I further designate, select, and appoint, the above named William Francois to act as Chairman of said commission.

TO THE SHERIFF OF DELAWARE COUNTY, IOWA: Attached hereto please find a duplicate of the Application for Condemnation in the above-entitled matter.

Dated at Waterloo, Iowa, this 15th day of November, 1989.

R J Peterson
CHIEF JUDGE OF THE FIRST JUDICIAL DISTRICT, INCLUDING DELAWARE COUNTY, IOWA

Filed in my office Manchester, Iowa, this 17 day of November, 1989.

Ronald W Nichols
Sheriff of Delaware County, Iowa

#33

RECEIVED
SHERIFF'S OFFICE
DELAWARE COUNTY, IA
DATE 11/17/89 TIME 11:30 am

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND LOCATED IN DELAWARE COUNTY, IOWA, BY THE CITY OF MANCHESTER, IOWA.

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

* *

TO: ROGER F. PETERSON, Chief Judge of the First Judicial District, including, Delaware County, Iowa.

COMES NOW the City of Manchester, Iowa, and states that the public interest requires that certain rights be acquired in land hereinafter described, by condemnation proceedings, as authorized and provided by law, and in support thereof, states as follows:

1. That the legal description of the property affected is as follows:

> The North twenty (20) feet of that part of the East one-half (E 1/2) of the North thirty-four (34) acres of the West forty-two (42) acres of the East fractional one-half (E fr. 1/2) of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty Eight (88) North, Range Five (5) West of the Fifth. P.M., which lies North of the North line of Primary Road No. U.S. 520, as established by Warranty Deed recorded in Book, 91, L.D., Page 300. The East 217 feet of the North twenty (20) feet of that part of the West One-half (W 1/2) of the North Thirty-four (N 34) acres of the West forty-two (W 42) acres of the East fractional One-half (E fr. 1/2) of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty-eight (88) North, Range Five (5), West of the 5th Principal Meridian that lies North of the North line of Primary Road No. U.S. 520 as established by Warranty Deed recorded in Book 91 L.D., Page 191.
> Said parcels containing a total of 0.30 acres,

including 0.20 acres in said East half (E 1/2) and 0.10 acres in said West half (W 1/2).

2. That attached hereto and by this reference made a part hereof is a plat and legal description showing the location of the property sought to be condemned with reference to the description set forth in Paragraph One of this Application.

3. That the names and place of residence of the record owners of the land sought to be condemned is: John H. Wacker, 929 North Franklin, Manchester, Iowa 52057.

4. That the purpose for which such condemnation is sought is for street right-of-way.

5. That the land sought to be appropriated is not located within an agricultural area as provided in Chapter 176B, Code of Iowa.

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

NOW, THEREFORE, the City of Manchester, Iowa, hereby requests the appointment of a compensation commission of six (6) persons qualified as prescribed in Section 472.4, 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, lienholder, 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 of Delaware County, Iowa, as

provided by law.

Dated at Independence, Iowa, this 27th day of October, 1989.

CITY OF MANCHESTER, IOWA

BY: Steven K. Ristvedt
Steven K. Ristvedt
City Attorney
112 First Street, East
P. O. Box 150
Independence, IA 50644

Filed in duplicate in my office at Waterloo, Iowa, this 15 day of November, 1989,

R F Peterson
CHIEF JUDGE OF THE FIRST JUDICIAL DISTRICT INCLUDING DELAWARE COUNTY, IOWA

In accordance with Chapter 472, Code of Iowa, the undersigned does hereby certify that this original Application for Condemnation has been approved by Roger F. Peterson, Chief Judge, First Judicial District of Iowa.

Steven K. Ristvedt
Steven K. Ristvedt, City Attorney
for the City of Manchester, Iowa

PROPERTY DESCRIPTION

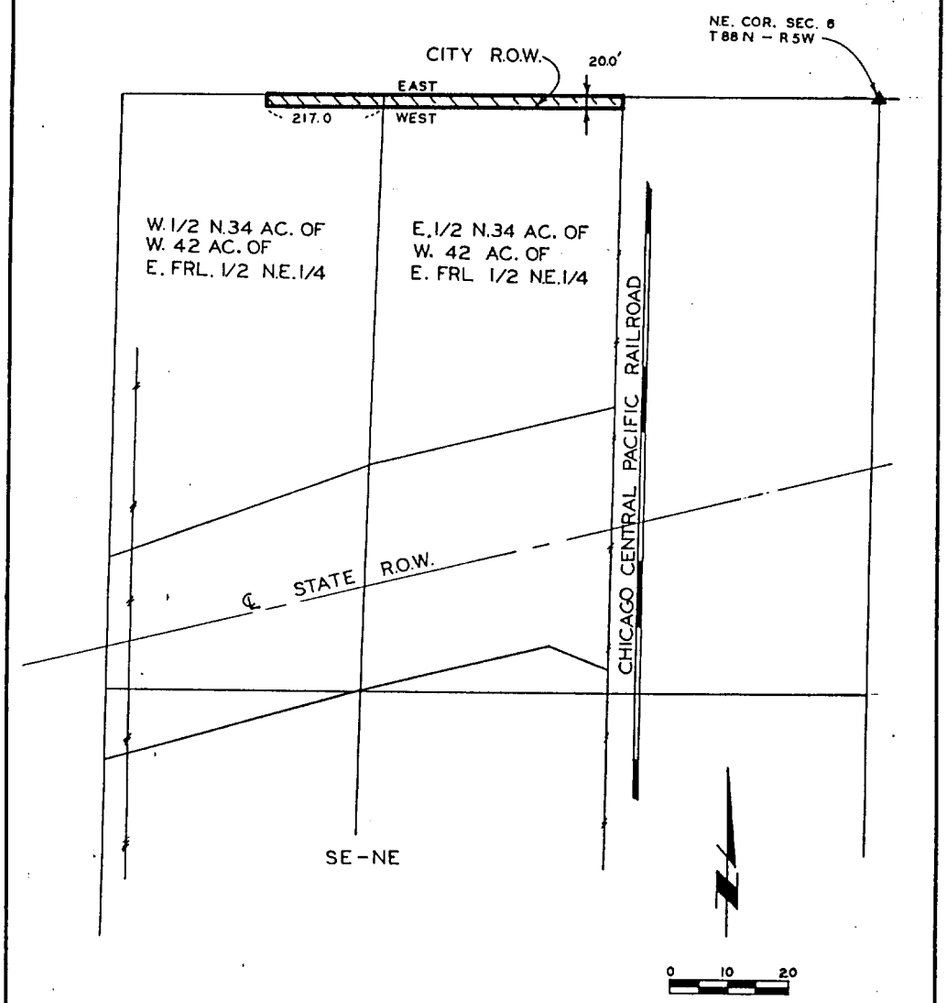
RIGHT OF WAY TO BE OBTAINED
FROM JOHN H. WACKER

The North Twnety (20) feet of that part of the East one-half (E 1/2) of the North thirty-four (34) acres of the West forty-two (42) acres of the East fractional one-half (E fr. 1/2) of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty Eight (88) North, Range Five (5) West of the Fifth P.M., which lies North of the North line of Primary Road No. U.S. 520, as established by Warranty Deed recorded in Book 91, L.D., Page 300.

The East 217 feet of the North twenty (20) feet of that part of the West One-half (W 1/2) of the North Thirty-four (N 34) Acres of the West Forty-two (W 42) Acres of the East fractional One-half (E fr. 1/2) of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty-eight (88) North, Range Five (5), West of the 5th Principal Meridian that lies North of the North line of Primary Road No. U.S. 520 as established by Warranty Deed recorded in Book 91 L.D., Page 191.

Said parcels containing a total of 0.30 acres, including 0.20 acres in said East half (E 1/2) and 0.10 acres in said West half (W 1/2).

EXHIBIT A
RIGHT OF WAY
CITY OF MANCHESTER, IOWA
PART OF THE E 1/2 AND PART OF THE W 1/2 OF THE N 34 ACRES OF THE WEST 42 ACRES OF THE EAST FRACT. 1/2 OF THE NE 1/4, SECTION 6, T88N, R5W, OF THE FIFTH P.M.



In the Matter of the Condemnation
of Real Estate for project designated
as: No. 33 (Wacker)

By: City of Manchester, Iowa

State of Iowa)
Delaware County)

OATH OF COMMISSIONERS

(See attached legal
description property)

The undersigned, having been first duly sworn, each severally states that he or she is a resident of Delaware County, Iowa, and is a person possessing the required qualifications; that he or she is not interested in the matter of the Condemnation by the Condemnor, and of the matters having been described in the Application for Condemnation, or in any like question or matter; that he or she will, to the best of their ability, faithfully and impartially assess the damages for the condemnation of said property and/or easements thereof; and will make written reports to the Sheriff of Delaware County, Iowa. This oath is taken pursuant to the provisions of Section 472.7, 1966 Code of Iowa.

1. Jerry Burke (Jerry Burke)
2. LeRoy Schnieders (LeRoy Schnieders)
3. James Cramer (James Cramer)
4. Francis Carroll (Francis Carroll)
5. Lester Justice (Lester Justice)
6. Leland Klaus (Leland Klaus) Chrmn.

State of Iowa)
Delaware County, Iowa)

The above is subscribed to and sworn to before me, the above named and signed persons, this 17th day of January, 1990.

R.W. Nieman, Clerk of Court
Delaware County, Iowa

RONALD WILHELM, SHERIFF
DELAWARE COUNTY, IOWA

TARI TRAPP, DEPUTY
DELAWARE COUNTY, IOWA

State of Iowa)
Delaware County, Iowa)

I hereby certify that I have this 17th day of January, 1990, read aloud the written instructions for members of the Compensation Commission, submitted to me for this purpose by the Chief Justice of the Iowa Supreme Court. (Senate File 1171 - 63rd GA 2nd Session).

Ronald Wilhelm, Sheriff
Delaware County, Iowa

By: Tari Trapp
Tari Trapp, Deputy

PROPERTY DESCRIPTION

RIGHT OF WAY TO BE OBTAINED
FROM JOHN H. WACKER

The North Twnety (20) feet of that part of the East one-half (E 1/2) of the North thirty-four (34) acres of the West forty-two (42) acres of the East fractional one-half (E fr. 1/2) of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty Eight (88) North, Range Five (5) West of the Fifth P.M., which lies North of the North line of Primary Road No. U.S. 520, as established by Warranty Deed recorded in Book 91, L.D., Page 300.

The East 217 feet of the North twenty (20) feet of that part of the West One-half (W 1/2) of the North Thirty-four (N 34) Acres of the West Forty-two (W 42) Acres of the East fractional One-half (E fr. 1/2) of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty-eight (88) North, Range Five (5), West of the 5th Principal Meridian that lies North of the North line of Primary Road No. U.S. 520 as established by Warranty Deed recorded in Book 91 L.D., Page 191.

Said parcels containing a total of 0.30 acres, including 0.20 acres in said East half (E 1/2) and 0.10 acres in said West half (W 1/2).

IN THE MATTER OF THE CONDEMNATION OF)
CERTAIN RIGHTS IN LAND LOCATED IN)
DELAWARE COUNTY, IOWA, BY THE CITY) REPORT OF COMPENSATION
OF MANCHESTER, IOWA) COMMISSION

Located in Delaware County, Iowa

Project No. 33 (Wacker)

To: Ronald Wilhelm, Sheriff of Delaware County, Iowa

We the undersigned, being the 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 Application 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:

PROJECT NAME	LAND & IMPROVEMENTS	CONSEQUENTIAL DAMAGES	TOTAL AWARD	CONDEMNEES' ATTY. FEES AND COSTS
33 (Wacker)	$ 837.00	$	$ 837.00	$

Respectfully reported at Manchester, Iowa, this 17 day of January, 1990

Leland Klaus - Chairman

Jerry Burke

James Cramer

LeRoy Schnieders

Lester Justice

Francis Carroll

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

Filed in my office at Manchester, Iowa, this 17th day of January, 1990.

Ronald Wilhelm, Sheriff
Delaware County, Iowa

IN THE MATTER OF THE CONDEMNATION)
OF CERTAIN RIGHTS IN LAND LOCATED)
IN DELAWARE COUNTY, IOWA, BY THE)
CITY OF MANCHESTER, IOWA.)

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

Located in Delaware County, Iowa

Project No. 33 (Wacker)

****

I, the undersigned, Sheriff of Delaware County, Iowa, hereby endorse and certify to the Report of Compensation Commission; appearing upon the opposite side hereof that I have mailed by ordinary mail on this 17th day of January, 1990, the attached Notices of Appraisement of Damages and Time For Appeal to each of the persons to which they are addressed.

You are further notified that pursuant to 472.18 of the Code of Iowa, you may within thirty (30) days from the mailing of this notice appeal to the district court as by law provided.

Ronald Wilhelm
Ronald Wilhelm, Sheriff
Delaware County, Iowa

STATE OF IOWA)

SS: AFFIDAVIT OF FINAL OFFER

COUNTY OF DELAWARE)

I, Steven K. Ristvedt, being first duly sworn on oath to depose and state that I am the City Attorney for the City of Manchester, Iowa; that as City Attorney I have represented the City of Manchester in the acquisition of a parcel of real estate from John H. Wacker for street right-of-way; that in the negotiations with John H. Wacker the final offer made by the City of Manchester for purchase of the property was in the total sum of Six Hundred Dollars and No Cents ($600.00). That this affidavit is made in compliance with Iowa Code Section 472.33.

Steven K. Ristvedt

Steven K. Ristvedt
Attorney
City of Manchester, Iowa

Subsecribed and sworn to before me by Steven K. Ristvedt this 17th day of January, 1990.

Pat Becker

Pat Becker, Notary Public
in and for Delaware County, Iowa

Iowa

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of DELAWARE County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. #33/Wacker, held on the 17th day of January, 1990, are as follows and that these claims are due, just and unpaid.

1 day service at $50.00 . . . . . $ 50.00

_____ miles at $.21 . . . . . $ no/.00

_____ meals . . . . . $ —

Signed this 17 day of January, 1990.

#51.00

Jerry Burke

COMMISSIONER Jerry Burke

1/30/90
2405

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of DELAWARE County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. #33/Wacker, held on the 17th day of January, 1990, are as follows and that these claims are due, just and unpaid.

1 day service at $50.00 . . . . . $ 50.00

— miles at $.21 . . . . . $ 1.00

1 meals . . . . . $ 4.03

Signed this 17th day of January, 1990.

55.03

COMMISSIONER Lester Justice

1/30/90
2404

GUEST CHECK

TABLE NO.	NO. PERSONS	CHECK NO.	SERVER NO.
E1		750487	

Special	2 99
Cuff	40
Tot	14
	3 53
Tip	50
	4 03

TAX

3816

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of DELAWARE County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. #33/Wacker, held on the 17th day of January, 1990, are as follows and that these claims are due, just and unpaid.

1 day service at $50.00 . . . . . $ 50.00

22 miles at $.21 . . . . . $ 4.62

1 meals . . . . . $ 4.03

Signed this 17 day of January, 1990.

$58.65

Francis Carroll
COMMISSIONER Francis Carroll

GUEST CHECK

TABLE NO.	NO. PERSONS	CHECK NO.	SERVER NO.
E1		750488	

Special	2	99
coffee		40
Fish		50
	3	89
	4	03
Francis Carroll		
TAX		

3610

1/30/90
2403

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of DELAWARE County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. #33/Wacker, held on the 17th day of January, 19 90, are as follows and that these claims are due, just and unpaid.

1 day service at $50.00 . . . . . $ 50.00

16 miles at $.21 . . . . . $ 3.36

1 meals . . . . . $ 4.02

Signed this 17 day of January, 19 90.

57.38

LeRoy Schnieders
COMMISSIONER LeRoy Schnieders

1/30/90
2402

GUEST CHECK

TABLE NO.	NO. PERSONS	CHECK NO.	SERVER NO.
E1		750490	

Special	2	49
8%		10
Tip		50
TAX		13
	4	02

3616

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of DELAWARE County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. #33/Wacker, held on the 17th day of January, 1990, are as follows and that these claims are due, just and unpaid.

1 day service at $50.00 . . . . . $ 50 00

_____ miles at $.21 . . . . . $ 1.00

1 meals . . . . . $ 4.03

Signed this 17 day of January, 1990.

455.03

COMMISSIONER James Cramer

GUEST CHECK

TABLE NO.	NO. PERSONS	CHECK NO.	SERVER NO.
E1		750489	

Special	2 99
Cof	40
Jug	50
Tot	3 53
Jas T Cramer	
TAX	4 03

3616

1/30/90
2401

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of DELAWARE County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. #33/Wacker, held on the 17th day of January, 1990, are as follows and that these claims are due, just and unpaid.

1 day service at $50.00 . . . . . $ 50.00

24 miles at $.21 . . . . . $ 5.04

1 meals . . . . . $ 4.08

Signed this 17 day of January, 1990.

$59.12

Leland Klaus

COMMISSIONER Leland Klaus/Chairman

1/30/90
2400

GUEST CHECK

TABLE NO.	NO. PERSONS	CHECK NO.	SERVER NO.
E1		750491	

Special	2	99
Coke		45
	3	58
Tip		50
	$4	08

TAX

Leland Klaus

3616

IN THE MATTER OF THE CONDEMNATION)
OF CERTAIN RIGHTS IN LAND LOCATED)
IN DELAWARE COUNTY, IOWA, BY THE)
CITY OF MANCHESTER, IOWA.)

SHERIFF'S CERTIFICATION
AS TO AWARDS AND COSTS

IN DELAWARE COUNTY, IOWA)
PROECT NO. 33 (Wacker))

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN BOOK 1, PAGE 155, OR INSTRUMENT NUMBER _____, AND DATED November 17, 1989.

TO: City of Manchester, Iowa

I certify that the Commissioners in the above entitled cause convened at Manchester, Iowa, on the 17 day of January, 1990, and thereupon proceeded to view the premises and said Commissioners did thereafter on the 17th day of January, 1990, file their report in my office awarding damages as follows:

NAMES OF CONDEMNEES	AWARD	ATTORNEY FEES AND COSTS
John Wacker	$ $837.00	
TOTAL DAMAGES AWARDED	$ $837.00	$

I certify that the costs incident to this proceeding have been taxed as follows:

Serving Notices as listed below:

Date:	Names of Condemnees Served	Fee	Mileage	Rate .21	Amount	Total
1-05-90	John Wacker	$10.00			$1.00	$11.00

Sub Total: $ 11.00

Sheriff, Summoning and attending Commissioners 63.00
Sheriff, Mileage while attending Commissioners ____ miles @ .21 = 1.00

TOTAL: $ 75.00

1/30/90
1018

Ronald W Wilhelm
RONALD WILHELM, SHERIFF
DELAWARE COUNTY, IOWA

COMMISSIONERS' COSTS

Leland Klaus of Colesburg, Iowa

#2400

1	day service	$ 50.00
24	miles @ .21	5.04
1	meals	4.08
	TOTAL:	$ 59.12

James Cramer of Manchester, Iowa

2401

1	day service	$ 50.00
	miles @ .21	1.00
1	meals	4.03
	TOTAL:	$ 55.03

LeRoy Schnieders of Dundee, Iowa

amd 1/30/90 to 2400 to 2405

2402

1	day service	$ $50.00
16	miles @ .21	3.36
1	meals	4.02
	TOTAL:	57.38

Francis Carroll of Ryan, Iowa

2403

1	day service	$ $50.00
22	miles @ .21	4.62
1	meals	4.03
	TOTAL:	$ 58.65

Lester Justice of Manchester, Iowa

2404

1	day service	$ $50.00
	miles @ .21	1.00
1	meals	4.03
	TOTAL:	$ 55.03

Jerry Burke of Manchester, Iowa

2405

1	day service	$ $50.00
	miles @ .21	1.00
	meals	
	TOTAL:	$ 51.00

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

Dated this 17th day of January, 1990.

Ronald Wilhelm

Ronald Wilhelm, Sheriff
Delaware County, Iowa

BOOK 208 PAGE 1
JOAN SHEPPARD
RECORDER
$190.00

City of Manchester
to
John H. Wacker

DELAWARE COUNTY IOWA
FILED
'90 FEB 23 PM 3 15

310-1885