

IN THE SHERIFF'S OFFICE OF POLK COUNTY, IOWA

In the matter of the Condemnation of
Certain Land for use in connection
with the Northeast Relief Sanitary
Sewer Project in Ankeny, Iowa

SHERIFF'S CERTIFICATION OF

COSTS AND AWARDS

by the

CITY OF ANKENY, IOWA

TO: Clerk of Polk County District Court, Polk County Recorder

I hereby certify that the appointed commissioners in the above entitled condemnation commission proceedings convened at the Polk County Court House on the 21st day of JUNE 1983 and thereupon proceeded to view the premises and the commission did thereafter on the 21st day of JUNE 1983, file their written report with me awarding damages as follows:

TITLE HOLDERS, ENCUMBRANCERS AND LIENHOLDERS

Mary Kuefner c/o Robert G. Bridges
Attorney at Law, Polk County Auditor,
Food Host USA, Inc c/o Kenneth D. Krammer,
Agent, Iowa Department of Revenue

\$ 2,090.00 AWARD--PAID

INST. NO. 03310

POLK COUNTY, IOWA
FILED FOR RECORD 1920

JUL 21 1983 A.M.

AT 11:10 P.M.
KATIE SPRINSTING HOLSCHUH Recorder
By *M. Spina* Deputy

DATE OF MAILING THE NOTICE OF APPRAISEMENT OF DAMAGES TO CONDEMNNEES 6-21-83

AWARDS DEPOSITED BY APPLICANT 7-11-83

NOTICE OF APPEAL FILED BY Robert E. Buzza (ATTY) 7-20-83

COMMISSIONERS-FEE-EXPENSES

Melvin Smith	\$ 74.78
George Wennerberg	62.30
Joe Husak	65.66
William O'Brien	62.78
Marilyn Murphy	63.50
Donald Albaugh	67.10
	\$ 396.12

SHERIFF'S CIVIL FEES

Mileage	\$ 6.80
County Fees	18.00
Attend Jury	30.00
	\$ 54.80

pt 7-11-83
NO. 10297

I further certify that the attached papers are the full and complete original files in the proceedings and the statement accompanying the same are correct and true. Given under my hand this 21st day of JUNE 1983.

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BOD E. RICE, SHERIFF OF POLK COUNTY

By *David L. Koken* Deputy

Docket No 132

IN THE SHERIFF'S OFFICE OF POLK COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION
OF CERTAIN LAND FOR USE IN CONNECTION
WITH THE NORTHEAST RELIEF SANITARY
SEWER PROJECT IN ANKENY, IOWA,

APPLICATION FOR CONDEMNATION
AND
APPOINTMENT OF COMMISSIONERS

by the

CITY OF ANKENY, IOWA, Applicant.

TO: THE HONORABLE MAYNARD HAYDEN, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT

YOU ARE HEREBY NOTIFIED that the City of Ankeny, Iowa, a
municipal corporation, located in the County of Polk, desires to take,
acquire and condemn a fee simple interest in certain property for use
in connection with the Northeast Relief Sanitary Sewer Project

approved by the City Council of the City of Ankeny, Iowa.

The property affected by this condemnation, in which a fee
simple interest is sought, is shown on the attached plats which are
marked Exhibit "A" and by this reference made a part
hereof. This property is located within the area designated by the
City Council of Ankeny as the Northeast Relief Sanitary Sewer
Project and is legally described as follows:

A PERMANENT EASEMENT THROUGH AND ACROSS THE FOLLOWING DESCRIBED REAL ESTATE

A continuous tract of land in the southwest fractional quarter
of Section 18, Township 80 North, Range 23 West of the 5th
P.M., Polk County, Iowa, with the west line of said south-
west fractional quarter having an assumed true bearing of
N 00° 00' E, with all subsequent bearings referenced there-
from, with said tract being more particularly described as
follows:

A tract of land 60.0 feet in width west of the west right-
of-way line of Interstate 35, beginning at a point 282.1
feet north of the south line of said section; thence
northerly approximately 1,065.3 feet along the west right-of-
way line of Interstate 35 to a point on the north line of
the southwest fractional quarter of the southwest fractional
quarter of said section.

A TEMPORARY EASEMENT ONLY DURING CONSTRUCTION OF THE SANITARY SEWERS:

A temporary easement during construction of the sanitary
sewers, but not thereafter, shall be 200.0 feet in width
west of the west right-of-way line of Interstate 35. The
temporary easement shall also include a tract of land 40.0
feet in width and north of a line beginning at a point
282.1 feet north of the southwest corner of said Section 18
and 23.0 feet east of the west line of said Section 18;
thence N 90° 00' E, a distance of 378.1 feet.

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The names and residences of all record owners and holders of liens and encumbrances, as far as shown, are as follows:

Title Holders

Mary Knefner, 6931 N.W. Beaver Dr., Des Moines, Iowa.

Lien Holders

Holders of potentially conflicting easements:

Polk County, Polk County Courthouse, 5th & Mulberry, Des Moines, Ia; and
Food Best USA, Inc., Kenneth D. Kramer, Agent, 221 S. 66th, Lincoln,
Nebraska.

State of Iowa [potential inheritance tax lien], Iowa Dept. of Revenue,
Hoover State Office Bldg., Des Moines, Iowa 50319.

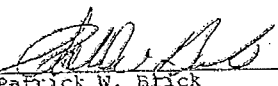
YOU ARE, THEREFORE, REQUESTED, pursuant to a regularly adopted resolution by the City Council of the City of Ankeny, Iowa, to appoint six (6) resident freeholders of Polk County, Iowa, not interested in this or a like proceeding, as commissioners to inspect the property above listed, appraise the damages which the owners, lienholders, and others in interest will sustain by reason of the taking of the property for use in accordance with the Northeast Relief Sanitary Sewer Project and to report in writing to the Sheriff of Polk County, Iowa.

YOU ARE FURTHER REQUESTED to give written notice to the City of Ankeny, Iowa, as soon as the commissioners have been selected.

DATED this 4th day of May, 19 83.

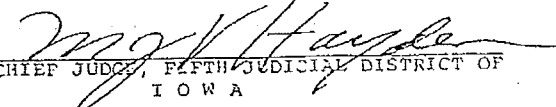
CITY OF ANKENY, IOWA

By


Patrick W. Brick
City Attorney
550 39th Street
Des Moines, Iowa 50312
Telephone: (515) 274-9341

RECEIVED IN MY OFFICE THIS

4th day of May, 19 83.


CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF
IOWA

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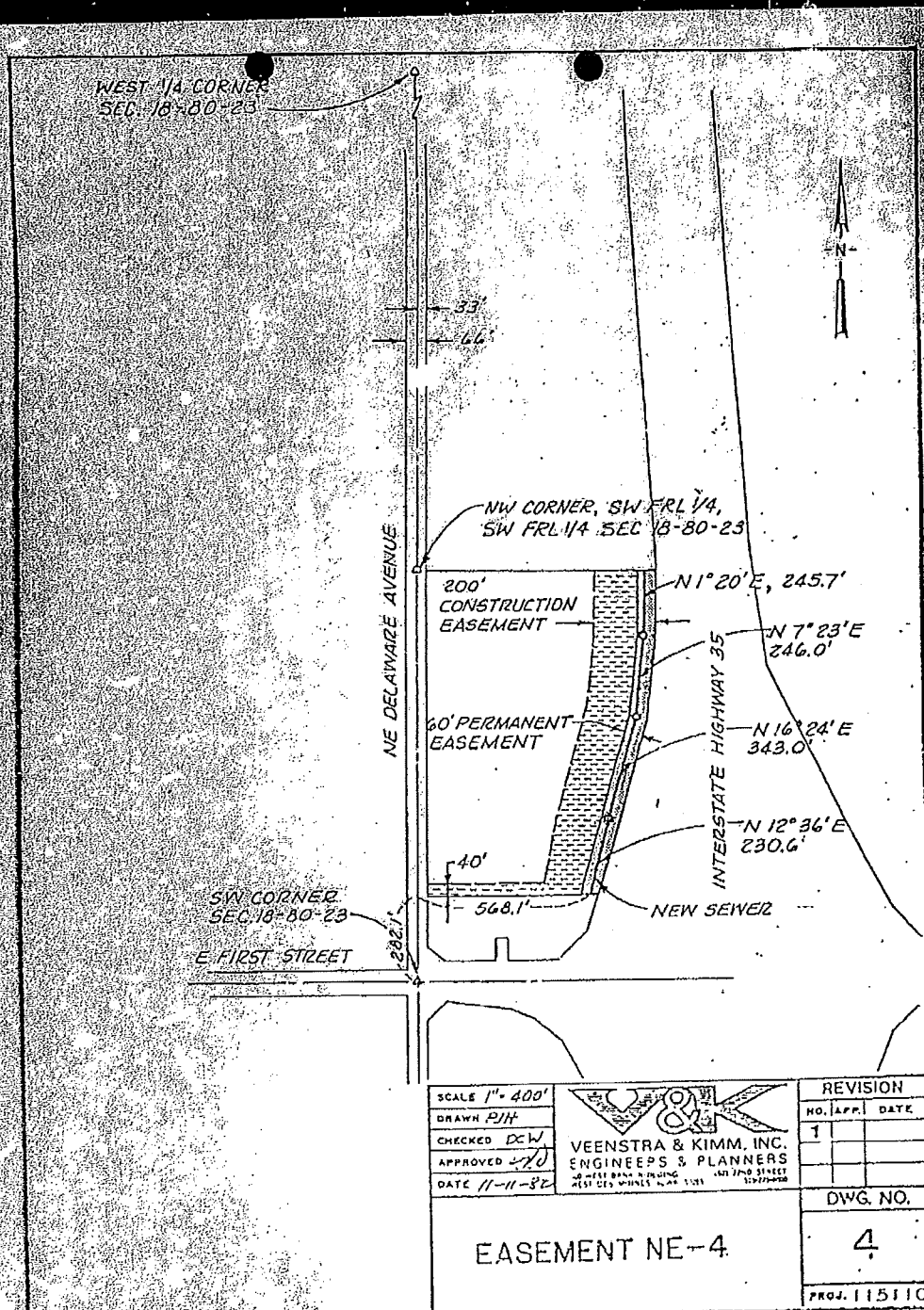


EXHIBIT "A"

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EXHIBIT "A" - PAGE 6

IN THE SHERIFF'S OFFICE OF POLK COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF
CERTAIN LAND FOR USE IN CONNECTION
WITH THE NORTHEAST RELIEF SANITARY
SEWER PROJECT,

SHERIFF'S RETURN INCLUDING
REPORT OF COMMISSIONERS

by the

CITY OF ANKENY, IOWA, Applicant.

BE IT REMEMBERED, that on the 4TH day of May, 19 83, the City of Ankeny, Iowa, a municipal corporation organized and existing under the laws of the State of Iowa, and located in the County of Polk, made written application to the Chief Judge of the Fifth Judicial District for Polk County, Iowa, for the appointment of commissioners to assess the damages sustained by the various persons or corporations owning or having any interest in the property located in the City of Ankeny, County of Polk, State of Iowa, which the City desires to take, acquire, appropriate and condemn for use in connection with the Northeast Relief Sanitary Sewer Project and it appearing that the persons or corporations owning or claiming an interest in the property had refused to grant the same to the City, or that the City could not agree with the owners and other claimants of an interest in the property upon the compensation to be paid, the Chief Judge of the Fifth Judicial District of Polk County, Iowa, having received the City's Application for Condemnation, appointed six (6) resident freeholders of the County of Polk, State of Iowa, who were not interested in this or a like proceeding, to inspect and assess the damages which the owners and other claimants of an interest in the property might sustain by reason of the taking by the City for the use and purpose stated in the Application; that the freeholders appointed are: Melvin Smith, George Wennerberg, Anthony Pigneri, William O'Brien, Marilyn Murphy, and Donald Albaugh;

that the commissioners were summoned to view the property sought to be taken on the 21st day of June, 19 83, at 9:30 a.m., and to assess the damages of each of the owners and other persons or corporations having or claiming an interest in the property being taken by the City by reason of the taking.

WHEREFORE, all of the commissioners met in my office at the Polk County Courthouse in Des Moines, Iowa, on the 21st day of June, 19 83, the commissioners and each of them then and there qualified by filing with me a written oath, attached hereto, marked Exhibit "A", and by this reference made a part hereof.

THEREAFTER, the commissioners did view the property and assess the damages that the owners and claimants of an interest will sustain by reason of the taking of the property by the City.

Due and legal notice of the Application for Condemnation and proposal of the City to take an easement interest in the property for use in connection with the Northeast Relief Sanitary Sewer Project and of the appointment of and the time and place of the meeting of the commissioners for the purpose of making the assessment of damages by reason of taking having been given to the owners and all other persons, corporations or others claiming an interest to the property, the commissioners made out and returned their Report of Assessment of Damages as follows, to-wit:

REPORT OF COMMISSIONERS

TO THE SHERIFF OF POLK COUNTY, IOWA:

The undersigned, duly appointed and qualified commissioners to inspect the property hereinafter described and assess the damages which the owners and persons, corporations or others claiming an interest in the property will sustain by reason of the taking of the same for use in connection with the Northeast Relief Sanitary Sewer Project, having been duly sworn, faithfully and impartially assess all such damages; and it appearing that all persons, corporations or others owning or claiming an interest in any of the property hereinafter described have been duly and legally notified of the proceedings and the time and place of our meeting to view such property and assess the damages, we did, on the 21st day of June, 1983, view the real estate hereinafter described and assess the damages which the owners and persons, corporations or others having or claiming an interest therein will sustain by reason of the taking.

And we now, after 1 day deliberation, on the 21st day of June, 1983, return this, our true finding in the premises, as shown below as actual damages for taking of the easement interest in and to:

A PERMANENT EASEMENT THROUGH AND ACROSS THE FOLLOWING DESCRIBED REAL ESTATE:

A continuous tract of land in the southwest fractional quarter of Section 18, Township 80 North, Range 23 West of the 5th P.M., Polk County, Iowa, with the west line of said southwest fractional quarter having an assumed true bearing of N 00° 00' E, with all subsequent bearings referenced therefrom, with said tract being more particularly described as follows:

A tract of land 60.0 feet in width west of the west right-of-way line of Interstate 35, beginning at a point 282.1 feet north of the south line of said section; thence northerly approximately 1,065.3 feet along the west right-of-way line of Interstate 35 to a point on the north line of the southwest fractional quarter of the southwest fractional quarter of said section.

A TEMPORARY EASEMENT ONLY DURING CONSTRUCTION OF THE SANITARY SEWERS:

A temporary easement during construction of the sanitary sewers, but not thereafter, shall be 200.0 feet in width west of the west right-of-way line of Interstate 35. The temporary easement shall also include a tract of land 40.0 feet in width and north of a line beginning at a point 282.1 feet north of the southwest corner of said Section 18 and 33.0 feet east of the west line of said Section 18; thence N 90° 00' E, a distance of 378.1 feet.

WITNESS OUR HANDS, at Des Moines, Iowa, the day and year last
above written.

George W. Winkler Joe. H. H. H.
William D. H. H. Donald A. H. H.
Mary M. H. H. Melvin H. H.

Subscribed and sworn to before me this 21st day of June, 19 83.



Gerald L. Robinson
Notary Public in and for the State
of IOWA

FILED in my office at Des Moines, Iowa, this 21st day of June,
19 83.

SHERIFF, POLK COUNTY

By Gerald L. Robinson
Deputy

TOTAL AMOUNT OF AWARD FOR THE TAKING \$ 2090⁰⁰