED STATION NUMBER:**

Do not include in Notice

**Special Provision Clauses for Notice**

***Improvement Clause***

All improvements on the land acquired, unless they are being relocated, must specifically be acquired. Permitted advertising devices are usually dealt with as a separate parcel and may be either acquired or relocated.

The standard improvement clause reads as follows:

"Any and all improvements, (including fences or agricultural crops,) if any, located wholly within the land sought (in fee simple title) (and/or by easement for highway purposes), are condemned in their entirety."

Where personal property or special-purchase fixtures and equipment are to be acquired, the following shall be added to the improvement clause:

"Any and all improvements, (including fences or agricultural crops,) if any, including the following fixtures and equipment, located wholly within the land sought (in fee simple title) (and/or by easement for highway purposes), are condemned in their entirety:" include listing of items

If an owner elects to move a building(s) or fence instead of selling it, the following shall be added to the improvement clause:

"Any and all improvements, (including fences or agricultural crops,) if any, located wholly within the land sought (in fee simple title) (and/or by easement for highway purposes), are condemned in their entirety, except as noted in Item 2 below."

In addition, a reservation clause will be added to the Notice as follows:

"It is not the intent of the condemner to acquire (the on-premise advertising device/billboard/sign located at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx) (or building identification) (or fencing identification)."

"The (building identification or fence) described in No. (number of improvement clause) above, is reserved to the condemnees until (fill in a date). If said (building identification or fence) is not removed by said date, it shall become the property of the State of Iowa to dispose of as is deemed fitting."

This reservation clause may be used in other instances where buildings are reserved back to the owners for whatever reason.

***Crop Reservation Clause***

This clause is used when it is anticipated that possession will occur before crops are harvested, but actual possession is not required on the date provided by statute.

"Any 20\_\_\_\_ crops growing on the land sought to be appropriated are reserved to the condemnees until \_\_\_\_\_. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting."

### ***Temporary Easement Acquisitions***

Where there is a temporary easement acquisition(s) in addition to permanent acquisitions, the temporary easement(s) shall be described as a special provision clause as follows:

"The State of Iowa shall have the right of temporary easement, for the specific purpose of (constructing entrances) (shaping slopes) (constructing ditch inlet/outlet) (removing grain bin) (constructing detour road) (securing borrow material) (constructing and using a haul road) (stockpiling topsoil) (etc.), in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof."

(Fill in legal description for temporary easement here.)

When a temporary easement for securing borrow material is acquired, the following statement will be made after the description:

"The limits of the above described borrow area are in accord with the plans for the project."

When a temporary easement for detour road or haul road is acquired, the following clause will be made after the description:

"Condemnor agrees that upon completion of its use, the (detour road) (haul road) will be removed and the temporary easement area shall be returned, insofar as possible by machine methods, to its original condition."

NOTE: An acreage figure will be shown on the Notice and on the plat with temporary easement acquisitions for borrow areas and for haul road areas. Acreage figures are not used on other types of temporary easement acquisitions.

### ***Entrance Clauses***

When the State will construct or close entrances (in addition to closing previously reserved access locations) use the following:

"The State of Iowa will construct (an) entrance(s) at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx (and at Sta. xx+xx on the xx side of local road xx). The existing entrance(s) at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx (and at Sta. xx+xx on the xx side of local road xx) will be closed and the entrance(s) eliminated."

### ***Special Borrow Statements***

When condemning a temporary easement for securing borrow material, one of the following clauses will be added to the Notice depending on whether topsoil will be replaced or not replaced:

Used when topsoil is replaced for borrow area of 10 or more acres:

"Eight inches of topsoil shall be removed, stockpiled and replaced on the land to be acquired by said temporary easement to secure borrow material." (Additional temporary easement area for stockpile would not be needed.)

Used when topsoil is replaced for borrow area of less than 10 acres:

"Eight inches of topsoil shall be removed and replaced on the land to be acquired by said temporary easement to secure borrow material."

Additional temporary easement area for stockpile is needed. Used when no topsoil replaced but erosion control methods are needed:

"Before the termination of the temporary easement, for the specific purpose of securing borrow material, the land to be acquired by said temporary easement shall be fertilized, mulched and reseeded to provide vegetative cover. It is understood that topsoil will not be replaced."

#### *Tile Clauses*

Used when there is no borrow involved in the acquisition:

"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 condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration."

Used when there is a borrow by temporary easement involved in acquisition:

"Any farm field drainage tile, or outlets, which are located within the land being acquired under this proceeding, except the area sought for securing borrow material, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration. The condemnor will leave the surface of the borrow area sloped to drain and will not repair or replace any tile lines within the borrow area."

NOTE: There is no tile clause exception for borrow when the borrow is acquired by fee simple title. The standard tile clause used when there is no borrow is appropriate here.

#### *Substitution Clause*

The following clause is used to terminate the temporary easement rights sought to be acquired, used only when we have a temporary easement or use the tile clause above.

"The area(s) sought to be appropriated by temporary easement, for the specific purpose of (constructing entrance), (shaping slope), (ditching outlet), (relocating, replacing or restoring tile) are reserved to the condemnees until the actual date said area(s) (is) (are) required for construction of this highway improvement. Also, said temporary easement right(s) shall terminate immediately upon completion of the operations for which said right(s) (is) (are) sought and in no event later than the completion of this highway improvement."

***Ponding Area***

Ponding areas will be determined and indicated on the Right of Way plans by Right of Way Design in a precise manner to ensure the area is the minimal one required. The clause specifying the right to pond water will state as follows or it may be modified, to the situation:

"The right to pond water to an elevation of \_\_\_\_\_ feet above mean sea level (within banks of the present channel,) sought to appropriated is in land described as follows and as shown on Graphic Exhibit \_\_\_\_.

***Renegotiation Clause***

The following clause is included in ALL Notices:

"Condemner hereby gives notice of condemnees' five-year right to renegotiate construction or maintenance damages not apparent at the time of the condemnation as required by the Code of Iowa, Section 6B.52."

## **INSTRUCTIONS FOR GROUP PAPERS**

Location: W drive: W:\Highway\ROW\FiscalAndTitle\Condemnation\GroupPapers

Fill out Excel spreadsheet (one spreadsheet per Group "Letter")  
Save as: countydatasourcepcl#

### **Mail Merge Wizard**

- Open 1form\_groupapers\_maindoc-your name-new
- Click on the Mailings tab
- Click on start mail merge and select step by step mail merge wizard
- Verify that "use an existing list" is selected and click on Browse....
- Browse to the spreadsheet where you saved the information (countydatasourcepcl#)
- Verify that sheet1\$ is highlighted and that there is a check mark in the box next to first row of data contains column headers, then click OK, OK
- Click on next: write your letter
- Click on next: preview your letters
- Verify that the correct information is in the letter
- Click on next: complete the merge
- Do a "Save As" and save word document to ProjectWise (Parcel File/Condemnation/Drafts)

Click on the "x" in the corner of the mail merge portion of the window to close the Mail Merge Wizard. These are the *Group Papers*.

### **Documents in Group Papers - in order (see following pages for when to send and what to add):**

- General Counsel Approval - if group is "A" print and send to Legal via interoffice mail
- Certificate and Notice of Commencement of Condemnation Proceedings - fill out Sec-Twp-Rng for each parcel & fill signed date (5 vs 5<sup>th</sup>) (Save as pdf in PW-Condemnation folder)
- Property Sheet
- Judge Letter
- Application to the Chief Judge (2 pages)
- Selection and Appointment of Compensation Commissioners
- Supplementary Order
- Newspaper Letter - use if needed
- Out of County Service Request Letter - use if needed
- Affidavit of Mailing of Notice - use if needed
- Letter to Sheriff
- Summons to Commissioners
- Oath of Commissioners
- Sheriff's Certification as to Awards and Costs
- Condemnation Commissioner's Statement
- Acceptance of Service Sheet
- Hearing Papers Cover Sheet
- Report of Compensation Commission
- Endorsement of Sheriff
- Notice of Appraisement of Damages
- Affidavit of Final Offer
- Warrant Letter
- Treasurer Letter
- Recording Data Sheet
- Dismissal - use if needed
- Amendment - use if needed
- Order Appointing Substitute Compensation Commissioner(s) - use if needed

### **Judge's Packet**

Prepare packet in the following order and send to the appropriate Chief Judge (most Judges are accepting packets via email):

If E-mailing Judge's Packet, include these documents as one pdf:

- Judge Letter (Also save as pdf in PW-Condemnation-Correspondence folder)
- Application to the Chief Judge (2 pages) with attached Notice and plats - fix date (5 vs 5<sup>th</sup>)
- Property Sheet - get information from Draft Notice to complete name & address info for each parcel (Also save as pdf in PW-Condemnation folder)
- Selection and Appointment of Compensation Commissioners (also attach as a word document in the e-mail)
- Supplementary Order (also attach as a word document in the e-mail)

If Mailing Judge's Packet:

- Same as above except make a copy of everything (except Judge Letter and Property Sheet) and add a return envelope (with your initials on the envelope)

### **PSS Entry - Sent to Chief Judge date**

When the completed *Judge's Packet* is returned, sign last line on the 2<sup>nd</sup> page of the Application to the Chief Judge and record it along with the Notice and plats (Save recorded Application & Notice as pdf in PW-Condemnation folder)

### **PSS Entry - Application Recorded date**

Give entire file, with recorded Application & Notice on top, to Production Coordinator to schedule hearing

### **Publication & Out-of-County Service (if needed)**

\*\*\*\*NOTE: Review your Property Sheet to note any out of state condemnees (requiring publication) or out of county condemnees (requiring other county service)\*\*\*\*

IF PUBLICATION IS NEEDED:

- Newspaper Letter - send pdf of this letter via email after scheduling publication directly with publisher via phone/email; also attach (as a word doc) the Notice - with mention of "attached hereto", etc deleted and the hearing date and time added (Also save as pdf in PW-Condemnation-Correspondence folder)
- Affidavit of Mailing of Notice - fill in reason for publication, scheduled publication dates & newspaper name, have Katie sign and then notarize the document to include in the Sheriff's Packet - retain a copy for your file

IF OUT-OF-COUNTY SERVICE IS NEEDED:

- Out-of-County Service Request Letter - mail to the other county sheriff's office with a service packet for each condemnee they are serving - create as many as needed (Also save as pdf in PW-Condemnation-Correspondence folder)

### **Sheriff's Packet**

Prepare packet in the following order and send to the Sheriff conducting the hearing via UPS:

- Letter to Sheriff (Also save as pdf in PW-Condemnation-Correspondence folder)
  - Special Clauses for Sheriff Letter:
    - If publication is needed the publication clause needs to be included
    - If there are out-of-county condemnees the out-of-county service clause needs to be included
- Copy of complete recorded Application to the Chief Judge (including Notice & Plats) stamped "certified true copy"
- Original Selection and Appointment of Compensation Commissioners and Supplementary Order (signed by the Judge)
- Summons to Commissioners
  - Fill out the name of the Chairperson & the date of the hearing (add address of hearing location if Polk County)
  - Copy entire page and paste six more after it
  - Leave the name of the commissioner blank on the first copy
  - Fill out the remaining six copies each with a name of one of the commissioners
  - There will be a total of seven originals - one for each commissioner and one with no name
  - Print two of each
  - Staple Condemnation Notice with plats to the back of one copy to each commissioner
  - Paperclip the second copy to the front of the stapled copy
- Oath of Commissioners - nothing additional to add

- **Sheriff's Certification as to Awards and Costs** (2 copies) - nothing additional to add
- **Condemnation Commissioner's Statement** - (6 copies) - fill out hearing date
- **Affidavit of Mailing of Notice** - original (if needed - see above)
- **Service Packets** (one for each condemnee plus one for the Sheriff) (save pdf in PW-Condemnation folder)
  - Condemnation Notice with plats
  - **Acceptance of Service Sheet** fill out hearing date and viewing time (and address of hearing location if Polk Co)
  - Copy of the stamped "Certified True Copy" of the recorded **Application to the Chief Judge** (2 pages)
  - Copy of **Selection and Appointment of Compensation Commissioners and Supplementary Order** (completed by the Judge)

Mail Service Packets to all out of state condemnees and courtesy copy recipients via regular mail

\*\*\*Provide Hearing Officers a copy of the Draft Notice with Service Packet attached the same day the Sheriff's Packet goes out (write hearing date at top of Draft Notice)\*\*\*

#### ***Hearing Packet***

The Condemnation Unit Coordinator will provide you with the final list of commissioners from the Sheriff. Prepare packet one week before the hearing is scheduled in the following order:

- **Hearing Papers Cover Sheet** (save pdf in PW-Condemnation folder)
  - Commissioners should be listed in the same order as on the **Oath of Commissioners**
  - Make 9 copies plus 1 for each owner/tenant
  - Attach Condemnation Notice with plats to each
- **Report of Compensation Commission** with **Endorsement of Sheriff** attached (for each parcel)
  - For **Report of Compensation Commission**:
    - On top line of the left box of the grid add: Parcel #
    - In grid fill out condemnees in following order: fee owners, spouses, mortgage holders/lien holders, then add a couple of spaces then tenants
    - \*Note: Do not need to list City; if County Auditor is named change it to County Treasurer
    - Make 3 copies
- **Notice of Appraisement of Damages** fill out names in the same order as **Report of Compensation Commission** (for each parcel)
- **Affidavit of Final Offer** (2 copies) fill out names in the same order as **Report of Compensation Commission** (for each parcel)
- **Stamped and self-addressed envelope** one for each condemnee and/or tenant and insert the following:
  - W-9 Letter (template on W Drive) one for each fee owner and tenant-spouses can be sent one letter if same address (Also save as pdf in PW-Condemnation-Correspondence folder)
  - W-9 Form (template on W Drive) one for each fee owner and tenant- spouses can be sent one form if same address
  - Allocation of Proceeds Statement (template on W Drive) if multiple fee owners (excluding spouses)
  - Return envelope (with your initials)

\*\*\*Place Hearing Packet in Hearing Officer's inbox\*\*\*

#### ***Warrant Packet***

The Condemnation Unit Coordinator will provide you with a copy of the warrant. Once received, prepare packet in the following order:

- **Warrant Letter** (also mail any copies required) (Also save as pdf in PW-Condemnation-Correspondence folder)
- Recorder's Cover Sheet (template on W Drive)
- **Recording Data Sheet**
- All original Returns of Service you ordered for out of county condemnees (if needed)
- Original Proof of Publication (if publication was needed)
- Notification Postcard

Place all of the above in letter-sized envelope addressed to Sheriff and give to Katie

ON THE SAME DAY PREPARE AND SEND THE **TREASURER LETTER** (if required) VIA REGULAR MAIL  
(Also save as pdf in PW-Condemnation-Correspondence folder)

## **W-9 FORM GUIDELINES**

Every W-9 must:

- list a name in Box 1 (either individual name or business name)
- have an item checked in Box 3
- have the address shown in Boxes 5 & 6
- list the project and parcel in Box 7
- contain either a Social Security Number of an individual, or an Employer Identification Number of a business
- be signed and dated by the person filling out the form - it should be the same person whose name is in Box 1, or an authorized signor, if a business
- include the Agent's name or initials

Examples of typical W-9 Forms are attached.

<b>Form W-9</b> (Rev. October 2018) Department of the Treasury Internal Revenue Service	<b>Request for Taxpayer Identification Number and Certification</b> <b>► Go to <a href="http://www.irs.gov/FormW9">www.irs.gov/FormW9</a> for instructions and the latest information.</b>	Give Form to the requester. Do not send to the IRS.																																																												
<b>Print or type.</b> <i>See Specific Instructions on page 3.</i>																																																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</td> <td colspan="5" style="padding: 5px;">Joe Public</td> </tr> <tr> <td>2 Business name/disregarded entity name, if different from above</td> <td colspan="5"></td> </tr> <tr> <td colspan="6">3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</td> </tr> <tr> <td colspan="6"> <input checked="" type="checkbox"/> Individual/sole proprietor or   <input type="checkbox"/> C Corporation   <input type="checkbox"/> S Corporation   <input type="checkbox"/> Partnership   <input type="checkbox"/> Trust/estate single-member LLC  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____  <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small>  <input type="checkbox"/> Other (see instructions) ► _____         </td> </tr> <tr> <td>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</td> <td colspan="5"></td> </tr> <tr> <td>5 Address (number, street, and apt. or suite no.) See instructions.</td> <td colspan="5" style="text-align: center;">Requester's name and address (optional)</td> </tr> <tr> <td>123 Main St</td> <td colspan="5" style="text-align: center;">Iowa DOT</td> </tr> <tr> <td>6 City, state, and ZIP code</td> <td colspan="5" style="text-align: center;">Ames, IA 50010</td> </tr> <tr> <td>7 List account number(s) here (optional)</td> <td colspan="5" style="text-align: center;">Row - KJ</td> </tr> <tr> <td colspan="6" style="text-align: center;"><i>Story County NHSN-030-2(149)-2R-85 Parcel 1</i></td> </tr> </table>			1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	Joe Public					2 Business name/disregarded entity name, if different from above						3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.						<input checked="" type="checkbox"/> Individual/sole proprietor or <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ► _____						4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):						5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)					123 Main St	Iowa DOT					6 City, state, and ZIP code	Ames, IA 50010					7 List account number(s) here (optional)	Row - KJ					<i>Story County NHSN-030-2(149)-2R-85 Parcel 1</i>					
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<input checked="" type="checkbox"/> Individual/sole proprietor or <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ► _____																																																														
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):																																																														
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6 City, state, and ZIP code	Ames, IA 50010																																																													
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<b>Sign Here</b>	<b>Signature of U.S. person</b> ► <i>Joe Public</i>	<b>Date</b> ► <i>1/1/2019</i>																																																												
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EXAMPLE - SOLE PROPRIETOR  
OR SINGLE-MEMBER LLC

Form **W-9**  
(Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service

**Request for Taxpayer  
Identification Number and Certification**

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give Form to the  
requester. Do not  
send to the IRS.

Print or type.  
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <i>Joe Public</i>	2 Business name/disregarded entity name, if different from above <i>Joe's Java Joint LLC</i>
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	
<input checked="" type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ► _____	
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  <small>(Applies to accounts maintained outside the U.S.)</small> <input type="checkbox"/> Exempt payee code (if any) _____ <small>Exemption from FATCA reporting code (if any) _____</small>	
5 Address (number, street, and apt. or suite no.) See instructions. <i>123 Main St</i>	Requester's name and address (optional) <i>Iowa DOT</i>
6 City, state, and ZIP code <i>Ames, IA 50010</i>	<i>ROW - KJ</i>
7 List account number(s) here (optional) <i>Story County NHSN-030-2(149) - 2R-85 Parcel 1</i>	

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
1	2	3	-	4	5	-	6	7	8	9
or										
Employer identification number										

**Part II Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign  
Here**

Signature of  
U.S. person ►

*Joe Public*

Date ► *1/1/2019*

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.*

EXAMPLE - CORPORATION

Form **W-9**  
(Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service

**Request for Taxpayer  
Identification Number and Certification**

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give Form to the  
requester. Do not  
send to the IRS.

<p>1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Public Industries, Inc.</b></p> <p>2 Business name/disregarded entity name, if different from above</p>	
<p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input type="checkbox"/> Individual/sole proprietor or <input checked="" type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate single-member LLC</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► <b>      </b> Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p><input type="checkbox"/> Other (see instructions) ► <b>      </b></p>	
<p>4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) <b>      </b></p> <p>Exemption from FATCA reporting code (if any) <b>      </b></p>	
<p>5 Address (number, street, and apt. or suite no.) See instructions. <b>123 Main St</b></p> <p>6 City, state, and ZIP code <b>Ames, IA 50010</b></p> <p>7 List account number(s) here (optional) <b>Story County NHSN-030-2(149)-2R-85 Parcel 1</b></p>	
<p>Requester's name and address (optional) <b>Iowa DOT</b> <b>ROW- KJ</b></p>	

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number					
<input type="text"/>	<input type="text"/>	<input type="text"/> - <input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

or

Employer identification number									
<input type="text"/> 1	<input type="text"/> 2	<input type="text"/> -	<input type="text"/> 3	<input type="text"/> 4	<input type="text"/> 5	<input type="text"/> 6	<input type="text"/> 7	<input type="text"/> 8	<input type="text"/> 9

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign Here** **Signature of U.S. person** *Joe P.*

Date ► **1/1/2019**

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding, later.**

Form **W-9**  
 (Rev. October 2018)  
 Department of the Treasury  
 Internal Revenue Service

**Request for Taxpayer  
 Identification Number and Certification**

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give Form to the  
 requester. Do not  
 send to the IRS.

Print or type.  
 See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Public Instruments, LLC</b>	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	
<input type="checkbox"/> Individual/sole proprietor or <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate single-member LLC <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► <b>C</b> <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ►	
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): <small>(Applies to accounts maintained outside the U.S.)</small> Exempt payee code (if any) <b>  </b> <small>Exemption from FATCA reporting code (if any) <b>  </b></small>	
5 Address (number, street, and apt. or suite no.) See instructions. <b>123 Main St</b>	
6 City, state, and ZIP code <b>Ames, IA 50010</b>	
7 List account number(s) here (optional) <b>Story County NHSN-030-2(149)-2R-85 Parcel 1</b>	

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Requester's name and address (optional)												
<i>Iowa DOT</i>												
<i>ROW - KJ</i>												
Social security number <table border="1"> <tr><td>  </td><td>  </td><td>  </td><td>-</td><td>  </td><td>  </td><td>-</td><td>  </td><td>  </td></tr> </table>						-			-			
			-			-						
or Employer identification number <table border="1"> <tr><td>1</td><td>2</td><td>-</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> </table>			1	2	-	3	4	5	6	7	8	9
1	2	-	3	4	5	6	7	8	9			

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign Here** **Signature of U.S. person** *Joe Pulm*

Date ► **1/1/2019**

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

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- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.*

EXAMPLE - INTER VIVOS TRUST  
(GRANTOR IS ALIVE)

<b>W-9</b> Form (Rev. October 2018) Department of the Treasury Internal Revenue Service	<b>Request for Taxpayer Identification Number and Certification</b> <small>► Go to <a href="http://www.irs.gov/FormW9">www.irs.gov/FormW9</a> for instructions and the latest information.</small>	Give Form to the requester. Do not send to the IRS.
<p><b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.  <b>Joe Public</b></p> <p><b>2</b> Business name/disregarded entity name, if different from above  <b>Joe Public Trust</b></p> <p><b>3</b> Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p><input checked="" type="checkbox"/> Individual/sole proprietor or <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate single-member LLC</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► <b>C</b>  <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small></p> <p><input type="checkbox"/> Other (see instructions) ►</p> <p><b>5</b> Address (number, street, and apt. or suite no.) See instructions.  <b>123 Main St.</b></p> <p><b>6</b> City, state, and ZIP code  <b>Ames IA 50010</b></p> <p><b>7</b> List account number(s) here (optional)  <b>Story County NHSN-030-2(149)--2R.85 Parcel 1</b></p> <p><b>Print or type.</b>  <b>See Specific Instructions on page 3.</b></p>		
<p><b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p><input type="checkbox"/> Exempt payee code (if any) <b>      </b></p> <p><input type="checkbox"/> Exemption from FATCA reporting code (if any) <b>      </b></p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>		
<p><b>Requester's name and address (optional)</b>  <b>Iowa DOT</b>  <b>Row- KJ</b></p>		

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	1 <b>2</b> 3 - 4 <b>5</b> - 6 <b>7</b> 8 9
or	
Employer identification number	1 <b>2</b> - 3 <b>4</b> 5 <b>6</b> 7 <b>8</b> 9

**Part II Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	<b>Joe Public</b> Date ► <b>1/1/2019</b>
--------------	-------------------------------	---

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.*

Form **W-9**  
 (Rev. October 2018)  
 Department of the Treasury  
 Internal Revenue Service

**Request for Taxpayer  
 Identification Number and Certification**

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

**EXAMPLE - TESTAMENTARY  
 TRUST OR INTER VIVOS TRUST  
 (GRANTOR IS DECEASED)**

Give Form to the  
 requester. Do not  
 send to the IRS.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <i>Joe Public Trust</i>						
	2 Business name/disregarded entity name, if different from above						
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.						
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Trust/estate						
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► <i>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</i>						
	<input type="checkbox"/> Other (see instructions) ►						
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):			Exempt payee code (if any) _____			
				Exemption from FATCA reporting code (if any) _____			
(Applies to accounts maintained outside the U.S.)							
5 Address (number, street, and apt. or suite no.) See instructions. <i>123 Main St</i>			Requester's name and address (optional) <i>Iowa DOT</i>				
6 City, state, and ZIP code <i>Ames, IA 50010</i>			<i>Row - KJ</i>				
7 List account number(s) here (optional) <i>Story County NHSN-030-2(149) - 2R. 85 Parcel 1</i>							

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

**ASSIGNED WHEN GRANTOR DIES →**

Social security number						
<input type="text"/>	-	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	<input type="text"/>

or

Employer identification number						
<input type="text"/>	-	<input type="text"/>				

*12 - 3456789*

**Part II Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

**Sign Here**      **Signature of U.S. person ►** *Joe Palmer Jr*

**Date ►** *1/1/2019*

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

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- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding, later.**

Form **W-9**  
(Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service

**Request for Taxpayer  
Identification Number and Certification**

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Joe Public Estate</b>
	2 Business name/disregarded entity name, if different from above
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <p><input type="checkbox"/> Individual/sole proprietor or <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Trust/estate single-member LLC</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____</p> <p>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</p> <p><input type="checkbox"/> Other (see instructions) ► _____</p>
4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  <input type="checkbox"/> Exempt payee code (if any) _____	
5 Address (number, street, and apt. or suite no.) See instructions. <b>123 Main St</b>	Requester's name and address (optional) <b>Iowa DOT</b>
6 City, state, and ZIP code <b>Ames, IA 50010</b>	<b>ROW - KJ</b>
7 List account number(s) here (optional) <b>Story County NHSN-030-2(149)-2R.85</b>	<b>Parcel 1</b>
<b>Part I Taxpayer Identification Number (TIN)</b> Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later.	
<b>Note:</b> If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.	
<b>ASSIGNED WHEN ESTATE IS PROBATED →</b>	
<b>Part II Certification</b>	

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

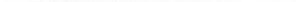
ASSIGNED WHEN ESTATE IS PROBATED →

## Part II      Certification

**Under penalties of perjury, I certify that:**

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►		Date ►	1/1/2019
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

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- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

## PROJECTWISE FILE GUIDE CONDEMNATION

### CONDEMNATION

- [Information for Condemnation](#) Sheet (pdf)
- [Draft Notice](#) (pdf)
- [Application and Notice](#) (recorded) (pdf)
- [Property Sheet](#) (pdf)
- Certificate and Notice of the [Commencement of Condemnation Proceedings](#) (pdf)
- [Service Packet](#) (pdf)
- [Amendment](#) (recorded) (pdf) (if applicable)
- [Dismissal](#) (recorded) (pdf) (if applicable)
- [Hearing Report](#) & Director's Recommendation (pdf) (scan upon receipt)
- [Hearing Papers Cover Sheet](#) (pdf)
- [Final Condemnation Packet](#) (recorded) (pdf)
- [Postcard](#) (pdf) (scan upon receipt)
- [Parcel Checklist](#) (pdf) (scan after condemned)
- Closed File [Checksheet](#) (pdf)
- **APPEAL** (FOLDER) (if applicable)
  - [\*\*FILE TO LEGAL\*\*](#) (FOLDER)
  - [Appeal Memo](#) (pdf)
  - [Settlement Recommendation](#) (pdf)
  - [Final Appeal Proceedings](#) (recorded) (pdf)
  - Any other correspondence/documents necessary
- **CORRESPONDENCE** (FOLDER)
  - Notes/Emails (including Staking and Award Warrant Delivery Confirmation emails)
  - [Letter to Chief Judge](#) (pdf)
  - [Letter to Sheriff](#) (pdf)
  - [Letter to Sheriff - Service Request \(County\)](#) (pdf) (if applicable)
  - [Newspaper Letter](#)-Publication Request (pdf) (if applicable)
  - [W-9 Letter \(Name\)](#) (pdf)
  - [Warrant Letter](#) with copy of warrant(s) (pdf)
  - [Treasurer Letter](#) (pdf)
  - Any other correspondence necessary
- **DRAFT DOCUMENTS** (FOLDER)
  - [Draft Notice](#) (word doc)
  - [Notice](#) (word doc)
  - [Group Papers](#) (word doc)
  - [Graphic Exhibit/Acquisition Plats](#) (pdf)
  - Any other Draft Documents

## Appendix B-1

### Report of Ownership and Liens

Form 632004 (06-14)



I Order No.: \_\_\_\_\_  
N Date: \_\_\_\_\_  
D County: \_\_\_\_\_   
E Project No.: \_\_\_\_\_  
X Parcel or Tract No.: \_\_\_\_\_

1. This Report Is Prepared For A Tract Of Land Located In \_\_\_\_\_  County, Iowa, More Particularly Described As Follows:

2. Title To The Above-Described Tract(s) Is In

(REPORT AND ATTACH outstanding Purchase Contracts, Articles of Incorporation, etc.)

3. Title Was Acquired By Recording Information Date

4. The Following Additional Title Instruments And Proceedings  
Affect Title: (Include all transfers of title occurring within the past five years) Recording Information Date

5. Zoning Information  None  \_\_\_\_\_

6. Restrictive Covenants  None  \_\_\_\_\_

7. Easements, Leases, and Other Land Use Agreements  None  \_\_\_\_\_

8. Mineral Reservations  None  \_\_\_\_\_

9. Title To This Tract(s) Is Also Subject To:

A. Mortgages  None  \_\_\_\_\_

B. Judgements  None  \_\_\_\_\_

C. Financing Statements  None  \_\_\_\_\_

D. Taxes and Assessments  None  \_\_\_\_\_

E. All Other Liens  None  \_\_\_\_\_

Attach Copies Of All Instruments Listed In Items 3 Through 9 Inclusive

10. Certification - The Undersigned Hereby Certifies That Title To this Land Is As Reported And Shown In The Records Of  
\_\_\_\_\_  County, Iowa.

This Report Is A Report Of Liens Only. No Examination Is Made And No Opinion Has Been Formed As To The Legal Effect Of Any Instrument Or Proceeding Inspected. It Is Made For The Exclusive Information And Use Of The Iowa Department Of Transportation And The State Of Iowa And No Liability For Errors Or Omission Will Accrue To The Benefit Of Any Other Person, Firm, Or Corporation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M  
At \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_

Signed \_\_\_\_\_  
Title \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_

11. Assessment Data:

**12. Additional Information Furnished But Not Certified To:**

Please List Any Additional Information You May Have Such As Names And/Or Addresses Of Spouses, Property Managers, Lienholders, Attorneys Involved In Proceedings Affecting Ownership, Any Instruments Of Which You May Have Knowledge But Which Are Not Shown Of Record, Etc.

## Appendix B-2

### Information for Condemnation Proceedings



Office of Right of Way, Acquisition Section

Form 634060wd

#### INFORMATION FOR CONDEMNATION PROCEEDINGS

County:	Project Number:	Parcel Number:					
Record Owner(s)	Address (include winter address, if applicable)	Type of Ownership (include dower)	Contacted (Yes or No)	Signed (Yes or No)			
1.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
2.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Tenant(s)	Address		Contacted (Yes or No)	Signed (Yes or No)			
1.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
2.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
3.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
4.			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Possessory interests claimed by :		Address	Type of interest				
1.							
2.							
Is a residence being acquired? <input type="checkbox"/> Yes <input type="checkbox"/> No		If "Yes", is the residence: <input type="checkbox"/>		<input type="checkbox"/> Owner-occupied		<input type="checkbox"/> Tenant-occupied	
Name(s) of occupant(s) of land		Name(s) of occupant(s) of residence					
Use of Property: <input type="checkbox"/> Business		<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Other (explain)		
		Includes: <input type="checkbox"/> Right-of-Way <input type="checkbox"/> Damages <input type="checkbox"/> Temporary Easement		<input type="checkbox"/> Fence	<input type="checkbox"/> Borrow		
Different from appraisal? Yes <input type="checkbox"/> No <input type="checkbox"/>							
Last Offer: \$		Why?					
Asking Amount \$		Based on: <input type="checkbox"/> Owner's Appraisal <input type="checkbox"/> Other (explain)					
Reason for Condemnation: <input type="checkbox"/> Title <input type="checkbox"/> Design <input type="checkbox"/> Access <input type="checkbox"/> Monetary		<input type="checkbox"/> Other (explain)					
Other known information, not shown in title documents or file:							
Attorney or Agent-of-Record (specify, if Agent-of-Record)							
Name		Street, City, State, Zip Code				Phone	
<b>Instructions to Acquisition Secretary</b>							
<input type="checkbox"/> Hold condemnation letter and contract until _____ <input type="checkbox"/> Mail condemnation letter and contract to: <input type="checkbox"/> Owner <input type="checkbox"/> Owner with copy to Attorney <input type="checkbox"/> Attorney only <input type="checkbox"/> Attorney with copy to Owner							
Recommended by		Approved by					
, Acquisition Agent		Date		Mark E. Holm, Acquisition Supervisor		Date	
, Project Agent		Date					
Received by Condemnation Section		Katie Johnson, Condemnation Coordinator					
		Date					

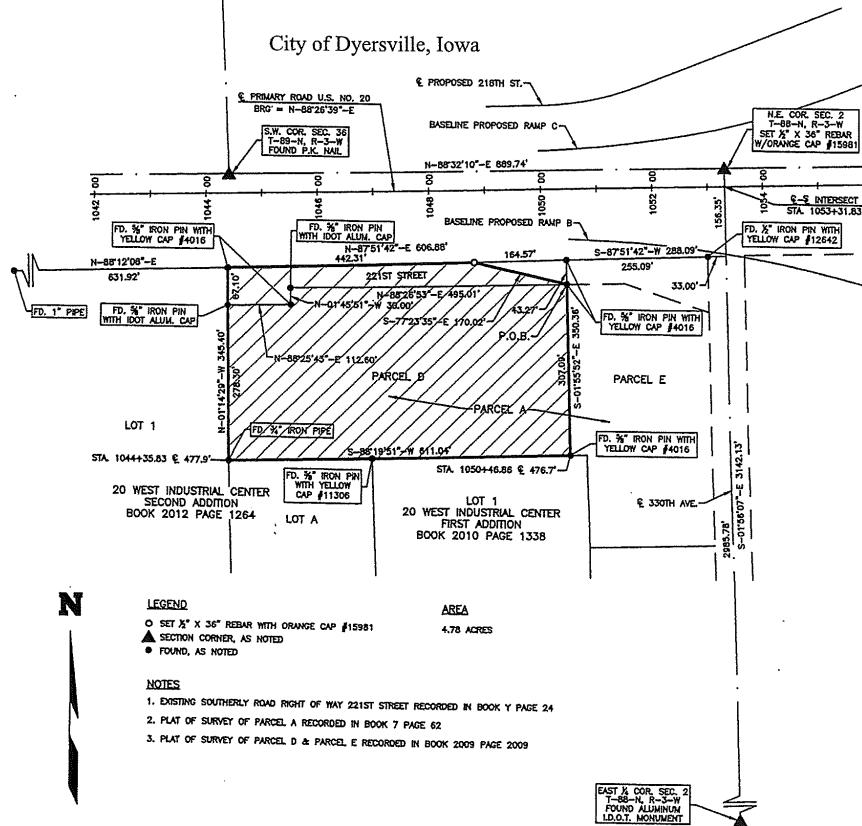


IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAT  
EXHIBIT "A2"  
(uneconomical remnant)

COUNTY DELAWARE STATE CONTROL NO.   
PROJECT NO. NHSN-20-8(48)-2R-28 PARCEL NO. 2  
SECTION 2 TOWNSHIP 88-N RANGE 3-W  
ROW-FEE AC, EASE AC EXCESS-FEE 4.78\* AC  
ACCESS RIGHTS ACQUIRED - STA STA MAIN LINE SIDE  
ACCESS RIGHTS ACQUIRED - STA STA SIDE ROAD SIDE

ACQUIRED FROM Herbert P. Recker, et ux

\* INCLUDING 0.56 ACRES WITHIN THE PRESENTLY ESTABLISHED RIGHT OF WAY.



<p>MATTHEW W. KRAUSE 15981 IOWA</p>		<p>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.</p> <p><u>Matthew W. Krause</u> <u>2/28/14</u> My license renewal date is December 31, 2015. Pages or sheets covered by this seal: <u>1 OF 1</u></p>
---	--	--

DATE DRAWN FEBRUARY 28, 2014 SCALE

## Appendix B-5

### Graphic Exhibit "B"

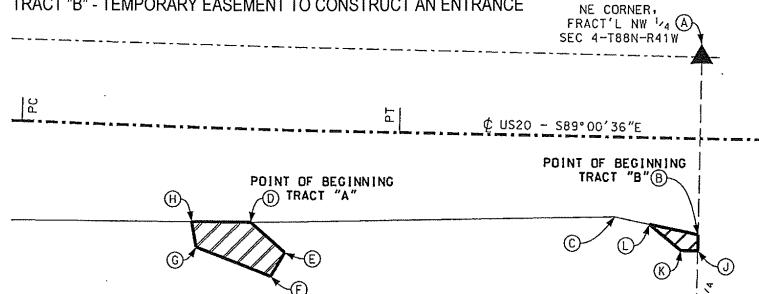


IOWA DEPARTMENT OF TRANSPORTATION  
GRAPHIC EXHIBIT "B"



COUNTY IDA STATE CONTROL NO. -  
PROJECT NO. NHSN-020-2(112)--2R-47 PARCEL NO. 17  
SECTION 4 TOWNSHIP 88 NORTH RANGE 41 WEST  
ROW - FEE   TEMP EASE   TEMP EASE    
ACQUIRED FROM BDF Land Company, LLC

TRACT "A" - TEMPORARY EASEMENT TO CONSTRUCT AN ENTRANCE  
TRACT "B" - TEMPORARY EASEMENT TO CONSTRUCT AN ENTRANCE



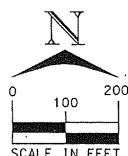
TRACT "A"  
PART OF THE  
NE  $\frac{1}{4}$  FRACT'L NW  $\frac{1}{4}$   
SEC 4-T88N-R41W

TRACT "B"  
PART OF THE  
NE  $\frac{1}{4}$  FRACT'L NW  $\frac{1}{4}$   
SEC 4-T88N-R41W

Direction	Distance	
<b>TRACT "A"</b>		
A-B	500°57'45"W	
B-C	159.96'	
C-D	588°57'03"W	
D-E	661.39'	
<b>POINT OF BEGINNING</b>		
D-E	S48°36'40"E	
E-F	85.35'	
F-G	S30°25'16"W	
G-H	51.54'	
H-D	N69°05'53"W	
D-E	149.32'	
E-F	S10°28'24"W	
F-G	48.70'	
G-H	H-0	110.41'
<b>TRACT "B"</b>		
A-B	S00°57'45"W	
B-J	331.31'	
<b>POINT OF BEGINNING</b>		
B-J	S00°57'45"W	
J-K	30.00'	
K-L	N89°00'36"W	
L-B	32.14'	
J-K	N50°35'25"W	
L-B	76.58'	
J-M	S78°12'01"E	
J-M	93.78'	
J-M	S00°57'45"W	
J-M	3345.71'	

PRIMARY ROAD US20  
C CURVE DATA:  
 $\Delta = 00^{\circ}48'36''$  LT  
 $T = 353.42'$   
 $L = 706.84'$   
 $R = 50000.00'$   
 $C = 588^{\circ}36'18"E$   
 $706.83'$   
 PC STA = 11267+27.23  
 PT STA = 11274+34.07

PT#	Station	Offset
A	M.L.STA 11279+96.96	Φ 151.31' LT
B	M.L.STA 11279+97.12	Φ 180.00' RT
C	M.L.STA 11278+40.00	Φ 150.00' RT
D	M.L.STA 11271+60.00	Φ 175.00' RT
E	M.L.STA 11272+25.00	Φ 230.00' RT
F	M.L.STA 11272+00.00	Φ 275.00' RT
G	M.L.STA 11270+60.00	Φ 225.00' RT
H	M.L.STA 11270+50.00	Φ 177.35' RT
J	M.L.STA 11279+97.14	Φ 210.00' RT
K	M.L.STA 11279+65.00	Φ 210.00' RT
L	M.L.STA 11279+05.00	Φ 162.41' RT

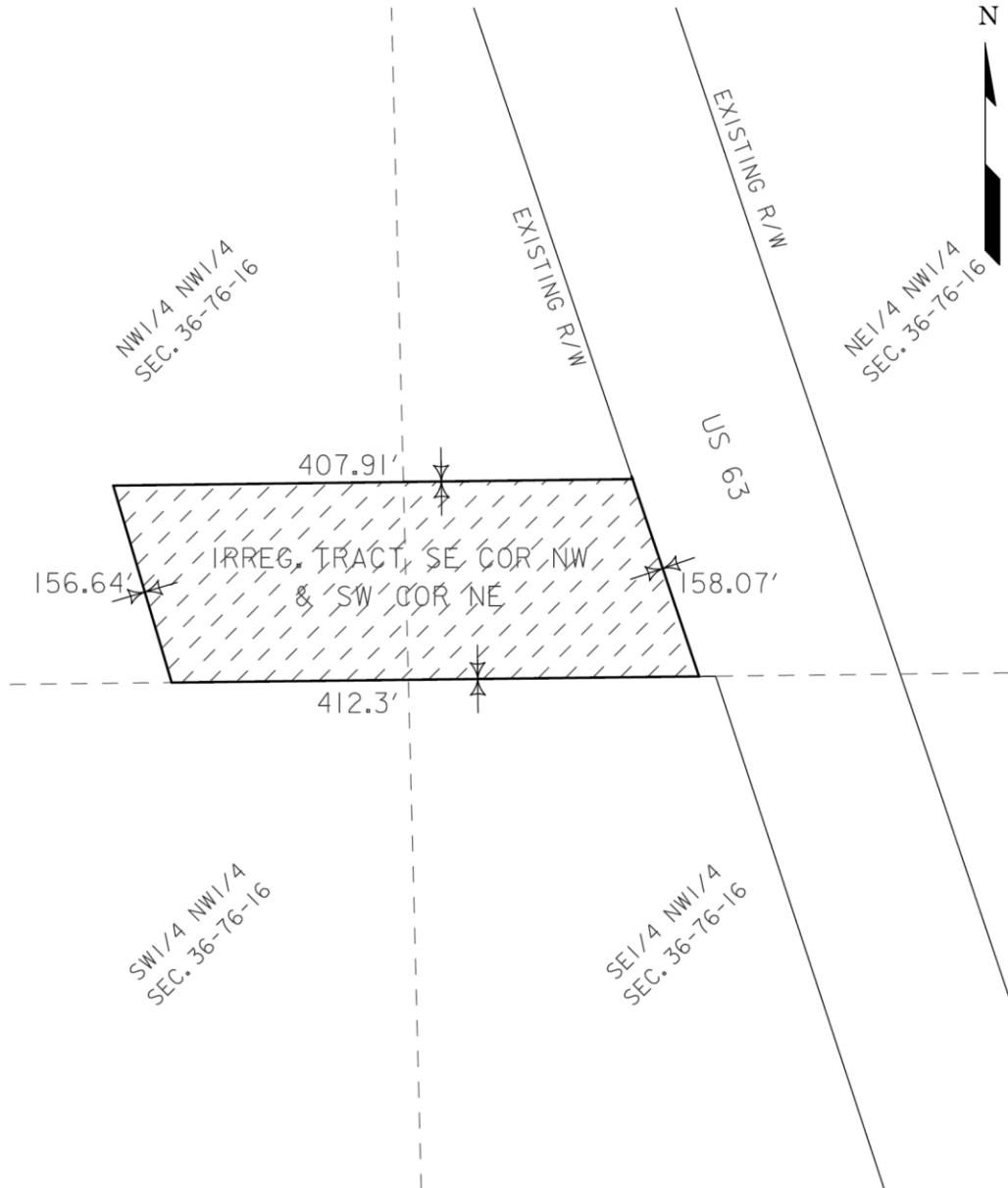


DATE DRAWN ALR 09/08/2015



**GRAPHIC EXHIBIT 'A'**

COUNTY <u>Mahaska</u>	STATE CONTROL NO. _____	
PROJECT NO. <u>NHSN-063-3(094)--2R-62</u>	PARCEL NO. <u>2</u>	
SECTION <u>36</u>	TOWNSHIP <u>76</u>	RANGE <u>16</u>
ROW-FEE <u>AC, EASE</u>	AC, BORROW <u>AC</u>	AC, EXCESS-FEE <u>AC</u>
ACQUIRED ACCESS RIGHTS FROM STA. <u>TO STA.</u>		MAIN LINE <u>AC</u>
ACQUIRED FROM <u>Donald A. Wheeler and Melinda S. Wheeler, husband and wife</u>		



COUNTY: MAHASKA PROJECT NO.: NHSN-063-3(94)--2R-62

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

Interstate Route No. /Primary Road No. IA/U.S. xx

NOTICE (DRAFT)  
PUBLISH-OOS Owner  
PUBLISH-OOS mortgagee

North/South/East/West of/ in the City of xx

SEND COURTESY COPY\*

located in xx County, Iowa

Project No. xx

Group "xx"

TO:

(INSERT TITLEHOLDER)(INSERT ADDRESS)

(fee)

(INSERT TITLEHOLDER)(INSERT ADDRESS)

(fee)

(INSERT SPOUSE) (INSERT ADDRESS)

(spouse)

(INSERT TENANT) (INSERT ADDRESS)

(tenant)

(INSERT MORTGAGE HOLDER) (INSERT ADDRESS)

(mortgagee)

City of xx, Iowa, c/o City Clerk, (INSERT ADDRESS - if property is within city limits)

(poss lien holder)

xx County, Iowa, c/o County Auditor, (INSERT ADDRESS)

(poss lien holder)

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of xx

You, and each of you, are hereby notified that the State of Iowa (and xx, Iowa,) desire(s) 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 xx County, Iowa, and in the Office of the Sheriff of xx County, Iowa, to which you are referred:

(FEE TAKING, if applicable.)

The title in fee simple sought to be appropriated (for the use and benefit of the State of Iowa,) (for the use and benefit of the City of xx, or xx County, Iowa,) is in land described as follows:

(INSERT LEGAL DESCRIPTION INTRO)

Said parcel is described as follows:

(INSERT LEGAL DESCRIPTION)

xx County Project No. xx

Page 1

name of titleholder(s), et al/et ux, et vir (Parcel xx)

Continued on next page

The title in fee simple sought to be appropriated (for the use and benefit of the City of xx, or xx County, Iowa,) is in land described as follows:

**(INSERT LEGAL DESCRIPTION INTRO)**

Said parcel is described as follows:

**(INSERT LEGAL DESCRIPTION)**

**(ACCESS RIGHTS ACQUIRED-STANDARD-See Manual for additional clauses, if applicable.)**

The access rights in fee simple title sought to be appropriated, (for the use and benefit of the State of Iowa,) are described as follows:

All rights of direct access between Primary Road No. IA/U.S. xx and condemnee's remaining property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, from Sta. xx+xx± (Property Line) to Sta. xx+xx± (Property Line), on the xx side. Access will be permitted at Sta. xx+xx on the xx side of Primary Road No. IA/U.S. xx.

and,

**(SIDE ROAD ACCESS RIGHTS ACQUIRED, if applicable:)**

All rights of direct access between local road xx and condemnee's remaining property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, from Sta. xx+xx± (Property Line) to Sta. xx+xx± (Property Line), on the xx side. Access will be permitted at Sta. xx+xx on the xx side of local road xx.

**(EASEMENT TAKING, if applicable:)**

The easement for highway purposes (or INSERT PURPOSE) sought to be appropriated, (for the use and benefit of the State of Iowa,) (for the use and benefit of the City of xx, or xx County, Iowa,) is in land described as follows:

**(INSERT LEGAL DESCRIPTION INTRO)**

Said parcel is described as follows:

**(INSERT LEGAL DESCRIPTION)**

and,

The easement for highway purposes (or INSERT PURPOSE) sought to be appropriated, (for the use and benefit of the City of xx, or xx County, Iowa,) is in land described as follows:

**(INSERT LEGAL DESCRIPTION INTRO)**

Said parcel is described as follows:

**(INSERT LEGAL DESCRIPTION)**

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 (in fee simple title) (and/or by easement for highway purposes), are condemned in their entirety (, except as noted in Item 2 below).
2. **If improvement on property is excepted or being relocated:** It is not the intent of the condemner to acquire (the on-premise advertising device/billboard/sign located at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx)(or building identification) (or fencing identification).
3. **If crops are reserved:** Any 20xx crops growing on the land sought to be appropriated are reserved to the condemnee until December 1, 20xx. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.
4. **If Temporary Easement:** The State of Iowa shall have a right of temporary easement in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, for the specific purpose of (insert purpose), in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

**(INSERT LEGAL DESCRIPTION)**

**If TE for detour road or haul road, add:** Condemnor agrees that upon completion of its use, the detour/haul road will be removed and the temporary easement area shall be returned, insofar as possible by machine methods, to its original condition.

5. The State of Iowa will construct (an) entrance(s) at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx (and at Sta. xx+xx on the xx side of local road xx). The existing entrance(s) at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx (and at Sta. xx+xx on the xx side of local road xx) will be closed and the entrance(s) eliminated.
6. **If Ag/Rural Prop:** 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(s), 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.

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)

Page 4

7. The area(s) sought to be appropriated by temporary easement, for the specific purpose of (insert purpose) if using the drainage tile clause: (and for) (relocating, replacing, or restoring tile, if any,) is/are reserved to the condemnee(s) until the actual date said area(s) is/are required for construction of this highway improvement. Also, said temporary easement right(s) shall terminate immediately upon completion of the operations for which said right(s) is/are sought and in no event later than the completion of this highway improvement.
8. 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.

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)

Page 4

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APPRAISAL INFORMATION, etc: 1. \$xx xx, Appraiser (Fee)/(Acquisition)

Appraisal/Compensation Estimate Reviewed By: xx

Amount Last Offered (and shown on Draft Purchase Agreement): \$xx

Amount Asked by Owner or Objections: xx

Taking:

Land by Fee Title to xxxx: xxx acres/sf

Land by Permanent Easement (for Highway Purposes or insert purpose) to xxxx: xxx acres/sf

Temporary Easement(s) (to insert purpose if applicable)

(NON-)AGRICULTURAL land

House in Taking: NO Owner-Occupied: N/A

Processor's initials: xx

Saved PW: PW DIRECTORY - Draft Notice

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

Interstate Route No. /Primary Road No. IA/U.S. xx

NOTICE (DRAFT)  
PUBLISH-OOS Owner  
PUBLISH-OOS mortgagee

North/South/East/West of/ in the City of xx

SEND COURTESY COPY\*

located in xx County, Iowa

Project No. xx

Group "xx"

TO:

(INSERT TITLEHOLDER)(INSERT ADDRESS)  
(INSERT TITLEHOLDER)(INSERT ADDRESS)  
(INSERT SPOUSE) (INSERT ADDRESS)  
(INSERT TENANT) (INSERT ADDRESS)  
(INSERT MORTGAGE HOLDER) (INSERT ADDRESS)

(fee)  
(fee)  
(spouse)  
(tenant)  
(mortgagee)

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of xx

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 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 xx County, Iowa, and in the Office of the Sheriff of xx County, Iowa, to which you are referred:

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

1. The State of Iowa shall have a right of temporary easement in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, for the specific purpose of (insert purpose), in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

(INSERT LEGAL DESCRIPTION)

If TE for detour road or haul road, add: Condemnor agrees that upon completion of its use, the detour/haul road will be removed and the temporary easement area shall be returned, insofar as possible by machine methods, to its original condition.

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)  
Continued on next page

Page 1

2. The State of Iowa will construct (an) entrance(s) at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx (and at Sta. xx+xx on the xx side of local road xx). The existing entrance(s) at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx (and at Sta. xx+xx on the xx side of local road xx) will be closed and the entrance(s) eliminated.
3. The area(s) sought to be appropriated by temporary easement, for the specific purpose of (insert purpose) is/are reserved to the condemnee(s) until the actual date said area(s) is/are required for construction of this highway improvement. Also, said temporary easement right(s) shall terminate immediately upon completion of the operations for which said right(s) is/are sought and in no event later than the completion of this highway improvement.
4. 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.

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APPRAISAL INFORMATION, etc: 1. \$xx xx, Appraiser (Fee)/(Acquisition)

Appraisal/Compensation Estimate Reviewed By: xx

Amount Last Offered (and shown on Draft Purchase Agreement): \$xx

Amount Asked by Owner or Objections: xx

Taking:

Temporary Easement(s) (to insert purpose if applicable)

(NON-)AGRICULTURAL land

House in Taking: NO Owner-Occupied: N/A

Processor's initials: xx

Saved PW: PW DIRECTORY - Draft Notice

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

Interstate Route No. /Primary Road No. IA/U.S. xx

NOTICE (DRAFT)  
PUBLISH-OOS Owner  
PUBLISH-OOS mortgagee

North/South/East/West of/ in the City of xx

SEND COURTESY COPY\*

located in xx County, Iowa

Project No. xx

Group "xx"

TO:

(INSERT TENANT) (INSERT ADDRESS)  
(INSERT MORTGAGE HOLDER-if tenant has mortgage) (INSERT ADDRESS)

(tenant)  
(mortgagee)

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of xx

You, and each of you, are hereby notified that the State of Iowa (and xx, Iowa,) desire(s) certain leasehold 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 xx County, Iowa, and in the Office of the Sheriff of xx County, Iowa, to which you are referred:

(FEE TAKING, if applicable.)

The leasehold interest, if any, sought to be appropriated (for the use and benefit of the State of Iowa,) (for the use and benefit of the City of xx, or xx County, Iowa,) is in land described as follows:

(INSERT LEGAL DESCRIPTION INTRO)

Said parcel is described as follows:

(INSERT LEGAL DESCRIPTION)

and,

The leasehold interest, if any, sought to be appropriated (for the use and benefit of the City of xx, or xx County, Iowa,) is in land described as follows:

xx County Project No. xx  
name of tenant(s), et al/et ux, et vir (Leasehold Interest Only) (Parcel xx)  
Continued on next page

Page 1

xx County Project No. xx  
name of tenant(s), et al/et ux, et vir (Leasehold Interest Only) (Parcel xx)

Page 2

(INSERT LEGAL DESCRIPTION INTRO)

Said parcel is described as follows:

(INSERT LEGAL DESCRIPTION)

(ACCESS RIGHTS ACQUIRED-STANDARD-See Manual for additional clauses, if applicable.)

The leasehold interest, if any, in access rights sought to be appropriated, (for the use and benefit of the State of Iowa,) are described as follows:

All rights of direct access between Primary Road No. IA/U.S. xx and condemnee's remaining property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, from Sta. xx+xx± (Property Line) to Sta. xx+xx± (Property Line), on the xx side. Access will be permitted at Sta. xx+xx on the xx side of Primary Road No. IA/U.S. xx.

and,

(SIDE ROAD ACCESS RIGHTS ACQUIRED, if applicable.)

All rights of direct access between local road xx and condemnee's remaining property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, from Sta. xx+xx± (Property Line) to Sta. xx+xx± (Property Line), on the xx side. Access will be permitted at Sta. xx+xx on the xx side of local road xx.

(EASEMENT TAKING, if applicable.)

The leasehold interest, if any, in an easement for highway purposes (or INSERT PURPOSE) sought to be appropriated (for the use and benefit of the State of Iowa,) (for the use and benefit of the City of xx, or xx County, Iowa,) is in land described as follows:

(INSERT LEGAL DESCRIPTION INTRO)

Said parcel is described as follows:

(INSERT LEGAL DESCRIPTION)

and,

The leasehold interest, if any, in an easement for highway purposes (or INSERT PURPOSE) sought to be appropriated, (for the use and benefit of the State of Iowa,) (for the use and benefit of the City of xx, or xx County, Iowa,) is in land described as follows:

(INSERT LEGAL DESCRIPTION INTRO)

Said parcel is described as follows:

xx County Project No. xx  
name of tenant(s), et al/et ux, et vir (Leasehold Interest Only) (Parcel xx)  
Continued on next page

Page 2

(INSERT LEGAL DESCRIPTION)

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 (in fee simple title) (and/or by easement for highway purposes), are condemned in their entirety (, except as noted in Item 2 below).
2. **If improvement on property is excepted or being relocated:** It is not the intent of the condemner to acquire the leasehold interest, if any, in (the on-premise advertising device/billboard/sign located at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx)(or building identification) (or fencing identification).
3. **If Temporary Easement:** The State of Iowa shall have a right of temporary easement in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, for the specific purpose of (insert purpose), in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

(INSERT LEGAL DESCRIPTION)

**If TE for detour road or haul road, add:** Condemnor agrees that upon completion of its use, the detour/haul road will be removed and the temporary easement area shall be returned, insofar as possible by machine methods, to its original condition.

4. The State of Iowa will construct (an) entrance(s) at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx (and at Sta. xx+xx on the xx side of local road xx). The existing entrance(s) at Sta. xx+xx on the xx side of Interstate Route No. /Primary Road No. IA/U.S. xx (and at Sta. xx+xx on the xx side of local road xx) will be closed and the entrance(s) eliminated.
5. **If Ag/Rural Prop:** 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(s), 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.
6. The area(s) sought to be appropriated by temporary easement, for the specific purpose of (insert purpose) **if using the drainage tile clause:** (and for) (relocating, replacing, or restoring tile, if any,) is/are reserved to the condemnee(s) until the actual date said area(s) is/are required for construction of this highway improvement. Also, said temporary easement right(s) shall terminate immediately upon completion of the operations for which said right(s) is/are sought and in no event later than the completion of this highway improvement.

7. It is the intent of the condemner to acquire only the leasehold interest, if any, of the condemnee(s) in the above described temporary easement(s).
8. 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.

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LEASEHOLD APPRAISAL INFORMATION, etc: 1. \$xx xx, Appraiser

Appraisal Reviewed By: xx

Amount Last Offered (and shown on Draft Tenant Agreement): \$xx

Amount Asked by Tenant or Objections: xx

Taking:

Leasehold Interest Only in Land by Fee Title to xxxx: xxx acres/sf

Leasehold Interest Only in Land by Permanent Easement (for Highway Purposes or insert purpose) to xxxx: xxx acres/sf

Leasehold Interest Only in Temporary Easement(s) (to insert purpose if applicable)

(NON-)AGRICULTURAL land

House in Taking: NO Owner-Occupied: N/A

Processor's initials: xx

Saved PW: PW DIRECTORY - Draft Notice

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

Interstate Route No. /Primary Road No. IA/U.S. xx

NOTICE (DRAFT)  
PUBLISH-OOS Owner  
PUBLISH-OOS mortgagee

North/South/East/West of/ in the City of xx

SEND COURTESY COPY\*

located in xx County, Iowa

Project No. xx

Group "xx"

TO:

(INSERT TITLEHOLDER)(INSERT ADDRESS)  
(INSERT TITLEHOLDER)(INSERT ADDRESS)  
(INSERT SPOUSE) (INSERT ADDRESS)  
(INSERT TENANT) (INSERT ADDRESS)  
(INSERT MORTGAGE HOLDER) (INSERT ADDRESS)

(fee)  
(fee)  
(spouse)  
(tenant)  
(mortgagee)

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of xx

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

The access rights in fee simple title sought to be appropriated are described as follows:

All rights of direct access between Primary Road No. IA/U.S. xx and condemnee's remaining property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, from Sta. xx+xx± (Property Line) to Sta. xx+xx± (Property Line), on the xx side. Access will be permitted at Sta. xx+xx on the xx side of Primary Road No. IA/U.S. xx.

and,

(SIDE ROAD ACCESS RIGHTS ACQUIRED, if applicable)

All rights of direct access between local road xx and condemnee's remaining property abutting thereon in the xx 1/4 of the xx 1/4 of Section xx, Township xx North, Range xx West of the 5<sup>th</sup> P.M., xx County, Iowa, from Sta.

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)  
Continued on next page

Page 1

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)

Page 2

xx+xx± (Property Line) to Sta. xx+xx± (Property Line), on the xx side. Access will be permitted at Sta. xx+xx on the xx side of local road xx.

Condemnee's property is described as follows:

(TYPE ENTIRE PROPERTY DESCRIPTION)

It is the intent of the condemner to acquire only the access rights in the above described premises.

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)

Page 2

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APPRAISAL INFORMATION, etc: 1. \$xx xx, Appraiser (Fee)/(Acquisition)

Appraisal/Compensation Estimate Reviewed By: xx

Amount Last Offered (and shown on Draft Purchase Agreement): \$xx

Amount Asked by Owner or Objections: xx

Taking: Access Rights Only

(NON-)AGRICULTURAL land

House in Taking: NO Owner-Occupied: N/A

Processor's initials: xx

Saved PW: PW DIRECTORY - Draft Notice

In the Matter of the Condemnation of  
Certain Rights in an Advertising Device  
by the Iowa Department of Transportation  
for the Improvement of

Interstate Route No. /Primary Road No. IA/U.S. xx

NOTICE (DRAFT)  
PUBLISH-OOS Owner  
PUBLISH-OOS mortgagee

North/South/East/West of/ in the City of xx

SEND COURTESY COPY\*

located in xx County, Iowa

Project No. xx

Group "xx"

TO:

(INSERT SIGN OWNER) (INSERT ADDRESS)

(sign owner)

City of xx, Iowa, c/o City Clerk, (INSERT ADDRESS-only if taxed separately)

(poss lien holder)

xx County, Iowa, c/o County Auditor, (INSERT ADDRESS-only if taxed separately)

(poss lien holder)

and to all other persons, companies or corporations having any interest in or owning the advertising device located on the following described real estate: Part of xx

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

The advertising device sought to be appropriated is on land described as follows:

(INSERT LEGAL DESCRIPTION INTRO)

Said parcel is described as follows:

(INSERT LEGAL DESCRIPTION)

It is the intent of the condemner to acquire the (extended sign description) advertising device, (Permit Number xx) lying wholly within the above described area.

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)  
Continued on next page

Page 1

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APPRAISAL INFORMATION, etc: 1. \$xx xx, Appraiser (Fee)/(Acquisition)

Appraisal/Compensation Estimate Reviewed By: xx

Amount Last Offered (and shown on Draft Purchase Agreement): \$xx

Amount Asked by Owner or Objections: xx

Taking:

Advertising Device Only

NON-AGRICULTURAL land

House in Taking: NO Owner-Occupied: N/A

Processor's initials: xx

Saved PW: PW DIRECTORY - Draft Notice

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

Interstate Route No. /Primary Road No. IA/U.S. xx

NOTICE (DRAFT)  
PUBLISH-OOS Owner  
PUBLISH-OOS mortgagee

North/South/East/West of/ in the City of xx

SEND COURTESY COPY\*

located in xx County, Iowa

Project No. xx

Group "xx"

TO:

(INSERT TITLEHOLDER)(INSERT ADDRESS)

(fee)

(INSERT TITLEHOLDER)(INSERT ADDRESS)

(fee)

(INSERT SPOUSE) (INSERT ADDRESS)

(spouse)

(INSERT TENANT) (INSERT ADDRESS)

(tenant)

(INSERT MORTGAGE HOLDER) (INSERT ADDRESS)

(mortgagee)

City of xx, Iowa, c/o City Clerk, (INSERT ADDRESS - if property is within city limits)

(poss lien holder)

xx County, Iowa, c/o County Auditor, (INSERT ADDRESS)

(poss lien holder)

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of xx

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 Graphic Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing xx County, Iowa, and in the Office of the Sheriff of xx County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows and as shown on Graphic Exhibit "A" attached hereto and by reference made a part hereof:

(INSERT LEGAL DESCRIPTION)

In connection with this condemnation proceeding it is specifically provided that any and all improvements, (including fences or agricultural crops, if any,) located wholly within the land sought in fee simple title are condemned in their entirety.

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)

Page 1

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APPRAISAL INFORMATION, etc: 1. \$xx xx, Appraiser (Fee)/(Acquisition)

Appraisal/Compensation Estimate Reviewed By: xx

Amount Last Offered (and shown on Draft Purchase Agreement): \$xx

Amount Asked by Owner or Objections: xx

Taking:

Land by Fee Title to xxxx: xxx acres/sf (Total Acquisition)

Land by Permanent Easement (for Highway Purposes or insert purpose) to xxxx: xxx acres/sf

(NON-)AGRICULTURAL land

House in Taking: NO Owner-Occupied: N/A

Processor's initials: xx

Saved PW: PW DIRECTORY - Draft Notice

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

Interstate Route No. /Primary Road No. IA/U.S. xx

NOTICE (DRAFT)  
PUBLISH-OOS Owner  
PUBLISH-OOS mortgagee

North/South/East/West of/ in the City of xx

SEND COURTESY COPY\*

located in xx County, Iowa

Project No. xx

Group "xx"

TO:

(INSERT TITLEHOLDER)(INSERT ADDRESS)

(fee)

(INSERT TITLEHOLDER)(INSERT ADDRESS)

(fee)

(INSERT SPOUSE) (INSERT ADDRESS)

(spouse)

(INSERT TENANT) (INSERT ADDRESS)

(tenant)

(INSERT MORTGAGE HOLDER) (INSERT ADDRESS)

(mortgagee)

City of xx, Iowa, c/o City Clerk, (INSERT ADDRESS - if property is within city limits)

(poss lien holder)

xx County, Iowa, c/o County Auditor, (INSERT ADDRESS)

(poss lien holder)

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of xx

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 Plats Exhibit "A" 1 of 2 (land required for public improvement) and Exhibit "A" 2 of 2 (uneconomical remnant) attached hereto and to the Application filed with the Chief Judge of the Judicial District containing xx County, Iowa, and in the Office of the Sheriff of xx County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

(INSERT LEGAL DESCRIPTION INTRO)

Said parcel is described as follows:

(INSERT LEGAL DESCRIPTION FROM SURVEY)

and,

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)

Page 1

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)

Page 2

**(INSERT LEGAL DESCRIPTION INTRO)**

Said parcel is described as follows:

**(INSERT LEGAL DESCRIPTION FROM SURVEY)**

The land described above is also described in a certain Warranty Deed recorded in the xx County Recorder's Office on xxxx as Inst. No. xxxx as follows: **(INSERT LEGAL DESCRIPTION FROM DEED)**

In connection with this condemnation proceeding it is specifically provided that any and all improvements, (including fences or agricultural crops, if any,) located wholly within the land sought in fee simple title are condemned in their entirety.

xx County Project No. xx  
name of titleholder(s), et al/et ux, et vir (Parcel xx)

Page 2

APPRAISAL INFORMATION, etc: 1. \$xx xx, Appraiser (Fee)/(Acquisition)

Appraisal/Compensation Estimate Reviewed By: xx

Amount Last Offered (and shown on Draft Purchase Agreement): \$xx

Amount Asked by Owner or Objections: xx

Taking:

Land by Fee Title to xxxx: xxx acres/sf (Total Acquisition)

Land by Permanent Easement (for Highway Purposes or insert purpose) to xxxx: xxx acres/sf

(NON-)AGRICULTURAL land

House in Taking: NO Owner-Occupied: N/A

Processor's initials: xx

Saved PW: PW DIRECTORY - Draft Notice

**Appendix B-14**

**Condemnation Notice-Standard**

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. U.S. 30

South of the City of Ames

located in Story County, Iowa

Project No. NHSN-030-2(149)--2R-85

Group "A"

TO:

Joe Public, also known as Joseph Q. Public, 789 Seller Street, Ames, Iowa 50010  
Deborah Public, 789 Seller Street, Ames, Iowa 50010  
Joe's Java Joint, LLC, c/o John Smith, Registered Agent, 123 Main Street, Ames, Iowa 50010  
National Bank, Inc., 1001 Lender Drive, Omaha, Nebraska, 68007  
Story County, Iowa, c/o County Auditor, 900 6<sup>th</sup> Street, Nevada, Iowa 50201

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: Part of the NW<sup>1/4</sup> of the NW<sup>1/4</sup> of Section 1, Township 82 North, Range 26 West of the 5<sup>th</sup> P.M., Story County, Iowa.

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

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the NW<sup>1/4</sup> of the NW<sup>1/4</sup> of Section 1, Township 82 North, Range 26 West of the 5<sup>th</sup> P.M., Story County, Iowa, as shown on Acquisition Plat, Exhibit "A", attached hereto and by this reference made a part hereof.

Said parcel is described as follows:

Commencing at the NW Corner said Section 1; thence N89°48'24"E, 16.5 feet on the north line of said Section 1 to the Point of Beginning; thence continuing N89°48'24"E, 237.8 feet on the north line of said Section 1; thence S00°04'33"W, 57.23 feet; thence S89°48'24"W, 237.8 feet; thence N00°04'33"E, 57.23 feet to the Point of Beginning, containing 0.31 acre.

Story County Project No. NHSN-030-2(149)--2R-85  
Joe Public (Parcel 1)  
Continued on next page

Page 1

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

1. Any and all improvements, located wholly within the land sought in fee simple title and by easement for highway purposes are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement in NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 1, Township 82 North, Range 26 West of the 5<sup>th</sup> P.M., Story County, Iowa, for the specific purpose of constructing an entrance, in land described as follows and as shown on Graphic Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the NW Corner said Section 1; thence N89°48'24"E, 254.3 feet along the north line of said Section 1 to the Point of Beginning; thence continuing N89°48'24"E, 10.0 feet along the north line of said Section 1; thence S00°04'33"W, 57.23 feet; thence S89°48'24"W, 10.0 feet; thence N00°04'33"E, 57.23 feet to the Point of Beginning.

3. The State of Iowa will construct an entrance at Sta. 456+00 on the south side of Primary Road No. U.S. 30. The existing entrance at Sta. 478+56 on the south side of Primary Road No. U.S. 30 will be closed and the entrance eliminated.
4. The area sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance is reserved to the condemnee until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.
5. 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**

To Office	<b>General Counsel Division</b>	Date	<b>December 18, 2019</b>
Attention	<b>David S. Gorham</b>	Ref. No.	<b>Story County</b>
			<b>NHSN-030-2(149)-2R-85</b>
From	<b>Katie A. Johnson</b>		
Office	<b>Right of Way</b>		
Subject	<b>Condemnation</b>		

We are, by this memo, requesting that the Attorney General allow the Right of Way Bureau to proceed to condemn certain real estate, located in Story County, Iowa.

- 1) Notification has been provided to each owner of record (6B.2A).
- 2) A good faith effort to negotiate has taken place (6B.2B).
- 3) Authority to condemn has Commission approval (6B.2C).

This real estate is needed for right of way in connection with the construction of the above-referenced project.

*Katie A. Johnson*

Katie A. Johnson  
Condemnation Unit Coordinator

**Approved:**

David S. Gorham  
Special Assistant Attorney General

**Date:** \_\_\_\_\_

NOTE: The title information for this real estate is up-to-date.

**Certificate and Notice of Commencement of Condemnation Proceedings**

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

**Primary Road No. U.S. 30**  
**in the City of Ames**  
located in Story County, Iowa

Project No. NHSN-030-2(149)-2R-85 Group "A"

---

**CERTIFICATE AND NOTICE  
OF THE COMMENCEMENT OF  
CONDEMNATION PROCEEDINGS**

To the Attorney General of the State of Iowa, or to the Special Assistant Attorney General assigned as Counsel to the Iowa Department of Transportation:

The Right of Way Bureau hereby certifies that the Iowa Department of Transportation has been unable to secure by purchase from the following owner(s) of tracts, parts or portions thereof or certain rights therein, as shown by the plans on file, necessary for the construction of the above-referenced project:

Joe Public

Parcel 1

Sec. 1, T82N, R26W

The land or lands or property rights so required in the construction of said project are specifically shown by the plats and descriptions attached to the Application to the Chief Judge and Notice.

You are hereby notified that condemnation proceedings will be commenced to acquire the above-described lands and/or property rights.

Signed at Ames, Iowa, this 18<sup>th</sup> day of December, 2019.

*Katie A. Johnson*

---

Katie A. Johnson  
Condemnation Unit Coordinator  
Right of Way Bureau  
Iowa Department of Transportation

**PROPERTY SHEET**

Story County  
Project No. NHSN-030-2(149)--2R-85  
Group "A"

Property Owner(s)

Tenant(s)

Lienholder(s)

**PARCEL 1:**

Joe Public, also known  
as Joseph Q. Public  
789 Seller Street  
Ames, Iowa 50010

Joe's Java Joint, LLC  
c/o John Smith, Registered Agent  
123 Main Street  
Ames, Iowa 50010

National Bank, Inc.  
1001 Lender Drive  
Omaha, Nebraska,68007

Deborah Public  
789 Seller Street  
Ames, Iowa 50010

Story County, Iowa  
c/o County Auditor  
900 6th Street  
Nevada, Iowa 50201



---

December 18, 2019

**When corresponding, refer to:**

Story County  
NHSN-030-2(149)-2R-85  
Group "A"

The Honorable Kurt L. Wilke  
Chief Judge, 2nd Judicial District  
Cerro Gordo County Courthouse  
220 N. Washington  
Mason City, Iowa 50401

Dear Judge Wilke:

Enclosed is an original and a duplicate each of (1) an Application to the Chief Judge of the 2nd Judicial District for the Appointment of a Commission to Appraise Damages, (2) Selection and Appointment of a Compensation Commission, and (3) Supplementary Order Appointing Alternate Compensation Commissioners. Please return the originals to this office and retain the duplicates in your office.

We will forward a "Certified True Copy" of the Application and originals of the Selection and Appointment of a Compensation Commission and the Supplementary Order Appointing Alternate Compensation Commissioners to the Sheriff, who will summon the original six appointees. If any of the original six appointees are unable to serve, the Sheriff will contact an alternate compensation commissioner with the same qualification. We will request substitution from you in the event alternate compensation commissioners are unable to serve.

No alternate compensation commissioner will be contacted unless one of the original six appointees is unable to serve.

This project was approved by the Transportation Commission after July 1, 1999. All owners have received a 30-day notice of this public improvement (Sec. 6B.2A).

Should you require any additional information regarding the enclosed Application, please contact me.

Sincerely,

*Katie A. Johnson*

Katie A. Johnson  
Condemnation Unit Coordinator  
Right of Way Bureau

Enc.

---

 | 515-239-1633

 | 515-233-7859 (fax)

 | [katherine.johnson@iowadot.us](mailto:katherine.johnson@iowadot.us)

 | [www.iowadot.gov](http://www.iowadot.gov)

 | **Address:**  
800 Lincoln Way, Ames, IA 50010

Prepared By & Return To: Katie A. Johnson, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1633

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

**Primary Road No. U.S. 30**  
**in the City of Ames**  
located in Story County, Iowa

Project No. **NHSN-030-2(149)--2R-85** Group "A"

TO: **Kurt L. Wilke**, Chief Judge, 2nd Judicial District including Story County, Iowa

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated at Ames, Iowa, this **18<sup>th</sup>** day of **December, 2019**.

IOWA DEPARTMENT OF TRANSPORTATION  
David S. Gorham  
Special Assistant Attorney General  
and General Counsel to the Iowa DOT

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

Filed in my office at \_\_\_\_\_, Iowa, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Kurt L. Wilke  
Chief Judge of the **2nd** Judicial District  
including **Story** County, Iowa.

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

Katie A. Johnson, Condemnation Unit

**Appendix B-20**

**Selection and Appointment of Compensation Commissioners**

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

**Primary Road No. U.S. 30  
in the City of Ames  
located in Story County, Iowa**

**SELECTION AND APPOINTMENT OF  
COMPENSATION COMMISSIONERS  
BY THE CHIEF JUDGE OF THE  
2nd JUDICIAL DISTRICT**

Project No. NHSN-030-2(149)--2R-85 Group "A"

---

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

NAME	ADDRESS	QUALIFICATIONS
1.		Licensed Real Estate Salesperson or Broker
2.		
1.		Knowledgeable of Property Values by Virtue of Occupation
2.		
1.		non-agricultural
2.		

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

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

Dated at \_\_\_\_\_, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

---

**Kurt L. Wilke**  
Chief Judge of the 2nd Judicial District  
including Story County, Iowa

Filed in my office at Nevada, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

---

**Paul Fitzgerald**  
Sheriff of Story 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. U.S. 30  
in the City of Ames  
located in Story County, Iowa

**SUPPLEMENTARY ORDER  
APPOINTING ALTERNATE  
COMPENSATION COMMISSIONERS**

Project No. NHSN-030-2(149)-2R-85 Group "A"

---

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

NAME	ADDRESS	QUALIFICATIONS
1. 2. 3. 4. 5.		Licensed Real Estate Salesperson or Broker
1. 2. 3. 4. 5.		Knowledgeable of Property Values by Virtue of Occupation
1. 2. 3. 4. 5.		non-agricultural

The Sheriff of Story 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 \_\_\_\_\_, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Kurt L. Wilke  
Chief Judge of the 2nd Judicial District  
including Story County, Iowa.

Filed in my office at Nevada, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Paul Fitzgerald  
Sheriff of Story County, Iowa



---

[Month Day, Year]

**When corresponding, refer to:**

Story County  
NHSN-030-2(149)-2R-85  
Group "A"  
Parcel No. **XX**

[Newspaper Name]  
[Recipient Address]  
[City, State ZIP]

Dear Publisher:

I enclose Notice of Condemnation to be published in your newspaper **once each week for three (3) consecutive weeks** beginning **[insert date]**.

When publication has been completed, please forward the Proof of Publication on an affidavit and a statement of your fees to the address below, noting the above-referenced project and parcel number(s).

Katie Johnson  
Right of Way-Condemnation  
Iowa Department of Transportation  
800 Lincoln Way  
Ames, IA 50010-6993

If you have any questions, please contact the Condemnation Unit, Right of Way Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, IA 50010, phone number 515-239-1633.

Sincerely,

*Katie A. Johnson*

Katie A. Johnson  
Condemnation Unit Coordinator  
Right of Way Bureau

Enc.

**Affidavit of Mailing Notice**

**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. U.S. 30  
in the City of Ames  
located in Story County, Iowa

Project No. NHSN-030-2(149)--2R-85

Group "A" Parcel **xxx**

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: insert name and address of party/ I further state that personal service cannot be made to an unknown party due to the death of: insert name and address of deceased/ I also further state that personal service cannot be made to an unknown party and unknown address: Unknown ownership interests Could be any one or more of these reasons.

I further state the Notice will be published on **list all 3 dates paper running**; in the **name of newspaper** 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  
Condemnation Unit Coordinator

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20**xx**.

---

**xxxx**  
Notary Public in and for the State of Iowa



---

[Month Day, Year]

**When corresponding, refer to:**

Story County  
NHSN-030-2(149)-2R-85  
Group "A"  
Parcel No. XX

[Sheriff Name]  
Sheriff of xxx County, Iowa  
[Recipient Address]  
[City, State ZIP]

Dear Sheriff [Sheriff Last Name]:

Enclosed are copies of the Notice, Application to the Chief Judge, and Commissioner List in connection with condemnation proceedings in Story County, Iowa for service on:

[insert name and address of who this county needs to serve]

Please serve these condemnee(s) at your earliest convenience. They must be served at least thirty (30) days prior to the date of the hearing which has been set for [insert date of hearing].

Please forward a statement of your fees along with a Return of Service for each condemnee, as above listed, to me at the Iowa Department of Transportation, Right of Way Bureau, Condemnation Unit, Ames, Iowa 50010. Please note thereon the above reference project number and parcel number as well as the person or company served.

If you have any questions, please contact me at 515-239-1633.

Sincerely,

*Katie A. Johnson*

Katie A. Johnson  
Condemnation Unit Coordinator  
Right of Way Bureau

Enc.



[Month Day, Year]

When corresponding, refer to:

Story County  
NHSN-030-2(149)-2R-85  
Group "A"

Paul Fitzgerald  
Sheriff of Story County, Iowa  
[Recipient Address]  
[City, State ZIP]

Dear Sheriff [Sheriff Last Name]:

I enclose the following papers in connection with the above-referenced condemnation proceeding, set for a hearing on [insert date of hearing].

1. "Certified True Copy" of the recorded APPLICATION TO THE CHIEF JUDGE.
2. SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS.
3. SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS.
4. SUMMONS TO COMMISSIONERS (two copies for each commissioner). Please notify each commissioner of their selection and of the day and hour when they will be required to proceed with the appraisement. Have each commissioner sign and return one copy of the SUMMONS to you prior to the hearing, for your records (Sec. 6B.11). A NOTICE (of condemnation) is attached to each commissioner's copy.
5. OATH OF COMMISSIONER. Each commissioner must execute this oath prior to the hearing. Their signature must be acknowledged by a Notary Public or Clerk of District Court (Sec. 6B.7).
6. SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS (two copies, one of which is to be returned to this office when completed). Each copy must be signed by the Sheriff.
7. CONDEMNATION COMMISSIONER'S STATEMENT (six copies, one for each commissioner for stating their fees and expenses). Each commissioner must sign this statement. A copy of each signed statement should be attached to Sheriff's Certification as to Awards and Costs for reimbursement.
8. NOTICE (of Condemnation), Application to the Chief Judge, and Commissioners List. Please serve each condemnee listed with a complete NOTICE with attachments. The NOTICE must be served at least thirty (30) days prior to the date of the hearing (Sec. 6B.8). Your return of service should be made on the copy to be retained for your files (Sec. 6B.11).

 | 515-239-1633

 | 515-233-7859 (fax)

 | katherine.johnson@iowadot.us

 | www.iowadot.gov

 | Address:  
800 Lincoln Way, Ames, IA 50010



---

PARCEL [insert parcel number]:  
[insert condemnees + addresses - copy from Notice]

AND  
PARCEL [insert parcel number]:  
[insert condemnees + addresses - copy from Notice]

\*All notices to out-of-county condemnees are being mailed to the proper sheriff for service and Returns of Service will be forwarded to you upon our receipt of same. (remove if no out of county service needed)

\*\*Affidavit for Publication is enclosed. Notice to out-of-state condemnees and/or unknown interested parties is being published in the (ADD NEWSPAPER NAME) once each week for three (3) consecutive weeks. (remove if no publication needed)

A NOTICE OF APPRAISEMENT HEARING AND PUBLIC MEETING OF COMPENSATION COMMISSION TO ASSESS DAMAGES must be published pursuant to Section 6B.11 at least once, not less than four nor more than twenty days before the date of the hearing in one or more newspapers. An example of that publication is enclosed and must be published by the Sheriff's office.

Should any commissioner be unable to serve, please contact one of the alternate commissioners and notify this office of who can serve. If none of the alternates can serve, please notify this office.

The following papers must be retained by you in a separate file for recording:

1. "Certified True Copy" of the APPLICATION TO THE CHIEF JUDGE.
2. SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS.
3. SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS or substitute compensation commissioners appointing them and the summons served on them.
4. The signed copy of the SUMMONS TO COMMISSIONERS for each original, alternate, or substitute commissioner.
5. OATH OF COMMISSIONERS, signed by all six commissioners. Their signatures must be acknowledged by a Notary Public or Clerk of District Court (Sec. 6B.7).
6. The signed copy of the SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS (Sec. 6B.33).
7. CONDEMNATION COMMISSIONER'S STATEMENT, one signed statement from each

---

📞 | 515-239-1633  
📠 | 515-233-7859 (fax)

✉️ | katherine.johnson@iowadot.us  
🌐 | www.iowadot.gov

📍 | Address:  
800 Lincoln Way, Ames, IA 50010



---

commissioner.

8. All NOTICES (of Condemnations), with returns of service in the condemnation, including any Notices of Appeal.
9. Proof of Publication (if there have been any publications) as well as all Affidavits in connection therewith.
10. AFFIDAVIT OF FINAL OFFER (Sec. 6B.33).\*
11. The original of the REPORT OF COMPENSATION COMMISSION, signed by each commissioner and certified by the Sheriff (Sec. 6B.14). Two copies shall be returned to the Iowa Department of Transportation representative.\*
12. The original of the ENDORSEMENT OF SHERIFF OF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL must be endorsed and certified by the Sheriff at the time of mailing (Sec. 6B.18).\*
13. The original of the NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL endorsed by the Sheriff. A written notice in the form of a copy of the original NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL must be mailed to each condemnee (Sec. 6B.18).\*

\*NOTE: The preceding four (4) forms will be brought to the hearing by the Iowa Department of Transportation representative.

You will also be required to record all other papers filed in connection with said condemnation proceedings and provide a written statement by the Sheriff of all monies received in payment of damages, from whom received, and to whom paid, and the amount paid to each claimant.

PLEASE NOTE:

Thirty (30) days after the date of mailing the NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL, the Sheriff shall file the condemnation proceedings with the County Recorder of the county in which the condemned land is situated (Sec. 6B.35). Prior to your recording, this office will provide you with the recording data of the original "certified" APPLICATION TO THE CHIEF JUDGE by Book and Page or Instrument Number and the date. Please make this reference on the SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS.

The County Recorder shall file a copy of the Application to the Chief Judge with the Office of the Secretary of State as required by Iowa Code Section 6B.3, Subsection 3.

The County Recorder shall file all documents referred to in Paragraphs 1-14.

If an appeal is taken (within the 30 days), the Sheriff shall immediately file with the Clerk of the District Court a "Certified True Copy" of as much of the assessment as applies to the part from which the appeal is taken (Sec. 6B.20). Again, the original condemnation papers will be filed with the County Recorder.

---

📞 | 515-239-1633

📠 | 515-233-7859 (fax)

✉ | katherine.johnson@iowadot.us

🌐 | www.iowadot.gov

📍 | Address:  
800 Lincoln Way, Ames, IA 50010



---

If you have any questions, please contact the Condemnation Unit, Right of Way Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, IA 50010, phone number 515-239-1633.

Sincerely,

*Katie A. Johnson*

Katie A. Johnson  
Condemnation Unit Coordinator  
Right of Way Bureau

Enc.

---

📞 | 515-239-1633  
📠 | 515-233-7859 (fax)

✉️ | [katherine.johnson@iowadot.us](mailto:katherine.johnson@iowadot.us)  
🌐 | [www.iowadot.gov](http://www.iowadot.gov)

📍 | **Address:**  
800 Lincoln Way, Ames, IA 50010

## Summons to Commissioners

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

**Primary Road No. U.S. 30  
in the City of Ames  
located in Story County, Iowa**

Project No. NHSN-030-2(149)--2R-85 Group "A"

## SUMMONS TO COMMISSIONERS

TO:

The Iowa Department of Transportation has filed with the Chief Judge of the 2nd Judicial District including Story 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 Story County, Iowa, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 2nd Judicial District for Story County, Iowa, as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that xxx 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 Nevada, Story County, State of Iowa, on the xx day of xx, 20xx, at 9:30 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.

**Paul Fitzgerald**  
Sheriff of Story County, Iowa

## ACCEPTANCE OF SERVICE

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 Nevada, Iowa, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Paul Fitzgerald**  
Sheriff of Story 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 Story County, Iowa.**

## Oath of Commissioners

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

**Primary Road No. U.S. 30  
in the City of Ames  
located in Story County, Iowa**

Project No. NHSN-030-2(149)--2R-85 Group "A"

## OATH OF COMMISSIONERS

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.

Name: **Licensed Real Estate Salesperson  
or Broker**

Name: **Licensed Real Estate Salesperson  
or Broker**

Name: **Knowledgeable of Property Values  
by Virtue of Occupation**

**Name:** **Knowledgeable of Property Values  
by Virtue of Occupation**

Name: **non-agricultural**

Name: non-agricultural

Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
*[Signature]*

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

Filed in my office at Nevada, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Paul Fitzgerald**  
Sheriff of Story County, Iowa

**Sheriff's Certification as to Awards and Costs**

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

**Primary Road No. U.S. 30**  
**South of the City of Ames**  
located in Story County, Iowa

**SHERIFF'S CERTIFICATION**

**AS TO AWARDS AND COSTS**

Project No. NHSN-030-2(149)-2R-85 Group "A"

**THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN  
BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, OR INSTRUMENT/DOCUMENT NUMBER \_\_\_\_\_,  
AND DATED \_\_\_\_\_.**

**TO: Iowa Department of Transportation, Ames, Iowa**

I certify that the commissioners in the above-entitled cause convened at \_\_\_\_\_, Iowa, on the  
day of \_\_\_\_\_, 20\_\_\_\_, and thereupon proceeded to view the premises, and said commissioners  
did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, file their report in my office, awarding damages as follows:

<b>NAME OF CONDEMNNEES</b>	<b>AWARD</b>	<b>ATTORNEY FEES AND COSTS INCL. ONE APPRAISAL</b>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
<b>TOTAL DAMAGES AWARDED:</b>	<b>\$ _____</b>	<b>\$ _____</b>

**COSTS**

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

Summoning Commissioners (Service Fees Included)	\$200.00 (Code Section 331.655)
Sheriff's Mileage While Summoning and Attending Commissioners	\$ _____
Sheriff's Mileage Transporting Commissioners	\$ _____
Serving Condemnees (Service Fees and Mileage)	\$ _____
Copies	\$ _____
Publication of Notice of Appraisement Hearing	\$ _____
Other: _____	\$ _____
Other: _____	\$ _____
Other: _____	\$ _____
6 COMMISSIONER COSTS (attach each Commissioner's Statement form)	\$ _____

**GRAND TOTAL OF COSTS \$ \_\_\_\_\_**

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Paul Fitzgerald**  
Sheriff of Story County, Iowa

**CONDEMNATION COMMISSIONER'S STATEMENT**

To the Sheriff of Story 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-030-2(149)--2R-85, held on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, are as follows and that these claims are due, just, and unpaid.

\_\_\_\_\_ day service at \$200.00 ..... \$\_\_\_\_\_  
\_\_\_\_\_ miles at \_\_\_\_\_ cents ..... \$\_\_\_\_\_  
\_\_\_\_\_ meals ..... \$\_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COMMISSIONER

## *Appendix B-30*

## Acceptance of Service Sheet

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 Nevada, Iowa, at 9:30 a.m. on the xx day of xx, 20xx, and will view your property at approximately xx 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  
DAVID S. GORHAM  
Special Assistant Attorney General  
and General Counsel to the Iowa DOT

#### 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\_\_\_\_

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

**CONDEMNATION**  
**hearing date**

Story County, Project No. NHSN-030-2(149)--2R-85, Group "A", Parcel(s) 1 &

**Primary Road No. U.S. 30 South of the City of Ames**

APPLICATION RECORDED: **XXDATEXX**      **XXRECORDING INFOXX**

SHERIFF – Paul Fitzgerald

COMMISSIONER	ADDRESS
<b>List commissioners</b>	<b>list commissioners address (town/city) only</b>

Department of Transportation Representative – Henning/Myers

**SCHEDULE**

Sheriff's Office	Nevada	9:30 a.m.
<b>Condemnation name</b>	Parcel <b>xxx</b>	10:00 a.m.
<b>Condemnation name (if more than one parcel)</b>	Parcel <b>xxx</b>	10:10 a.m.

Hearing and Awards

Sheriff's Office

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

**Primary Road No. U.S. 30  
South of the City of Ames  
located in Story County, Iowa**

**REPORT OF  
COMPENSATION  
COMMISSION**

Project No. NHSN-030-2(149)--2R-85 Group "A"

---

**TO: Paul Fitzgerald, Sheriff of Story 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. [xxxx]	Land and Improvements	Additional Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs incl. One Appraisal
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
Value of Condemnee's dwelling:	\$ _____			

Respectfully reported at \_\_\_\_\_, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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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 Nevada, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

**Paul Fitzgerald**  
Sheriff of Story 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. U.S. 30**  
**South of the City of Ames**  
located in **Story** County, Iowa

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

Project No. **NHSN-030-2(149)--2R-85** Group "A"

---

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 \_\_\_\_\_, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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**Paul Fitzgerald**  
Sheriff of Story County, Iowa

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## Notice of Appraisement of 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. U.S. 30  
South of the City of Ames  
located in Story County, Iowa**

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

Project No. NHSN-030-2(149)--2R-85 Group "A"

Parcel No. [xxxx]

**NOTE: If Owner-Occupied Dwelling is acquired:**

Value of Condemnees' Dwelling: \$

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

You and each of you are hereby notified that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

**Paul Fitzgerald**  
Sheriff of Story County, Iowa

**Affidavit of Final Offer**

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. U.S. 30**  
**South of the City of Ames**  
located in **Story** County, Iowa

Project No. **NHSN-030-2(149)--2R-85** Group "A"

**Parcel No. [xxxx]**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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**

XXXXXX \$ \_\_\_\_\_

**Tenant(s)**

XXXXXX \$ \_\_\_\_\_

**IOWA DEPARTMENT OF TRANSPORTATION**

By \_\_\_\_\_

Condemnation Hearing Compliance Officer  
Right of Way Bureau

Acknowledged, subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

Filed in my office at Nevada, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Paul Fitzgerald**  
Sheriff of **Story** County, Iowa



[Month Day, Year]

**When corresponding, refer to:**

Story County  
NHSN-030-2(149)--2R-85  
Group "A"

Paul Fitzgerald  
Sheriff of Story County, Iowa  
[Recipient Address]  
[City, State ZIP]

Dear Sheriff [Sheriff Last Name]:

I enclose the warrants covering the awards in the above-captioned condemnation proceeding. You may notify the condemnees that the warrants are now on deposit in your office.

When thirty (30) days have elapsed since the date of mailing the NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL (which expires on [insert date 30 days after hearing date]), please forward the original of each of the following papers to the County Recorder for recording:

1. RECORDER'S COVER SHEET - CONDEMNATION PROCEEDINGS.
2. "Certified True Copy" of the APPLICATION TO THE CHIEF JUDGE.
3. SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS.
4. SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS or substitute compensation commissioners (if any), including all orders from the Chief Judge appointing them and the summons served on them.
5. The signed copy of the SUMMONS TO COMMISSIONERS for each original, alternate or substitute commissioner.
6. OATH OF COMMISSIONERS, which must have an original signature from each commissioner. Their signatures must be acknowledged by a Notary Public or Clerk of District Court (Sec. 6B.7 of the Code of Iowa).
7. The signed copy of the SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS.
8. CONDEMNATION COMMISSIONER'S STATEMENT, one signed statement from each commissioner.
9. All NOTICES (of Condemnation) and returns of service.

📞 | 515-239-1633  
📠 | 515-233-7859 (fax)

✉️ | katherine.johnson@iowadot.us  
🌐 | www.iowadot.gov

📍 | Address:  
800 Lincoln Way, Ames, IA 50010



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10. Proof of Publication (if there have been any publications) as well as all Affidavits in connection therewith.

11. AFFIDAVIT OF FINAL OFFER.

12. REPORT OF COMPENSATION COMMISSION, with the ENDORSEMENT OF SHERIFF OF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL contained on the reverse side, signed by each commissioner and certified by the Sheriff (Sec. 6B.14 of the Code of Iowa).

13. NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL, endorsed by the Sheriff (Sec. 6B.18 of the Code of Iowa).

14. All other papers filed in connection with said proceedings and a written statement by the Sheriff of all monies received in payment of damages, from whom received, and to whom paid, and the amount paid to each claimant, and reference to the recording of the original "Certified True Copy" of the APPLICATION TO THE CHIEF JUDGE by Book and Page, or Instrument or Document number, and the date of recording.

DO NOT DISBURSE ANY WARRANTS FOR PARCELS THAT HAVE BEEN APPEALED. In the event an appeal is filed, it will be necessary for the court to order any disbursement of funds.

All fees for recording of papers should be mailed directly to this office for payment. Please request the County Recorder to use the enclosed RECORDING DATA SHEET in submitting his or her bill for the recording of these papers.

If you have any questions, please contact the Condemnation Unit, Right of Way Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, IA 50010, phone number 515-239-1633.

Sincerely,

Katie A. Johnson  
Condemnation Unit Coordinator  
Right of Way Bureau

Enc.

cc: Story County Clerk of Court  
Story County Treasurer  
Story County Recorder (with copy of RECORDER'S COVER SHEET)

---

 | 515-239-1633  
 | 515-233-7859 (fax)

 | katherine.johnson@iowadot.us  
 | www.iowadot.gov

 | Address:  
800 Lincoln Way, Ames, IA 50010



---

Paul Fitzgerald  
Sheriff of Story County, Iowa  
date  
Page 3

RE: Story County, Project No. NHSN-030-2(149)--2R-85, Group "A"  
Parcels **xxxx**; Hearing Date **xxxx**

WARRANT NO.	PAYEES	AMOUNT
<b>xxxxxxxx</b>	<b>xxxxxxxx</b>	<b>\$xxxxxx</b>

**if multiple warrants list them all.**

---

 | 515-239-1633  
 | 515-233-7859 (fax)

 | [katherine.johnson@iowadot.us](mailto:katherine.johnson@iowadot.us)  
 | [www.iowadot.gov](http://www.iowadot.gov)

 | **Address:**  
800 Lincoln Way, Ames, IA 50010



---

[Month Day, Year]

**When corresponding, refer to:**

Story County  
NHSN-030-2(149)--2R-85  
Group "A"

[Condemnee Name (owners and tenants only-list spouses together)]

[Recipient Address]

[City, State ZIP]

To Whom It May Concern:

Enclosed for your records is a copy of the **Notice of Appraisement of Damages and Time for Appeal** with the Iowa Department of Transportation.

Also included is a **W-9 Form** and an **Allocation of Proceeds Statement** to be completed and returned in the enclosed envelope. For questions about **these/this form(s)**, contact your tax preparer or local IRS office.

Sincerely,

*Katie A. Johnson*

Katie A. Johnson  
Condemnation Unit Coordinator  
Right of Way Bureau

Enc.



[Month Day, Year]

**When corresponding, refer to:**

Story County  
NHSN-030-2(149)--2R-85  
Parcel(s) 1 &

Story County Treasurer  
[Recipient Address]  
[City, State ZIP]

Dear Treasurer:

Iowa Code 427.2 requires the Iowa Department of Transportation to assist the taxing authority in the collection of property taxes and special assessments. Taxes must be paid on property condemned for highway purposes up to the date of possession of the real estate. **The attached plat(s) indicates the area condemned.**

To assist you in the collection of these taxes and special assessments, we have included your name as co-payee on the condemnation award warrant.

**As you can see by the enclosed copy of our letter to your county sheriff, we have deposited the condemnation award warrant with the sheriff as required by Iowa Code Sec. 6B.25 and may take possession of the land.**

If the property condemned includes the landowner's residence, dwelling house, outbuilding(s), orchard or garden, the condemner (Iowa DOT) may not, at this time, have the right of possession in accord with Iowa Code Sec. 6B.26.

If you have any questions, please contact the Condemnation Unit, Right of Way Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, IA 50010, phone number 515-239-1633.

Sincerely,

Katie A. Johnson  
Condemnation Unit Coordinator  
Right of Way Bureau

Enc.

**RECORDING DATA SHEET**  
(For Billing Purposes Only)

FOR PAYMENT, PLEASE RETURN TO:

IOWA DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY BUREAU-CONDEMNATION  
800 LINCOLN WAY  
AMES, IA 50010

**RE:** Story County Condemnation  
Project No. NHSN-030-2(149)-2R-85 Group "A"  
Parcel 1 Joe Public

I, \_\_\_\_\_, Recorder of Story County, do hereby certify that the proceedings in the above-entitled matter were filed in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and are recorded in BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ and/or INST. NO. \_\_\_\_\_ of the records of said county, all as provided by law.

I certify that the fee for recording of these papers is in the amount of \_\_\_\_\_ and that said amount is legally payable and that the claim is correct and just and that payment has not been received.

---

COUNTY RECORDER

Prepared By & Return To: Katie A. Johnson, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1633

In the Matter of the Condemnation of  
Certain Rights in Land  
by the Iowa Department of Transportation  
for the Improvement of  
Primary Road No. U.S. 30  
South of the City of Ames  
located in Story County, Iowa

**DISMISSAL**

Project No. NHSN-030-2(149)--2R-85 Group "A"  
Parcel **xxxx**

TO: Paul Fitzgerald, Sheriff of Story County, Iowa  
and

TO:

**XXXXXX**

**XXXXXX**

**XXXXXX**

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate: **XXXXXXXXXX**

The Iowa Department of Transportation dismisses, without prejudice, the above-referenced proceeding against all properties and property owners. The original Certified Application for Condemnation approved by the Chief Judge was filed in the Office of the **Story County Recorder** on **XXXXXX**, and occurs in Book **xxxx**, Page **xxxx**.

Dated at Ames, Iowa, this xxxx day of xxxx, 20xxxx.

IOWA DEPARTMENT OF TRANSPORTATION  
DAVID S. GORHAM  
Special Assistant Attorney General and Counsel

By Katie A. Johnson  
Katie A. Johnson  
Condemnation Unit Coordinator

Time-Stamped in my office at \_\_\_\_\_, Iowa, this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

---

**Paul Fitzgerald**  
Sheriff of **Story** County, Iowa

Prepared By & Return To: Katie A. Johnson, Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010, 515-239-1633

In the Matter of the Condemnation of  
Certain Rights in Land  
by the Iowa Department of Transportation  
for the Improvement of  
Primary Road No. U.S. 30  
South of the City of Ames  
located in Story County, Iowa

AMENDMENT TO APPLICATION  
TO THE CHIEF JUDGE OF THE 2nd  
JUDICIAL DISTRICT FOR THE  
APPOINTMENT OF A COMMISSION  
TO APPRAISE DAMAGES

AND

Project No. NHSN-030-2(149)--2R-85 Group "A"  
Parcel **xxxx**

AMENDMENT TO NOTICE

TO: Paul Fitzgerald, Sheriff of Story County, Iowa  
and  
TO:  
**XXXXXX**  
**XXXXXX**  
**XXXXXX**

COMES NOW THE IOWA DEPARTMENT OF TRANSPORTATION AND AMENDS THE  
APPLICATION AND NOTICE IN THE ABOVE ENTITLED PROCEEDINGS AS FOLLOWS:

**IF REMOVING NAME:** By removing the name of **xxxx** from the notice of condemnation in the  
above entitled matter because (he/she/they have indicated he/she/they have no interest or claim in  
these proceedings) (he/she is now deceased) (he/she/they have executed a purchase agreement).

**IF CHANGE OF NAME:** By removing the name of **xxxx** from the notice of condemnation in the  
above entitled matter and substituting in lieu thereof **xxxx**.

**IF CHANGE OF ADDRESS:** By amending the address of condemnee, **xxxx**, on the notice of  
condemnation in the above entitled matter, which reads:

(NAME & ADDRESS AS SHOWN ON NOTICE)

to read as follows:

(NAME & CORRECT ADDRESS)

**IF SCRIVENER'S ERROR:** By amending (because of a scrivener's error) the acreage being  
condemned in fee, as shown on Acquisition Plat Exhibit "A" from **xx** acres to **xx** acres. And by  
substituting in lieu of said Acquisition Plat Exhibit "A" attached to said notice of condemnation in

the above entitled matter with Amended Acquisition Plat Exhibit "A" which shows the correct acreage being condemned in fee. A copy of the notice of condemnation as amended is attached hereto and made a part hereof.

**IF CHANGING SPECIAL PROVISION CLAUSE:** By striking Paragraph No. 1 on Page 3 on the notice of condemnation in the above entitled matter and replacing it with the following:

Any and all improvements, including buildings or fences, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

And by adding the following as Paragraph No. 6 to the Notice:

Any 2014 crops growing on the land sought to be appropriated are reserved to the condemnee until February 28, 2015. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.

**IF CHANGING HEARING DATE:** By striking the date of xxxx, at 10:00 A.M., as the date and hour for viewing the premises, and continuing said matter by substituting in lieu thereof the date of xxxx, at 10:00 A.M., as the date and hour for said viewing. (DO NOT RECORD THIS ONE)

Dated at Ames, Iowa, this xxxx day of xxxx, 20xxxx.

IOWA DEPARTMENT OF TRANSPORTATION  
DAVID S. GORHAM  
Special Assistant Attorney General and Counsel

By Katie A. Johnson  
Katie A. Johnson  
Condemnation Unit Coordinator

Time-Stamped in my office at \_\_\_\_\_, Iowa, this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

---

**Paul Fitzgerald**  
Sheriff of **Story** County, Iowa

**Order Appointing Substitute Compensation Commissioners**

In the Matter of the Condemnation of  
Certain Rights in Land  
by the Iowa Department of Transportation  
for the Improvement of  
Primary Road No. U.S. 30  
South of the City of Ames  
located in Story County, Iowa

**ORDER APPOINTING  
SUBSTITUTE COMPENSATION  
COMMISSIONER(S)**

Project No. NHSN-030-2(149)--2R-85

Group "A"

NOW ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, an Order Appointing Substitute Compensation Commissioner(s) having been presented to me due to the inability of xxxx, the original appointee(s), and xxxx, appointed as alternate(s), all having qualifications as being [xxxx list type of qualification] to serve as (a) commissioner(s) in the condemnation referenced above, it is ordered that the vacancy(ies) shall be filled by one of the following commissioners:

NAME	ADDRESS	QUALIFICATIONS
1. xxxx		xxxx
2. xxxx		
3. xxxx		

The Sheriff of Story County, Iowa, shall notify the substitute commissioner(s) in the same manner as the original commissioners were notified.

Dated at \_\_\_\_\_, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Kurt L. Wilke  
Chief Judge of the 2nd Judicial District  
including Story County, Iowa

Filed in my office at Nevada, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Paul Fitzgerald  
Sheriff of Story County, Iowa

**Notice of Appraisement Hearing**

**NOTICE OF APPRAISEMENT 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 Interstate Route No. 80 North of the City of Des Moines, Polk County, Iowa.

Project No. IMN-80-4(59)134—0E-77 Group “B”

To: Jack McWilliams, Tammy Todd Allen, Nick Lemmo, David M. Erickson, Sara Hopkins, and Jerry Overman.

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 Polk County, Iowa, at Polk County Administration Building, Board of Supervisors Room, 111 Court Ave., Des Moines, Iowa on the 12th day of December, 2016, at the hour of 9:30 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.  
Bill McCarthy, Polk County Sheriff

By \_\_\_\_\_

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

<b>W-9</b> Form (Rev. October 2018) Department of the Treasury Internal Revenue Service	<b>Request for Taxpayer Identification Number and Certification</b> ► Go to <a href="http://www.irs.gov/FormW9">www.irs.gov/FormW9</a> for instructions and the latest information.	<b>Give Form to the requester. Do not send to the IRS.</b>																																			
<p><b>Print or type.</b>  <b>See Specific Instructions on page 3.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">1</td> <td colspan="4">Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.</td> </tr> <tr> <td>2</td> <td colspan="4">Business name/disregarded entity name, if different from above</td> </tr> <tr> <td>3</td> <td colspan="4">           Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.             <input type="checkbox"/> Individual/sole proprietor or single-member LLC    <input type="checkbox"/> C Corporation    <input type="checkbox"/> S Corporation    <input type="checkbox"/> Partnership    <input type="checkbox"/> Trust/estate             <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►   <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.             <input type="checkbox"/> Other (see instructions) ►         </td> </tr> <tr> <td>4</td> <td colspan="4">           Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):                       Exempt payee code (if any) _____         </td> </tr> <tr> <td>5</td> <td colspan="2">Address (number, street, and apt. or suite no.) See instructions.</td> <td colspan="2">Requester's name and address (optional)</td> </tr> <tr> <td>6</td> <td colspan="2">City, state, and ZIP code</td> <td colspan="2"></td> </tr> <tr> <td>7</td> <td colspan="4">List account number(s) here (optional)</td> </tr> </table>			1	Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.				2	Business name/disregarded entity name, if different from above				3	Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ►				4	Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____				5	Address (number, street, and apt. or suite no.) See instructions.		Requester's name and address (optional)		6	City, state, and ZIP code				7	List account number(s) here (optional)			
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7	List account number(s) here (optional)																																				

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	-	-
<input type="text"/>	<input type="text"/>	<input type="text"/>
or		
Employer identification number		
<input type="text"/>	<input type="text"/>	<input type="text"/>

**Part II Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►
Date ►	

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding, later.**

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester.
2. You do not certify your TIN when required (see the instructions for Part II for details).
3. The IRS tells the requester that you furnished an incorrect TIN.
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(ii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual	Individual/sole proprietor or single-member LLC
• Sole proprietorship, or	
• Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	
• LLC treated as a partnership for U.S. federal tax purposes,	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or	
• LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

• Generally, individuals (including sole proprietors) are not exempt from backup withholding.

- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)

2—The United States or any of its agencies or instrumentalities

3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

4—A foreign government or any of its political subdivisions, agencies, or instrumentalities

5—A corporation

6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession

7—A futures commission merchant registered with the Commodity Futures Trading Commission

8—A real estate investment trust

9—An entity registered at all times during the tax year under the Investment Company Act of 1940

10—A common trust fund operated by a bank under section 584(a)

11—A financial institution

12—A middleman known in the investment community as a nominee or custodian

13—A trust exempt from tax under section 664 or described in section 4947

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

#### Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

#### Line 6

Enter your city, state, and ZIP code.

### Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

### Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The actual owner <sup>1</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i) (A))	The owner <sup>3</sup>
8. Disregarded entity not owned by an individual	The grantor*
For this type of account:	Give name and EIN of:
9. A valid trust, estate, or pension trust	The owner
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	Legal entity <sup>4</sup>
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The corporation
12. Partnership or multi-member LLC	The organization
13. A broker or registered nominee	The partnership
	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

\*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.identityTheft.gov](http://www.identityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



## ALLOCATION OF PROCEEDS STATEMENT

Mail Completed Form To:

Condemnation Unit  
 Right of Way Bureau  
 Iowa Department of Transportation  
 800 Lincoln Way  
 Ames, IA 50010

[INSERT] County  
 Project [INSERT]  
 Parcel No. [INSERT]

Attention: [INSERT], Condemnation Agent

**GROSS PROCEEDS AMOUNT (AWARD): \$[INSERT]**

NAME OF SELLER	MAILING ADDRESS	AMOUNT
[INSERT]	[INSERT ADDRESS]	\$ _____
[INSERT]	[INSERT ADDRESS]	\$ _____
[INSERT]	[INSERT ADDRESS]	\$ _____

**NOTICE:** If this form is incomplete, not returned to the DOT, or statements contain conflicting amounts from sellers, IRS Regulations require that the entire dollar amount of the gross proceeds must be reported to each seller's TIN (social security number).

**FILED**  
APR 06 2016

CLERK SUPREME COURT

**IN THE SUPREME COURT OF IOWA**

**In the Matter of Instruction**      |      **Order**  
**to Compensation Commissioners**      |  
**from the Chief Justice**      |

---

You have been selected as members of the Compensation Commission. Pursuant to the provisions of Iowa Code section 6B.4 (2015), you are instructed as follows:

**Duties of the Commission and Commissioners**

1. Governmental units and certain utilities are authorized by state law to condemn private property for certain public uses and purposes. However, the Constitution prohibits the taking of private property for public use without just compensation.
2. It is the commission's duty to fix a just compensation in a fair and impartial manner and on an independent basis.
3. No commissioner shall possess any interest in the proceeding, which would cause such person to render a biased decision.
4. 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.
5. Prior to the meeting of the commission, the sheriff will administer the oath to commission members.
6. State law requires that a compensation commission meet in open session to view the property and to receive evidence, but the commission may deliberate in closed session.
7. When deliberating in closed session, the meeting is closed to all persons who are not commissioners except for personnel from the sheriff's office if such personnel are requested by the commission.
8. After deliberations commence, the commission and each commissioner is prohibited from communicating with any party to the proceeding, unless such communication occurs in the presence of or with the consent of the property owner and the other parties who

appear before the commission. However, if the commission is deliberating in closed session, and after deliberations commence the commission requires further information from a party of a witness, the commission shall notify the property owner and the acquiring agency that they are allowed to attend the meeting at which such additional information shall be provided but only for the period of time during which such additional information is being provided. The property owner and the acquiring agency shall be given reasonable opportunity to attend the meeting.

9. The commission shall keep minutes of all its meetings, which minutes are a public record open to public inspection. The minutes are required to show the date, time, and place of each meeting; the members present; the action taken at each meeting; the results of each vote taken and information sufficient to indicate the vote of each member present.
10. The vote of each member present must be made public at the open session. If a vote is taken by the commission during closed session deliberations, the commission must reconvene in open session at the close of its deliberations and the vote of each member during the closed session must be made public.
11. The minutes are public record open to public inspection.
12. The sheriff shall coordinate the meeting of the commissioners, shall arrange an appropriate meeting place for the commissioners, shall assure that appointed commissioners receive the order of the court appointing them and directing their attendance at the meeting of commissioners, and shall report the unavailability or absence of appointed commissioners to the chief judge, to the applicant, and to the landowner.
13. The sheriff shall furnish transportation to and from the site of the property the commission is required to view.

#### **Assessment of Damages**

1. In determining fair market value of property, the commissioners shall not consider only the assessed

value assigned to such property for purposes of property taxation.

2. A property owner is entitled to be made whole, but double recovery is not allowed.
3. When the entire property unit is taken, the measure of damages is the fair market value of the property immediately before the condemnation and before such value has been affected by the proposed public use. When only a portion of the property unit is taken, including certain rights such as an easement, the measure of damages is the difference between the fair market value of the property as a whole immediately before condemnation and before it has been affected by the proposed public use and the fair market value of the remaining property after the taking. Any advantage or benefit that may accrue to the remaining property by reason of the public use is not to be considered. Substantially the same measure applies to a leasehold.
4. The commission shall consider and make allowance for any personal property that is damaged or destroyed or reduced in value, and, when applicable, for the cost of removing and replacing fences and removing buildings onto abutting property of the owner.
5. Allowance shall be made, if any, for the reasonable cost of moving an owner's or tenant's personal property from the land to be condemned to a point no greater than fifty (50) miles; but in any event, the damages for moving shall not exceed five thousand dollars (\$5000) for each owner or tenant. An owner or tenant may apply for a separate moving award for the cost of moving personal property only if all other damages provided by law have been awarded and are insufficient to pay the owner's or tenant's reasonable costs of moving.
6. At the request of the condemner or the condemnee, the commission shall divide the damages into parts to indicate the value of any dwelling, the value of the land and improvements other than a dwelling, and the value of any additional damages.
7. The commission shall file with the sheriff a written report containing the appraisal. All commissioners are required to sign the written report to the sheriff.

Commissioners who do not concur with the majority of the commissioners may so note on the report.

8. In arriving at the fair market value of the property, the commission shall not consider evidence or information regarding prior negotiations between the parties. However, when the commission report the commission's award to the sheriff, if it exceeds one hundred and ten percent of the condemner's final offer, the sheriff will so advise the commission and the commission will then determine and fix reasonable attorney's fees and costs, including the reasonable cost of one appraisal, if any, incurred by the condemnee in presenting the condemnee's case before the commission.

These brief and general instructions do not contain all of the issues that might confront you. I advise you to carefully review applicable state laws relevant to your responsibilities and procedures and the condemnation matter before you. In addition, the position of the parties or their attorneys may be explained to you at the time of the hearing.

Dated this 6<sup>th</sup> day of April, 2016.



Mark S. Cady, Chief Justice



Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010

**CONDEMNATION HEARING REPORT**

County \_\_\_\_\_ Project No. \_\_\_\_\_  
 Parcel No. \_\_\_\_\_ Group \_\_\_\_\_  
 Condemnation Hearing Date \_\_\_\_\_

1. Fee Owner \_\_\_\_\_
2. Contract Purchaser \_\_\_\_\_
3. Lessees \_\_\_\_\_
4. Tenant \_\_\_\_\_
5. DOT Representative Dwayne Myers
6. Owner's Counsel \_\_\_\_\_
- 6A. Lessee/Tenant Counsel \_\_\_\_\_
7. Offer made by Contract \_\_\_\_\_
8. Offer made by Condemnation \* \_\_\_\_\_

\*Reason for difference in contract offer \_\_\_\_\_

9. Condemnation Award:

	<u>Owner</u>	<u>Lessee</u>	<u>Tenant</u>
a. Dwelling	_____	_____	_____
b. Land & Improvements	_____	_____	_____
c. Damages	_____	_____	_____
d. Moving Costs	_____	_____	_____
e. Total Condemnation Award	_____	_____	_____

Attorney Fees \_\_\_\_\_

10. Owner's Asking \_\_\_\_\_

Lessee's Asking \_\_\_\_\_

Tenant's Asking \_\_\_\_\_

11. APPRAISALS MADE BY STATE

<u>Name</u>	<u>Staff or fee</u>	<u>Before</u>	<u>After</u>	<u>Compensation</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	Review	_____	_____	_____

12. WITNESSES FOR OWNER

<u>Name</u>	<u>Occupation</u>	<u>Before</u>	<u>After</u>	<u>Compensation</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

13. FACTORS AFFECTING CONDEMNATION AWARD (Mark those applicable)

- a. Omission of compensable items
- b. Jury increase in fence price
- c. Jury increase in land price
- d. Jury increase in damages to remainder
- e. Divergency of State's appraisals
- f. Persuasiveness of owners and witnesses
- g. Extremely complex taking
- h. Inadequacy of data supporting remainder damages
- i. More recent sales than used in State's appraisals
- j. Other factors \_\_\_\_\_

---

COMMENTS ON FACTORS CHECKED AND/OR COMMENTS ABOUT WHAT TRANSPired AT THE HEARING

The commissioner's were sworn in at the Choose an item. County Sheriff's Office on Click here to enter a date. at 9:30 a.m.; we then proceeded to the viewing. from the Choose an item. Resident Construction Office accompanied me. We then returned to the Sheriff's Office where the written material's and the State's position were presented.

- Accept Condemnation Award
- Reject Award and Appeal to District Court

---

Condemnation Agent Dwayne Myers

---

Right of Way Director Brad Hofer

Concurrence by Legal Department

---

Special Assistant, Attorney General

## Right of Way Director's Recommendation



Right of Way Bureau, 800 Lincoln Way, Ames, IA 50010

## RIGHT OF WAY DIRECTOR'S RECOMMENDATION

Form 634-066  
(Revised 3/09)

County \_\_\_\_\_ Project No. \_\_\_\_\_  
Parcel \_\_\_\_\_ Group \_\_\_\_\_  
Condemnation Hearing Date \_\_\_\_\_

Pcl	Offer	Asked	Award	Recommendation by Right of Way Director	Concurrence By General Counsel

FOR THE PURPOSE OF SAVING INTEREST DOLLARS:

In the case of an appeal (by either condemnor or condemnee), it is suggested the Iowa DOT General Counsel consider a partial disbursement of funds as follows:

<b>Parcel No.</b>	<b>Suggested Disbursement</b>
_____	_____
_____	_____
_____	_____
_____	_____



**RECORDER'S COVER SHEET  
CONDEMNATION PROCEEDINGS**

Prepared by:

xxxx County Sheriff, (insert address & phone number)

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):**

(List all Fee Owners)

**GRANTEE(S):**

State of Iowa (Condemner)

And **xx** County, Iowa

And City of **xx**, Iowa

**DOCUMENT OR INSTRUMENT NUMBER OF PREVIOUSLY RECORDED DOCUMENTS:**

Application for Condemnation filed xxxx, in Book xxxx, Page xxxx

**LEGAL DESCRIPTION:**

(Copy & Paste brief legal from paragraph 1 of Notice)

**ACQUISITION:**

Land by Fee Title to xxxx: **xxx** acres/sf

Land by Permanent Easement (for Highway Purposes or insert purpose) to xxxx: **xxx** acres/sf

Temporary Easement(s) (to insert purpose if applicable)

(include only if there is fee acquisition) AWARD: \$xxxx

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

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

xxxx County Project No. xxxx  
xxxx (Parcel **xx**)

**Appendix B-50**

**Notification Postcard**

Form 634-061  
3-86



**Iowa Department of Transportation**

County & Project \_\_\_\_\_

Parcel \_\_\_\_\_

Date of Hearing \_\_\_\_\_

1. Condemnee accepted award \_\_\_\_\_

(date)

2. Notice of Appeal filed \_\_\_\_\_

(date)

3. 30 day period expired  
and neither of above has taken place. \_\_\_\_\_

\_\_\_\_\_, Sheriff

\_\_\_\_\_, County, Iowa

**Return of Service**

**IN THE IOWA DISTRICT COURT IN AND FOR DELAWARE COUNTY**

---

**IN THE MATTER OF THE CONDEMNATION OF CERTAIN  
RIGHTS IN LAND BY THE IOWA DEPARTMENT OF  
TRANSPORTATION FOR THE IMPROVEMENT OF  
PRIMARY ROAD NO. U.S. 20  
SOUTH AND IN THE CITY OF DYERSVILLE  
LOCATED IN DELAWARE COUNTY, IOWA**

---

Case Number: **NHSN-20-8(48)--2R-28**

Civil Number: **14-000495**

Date Received: **08/11/2014 @ 15:15**

Date Printed: **11/06/2014 @ 15:33**

**STATE OF IOWA** }  
**DELAWARE COUNTY** }

I hereby certify that I served a copy of:

**APPLICATION  
NOTICE**

**To: ELENZ,LEON at 3332 US HWY 20, DYERSVILLE, IA 52040  
on 08/13/2014 @ 10:20** Type of Service: **PERSONAL**

Remarks:

Case Notes:

**Fees:**

Service Fees:	15.00
Mileage:	19.04
Copies:	0.00
Total:	34.04

JOHN A. LECLERE, SHERIFF  
DELAWARE COUNTY  
By:   
OCEDB ERIC BROOKS

Paid By: **STATE OF IOWA**  
Date: **10/30/2014**  
Check #: **67195870**

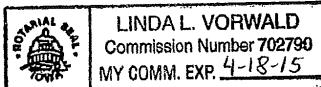
## Proof of Publication

STATE OF IOWA  
DUBUQUE COUNTY SS:

## CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates Aug 13 20 14, 2014, and for which the charge is \$ 329.65.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this 29<sup>th</sup> day of Aug. 2014.



*Linda L. Vorwald*

Notary Public in and for  
Dubuque County, Iowa

**NOTICE**  
In the Matter of the  
Condemnation of Certain Rights  
in Land  
by the Iowa Department  
of Transportation for the  
Improvement of  
Primary Road No. U.S. 20  
South of and in the City of  
Dyersville  
located in Delaware County,  
Iowa  
Project No. NHSN-20-8(48)-  
-2R-28  
Group "A"  
TO:  
Leon Elenz, 3332 U.S.  
Highway 20, Dyersville, IA 52040

City of Dyersville, Iowa, c/o  
City Clerk, 340 1st Ave E, Dyersville,  
IA 52057

Delaware County, Iowa, c/o  
County Auditor, 301 E 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 Northwest Quarter of the  
Northwest Fractional Quarter, the  
Northeast Quarter of the Northwest  
Fractional Quarter, the Southwest  
Quarter of the Northwest Fractional  
Quarter and the Northwest Quarter  
of the Northeast Fractional Quarter  
all in Section 1, Township 88 North,  
Range 3 West, of the 5th Principal  
Meridian, Delaware County, Iowa.

You, and each of you, are  
hereby notified that the State of  
Iowa and the City of Dyersville,  
Iowa, desire 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"  
(land needed for public  
improvement), "A-2" (uneconomical  
remnant), and "A-3" (land needed  
for public improvement), 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 title in fee simple sought  
to be appropriated, for the use and  
benefit of the State of Iowa, is in  
land described as follows:

A parcel of land located in  
the Northwest Fractional Quarter  
of Section 1, Township 88 North,  
Range 3 West of the 5th PM.,  
Delaware County, Iowa, as shown  
on the Acquisition Plat Exhibit "A-  
1", and by reference made a part  
hereof.

Said parcel is described as  
follows:

Commencing at the Northwest  
Corner of Section 1; thence South  
01°56'07" East 156.35 feet along  
the west line of the Northwest  
Fractional Quarter of Section 1  
to the southerly right of way of  
Primary Road No. U.S. 20 and the  
point of beginning; thence North  
86°31'04" East 33.01 feet along  
said right of way; thence North  
88°27'16" East 791.25 feet along  
said right of way; thence North  
82°47'38" East 101.39 feet along  
said right of way; thence North  
88°27'16" East 434.96 feet along  
said right of way; thence South  
86°45'41" East 359.74 feet along  
said right of way; thence North  
88°27'03" East 522.36 feet along  
said right of way; thence South  
71°25'14" West 347.06 feet; thence  
South 69°12'36" West 401.83  
feet; thence South 66°05'12" West  
213.79 feet; thence South  
54°57'09" West 141.49 feet; thence  
South 38°08'44" West 400.50 feet;  
thence South 51°27'42" West  
81.76 feet; thence North 85°51'40" West  
117.18 feet; thence North  
82°54'04" West 235.48 feet; thence  
North 16°32'50" East 298.64 feet;  
thence North 36°32'52" West 61.03  
feet; thence North 75°44'01" West  
616.77 feet; thence North 75°46'56" West  
34.36 feet to the west line of  
the Northwest Fractional Quarter of  
Section 1; thence North 01°56'07"  
West 134.06 feet along said section  
line to the point of beginning;  
containing 16.61 acres more or  
less.

Two parcels of land located in  
the Northwest Fractional Quarter  
of Section 1, Township 88 North,  
Range 3 West of the 5th PM.,  
Delaware County, Iowa, as shown  
on the Acquisition Plat Exhibit "A-  
2", and by reference made a part  
hereof.

Said parcels are described as  
follows:

Commencing at the Northwest  
Corner of Section 1; thence South  
01°56'07" East 290.41 feet along  
the west line of the Northwest  
Fractional Quarter of Section 1

to the point of beginning; thence  
South 75°46'56" East 34.36  
feet; thence South 75°44'01" East  
616.77 feet; thence South  
36°32'52" East 61.03 feet; thence  
South 16°32'50" West 298.64  
feet; thence North 70°48'42" West  
332.75 feet; thence North 82°19'32" West  
258.50 feet to the west line of  
the Northwest Fractional Quarter of  
Section 1; thence North 01°56'07" West  
352.04 feet along said section  
line to the point of beginning;  
containing 4.77 acres more or less.

And,  
Commencing at the Northwest Corner of Section 1; thence South 01°56'07" East 854.31 feet along the west line of the Northwest Fractional Quarter of Section 1 to the point of beginning and the beginning of a 650.00 foot radius curve concave Southerly whose 325.27 foot chord bears South 81°02'35" East; thence Easterly along said curve an arc distance of 328.76 feet; thence South 65°05'00" East 194.93 feet; thence South 18°55'55" West 277.72 feet; thence South 23°26'48" West 295.00 feet; thence South 24°54'33" West 593.36 feet to the west line of the Northwest Fractional Quarter of Section 1; thence North 01°56'07" West 1204.96 feet along said section line to the point of beginning; containing 7.45 acres more or less.

The title in fee simple sought to be appropriated, for the use and benefit of the City of Dyersville, is in land described as follows:

A parcel of land located in the Northwest Fractional Quarter and in the Northeast Fractional Quarter of Section 1, Township 88 North, Range 3 West of the 5th PM, Delaware County, Iowa, as shown on the Acquisition Plat

Exhibit "A-3", and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the Northwest Corner of Section 1; thence South 01°56'07" East 642.45 feet along the west line of the Northwest Fractional Quarter of Section 1 to the Point of Beginning; thence South 82°19'32" East 258.50 feet; thence South 70°48'42" East 332.75 feet; thence South 62°54'04" East 235.48 feet; thence South 85°51'40" East 117.18 feet; thence North 51°27'42" East 81.76 feet; thence North 38°08'44" East 400.50 feet; thence North 54°57'09" East 141.49 feet; thence North 66°05'12" East 213.79 feet; thence North 69°12'36" East 401.83 feet; thence North 71°25'14" East 347.06 feet to the southerly right of way of Primary Road No. U.S. 20; thence North 88°27'03" East 1223.07 feet along said right of way; thence North 87°18'59" East 505.18 feet along said right of way to the east line of the Northwest Quarter of the Northeast Fractional Quarter of Section 1; thence South 02°12'41" East 135.56 feet along said section line; thence South 88°55'28" West 776.29 feet; thence North 89°29'22" West 535.84 feet; thence South 82°30'20" West 464.37 feet; thence South 67°47'35" West 823.03 feet; thence South 43°49'41" West 551.65

feet; thence South 49°08'28" West 147.83 feet; thence South 78°18'07" West 134.22 feet; thence South 88°09'21" West 128.91 feet; thence South 27°39'41" West 382.90 feet; thence South 22°12'19" West 692.33 feet to the beginning of a 965.00 foot radius curve concave easterly whose 415.82 foot chord bears South 11°00'39" West; thence southerly along said curve an arc distance of 418.91 feet; thence South 16°33'17" West 170.17 feet; thence South 14°08'38" West 119.21 feet to the west line of the Northwest Fractional Quarter of said Section 1; thence North 01°56'07" West 709.99 feet along said section line; thence North 24°54'33" East 593.36 feet; thence North 23°26'48" East 295.00 feet; thence North 18°55'55" East 277.72 feet; thence North 65°05'00" West 194.93 feet to the beginning of a 650.00 foot radius curve concave southerly whose 325.27 foot chord bears North 81°02'35" West; thence westerly along said curve an arc distance of 328.76 feet to the west line of the Northwest Fractional Quarter of Section 1; thence North 01°56'07" West 211.86 feet along said section line to the Point of Beginning; containing 20.24 acres more or less.

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

1. Any and all improvements, including buildings, fences or agricultural crops, if any, located

wholly within the land sought in fee simple title are condemned in their entirety.

2. The State of Iowa will construct an entrance at Sta. 11037+42 on the east side of local road 330th Avenue. The existing entrance at Sta. 1070+65.5 on the south side of Primary Road No. U.S. 20 will be closed and the entrance eliminated.

3. 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.

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

5. Condemnee 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 9:30 a.m. on the 15th day of October 2014, and will view your property at approximately 10:00 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.

8/13/20-27