

BEFORE THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT STATE OF IOWA

**IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA FOR
CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON
IN MADISON COUNTY, IOWA**

*
*
*
*
*
*

**NO. _____
APPLICATION FOR
CONDEMNATION AND
APPOINTMENT OF COMMISSION
TO APPRAISE DAMAGES**

TO: Arthur E. Gamble, The Chief Judge of the Fifth Judicial District of the State of Iowa

The Applicant, the City of East Peru, Iowa, pursuant to Chapter 6B.3 of the Code of Iowa, hereby applies to the Chief Judge of the Fifth Judicial District of Iowa for the appointment of a commission to appraise the damages to real estate hereinafter described, and in support thereof, states as follows:

1. The applicant is the City of East Peru, Iowa.
2. A description of all the property in the county, affected or sought to be condemned, by its congressional numbers, in tracts not exceeding one-sixteenth of a section, or, if the land consists of lots in a city, by the numbers of the lot and block, and plat designation is attached hereto as Exhibit "A" and incorporated herein.
3. The applicant seeks to condemn and acquire by eminent domain fee simple title to the real estate described on Exhibit "B" for the purpose of constructing, operating and maintaining a sanitary sewage lagoon on the site to be acquired as part of the sanitary sewer system for the City of East Peru, Iowa. The site is not being sought by the City of East Peru, Iowa for location of an industry as that term is defined in Section 260E.2 of the Code of Iowa
4. The names of all record owners of the different tracts of land sought to be condemned, or otherwise affected by such proceedings, and of all record holders of liens and encumbrances on such lands; and, the place of residence of all such persons so far as known to the applicant is as follows:

**NAMES AND ADDRESSES OF ALL RECORD OWNERS AND PARTIES IN
POSSESSION OF SAID PROPERTY**

OWNERS:	NAME: Verl W. Dillinger Mary Dillinger	ADDRESS: 2712 280 th Street East Peru, Iowa 50222
---------	--	--

TENANTS: NONE

LIENHOLDERS: Or CONTRACT SELLER:	Harold E. Dillinger Bulah Dillinger	2678 285 th Street East Peru, Iowa 50222
--	--	--

5. The plat or plats showing the location of the right-of-way or other property sought to be condemned with reference to the real estate heretofore described is attached hereto as Exhibit "C" and incorporated herein.

6. The property to be condemned is agricultural property as provided in Iowa Code Chapter 352 and is being acquired with funds provided in part by the State of Iowa. The land is classified as Class II and IV under the United States Department of Agriculture Natural Resources Conservation Service land capability classification system and is reasonably necessary for the work of internal improvement for which condemnation is sought.

7. The Applicant attaches as Exhibit "D" hereto a showing of the minimum amount of land necessary to achieve the public purpose and the amount of land to be acquired by condemnation for the public improvement.

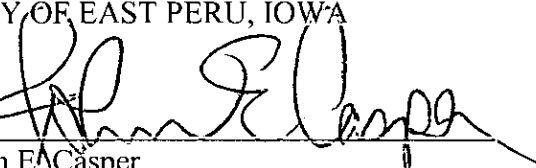
8. The Applicant has made good faith efforts with the owner to negotiate a voluntary acquisition of the real estate being sought, but has been unable to acquire the property without condemnation.

9. The Applicant is acquiring the real estate described in Exhibit "B" as part of its compliance with the Administrative Order of the Iowa Department of Natural Resources, dated June 27, 2000, a copy of which is attached to this Application as Exhibit "E".

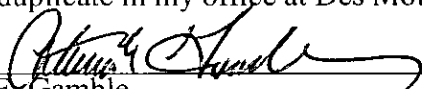
WHEREFORE, the Applicant requests that the Chief Judge of this Judicial District approve this Application in all respects and appoint a Commission to appraise the damages to this real estate pursuant to Chapter 6B of the Code of Iowa.

Dated this 12th day of May, 2006, at Winterset, Madison County, Iowa.

Applicant: CITY OF EAST PERU, IOWA

By 
John E. Casper
East Peru City Attorney
223 East Court Avenues
P. O. Box 67
Winterset, Iowa 50273-0067
Tele: (515) 462-4912
FAX (515) 462.3392
E-mail: jcasper@ferpc.com

Filed in duplicate in my office at Des Moines, Iowa on this 16 day of May, 2006.


Arthur E. Gamble,
Chief Judge of the Fifth Judicial
District of Iowa including Madison County

Filed in the Madison County Sheriff's Office at Winterset, Iowa on this 17th day of May, 2006.

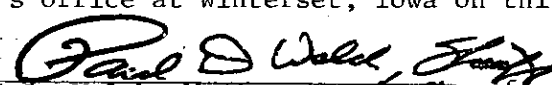

Paul D. Welch, Madison County Sheriff

Exhibit "A"

DESCRIPTION OF PROPERTY TO BE AFFECTED

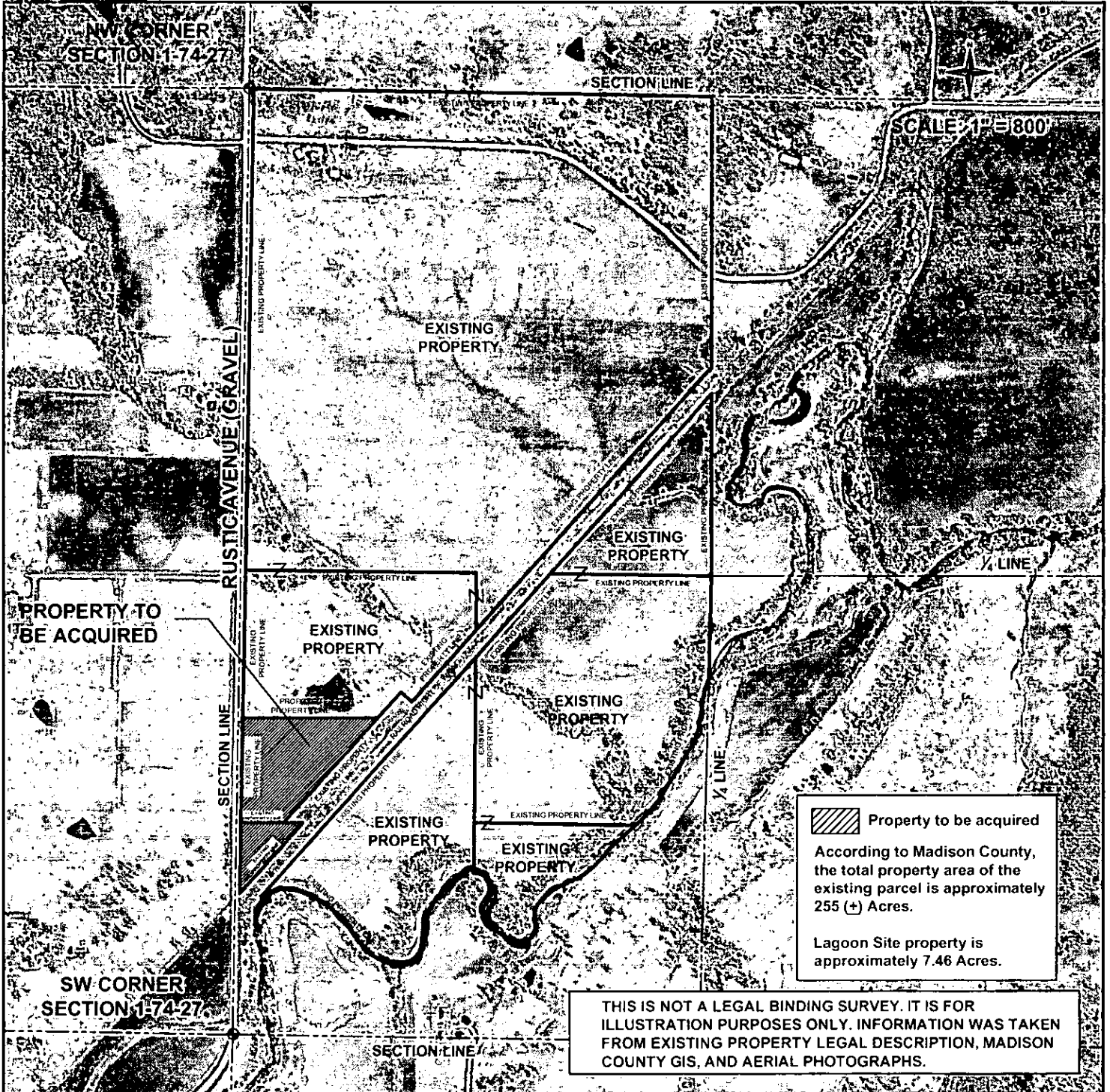
All that part of the West Half (1/2) of the Southwest Quarter (1/4) and the Northeast Quarter (1/4) of the Southwest Quarter (1/4) of Section One (1) lying Westerly of the right-of-way of the Chicago, St. Paul and Kansas City Railway Company, and the Northwest Quarter (1/4) of Section One (1), except the right-of-way across the same deeded to the Chicago, St. Paul and Kansas City Railway Company; also a tract of land described as follows: Commencing at a point 11.25 chains North and 2.40 chains East of the Southwest corner of the Southwest Quarter (1/4) of said Section, running thence North, 22° West, 1.75 chains to the South line of the right-of-way of said Railway, thence North, 42° 15' East, along said right-of-way to the intersection of the East line of the West Half (1/2) of the Southwest Quarter (1/4) of said Section, thence South along the East line of said 80-acre tract to Clanton Creek, thence following the meanderings of said Clanton Creek as follows: North 40° 30' West, 4.35 chains, thence South, 81° 50' West, 2.25 chains, thence South, 41° 50' West, .48 chains, thence South, 7° 30' West, 4.25 chains, thence West, 4.07 chains, thence North, 31° 50' West, 2.25 chains, thence North, 61° 10' West, 4.17 chains, thence South 59° 10' West, 3.20 chains to place of beginning; and Northeast Quarter (1/4) of the Southwest Quarter (1/4) except that part thereof lying North and West of the East line of the right-of-way of said Railway, and also except 1 1/2 acres in the Southeast corner thereof lying South and East of Clanton Creek; also; all that part of the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of said Section lying North of Clanton Creek, all in Section One (1) in Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M.; also the South Five (5) Acres of the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Thirty-six (36) in Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., in Madison County, Iowa,


Exhibit "B"

DESCRIPTION OF SPECIFIC PROPERTY SOUGHT TO BE CONDEMNED

All that part of the West Half (1/2) of the Southwest Quarter (1/4) lying Westerly of the right-of-way of Chicago, St. Paul and Kansas City Railway Company, in Section 1, Township 74 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 1: thence South 00°02'14" West, along the West line of the Southwest Quarter (1/4), a distance of 801.15 feet to the Point of Beginning; thence North 89°36'50" East, a distance of 755.06 feet to a point on the Westerly right-of-way of said Railway Company: thence South 42°21'19" West, along the right-of-way of said Railway Company, a distance of 696.44 feet; thence North 89°36'50" East along the South line of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of said Section 1, and also being the right-of-way of said Railway Company; a distance of 102.12 feet; thence South 42°21'19" West, along the right-of-way of said Railway Company, a distance of 576.72 feet, to a point on the west line of the Southwest Quarter (1/4) of said Section 1, thence North 00°02'14" East, a distance of 935.07 feet to the Point of Beginning. Containing 8.00 Acres, more or less, including 0.31 ACRES of road easement.

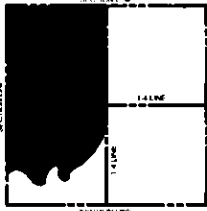


 Property to be acquired

According to Madison County, the total property area of the existing parcel is approximately 255 (+) Acres.

Lagoon Site property is approximately 7.46 Acres.

THIS IS NOT A LEGAL BINDING SURVEY. IT IS FOR ILLUSTRATION PURPOSES ONLY. INFORMATION WAS TAKEN FROM EXISTING PROPERTY LEGAL DESCRIPTION, MADISON COUNTY GIS, AND AERIAL PHOTOGRAPHS.



PROPERTY LOCATION: SW 1/4 AND NW 1/4 SECTION 1-74-27

The following legal description describes the proposed lagoon site.

Legal Description - Parcel "0"
 All that part of the West Half (1/2) of the Southwest Quarter (1/4) lying Westerly of the right-of-way of the Chicago, St. Paul & Kansas City Railway Company, in Section 1, Township 74 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:
 Commencing at the West Quarter corner of said Section 1; thence South 00°02'14" West, along the west line of the Southwest Quarter of said Section 1, a distance of 801.15 feet to the Point of Beginning; thence North 89°36'50" East, a distance of 755.06 feet, to a point on the Westerly right-of-way of said Railway Company; thence South 42°21'19" West, along the right-of-way of said Railway Company, a distance of 596.44 feet; thence North 89°36'50" East, along the South line of the Northwest Quarter of the Southwest Quarter of said Section 1, and also being the right-of-way of said Railway Company, a distance of 102.42 feet; thence South 42°21'19" West, along the right-of-way of said Railway Company, a distance of 576.72 feet, to a point on the West line of the Southwest Quarter of said Section 1; thence North 00°02'14" East, a distance of 935.07 feet to the Point of Beginning, Containing 8.00 ACRES, more or less, including 0.31 ACRES of road easement.

Baumgardner No. 5208

EXHIBIT



<p>BARTLETT & WEST ENGINEERS PHONE 888.200.6464</p>	<p>CITY OF EAST PERU SANITARY SEWER SYSTEM EXHIBIT C - LAGOON PROPERTY</p>	<p>PROJ NO: 12136.002 DATE: MAY 8, 2006</p>	<p>SHEET NUMBER 1 OF 1</p>
--	--	--	---



Fields of Opportunities

STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR
April 27, 2006

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

Ms. Peggy Crabbs
Warren Water District
1204 East 2nd Avenue
Indianola, IA 50125

Subj: Facility Plan Approval

RE: Sanitary Sewer and Treatment System for the City of East Peru,
Warren Water District, Project S2006-0010

Dear Ms. Crabbs:

Facility Plan:

The Iowa Department of Natural Resources has reviewed the Facility Plan report and Schedules A, F, & G dated June 27, 2005; correspondence dated June 29, 2005, September 29, 2005, October 24, 2005, and February 20, 2006; Geotechnical Report dated January 16, 2006; service area correspondence dated March 28, 2006; and Amendment to Facility Plan dated April 18, 2006 for the sanitary sewer system and wastewater treatment facility improvements to serve the City of East Peru. The Department is in agreement with the project proposal. The Facility Plan is officially approved on the following conditions:

The following is a brief summary of the approved Facility Plan.

Project Summary

- Provide centralized low pressure sanitary sewer collection system to all but three of the properties in the service area for the City of East Peru for a population of 183 people.
- The low pressure sewer collection system pumps the wastewater to the proposed 2-cell controlled discharge lagoon for treatment. All homes needing basement sanitary sewer service will be provided with the required sewer service.
- Wastewater treatment consists of a 2-cell controlled discharge lagoon including influent and effluent control structures, inter-cell control, depth measurement, flow measurement and all required appurtenances to serve the City of East Peru (183 people). The proposed 2-cell controlled discharge lagoon will have a storage capacity of 3.3 million gallons and is designed to provide 180-days of storage and treatment.
- The three properties that are not served by the central sewer collection and lagoon treatment system will be provided with individual on-site treatment systems in coordination with Madison County Sanitarian.

This project approval is based on several approved variances on file with the DNR that are based on unsewered community variances. The proposed collection and treatment system will be owned, operated, and maintained by Warren Water District.



WALLACE STATE OFFICE BUILDING / DES MOINES, IOWA 50319
515-281-5918 TDD 515-242-5967 FAX 515-281-6794 www.state.ia.us/dnr

Design Flows and Loads

The Design Flows and Influent Waste Loadings to the wastewater treatment facility are summarized below.

Design Flows

ADW = 0.0183 MGD
 AWW (180-day) = 0.0183 MGD
 MWW = 0.075 MGD

Design Organic Loadings

BOD₅ = 31.1 lb/day
 TSS = 40.3 lb/day

Effluent Limits

The proposed final effluent limits are summarized below. The final effluent limits will be included in an NPDES Permit that will be issued by the Department in the near future.

Parameter	Concentration		Mass	
	30 day average	7 day average		
*CBOD ₅	25.0 mg/l	40.0 mg/l		
*TSS	80.0 mg/l	120.0 mg/l		
	Average	Maximum	Average	Maximum
WET Testing				
TDS	If TDS > 1,124 mg/L, acute WET test is required and if TDS > 2,236 mg/L chronic WET test is required			
Chloride	If Chloride > 1,007 mg/L, acute WET test is required and if Chloride > 583 mg/L chronic WET test is required			
	If no toxicity tests are done, the following limits will apply			
TDS	1,124	1,124	1,715	1,715

*The 30-day average percentage removal shall not be less than 85%

Our approval does not eliminate the need for the city to comply with all federal, state and local regulations. This department must be notified of any change in your proposal and approve the change prior to incorporation in plans and specifications.


Implementation Schedule:

The following implementation schedule as submitted by the Engineer on your behalf is acceptable to the Department and hereby approved.

IDNR Approval of Facility Plan:	April 27, 2006
Submit Preliminary plans & specifications to IDNR:	Late April, 2006
Submit final plans and specifications to IDNR:	May, 2006
Bid Letting:	Early June, 2006
City coordinates inspection of on-site septic system with Madison County sanitarian of homes not included in central project:	June, 2006
Begin construction of the wastewater system improvements:	July, 2006
Upgrade septic systems:	July/August, 2006
Substantial Completion of project:	November, 2006
Final Completion and begin operation of the improvements:	December, 2006
Comply with final effluent limits of the NPDES Permit and IDNR Administrative Order (includes septic systems):	December 31, 2006

If you have any questions or comments concerning this project, please feel free to call Satya Chennupati, P.E. at 515-281-8995.

Sincerely;



Satya P. Chennupati, P.E.
Wastewater Construction Section

Enclosures:

Cc: Bartlett & West Engineers
City of East Peru – City Clerk
IDNR Field Office #5
IDNR Sewage File 6-61-22-0-01
IDNR NPDES Permits Section – Courtney C



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

September 27, 2005

Ms. Peggy Crabbs
Warren Water District
1204 East 2nd Avenue
Indianola, IA 50125

SITE SURVEY
Project No. S2006-0010
File: City of East Peru - Sewage

Subj: Preliminary Site Survey Report
RE: Wastewater System Improvements, East Peru, IA

Dear Ms. Crabbs:

This letter transmits the findings of a wastewater treatment facility site survey for the above referenced project. The site survey was conducted by Janet Gastineau from Field Office #5 in Des Moines.

Based upon our conclusions of the preliminary site investigation of the revised site, the proposed site is conditionally approvable. The conditional approval of the proposed site is based on the requirements of the Iowa Administrative Code 567 IAC 64.2(3).

The conditional site approval is subject to the following conditions that have to be met prior to or at the time of submission of the final construction plans and specifications to the Department.

1. The City of East Peru shall abandon and properly plug the existing private well on the lagoon property and document it or propose to include it as part of the project prior to construction.
2. Separation distance of 25-feet shall be maintained from the lagoon to the property lines, utility line easement and/or rights-of-way shall be maintained. Distance measurements shall be provided as part of the construction drawings to document compliance.

If you have any questions, please call me at 515-281-8995 or Janet Gastineau at Field Office #5 in Des Moines at 515-725-0268.

FOR THE DEPARTMENT OF NATURAL RESOURCES

JEFFREY R. VONK, DIRECTOR

By *Janet A. Chennupaty, P.E.*
ENVIRONMENTAL SERVICES DIVISION

Date: September 27, 2005

Cc: Brian Hollein, P.E. – Bartlett & West Engineers
IDNR Field Office #5 – Janet Gastineau
IDNR Sewage File 6-61-22-0-01

Enclosures

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL SERVICES DIVISION**

Field Office #5
401 SW 7th St. Suite 1 Des Moines Iowa 50309-4611
Phone: (515) 725-0268 FAX: (515) 725-0218

SITE SURVEY

SURVEY DATE:	9/6/05	
APPLICANT:	Warren Water District 1204 East 2 nd Avenue Indianola, Iowa 50125	ENGINEER: Bartlett & West Engineers, Inc. 6913 Vista Drive West Des Moines, Iowa 50266
REPRESENTATIVE:	Peggy Crabbs	PROJECT OFFICER: Brian Hoellein
SUBJECT:	Site survey for the construction of a wastewater treatment facility and for the city of East Peru SW ¼ Sec. 31, T74N, R27W Madison County, Iowa	
PERSONS CONTACTED:	Name: Brad Pleima	Title: Project Engineer

GENERAL DESCRIPTION:

On September 6, 2005, a site survey was conducted for the proposed wastewater treatment facility to determine compliance with required separation distances as specified in 567 IAC 64.2 (455B). Brad Pleima, project engineer with Bartlett & West Engineers, accompanied me. The site is located northeast of East Peru. The selected treatment process is a low pressure collection system pumping to a two cell controlled discharge lagoon system. Each residence will have a grinder pump and each will pump waste directly to the proposed lagoon site. Warren Water District will be the owner and responsible for the operation, maintenance, and billing for the system. The present population of East Peru is 153 people and the proposed system is designed to treat a maximum daily flow of 0.063 MGD.

SITING REQUIREMENTS FOR THE CONSTRUCTION OF WASTEWATER FACILITIES:

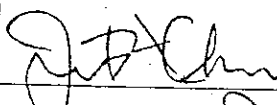
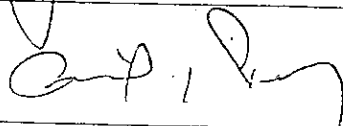
The Iowa Administrative Code, Section 567 IAC 64.2(3)"a", requires a separation distance of 1,000 feet from the nearest inhabitable residence or inhabitable structures, commercial buildings and public shallow wells; a separation distance of 400 feet from public deep wells, private shallow wells, lakes and public impoundments, and a separation distance of 25 feet from property lines and rights of way.

The permit application indicates the separation distances to wells, residences and recreation areas will be met; there is currently one private well on the property that will be properly abandoned following acquisition of the property. The property is currently going through the condemnation process. A Land Acquisition Hearing is scheduled for Wednesday, September 21, 2005, at City Hall in East Peru. The purpose of the public hearing is to pass the required condemnation resolutions. The nearest residence appeared to be approximately 1300' to the southwest of the proposed lagoons. There is a small impoundment (farm pond) estimated at one acre located northeast of the proposed lagoon site and less than 400 feet from the proposed site. There are also overhead power lines to the east of the proposed site.

CONCLUSIONS:

This site appears to meet the separation distances for construction of wastewater facilities, specified in 567 IAC 64.2 (455B) provided the IDNR engineering review staff does not consider the adjacent farm pond to be a lake or public impoundment, the private well is properly abandoned, and the separation distance of 25 feet from the utility line easement/right-of-way is maintained.

AUTHENTICATION

INSPECTOR: Janet Gastineau		DATE: 09/07/2005
REVIEWER: David Perry		DATE: 9-13-05

IOWA DEPARTMENT OF NATURAL RESOURCES

ADMINISTRATIVE ORDER

IN THE MATTER OF: CITY OF EAST PERU Madison County, Iowa	ADMINISTRATIVE ORDER NO. 2000-WW-18
---	--

TO: City of East Peru
c/o Honorable Mayor and Council
119 Stewart Avenue
East Peru, IA 50222

I. SUMMARY

This Order requires you to install a centralized sewer system and provide an adequate waste disposal system in compliance with the terms of this Order.

Any questions or response regarding this order should be directed to:

Relating to technical requirements:

Jim Stricker
IDNR Field Office #5
607 East 2nd Street
Des Moines, Iowa 50309
Ph: 515/281-908

Relating to appeal rights:

Michael P. Murphy
Iowa Department of Natural Resources
Henry A. Wallace Building
Des Moines, Iowa 50319-0034
Ph: 515/281-8973

II. JURISDICTION

This order is issued pursuant to Iowa Code sections 455B.175 which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1, and the rules promulgated or permits issued pursuant thereto.



IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER
CITY OF EAST PERU

III. STATEMENT OF FACTS

1. The City of East Peru is an unsewered community in Madison County, Iowa. Residential septic tanks from many of the homes discharge, without any additional treatment, to an unnamed tributary, which drains to Clanton Creek. This discharge of inadequately treated wastes is prohibited.

2. On September 8, 1999, staff from Department Field Office #5 investigated a complaint that septic tanks in East Peru discharged into a drainage ditch that travels through the city park. Potential septic system tile lines were identified. The ditch on the west side of the street parallel to Deardorff and just south of Ebenezer had a strong sewage-like odor and was running with gray water. A sample of the water was taken and confirmed an elevated fecal coliform level.

3. On September 20, 1999, the Department sent a Notice of Violation to the city of East Peru for violation of subrule 567 IAC 62.1(1) and requiring that a plan of action be submitted by March 30, 2000.

4. On January 19, 2000, the Department received a letter from the Mayor discussing meetings that had been held and would be held and that a median household income survey was planned for May.

IV. CONCLUSIONS OF LAW

1. Iowa Code section 455B.186 prohibits the discharge of pollutants to waters of the state contrary to a permit from this Department. Iowa Code section 455B.183 prohibits the operation of a waste disposal system without a permit from this Department.

2. Iowa Code section 455B.173 authorizes and requires the Environmental Protection Commission to promulgate rules relating to the construction and operation of waste disposal systems and the discharge of pollutants into waters of the state. The Commission has done so at 567—60-69, Iowa Administrative Code (IAC). Subrule 64.3(1) prohibits the operation of any waste disposal system without a permit. Subrule 62.1(1) prohibits the discharge of a pollutant without a permit.

V. ORDER

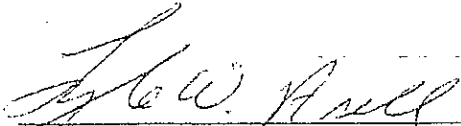
THEREFORE, you are ordered to comply with the following provisions in order to comply with the requirements for operation of a waste disposal system and discharge of pollutants:

1. Submit Plan of Action by December 15, 2000. Progress reports shall be submitted to Field Office 5 by August 1 and October 1, 2000.

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER
CITY OF EAST PERU

VIII. NONCOMPLIANCE

Failure to comply with this order may result in the imposition of administrative penalties or referral to the Attorney General to obtain appropriate relief pursuant to Iowa Code sections 455B.191.



LYLE W. ASELL, INTERIM DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 27 day of

June, 2000

IN THE SHERIFF'S OFFICE OF MADISON COUNTY, IOWA

IN THE MATTER OF THE
CONDEMNATION OF CERTAIN RIGHTS
IN LAND FOR THE SANITARY SEWAGE
LAGOON IN MADISON COUNTY, IOWA

by the

CITY OF EAST PERU, IOWA,

Applicant.

**ORDER SELECTING AND APPOINTING
COMPENSATION COMMISSIONERS
AND ALTERNATE COMMISSIONERS
BY THE CHIEF JUDGE OF THE
FIFTH JUDICIAL DISTRICT OF IOWA**

An Application for Condemnation having been filed with me by the City of East Peru, Iowa, for the selection and appointment, by lot, of six suitable persons as provided by law to act as a Compensation Commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by the Applicant, in its Application filed in the above-entitled matter, I hereby DESIGNATE, SELECT, by lot, and APPOINT as the members of said Compensation Commission required in this matter the following persons:

NAME	ADDRESS	QUALIFICATIONS
John Shaw	2250 Carver Rd. Winterset, IA 50273	LICENSED REAL ESTATE BROKER/SALESPERSON
Jim Kress	1105 Academy Ave. Earlham, IA 50072	
Gus Henrichs	303 W. Filmore Winterset, IA 50273	KNOWLEDGEABLE OF PROPERTY VALUES BY VIRTUE OF OCCUPATION
Mark Pearson	2331 290 th Street Peru, IA 50222	
Rob Waltz	1642 260 th Street Winterset, IA 50273	AGRICULTURE
Raymond Clark	3107 155 th Street Cumming, IA 50061	

I further DESIGNATE, SELECT, by lot, and APPOINT John Shaw to act as Chairperson of said Commission and Jim Kress is appointed to act as Alternate Chairperson.

Pursuant to Section 6B.5 of the Iowa Code, one of the above-named Compensation Commissioners shall be subject to challenge without cause by the Applicant, the City of East Peru, Iowa, and one of the above-named Compensation Commissioners shall be subject to challenge without cause by the party or parties representing the ownership interest or interests of the property being condemned. Such challenge must be filed in writing with the Sheriff not less than seven (7) days prior to the meeting of the Compensation Commission to assess and appraise damages for the taking.

I further DESIGNATE, SELECT, by lot, and APPOINT the following persons to serve as alternate members of said Compensation Commission, to serve in the event that any of the members having the same qualifications are unable to serve for any reason or in the event any such members are stricken from the panel as provided by law:

NAME	ADDRESS	QUALIFICATIONS
Larry Watts	P.O. Box 336 Winterset, IA 50273	LICENSED REAL ESTATE BROKER/SALESPERSON
George Brown	1736 Green Valley Trl. Winterset, IA 50273	
Loren Myers	3228 Deer Run Ave. Macksburg, IA 50155	KNOWLEDGEABLE OF PROPERTY VALUES BY VIRTUE OF OCCUPATION
Jim Mease	315 W. Green Winterset, IA 50273	
Bruce Sawyers	1667 195 th St. Winterset, IA 50273	AGRICULTURE
Vincent Wildin	2791 US Hwy 169 Winterset, IA 50273	


I HEREBY ORDER that if a person is excused from the Compensation Commission, the Applicant, the City of East Peru, Iowa, and person or persons representing the fee ownership interest in the property may stipulate in writing to the selection and notification of a particular Alternate Commissioner having the same qualifications as the person being replaced, provided such stipulation is filed with the Sheriff not less than seventy-two (72) hours prior to the meeting of the Commission. Absent such stipulation, the Sheriff of Madison County, Iowa, shall notify person or persons unable to serve or stricken from the panel, such notification to be given to Alternate Commissioners in the same manner as the original Compensation Commissioners were notified. The Alternate Commissioner first notified who is available to serve as a Compensation Commissioner shall then serve in the place of the Commissioner who was unable to serve or who was stricken from the panel. I further direct that the above-named Alternate Commissioners shall not be subject to challenge without cause.

I FURTHER HEREBY ORDER that the Commissioners, and such Alternate Commissioners as may be hereafter selected by the Sheriff due to the absence or removal of a Commissioner, shall appear at the time and place designated for the meeting of the Compensation Commission in the Notice of Meeting of Compensation Commission to Assess Damages for the Taking of Property, and that prior to said meeting, the above named Commissioners and Alternate Commissioners shall not communicate with the Applicant, the City of East Peru, Iowa, or the owner or tenant of the property being condemned regarding the condemnation proceedings.

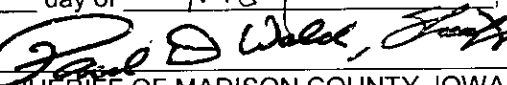
I FURTHER HEREBY ORDER that the Applicant, the City of East Peru, Iowa, mail and publish or serve a list of the above-named Compensation Commissioners and alternate Commissioners to the owner or owners of the property sought to be condemned, in accordance with Section 6B.4 of the Iowa Code.

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

Dated at Des Moines, Iowa this 16 day of May, 2006.


CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT, IOWA

Filed in my office at Winterset, Iowa this 17th day of May, 2006.


SHERIFF OF MADISON COUNTY, IOWA

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

JUN 29 2006

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA FOR
CONDEMNATION OF LAND FOR
SEWAGE LAGOON IN MADISON
COUNTY, IOWA

10:20 AM/PM
BY _____

CHALLENGE TO COMMISSIONER

TO THE SHERIFF OF MADISON COUNTY, IOWA:

The Titleholder, Verle W. Dillinger and Mary Dillinger, pursuant to section 6B.5(2) of the Iowa Code, hereby gives notice to the Sheriff of Madison County, Iowa, that they exercise their right to challenge without cause the appointment of John Shaw as a Commissioner herein. The Titleholder requests the Sheriff, pursuant to section 6B.5(3) of the Iowa Code, to select and notify, not less than 24 hours prior to the meeting, an alternate commissioner to replace Mr. Shaw, said alternate commissioner to have the same qualifications as Mr. Shaw. Pursuant to section 6B.5(4), the Titleholder states that the Sheriff should notify alternate commissioners in the order directed by the Chief Judge, with the alternate commissioner first notified who is able to serve as a compensation commissioner to serve in the place of the commissioner stricken.

HOPKINS & HUEBNER, P.C.

By B. Miller

James E. Van Werden AT0008163
B.J. Miller AT0005411
1009 Main Street
P.O. Box 99
Adel, IA 50003
Telephone: 515-993-4545
Facsimile: 515-993-5214
ATTORNEYS FOR TITLEHOLDERS,
Verle W. Dillinger and Mary Dillinger

Original filed with the
Sheriff of Madison County, Iowa

Copy to:

John B. Casper
Flander, Casper and Rosien, P.C.
23 East Court Avenue
P.O. Box 67
Winterset, IA 50273
Attorney for City of East Peru

CERTIFICATE OF SERVICE	
The undersigned certifies that the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause herein at their respective addresses disclosed on the pleadings of record on the <u>28th</u> day of <u>June</u> , 200 <u>6</u> .	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Federal Express <input type="checkbox"/> Other: _____
Signature: <u>Kris L. Futer</u>	

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

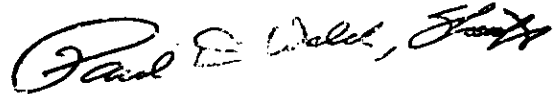
IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
* NO _____
*
* SUMMONS TO COMMISSIONERS
* TO APPRAISE DAMAGES

TO: Loren Myers
3228 Deer Run Avenue
Macksburg, Iowa 50155

Upon application of the above condemner to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as Chairperson of this Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.



Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and proper service of the above Summons is hereby accepted and receipt of a copy of the Summons acknowledged at Macksburg, Iowa on this 10 day of July, 2006.

Lois Ingers

Commission Member

CERTIFICATION

The undersigned does hereby certify that he or she does not possess any interest in the above proceeding which would cause the undersigned to render a biased decision herein.

Lois Ingers

Commission Member

REFUSAL TO SERVE

The undersigned will be unable to serve for the reason that the undersigned possesses an interest in the above proceeding which would cause me to render a biased decision and/or for the reason that _____

Commission Member

Filed in the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 11th day of July, 2006.

Paul D. Welch, Sheriff

Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*

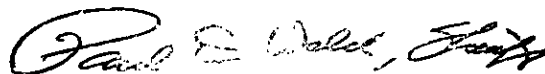
NO _____

SUMMONS TO COMMISSIONERS
TO APPRAISE DAMAGES

TO: Larry Watts
P. O. Box #336
Winterset, Iowa 50273

Upon application of the above condemner to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as Chairperson of this Commission.

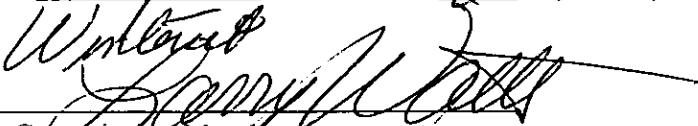
YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.



Paul D. Welch, Sheriff of Madison County, Iowa

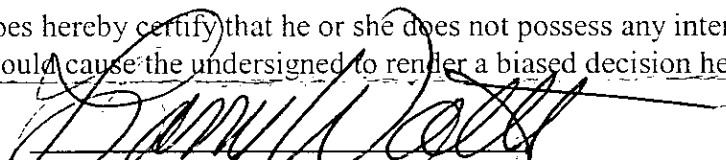
ACCEPTANCE OF SERVICE

Due and proper service of the above Summons is hereby accepted and receipt of a copy of the Summons acknowledged at Winterset, Iowa on this 6 day of July, 2006.


Commission Member

CERTIFICATION

The undersigned does hereby certify that he or she does not possess any interest in the above proceeding which would cause the undersigned to render a biased decision herein.

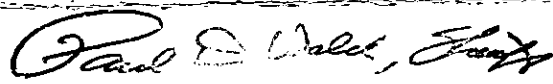

Commission Member

REFUSAL TO SERVE

The undersigned will be unable to serve for the reason that the undersigned possesses an interest in the above proceeding which would cause me to render a biased decision and/or for the reason that _____

Commission Member

Filed in the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 6th day of July, 2006.



Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
* NO _____
*
* SUMMONS TO COMMISSIONERS
* TO APPRAISE DAMAGES

TO: John Shaw
- 2250 Carver Road
Winterset, Iowa 50273

Jim Kress
1105 Academy Avenue
Earlham, Iowa 50072

Gus Henrichs
303 West Filmore Street
Winterset, Iowa 50273

Mark Pearson
2331 290th Street
Peru, Iowa 50222

Rob Waltz
1642 260th Street
Winterset, Iowa 50273

Raymond Clark
3107 155th Street
Cumming, Iowa 50061

Upon application of the above condemner to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as Chairperson of this Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.


Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and proper service of the above summons is hereby accepted and receipt of a copy of the Summons acknowledged at, Winterset, Iowa on this 10TH day of ~~June~~, 2006. July

Rob Watts

Commission Member

CERTIFICATION

The undersigned hereby certifies that he or she does not possess any interest in the above proceeding which would cause the undersigned to render a biased decision herein.

Rob Watts

Commission Member

REFUSAL TO SERVE

The undersigned will be unable to serve for the reason that the undersigned possesses an interest in the above proceeding which would cause me to render a biased decision and/or for the reason that _____

Commission Member

⁶ Filed in the Office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on this 6 day of ~~June~~, 2006.

July

Paul D. Welch
Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*

NO _____

SUMMONS TO COMMISSIONERS
TO APPRAISE DAMAGES

TO: John Shaw
2250 Carver Road
Winterset, Iowa 50273

Jim Kress
1105 Academy Avenue
Earlham, Iowa 50072

Gus Henrichs
303 West Filmore Street
Winterset, Iowa 50273

Mark Pearson
2331 290th Street
Peru, Iowa 50222

Rob Waltz
1642 260th Street
Winterset, Iowa 50273

Raymond Clark
3107 155th Street
Cumming, Iowa 50061

RECEIVED
MADISON CO. SHERIFF
WINTERSET, IOWA

JUN 26 2006

8:30 (AM) PM
BY W

Upon application of the above condemner to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as Chairperson of this Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.


Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and proper service of the above summons is hereby accepted and receipt of a copy of the Summons acknowledged at, Winterset, Iowa on this 19 day of June, 2006.

John S. Shea
Commission Member

CERTIFICATION

The undersigned hereby certifies that he or she does not possess any interest in the above proceeding which would cause the undersigned to render a biased decision herein.

John S. Shea
Commission Member

REFUSAL TO SERVE

The undersigned will be unable to serve for the reason that the undersigned possesses an interest in the above proceeding which would cause me to render a biased decision and/or for the reason that _____

Commission Member

26 Filed in the Office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on this _____ day of June, 2006.

Paul D. Welch, Sheriff
Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*

NO _____
SUMMONS TO COMMISSIONERS
TO APPRAISE DAMAGES

TO: John Shaw
2250 Carver Road
Winterset, Iowa 50273

Jim Kress
1105 Academy Avenue
Earlham, Iowa 50072

Gus Henrichs
303 West Filmore Street
Winterset, Iowa 50273

Mark Pearson
2331 290th Street
Peru, Iowa 50222

Rob Waltz
1642 260th Street
Winterset, Iowa 50273

Raymond Clark
3107 155th Street
Cumming, Iowa 50061

Upon application of the above condemner to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as Chairperson of this Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.


Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and proper service of the above summons is hereby accepted and receipt of a copy of the Summons acknowledged at, Peon, Iowa on this 10th day of June, 2006.



Commission Member

CERTIFICATION

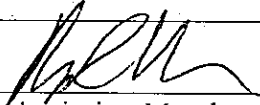
The undersigned hereby certifies that he or she does not possess any interest in the above proceeding which would cause the undersigned to render a biased decision herein.

Commission Member

REFUSAL TO SERVE

The undersigned will be unable to serve for the reason that the undersigned possesses an interest in the above proceeding which would cause me to render a biased decision and/or for the reason that

I will be in Arizona during the hearing and proceedings
I will be back on July 12, 2006. I also have professional
conflicts with this particular case



Commission Member

5th Filed in the Office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on this day of ~~June~~, 2006.

July



Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
* NO _____
*
* SUMMONS TO COMMISSIONERS
* TO APPRAISE DAMAGES

TO: John Shaw
2250 Carver Road
Winterset, Iowa 50273

Jim Kress
1105 Academy Avenue
Earlham, Iowa 50072

Gus Henrichs
303 West Filmore Street
Winterset, Iowa 50273

Mark Pearson
2331 290th Street
Peru, Iowa 50222

Rob Waltz
1642 260th Street
Winterset, Iowa 50273

Raymond Clark
3107 155th Street
Cumming, Iowa 50061

RECEIVED
MADISON CO. SHERIFF
WINTERSET, IOWA
JUN 23 2006
BY _____ AM/PM

Upon application of the above condemner to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as Chairperson of this Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.


Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and proper service of the above summons is hereby accepted and receipt of a copy of the Summons acknowledged at, _____, Iowa on this _____ day of June, 2006.

Raymond Clark
Commission Member

CERTIFICATION

The undersigned hereby certifies that he or she does not possess any interest in the above proceeding which would cause the undersigned to render a biased decision herein.

Raymond Clark
Commission Member

REFUSAL TO SERVE

The undersigned will be unable to serve for the reason that the undersigned possesses an interest in the above proceeding which would cause me to render a biased decision and/or for the reason that _____

Commission Member

23rd Filed in the Office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on this day of June, 2006.

Paul D. Welch, Sheriff
Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*

NO _____

SUMMONS TO COMMISSIONERS
TO APPRAISE DAMAGES

RECEIVED
MADISON CO. SHERIFF
WINTERSSET, IOWA

JUN 21 2006

BY _____ AM/PM

TO: John Shaw
2250 Carver Road
Winterset, Iowa 50273

Jim Kress
1105 Academy Avenue
Earlham, Iowa 50072

Gus Henrichs
303 West Filmore Street
Winterset, Iowa 50273

Mark Pearson
2331 290th Street
Peru, Iowa 50222

Rob Waltz
1642 260th Street
Winterset, Iowa 50273

Raymond Clark
3107 155th Street
Cumming, Iowa 50061

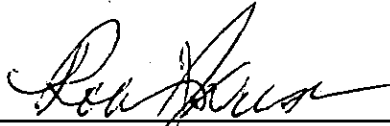
Upon application of the above condemner to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as Chairperson of this Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.


Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

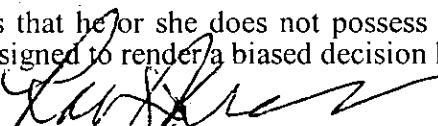
Due and proper service of the above summons is hereby accepted and receipt of a copy of the Summons acknowledged at, Earleton, Iowa on this 20 day of June, 2006.



Commission Member

CERTIFICATION

The undersigned hereby certifies that he or she does not possess any interest in the above proceeding which would cause the undersigned to render a biased decision herein.



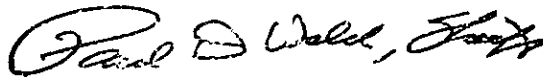
Commission Member

REFUSAL TO SERVE

The undersigned will be unable to serve for the reason that the undersigned possesses an interest in the above proceeding which would cause me to render a biased decision and/or for the reason that _____

Commission Member

21st Filed in the Office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on this day of June, 2006.



Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
* NO. _____
*
*
* CONDEMNATION
* COMMISSIONERS
* STATEMENT

To the Sheriff of Madison County, Iowa:

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 the City of East Peru, Iowa held on the 11th day of July, 2006, as follows and that these claims are due, just and unpaid.

1 day service at \$200.00 per diem \$ 200⁰⁰
62 miles at 35 cents \$ 2,170
 meals \$ 10-
231.70

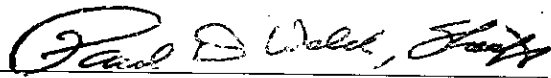
Signed on this 11th day of July, 2006.



Commissioner

Certification

Filed with the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 11th day of July, 2006.



Paul D. Welch
Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*
*
*

NO. _____

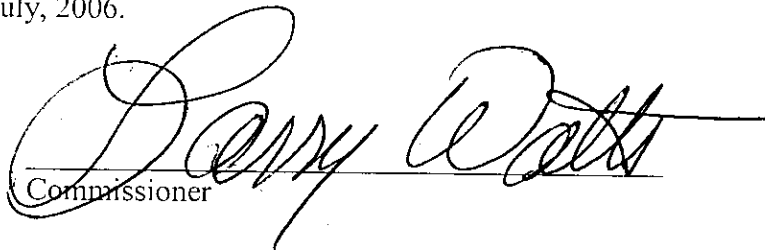
CONDEMNATION
COMMISSIONERS
STATEMENT

To the Sheriff of Madison County, Iowa:

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 the City of East Peru, Iowa held on the 11th day of July, 2006, as follows and that these claims are due, just and unpaid.

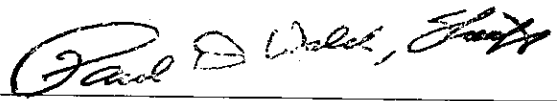
<u>1</u> day service at \$200.00 per diem	\$ <u>200.00</u>
<u>24</u> miles at <u>35</u> cents	\$ <u>8.40</u>
<u>1</u> meals	\$ <u>10 -</u>
	<u>218.40</u>

Signed on this 11th day of July, 2006.


Commissioner

Certification

Filed with the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 11th day of July, 2006.


Paul D. Welch
Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA

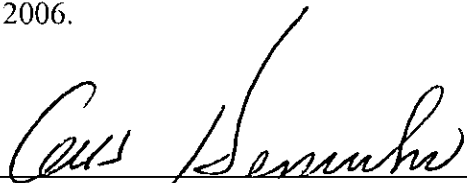
*
* NO. _____
*
*
* CONDEMNATION
* COMMISSIONERS
* STATEMENT

To the Sheriff of Madison County, Iowa:

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 the City of East Peru, Iowa held on the 11th day of July, 2006, as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$200.00 per diem	\$ <u>200.00</u>
<u>2</u> miles at <u>35</u> cents.....	\$ <u>70.00</u>
<u>1</u> meals..... <u>10</u>	\$ <u>10.00</u>
	<u>280.00</u>

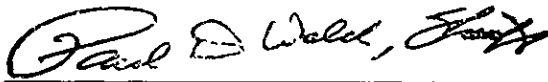
Signed on this 11th day of July, 2006.



Commissioner

Certification

Filed with the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 11th day of July, 2006.



Paul D. Welch
Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*
*
*

NO. _____

CONDEMNATION
COMMISSIONERS
STATEMENT

To the Sheriff of Madison County, Iowa:

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 the City of East Peru, Iowa held on the 11th day of July, 2006, as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$200.00 per diem	\$ <u>200 -</u>
<u>36</u> miles at _____ cents	\$ <u>12.60</u>
<u>1</u> meals..... <u>10 -</u>	\$ <u>10.00</u>
	<u>222.60</u>

Signed on this 11th day of July, 2006.

Lawrence
Commissioner

Certification

Filed with the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 11th day of July, 2006.

Paul D. Welch, Sheriff
Paul D. Welch
Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA

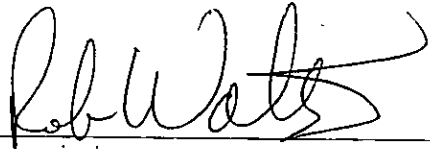
*
* NO. _____
*
*
* CONDEMNATION
* COMMISSIONERS
* STATEMENT

To the Sheriff of Madison County, Iowa:

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 the City of East Peru, Iowa held on the 11th day of July, 2006, as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$200.00 per diem	\$ <u>200</u>
<u>30</u> miles at <u>.35</u> cents.....	\$ <u>10.50</u>
<u>1</u> meals.....	\$ <u>10</u>
	<u>220.50</u>

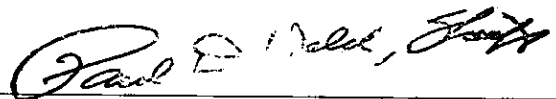
Signed on this 11th day of July, 2006.



Commissioner

Certification

Filed with the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 11th day of July, 2006.



Paul D. Welch
Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
* NO. _____
*
*
* CONDEMNATION
* COMMISSIONERS
* STATEMENT

To the Sheriff of Madison County, Iowa:

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 the City of East Peru, Iowa held on the 11th day of July, 2006, as follows and that these claims are due, just and unpaid.

1 day service at \$200.00 per diem \$ 200.00
28 miles at 35 cents \$ 9.80
1 meals \$ 10.00

219.80

Signed on this 11th day of July, 2006.

Raymond Clark
Commissioner

Certification

Filed with the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 11th day of July, 2006.

Paul D. Welch, Sheriff
Paul D. Welch
Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA FOR
CONDEMNATION OF LAND FOR SEWAGE
LAGOON IN MADISON COUNTY, IOWA

*
*
*
*
*

NO. _____

NOTICE OF LIST OF COMMISSIONERS
AND ALTERNATE COMMISSIONERS

TO:

OWNER: Verl W. Dillinger and 2712 280th Street
Mary Dillinger East Peru, Iowa 50222

TENANT: None

MORTGAGE HOLDER: None

LIEN OR ENCUMBRANCE HOLDER Harold E. Dillinger and 2678 285th Street
OR CONTRACT SELLER: Bulah Dillinger East Peru, Iowa 50222

and all other persons, companies, or corporations having any interest in or owning any the real estate described in Exhibit "A" attached hereto and incorporated herein.

YOU ARE HEREBY NOTIFIED by the City of East Peru, Iowa who is the Applicant in this matter that the Chief Judge of the Fifth Judicial District of Iowa has selected and appointed by lot the following persons to serve as the Commissioners to view the premises and appraise the damages arising from this condemnation and has further selected and appointed by lot the following persons as Alternate Commissioners to serve only in the event a vacancy in the category in which the Alternate Commissioner's name appears:

COMMISSION MEMBERS:

<u>Name</u>	<u>Address</u>	<u>Qualifications</u>
1. John Shaw	2250 Carver Road Winterset, Ia 50273	Real Estate Broker/Salespersons
2. Jim Kress	1105 Academy Avenue Earlham, Ia 50072	Real Estate Broker/Salespersons
3. Gus Henrichs	303 West Filmore Street Winterset, Ia 50273	Knowledgeable of Property Values
4. Mark Pearson	2331 290 th Street Peru, Ia 50222	Knowledgeable of Property Values
5. Rob Waltz	1642 260 th Street Winterset, Ia 50273	Agricultural Owner-operator
6. Raymond Clark	3107 155 th Street Cumming, Ia 50061	Agricultural Owner-operator

The Chief Judge has appointed John Shaw to serve as Chairperson of this Commission.


Alternate Commissioners

The Chief Judge has appointed the alternate Commission members as follows:

<u>Name</u>	<u>Address</u>	<u>Category</u>
1. Larry Watts	P.O. Box #336 Winterset, Ia 50273	Licensed Real Estate Salesperson or Broker
2. George Brown	1736 Green Valley Trail Winterset, Ia 50273	
3. Loren Myers	3228 Deer Run Avenue Macksburg, Ia 50155	Knowledgeable of property values by reason of occupation
4. Jim Mease	315 West Green Street Winterset, Ia 50273	
5. Bruce Sawyers	1667 195 th Street Winterset, Ia 50273	Agricultural owners-operators
6. Vincent Wildin	2791 U.S. Highway #169 Winterset, Ia 50273	

These substitute commissioners shall not serve unless a vacancy occurs.

In the event John Shaw who has been designated as Chairperson of the said Commission is unable to serve, then, and only then, Jim Kress shall serve as the Chairperson of the said Commission.



John E. Casper, City of East Peru Attorney
FLANDER, CASPER AND ROSIEN, P.C.
23 East Court Avenue
PO Box 67
Winterset, IA 50273
Tele: (515) 462-4912
Fax: (515) 462-3392
Email: jcasper@fcrpc.com

ACCEPTANCE OF SERVICE

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

B. J. Miller Attorney for Verl W. Dillinger and Mary Dillinger, Owners.
Signed at Adel, Iowa, this 25th day of May, 2006.

Received the within notice the ___ day of May, 2006, 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 the said persons at the time and place set opposite their respective names:

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

Paul D. Welch
Sheriff of Madison County, Iowa

Fees:

Service \$ _____
Mileage.....\$ _____

Total.....\$ _____

Craig Bush
Deputy Sheriff of Madison County, Iowa

Filed in the Madison County Sheriff's Office at Winterset, Iowa on the 6th day of June, 2006.

Paul D. Welch
Paul D. Welch
Madison County Sheriff

Exhibit "A"

All that part of the West Half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$) lying Westerly of the right-of-way of Chicago, St. Paul and Kansas City Railway Company, in Section 1, Township 74 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 1: thence South $00^{\circ}02'14''$ West, along the West line of the Southwest Quarter ($\frac{1}{4}$), a distance of 801.15 feet to the Point of Beginning; thence North $89^{\circ}36'50''$ East, a distance of 755.06 feet to a point on the Westerly right-of-way of said Railway Company; thence South $42^{\circ}21'19''$ West, along the right-of-way of said Railway Company, a distance of 696.44 feet; thence North $89^{\circ}36'50''$ East along the South line of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of said Section 1, and also being the right-of-way of said Railway Company, a distance of 102.12 feet; thence South $42^{\circ}21'19''$ West, along the right-of-way of said Railway Company, a distance of 576.72 feet, to a point on the west line of the Southwest Quarter ($\frac{1}{4}$) of said Section 1, thence North $00^{\circ}02'14''$ East, a distance of 935.07 feet to the Point of Beginning. Containing 8.00 Acres, more or less, including 0.31 ACRES of road easement.

ACCEPTANCE OF SERVICE

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

B. J. Miller Attorney for Verl W. Dillinger and Mary Dillinger,
 B. J. Miller Owners.
 Signed at Adel, Iowa, on this 26th day of May, 2006.

Received the within notice the ____ day of May, 2006, 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 the said persons at the time and place set opposite their respective names:

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

 Paul D. Welch
 Sheriff of Madison County, Iowa

Fees:

Service \$ _____
 Mileage.....\$ _____

Total.....\$ _____

 Craig Bush
 Deputy Sheriff of Madison County, Iowa

Filed in the Madison County Sheriff's Office at Winterset, Iowa on this 6th day of June, 2006.

Paul D. Welch
 Paul D. Welch
 Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA FOR
CONDEMNATION OF LAND FOR SEWAGE
LAGOON IN MADISON COUNTY, IOWA

*
*
*
*
*

NO. _____

NOTICE OF HEARING BEFORE
COMMISSIONERS

TO:

OWNER: Verl W. Dillinger and 2712 280th Street
Mary Dillinger East Peru, Iowa 50222

TENANT: None

MORTGAGE HOLDER: None

LIEN OR ENCUMBRANCE HOLDER Harold E. Dillinger and 2678 285th Street
OR CONTRACT SELLER: Bulah Dillinger East Peru, Iowa 50222

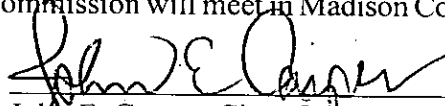
and all other persons, companies, or corporations having any interest in or owning any the real estate described in Exhibit "A" attached hereto and incorporated herein.

YOU ARE HEREBY NOTIFIED that East Peru, Iowa desires the acquisition of fee simple title of the land described in Exhibit "A" attached hereto and incorporated herein.

That such condemnation is sought for the purpose of constructing, operating and maintaining a sanitary sewage lagoon on the site to be acquired as part of the sanitary sewer system for the City of East Peru, Iowa.

That a commission has been appointed as provided by law for the purpose of appraising the damages which will be cause by said condemnation,

That said commissioners will, on the 11th day of July, 2006, at 9:30o'clock a.m., view said premises and proceed to appraise said damage, at which time you may appear before the commissioners if you care to do so. After reviewing the property being condemned, the commission will meet in Madison County Sheriff's Office in Winterset, Iowa.



John E. Casper, City of East Peru Attorney
FLANDER, CASPER AND ROSIEN, P.C.
23 East Court Avenue
PO Box 67
Winterset, IA 50273
Tele: (515) 462-4912
Fax: (515) 462-3392
Email: jcasper@ferpc.com

Exhibit "A"

All that part of the West Half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$) lying Westerly of the right-of-way of Chicago, St. Paul and Kansas City Railway Company, in Section 1, Township 74 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 1: thence South $00^{\circ}02'14''$ West, along the West line of the Southwest Quarter ($\frac{1}{4}$), a distance of 801.15 feet to the Point of Beginning; thence North $89^{\circ}36'50''$ East, a distance of 755.06 feet to a point on the Westerly right-of-way of said Railway Company; thence South $42^{\circ}21'19''$ West, along the right-of-way of said Railway Company, a distance of 696.44 feet; thence North $89^{\circ}36'50''$ East along the South line of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of said Section 1, and also being the right-of-way of said Railway Company, a distance of 102.12 feet; thence South $42^{\circ}21'19''$ West, along the right-of-way of said Railway Company, a distance of 576.72 feet, to a point on the west line of the Southwest Quarter ($\frac{1}{4}$) of said Section 1, thence North $00^{\circ}02'14''$ East, a distance of 935.07 feet to the Point of Beginning. Containing 8.00 Acres, more or less, including 0.31 ACRES of road easement.

ACCEPTANCE OF SERVICE

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

B. J. Miller Attorney for Verla W. Dillinger and Mary Dillinger,
 B. J. Miller Owners.
 Signed at Adel, Iowa, this 25th day of May, 2006.

Received the within notice the _____ day of May, 2006, 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 the said persons at the time and place set opposite their respective names:

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

 Paul D. Welch
 Sheriff of Madison County, Iowa

Fees:

Service \$ _____

Mileage.....\$ _____

Total.....\$ _____

 Craig Bush
 Deputy Sheriff of Madison County, Iowa

Filed in the Madison County Sheriff's Office at Winterset, Iowa on the 6th day of June, 2006.

Paul D. Welch, Sheriff
 Paul D. Welch
 Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA FOR
CONDEMNATION OF LAND FOR SEWAGE
LAGOON IN MADISON COUNTY, IOWA

*
*
*
*
*

NO. _____

NOTICE OF LIST OF COMMISSIONERS
AND ALTERNATE COMMISSIONERS

TO:

OWNER: Verl W. Dillinger and 2712 280th Street
Mary Dillinger East Peru, Iowa 50222

TENANT: None

MORTGAGE HOLDER: None

LIEN OR ENCUMBRANCE HOLDER Harold E. Dillinger and 2678 285th Street
OR CONTRACT SELLER: Bulah Dillinger East Peru, Iowa 50222

and all other persons, companies, or corporations having any interest in or owning any the real estate described in Exhibit "A" attached hereto and incorporated herein.

YOU ARE HEREBY NOTIFIED by the City of East Peru, Iowa who is the Applicant in this matter that the Chief Judge of the Fifth Judicial District of Iowa has selected and appointed by lot the following persons to serve as the Commissioners to view the premises and appraise the damages arising from this condemnation and has further selected and appointed by lot the following persons as Alternate Commissioners to serve only in the event a vacancy in the category in which the Alternate Commissioner's name appears:

COMMISSION MEMBERS:

<u>Name</u>	<u>Address</u>	<u>Qualifications</u>
1. John Shaw	2250 Carver Road Winterset, Ia 50273	Real Estate Broker/Salespersons
2. Jim Kress	1105 Academy Avenue Earlham, Ia 50072	Real Estate Broker/Salespersons
3. Gus Henrichs	303 West Filmore Street Winterset, Ia 50273	Knowledgeable of Property Values
4. Mark Pearson	2331 290 th Street Peru, Ia 50222	Knowledgeable of Property Values
5. Rob Waltz	1642 260 th Street Winterset, Ia 50273	Agricultural Owner-operator
6. Raymond Clark	3107 155 th Street Cumming, Ia 50061	Agricultural Owner-operator

The Chief Judge has appointed John Shaw to serve as Chairperson of this Commission.

Alternate Commissioners

The Chief Judge has appointed the alternate Commission members as follows:

<u>Name</u>	<u>Address</u>	<u>Category</u>
1. Larry Watts	P.O. Box #336 Winterset, Ia 50273	Licensed Real Estate Salesperson or Broker
2. George Brown	1736 Green Valley Trail Winterset, Ia 50273	
3. Loren Myers	3228 Deer Run Avenue Macksburg, Ia 50155	Knowledgeable of property values by reason of occupation
4. Jim Mease	315 West Green Street Winterset, Ia 50273	
5. Bruce Sawyers	1667 195 th Street Winterset, Ia 50273	Agricultural owners-operators
6. Vincent Wildin	2791 U.S. Highway #169 Winterset, Ia 50273	

These substitute commissioners shall not serve unless a vacancy occurs.

In the event John Shaw who has been designated as Chairperson of the said Commission is unable to serve, then, and only then, Jim Kress shall serve as the Chairperson of the said Commission.



John E. Casper, City of East Peru Attorney
FLANDER, CASPER AND ROSIEN, P.C.
23 East Court Avenue
PO Box 67
Winterset, IA 50273
Tele: (515) 462-4912
Fax: (515) 462-3392
Email: jcasper@ferpc.com

ACCEPTANCE OF SERVICE

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

Harold Dillinger *Buelah B. Dillinger*

Signed at 2078 28th St. Iowa, Iowa, this 23rd day of May, 2006.

Received the within notice the ____ day of May, 2006, 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 the said persons at the time and place set opposite their respective names:

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

Paul D. Welch
Sheriff of Madison County, Iowa

Fees:

Service \$ _____

Mileage.....\$ _____

Total.....\$ _____

Craig Bush
Deputy Sheriff of Madison County, Iowa

This Return of Service filed in the Madison County Sheriff's Office at Winterset, Iowa on this 23rd day of ~~May~~ June, 2006.

Paul D. Welch, Sheriff

Paul D. Welch
Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA FOR
CONDEMNATION OF LAND FOR SEWAGE
LAGOON IN MADISON COUNTY, IOWA

*
*
*
*
*

NO. _____

NOTICE OF HEARING BEFORE
COMMISSIONERS

TO:

OWNER: Verl W. Dillinger and 2712 280th Street
Mary Dillinger East Peru, Iowa 50222

TENANT: None

MORTGAGE HOLDER: None

LIEN OR ENCUMBRANCE HOLDER Harold E. Dillinger and 2678 285th Street
OR CONTRACT SELLER: Bulah Dillinger East Peru, Iowa 50222

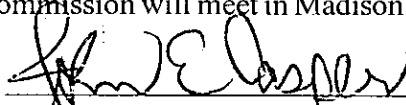
and all other persons, companies, or corporations having any interest in or owning any the real estate described in Exhibit "A" attached hereto and incorporated herein.

YOU ARE HEREBY NOTIFIED that East Peru, Iowa desires the acquisition of fee simple title of the land described in Exhibit "A" attached hereto and incorporated herein.

That such condemnation is sought for the purpose of constructing, operating and maintaining a sanitary sewage lagoon on the site to be acquired as part of the sanitary sewer system for the City of East Peru, Iowa.

That a commission has been appointed as provided by law for the purpose of appraising the damages which will be cause by said condemnation,

That said commissioners will, on the 11th day of July, 2006, at 9:30o'clock a.m., view said premises and proceed to appraise said damage, at which time you may appear before the commissioners if you care to do so. After reviewing the property being condemned, the commission will meet in Madison County Sheriff's Office in Winterset, Iowa.



John E. Casper, City of East Peru Attorney
FLANDER, CASPER AND ROSIEN, P.C.
23 East Court Avenue
PO Box 67
Winterset, IA 50273
Tele: (515) 462-4912
Fax: (515) 462-3392
Email: jcasper@fcrpc.com

ACCEPTANCE OF SERVICE

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

Harold Dillinger *Charles B. Dillinger*

Signed at 2678 285th Ave, Iowa, this 23rd day of May, 2006.

Received the within notice the _____ day of May, 2006, 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 the said persons at the time and place set opposite their respective names:

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

Paul D. Welch
Sheriff of Madison County, Iowa

Fees:

Service \$ _____

Mileage.....\$ _____

Total.....\$ _____

Craig Bush
Deputy Sheriff of Madison County, Iowa

This Return of Service filed in the Madison County Sheriff's Office at Winterset, Iowa on this 23rd day of May, 2006.

Jave

Paul D. Welch, Sheriff

Paul D. Welch
Madison County Sheriff

Exhibit "A"

All that part of the West Half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$) lying Westerly of the right-of-way of Chicago, St. Paul and Kansas City Railway Company, in Section 1, Township 74 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 1: thence South $00^{\circ}02'14''$ West, along the West line of the Southwest Quarter ($\frac{1}{4}$), a distance of 801.15 feet to the Point of Beginning; thence North $89^{\circ}36'50''$ East, a distance of 755.06 feet to a point on the Westerly right-of-way of said Railway Company: thence South $42^{\circ}21'19''$ West, along the right-of-way of said Railway Company, a distance of 696.44 feet; thence North $89^{\circ}36'50''$ East along the South line of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of said Section 1, and also being the right-of-way of said Railway Company, a distance of 102.12 feet; thence South $42^{\circ}21'19''$ West, along the right-of-way of said Railway Company, a distance of 576.72 feet, to a point on the west line of the Southwest Quarter ($\frac{1}{4}$) of said Section 1, thence North $00^{\circ}02'14''$ East, a distance of 935.07 feet to the Point of Beginning. Containing 8.00 Acres, more or less, including 0.31 ACRES of road easement.

STATE OF IOWA
SS.
—Madison County

AFFIDAVIT OF PUBLICATION

TED GORMAN being duly sworn says he is publisher of WINTERSET MADISONIAN a once weekly paper of general circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof, was correctly published in said paper.

for the period one consecutive weeks, the last publication thereof being

on the 28th day of June, 2006.

Ted Gorman

Subscribed and sworn to before me this

28th day of June, 2006.

Pamela S. Shady

NOTARY PUBLIC
in and for Madison County



Fee \$ 20.00

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION OF THE CITY OF EAST PERU, IOWA, FOR CONDEMNATION OF LAND FOR SANITARY SEWAGE LAGOON IN MADISON COUNTY, IOWA

NO. _____

SUMMONS TO COMMISSIONERS TO APPRAISE DAMAGES

TO: John Shaw 2250 Carver Road Winterset, Iowa 50273	Jim Kress 1105 Academy Avenue Earlham, Iowa 50072
Gus Henrichs 303 West Filmore Street Winterset, Iowa 50273	Mark Pearson 2331 290th Street Peru, Iowa 50222
Rob Waltz 1642 260th Street Winterset, Iowa 50273	Raymond Clark 3107 155th Street Cumming, Iowa 50061

Upon application of the above condemnor to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as chairperson of the commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.

Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*

NO. _____

AFFIDAVIT OF FINAL OFFER

STATE OF IOWA)
MADISON COUNTY)

The undersigned, John E. Casper, upon being duly sworn, says:

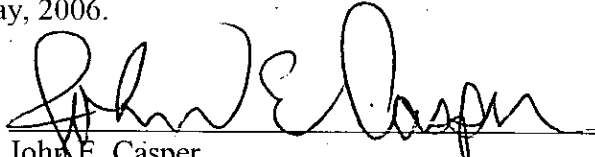
That the most recent offer made to the following person or persons whose property is sought to be condemned was:

Person
Veryl W. Dillinger
Mary Dillinger

Offer
\$36,000.00

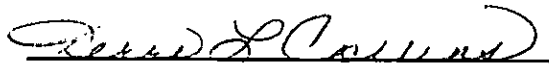
as shown by the duplicate Original of the "Final Offer to Acquire Real Estate", a true copy of which is attached hereto as Exhibit "A" and incorporated herein.

Dated on this 16th day of May, 2006.



John E. Casper,
East Peru, Iowa City Attorney

Subscribed and sworn to before me on this 16th day of May, 2006.




Notary Public in and for the State of Iowa

17th Filed in the Office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on this _____
day of May, 2006.


Paul D. Welch,
Sheriff of Madison County, Iowa

Flander, Casper and Rosien, P.C.

FILE COPY

JOHN E. CASPER
jcasper@ferpc.com

JANE E. ROSIEN
jrosien@ferpc.com

LEONARD M. FLANDER
(1934-2002)

ATTORNEYS AT LAW
223 EAST COURT AVENUE
P.O. BOX 67
WINTERSET, IOWA 50273-0067

Telephone: (515) 462-4912
Fax: (515) 462-3392
E-Mail: attorneys@ferpc.com

April 25, 2006

Verl W. Dillinger and Mary Dillinger
2712 280th Street
East Peru, IA 50222

FINAL OFFER TO ACQUIRE REAL ESTATE

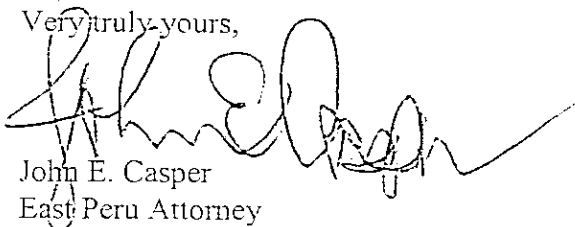
Dear Mr. and Mrs. Dillinger:

Pursuant to Chapter 6B of the Code of Iowa, the City of East Peru, Iowa hereby makes it final offer to pay you the total lump sum of \$36,000.00, in consideration of your execution, acknowledgement and delivery of a warranty deed in form and substance as provided by the Warranty Deed attached hereto as Exhibit "A" and made a part hereof.

A plat showing the proposed taking of your property is enclosed for your information.

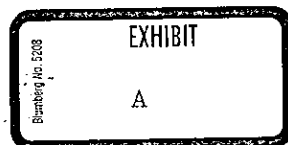
If you which to accept this offer, please advise by no later than May 10, 2006 of this intention. If a voluntary acquisition cannot be made, condemnation proceedings will be initiated.

Very truly yours,



John E. Casper
East Peru Attorney

Enclosure



Return Document to: JOHN E. CASPER, 223 EAST COURT AVENUE, WINTERSET, IA 50273, Phone: (515) 462-4912

Preparer Information: JOHN E. CASPER, 223 EAST COURT AVENUE, WINTERSET, IA 50273, Phone: (515) 462-4912

Address Tax Statement: City of East Peru, 119 Stewart Avenue, Peru Iowa 50222-8207



WARRANTY DEED

For the consideration of Thirty six thousand and no/100 Dollar(s) and other valuable consideration,
Verl W. Dillinger and Mary Dillinger, husband and wife

do hereby Convey to
City of East Peru, Iowa

the following described real estate in Madison County, Iowa:

See 1 in Addendum

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: _____

(Grantor)
Verl W. Dillinger

(Grantor)
Mary Dillinger

(Grantor)

(Grantor)

STATE OF IOWA, COUNTY OF MADISON

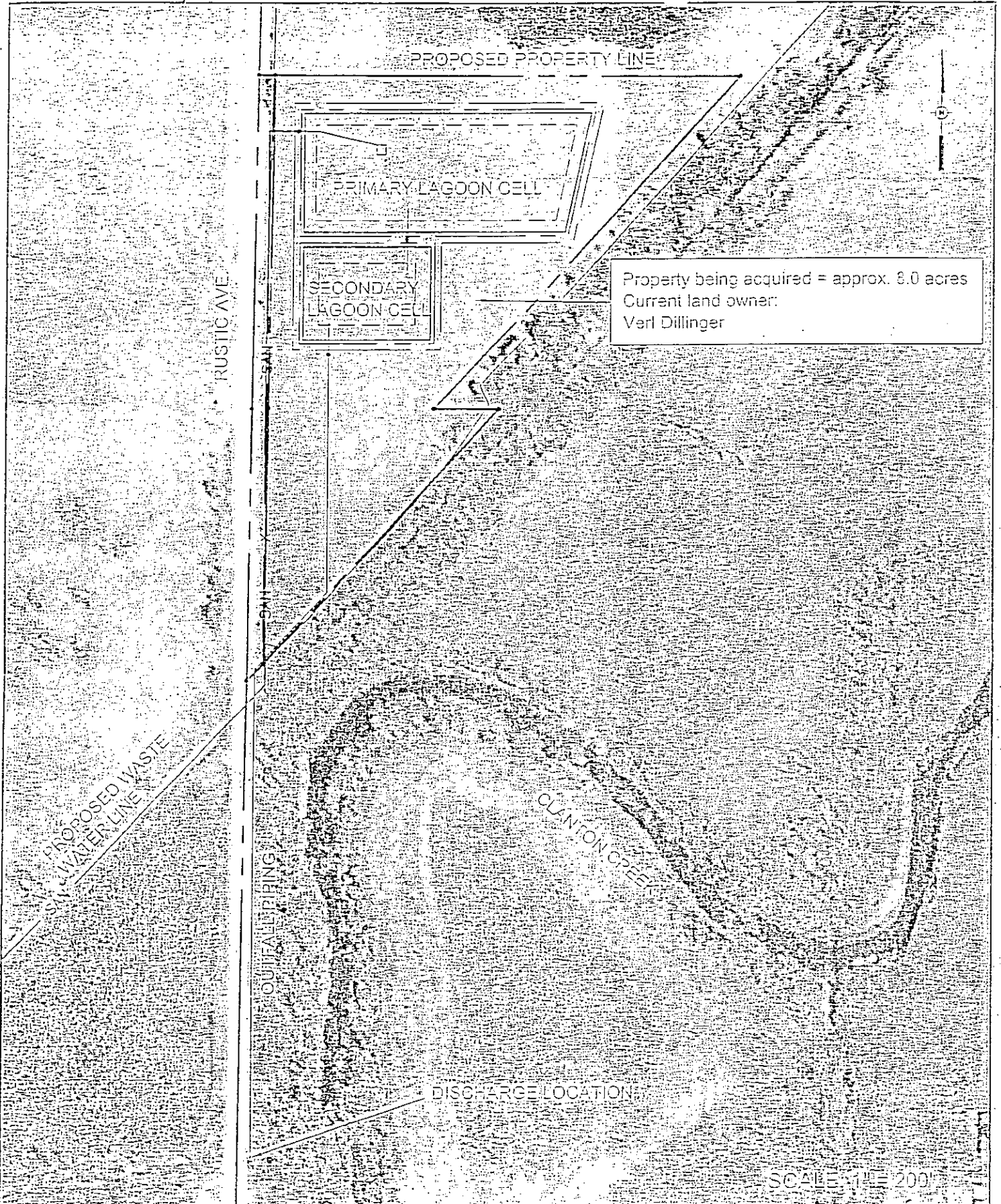
This instrument was acknowledged before me on _____, by Verl W. Dillinger and Mary Dillinger,
husband and wife

Notary Public

Addendum

1. All that part of the West Half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$) lying Westerly of the right-of-way of Chicago, St. Paul and Kansas City Railway Company, in Section 1, Township 74 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 1: thence South $00^{\circ}02'14''$ West, along the West line of the Southwest Quarter ($\frac{1}{4}$), a distance of 801.15 feet to the Point of Beginning; thence North $89^{\circ}36'50''$ East, a distance of 755.06 feet to a point on the Westerly right-of-way of said Railway Company; thence South $42^{\circ}21'19''$ West, along the right-of-way of said Railway Company, a distance of 696.44 feet; thence North $89^{\circ}36'50''$ East along the South line of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of said Section 1, and also being the right-of-way of said Railway Company, a distance of 102.12 feet; thence South $42^{\circ}21'19''$ West, along the right-of-way of said Railway Company, a distance of 576.72 feet, to a point on the west line of the Southwest Quarter ($\frac{1}{4}$) of said Section 1, thence North $00^{\circ}02'14''$ East, a distance of 935.07 feet to the Point of Beginning. Containing 8.00 Acres, more or less, including 0.31 ACRES of road easement.



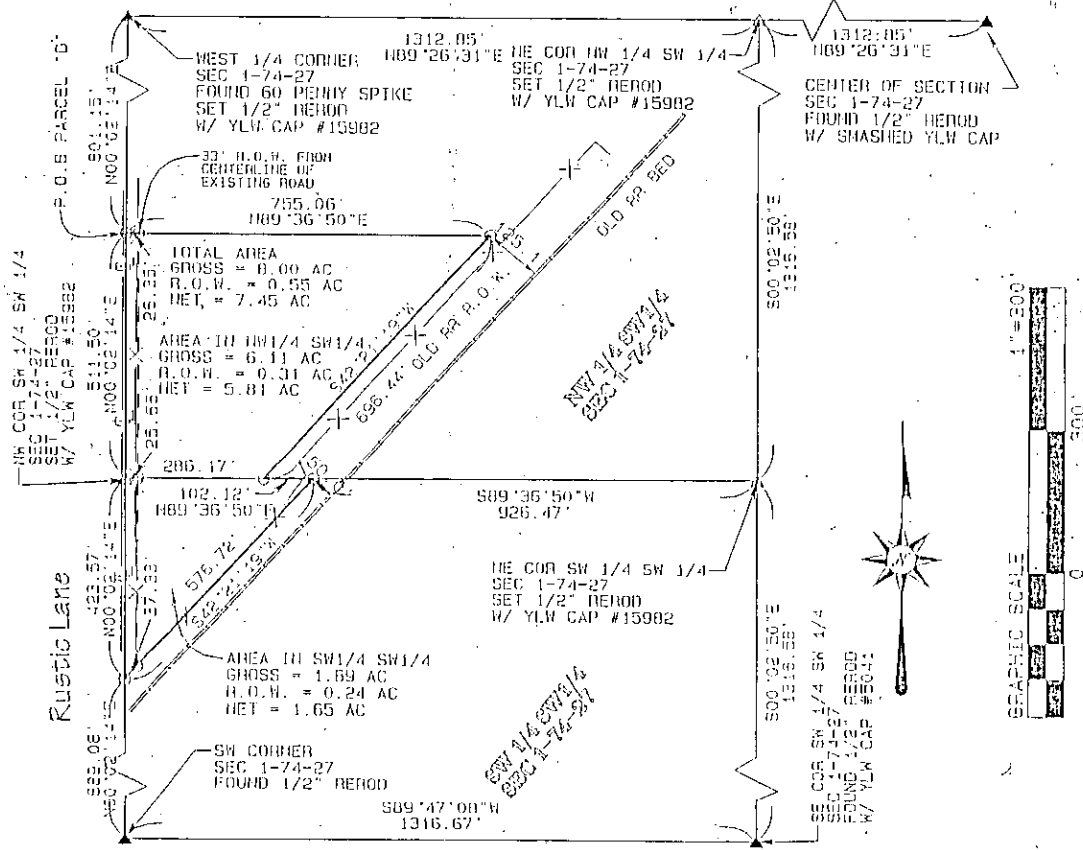
SCALE: 1" = 200'

RETURN TO:
 ASSOCIATED ENGINEERING COMPANY OF IOWA, 2917 H.L. KING JR PKWY, DES MOINES, IOWA 50310

PLAT OF SURVEY

W1/2 SW 1/4 SEC 1-T74N-R27

SURVEY REQUESTED BY: Brad Pleima w/ Bartlett & West Engineers
 OWNER OF RECORD...: Harold & Bulah Dillinger
 ADDRESS OF SURVEY...: South of 285th Lane on Rustic Avenue, East Peru, Iowa
 Legal Description - Parcel "D"
 All that part of the West Half (1/2) of the Southwest Quarter (1/4) lying Westerly of the right-of-way of the Chicago, St Paul & Kansas City Railway Company, in Section 1, Township 74 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:
 Commencing at the West Quarter corner of said Section 1; thence South 00°02'14" West, along the West line of the Southwest Quarter, a distance of 801.15 feet to the Point of Beginning; thence North 89°36'50" East, a distance of 755.06 feet, to a point on the Westerly right-of-way of said Railway Company; thence South 42°21'19" West, along the right-of-way of said Railway Company, a distance of 696.44 feet; thence North 89°36'50" East, along the South line of the Northwest Quarter of the Southwest Quarter of said Section 1, and also being the right-of-way of said Railway Company, a distance of 102.12 feet; thence South 42°21'19" West, along the right-of-way of said Railway Company, a distance of 576.72 feet, to a point on the West line of the Southwest Quarter of said Section 1; thence North 00°02'14" East, a distance of 935.07 feet to the Point of Beginning, Containing 8.00 ACRES, more or less, including 0.31 ACRES of road easement.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor, under the laws of the State of Iowa.
 Signed _____ Date _____
 VINCENT E. PIAGENTINI, L.S., Iowa Reg. No 15982
 MY LICENSE RENEWAL DATE IS - DECEMBER 31, 2006
 PAGES IN SHEETS COVERED BY THIS SEAL: 1 OF 1



FIELD WORK COMPLETED ON: 11/21/05
 ● SURVEY MARKER FOUND
 ○ SET ROD W/CAP #15982
 H=00.0' AS MEASURED DISTANCE
 P=00.0' AS PLATTED OR DESCRIBED
 C=00.0' AS COMPUTED
 SCALE: 1"=300'
 NOTES: BK. 103 pg. 40
 PROJECT #: 202609

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

**IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA**

*
*
*
*
*
*

**NO. _____
REPORT OF COMPENSATION
COMMISSION**

TO:

Veryl W. Dillinger
Mary Dillinger
2712 - 280th Street
East Peru, IA 50222


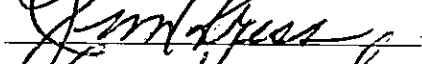

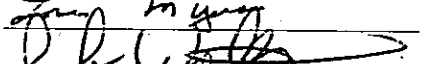
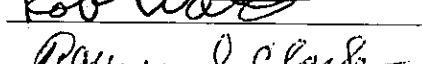
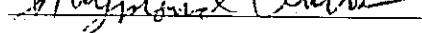
Harold E. Dillinger
Bulah Dillinger
2678 - 285th Street
East Peru, IA 50222

We, the undersigned, being the duly appointed and qualified Commissioners appointed to inspect the agricultural land described in the City of East Peru, Iowa Application in this matter and to assess the damages sustained by the respective land owner(s), lien holders, encumbrancers, and other persons interested in the property affected by the appropriation or condemnation of the real estate described in the Condemnor's Application for the construction, operation and maintenance of a sanitary sewage lagoon for the Condemnor to be located on the real estate specifically described in the Application, do hereby report as follows:

The Commissioners proceeded to view the property to be affected by the condemnation at the time fixed in the Notices to the persons and parties interested in the real estate hereafter described and do hereby assess the damages sustained by the respective person or party interested in this real estate as follows, all of which is respectfully submitted:

	Land and Improvements	Consquential Damages	Total Award	Condemnees' Attorney Fees and Costs
	\$	\$	\$40,000	\$ 4888.70

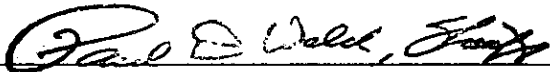
Respectfully reported at Winterset, Iowa on this 11th day of July, 2006
Commission Members

Larry Watts 
 Jim Kress 
 Gus Henrichs 
 Loren Myers 
 Rob Waltz 
 Raymond Clark 

Certification of Commissioners

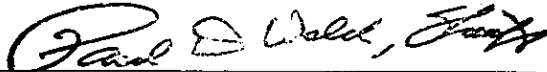
I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

I, the undersigned Sheriff of Madison County, Iowa hereby endorse and certify to the attached Report of Compensation Commission; that I have mailed by ordinary mail on July 11, 2006, a copy of this Report of Compensation Commission together with a Notice of Appraisement of Damages and Time for Appeal to each of the persons designated thereon.



Paul D. Welch
Sheriff of Madison County, Iowa

Filed in the office of the Madison County Sheriff at Winterset, Iowa, on this 11th day of July, 2006.



Paul D. Welch
Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*

NO. _____
NOTICE OF APPRAISEMENT AND TIME
TIME FOR APPEAL

TO:

ADDRESS:

OWNERS: Veryl W. Dillinger
Mary Dillinger

2712 - 280th Street
East Peru, IA 50222

TENANTS: None

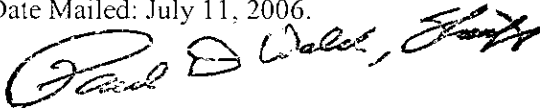
LIEN OR ENCUMBRANCE HOLDERS: Harold E. Dillinger
Bulah Dillinger

2678 - 285th Street
East Peru, IA 50222

CONDEMNER: City of East Peru, Iowa
Sheryl Henley, City Clerk
119 Stewart Avenue
Peru, IA 50222

You and each of you are hereby notified that the duly appointed and qualified compensation commissioners assessed and appraised the damages sustained by reason of the condemnation in the above entitled matter as set forth upon the attached Report of Compensation Commission which is made a part thereof and that pursuant to Chapter 6B.18 of the Code of Iowa, as amended, you may within thirty (30) days from the date of mailing this Notice appeal to the District Court as by law provided.

Date Mailed: July 11, 2006.



Paul D. Welch
Madison County Sheriff

Certification

I, Paul D. Welch, do hereby certify that the foregoing Notice with a copy of the Report of Commissioners attached was given by ordinary mail to each of the above parties at the mailing address shown above on the mailing dated indicated.



Paul D. Welch
Madison County Sheriff

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION
OF THE CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND FOR
SANITARY SEWAGE LAGOON IN
MADISON COUNTY, IOWA

*
*
*
*
*

NO _____
SUMMONS TO COMMISSIONERS
TO APPRAISE DAMAGES

TO: John Shaw
2250 Carver Road
Winterset, Iowa 50273

Jim Kress
1105 Academy Avenue
Earlham, Iowa 50072

Gus Henrichs
303 West Filmore Street
Winterset, Iowa 50273

Mark Pearson
2331 290th Street
Peru, Iowa 50222

Rob Waltz
1642 260th Street
Winterset, Iowa 50273

Raymond Clark
3107 155th Street
Cumming, Iowa 50061


RECEIVED
MADISON CO. SHERIFF
WINTERSET, IOWA

JUN 21 2006

_____ AM/PM
BY _____

Upon application of the above condemner to the Chief Judge of the Fifth Judicial District of Iowa for the selection of a compensation commission to appraise damages to real estate by reason of these proceedings, the Chief Judge of the Fifth Judicial District has selected and appointed you as a member of such compensation commission, which selection has been duly filed in my office. Further, the Chief Judge designated John Shaw as Chairperson of this Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on the 11th day of July, 2006, at 9:30 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the property and make an award of damages according to law.


Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and proper service of the above summons is hereby accepted and receipt of a copy of the Summons acknowledged at, Winterset, Iowa on this _____ day of June, 2006.

Case Hennrich

Commission Member

CERTIFICATION

The undersigned hereby certifies that he or she does not possess any interest in the above proceeding which would cause the undersigned to render a biased decision herein.

Case Hennrich

Commission Member

REFUSAL TO SERVE

The undersigned will be unable to serve for the reason that the undersigned possesses an interest in the above proceeding which would cause me to render a biased decision and/or for the reason that _____

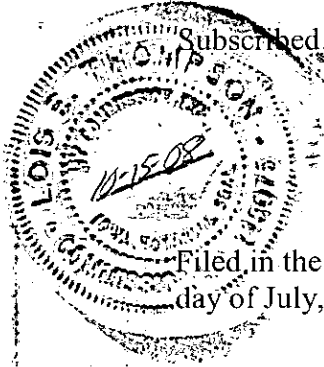
Commission Member

21 *Filed in the Office of the Sheriff of Madison County, Iowa, at Winterset, Iowa, on this day of June, 2006.

Paul D. Welch, Sheriff

Paul D. Welch, Sheriff of Madison County, Iowa

Subscribed and sworn to before me this 11th day of July, 2006.



Lewis E. Thompson
Lewis E. Thompson, Notary Public

Filed in the Office of the Sheriff of Madison County, Iowa at Winterset, Iowa on this 11th
day of July, 2006

Paul D. Welch, Sheriff
Paul D. Welch, Sheriff of Madison County, Iowa

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

**IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA**

*
* NO. _____
*
*
* SHERIFF'S CERTIFICATION
* AS TO AWARDS AND COSTS
*

City of East Peru, Iowa, Condemner

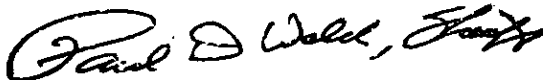
I, Paul D. Welch, hereby certify that the commissioners in the above-entitled cause convened at Winterset, Iowa, on the 11th day of July, 2006, and thereupon proceeded to view the property and said commissioners did thereafter of the 11th day of July, 2006, file their report in my office awarding damages as follows: _____,

Name	Amount
HAROLD E & BULAH DILLINGER	\$40,000.00
ATTORNEY FEES	\$ 4,888.70
Total Damages Awarded	

I further certify that costs incident to this proceeding have been taxed as follows:
Serving notices as listed below:

Date	Name of Person(s) Served	Fee	Mileage	Rate	Amount	Total

Sheriff, summoning and attending commissioners\$ 134.16
 Sheriff, mileage while attending commissioners 26 miles @ .35.....\$ 9.10
 Sheriff, recording fee, to be paid to the county recorder.....\$
 COMMISSIONERS FEES \$1,326.40
 TOTAL FEES DUE MADISON COUNTY SHERIFF \$1,469.66



 Paul D. Welch
 Sheriff of Madison County, Iowa

Report of Compensation Commissioners

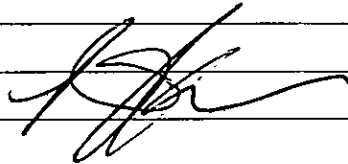
Minutes of Deliberations

Date 7-11-2006 Time 12⁰⁰ Place MADISON County Sheriff

Members present: Raymond Clark, Rob WALTZ, Loren Myron
Cus Heinrich, Lacey Watts, Jim Kruss

Minutes: AFTER DISCUSSION, FINAL VALUE 8 ACRES X

\$5000 = \$40000⁰⁰



<u>Jim Kruss</u>	<u>\$ 40,000</u>
<u>Raymond Clark</u>	<u>40,000</u>
<u>Rob WALTZ</u>	<u>45,000</u>
<u>Loren Myron</u>	<u>40,000</u>
<u>Cus Heinrich</u>	<u>40,000</u>
<u>Lacey Watts</u>	<u>38,000</u>

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

**IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA**

*
* NO. _____
*
*
* **SHERIFF'S REPORT FOR**
* **CONDEMNATION**
* **PROCEEDINGS**

I, Paul D. Welch, Sheriff of Madison County, Iowa certify that I received the attached Application for Condemnation on the 19th day of May, 2006, filed with the County Recorder in Book 2006 at Page 2005.

I further certify that the condemnation hearing was held on the 11th day of July, 2006, and the awards made, a copy of which is included.

I further certify that the total cost of the hearing was \$1469.66 which has been paid to the sheriff by the City of East Peru, Iowa. The money has been distributed in the following manner:

Commissioners fees.....	\$	231.70
Commissioners fees.....	\$	218.40
Commissioners fees.....	\$	213.50
Commissioners fees.....	\$	222.60
Commissioners fees.....	\$	220.50
Commissioners fees.....	\$	219.80
County fees of \$ 134.66		
and mileage \$ 9.10		
Total Disbursed	\$	1,469.66

I further certify that I received from the City of East Peru, Iowa awards checks as follows:

\$ 40,000.00 payable to VERL W. DILLINGER, INEZ DILLINGER, HAROLD E
 \$ _____ payable to _____ DILLINGER & BULAH DILLINGER
 \$ _____ payable to _____

and attorney fee checks as follows:

\$ 4,888.70 payable to HOPKINS & HUEBNER, P.C.
 \$ _____ payable to _____

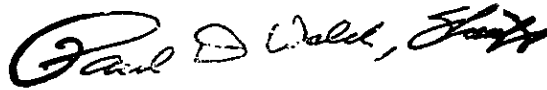
I further certify that as of the date entered below, said checks:

have not been disbursed

have been disbursed as follows:

1. VERL W DILLINGER ETAL 's check for \$ 40,000.00 disbursed on AUGUST 30, 2006
2. _____ 's check for \$ _____ disbursed on _____
3. _____ 's check for \$ _____ disbursed on _____
4. _____ 's check for \$ _____ disbursed on _____
5. _____ 's check for \$ _____ disbursed on _____

Dated this 11th day of July, 2006.

A handwritten signature in black ink, appearing to read "Paul D. Welch, Sheriff". The signature is written in a cursive style with a large initial "P".

Paul D. Welch
Sheriff of Madison County, Iowa



Sheriff of Madison County



Paul D. Welch, Sheriff
Craig D. Busch, Chief Deputy

Phone (515) 462-3575 • Fax (515) 462-3684
1012 N. John Wayne Drive • P.O. Box 517 • Winterset, Iowa 50273

IN THE MATTER OF THE
APPLICATION OF THE
CITY OF EAST PERU, IOWA
FOR CONDEMNATION OF LAND
FOR SEWAGE LAGOON IN
MADISON COUNTY, IOWA

DATE: JULY 17, 2006

RECEIVED FROM WARREN WATER DISTRICT

ISSUED FROM WARREN WATER DISTRICT

CHECK NUMBER 9553 IN THE AMOUNT OF \$40,000.00

MADE PAYABLE TO: VERL W DILLINGER, INEZ DILLINGER, HAROLD E
DILLINGER & BULAH DILLINGER

PAUL D. WELCH, SHERIFF

DATE August 30 2006

RECEIVED FROM THE MADISON COUNTY SHERIFF'S OFFICE THE ABOVE
NAMED CHECK

Verl Dillinger
VERL W DILLINGER

Wrong Name should be Mary Dillinger
INEZ DILLINGER

HAROLD E DILLINGER

BULAH DILLINGER

Ed Romp
WITNESS