

RECORDING FEE \$ 115.00  
RMA FEE \$ 1.00

9010 ✓

COUNCIL BLUFFS

C.B. Condemnation Form 1

In the Matter of the Condemnation )  
of Certain Rights in Land by the )  
City of Council Bluffs, Iowa, For )  
a Project Located in Council )  
Bluffs, Pottawattamie County, )  
Iowa, Known As:

APPLICATION TO THE CHIEF JUDGE  
OF THE FOURTH JUDICIAL DISTRICT  
FOR THE APPOINTMENT OF A  
COMMISSION TO APPRAISE DAMAGES

LATERAL 5 DRAINAGE IMPROVEMENT PROJECT

TO: The Honorable Charles Smith, Chief Judge of the Fourth Judicial District, Pottawattamie County, Iowa.

COMES NOW the City of Council Bluffs, Iowa, and states that the public interest requires that certain rights be acquired in certain land hereinafter described, by condemnation proceedings, as authorized and provided by law.

The lands and/or property rights affected and the record owners, lienholders, encumbrances, and other persons interested therein, are as listed on the Notice of Condemnation attached hereto and made a part hereof, and are shown with reference to their location as to lands affected on the plat(s) attached hereto and made a part hereof.

The City of Council Bluffs, Iowa desires certain specific rights in the land herein sought to be condemned (1) for street right-of-way, and/or (2) for access control, and/or (3) for highway drainage, and/or (4) for the purpose of obtaining and removing therefrom material suitable for the improvement and/or maintenance of roads and streets within the State of Iowa, and/or (5) for temporary construction easement, and/or for INSTALLATION AND MAINTENANCE OF LATERAL 5 STORM SEWER DRAINAGE SYSTEM & RELATED IMPROVEMENTS.

The City of Council Bluffs, Iowa has been unable to secure the described rights in lands by purchase and conveyance.

NOW, THEREFORE, the City of Council Bluffs, Iowa hereby requests the appointment of a compensation commission of six persons qualified as prescribed in Section 68.4 Code of Iowa, not interested in the same or a like question, to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation herein sought to be condemned, for the purpose herein stated, and make their report in writing to the Sheriff as provided by law.

DATED at Council Bluffs, Iowa, this 29th day of JANUARY, 1996.

Entered for Taxation JAN 29 1996

CITY OF COUNCIL BLUFFS, IOWA

Marilyn J. Drake COUNTY AUDITOR

By: [Signature]  
Assistant City Attorney

Filed in duplicate in my office at Council Bluffs, Iowa, this 29th day of JANUARY, 1996.

STATE OF IOWA, Pottawattamie County  
I, John Skirtino  
County Clerk

[Signature]  
Chief Judge of the Fourth Judicial  
District, Pottawattamie County, Iowa

SG-26901

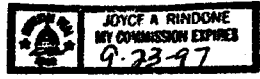
CONFIDENTIAL

In accord with Section 6B.3(7), the Code, I, the undersigned, certify that this Original Application for Condemnation has been approved by the Chief Judge.

Robert J. O'Brien

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> Day of JANUARY, 1996.

Joyce A. Rindone  
Notary Public in and for said State



96-21812

# ACQUISITION PLAT

EXA pg 1

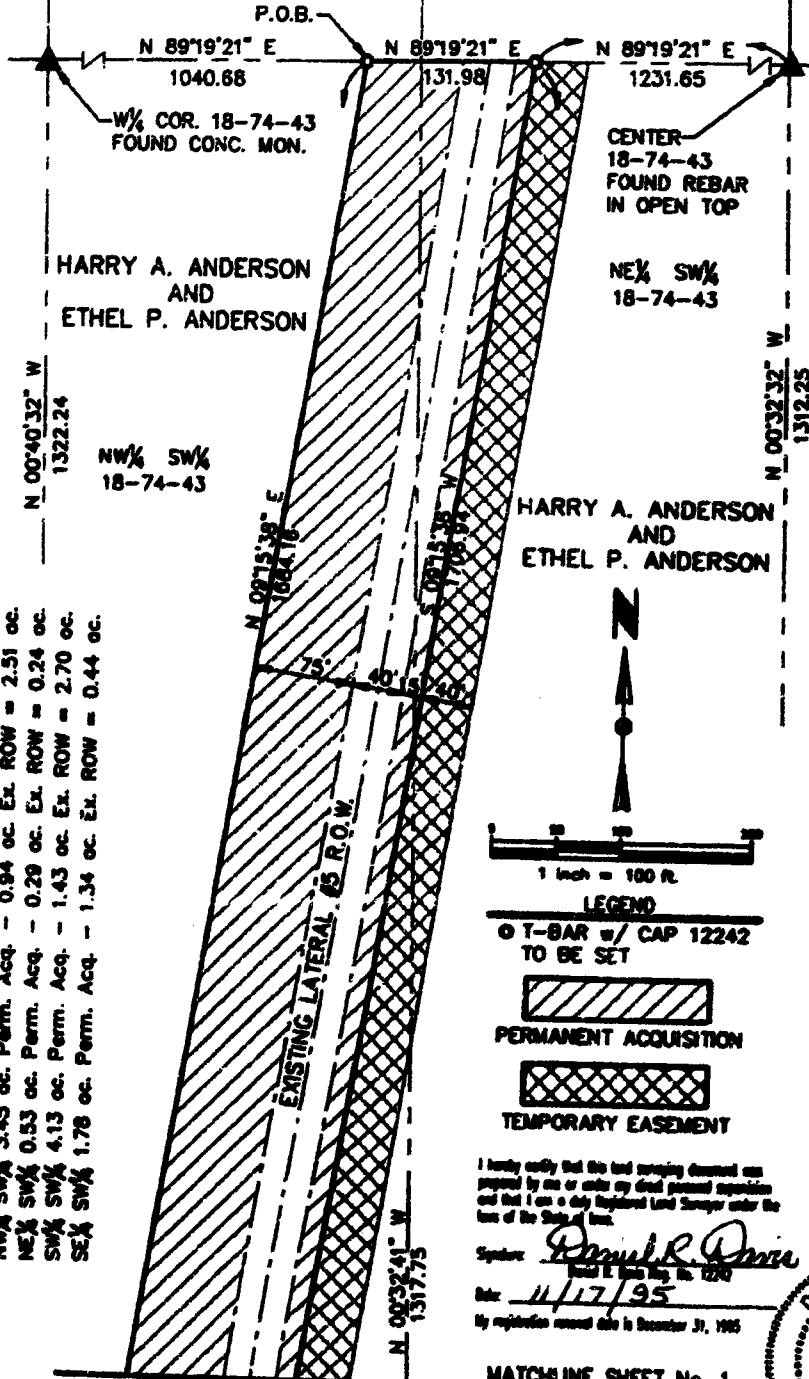
PARCEL NO. 1

SHEET No. 1 of 4

ACQUIRED FROM HARRY A. ANDERSON AND  
ETHEL P. ANDERSON

PHYLLIS M. BARNES  
1995 REVOCABLE TRUST

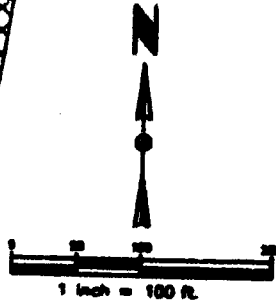
CLIFFORD EUGENE LITTLE  
AND SHIRLEY A. LITTLE



HARRY A. ANDERSON  
AND  
ETHEL P. ANDERSON

HARRY A. ANDERSON  
AND  
ETHEL P. ANDERSON

NW¼ SW¼ 3.45 ac. Perm. Acq. - 0.94 ac. Ex. ROW = 2.51 ac.  
 NE¼ SW¼ 0.53 ac. Perm. Acq. - 0.29 ac. Ex. ROW = 0.24 ac.  
 SW¼ SW¼ 4.13 ac. Perm. Acq. - 1.43 ac. Ex. ROW = 2.70 ac.  
 SE¼ SW¼ 1.78 ac. Perm. Acq. - 1.34 ac. Ex. ROW = 0.44 ac.



### LEGEND

- T-BAR w/ CAP 12242 TO BE SET
- PERMANENT ACQUISITION
- TEMPORARY EASEMENT

I hereby certify that the land surveying described was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Signature: Daniel R. Davis  
Land Surveyor No. 120

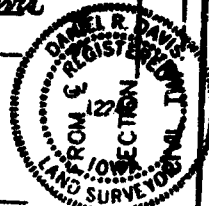
Date: 11/17/95  
My registration renewal date is December 31, 1995

MATCHLINE SHEET No. 1  
SHEET No. 2

POTTAWATTAMIE COUNTY

PROJECT NO. 15075

R.O.W. 9.88 ac. Permanent Acquisition - 4.00 ac. Existing R.O.W. = 5.88 ac.  
 R.O.W. 3.71 ac. Temporary Easement  
 BORROW \_\_\_\_\_ ACRES CONSIDERATION \$ \_\_\_\_\_ CONTRACT DATED \_\_\_\_\_  
 RANGE 43W TWP 18N TO & STA. 74N ACQUIRED BY \_\_\_\_\_



96-2044-3

DATE DRAWN NOV. 1995 DRAWN BY GVS

# ACQUISITION PLAT

EXA 2

PARCEL NO. 1  
SHEET No. 2 of 4

ACQUIRED FROM HARRY A. ANDERSON AND  
ETHEL P. ANDERSON

MATCHLINE SHEET No. 1  
SHEET No. 2

NW 1/4 SW 1/4  
18-74-43

NE 1/4 SW 1/4  
18-74-43

SW 1/4 SW 1/4  
18-74-43

SE 1/4 SW 1/4  
18-74-43

HARRY A. ANDERSON  
AND  
ETHEL P. ANDERSON

HARRY A. ANDERSON  
AND  
ETHEL P. ANDERSON

$\Delta = 09^{\circ}52'48''$   
R = 630.00'  
T = 54.45'  
L = 108.64'  
CHD. BRG. = N04 $^{\circ}19'14''$ E  
CHD. DIST. = 108.50'

$\Delta = 09^{\circ}52'48''$   
R = 500.00'  
T = 43.22'  
L = 88.22'  
CHD. BRG. = S04 $^{\circ}19'14''$ W  
CHD. DIST. = 88.11'



LEGEND

○ T-BAR w/ CAP 12242  
TO BE SET



PERMANENT ACQUISITION



TEMPORARY EASEMENT

MATCHLINE SHEET No. 2  
SHEET No. 3

POTTAWATTAME COUNTY

PROJECT NO. 15075

36-20804

DATE DRAWN NOV. 1995 DRAWN BY GVS

R.O.W. 9.88 ac. Permanent Acquisition - 4.00 ac. Existing R.O.W. - 5.89 ac.  
R.O.W. 3.71 ac. Temporary Easement  
BORROW \_\_\_\_\_ ACRES CONSIDERATION \$ \_\_\_\_\_ CONTRACT DATED \_\_\_\_\_  
RANGE 43W  
SECTION 18  
CIVIL TWP. \_\_\_\_\_ TO & STA. \_\_\_\_\_ FROM & STA. \_\_\_\_\_  
74+  
ACQUIRED BY \_\_\_\_\_

# ACQUISITION PLAT

EXA 193

PARCEL NO. 1  
SHEET No. 3 of 4

ACQUIRED FROM HARRY A. ANDERSON AND  
ETHEL P. ANDERSON

$\Delta = 07^{\circ}01'53''$   
R = 570.00'  
T = 35.02'  
L = 69.95'  
CHD. BRG. = N02°53'46"E  
CHD. DIST. = 69.91'

MATCHLINE SHEET No. 2  
SHEET No. 3  
 $\Delta = 07^{\circ}01'53''$   
R = 700.00'  
T = 43.01'  
L = 85.91'  
CHD. BRG. = S02°53'46"W  
CHD. DIST. = 85.85'

HARRY A. ANDERSON  
AND  
ETHEL P. ANDERSON

SW $\frac{1}{4}$  SW $\frac{1}{4}$   
18-74-43

N 00°32'41" W  
1317.76

SW $\frac{1}{4}$  SW $\frac{1}{4}$   
18-74-43

LAKEVIEW  
ACRES

$\Delta = 97^{\circ}34'02''$   
R = 269.11'  
T = 307.22'  
L = 458.28'  
CHD. BRG. = N42°22'18"W  
CHD. DIST. = 404.86'

$\Delta = 97^{\circ}34'02''$   
R = 200.00'  
T = 228.33'  
L = 340.57'  
CHD. BRG. = S42°22'18"E  
CHD. DIST. = 300.89'

R.O.W. 9.89 ac. Permanent Acquisition - 4.00 ac. Existing R.O.W. = 5.89 ac.  
R.O.W. 3.71 ac. Temporary Easement

CONSIDERATION \$ \_\_\_\_\_  
BORROW \_\_\_\_\_ ACRES

RANGE 43W  
SECTION 18

TWP 74N

ACQUIRED BY \_\_\_\_\_

CIVIL TWP. \_\_\_\_\_

FROM & STA. \_\_\_\_\_ TO & STA. \_\_\_\_\_

FOUND REBAR  
w/CAP 5414

N00°32'41"W  
5.00

JOHN JERKOVICH

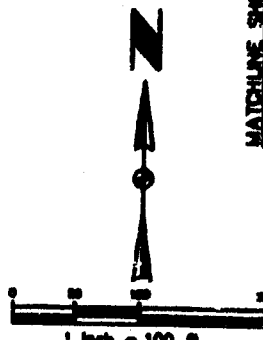
GORDON A. GILL AND  
WILMA J. GILL

LEGEND

○ T-BAR w/ CAP 12242  
TO BE SET

PERMANENT ACQUISITION

TEMPORARY EASEMENT



POTTAWATTAME COUNTY

PROJECT NO. 15075

96-20805

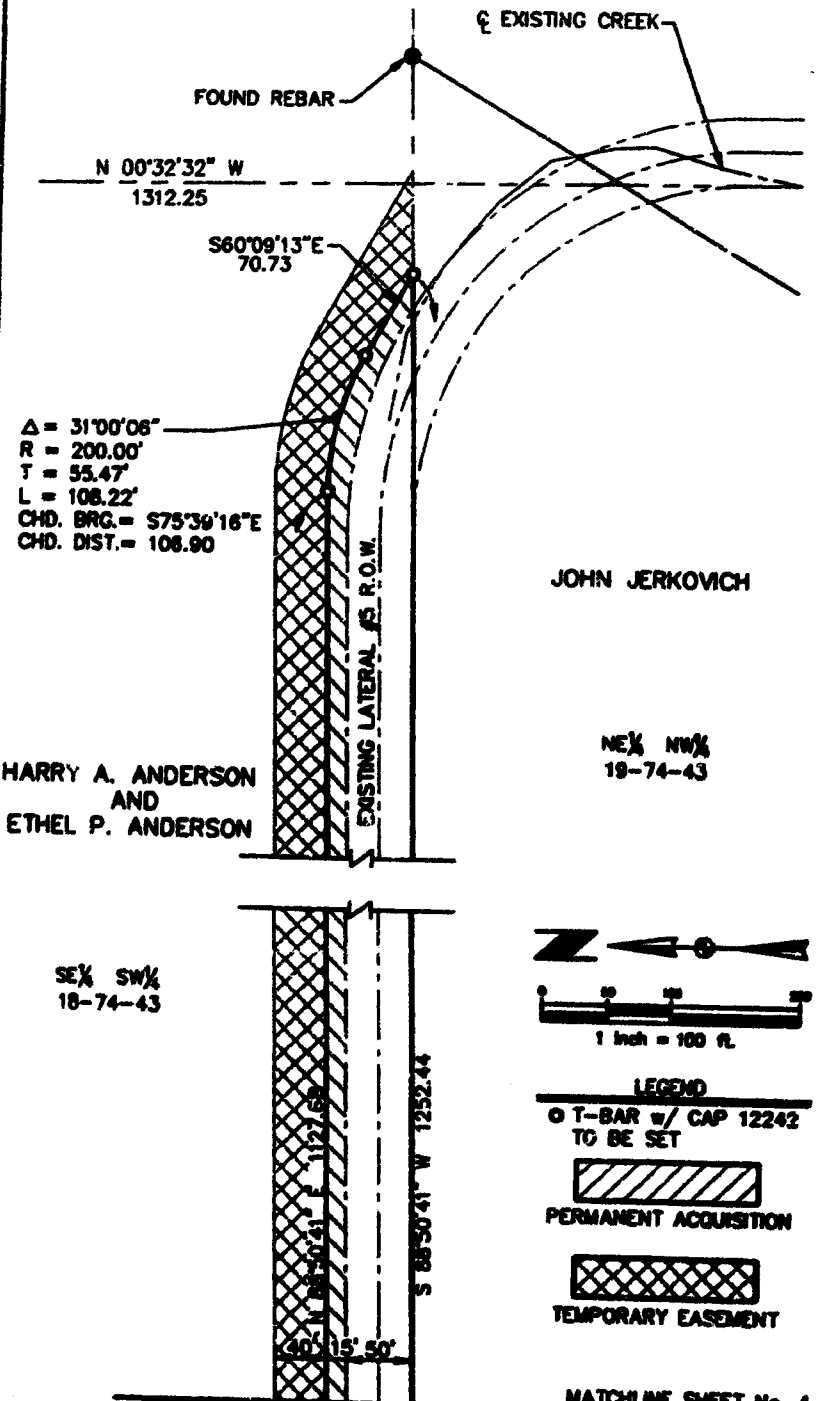
DATE DRAWN NOV. 1995 DRAWN BY GVS

# ACQUISITION PLAT

EXA P24

PARCEL NO. 1  
SHEET No. 4 of 4

ACQUIRED FROM HARRY A. ANDERSON AND  
ETHEL P. ANDERSON



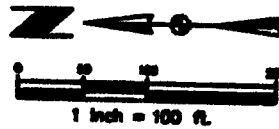
$\Delta = 31^{\circ}00'08''$   
 $R = 200.00'$   
 $T = 55.47'$   
 $L = 108.22'$   
 CHD. BRG. =  $S75^{\circ}39'16'' E$   
 CHD. DIST. = 108.90

HARRY A. ANDERSON  
AND  
ETHEL P. ANDERSON

JOHN JERKOVICH

NE 1/4 NW 1/4  
19-74-43

SE 1/4 SW 1/4  
18-74-43



- LEGEND**
- T-BAR w/ CAP 12242 TO BE SET
  - PERMANENT ACQUISITION
  - TEMPORARY EASEMENT

MATCHLINE SHEET No. 4  
SHEET No. 3

R.O.W. 9.88 ac. Permanent Acquisition - 4.00 ac. Existing R.O.W. = 5.88 ac.  
 R.O.W. 3.71 ac. Temporary Easement  
 BORROW \_\_\_\_\_ ACRES CONSIDERATION \$ \_\_\_\_\_ CONTRACT DATED \_\_\_\_\_  
 FROM  $\text{E}$  STA. \_\_\_\_\_ TO  $\text{E}$  STA. \_\_\_\_\_ RANGE 74N  
 SECTION 18 TWP \_\_\_\_\_ ACQUIRED BY \_\_\_\_\_  
 CIVIL TWP. \_\_\_\_\_

COMPARED

POTTAWATTAMIE COUNTY PROJECT NO. 15075

96-20816

DATE DRAWN NOV. 1995 DRAWN BY GVS



EXA 859

PARCEL NO. 1  
HARRY A. ANDERSON AND ETHEL P. ANDERSON

LEGAL DESCRIPTION: (PERMANENT ACQUISITION)

A PARCEL OF LAND BEING PART OF THE NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 SW1/4, SE1/4 SW1/4 OF SECTION 18, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, AS SHOWN ON THE ACQUISITION PLAT ATTACHED HERETO AND BY REFERENCE MADE A PART THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/4 CORNER OF SAID SECTION 18; THENCE N89°19'21"E, 1040.68 FEET ALONG THE NORTH LINE OF THE SW1/4 OF SAID SECTION 18 TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE N89°19'21"E, 131.98 FEET; THENCE S09°15'38"W, 1706.94 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 9°52'48"; THENCE ALONG SAID CURVE A DISTANCE OF 86.22 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S04°19'14"W, 86.11 FEET; THENCE S00°37'10"E, 276.41 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 700.00 FEET AND A CENTRAL ANGLE OF 7°01'53"; THENCE ALONG SAID CURVE A DISTANCE OF 85.91 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S02°53'46"W, 85.85 FEET; THENCE S06°24'43"W, 218.62 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 97°34'02"; THENCE ALONG SAID CURVE A DISTANCE OF 340.57 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S42°22'18"E, 300.89 FEET; THENCE N88°50'41"E, 1127.68 FEET PARALLEL WITH AND 65 FEET PERPENDICULAR FROM THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 18 TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 31°00'06"; THENCE ALONG SAID CURVE A DISTANCE OF 106.22 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S75°39'16"E, 106.90 FEET; THENCE S60°09'13"E, 70.73 FEET TO THE SOUTH LINE OF SAID SW1/4 AND THE SOUTH LINE OF EXISTING LATERAL #5 RIGHT-OF-WAY; THENCE S88°50'41"W, 1252.44 FEET ALONG THE SOUTH LINE OF SAID SW1/4 AND SAID RIGHT-OF-WAY TO THE EAST LINE OF THE SW1/4 SW1/4 OF SAID SECTION 18; THENCE N00°32'41"W, 5.00 FEET ALONG SAID EAST LINE AND SAID RIGHT-OF-WAY; THENCE S88°50'41"W, 99.15 FEET ALONG SAID RIGHT-OF-WAY TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 269.11 FEET AND A CENTRAL ANGLE OF 97°34'02"; THENCE ALONG SAID CURVE AND SAID RIGHT-OF-WAY A DISTANCE OF 458.26 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N42°22'18"W, 404.86 FEET TO THE EAST LINE OF LAKEVIEW ACRES; THENCE N06°24'43"E, 217.52 FEET ALONG SAID EAST LINE EXTENDED TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 570.00 FEET AND A CENTRAL ANGLE OF 7°01'53"; THENCE ALONG SAID CURVE A DISTANCE OF 69.95 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N02°53'46"E, 69.91 FEET; THENCE N00°37'10"W, 276.41 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 630.00 FEET AND A CENTRAL ANGLE OF 9°52'48"; THENCE ALONG SAID CURVE A DISTANCE OF 108.64 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N04°19'14"E, 108.50 FEET; THENCE N09°15'38"E, 1684.16 FEET TO THE NORTH LINE OF THE SW1/4 OF SAID SECTION 18 AND THE POINT OF BEGINNING. SAID PARCEL CONTAINS 9.89 ACRES INCLUSIVE OF 4.00 ACRES OF PRESENT ESTABLISHED LATERAL #5 RIGHT-OF-WAY.

NOTE: THE NORTH LINE OF THE SW1/4 OF SECTION 18, TOWNSHIP 74 NORTH, RANGE 43 WEST IS ASSUMED TO BEAR N89°19'21"E FOR THIS DESCRIPTION.

96-21517

702

# ACQUISITION PLAT

PARCEL NO. 2

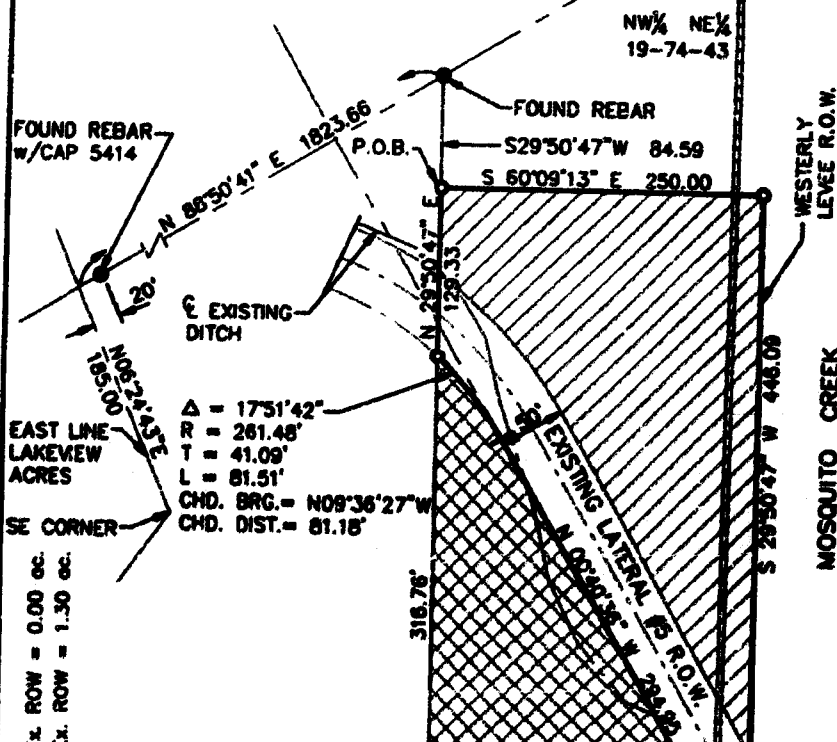
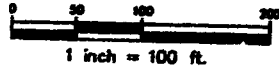
ACQUIRED FROM IOWA POWER & LIGHT (MID-AMERICAN ENERGY)

### LEGEND

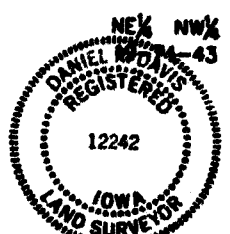
○ T-BAR w/ CAP 12242 TO BE SET

 PERMANENT ACQUISITION

 TEMPORARY EASEMENT



NW 1/4 0.01 ac. Perm. Acq. - 0.01 ac. Ex. ROW = 0.00 ac.  
 NW 1/4 1.77 ac. Perm. Acq. - 0.47 ac. Ex. ROW = 1.30 ac.



JOHN JERKOVICH

FOUND REBAR w/CAP 5414

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

Signature: *Daniel M. Davis*

Date: 4/17/95

My registration renewal date is December 31, 1995

FROM E STA. \_\_\_\_\_ TO E STA. \_\_\_\_\_

SECTION 19 TWP 74N RANGE 43W

CIVIL TWP. \_\_\_\_\_

R.O.W. 1.78 ac. Permanent Acquisition - 0.48 ac. Existing R.O.W. = 1.30 ac.  
 R.O.W. 0.78 ac. Temporary Easement

ACRES BORROW \_\_\_\_\_ ACRES CONSIDERATION \$ \_\_\_\_\_

CONTRACT DATED \_\_\_\_\_

ACQUIRED BY \_\_\_\_\_

POTTAWATTAMIE COUNTY PROJECT NO. 15075



PARCEL NO. 2  
IOWA POWER & LIGHT (MID-AMERICAN ENERGY)

LEGAL DESCRIPTION: (PERMANENT ACQUISITION)

A PARCEL OF LAND BEING PART OF THE NE1/4 NW1/4, AND NW1/4 NE1/4, OF SECTION 19, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, AS SHOWN ON THE ACQUISITION PLAT ATTACHED HERETO AND BY REFERENCE MADE A PART THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LAKEVIEW ACRES; THENCE N06°24'43"E, 185.00 FEET ALONG THE EAST LINE OF SAID LAKEVIEW ACRES TO THE NORTH LINE OF THE NW1/4 OF SAID SECTION 19; THENCE N88°50'41"E, 1823.66 FEET ALONG SAID NORTH LINE; THENCE S29°50'47"W, 84.59 FEET TO THE POINT OF BEGINNING; THENCE S60°09'13"E, 250.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF MOSQUITO CREEK; THENCE S29°50'47"W, 446.09 FEET ALONG SAID RIGHT-OF-WAY; THENCE N60°09'13"W, 48.61 FEET TO THE WESTERLY LINE OF EXISTING LATERAL #5 RIGHT-OF-WAY; THENCE N00°40'36"W, 294.95 FEET ALONG SAID WESTERLY LINE TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 261.48 FEET AND A CENTRAL ANGLE OF 17°51'42"; THENCE ALONG SAID CURVE AND RIGHT-OF-WAY A DISTANCE OF 81.51 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N09°36'27"W, 81.18 FEET; THENCE N29°50'47"E, 129.33 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.78 ACRES INCLUSIVE OF 0.48 ACRES OF PRESENT ESTABLISHED LATERAL #5 RIGHT-OF-WAY.

NOTE: THE EAST LINE OF LAKEVIEW ACRES IS ASSUMED TO BEAR N06°24'43"E FOR THIS DESCRIPTION.

36-21019

CONFIDENTIAL

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In the Matter of the Condemnation of )  
Certain Rights in Land by the City of )  
Council Bluffs, Iowa, for a Project ) OATH OF COMMISSIONERS  
Located in Pottawattamie County, Iowa, )  
Known as: )  
LATERAL 5 DRAINAGE IMPROVEMENT PROJECT

FORM 4

STATE OF IOWA )  
COUNTY OF ) SS.  
POTTAWATTAMIE )

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, as a member of the Compensation Commission duly selected and appointed, 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 the appropriation of the rights as set forth and described in the Application and Notice of Condemnation for said project on file in the office of the Sheriff, and will make a written report to the Sheriff as authorized and prescribed in Chapters 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: \_\_\_\_\_  
Owner-operator of Agricultural Property

Name: \_\_\_\_\_  
Owner-operator of Agricultural Property

Acknowledged, Subscribed and Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Notary Public) \_\_\_\_\_ in and for said  
(Clerk of Court) \_\_\_\_\_ Pottawattamie County

Filed in my office at \_\_\_\_\_, Iowa, this \_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Sheriff of Pottawattamie County, Iowa

SG-20910

COUNCIL BLUFFS

In the Matter of Condemnation of Certain )  
Property by the City of Council Bluffs, )  
Iowa, a Municipal Corporation, for a ) NOTICE OF CONDEMNATION  
Project Located in Pottawattamie County, )  
Iowa, Known as: )  
LATERAL 5 DRAINAGE IMPROVEMENT PROJECT

FORM 5A

To: MID-AMERICAN ENERGY (FORMERLY KNOWN AS MIDWEST POWER SYSTEMS INC., IOWA POWER INC., AND IOWA POWER AND LIGHT CO.)

Owners of record;

And to: MIKE MARROUD, AT ABATEMAN SERVICES (FORMERLY KNOWN AS ALL TEMPERATURE INSULATION)  
MORGAN GUARANTY TRUST CO. OF NEW YORK, TRUSTEE  
HARRIS TRUST & SAVINGS BANK, MORTGAGE HOLDER

other interested persons;  
and to all other persons, companies or corporations having any interest in or owning any of the following described real property:

A TRACT BEING PART OF THE NW 1/4 SW 1/4 NE 1/4 SW 1/4 SW 1/4 SW 1/4 SE 1/4 SW 1/4 OF SECTION 18, T74 R43W, POTTAWATTAMIE COUNTY IOWA MORE PARTICULARLY DESCRIBED ON EXHIBIT A (5 PAGES) ATTACHED.

You and each of you are hereby notified that the City of Council Bluffs, Iowa desires to acquire certain rights in land, more specifically described as follows and as shown with reference to their location upon the lands affected on the plat Exhibit A attached hereto:

1. Fee simple title, for purposes of establishing a permanent right-of-way and for purposes of constructing and maintaining street AND DRAINAGE AND OTHER public improvements, to the property shown on Exhibit "A" attached, and including any and all improvements, including fences and advertising devices, if any, located upon said property, which property is described as follows:

ATTACHED AS EXHIBIT A - 5 PAGES

2. A temporary construction easement, for the specific purpose of ingress and egress for the construction, installation and emplacement of public improvements upon the public right-of-way adjacent to and abutting the right-of-way property, which property is shown on Exhibit "B" attached and which is described as follows:

AN ADDITIONAL 40 FOOT STRIP ABUTTING THE PERMANENT ACQUISITION DESCRIBED AND AS DEPICTED IN EXHIBIT A ATTACHED

The area sought to be appropriated for temporary easement is reserved to the condemnees until the date said area is actually required for construction of adjacent street improvements. Said temporary easement shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of the adjacent public improvements.

That the appropriation of the said interests in said property is sought by condemnation proceedings by the City of Council Bluffs, Iowa, for a street or public improvement project, to-wit, LATERAL 5 DRAINAGE IMPROVEMENT PROJECT. Said project, and the condemnation of

36-20611

Continued

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property pursuant thereto, is being conducted by the City of Council Bluffs under and by virtue of Chapters 364, 6A and 6B of the Code of Iowa.

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 as by law provided.

You are further notified that said commissioners will on the 22<sup>nd</sup> day of February 1996, at 9:30 o'clock A.m. view said property and proceed to appraise said damages, at which time you may appear before said commissioners if you care to do so. After viewing said property, the commission will meet in the Sheriff's Office, Pottawattamie County Courthouse, Council Bluffs, Iowa. The commission will thereafter meet at 10:00 a.m. on said date in the Pottawattamie County Board of Supervisors Chambers to hear testimony and determine the award.

THE CITY OF COUNCIL BLUFFS, IOWA,  
a Municipal Corporation

By: Robert L. B...  
Assistant City Attorney

SG-21912

CUMMINGS

13

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice is hereby accepted and receipt of a copy thereof acknowledged, and I hereby waive time of service and/or any publication of such notice in a newspaper.

Signed at \_\_\_\_\_, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

STATE OF IOWA )  
COUNTY OF ) SS.  
POTTAWATTAMIE )

Received the within notice the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, and I hereby certify that I have served the same on the persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite their respective names:

Name	Month/Day/Year	Township/City/Town	County	State

Fees:  
 Service ..... \$ \_\_\_\_\_  
 Mileage ..... \$ \_\_\_\_\_ Sheriff of Pottawattamie County, Iowa  
 Total ..... \$ \_\_\_\_\_ By \_\_\_\_\_  
 Deputy

96-20813



# ACQUISITION PLAT

PARCEL NO. 2

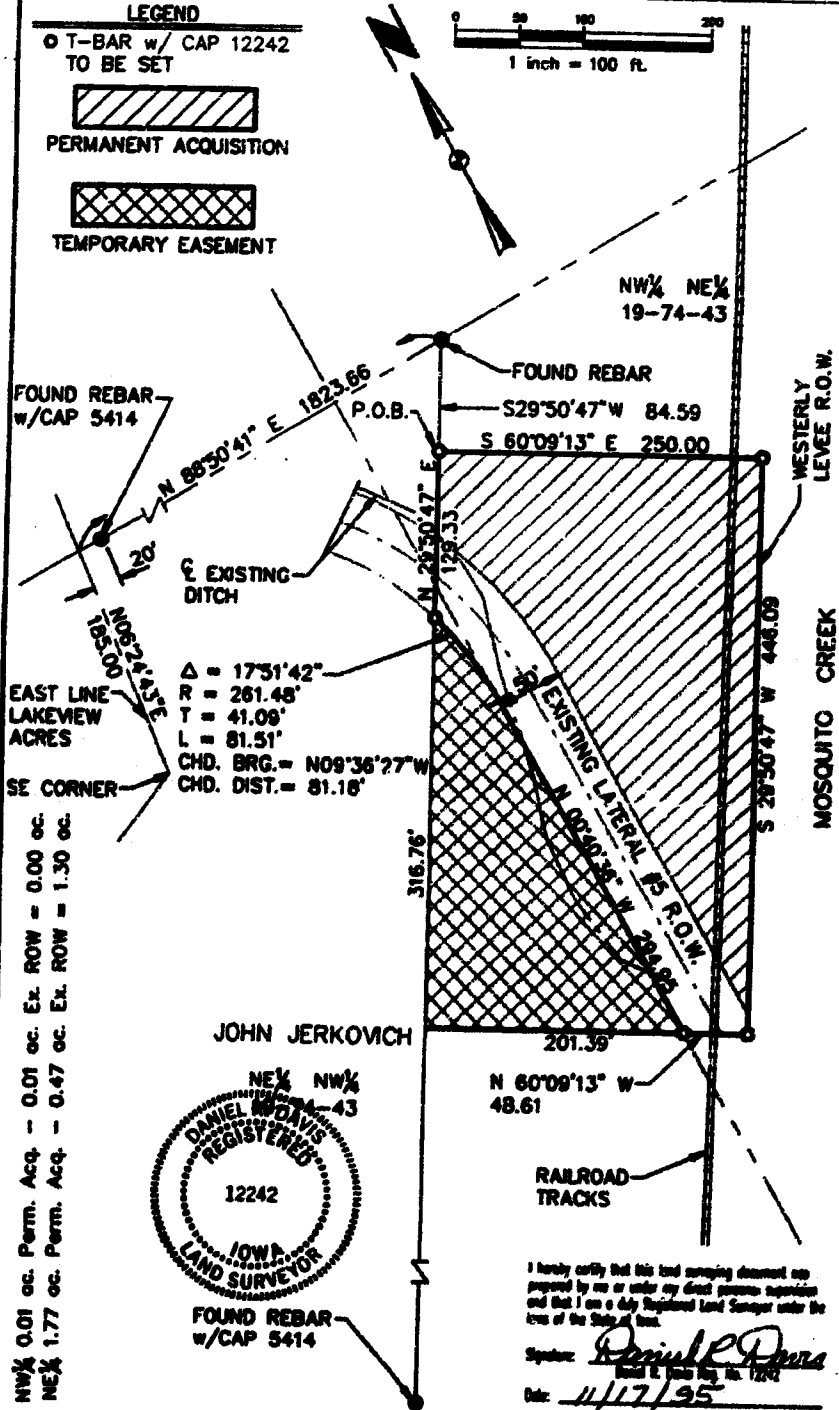
ACQUIRED FROM IOWA POWER & LIGHT (MID-AMERICAN ENERGY)

### LEGEND

○ T-BAR w/ CAP 12242 TO BE SET

 PERMANENT ACQUISITION

 TEMPORARY EASEMENT



FOUND REBAR w/CAP 5414

NW¼ NE¼ 19-74-43

FOUND REBAR  
S 29°50'47" W 84.59  
S 60°09'13" E 250.00

EXISTING DITCH

EAST LINE LAKEVIEW ACRES

Δ = 17°51'42"  
R = 261.48'  
T = 41.09'  
L = 81.51'  
CHD. BRG. = N09°36'27" W  
CHD. DIST. = 81.18'

SE CORNER

NE¼ NW¼ 0.01 ac. Perm. Acq. - 0.01 ac. Ex. ROW = 0.00 ac.  
NW¼ NE¼ 1.77 ac. Perm. Acq. - 0.47 ac. Ex. ROW = 1.30 ac.

JOHN JERKOVICH



FOUND REBAR w/CAP 5414

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.  
Signature: *Daniel M. Davis*  
Date: 11/17/95  
My registration expired date is December 31, 1995.

FROM E. STA. \_\_\_\_\_ TO E. STA. \_\_\_\_\_  
SECTION 19 TWP 74N RANGE 43W BORROW \_\_\_\_\_ ACRES \_\_\_\_\_ CONSIDERATION \$ \_\_\_\_\_ CONTRACT DATED \_\_\_\_\_  
CIVIL TWP \_\_\_\_\_ ACQUIRED BY \_\_\_\_\_

POTTAWATTAMIE COUNTY

PROJECT NO. 15075

96-20814

DATE DRAWN NOV. 1995 DRAWN BY GVS



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PARCEL NO. 2  
IOWA POWER & LIGHT (MID-AMERICAN ENERGY)

LEGAL DESCRIPTION: (PERMANENT ACQUISITION)

A PARCEL OF LAND BEING PART OF THE NE1/4 NW1/4, AND NW1/4 NE1/4, OF SECTION 19, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, AS SHOWN ON THE ACQUISITION PLAT ATTACHED HERETO AND BY REFERENCE MADE A PART THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LAKEVIEW ACRES; THENCE N06°24'43"E, 185.00 FEET ALONG THE EAST LINE OF SAID LAKEVIEW ACRES TO THE NORTH LINE OF THE NW1/4 OF SAID SECTION 19; THENCE N88°50'41"E, 1823.66 FEET ALONG SAID NORTH LINE; THENCE S29°50'47"W, 84.59 FEET TO THE POINT OF BEGINNING; THENCE S60°09'13"E, 250.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF MOSQUITO CREEK; THENCE S29°50'47"W, 446.09 FEET ALONG SAID RIGHT-OF-WAY; THENCE N60°09'13"W, 48.61 FEET TO THE WESTERLY LINE OF EXISTING LATERAL #5 RIGHT-OF-WAY; THENCE N00°40'36"W, 294.95 FEET ALONG SAID WESTERLY LINE TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 261.48 FEET AND A CENTRAL ANGLE OF 17°51'42"; THENCE ALONG SAID CURVE AND RIGHT-OF-WAY A DISTANCE OF 81.51 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N09°36'27"W, 81.18 FEET; THENCE N29°50'47"E, 129.33 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.78 ACRES INCLUSIVE OF 0.48 ACRES OF PRESENT ESTABLISHED LATERAL #5 RIGHT-OF-WAY.

NOTE: THE EAST LINE OF LAKEVIEW ACRES IS ASSUMED TO BEAR N06°24'43"E FOR THIS DESCRIPTION.

COMPARED

16

In the Matter of Condemnation of Certain )  
Property by the City of Council Bluffs, )  
Iowa, a Municipal Corporation, for a ) NOTICE OF CONDEMNATION  
Project Located in Pottawattamie County, )  
Iowa, Known as: )  
LATERAL 5 DRAINAGE IMPROVEMENT PROJECT

FORM 5A

To: HARRY A. ANDERSON, ETHEL P. ANDERSON, HARRY A. ANDERSON TRUST  
Owners of record;

And to: PEOPLES NATURAL GAS CO.  
NATIONAL COOPERATIVE REFINERY ASSOCIATION  
other interested persons;  
and to all other persons, companies or corporations having any interest in or owning any of  
the following described real property:

A TRACT BEING PART OF THE NW 1/4 SW 1/4, NE 1/4 SW 1/4, SW 1/4 SW 1/4 AND  
SE 1/4 SW 1/4 OF SECTION 18, T74 R43W, POTTAWATTAMIE COUNTY IOWA  
MORE PARTICULARLY DESCRIBED ON EXHIBIT A (5 PAGES) ATTACHED.

You and each of you are hereby notified that the City of Council Bluffs, Iowa desires  
to acquire certain rights in land, more specifically described as follows and as shown with  
reference to their location upon the lands affected on the plat Exhibit A attached hereto:

1. Fee simple title, for purposes of establishing a permanent right-of-way and for  
purposes of constructing and maintaining street AND DRAINAGE AND OTHER public improvements,  
to the property shown on Exhibit "A" attached, and including any and all improvements,  
including fences and advertising devices, if any, located upon said property, which property  
is described as follows:

ATTACHED AS EXHIBIT A - 5 PAGES

2. A temporary construction easement, for the specific purpose of ingress and egress  
for the construction, installation and emplacement of public improvements upon the public  
right-of-way adjacent to and abutting the right-of-way property, which property is shown on  
Exhibit "B" attached and which is described as follows:

AN ADDITIONAL 40 FOOT STRIP ABUTTING THE PERMANENT ACQUISITION  
DESCRIBED AND AS DEPICTED IN EXHIBIT A ATTACHED

The area sought to be appropriated for temporary easement is reserved to the condemnees until  
the date said area is actually required for construction of adjacent street improvements.  
Said temporary easement shall terminate immediately upon completion of the operations for  
which said right is sought and in no event later than the completion of the adjacent public  
improvements.

That the appropriation of the said interests in said property is sought by condemnation  
proceedings by the City of Council Bluffs, Iowa, for a street or public improvement project,  
to-wit, LATERAL 5 DRAINAGE IMPROVEMENT PROJECT. Said project, and the condemnation of  
property pursuant thereto, is being conducted by the City of Council Bluffs under and by  
virtue of Chapters 364, 6A and 6B of the Code of Iowa.

SS-20916

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 as by law provided.

You are further notified that said commissioners will on the 22<sup>d</sup> day of FEBRUARY 1948, at 9:30 o'clock A.M. view said property and proceed to appraise said damages, at which time you may appear before said commissioners if you care to do so. After viewing said property, the commission will meet in the Sheriff's Office, Pottawattamie County Courthouse, Council Bluffs, Iowa. The commission will thereafter meet at 10:00 a.m. on said date in the Pottawattamie County Board of Supervisors Chambers to hear testimony and determine the award.

THE CITY OF COUNCIL BLUFFS, IOWA,  
a Municipal Corporation

By:

Robert L. B. [Signature]  
Assistant City Attorney

96-20517

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice is hereby accepted and receipt of a copy thereof acknowledged, and I hereby waive time of service and/or any publication of such notice in a newspaper.

Signed at \_\_\_\_\_, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

STATE OF IOWA )  
COUNTY OF ) SS.  
POTTAWATTAMIE )

Received the within notice the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, and I hereby certify that I have served the same on the persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite their respective names:

Name	Month/Day/Year	Township/City/Town	County	State

Fees:  
 Service ..... \$ \_\_\_\_\_  
 Mileage ..... \$ \_\_\_\_\_ Sheriff of Pottawattamie County, Iowa  
 Total ..... \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

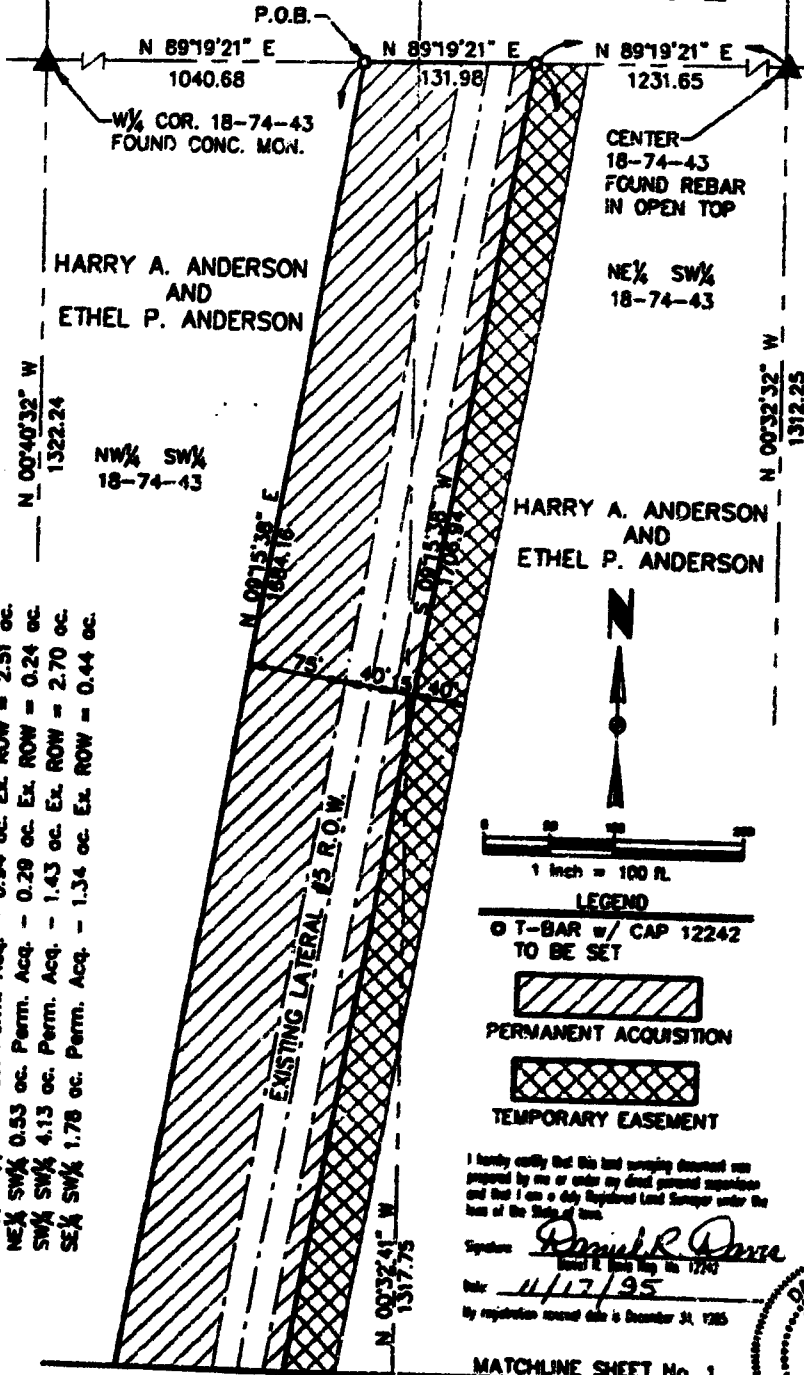
# ACQUISITION PLAT

PARCEL NO. 1  
SHEET No. 1 of 4

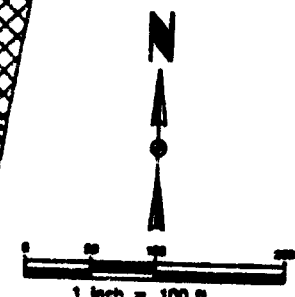
ACQUIRED FROM HARRY A. ANDERSON AND  
ETHEL P. ANDERSON

PHYLLIS M. BARNES  
1995 REVOCABLE TRUST

CLIFFORD EUGENE LITTLE  
AND SHIRLEY A. LITTLE

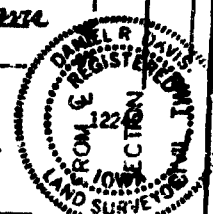


NW/4 SW/4 3.45 ac. Perm. Acq. - 0.94 ac. Ex. ROW = 2.51 ac.  
 NE/4 SW/4 0.53 ac. Perm. Acq. - 0.29 ac. Ex. ROW = 0.24 ac.  
 SW/4 SW/4 4.13 ac. Perm. Acq. - 1.43 ac. Ex. ROW = 2.70 ac.  
 SE/4 SW/4 1.78 ac. Perm. Acq. - 1.34 ac. Ex. ROW = 0.44 ac.



**LEGEND**  
 ○ T-BAR w/ CAP 12242 TO BE SET  
 [Hatched Box] PERMANENT ACQUISITION  
 [Cross-hatched Box] TEMPORARY EASEMENT

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.  
 Signature: *Daniel R. Davis*  
 Date: 11/17/95  
 My registration renewal date is December 31, 1995



MATCHLINE SHEET No. 1  
SHEET No. 2

POTTAWATTAMIE COUNTY

PROJECT NO. 15075

R.O.W. 9.89 ac. Permanent Acquisition - 4.00 ac. Existing R.O.W. = 5.89 ac.  
 R.O.W. 3.71 ac. Temporary Easement  
 BORROW \_\_\_\_\_ ACRES CONSIDERATION \$ \_\_\_\_\_ CONTRACT DATED \_\_\_\_\_  
 RANGE 43W TWP 18S TO & STA. 74N

96-21819

DATE DRAWN NOV. 1995 DRAWN BY GVS

# ACQUISITION PLA

ACQUIRED FROM HARRY A. ANDERSON AND  
ETHEL P. ANDERSON

MATCHLINE SHEET No. 1  
SHEET No. 2

NW $\frac{1}{4}$  SW $\frac{1}{4}$   
18-74-43

SW $\frac{1}{4}$  SW $\frac{1}{4}$  -  
18-74-43

$\Delta = 09^{\circ}32'48''$   
R = 630.00'  
T = 54.45'  
L = 108.64'  
CHD. BRG. = N04 $^{\circ}$ 19'14"E  
CHD. DIST. = 108.50'

N 00 $^{\circ}$ 37'10" W  
278.41'

N 09 $^{\circ}$ 15'38" E  
168.76'

S 78 $^{\circ}$ 15'38" W  
177.78' (D.A.)

EXISTING LATERAL E.S. R.O.W.

MATCHLINE SHEET No. 2  
SHEET No. 3

POTTAWATTAME COUNTY

96-20820



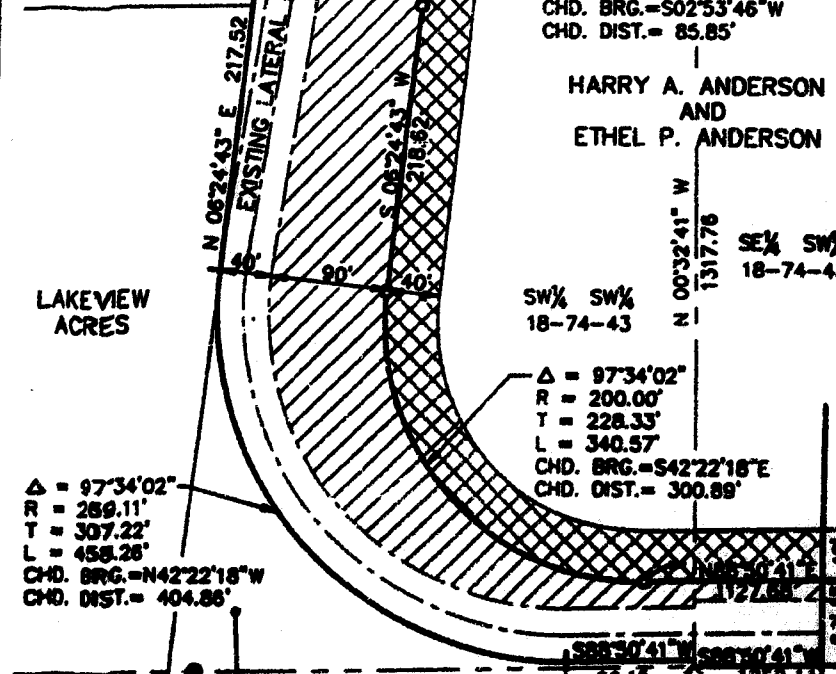
# ACQUISITION PLAT

PARCEL NO. 1  
SHEET No. 3 of 4

ACQUIRED FROM HARRY A. ANDERSON AND  
ETHEL P. ANDERSON

$\Delta = 07^{\circ}01'53''$   
 $R = 570.00'$   
 $T = 35.02'$   
 $L = 69.95'$   
 CHD. BRG. =  $N02^{\circ}53'46''E$   
 CHD. DIST. = 69.91'

$\Delta = 07^{\circ}01'53''$   
 $R = 700.00'$   
 $T = 43.01'$   
 $L = 85.91'$   
 CHD. BRG. =  $S02^{\circ}53'46''W$   
 CHD. DIST. = 85.85'



$\Delta = 97^{\circ}34'02''$   
 $R = 289.11'$   
 $T = 307.22'$   
 $L = 458.28'$   
 CHD. BRG. =  $N42^{\circ}22'18''W$   
 CHD. DIST. = 404.86'

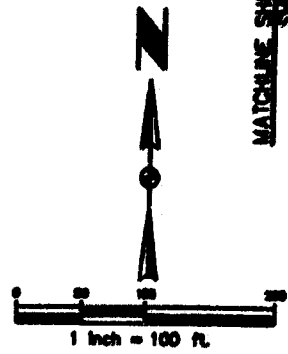
$\Delta = 97^{\circ}34'02''$   
 $R = 200.00'$   
 $T = 228.33'$   
 $L = 340.57'$   
 CHD. BRG. =  $S42^{\circ}22'18''E$   
 CHD. DIST. = 300.89'

FOUND REBAR  
w/CAP 5414

$N00^{\circ}32'41''W$   
 5.00  
 JOHN JERKOVICH

GORDON A. GILL AND  
WILMA J. GILL

- LEGEND**
- T-BAR w/ CAP 12242 TO BE SET
  - ▨ PERMANENT ACQUISITION
  - ▩ TEMPORARY EASEMENT



POTTAWATTAME COUNTY PROJECT NO. 15075

96-20821 DATE DRAWN NOV. 1995 DRAWN BY GVS

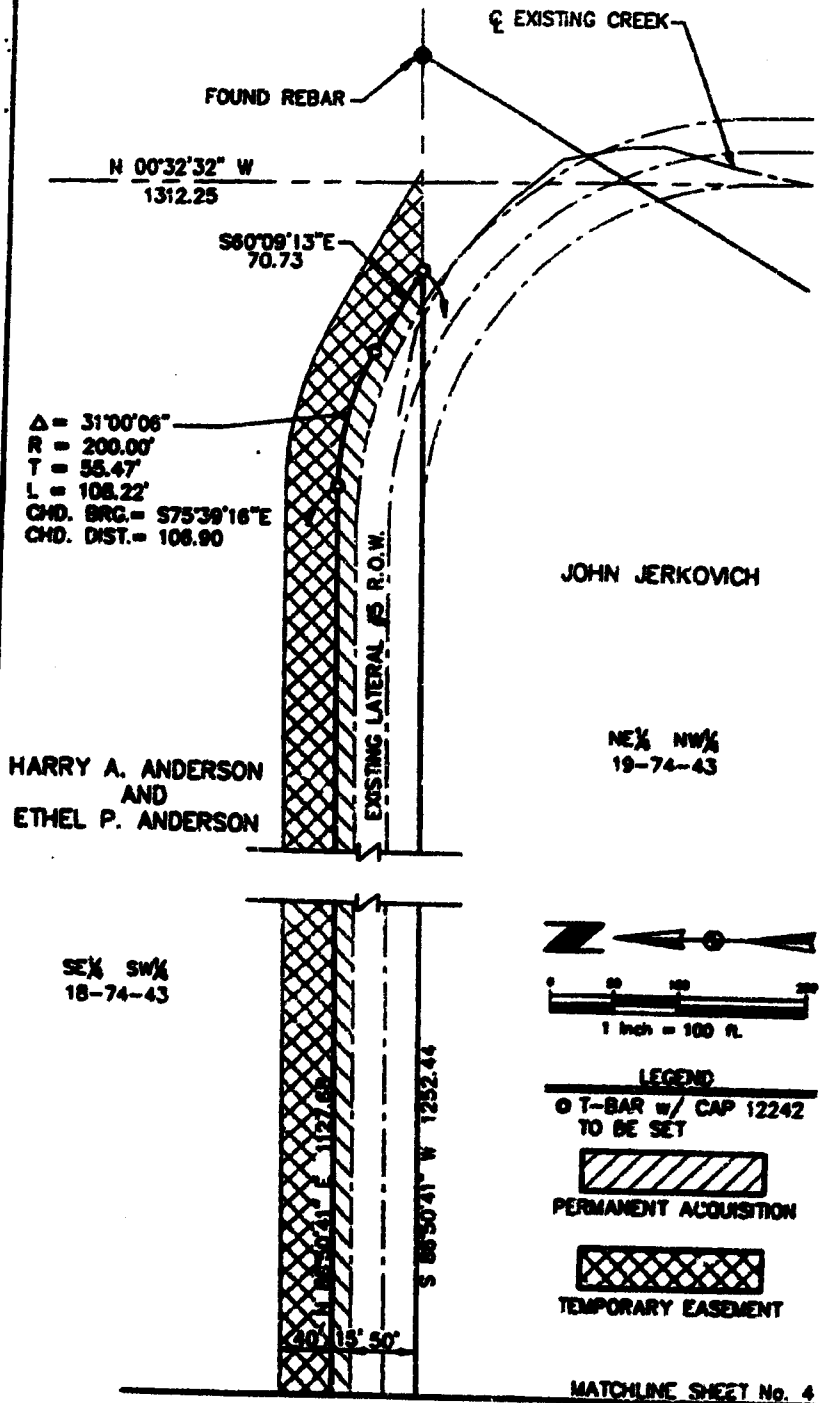
MATCHLINE SHEET No. 2  
 MATCHLINE SHEET No. 3  
 R.O.W. 8.89 ac. Permanent Acquisition - 4.00 ac. Existing R.O.W. = 5.89 ac.  
 R.O.W. 3.71 ac. Temporary Easement  
 FROM & STA. \_\_\_\_\_ TO & STA. \_\_\_\_\_  
 SECTION 18 TWP 74N RANGE 43W BORROW ACRES CONSIDERATION \$ CONTRACT DATED \_\_\_\_\_  
 ACQUIRED BY \_\_\_\_\_

# ACQUISITION PLAT

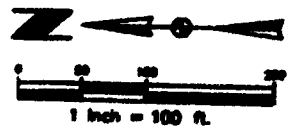
PARCEL NO. 1

SHEET No. 4 of 4

ACQUIRED FROM HARRY A. ANDERSON AND  
ETHEL P. ANDERSON



R.O.W. 9.89 ac. Permanent Acquisition - 4.00 ac. Existing R.O.W. = 5.89 ac.  
R.O.W. 3.71 ac. Temporary Easement  
BORROW \_\_\_\_\_ ACRES CONSIDERATION \$ \_\_\_\_\_ CONTRACT DATED \_\_\_\_\_  
FROM  $\phi$  STA. \_\_\_\_\_ TO  $\phi$  STA. \_\_\_\_\_ RANGE 43W  
SECTION 18 TWP \_\_\_\_\_ ACQUIRED BY \_\_\_\_\_  
CIVIL TWP. \_\_\_\_\_



- LEGEND**
- $\phi$  T-BAR w/ CAP 12242 TO BE SET
  - PERMANENT ACQUISITION
  - TEMPORARY EASEMENT

MATCHLINE SHEET No. 4  
SHEET No. 3

POTTAWATTAMIE COUNTY

PROJECT NO. 15075

96-20822

DATE DRAWN NOV. 1995 DRAWN BY GVS

PARCEL NO. 1  
HARRY A. ANDERSON AND ETHEL P. ANDERSON

LEGAL DESCRIPTION: (PERMANENT ACQUISITION)

A PARCEL OF LAND BEING PART OF THE NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 SW1/4, SE1/4 SW1/4 OF SECTION 18, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, AS SHOWN ON THE ACQUISITION PLAT ATTACHED HERETO AND BY REFERENCE MADE A PART THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE W1/4 CORNER OF SAID SECTION 18; THENCE N89°19'21"E, 1040.68 FEET ALONG THE NORTH LINE OF THE SW1/4 OF SAID SECTION 18 TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE N89°19'21"E, 131.98 FEET; THENCE S09°15'38"W, 1706.94 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 500.00 FEET AND A CENTRAL ANGLE OF 9°52'48"; THENCE ALONG SAID CURVE A DISTANCE OF 86.22 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S04°19'14"W, 86.11 FEET; THENCE S00°37'10"E, 276.41 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 700.00 FEET AND A CENTRAL ANGLE OF 7°01'53"; THENCE ALONG SAID CURVE A DISTANCE OF 85.91 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S02°53'46"W, 85.85 FEET; THENCE S06°24'43"W, 218.62 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 209.00 FEET AND A CENTRAL ANGLE OF 97°34'02"; THENCE ALONG SAID CURVE A DISTANCE OF 340.57 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S42°22'18"E, 300.89 FEET; THENCE N88°50'41"E, 1127.68 FEET PARALLEL WITH AND 65 FEET PERPENDICULAR FROM THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 18 TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 31°00'06"; THENCE ALONG SAID CURVE A DISTANCE OF 108.22 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S75°39'16"E, 106.90 FEET; THENCE S60°09'13"E, 70.73 FEET TO THE SOUTH LINE OF SAID SW1/4 AND THE SOUTH LINE OF EXISTING LATERAL #5 RIGHT OF WAY; THENCE S88°50'41"W, 1252.44 FEET ALONG THE SOUTH LINE OF SAID SW1/4 AND SAID RIGHT-OF-WAY TO THE EAST LINE OF THE SW1/4 SW1/4 OF SAID SECTION 18; THENCE N00°32'41"W, 5.00 FEET ALONG SAID EAST LINE AND SAID RIGHT-OF-WAY; THENCE S88°50'41"W, 99.15 FEET ALONG SAID RIGHT-OF-WAY TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 269.11 FEET AND A CENTRAL ANGLE OF 97°34'02"; THENCE ALONG SAID CURVE AND SAID RIGHT-OF-WAY A DISTANCE OF 458.26 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N42°22'18"W, 404.86 FEET TO THE EAST LINE OF LAKEVIEW ACRES; THENCE N06°24'43"E, 217.52 FEET ALONG SAID EAST LINE EXTENDED TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 570.00 FEET AND A CENTRAL ANGLE OF 7°01'53"; THENCE ALONG SAID CURVE A DISTANCE OF 69.95 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N02°53'46"E, 69.91 FEET; THENCE N00°37'10"W, 276.41 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 630.00 FEET AND A CENTRAL ANGLE OF 9°52'48"; THENCE ALONG SAID CURVE A DISTANCE OF 108.64 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N04°19'14"E, 108.50 FEET; THENCE N09°15'38"E, 1684.16 FEET TO THE NORTH LINE OF THE SW1/4 OF SAID SECTION 18 AND THE POINT OF BEGINNING. SAID PARCEL CONTAINS 9.89 ACRES INCLUSIVE OF 4.00 ACRES OF PRESENT ESTABLISHED LATERAL #5 RIGHT-OF-WAY

NOTE THE NORTH LINE OF THE SW1/4 OF SECTION 18, TOWNSHIP 74 NORTH, RANGE 43 WEST IS ASSUMED TO BEAR N89°19'21"E FOR THIS DESCRIPTION.