

**NOTICE OF HEARING ON REPORT OF APPRAISERS  
TO ACQUIRE AND/OR MODIFY RIGHT OF WAY**

**DRAINAGE DISTRICT NO. ED 3 BRANCH 61  
LOCATED IN EMMET & DICKINSON COUNTY, IOWA**

**TO:**

Bartheld Associates LP

K&S Malecha Investments

Owners owning land described below which are the subject matter of this right of way acquisition and recommendation of adjustments to right of way and lienholders of record and actual occupants of the land from which such right of way is to be acquired or adjusted as described below. (Here list the actual Report of Appraisers in total.)

**YOU AND EACH OF YOU ARE HEREBY NOTIFIED** that the Board of Supervisors of Dickinson County, Iowa, acting in behalf of Drainage District No. ED 3, located in Emmet and Dickinson County Iowa, has determined that additional right of way is required for the purpose of repairs and improvements to the drainage facilities in this drainage district. The Auditor of Dickinson County has appointed the right of way damage appraisers as provided in Section 468.24 of the Code of Iowa to appraise the damages for said right of way to be taken. That the Report of Appraisers is on file in the office of the county auditor of Dickinson County at the courthouse in Spirit Lake, Iowa, and recommends that the additional right of way be acquired as reflected by the positive figures reflected in said report and that the right of way be adjusted to reduce the right of way for those tracts reflected by the negative figures on said report.

**YOU ARE FURTHER NOTIFIED** that the Board of Supervisors of Dickinson County, Iowa, acting in behalf of Drainage District No. ED 3 has set and fixed the time for hearing on this acquisition of right of way and adjustment to the right of way schedule for 10:30 AM on the 9th day of March 2021 at the **Courthouse in Spirit Lake, Iowa.**

**YOU ARE FURTHER NOTIFIED** that right of way is proposed to be acquired for drainage purposes as required under Chapter 468 of the Code of Iowa for drainage districts.

**YOU ARE FURTHER NOTIFIED** that all objections to the report of the damage appraisers as above described and the acquisition of said right of way by said drainage district and the adjustments to the right of way schedule must be in writing and filed with the county auditor of Dickinson County at the courthouse in Spirit Lake, Iowa, at or before the time set for hearing.

**YOU ARE FURTHER NOTIFIED** that if you fail to object, the Board of Supervisors will make a final decision as to the acquisition of said right of way by said drainage district and the adjustments of the right of way schedule and other matters before

the Board and as a consequence of your failure to object, you lose your right to appeal any final decision within twenty (20) days to the Iowa District Court.

At the time fixed for hearing the Board of Supervisors shall examine said report, and may hear evidence therein, both for and against each claim for damages and compensation, and shall determine the amount of damages and compensation due each claimant and may affirm, increase, or diminish this amount awarded by the appraisers. At the time fixed for hearing the Board of Supervisors shall also consider the adjustments to the right of way schedule resulting from the acquisition of right of way and may affirm, increase, or diminish the proposed revised schedule of damages for right of way.

For further particulars you are referred to the Report of Damage Appraisers which is on file with the county auditor at the courthouse in Dickinson County, Iowa.

**THIS NOTICE IS PUBLISHED AND MAILED** as provided by law at the direction of the Board of Supervisors of Dickinson County, Iowa, acting in behalf of Drainage District No. ED 3.

Lori Pedersen, Dickinson County Auditor