Parcel No. _____

PROPERTY PLAT

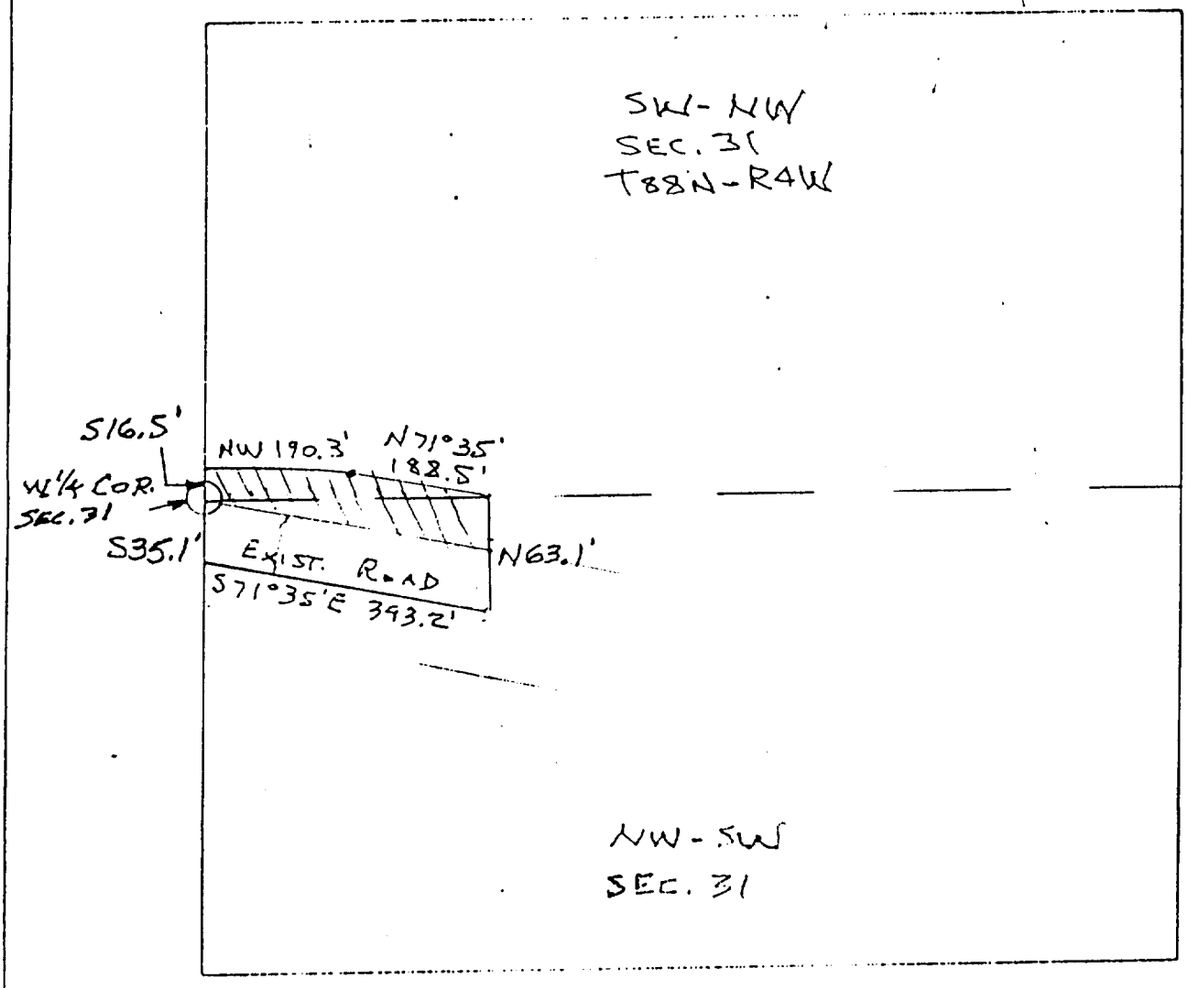
Acquired from Dennis C. & Cindy L. Freiburger, Contract Purchasers
Vincent and Leona Freiburger, Fee Title Holders

Married or Single? _____ (Give full name of spouse)

Area by Deed _____ Acres.
Area by Easement 0.28 Acres. Total Consideration $ _____
Borrow Area _____ Acres. Contract Date _____, 19__

LOCATION

From CL Station _____ to CL Station _____
Section 31, Township 88N, Range 4W
Township (Civil) Delhi Iowa.



Beginning at the W¼ Corner of Section 31-T88N-R4W ofthe 5th P.M., thence South along the section line 35.1 feet, thence S71°35'E, 393.2 feet, thence North 63.1 feet, thence N71°35'W, 188.5 feet, thence Northwesterly 190.3 feet along a 1,969.9 foot radius curve, concave Southwesterly and tangent to the preceding course, thence South along the section line 16.5 feet to the point of beginning, containing 0.28 acres, more or less, exclusive of the present established roads.

Delaware (County) Project No. FM-28(11)

List areas by 40 acre tracts or Gov't lots, etc. (to tenths of an acre). _____

STANDARD BLUE PRINT CO., CEDAR RAPID

Form 476

Parcel No. _____

PROPERTY PLAT

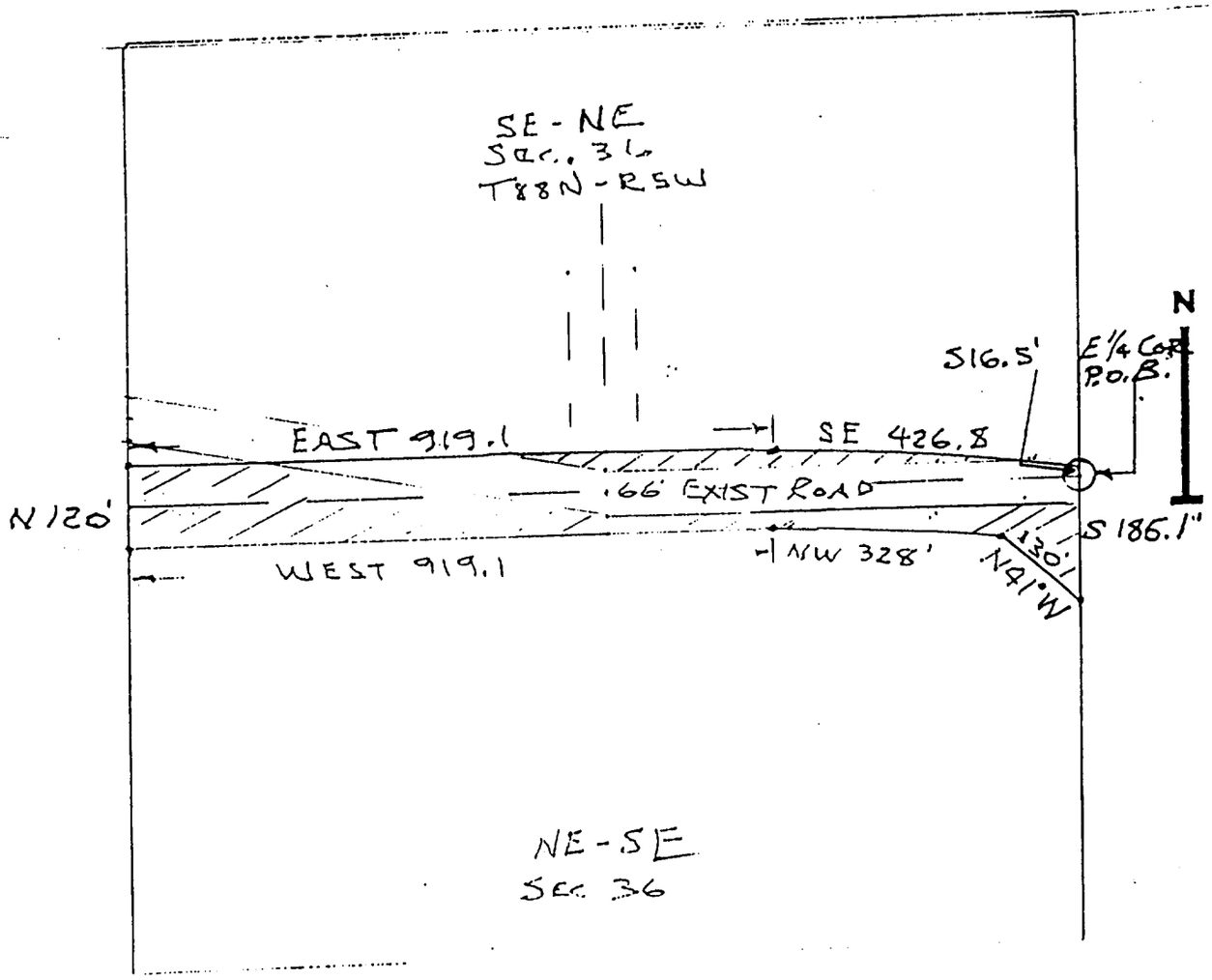
Acquired from Dennis C. & Cindy L. Freiburger, Contract Purchasers
Vincent and Leona Freiburger, Fee Title Holders

Married or Single? _____ (Give full name of spouse)

Area by Deed _____ Acres.
Area by Easement 1.92 Acres. Total Consideration $ _____
Borrow Area _____ Acres. Contract Date _____, 19__

LOCATION

From CL Station _____ to CL Station _____
Section 36, Township 88N, Range 5W
Township (Civil) Milo Iowa.



Beginning at the E¼ Corner of Section 36-T88N-R5W of the 5th P.M., thence South along the section line, 185.1 feet, thence N41°W 130 feet, thence Northwesterly 328 feet, along a 1,849.9 foot radius curve, concave Southwesterly and tangent to the following course, thence West 919.1 feet, thence North 120 feet, thence East 919.1 feet, thence Southeasterly 426.8 feet along a 1,969.9 foot radius curve, concave Southwesterly and tangent to the preceding course, thence South along the section line, 16.5 feet to the point of beginning, containing 1.92 acres, more or less, exclusive of the present established road.

Delaware (County) Project No. FM-28(11)

List areas by 40 acre tracts or Gov't. lots, etc. (to tenths of an acre). _____

STANDARD BLUE PRINT CO., CEDAR RAPIDS, IOWA

OATH OF OFFICE

I, Kenneth Sheppard do solemnly swear that I will faithfully and impartially assess the damages claimed consequent on the taking of the right of way from the following individuals: Allen L. Cassel, Klein N. Lubben, ~~Carsten T. & Adeline Thomsen~~ S.M. and Dennis C. & Cindy L. Freiburger.

Dated this 3rd day of July, 1990.

Kenneth Sheppard

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

JUL 3 1990

OATH OF OFFICE

I, Wilbur Kibler do solemnly swear that I will faithfully and impartially assess the damages claimed consequent on the taking of the right of way from the following individuals: Allen L. Cassel, Klein N. Lubben, ~~Carsten T. & Adeline Thomsen~~ S.M. and Dennis C. & Cindy L. Freiburger.

Dated this 3 day of July, 1990.

Wilbur Kibler

FILED
SHARON McCRARR
DELAWARE COUNTY AUDITOR

JUL 3 1990

OATH OF OFFICE

I, Gary W. Jackson do solemnly swear that I will faithfully and impartially assess the damages claimed consequent on the taking of the right of way from the following individuals: Allen L. Cassel, Klein N. Lubben, ~~Carsten T. & Adeline Thomsen~~ 3.11, and Dennis C. & Cindy L. Freiburger.

Dated this 3 day of July, 1990.

Gary W. Jackson

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

JUL 3 1990

The appraiser selected by Dennis Freiburger, Allan Cassel and Klein Lubben for the road condemnation matter on the Bay Church Road will be Wilbur Kehrli.

Dated this 26th day of June, 1990.

Allan Cassel by Klein Lubben

Dennis Freiburger by Klein Lubben

Klein Lubben

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

JUN 26 1990

July 2, 19 90

TO WHOM IT MAY CONCERN:

The following person was appointed to the Delaware Condemnation Board for the condemnations along the Bay Road:

Gary Jackson
RR 1
Manchester, Ia 52057

By Wilbur Kehrli
Wilbur Kehrli

By Kenneth Sheppard
Kenneth Sheppard

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

JUL 3 1990

Report of Delaware County Condemnation Board 7/9/90

Dennis Freiburger

2.21 Acres	$4035.46
30 rods fence @ $12	360.00
Severance damage (angle taken)	50.00
Crop damage, corn	816.95
	$5262.41

Damaged Tile will be rebuilt.

Wilbur Kehrli

Gary Jackson

Kenneth Sheppard

FILED

DELAWARE COUNTY AUDITOR

JUL 9 1990

Report of Delaware County Condemnation board 7/9/90

Dennis Freiburger Page 2

Contract for Borrow Dirt

3 acres	$4980.00
88 rods fence @ $12	1056.00
Crop Loss	500.00
	$6536.00

Note on Borrowed Contract:

Top soil will be removed from borrow area 12 to 14 inches deep and stockpiled to be replaced on borrow area upon completion of the work. Borrow area will be scarified, disked and seeded. Right of entry will be granted to reshape back slope along old which will be restored as nearly as practicable to agricultural land . Damaged tile will be rebuilt.

Wilbur Kehrli

Gary Jackson

Kenneth Sheppard

FILED
SHARON [illegible]
DELAWARE COUNTY AUDITOR

JUL 9 1990

Report of Delaware County Condemnation board 7/9/90

Klein Lubben

4.47 Acres	$8162.22
Remove and relocate chute	600.00
Change access by lot fence	100.00
Damage to remaining property	600.00
Crop damage to present corn crop	1651.66
	$11,113.88

Damaged tile will be replaced and relocated if need by.

Wilbur Kehrli

Gary Jackson

Kenneth Sheppard

FILED
DELAWARE COUNTY RECORDER
JUL 9 1990

Report of Delaware County Condemnation Board 7/9/90

Allan Cassel

.82 Acres	$1473.12
57 rods fence @ $4	228.00
22 rods fence @ $12	264.00
Severance damage to remaining property: angle, replace cement for corner posts	400.00
	$2365.12

.82 Acres	1522.12
80 rods fence @ $12.	960.00
Severance damage: replace cement for corner posts	350.00
	$2832.12

Note: Cassel will deal with SCS office on spillway structure. The county will negotiate with Cassel on refunding him one-half the cost of the structure replaced similar to the old structure. All tile dumping into this structure will be put back into proper working order by the county.

Wilbur Kehrli

Gary Jackson

Kenneth Sheppard

FILED
SHARON
DELAWARE COUNTY

JUL 9 1990

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Notice of Public Hearing

in case of Appraisers

a copy of which is hereto attached, was published in said newspaper for 1 weeks/ consecutively; the first publication having been made on the 17 day of July A.D. 19 90, and the last on the _____ day of _____ A.D. 19____

Publication fee, $ 26.01

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 25 day of July A.D. 19 90

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

NOTICE OF PUBLIC HEARING

The Delaware County Board of Supervisors will hold a public hearing on the report decisions of the three appraisers appointed to appraise damages on property proposed be condemned for road purposes as follows:

Allen L. Cassel — property owner

Beginning at the E1/4 corner of Section 32-T88N-R5W of the 5th P.M., ther West along the South line of the NE1/4 of said Section 32, 1,325 feet to the S Corner of the NE1/4 said Section 32, thence North 60 feet, thence East 1,235 fe thence Northeast 127.2 feet to a point 150 feet North of the E1/4 Corner of s Section 32, thence South along the section line 150 feet to the point of beginni containing 0.82 acres, more or less, exclusive of the present established roads.

The South 60 feet of the SW1/4 of the NE1/4 of Section 32-T88N-R5W of the P.M., containing 0.82 acres, more or less, exclusive of the present established ro

Klein N. Lubben — property owner

Also beginning at the center of Section 36-T88N-R5W of the 5th P.M., the North 40 feet, thence East 115 feet, thence North 20 feet, thence East 1,187 f thence South 120 feet, thence West 1,302 feet, thence North 60 feet, to the poi beginning, containing 3.16 acres, more or less, exclusive of the present establis roads.

Beginning at the center of Section 36-T88N-R5W of the 5th P. thence North 40 feet, thence West 25 feet, thence North 20 feet, the West 866 feet, thence South 60 feet, thence West 211 feet, the S16°15'W, 150 feet, thence N53°E, 145 feet, thence East 1,031 f thence North 60 feet to the point of beginning, containing 1.31 ac more or less, exclusive of the present established roads.

Dennis C. & Cindy L. Freiburger — property owners

Beginning at the W1/4 Corner of Section 31-T88N-R5W of the 5th P.M., th South along the section line 35.1 feet, thence S71°35'E, 393.2 feet, thence N 63.1 feet, thence N71°35'W, 188.5 feet, thence Northwesterly 190.3 feet alo 1,969.9 foot radius curve, concave Southwesterly and tangent to the prece course, thence South along the section line 16.5 feet to the point of beginn containing 0.28 acres, more or less, exclusive of the present established roads.

Beginning at the E1/4 Corner of Section 36-T88N-R5W of the 5th P.M., th South along the section line, 185.1 feet, thence N41° W 130 feet, th Northwesterly 328 feet, along a 1,849.9 foot radius curve, concave Southwes and tangent to the following course, thence West 919.1 feet, thence North 120 thence East 919.1 feet, thence Southeasterly 426.8 feet along a 1,969.9 foot r curve, concave Southwesterly and tangent to the preceding course, thence S along the section line, 16.5 feet to the point of beginning, containing 1.92 a more or less, exclusive of the present established road.

The public hearing will be held in the Supervisors' Office, Courthouse, Manche Iowa, at 10:00 A.M. on July 31, 1990.

Dated this 10th day of July, 1990.

/s/ Sharon McC
Delaware County A

7-17-90

5

Notice of Public Hearing

The Delaware County Board of Supervisors will hold a public hearing on the reported decisions of the three appraisers appointed to appraise damages on property proposed to be condemned for road purposes as follows:

Allen L. Cassel - property owner

Beginning at the E1/4 corner of Section 32-T88N-R5W of the 5th P.M., thence West along the South line of the NE1/4 of said Section 32, 1325 feet to the S1/4 corner of the NE1/4 of said Section 32, thence North 60 feet, thence East 1235 feet, thence Northwest 127.2 feet to a point 150 feet North of the E1/4 corner of said Section 32, thence South along the section line 150 feet to the point of beginning, containing 0.82 acres, more or less, exclusive of the present established roads.

The South 60 feet of the SW1/4 of the NE1/4 of Section 32-T88N-R5W of the 5th P.M., containing 0.82 acres, more or less, exclusive of the present established road.

Klein N. Lubben - property owner

Also beginning at the center of Section 36-T88N-R5W of the 5th P.M., thence North 40 feet, thence East 115 feet, thence North 20 feet, thence East 1,187 feet, thence South 120 feet, thence West 1302 feet, thence North 60 feet, to the point of beginning, containing 3.16 acres, more or less, exclusive of the present established roads.

Beginning at the Center of Section 36-T88N-R5W of the 5th P.M., thence North 40 feet, thence West 25 feet, thence North 20 feet, thence West 866 feet, thence South 60 feet, thence West 211 feet, thence S16°15'W, 150 feet, thence N53°E, 145 feet, thence East 1031 feet, thence North 60 feet to the poit of point of beginning, containing 1.31 acres, more or less, exclusive of the present established roads.

Dennis C. & Cindy L. Freiburger - property owners

Beginning at the W1/4 corner of Section 31-T88N-R4W of the 5th P.M., thence South along the section line 35.1 feet, thence S71°35'E, 393.2 feet, thence North 63.1 feet, thence N71°35'W, 188.5 feet, thence Northwesterly 190.3 feet along a 1,969.9 foot radius curve, concave Southwesterly and tangent to the preceding course, thence South along the section line 16.5 feet to the point of begininning, containing 0.28 acres, more or less, exclusive of the present established roads.

Beginning at the E1/4 corner of Section 36-T88N-R5W of the 5th P.M., thence South along the section line, 185.1 feet, thence N41°W 130 feet, thence Northwesterly 328 feet, along a 1,849.9 foot radius curve, concave Southwesterly and tangent to the following course, thence West 919.1 feet, thence North 120 feet, thence East 919.1 feet, thence Southeasterly 426.8 feet along a 1,969.9 foot radius curve, concave Southwesterly and tangent to the preceding course, thence South along the section line, 16.5 feet to the point of beginning, containing 1.92 acres, more or less, exclusive of the present established road.

The public hearing will be held in the Supervisors' Office, Courthouse, Manchester, Iowa, at 10:00 A.M. on July 31, 1990.

Dated this 10th day of July, 1990.

Sharon McCrabb,
Delaware County Auditor

State of Iowa, Delaware County, ss.

I, Mary Helle being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning July 18, 1990, and ending same 19____, Printer's fees, $13.84.

Mary Helle

Subscribed in my presence and sworn to before me by Mary Helle on this 2nd day of August, 1990.

NOTARIAL SEAL IOWA
GERALDINE P. HUBER
MY COMMISSION EXPIRES
Jan 26 1992

Geraldine P. Huber
Notary Public

July 31, 1990
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in special session this date at 10:00 A.M. in the Supervisors' Office, Courthouse, for the purpose of a public hearing on the reported decisions of the three appraisers appointed to appraise damages on property proposed to be condemned for road purposes on the Bay Church Road. Marvin Schulte, Chairman, called the meeting to order.

Decisions of the appraisers were given to the persons protesting the condemnation as follows:

Klein Lubben - $11,113.88 with damaged tile to be replaced and relocated if need be.

Allan Cassel - $5,197.24 total with Mr. Cassel dealing with SCS office on spillway structure. The county will negotiate with Cassel on refunding him one-half the cost of the structure replaced similar to the old structure. All tile dumping into this structure will be put back into proper working order by the county.

Dennis Freiburger - $11,798.41 with top soil to be removed from borrow area 12 to 14 inches deep and stockpiled to be replaced on borrow area upon completion of the work. Borrow area will be scarified, disked and seeded. Right of entry will be granted to reshape back slope along old which will be restored as nearly as practicable to agricultural land. Damaged tile will be rebuilt.

Mr. Klein Lubben advised the appraisers did not take into account any damage outside the 120 foot right-of-way area. He felt changes such as moving his hog building up in front of his house would devalue his property. Also that the road was put there for a reason when first constructed and it would cost the taxpayers of Delaware County approximately $45,000.00 more to reconstruct the road as planned rather than using an alternative. Mr. Lubben also stated he had an estimate of $9,000.00 for tile damage rather than the $500.00 as the county first thought.

Wilbur Kehrli, Appraiser, wanted everyone to know the individuals protesting were not against the road. He also realized everyone needed to abide by state and federal specifications, but felt the Supervisors should look into the alternate proposal. Mr. Kehrli also explained how the appraisers arrived at their decisions.

Don Smith, Engineer, read a letter from the Iowa Department of Transportation relative to a change he proposed showing the state did not approve the change without a study of exceptions.

The concern of persons present was to build the road at the least possible cost to the taxpayers.

Motion made by Atkinson, seconded by Clemen and carried that this hearing recess to 2:00 P.M. in order for Bob Clemen and Donald Atkinson as appointed by the Chairperson to confer with the County Engineer.

KOCH BROTHERS, DES MOINES 84-2219

Marvin Schulte, Chairman, reconvened the Board meeting at 2:00 P.M. with all members present.

After conferring with the County Engineer, Donald Atkinson spoke for the Board of Supervisors and stated that adding curves to the alignment and crowding the Hartwick road intersection would negatively affect the safety of the road in some.degree. In a benefit-cost analysis $500,000 is assigned to a fatality and $16,500 to an injury. Property damage is actual value or $1,000 if unavailable. Comparing the cost of additional grading and tile correction to safety considerations, the Board would rather not risk the chance of additional accidents due to the additional curves.

Motion made by Atkinson, seconded by Clemen and carried that objections be overruled and the condemnation board recommendations be accepted and the claims be approved as presented:

SECONDARY ROAD FUND

Allen L. Cassel	Land, fencing & damages	$2,365.12
Louise Cassel Estate	Land, fencing & damages	2,832.12
Klein N. Lubben	Land & damages	11,113.88
Dennis & Cindy L. Freiburger	Borrow, fencing & damages	6,536.00
Dennis C. & Cindy L. Freiburger	Land, fencing & damages	5,262.41

The property condemned under this action is described as follows:

Beginning at the E¼ corner of Section 32-T88N-R5W of the 5th P.M., thence West along the South line of the NE¼ of said Section 32, 1325 feet to the S¼ Corner of the NE¼ of said Section 32, thence North 60 feet, thence East 1,235 feet, thence Northeast 127.2 feet to a point 150 feet North of the E¼ Corner of said Section 32, thence South along the section line 150 feet to the point of beginnning, containing 0.82 acres, more or less, exclusive of the present established roads.

The South 60 feet of the SW¼ of the NE¼ of Section 32-T88N-R5W of the 5th P.M., containing 0.82 acres, more or less, exclusive of the present established road.

Also beginning at the center of Section 36-T88N-R5W of the 5th P.M., thence North 40 feet, thence East 115 feet, thence North 20 feet, thence East 1,187 feet, thence South 120 feet, thence West 1,302 feet, thence North 60 feet, to the point of beginning, containing 3.16 acres, more or less, exclusive of the present established roads.

Beginning at the Center of Section 36-T88N-R5W of the 5th P.M., thence North 40 feet, thence West 25 feet, thence North 20 feet, thence West 866 feet, thence South 60 feet, thence West 211 feet, thence S16°15'W, 150 feet, thence N53°E, 145 feet, thence East 1,031 feet, thence North 60 feet to the point of beginning, containing 1.31 acres, more or less, exclusive of the present established roads.

Beginning at the W¼ Corner of Section 31-T88N-R4W of the 5th P.M., thence South along the section line 35.1 feet, thence S71°35"E, 393.2 feet, thence North 63.1 feet, thence N 71°35'W, 188.5 feet, thence Northwesterly 190.3 feet a 1,969.9 foot radius curve, concave Southwesterly and tangent to the preceding course, thence South along the section line 16.5 feet to the point of beginning, containing 0.28 acres, more or less, exclusive of the present established roads.

Beginning at the E¼ Corner of Section 36-T88N-R5W of the 5th P.M., thence South along the section line 185.1 feet, thence N41° W 130 feet, thence Northwesterly 328 feet, along a 1,849.9 foot radius curve, concave Southwesterly and tangent to the following course, thence West 919.1 feet, thence North 120 feet, thence East 919.1 feet, thence Southeasterly 426.8 feet along a 1,969.9 foot radius curve, concave Southwesterly and tangent to the preceding course, thence South along the section line, 16.5 feet to the point of beginnning, containing 1.92 acres, more or less, exclusive of the present established road.

Proof of Publication of the Notice of Public Hearing is on file in the Auditor's Office as follows: Manchester Press published once on July 17, 1990; Leader Publications published once on July 18, 1990.

Motion made by Clemen, seconded by Atkinson and carried that this hearing adjourn. These minutes were read and approved.

Marvin Schulte, Chairman

Sharon McCrabb, Auditor