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BOOK 139 PAGE 396

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REC [Signature]
AUD \$ _____
R.M.F. \$ _____

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

Prepared By: J. Brian Morrissey, P.E. & L.S., Madison County Engineer, P.O. Box 152, Winterset, Iowa 50273, Telephone: (515) 462-1136

CONTRACT

THIS AGREEMENT made and entered into this 14th of July, 1998 A.D.

By and between TERRY K. PHILLIPS AND NANCY PHILLIPS

of the County of Madison, State of Iowa, party of the first part and the Madison County Board of Supervisors acting for Madison County, party of the second part.

WITNESSETH:

For good and valuable consideration, the party of the first part hereby agrees to sell and to give an easement or deed to the county for use as a Public Highway the real estate situated in the County of Madison, State of Iowa, to wit:

In Section 34 Township 74N Range 26W Commencing at

Station <u>41 + 98.33</u>	to Station <u>44 + 00.00</u>	a strip <u>35.45 - 45.00</u>	feet wide <u>Right</u>	side, from
Station <u>44 + 00.00</u>	to Station <u>45 + 00.00</u>	a strip <u>45.00</u>	feet wide <u>Right</u>	side, from
Station <u>45 + 00.00</u>	to Station <u>45 + 90.00</u>	a strip <u>45.00 - 95.00</u>	feet wide <u>Right</u>	side, from
Station <u>45 + 90.00</u>	to Station <u>47 + 15.00</u>	a strip <u>95.00</u>	feet wide <u>Right</u>	side, from
Station <u>47 + 15.00</u>	to Station <u>48 + 00.00</u>	a strip <u>95.00 - 70.00</u>	feet wide <u>Right</u>	side, from
Station <u>48 + 00.00</u>	to Station <u>49 + 97.63</u>	a strip <u>70.00 - 55.00</u>	feet wide <u>Right</u>	side, from
Station <u>49 + 97.63</u>	to Station <u>52 + 00.00</u>	a strip <u>55.00 - 33.00</u>	feet wide <u>Right</u>	side, from

Measured from centerline of proposed highway as shown on plans for Project No. BROS-61(37)--8J-61.

*At the time of construction, the attached Work Agreement shall be part of this Project.

Additional Right of Way as follows:

Party of the first part agrees that the County may take immediate possession of the above described real estate and further agrees to convey same to the County for the consideration hereinafter named, on or before the 14th day of July, 1998.

The County agrees to purchase the above described real estate and take easement or deed thereto for road purposes and to pay therefor upon delivery of easement or deed, showing merchantable title.

Approximately <u>0.64</u> acres at \$ <u>691.59</u> per acre	\$ <u>442.62</u>
Approximately <u>27.66</u> rods of new fence at \$ <u>20.00</u> per rod	\$ <u>553.20</u>
Approximately <u>33.04</u> rods of new fence at \$ <u>15.00</u> per rod	\$ <u>495.60</u>
General Damage <u>ANY AND ALL</u>	\$ <u>200.00</u>

TOTAL.....\$ 1,691.42

Should the acreage taken for highway or fencing be more or less than shown above, same is to be paid for at the agreed unit prices. Should the highway as finally located require none of the real estate described, this contract becomes null and void. Party of the first part agrees to pay all liens and assessments against the property including taxes payable to the date agreed. Party of the first part is hereby notified of their right of renegotiation pursuant to the provisions of Iowa Code Section 472.52.

This contract will be null and void if a construction contract for the project is not entered into by Madison County by 1/1/2001.

IN WITNESS WHEREOF, Party of the First Part, do hereby set their hands to this instrument on this 14th day of July, 1998, at Winterset, Iowa.

[Signature]
Name: TERRY K. PHILLIPS

Social Security No. [Redacted]

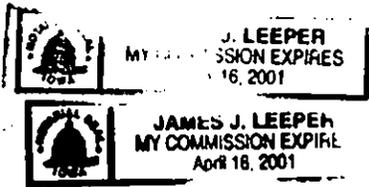
[Signature]
Name: NANCY PHILLIPS

Social Security No. [Redacted]

Party of the First Part

STATE OF IOWA)
) ss
COUNTY OF MADISON)

On this 14th day of July, 1998, before me, the undersigned a Notary Public in and for said County and State personally appeared TERRY K. PHILLIPS AND NANCY PHILLIPS, to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



James J. Leeper
Name: James J. Leeper
Notary Public in and for the State of Iowa

IN WITNESS WHEREOF, the Party of the Second Part, do hereby set its hand to this instrument on this 21st day of July, 1998, at Winterset, Iowa.

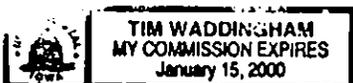
MADISON COUNTY
BOARD OF SUPERVISORS

BY: Cy McDonald
CY McDONALD, Chairman

BY: Joan Welch
JOAN WELCH, Madison County Auditor
Party of the Second Part

STATE OF IOWA)
) ss
COUNTY OF MADISON)

On this 21 day of July, 1998, before me, Tim Waddingham, a Notary Public in and for the State of Iowa, personally appeared CY McDONALD and JOAN WELCH, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Madison, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, under Roll Call Vote of the Board of Supervisors on the 21 day of July, 1998, and CY McDONALD and JOAN WELCH, acknowledged the execution of the instrument to be their voluntary act and deed, and the voluntary act and deed of the corporation, by it voluntarily executed.



Tim Waddingham
Name: _____
Notary Public in and for the State of Iowa

Prepared By: J. Brian Morrissey, P.E. & L.S., Madison County Engineer, P.O. Box 152, Winterset, Iowa 50273, Telephone: (515) 462-1136

MEMORANDA

Exact and full name of owner, as same appears of record

Terry K. Phillips and Nancy Phillips

If married, full name of spouse

Nancy Phillips

If mortgage, or other liens, show names of holders and amounts

N.A.

If an estate, give the names of all the heirs with the share of each.

N.A.

Show names of spouses of such if are married.

N.A.

Name of administrator or executor

N.A.

If any of the owners or heirs are minors give their names and age

N.A.

Name of guardian

N.A.

Remarks:

