COMPUTER 3418 RECORDED\_ BOOK 140 PAGE COMPARED

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

FOR RECORDER
MICHELLE UTSLER
RECORDER
MADISON COUNTY. 10WA

SHERIFF'S FILING OF RECORD

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)

TO: MICHELLE UTSLER, MADISON COUNTY RECORDER:

PLEASE FIND ATTACHED THE FOLLOWING PAPERS REGARDING THE ABOVE NAMED CONDEMNATION WHICH WAS HELD IN MY OFFICE ON THE 12TH DAY OF JANUARY, 1999:

A CERTIFIED COPY OF THE APPLICATION FOR CONDEMNATION;

ALL NOTICES, TOGETHER WITH ALL RETURNS OF SERVICE ENDORSED ON THE RETURNS OR ATTACHED TO THE RETURNS:

THE REPORT OF THE COMMISSIONERS;

ALL OTHER PAPERS FILED WITH THE SHERIFF IN THE PROCEEDINGS.

I FURTHER CERTIFY THAT I HAVE IN MY POSSESSION, CHECK #1043 IN THE AMOUNT OF \$ 250.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO "NIADA MOFARLAND" RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2171; AND PERSONAL MONEY ORDER #5436 IN THE AMOUNT OF \$ 1.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO " GEOFFREY McFARLAND AND EARLHAM SAVINGS BANK " RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2172; AND PERSONAL MONEY ORDER #5434 IN THE AMOUNT OF \$ 1.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO "RODNEY McFARLAND, JENNIFER J. McFARLAND, DEGEORGE CAPITAL CORP., AND RELIASTAR MORTGAGE CORPORATION " RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2173.

THE APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER FOR MADISON COUNTY, IOWA ON THE 29TH DAY OF OCTOBER, 1998, RECORDED WITH THE FOLLOWING BOOK, PAGE OR INSTRUMENT NUMBER; DEED RECORD BOOK 140 AT PAGE 488, INSTRUMENT NO. 1828.

SHERIFF OF MADISON COUNTY, TOWA

STATE OF IOWA, MADISON COUNTY: ss

ON THIS 12 DAY OF 7 DAY OF 1999, BEFORE ME A NOTARY PUBLIC IN THE STATE OF IOWA, PERSONALLY APPEARED PAUL D. WELCH, SHERIFF, TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME

AS HIS VOLUNTARY ACT AND DEED 0.019%

LOIS E. THOMPSON, NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

MY COMMISSION EXPIRES

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

# APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT AND FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE ARTHUR E. GAMBLE, Chief Judge of the Fifth Judicial District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the "Applicant" or "District", a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, and pursuant to § 6B.3, Code of Iowa (1997), states:

- 1. Applicant, Warren Water District is a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, with its principal place of business at 1204 East 2nd Avenue, Indianola, Iowa 50125, and is authorized to make this application under the provisions of \$357A.11(5) of the Code of Iowa (1997).
- 2. The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the real estate hereinafter set forth to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto. Applicant shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.
- 3. The purpose for which the condemnation is sought is an easement for water lines for water distribution purposes over and across the described real estate, said water distribution system to serve residents of Madison County, Iowa.
- 4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:
  - (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
  - (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to reclear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
  - (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.

- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be repaired or replaced by Applicant with tile of comparable quality.
- 5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.
  - 6. That said land described in Exhibit "A" is agricultural property.
- 7. Exhibit "B" attached hereto, and by this reference made a part hereof, are a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.
- 8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.
- 9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.
- 10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1997) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of Chapter 6B, Code of Iowa, as amended.

Dated this 15th day of October, 1998.

WARREN WATER DISTRICT

Richard B. Clogg WN00000089

ELGIN, CLOGG & PATIN
106 East Salem Avenue

P.O. Box 215

Indianola, Iowa 50125

Telephone: (515) 961-2574 Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Molnes, Iowa, is approved this 2/ day of 0ctober, 1998.

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

& Comple

#### EXHIBIT "A" Page 1 of 1

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

# Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

#### Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995

#### Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

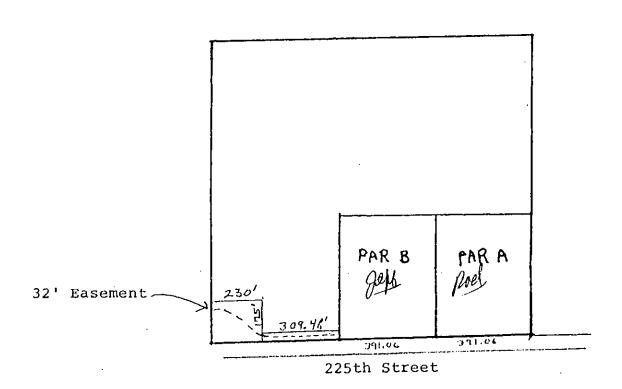
## EXHIBIT "B" Page 1 of 3

A plat of each parcel showing the location of the right-of-way or other property sought to be condemned with reference to such description.

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

SE14 NW14 3-75-27



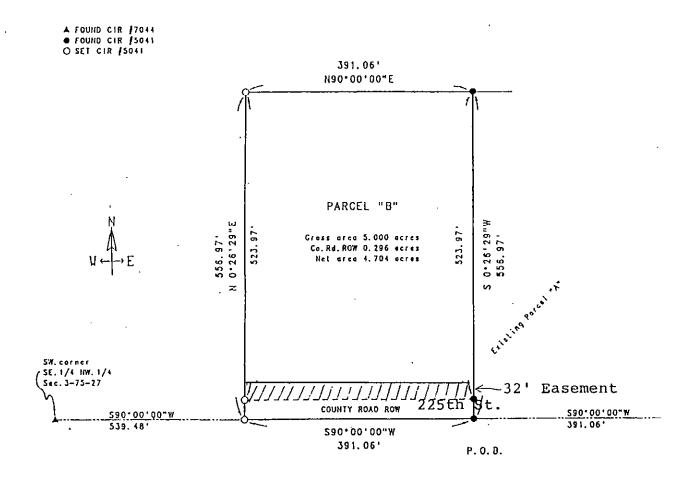
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

EXHIBIT \*B\* Page 2 of 3

Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

SE1/4 NW1/4 3-75-27

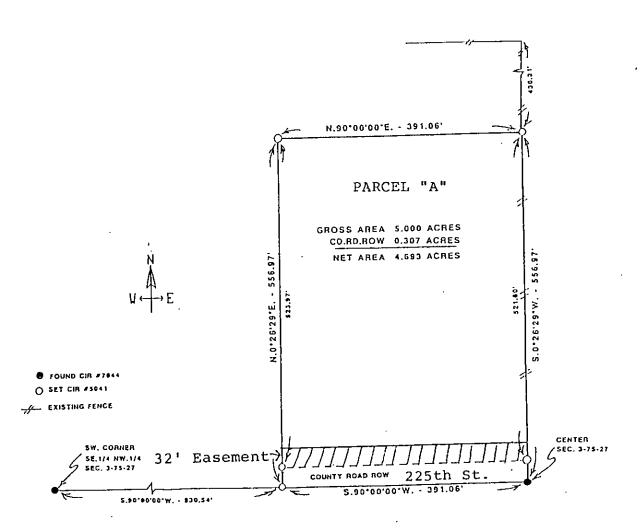


EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

#### SE1/4 NW1/4 3-75-27



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

EXHIBIT "C" Page 1 of 1

#### Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)

## Property Owners:

Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273.

# Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

## Holders of Lien or encumbrance:

None.

#### Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27)

## **Property Owners:**

Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273.

# Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

# Holders of Lien or encumbrance:

Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266.

## Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

# **Property Owners:**

Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273. Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273.

#### Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

#### Holders of Lien or encumbrance:

DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309.

Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266.

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA RE: SERVICE AREA 5

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT

PARCEL NOS M5-2171/M5-2**\$**72/M5-2173

Madison County

An Application and Notice of Condemnation having been filed with me by

Warren Water District for the selection and
appointment, by lot, of six suitable persons as the law provides 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 Applicant, in the Notice of Condemnation filed in the above
entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of
said compensation commission required in this matter the following persons:

| NAME                   | ADDRESS                          | QUALIFICATIONS   |
|------------------------|----------------------------------|--|
| 1. Jim Kress           | Earlham                          | LICENSED REAL ESTATE<br>BROKERS/SALESPERSON            |
| 2. Charles Tucker      | Winterset                        | BROKENDY BRILLET ERBOR                                 |
| 1. Mark Pearson        | Peru                             | KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION      |
| 2. Bret Smith          | Winterset                        |  |
| 1. Raymond Clark       | Cumming                          | AGRICULTURAL/ØTHHH/HH/HH/HH/HH/HH/HH/HH/HH/HH/HH/HH/HH |
| 2. James Camp          | Peru                             |  |
| I further DESIGNATE    | C, SELECT and APPOINT th         | e above named JIM KRESS                                |
| to act as Chairperson  | of said Commission and           | CHARLES TUCKER is                                      |
| appointed as Alternate | Chairperson.                     |  |
| TO THE SHERIFF OF      | MADISON CO                       | OUNTY, IOWA: Attached hereto                           |
| please find a duplicat | e of the Application fo          | or Condemnation in the above                           |
| entitled matter.       |                                  |  |
| DATED at Des Moines    | , lowa this $\frac{26}{}$ day of | October , 1998 .                                       |
|                        | arttin &                         | Smole  |
| Filed in my office at  |                                  | TOWA this 4th day of December                          |
| 1998.                  | a Company                        | a Welch Full   |
|                        | SHERIFF OF                       | COUNTY, IOWA   |

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN "WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA RE: SERVICE AREA 5 Parcel Nos: M5-2171/M5-2172/M5-2173

|     | Madison              | _ County             |  |
|-----|----------------------|----------------------|--|
|     | An Application and   | Notice of Condemnat  | ion having been filed with me by                     |
| _Wa | rren Water District  |                      | for the selection and                                |
| app | pointment, by lot,   | of six suitable pers | sons as the law provides to act as                   |
| a c | compensation commiss | sion to assess and a | appraise the damages sustained by                    |
| rea | son of the condemna  | ation of certain spe | ecified rights in certain land                       |
| des | scribed by Applican  | t, in the Notice of  | Condemnation filed in the above                      |
| ent | itled matter, I he   | reby DESIGNATE, SELE | CCT and APPOINT as the members of                    |
| sai | d compensation com   | mission required in  | this matter the following persons:                   |
|     | NAME                 | ADDRESS              | QUALIFICATIONS                                       |
|     |                      |                      | · · · · · · · · · · · · · · · · · · ·                |
| 1.  | Carol Landis         | Winterset            | LICENSED REAL ESTATE                                 |
| 2.  | Marcy Baker          | Winterset            | BROKERS /SALESPERSON                                 |
| 1.  | Margaret Schafer     | Earlham              | WNOWI PROFESSION OF TRANSPORTER                      |
| 2.  | Loren Myers          | Lorimor              | KNOWLEDGEABLE OF PROPERTY<br>BY VIRTUE OF OCCUPATION |
|     |                      |                      |  |
| 1.  | Russell Anderson     | Peru                 | AGRICULTURAL/ <b>ØTHÆM/THÆM</b><br>AGRICULTURAL      |
| 2.  | Dean Molln           | Winterset            | AGRICOLIORAL   |
|     | The Sheriff of       | Madison County       | , Iowa shall upon being informed of                  |
| a v | acancy in the compe  | ensation commission, | notify the alternate member                          |
|     |                      |                      | as the person unable to serve in                     |
| the | same manner as the   | e original commissio | oners were notified.                                 |
|     | DATED this 26 da     | ay ofOctober         | , 1998   |
|     |                      | arthu                | & Somble   |
|     |                      | CHIEF JUDGE C        | OF THE FIFTH JUDICIAL DISTRICT OF IOWA               |
| Fil | ed in my office at   | Winterest,           | Iowa this y day of December,                         |
| 199 | <b>E</b> .           | (3)                  | ID Well The  |
|     |                      | SHERTEE OF           | VIA COUNTY TOTAL                                     |

| ——————————————————————————————————————  | OF MADISON COUNTY, IOWA  |
|---|--|
| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA | :<br>:   |
| RE: SERVICE AREA 5  | SUMMONS TO COMMISSIONERS   |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)  | :  |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | :  |
| TO: Jim Kress   |  |
| of such compensation commission, which selection Judge designated JIM KRESS as Chairperson of the YOU ARE THEREFORE COMMANDED to append Madison County, lower at 1012 No. John Weyner     | ear before the undersigned in the Office of the Sherif<br>Drive, Winterset, Iowa, on the 12th day of January |
| Filed in my office this 4th day of December,  | 1998.  |
| DEC 0 d ladi  | Paul D. Welch, Sheriff of Madison County, Iowa   |
| ACCEPTANC   | E OF SERVICE   |
| Due and legal service of foregoing Summon   | Maccepted and receipt of convenience of  |
| REFUSAL   | TO SERVE   |
| I will be unable to serve for the reason that I poss<br>ne to render a biased decision of for the reason tha  | sess an interest in the proceeding which would cause   |
|   |  |

| IN THE MATTER OF THE CONDEMNATION OF   | :  |
|--|--|
| EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO   |  |
| CONSTRUCT, OPERATE AND MAINTAIN  | •  |
| A WATER DISTRIBUTION SYSTEM  |  |
| IN MADISON COUNTY, IOWA  | •  |
| III IIIABIOON GOOM I, IOWA   | : SUMMONS TO COMMISSIONERS   |
| RE: SERVICE AREA 5   | . Johnney To Johnning 1911   |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)   | :  |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)   | ·  |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | :  |
|  | ·  |
| TO: Mark Pearson   |  |
| Walk Fearson   |  |
|  |  |
|  |  |
|  | the Chief Judge of the Fifth Judicial District of Iowa fo  |
|  | appraise damage to real estate by reason of thes   |
|  | District has selected and appointed you as a member  |
|  |  |
| of such compensation commission, which selection   |  |
| of such compensation commission, which selection<br>Judge designated JIM KRESS as Chairperson of   |  |
| Judge designated JIM KRESS as Chairperson of   | the said Commission.   |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to app  | the said Commission.  ear before the undersigned in the Office of the Sheri  |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to app of Madison County, lowa at 1012 N. John Wayne  | the said Commission.<br>ear before the undersigned in the Office of the Sheri<br>Drive, Winterset, lowa, on the 12th day of January  |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to app of Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of quality  | the said Commission.  Pear before the undersigned in the Office of the Sheri  Pear Drive, Winterset, lowa, on the 12th day of January  Tying as a member of such commission and to procee  |
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| YOU ARE THEREFORE COMMANDED to app of Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama Filed in my office this day of December   | the sald Commission.  The sald Commission.  The area before the undersigned in the Office of the Sheri of Drive, Winterset, lowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sheri of Sh |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama  Filed in my office this day of December | the sald Commission.  The sald Commission.  The sald Commission.  The sald Commission and the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sherical Commission and to proceed ages according to law.  Paul D. Welch, Sheriff of Madison County, Iowa CE OF SERVICE   |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama  Filed in my office this day of December | the sald Commission.  The sald Commission.  The sald Commission.  The sald Commission and the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sherical Commission and to proceed ages according to law.  Paul D. Welch, Sheriff of Madison County, Iowa CE OF SERVICE   |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama  Filed in my office this day of December | the sald Commission.  The sald Commission.  The sald Commission.  The sald Commission and the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sherical Commission and to proceed ages according to law.  Paul D. Welch, Sheriff of Madison County, Iowa CE OF SERVICE   |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama  Filed in my office this day of December | the sald Commission.  The sald Commission.  The sald Commission.  The sald Commission and the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sherical Commission and to proceed ages according to law.  Paul D. Welch, Sheriff of Madison County, Iowa CE OF SERVICE   |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama  Filed in my office this day of December | the sald Commission.  The sald Commission.  The sald Commission.  The sald Commission and the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sherical Commission and to proceed ages according to law.  Paul D. Welch, Sheriff of Madison County, Iowa CE OF SERVICE   |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama  Filed in my office this day of December | the sald Commission.  The sald Commission.  The sald Commission.  The sald Commission and the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sherical Commission and to proceed ages according to law.  Paul D. Welch, Sheriff of Madison County, Iowa CE OF SERVICE   |
| Judge designated JIM KRESS as Chairperson of YOU ARE THEREFORE COMMANDED to app of Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of quali to view the premises and make an award of dama Filed in my office this day of December | the sald Commission.  The sald Commission.  The sald Commission.  The sald Commission and the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sherical Commission and to proceed ages according to law.  Paul D. Welch, Sheriff of Madison County, Iowa CE OF SERVICE   |
| YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama Filed in my office this   | the sald Commission.  The sald Commission.  The sald Commission.  The sald Commission and the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The sald Commission and the Sherical Commission and to proceed ages according to law.  Paul D. Welch, Sheriff of Madison County, Iowa CE OF SERVICE   |
| YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama Filed in my office this day of December   | the said Commission.  The said Commission of the Sheri of Drive, Winterset, Iowa, on the 12th day of January of the Sheri of Such commission and to proceed ages according to law.  The paul D. Welch, Sheriff of Madison County, Iowa of Service of the Service of the Sheriff of Madison County, Iowa of Service of the Service |
| YOU ARE THEREFORE COMMANDED to approf Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualito view the premises and make an award of dama Filed in my office this day of December   | the said Commission.  The said Commission of the Sherical Drive, Winterset, Iowa, on the 12th day of January frying as a member of such commission and to proceed ages according to law.  The paul D. Welch, Sheriff of Madison County, Iowa of Service on accepted and receipt of copy acknowledged at the said of the would cause the to render a plased decision thereing.  The service of the Sheriff of Madison County, Iowa of the would cause the to render a plased decision thereing the service of the service of the said of th |

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA  | :<br>:   |
|--|--|
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | SUMMONS TO COMMISSIONERS   |
| TO: Raymond Clark  |  |
| proceedings, the Chief Judge of the Fifth Judicial of such compensation commission, which selection Judge designated JIM KRESS as Chairperson of the YOU ARE THEREFORE COMMANDED to append of Madison County, Iowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualify to view the premises and make an award of damage.  Filed in my office this the day of December, | Paul D. Welch, Sheriff of Madison County, Iowa   |
|  | ns accepted and receipt of copy acknowledged a<br><u>Nac.</u> , 199 S. I further certify that I do no<br>h would cause me to render a biased decision therein<br><u>Naymond</u> Uank |
| REFUSAI  | L TO SERVE   |
| I will be unable to serve for the reason that I pome to render a biased decision of for the reason the   | ssess an interest in the proceeding which would cause<br>nat   |
|  |  |

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA  RE: SERVICE AREA 5 Parcel No. M5-2171 (SE½ NW½ 3-75-27) Parcel No. M5-2172 (SE½ NW⅓ 3-75-27) | : : SUMMONS TO COMMISSIONERS   |
|---|--|
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | :  |
| TO: MARGARET SCHAFER  |  |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicial of such compensation commission, which selection   | he Chief Judge of the Fifth Judicial District of Iowa for appraise damage to real estate by reason of these District has selected and appointed you as a member n has been duly filed in my office. Further, the Chief airperson of the said Commission. |
| of Madison County, Iowa at 1012 N. John Wayne   | ear before the undersigned in the Office of the Sheriff Drive, Winterset, Iowa, on the 12th day of January, ying as a member of such commission and to proceed ges according to law.   |
| Filed in my office this day of December,  | 1998.  |
| 1998  | Paul D. Welch, Sheriff of Madison County, Iowa   |
| 05% ACCEPTANC   | CE OF SERVICE  |
| Sankham , lowe this 10 th day of a  | has accepted and receipt of copy acknowledged at<br>Received, 199 8. I further certify that I do not<br>h would cause me to render a biased decision therein.  |
|   | margant Schafer  |
| REFUSA  | L TO SERVE   |
| I will be unable to serve for the reason that I po<br>me to render a biased decision of for the reason the  | ssess an interest in the proceeding which would cause  |
| :   | <u> </u>   |
| ·   |  |

| IN THE MATTER OF THE CONDEMNATION OF<br>EASEMENT RIGHTS IN AGRICULTURAL LAND<br>BY WARREN WATER DISTRICT TO<br>CONSTRUCT, OPERATE AND MAINTAIN<br>A WATER DISTRIBUTION SYSTEM<br>IN MADISON COUNTY, IOWA | :<br>:   |
|--|--|
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | : SUMMONS TO COMMISSIONERS :   |
| TO: RUSSELL ANDERSON   |  |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicial   | the Chief Judge of the Fifth Judicial District of Iowa for appraise damage to real estate by reason of these District has selected and appointed you as a member on has been duly filed in my office. Further, the Chief he said Commission. |
| of Madison County, Iowa at 1012 N. John Wayne  | ear before the undersigned in the Office of the Sheriff<br>Drive, Winterset, lowa, on the 12th day of January,<br>lying as a member of such commission and to proceed<br>ges according to law.   |
| Filed-in my office this 4 day of December,   | Paul D. Welch, Sheriff of Madison Jounty, Iowa   |
|  | CE OF SERVICE  |
| Due and legal service of foregoing Summo , lowa this 16 day of   | ns accepted and receipt of copy acknowledged at 1998. I further certify that I do not how would cause me to render a biased decision therein.  |
| possess any interest in the above proceeding which   | Russell anderson   |
| REFUSA   | L TO SERVE   |
| I will be unable to serve for the reason that I po<br>me to render a blased decision of for the reason the   | essess an interest in the proceeding which would cause hat   |
| <u>·</u>   | <u> </u>   |

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA  | :<br>:   |
|--|--|
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | : SUMMONS TO COMMISSIONERS :   |
| TO: Carol Landis   |  |
| the selection of a compensation commission to a proceedings, the Chief Judge of the Fifth Judicial E of such compensation commission, which selection Judge designated <u>JIM KRESS</u> as Cha YOU ARE THEREFORE COMMANDED to appead of Madison County, Iowa at 1012 N. John Wayne | •  |
| DEC 1 Plobs  | Paul D. Welch, Sheriff of Madison County, Iowa   |
| Due and legal service of foregoing Summon  | s accepted and receipt of copy acknowledged at Oec., 1998. I further certify that I do not would cause me to render a biased decision therein. |
| REFUSAL  | TO SERVE   |
| I will be unable to serve for the reason that I pos<br>me to render a biased decision of for the reason th   | sess an interest in the proceeding which would cause   |
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| IN THE MATTER OF THE CONDEMNATION OF   | :  |
|--|--|
| EASEMENT RIGHTS IN AGRICULTURAL LAND<br>BY WARREN WATER DISTRICT TO  | :  |
| CONSTRUCT, OPERATE AND MAINTAIN  |  |
| A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA  | :  |
| ·  | : SUMMONS TO COMMISSIONERS   |
| RE: SERVICE AREA 5   |  |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)  | :  |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | :  |
| TO: Bret Smith   |  |
| proceedings, the Chief Judge of the Fifth Judicial of such compensation commission, which selectio Judge designated JIM KRESS as Chairperson of the YOU ARE THEREFORE COMMANDED to append of Madison County, lowa at 1012 N. John Wayne  | ear before the undersigned in the Office of the Sheriff<br>Drive, Winterset, lowa, on the 12th day of January,<br>ying as a member of such commission and to proceed |
| Filed in my office this 4 day of December,   | 1998.  |
| Fred Control of the Control  | D Weld The   |
| MATE CONTRACTOR OF THE PARTY OF | Paul D. Welch, Sheriff of Madison County, Iowa   |
| 1 1 1999   | ,  |
|  | CE OF SERVICE  |
| <u> Wintersとと</u> , lowa this // day of .  | ns accepted and receipt of copy acknowledged at Jan., 1999. I further certify that I do not have would cause me to render a biased decision therein.                 |
| REFUSAL  | TO SERVE   |
| I will be unable to serve for the reason that I pos<br>me to render a biased decision of for the reason th   | ssess an interest in the proceeding which would cause at   |
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| EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA  | :   |
|---|---|
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | : SUMMONS TO COMMISSIONERS :  |
| TO: MARCY BAKER   |   |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicia of such compensation commission, which select Judge designatedITM_KRESS as C YOU ARE THEREFORE COMMANDED to ap of Madison County, Iowa at 1012 N. John Wayr | pear before the undersigned in the Office of the Sheriff<br>ne Drive, Winterset, Iowa, on the 12th day of January,<br>lifying as a member of such commission and to proceed |
| Filed in my office this 4th day of December   | •   |
| 144 1 1999  | Paul D. Welch, Sheriff of Madison County, Iowa  |
| Due and legal service of foregoing Summ Winterset, lowe this _// day of   | ons accepted and receipt of copy acknowledged at, 199 <u>79</u> . I further certify that I do not ich would cause me to render a biased decision therein.                   |
|   | Mancy Baker   |
| REFUS   | AL TO SERVE   |
|   | possess an interest in the proceeding which would cause   |
|   |   |
|   |   |

| IN THE MATTER OF THE CONDEMNATION OF<br>EASEMENT RIGHTS IN AGRICULTURAL LAND<br>BY WARREN WATER DISTRICT TO   | :  |
|---|--|
| CONSTRUCT, OPERATE AND MAINTAIN<br>A WATER DISTRIBUTION SYSTEM<br>IN MADISON COUNTY, IOWA   | ·<br>:   |
| RE: SERVICE AREA 5<br>Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)  | : SUMMONS TO COMMISSIONERS   |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | ;  |
| TO: Charles Tucker  |  |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicial of such compensation commission, which selectic Judge designated JIM KRESS as Chairperson of the YOU ARE THEREFORE COMMANDED to append of Madison County, lowa at 1012 N. John Wayne | ear before the undersigned in the Office of the Sheriff Drive, Winterset, lowa, on the 12th day of January, ying as a member of such commission and to proceed ges according to law. |
| ACCEPTANO   | CE OF SERVICE  |
| Due and legal service of foregoing Summor, lowa this day of _ possess any interest in the above proceeding which  | ns accepted and receipt of copy acknowledged at, 199 I further certify that I do not have a biased decision therein.   |
|   | <u>Sic 1 4 1999</u>  |
| REFUSA  | L TO SERVE   |
| I will be unable to serve for the reason that I pome to render a biased decision of for the reason the  | ssess an interest in the proceeding which would cause nat  |
|   | Charles & Tucker   |
|   |  |

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

TO:

James Camp

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 damage 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 JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the 12th day of January, 1999, at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this day of December, 1998.

DFC (1 A 1488

Paul D. Welch, Sheriff of Madison County, Iowa

**SUMMONS TO COMMISSIONERS** 

# **ACCEPTANCE OF SERVICE**

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at \_\_\_\_\_\_\_, lowa this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 199\_\_\_\_. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

**REFUSAL TO SERVE** 

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that \_\_\_\_\_

James D. Ang

| ;  |   |
|--|---|
| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND  | :   |
| BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN  | :   |
| A WATER DISTRIBUTION SYSTEM  | :   |
| IN MADISON COUNTY, IOWA  | : SUMMONS TO COMMISSIONERS  |
| RE: SERVICE AREA 5<br>Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)   | •   |
| Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27)   | •   |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | :   |
| TO: Jim Kress  |   |
|  |   |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicial   | the Chief Judge of the Fifth Judicial District of lowa for appraise damage to real estate by reason of these District has selected and appointed you as a member in has been duly filed in my office. Further, the Chief the said Commission. |
| of Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualit to view the premises and make an award of dama. |   |
| Filed in my office this $\frac{40}{100}$ day of December,  | 1998. Tend D Welck Strift   |
|  | Paul D. Welch, Sheriff of Madison County, Iowa  |
| ACCEPTANO  | CE OF SERVICE   |
| , lowa this day of   | ns accepted and receipt of copy acknowledged at, 199 I further certify that I do not h would cause me to render a biased decision therein.  |
| MM 1 2 1999  |   |
| 0835   |   |
| Vistania Company   | _ TO SERVE  |
| I will be unable to serve for the reason that I pos<br>me to render a blased decision of for the reason th   | ssess an interest in the proceeding which would cause nat <u>our bank hours</u> Miritgo   |
| me to render a blased decision of for the reason the   |   |
| 1- \$.1999   | Jahr Horese   |

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IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27) Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27) Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)

STATE OF IOWA

: ss

MADISON COUNTY

EACH OF THE UNDERSIGNED BEING DULY SWORN SAYS:

THAT THE AFFIANT DOES POSSESS THE QUALIFICATIONS LISTED UNDER HIS/HER NAME BELOW, AND THAT THE AFFIANT DOES NOT POSSESS AN INTEREST IN THE PROCEEDING WHICH WOULD CAUSE HE OR SHE TO RENDER A BIASED DECISION; AND THAT THE AFFIANT WILL, TO THE BEST OF HIS/HER ABILITY, FAITHFULLY AND IMPARTIALLY ASSESS THE DAMAGES WHICH OWNERS, LIENHOLDERS, ENCUMBRANCERS AND OTHER PERSONS INTERESTED IN THE LAND FROM WHICH CERTAIN RIGHTS ARE SOUGHT TO BE APPROPRIATED BY THESE PROCEEDINGS WILL SUSTAIN BY REASON OF THE APPROPRIATION OF THE RIGHTS SET FORTH AND DESCRIBED IN THE APPLICATION AND NOTICE OF CONDEMNATION FILED IN THE OFFICE OF THE SHERIFF FOR THE IMPROVEMENT OF WARREN WATER DISTRICT AND MAKE A WRITTEN REPORT TO THE SHERIFF AS AUTHORIZED AND PRESCRIBED IN CHAPTERS 6A AND 6B OF THE 1997 CODE OF IOWA AND ANY AMENDMENTS THERETO, AND IN ACCORDANCE WITH THE INSTRUCTIONS OF THE CHIEF JUSTICE OF THE SUPREME COURT, AND WILL TRULY PERFORM ANY AND ALL OTHER DUTIES IMPOSED UPON ME BY LAW AS A MEMBER OF THE COMPENSATION COMMISSION SELECTED AND APPOINTED TO ASSESS SAID DAMAGES.

NAME: CAROL LANDIS

LICENSED REAL ESTATE SALESPERSON OR

**BROKER** 

BRET SMITH

KNOWLEDGE OF PROPERTY VALUES BY

VIRTUE OF OCCUPATION

NAME: /RAYMOND CLARK

**AGRICULTURAL** 

NAME: MARÓY BAKER LICENSED REAL ESTATE SALESPERSON OR

BROKER

**OATH OF COMMISSIONERS** 

NAMÉ: MARGARET SCHAFER KNOWLEDGE OF PROPERTY VALUES BY

VIRTUE OF OCCUPATION

NAME: RUSSELL ANDERSON **AGRICULTURAL** 

0

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12

NOTÁRY PUBLIC

1999.

Well

PAUL D. WELCH, SHERIFF

MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27) Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27) Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)

SHERIFF'S CERTIFICATION **AS TO AWARDS AND COSTS** 

I HEREBY CERTIFY THAT THE COMMISSIONERS IN THE ABOVE ENTITLED CAUSE CONVENED AT WINTERSET, IOWA, ON THE 12TH DAY OF JANUARY, 1999., AND THEREUPON PROCEEDED TO VIEW THE PREMISES AND SAID COMMISSIONERS DID THEREAFTER ON THE 12TH DAY OF JANUARY, 1999, FILED THEIR WRITTEN REPORT IN MY OFFICE AWARDING DAMAGES AS FOLLOWS:

# A. AWARDS MADE BY COMMISSION TO CONDEMNEES

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

NAME

**ADDRESS** 

Niada McFarland

2554 - 225th Trail, Winterset, Iowa 50273

**TOTAL AWARD** 

250.00

Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

<u>NAME</u>

**ADDRESS** 

Geoffrey McFarland Earlham Savings Bank

2553 - 225th Street, Winterset, Iowa 50273 7300 Lake Drive, West Des Moines, Iowa 50266

**TOTAL AWARD** 

1.00

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

NAME

**ADDRESS** 

Rodney McFarland Jennifer J. McFarland DeGeorge Capital Corp.,

2543 - 225th Street, Winterset, Iowa 50273

2543 - 225th Street, Winterset, Iowa 50273

c/o Prentice-Hall

729 Insurance Exchange Bldg., Des Moines, Iowa 50309

Corp. System

Reliastar Mortgage Corporation

7015 Vista Drive, West Des Moines, Iowa 50266.

**TOTAL AWARD** 

# B. DEPOSITS TO SHERIFF MADE BY CONDEMNOR

| Parcel | No. | M5-2171 | I (SE¼ | NW1/4 | 3-75-27) |
|--------|-----|---------|--------|-------|----------|
|--------|-----|---------|--------|-------|----------|

DATE **AMOUNT NAMES** February 1, 1999 \$ 250.00 Niada McFarland TOTAL AMOUNTS DEPOSITED \$ 250.00 Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27) DATE **AMOUNT NAMES** Geoffrey McFarland, February 1, 1999 Earlham Savings Bank, 1.00 TOTAL AMOUNTS DEPOSITED \$\_\_\_\_1.00 Parcel No. M5-2173 (SE¼ NW¼ 3-75-27) DATE **AMOUNT NAMES** Rodney McFarland Jennifer J. McFarland DeGeorge Capital Corp., February 1, 1999 Reliastar Mortgage Corporation, 1.00 TOTAL AMOUNTS DEPOSITED \$ 1.00 C. AWARDS OR DAMAGES PAID TO CONDEMNEES **DATES** NAME **AMOUNTS** \$ 250.00 Niada McFarland Geoffrey McFarland and Earlham Savings Bank \$ 1.00 Rodney McFarland Jennifer J. McFarland DeGeorge Capital Corp.,

TOTAL AMOUNTS PAID TO CONDEMNEES \$\_

# D. COMMISSIONERS FEES AND EXPENSES

Reliastar Mortgage Corporation,

**FEES & EXPENSES NAME** 1. Bret Smith Russell Anderson
 Margaret Schafer 53.12 00.00 \$ <u>50.52</u> 4. Marcy Baker 57.28 5. Raymond Clark <u>55.20</u> 6. Carol Landis 269.24 **TOTAL** 

\$ 1.00

DATE PAID February 1, 1999

# E. SHERIFF'S CIVIL FEES AND EXPENSES

| SERVICE               | \$50.00          | PAID  |
|-----------------------|------------------|---|
| MILEAGE               | \$ 22.05         |   |
| COUNTY FEES (POSTAGE) | \$ <u>17.40</u>  | FFR - 2 1999  |
| ATTENDED COMMISSION   | \$ 60.00         | - ttb - t ////  |
| COPIES                | \$31.50          | $\Delta D = \Delta D = 0.00$  |
| TOTAL                 | \$ <u>180.95</u> | L. James  |
|                       |                  | A Second |

DATE PAID February 1, 1999

- F. THE NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL WAS MAILED TO ALL INTERESTED PARTIES BY ORDINARY MAIL ON THE 12th DAY OF JANUARY, 1999.
- G. THE APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER FOR MADISON COUNTY, IOWA ON THE <u>29TH</u> DAY OF <u>OCTOBER</u>,1998, RECORDED WITH THE FOLLOWING BOOK, PAGE OR INSTRUMENT NUMBER; <u>DEED RECORD BOOK 140 AT PAGE 488</u>, INSTRUMENT NO. 1862.

I FURTHER CERTIFY THAT THE ATTACHED PAPERS ARE THE FULL AND COMPLETE ORIGINAL FILES IN THE PROCEEDINGS AND THE STATEMENTS ACCOMPANYING THE SAME ARE CORRECT AND TRUE. GIVEN UNDER MY HAND THIS DAY OF July 1999.

PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA | :<br>:<br>;   |
|---|---|
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | : CONDEMNATION COMMISSIONER'S STATEMENT   |
| of certain real estate or rights to the real estate for<br>January, 1999, are as follows:   | er of the commission in the matter of the condemnation or the above described project held on the 12th day of |
| day service at \$50.00  | \$ <u>O</u>   |
| TOTAL Signed this 12 day of January   | \$ 55.20<br>y, 1999.<br>Carol Landis  |
| •   | COMMISSIONER  |

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO                                    | :<br>:  |
|--|---|
| CONSTRUCT, OPERATE AND MAINTAIN<br>A WATER DISTRIBUTION SYSTEM<br>IN MADISON COUNTY, IOWA  | :   |
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)        | : CONDEMNATION COMMISSIONER'S STATEMENT   |
| To the Sheriff of Madison County:  |   |
| I certify that my fee and expense as a membe<br>of certain real estate or rights to the real estate fo<br>January, 1999, are as follows: | r of the commission in the matter of the condemnation r the above described project held on the 12th day of |
| day service at \$50.00   | \$ 50.00  |
| mileage at .26 cents   |   |
| meals  |   |
| TOTAL  | \$ 50.52  |
| Signed this//_ day ofJan   | , 1999.   |
|  | Marcy Baker   |

#### **DEED RECORD 140**

# BEFORE THE SHERIFF OF MADISON COUNTY, IOWA IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA **RE: SERVICE AREA 5 CONDEMNATION COMMISSIONER'S** Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27) **STATEMENT** Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27) Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27) To the Sheriff of Madison County: I certify that my fee and expense as a member of the commission in the matter of the condemnation of certain real estate or rights to the real estate for the above described project held on the 12th day of January, 1999, are as follows: Signed this 12<sup>+1</sup> day of Jan, 1999.

COMMISSIONER

| IN THE MATTER OF THE CONDEMNATION OF   | :                             |
|--|-------------------------------|
| EASEMENT RIGHTS IN AGRICULTURAL LAND   |                               |
| BY WARREN WATER DISTRICT TO  | :                             |
| CONSTRUCT, OPERATE AND MAINTAIN  |                               |
| A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA  | :                             |
| III WADISON COUNTY, IOWA   | :                             |
| RE: SERVICE AREA 5   | ·                             |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)   | : CONDEMNATION COMMISSIONER'S |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)   | STATEMENT                     |
| Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)   | :                             |
| of certain real estate or rights to the real estate for January, 1999, are as follows:  day service at \$50.00 | \$ <u>~~</u> .                |
| TOTAL  | \$                            |
| Signed this 12 day of fam any  |                               |
|  | Margare L Schager             |
|  | COMMISSIONER                  |
|  |                               |

| EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM N MADISON COUNTY, IOWA | :<br>:<br>:  |
|---|--|
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)                   | : CONDEMNATION COMMISSIONER'S STATEMENT                |
| To the Sheriff of Madison County:  I certify that my fee and expense as a member of certain real estate or rights to the real estate for            | er of the commission in the matter of the condemnation |
| January, 1999, are as follows:  |  |
| January, 1999, are as follows:  |  |
| January, 1999, are as follows:  | \$ <u>50.90</u><br>\$ <u>7,28</u>                      |
| January, 1999, are as follows:  day service at \$50.00  | \$ <u>50.90</u><br>\$ <u>7,28</u>                      |
| January, 1999, are as follows: day service at \$50.00   | \$ 50.00<br>\$ 7,28<br>\$                              |

| IN THE MATTER OF THE CONDEMNATION OF<br>EASEMENT RIGHTS IN AGRICULTURAL LAND<br>BY WARREN WATER DISTRICT TO<br>CONSTRUCT, OPERATE AND MAINTAIN<br>A WATER DISTRIBUTION SYSTEM<br>IN MADISON COUNTY, IOWA | :<br>:<br>:   |
|--|---|
| RE: SERVICE AREA 5   |   |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)  | : CONDEMNATION COMMISSIONER'S STATEMENT   |
| Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)   | :   |
| of certain real estate or rights to the real estate fo<br>January, 1999, are as follows:   | or of the commission in the matter of the condemnation or the above described project held on the 12th day of |
| day service at \$50.00   |   |
| mileage at .26 cents   | s 3,12  |
| meals  |   |
| TOTAL  | \$53.12   |
| Signed this 12 day of Jum  | , 1999.   |
|  | COMMISSIONER COMMISSIONER   |

Madison Co Sheriff Mon Dec 7 10:04:30 1998

Page#

1

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

RETURN OF SERVICE:

Personnal

CASE NAME:

WARREN WATER DISTRICT

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING

: : Order Filed

: : Petition and Original Notice : : Modification/Application and Notice : : Order to Show Cause : : Writ

Served MCFARLAND, RODNEY

at 2543 225TH ST

on 12/05/98

WINTERSET, IA 50273

: : Other

at 1330

NOTE: (Diligent Search, etc.)

Processing: Mileage Trust/Copy

MISC.

TOTAL

PAUL D. WELCH,

MADISON

Signature SGT. KEN BURK Title

-Fees XXXXXXXXX/paidby Atty/RXXXXX; RICHARD B CLOG

Mon Dec 7 10:03:41 1998 Madison Co Sheriff

Page#

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

RETURN OF SERVICE:

Personnal

CASE NAME:

WARREN WATER DISTRICT

VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING: Petition and Original Notice :: Order Filed\_\_\_\_\_\_

: : Modification/Application and Notice : : Writ

: : Order to Show Cause

: : Other

Served MCFARLAND, NAIDA

at 2554 225TH TR

on 12/05/98 at 1335

WINTERSET, IA 50273

NOTE: (Diligent Search, etc.)

Processing:

Mileage

Trust/Copy

MISC.

TOTAL

PAUL D. WELCH,

MADISON

Signature

BURK

Title

IOWA

Fees when year way paidby Atty/mayya: RICHARD B CLOS

IÑ THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

# NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hali Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

# PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

#### PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

# PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa to which you are referred.

DEL 0 1 179111

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, lowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, Iowa.

3

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 12th day of January, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

Richard B. Clogg WN0000089

ELGIN, CLOGG & PATIN 106 East Salem Avenue

P.O. Box 215

Indianola, Iowa 50125 Telephone: (515) 961-2574

Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Tue Dec 8 08:57:20 1998

Madison Co Sheriff

Page#

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

RETURN OF SERVICE:

Personnal

CASE NAME:

WARREN WATER DISTRICT

VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING: Petition and Original Notice: Order Filed\_\_\_\_\_\_

: : Modification/Application and Notice : : Writ

: : Other : : Order to Show Cause

Served MCFARLAND, GEOFFREY

at 2553 225**T**H ST

on 12/07/98

WINTERSET, IA 50273

at 1325

Ti/tle/

NOTE: (Diligent Search, etc.)

Processing : Mileage

Trust/Copy

MISC.

TOTAL

PAUL D. WELCH, SHERIFF

County, IOWA MADISON

Signatu*f*e CRAIG BUSCH, CHIEF DEPUTY

Fees charged xxx/pdidby Atty/Raxxxx RICHARD B CLOGS

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)



### NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

### PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

### PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County, Recorder on May 9, 1995.

### PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural-water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of lowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, lowa, and in the Office of the Sheriff of Madison County, lowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, lowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, lowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 12th day of January, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, lowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Ву:

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

Richard B. Clogg

WN000000895

ELGIN, CLOGG & PATIN 106 East Salem Avenue

P.O. Box 215

Indianola, Iowa 50125 Telephone: (515) 961-2574 Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Mon Dec 7 10:05:36 1998 Madison Co Sheriff

Page#

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

CASE NAME:

RETURN OF SERVICE:

Substitute

WARREN WATER DISTRICT

VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING : : Petition and Original Notice : : Order Filed

: : Order Filed\_ : : Writ\_\_\_\_

: Modification/Application and Notice

: Order to Show Cause

: : Other

Served MCFARLAND, JENNIFER

by serving MCFARLAND, RODNEY at 2543 225TH ST

WINTERSET, IA 50273 on 12/05/98 at 1330

NOTE: (Diligent Search, etc.)

Processing: Mileage

PAUL D. WELCH MADISON

26mty, IOWA

Trust/Copy MISC.

Signaturé

Title

TOTAL

Fees-WHATGEWARD paidby Atty/WATCY: RICHARD B CLOGG

Mon Dec. 7 10:00:01 1998 Madison Co Sheriff

Page#

1

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

RETURN OF SERVICE:

Government

CASE NAME:

WARREN WATER DISTRICT

VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005.

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING : : Order Filed\_\_\_\_\_

: : Order Filed\_ : : Writ\_

: : Modification/Application and Notice

: : Order to Show Cause : : Other

Served MADISON COUNTY, IOWA

by serving CLEWELL, ARLENE itslst/AUDITOR

COURTHOUSE

WINTERSET, IA 50273 on 12/07/98 at 0810

NOTE: (Diligent Search, etc.)

PAUL D. WELCH, SHERIFF Processing :

County, IOWA Mileage MADISON ሰበ

Trust/Copy MISC. Signature

TOTAL CRAIG BUSCH, CHIEF DEPUTY

Fees & MAXXY AMXXXX paridby Atty/XXXXXXX RICHARD B CLOCK

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)



## NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

### PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

### PARCEL NO. M5-2172

Parcel \*B\* of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

### PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of lowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, lowa, and in the Office of the Sheriff of Madison County, lowa to which you are referred.

2

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, lowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, lowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 12th day of January, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

Richard B. Clogg

WN000000895

ELGIN, CLOGG & PATIN 106 East Salem Avenue

P.O. Box 215

Indianola, Iowa 50125 Telephone: (515) 961-2574

Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

| **********   | ***********   | *******************  | DR MADISON COUNTY  |
|--|---|--|--|
|  |   | AFFIDAVIT OF SERVICE   |  |
| CASE NAME  | · IN THE MA   | TTER OF THE CONDI  | EMNATION OF EASEMENT RIGHTS  |
| CASE NUMBER  |   | THE CONDE  | RETURN:  |
| NOTICE RECEIV  |   |  | PERSONAL   |
| NOTICE RECEI   | V LD, 12/29/90  |  | CORP/BUS ASSOC.  |
| STATE OF IOW   | · <b>A</b>  | ,  | Ø coki1003 k330€.  |
|  | , ,   | ) SS.  |  |
| COUNTY OF M  | ADISON  | )  |  |
|  |   | and upon oath, depose and state that served a true copy of said instrume   | at I received the instrument hereto attached on ent, described as follows: |
| Petition and (   | Original Notice   |  | Notice for Nonjudicial Foreclosure   |
| ☐ Disso  | olution of Marriage   |  | Notice to Redeem from Tax Sale   |
| $\square$ F.E.D  | HEARING DA  | TE:  | Notice of Forfeiture   |
| ☐ Mone   | y Judgment  |  | Order: Program regarding family  |
| Subpoena   | <u>.</u>  |  | Order: Mandatory Pre-trial Conference                                      |
| Appl. & Orde   | er to Show Cause  |  | Order: For Hearing on Temporary matters                                    |
| Modification/  | /Appl. & Notice   |  | Other: NOTICE OF CONDEMNATION  |
| 3-Day Notice   | to Cure/Quit  |  | AND ASSESSMENT HEARING   |
|  |   |  | BEFORE COMPENSATION COMMISSION   |
| II.  1. By persona  2. By Substitute Residing  3. By serving who identified  4. By means of and to whice | SAVINGS BANK a ally serving the above n ute service on: [Employed for VERNON L. GEIGE fied themselves as the of Posting; for which a ch a copy of said attack | ER a natural person for the above of<br>EXECUTIVE VICE PRESIDENT<br>t least three attempts for personal so<br>ned document was also delivered by | T of said corporation or other entity.  ervice were made from to           |
| FEES:<br>SERVICE:<br>MILEAGE:<br>COPIES:<br>OTHER:   | \$20.00   |  | SERVICE BY: D. THOMAS  |
| TOTAL:   | \$20.00   | ALL FEES PAID BY: ELC  | GIN, CLOGG AND PATIN LAW OFFICE  |
| Subscribed o   | and sworn before  | me by the said D.THOMA   | S on this Saturday, January 02, 1999.                                      |

| IN                            | THE IOWA   | DISTRICT COURT FOR   | MADISON COUNTY  |
|-------------------------------|--|--|---|
| ****                          |  | AFFIDAVIT OF SERVICE   |   |
| CASE NAME                     | · IN RF· THF                                       | MATTER OF CONDEM!  | NATION  |
| CASE NUMBER:                  |  | MATTER OF CONDEMI  | RETURN:   |
| NOTICE RECEIV                 |  |  | ⊠ PERSONAL  |
|                               |  |  | CORP/BUS ASSOC.   |
| STATE OF IOWA                 | <b>\</b>   | )  |   |
|                               |  | ) SS.  |   |
| COUNTY OF PO                  |  | .)   |   |
| the date set forth ab         | eing first duly sworn a<br>ove and that I served a | nd upon oath, depose and state that I ro<br>true copy of said instrument, describe | eceived the instrument hereto attached on das follows:  |
| Petition and O                | riginal Notice                                     | ſ  | Notice for Nonjudicial Foreclosure  |
|                               | ution of Marriage                                  | Ì  | Notice to Redeem from Tax Sale  |
|                               | - HEARING DAT                                      | re.  | Notice of Forfeiture  |
|                               | <u>- HEARING DAI</u><br>Judgment                   | E  | Order: Program regarding family   |
| Subpoena                      | <u>Juazmeni</u>                                    | i.   | Order: Mandatory Pre-trial Conference   |
|                               | to Charl Causa                                     | L<br>[   | <del></del>   |
|                               | to Show Cause                                      | ì  | <ul><li>Order: For Hearing on Temporary matters</li><li>Other: NOTICE OF CONDEMNATION</li></ul> |
| <del></del>                   | Appl. & Notice                                     | ι  | AND ASSESSMENT HEARING  |
| 3-Day Notice                  | to Cure/Quit                                       |  | BEFORE COMPENSATION   |
|                               |  |  | COMMISON  |
|                               |  |  | COMMISSIN   |
| on the 16TH day of            | <i>DECEMBER</i> , 1998                             | at 12:52 P.M.  |   |
| I served the same on          | -  |  |   |
| I. DeGEOR                     | GE CAPITAL COR                                     | P. at 729 INSURANCE EXC  | HANGE BLDG.   |
| II. [PRENTIC                  | CE CORP.]  | at   |   |
| 1. By personall               | ly serving the above na                            | med person(s)  |   |
|                               |  |  |   |
| 2. ☐ By Substitut ☐Residing/[ | te service on :    Employed for                    |  |   |
| □l/cesiqui&/[                 | Employed 10:                                       | •  |   |
|                               | CINDY HALVERSO<br>ed themselves as the             | N a natural person for the above corp<br>SECRETAY FOR THE RGISTERE                 | poration or entity; DAGENT of said corporation or other entity.                                 |
| 4 🗀 p                         | Providence de la litatione                         | 1  | a ware made from to   |
| 4. By means of                | Posting; for which at                              | least three attempts for personal serviced document was also delivered by regi     | ze were made from To<br>ular and certified mailing on   |
|                               | * -  |  | ho was at least 18 years of age.  |
| in Des                        | MORIES, LODI                                       | L County, 10wa, by therem wi   | TO Was at loads 10 years of age.  |
|                               |  | SERVICE BY: D.TI   | HOMAS   |
| FEES:                         | # <b>20</b> 00                                     |  |   |
| SERVICE:<br>MILEAGE:          | \$20,00  |  |   |
| COPIES:                       |  |  |   |
| OTHER:                        |  |  |   |
|                               |  |  |   |
| TOTAL:                        | \$20.00  | ALL FEES PAID BY: ELG  | IIN, CLOGG & PATIN LAW OFFICE   |
| Carbonnik and                 | nd muone bofores                                   | me by the said D. THOMAS   | on this Friday December 18 1008   |
| Suoscrivea ai                 | na sworn bejore                                    | ne by the said D. THOMAS   | on this Friday, December 18, 1998.  |

541

| *******  | IN THE IOWA DIS   | STRICT COURT FOR MADISON COUNTY  |
|--|---|--|
|  | AF  | FIDAVIT OF SERVICE   |
| CASE NA  | ME · IN RE• THE M   | ATTER OF CONDEMNATION  |
| CASE NUM<br>NOTICE RE                              | MBER:<br>ECEIVED : <i>12/7/98</i>   | RETURN:  PERSONAL  CORP/BUS ASSOC.   |
| COUNTY Of I, the undersign the date set for        | OF POLK<br>gned being first duly sworn and u  | ) SS. ) pon oath, depose and state that I received the instrument hereto attached on ecopy of said instrument, described as follows:   |
| Subpoen Appl. & Modifica                           | and Original Notice  Dissolution of Marriage  E.E.D HEARING DATE:  Money Judgment  na  Order to Show Cause  ation/Appl. & Notice  lotice to Cure/Quit | Notice for Nonjudicial Foreclosure Notice to Redeem from Tax Sale Notice of Forfeiture Order: Program regarding family Order: Mandatory Pre-trial Conference Order: For Hearing on Temporary matters Other: NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISON |
| I served the se I. REI II. PRI                     | day of <i>DECEMBER</i> , 1998 at 9<br>ame on:<br>LIASTAR MORTGAGE COR<br>NCIPAL MORTGAGE DUE<br>at  | RP. N/K/A  |
| 1. By pe   | rsonally serving the above named  | person(s)  |
|  | abstitute service on :<br>siding/□Employed for  |  |
|  |   | ural person for the above corporation or entity;  RETARY RECEPTIONIST FOR PRINCIPAL of said corporation or other entity.   |
| and to   | which a copy of said attached do  | t three attempts for personal service were made from to ocument was also delivered by regular and certified mailing on ounty, Iowa, by therein who was at least 18 years of age.   |
| FEES:<br>SERVICE:<br>MILEAGE:<br>COPIES:<br>OTHER: | \$35.00   | SERVICE BY: D.THOMAS   |
| TOTAL:   | \$35.00   | ALL FEES PAID BY: ELGIN, CLOGG & PATIN LAW OFFICE  |

Subscribed and sworn before me by the said D. THOMAS on this Friday, December 18, 1998.

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

### NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

### PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

### PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

### PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, lowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 12th day of January, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

Richard B. Clogg

WN00000089ぢ

ELGIN, CLOGG & PATIN 106 East Salem Avenue

P.O. Box 215

Indianola, Iowa 50125 Telephone: (515) 961-2574 Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

### **AFFIDAVIT OF FINAL OFFER**

STATE OF IOWA

: ss.

COUNTY OF WARREN:

I, Richard B. Clogg, in compliance with § 6B.33, Code of lowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as Parcel No. M5-2171 in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1,00).

Richard B. Clogg

Subscribed and sworn to before me this \_\_\_\_\_\_ day of January, 1999.

RENEE M. HUNGE I MY COMMISSION EXPIRES November 16, 2001

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this / day of January, 1999.

Sheriff of Madison County, Iowa

By: Chief Deputy Craig Busch

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

### AFFIDAVIT OF FINAL OFFER

STATE OF IOWA

: ss.

COUNTY OF WARREN:

I, Richard B. Clogg, in compliance with § 6B.33, Code of lowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as Parcel No. M5-2172 in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1.00)

Richard B. Clogg

Subscribed and sworn to before me this \_\_\_\_\_ day of January, 1999.

RENEE M. HUNGE I MY COMMISSION EXPIRES November 16, 2001

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 12 day of January, 1999.

Sheriff of Madison County, lowa

Chief Deputy Crate Bucch

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5 1 ...

Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)

Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27)

Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)

### AFFIDAVIT OF FINAL OFFER

STATE OF IOWA

SS.

COUNTY OF WARREN:

I, Richard B. Clogg, in compliance with § 6B.33, Code of Iowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as Parcel No. M5-2173 in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1.00).

Richard B. Clogg

Subscribed and sworn to before me this \_\_\_\_\_ day of January, 1999.

RENEE M. HUNGET
MY COMMISSION EXPIRES
November 16, 2001

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this 12 day of January, 1999.

Sheriff of Madison County, Iowa

Chief Deputy Crais Busch

### BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND

| BY WARREN WATER DIS CONSTRUCT, OPERATE                      |  | ;                       |  |  |  |  |
|---|--|-------------------------|--|--|--|--|
| A WATER DISTRIBUTION IN MADISON COUNTY, IC                  |  | :                       |  |  |  |  |
| RE: SERVICE AREA 5  |  | :                       |  |  |  |  |
| Parcel No. M5-2171 (SE1/                                    | NW1/4 3-75-27) 1   | : REPORT C              | OF COMPENSATION                                    |  |  |  |
| Parcel No. M5-2172 (SE1/                                    | ,  | COMMISS                 | ION  |  |  |  |
| Parcel No. M5-2173 (SE½                                     | NW1/4 3-75-27)   | :                       |  |  |  |  |
| TO: PAUL D. WELCH,  | SHERIFF OF MADIS   | SON COUNTY, IOWA:       |  |  |  |  |
| APPOINTED TO ASSESS ENCUMBRANCERS AND CAS SET FORTH AND DES | WE, THE UNDERSIGNED, BEING THE DULY APPOINTED AND QUALIFIED COMMISSIONERS, APPOINTED TO ASSESS THE DAMAGES SUSTAINED BY THE RESPECTIVE OWNERS, LIENHOLDERS, ENCUMBRANCERS AND OTHER PERSONS INTERESTED IN THE APPROPRIATION OF CERTAIN RIGHTS AS SET FORTH AND DESCRIBED IN THE NOTICE OF CONDEMNATION FILED IN THIS PROCEEDING RESPECTFULLY SUBMIT THE REPORT PROVIDED BELOW. |                         |  |  |  |  |
|   | THE DAMAGES V  | VITH THE RESPECTIVE PER | FIXED IN THE NOTICE, WE<br>RSON(S) WILL SUSTAIN BY |  |  |  |
| Parcel No. M5-2171 - SE                                     | ¼ NW¼ 3-75-27  |                         |  |  |  |  |
| CONDEMNEES  | LAND   | PERSONAL PROPERTY       | SUBTOTAL AWARD                                     |  |  |  |
| Niada McFarland   | \$ 225-00  | \$                      | \$ 225   |  |  |  |
| ATTORNEY FEES   |  |                         | \$   |  |  |  |
|   |  | TOTAL AWARD \$_         | 225.00   |  |  |  |
| Parcel No. M5-2172 - SE                                     | ¼ NW¼ 3-75-27  |                         |  |  |  |  |
| CONDEMNEES  | LAND   | PERSONAL PROPERTY       | SUBTOTAL AWARD                                     |  |  |  |
|   | \$ 1,00  | $\sim$                  | 6 / 00   |  |  |  |
| Geoffrey McFarland  | \$ <u>1.00</u>   | \$                      | \$ <u>1,00</u>                                     |  |  |  |
| MORTGAGEE:<br>Earlham Savings Bank                          | \$   | \$ <u> </u>             | \$   |  |  |  |
| ATTORNEY FEES   |  |                         | \$ <u> </u>  |  |  |  |
|   |  | TOTAL AWARD \$_         | 1.00   |  |  |  |

### Parcel No. M5-2173 - SE¼ NW¼ 3-75-27

| CONDEMNEES  | LAND             | PERSONAL PROPERTY          | SUBTOTAL AWARD                |  |  |
|---|------------------|----------------------------|-------------------------------|--|--|
| Rodney McFarland and<br>Jennifer J. McFarland   | \$/.00           | \$ <u>·</u>                | \$ 1.00                       |  |  |
| MORTGAGEE:<br>DeGeorge Capital Corp. al<br>Reliastar Mortgage<br>Corporation<br>ATTORNEY FEES | nd<br>\$         | \$                         | \$ 0<br>\$ <del>100</del> N/A |  |  |
|   |                  | TOTAL AWARD \$             | 1.00                          |  |  |
| RESPECTFULLY REPORTED AT MADISON COUNTY, IOWA THIS DAY OF JANUARY, 1999.                      |                  |                            |                               |  |  |
| Buta  | Smit             | In many                    | Baker                         |  |  |
| Russell as  | ndasy            | Bragnion                   | na Clark                      |  |  |
| margaret S  | chafte           | Carol                      | fandis                        |  |  |
| I CERTIFY THAT THE A PAYMENT HAS NOT BEEN   |                  | ARE LEGALLY PAYABLE TO EAC | CH CLAIMANT, AND THAT         |  |  |
| FILED IN MY OFFICE  | AT WINTERSET, IO | WA, THIS 12 DAY OF JANUA   | ARY, 1999.                    |  |  |
| ·   |                  | 1000 C                     | Weld Theoff                   |  |  |
|   |                  | Sheriff of Madison Cou     | inty, Iowa                    |  |  |

### BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

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

That D Well This

I, the undersigned, Sheriff of Madison County, Iowa, hereby endorse and certify to the attached report of the Compensation Commission; that I have mailed by ordinary mail on this / day of January, 1999, the likewise attached Notice of Appraisement of Damages and Time for Appeal to each of the persons to whom it is addressed.

Sheriff of Madison County, Iowa

### BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5. .

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27) NOTICE OF APPRAISEMENT
OF DAMAGES AND TIME FOR

APPEAL

TO: Warren Water District, c/o Richard B. Clogg, P.O. Box 215, 106 E. Salem Avenue, Indianola, Iowa 50125; Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

You, and each of you are hereby notified that the duly appointed and qualified commissioners assessed and appraised the damages sustained by each of you by reason of the condemnation as set out upon the attached report of the Compensation Commission, and that pursuant to Section 6B,18 of the 1997 Code of lowa, you may within thirty (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Paul D. Welch, Sheriff of Madison County, Iowa

You may pick up your check at the Sheriff's Office at 1012 N. John Wayne Drive, Winterset, Iowa, after thirty days unless you appealed.

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

### **AFFIDAVIT OF NONMILITARY SERVICE**

STATE OF IOWA: ss.

I, Richard B. Clogg, being first duly sworn on oath, depose and state that I am attorney for Warren Water District, and am responsible for condemnation of right-of-way for this captioned project, and that I am qualified to make this affidavit; that none of the persons holding any legal right to the following described real property, to-wit:

### Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

### Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27)

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

### Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

are in the active service or on active duty in any of the United States Armed Forces and none come within the provisions of the Soldiers and Sailors Relief Act of 1940, and the amendments thereto.

Richard B. Clogg

Subscribed and sworn to before me this 140 day of NOV., 1998

Notary Public in and for the State of Iowa

CONDEMNATION OF CERTAIN RIGHTS IN AGRICULTURAL LAND FOR WATER DISTRIBUTION PURPOSES

RODNEY MCFARLAND and JENNIFER MCFARLAND, Plaintiffs,

vs.

NOTICE OF APPEAL

WARREN WATER DISTRICT, Defendant.

PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA WARREN WATER DISTRICT, c/o Richard B. Clogg, P.O. Box 215, 106 E. Salem Avenue, Indianola, Iowa 50125

YOU ARE HEREBY NOTIFIED that Rodney McFarland and Jennifer McFarland, Plaintiffs appeal to the Iowa District Court in Madison County the award of the Condemnation Commission entered in this matter on the 12th day of January, 1999. Notice of the appraisement was mailed by the Sheriff to said Plaintiffs by ordinary mail on the 12th day of January, 1999.

> Rodney McFarland Jennifer McF

By:

Zane Blessum (DA0008228) 119 North John Wayne Drive P.O. Box 309

Winterset, IA 50273 Telephone: (515) 462-1666 ATTORNEY FOR PLAINTIFFS

### ACCEPTANCE OF SERVICE

STATE OF IOWA

SS

COUNTY OF MADISON:

Due, legal, and timely service of this Notice of Appeal is each accepted this 9- day of day of 1999, in Winterset, var, 1999, and Welch, Madison County Sherfff.

County Sheriff Paul D. Welch, Madison

Tour D Well Ship

Subscribed and sworn to before me this 9th day of Februar

Public in and for the State of Iowa

P

REC \$ COMPUTER STOMPARED FILED NO. BOOK 140 PAGE 50

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

FOR RECORDER

MICHELLE UTSLER

RECORDER

MADISON COUNTY.10WA

SHERIFF'S FILING OF RECORD

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

### TO: MICHELLE UTSLER, MADISON COUNTY RECORDER:

PLEASE FIND ATTACHED THE FOLLOWING PAPERS REGARDING THE ABOVE NAMED CONDEMNATION WHICH WAS HELD IN MY OFFICE ON THE 12TH DAY OF JANUARY, 1999:

A CERTIFIED COPY OF THE APPLICATION FOR CONDEMNATION; ALL NOTICES, TOGETHER WITH ALL RETURNS OF SERVICE ENDORSED ON THE RETURNS OR ATTACHED TO THE RETURNS; THE REPORT OF THE COMMISSIONERS;

ALL OTHER PAPERS FILED WITH THE SHERIFF IN THE PROCEEDINGS.

I FURTHER CERTIFY THAT I HAVE IN MY POSSESSION, CHECK #1043 IN THE AMOUNT OF \$ 250.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO "NIADA MCFARLAND" RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2171; AND PERSONAL MONEY ORDER #5436 IN THE AMOUNT OF \$ 1.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO "GEOFFREY MCFARLAND AND EARLHAM SAVINGS BANK" RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2172; AND PERSONAL MONEY ORDER #5434 IN THE AMOUNT OF \$ 1.00 RECEIVED FROM WARREN WATER DISTRICT AND PAID TO "RODNEY MCFARLAND, JENNIFER J. MCFARLAND, DEGEORGE CAPITAL CORP., AND RELIASTAR MORTGAGE CORPORATION" RECEIVED ON THE 1ST DAY OF FEBRUARY, 1999, IN FULL PAYMENT OF THE AWARD FOR PARCEL NO. M5-2173.

THE APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER FOR MADISON COUNTY, IOWA ON THE <u>29TH</u> DAY OF <u>OCTOBER</u>, 1998, RECORDED WITH THE FOLLOWING BOOK, PAGE OR INSTRUMENT NUMBER; <u>DEED RECORD BOOK 140 AT PAGE 488, INSTRUMENT NO. 1826.</u>

SHERIFF OF MADISON COUNTY, TOWA

STATE OF IOWA, MADISON COUNTY: ss

ON THIS 12 DAY OF TIME 1999, BEFORE ME A NOTARY PUBLIC IN THE STATE OF IOWA, PERSONALLY APPEARED PAUL D. WELCH, SHERIFF, TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME

AS HIS VOLUNTARY ACT AND DEED COMPANY

LOIS E. THOMPSON, NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

MY COMMISSION EXPIRES \_\_

.

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

# APPLICATION FOR CONDEMNATION TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT AND FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

TO THE HONORABLE ARTHUR E. GAMBLE, Chief Judge of the Fifth Judicial District of Iowa:

COMES NOW Warren Water District, sometimes hereinafter the "Applicant" or "District", a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, and pursuant to § 6B.3, Code of Iowa (1997), states:

- 1. Applicant, Warren Water District is a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, with its principal place of business at 1204 East 2nd Avenue, Indianola, Iowa 50125, and is authorized to make this application under the provisions of \$357A.11(5) of the Code of Iowa (1997).
- 2. The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the real estate hereinafter set forth to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto. Applicant shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.
- 3. The purpose for which the condemnation is sought is an easement for water lines for water distribution purposes over and across the described real estate, said water distribution system to serve residents of Madison County, Iowa.
- 4. The easement rights of Warren Water District to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited by the following:
  - (a) That during construction the Applicant will bury all pipeline to provide a minimum cover of 36 inches.
  - (b) That Applicant will pay for any damages to growing crops, grasses, trees, shrubbery, fences, or other property caused by the inspection, repair, replacement, removal, maintenance or operation of Applicant's facilities on the land described above; provided, however, that the Applicant shall have the right (without liability for damages) from time to time after initial construction of the pipeline to reclear the right-of-way by cutting and removing therefrom trees, brush and other obstructions that may, in Applicant's judgment, interfere with Applicant's use of the easement strip.
  - (c) That Applicant will restore the surface of all disturbed areas on said land to its original contour as nearly as practicable.

- (d) Any drainage tile disturbed by the installation or repair of the pipeline will be repaired or replaced by Applicant with tile of comparable quality.
- 5. Exhibit "A" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by the Applicant.
  - 6. That said land described in Exhibit "A" is agricultural property.
- 7. Exhibit "B" attached hereto, and by this reference made a part hereof, are a series of plats specifically describing the property affected or sought to be condemned, and showing the location of the right-of-way with reference to such description.
- 8. Exhibit "C" attached hereto, and by this reference made a part hereof, are the names of all record owners of the different tracts of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such lands, together with the place of residence of all such persons so far as known to Applicant.
- 9. Warren Water District has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.
- 10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1997) to appraise the damages, said Commission shall be six in number and shall be residents of Madison County, Iowa.

WHEREFORE, Warren Water District hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of Chapter 6B, Code of Iowa, as amended.

Dated this 15th day of October, 1998.

WARREN WATER DISTRICT

Richard B. Clogg WN000000

ELGIN, CLOGG & PATIN

106 East Salem Avenue

P.O. Box 215

Indianola, lowa 50125

Telephone: (515) 961-2574

Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 2/ day of 0ctober, 1998.

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

## EXHIBIT "A" Page 1 of 1

A description of all the property in Madison County affected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth of a section.

### Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

### Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995

### Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

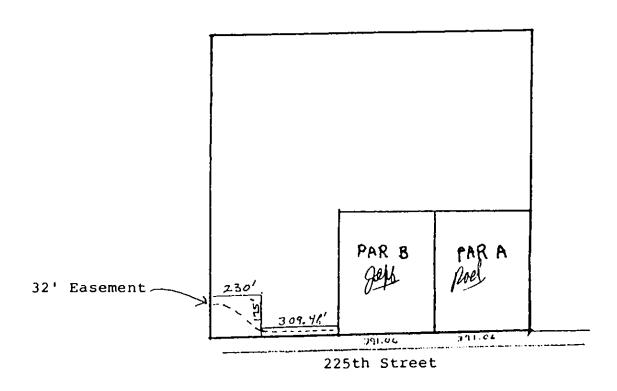
### EXHIBIT "B" Page 1 of 3

A plat of each parcel showing the location of the right-of-way or other property sought to be condemned with reference to such description.

Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

SE¼ NW¼ 3-75-27



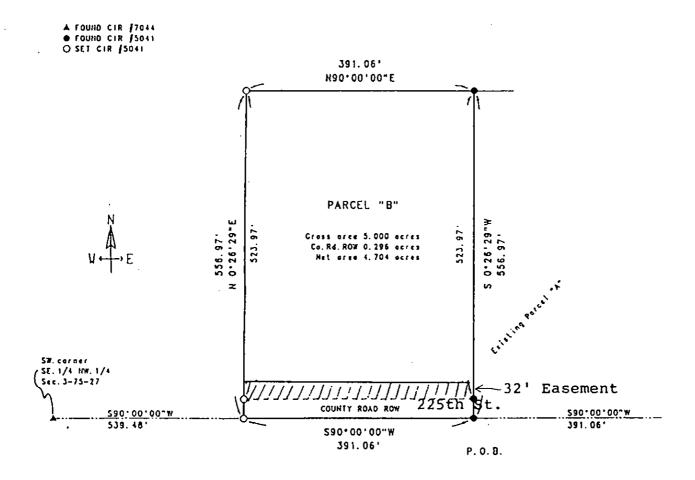
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

EXHIBIT \*B\* Page 2 of 3

Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

SE¼ NW¼ 3-75-27



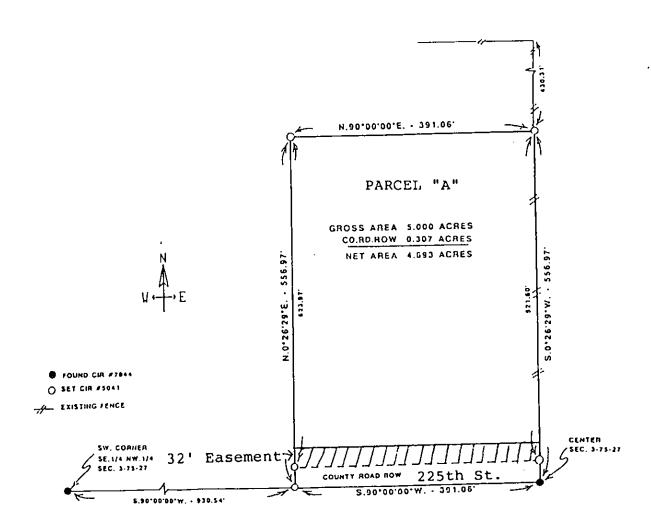
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

EXHIBIT "B" Page 3 of 3

Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across all that part of Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

### SE¼ NW¼ 3-75-27



EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the above-described real estate.

EXHIBIT "C" Page 1 of 1

### Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)

### Property Owners:

Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273.

### Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

### Holders of Lien or encumbrance:

None.

### Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

### **Property Owners:**

Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273.

### Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

### Holders of Lien or encumbrance:

Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266.

### Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

### **Property Owners:**

Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273. Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273.

### Others that may be affected by the proceedings:

Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

### Holders of Lien or encumbrance:

DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309.

Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266.

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN THE CHIEF JUDGE OF THE FIFTH A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA RE: SERVICE AREA 5

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY JUDICIAL DISTRICT

PARCEL NOS M5-2171/M5-2472/M5-2173

|                       | County          |                |          |       |        |       |     |    |
|-----------------------|-----------------|----------------|----------|-------|--------|-------|-----|----|
| An Application        | and Notice of   | Condemnation   | having   | been  | filed  | with  | me  | bу |
| Warren Water District |                 |                | fc       | r the | selec  | tion  | and | ,  |
| appointment, by 10    | ot, of six sui  | table persons  | as the   | law p | rovide | s to  | act | a  |
| a compensation con    | mmission to as: | sess and appra | aise the | dama  | ges su | stair | ned | bу |

o act as ined by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of

| said compensation commi | ssion required in this         | matter the following persons:                     |
|-------------------------|--------------------------------|---|
| NAME                    | ADDRESS                        | QUALIFICATIONS                                    |
| l. Jim Kress            | Earlham                        | LICENSED REAL ESTATE<br>BROKERS/SALESPERSON       |
| 2. Charles Tucker       | Winterset                      | DROKERS/ SALESPERSON                              |
| 1. Mark Pearson         | Peru                           | KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION |
| 2. Bret Smith           | Winterset                      |   |
| 1. Raymond Clark        | Cumming                        | AGRICULTURAL/ØTHER/THAN<br>AGRICULTURAL           |
| 2. James Camp           | Peru                           |   |
| I further DESIGNATE,    | SELECT and APPOINT the         | e above named                                     |
| to act as Chairperson o | f said Commission and          | CHARLES TUCKER is                                 |
| appointed as Alternate  | Chairperson.                   |   |
| TO THE SHERIFF OF       | MADISON COU                    | JNTY, IOWA: Attached hereto                       |
| please find a duplicate | of the Application for         | r Condemnation in the above                       |
| entitled matter.        |                                |   |
| DATED at Des Moines,    | Iowa this $\frac{26}{}$ day of | October , 1998 .                                  |
|                         | arthu &                        | Smole   |
| Filed in my office at   | `                              | owa this 4th day of December                      |
| 1998.                   | Time &                         | Weld Find   |
|                         | SHERIFF OF                     | COUNTY, IOWA                                      |

ნ03

SUPPLEMENTARY ORDER APPOINTING

ALTERNATE COMPENSATION COMMISSIONERS

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN

Filed in my office at

199 8 .

"WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA RE: SERVICE AREA 5 Parcel Nos: M5-2171/M5-2172/M5-2173 County Madison An Application and Notice of Condemnation having been filed with me by for the selection and <u> Warren Water District</u> appointment, by lot, of six suitable persons as the law provides 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 Applicant, in the Notice of Condemnation filed in the above entitled matter, I hereby DESIGNATE, SELECT and APPOINT as the members of said compensation commission required in this matter the following persons: NAME ADDRESS QUALIFICATIONS Carol Landis Winterset LICENSED REAL ESTATE BROKERS /SALESPERSON Marcy Baker 2. Winterset 1. Margaret Schafer Earlham KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION 2. Loren Myers Lorimor l. Russell Anderson Peru AGRICULTURAL/OTHER/THINN AGRICULTURAL 2. Dean Molln Winterset The Sheriff of Madison County, Iowa shall upon being informed of a vacancy in the compensation commission, notify the alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified. DATED this 26 day of October CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

SHERIFF OF Walson COUNTY, IOWA

, Iowa this Y

### BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

SUMMONS TO COMMISSIONERS

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

TO:

Jim Kress

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 damage 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 JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the 12th day of January, 1999, at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4 day of December, 1998.

Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at day of the possess any interest in the above proceeding which would cause me to render a biased decision therein.

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that \_\_\_\_\_\_.

### BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA | : : SUMMONS TO COMMISSIONERS   |
|---|--|
| RE: SERVICE AREA 5  |  |
| Parcel No. M5-2171 (SEW NWW 3-75-27)  | :  |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   |  |
| Faice 140. MS-2173 (SEW 1949 W 3-75-27)   | •  |
| TO: Mark Pearson  |  |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicial  | the Chief Judge of the Fifth Judicial District of Iowa for appraise damage to real estate by reason of these District has selected and appointed you as a member on has been duly filed in my office. Further, the Chief he said Commission. |
| of Madison County, Iowa at 1012 N. John Wayne   | ear before the undersigned in the Office of the Sheriff<br>Drive, Winterset, lowa, on the 12th day of January,<br>ying as a member of such commission and to proceed<br>ges according to law.  |
| Filed in my office this day of December,  | 1998.  |
|   | and D Wafel John   |
| E d 100x  | Paul D. Welch, Sheriff of Madison County, Iowa   |
| 8.44 Q  | 25 05 050405   |
| ACCEPTANC   | CE OF SERVICE  |
| Due and legal service of foregoing Summor Multiple (2014), lowe this  | ns accepted and receipt of copy acknowledged at Occ, 199 S. I further certify that I do not have would cause me to render a blased decision therein.   |
| REFUSAL   | L TO SERVE   |
| I will be unable to serve for the reason that I pos<br>me to render a biased decision of for the reason th  | ssess an interest in the proceeding which would cause nat  |
| <del></del>   | · · · · · · · · · · · · · · · · · · ·  |

| IN THE MATTER OF THE CONDEMNATION OF   | ;   |
|--|---|
| EASEMENT RIGHTS IN AGRICULTURAL LAND   |   |
| BY WARREN WATER DISTRICT TO  | :   |
| CONSTRUCT, OPERATE AND MAINTAIN  |   |
| A WATER DISTRIBUTION SYSTEM  | :   |
| IN MADISON COUNTY, IOWA  | 0   |
| DE. CEDVICE ADEA 5   | : SUMMONS TO COMMISSIONERS  |
| RE: SERVICE AREA 5   |   |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)   | :   |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)   |   |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | •   |
| TO: Raymond Clark  |   |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicial | the Chief Judge of the Fifth Judicial District of Iowa for appraise damage to real estate by reason of these District has selected and appointed you as a member on has been duly filed in my office. Further, the Chief the said Commission. |
| of Madison County, Iowa at 1012 N. John Wayne  | ear before the undersigned in the Office of the Sheriff<br>a Drive, Winterset, Iowa, on the 12th day of January,<br>fying as a member of such commission and to proceed<br>ages according to law.   |
| Filed in my office this U day of December  | . 1998.   |
| ,i   | 100 0 A Weld Sink   |
| vei U d jaig   | - John Day W.   |
| 8.440.   | Paul D. Welch, Sheriff of Madison County, Iowa  |
| ACCEPTAN   | CE OF SERVICE   |
|  |   |
| Due and legal service of foregoing Summo<br><u>from Matter</u> , lowa this day of                | ins accepted and receipt of copy acknowledged at  |
| possess any interest in the above proceeding which   | th would cause me to render a biased decision therein.  |
|  | Raymond Clark   |
| REFUSA   | L TO SERVE  |
| Lwill be unable to serve for the recent that I are   | second on intercet in the proposaling which would seem  |
| me to render a biased decision of for the reason to  | essess an interest in the proceeding which would cause hat  |
|  |   |

| IN THE MATTER OF THE CONDEMNATION OF<br>EASEMENT RIGHTS IN AGRICULTURAL LAND<br>BY WARREN WATER DISTRICT TO<br>CONSTRUCT, OPERATE AND MAINTAIN<br>A WATER DISTRIBUTION SYSTEM | :<br>:   |
|---|--|
| IN MADISON COUNTY, IOWA   | •  |
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)  | : SUMMONS TO COMMISSIONERS   |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | :  |
| TO: MARGARET SCHAFER  |  |
| the selection of a compensation commission to a proceedings, the Chief Judge of the Fifth Judicial E of such compensation commission, which selection Judge designated        | ne Chief Judge of the Fifth Judicial District of Iowa for appraise damage to real estate by reason of these District has selected and appointed you as a member in has been duly filed in my office. Further, the Chief irperson of the said Commission.  ar before the undersigned in the Office of the Sheriff Drive, Winterset, Iowa, on the 12th day of January, ing as a member of such commission and to proceed the seconding to law. |
| .π <del>th</del>  | •  |
| Filed in my office this day of December,  |  |
| 10 March 1986   | Day B. Well Short and Market Short   |
| 1 100%  | Paul D. Welch, Sheriff of Madison County, Iowa   |
| CISTANCE ACCEPTANCE   | E OF SERVICE   |
| Salkand, lowe this 105 day of de  | a accepted and receipt of copy acknowledged at security. 199 S. I further certify that I do not would cause me to render a biased decision therein.  |
|   | margaret Seliafre  |
| REFUSAL   | TO SERVE   |
| I will be unable to serve for the reason that I post<br>me to render a biased decision of for the reason tha  | sess an interest in the proceeding which would cause   |
| :   | ·  |
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| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA  RE: SERVICE AREA 5 Parcel No. M5-2171 (SE½ NW½ 3-75-27) Parcel No. M5-2172 (SE½ NW⅓ 3-75-27) Parcel No. M5-2173 (SE½ NW⅓ 3-75-27) | : : SUMMONS TO COMMISSIONERS :  |
|--|---|
| TO: RUSSELL ANDERSON   |   |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicial of such compensation commission, which selectio Judge designated JIM KRESS as Chairperson of the YOU ARE THEREFORE COMMANDED to append Madison County, lowa at 1012 N. John Wayne   | ear before the undersigned in the Office of the Sheriff<br>Drive, Winterset, lowa, on the 12th day of January,<br>ying as a member of such commission and to proceed<br>ges according to law. |
| -0   | CE OF SERVICE   |
| Due and legal service of foregoing Summon, lowa this day of < possess any interest in the above proceeding which   | ns accepted and receipt of copy acknowledged at<br>Pec., 1998. I further certify that I do not h would cause me to render a biased decision therein.  |
| REFUSA   | L TO SERVE  |
| I will be unable to serve for the reason that I po<br>me to render a biased decision of for the reason the   | ssess an interest in the proceeding which would cause hat   |

| IN THE MATTER OF THE CONDEMNATION OF                                      |  |
|---|--|
| EASEMENT RIGHTS IN AGRICULTURAL LAND                                      | •  |
| BY WARREN WATER DISTRICT TO   | •  |
| CONSTRUCT, OPERATE AND MAINTAIN   | •  |
| A WATER DISTRIBUTION SYSTEM   | <b>:</b>   |
| IN MADISON COUNTY, IOWA   |  |
| DE 050,405 405 -  | : SUMMONS TO COMMISSIONERS   |
| RE: SERVICE AREA 5  |  |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)                                      | :  |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27) |  |
|   | ·  |
| TO: Carol Landis  |  |
|   |  |
|   |  |
| Upon application of the above condemnor to t                              | the Chief Judge of the Fifth Judicial District of Iowa for   |
| the selection of a compensation commission to                             | appraise damage 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                          | on has been duly filed in my office. Further, the Chie   |
| Judge designated <u>JIM KRESS</u> as Cha                                  | airperson of the said Commission.  |
| VOLLARE THEREFORE COMMANDED   |  |
| of Madison County lows at 1012 N. John Wayne                              | ear before the undersigned in the Office of the Sherif   |
| 1999, at 9:00 o'clock a.m. for the purpose of qualif                      | Drive, Winterset, lowa, on the 12th day of January lying as a member of such commission and to proceed |
| to view the premises and make an award of dame                            | ges according to law   |
| - CAFO -  |  |
| Filed it my office this Fifth day of December,                            | , 1998.  |
| MAD WINTERSET, IOWA   | Faul D Weld Staff  |
| Mag CANDIEL TO 100H   |  |
| DEC 1 6   | Paul D. Welch, Sheriff of Madison County, Iowa   |
| Or STOOM LIN  |  |
| ACCEPTANC   | CE OF SERVICE  |
| CY -  |  |
| Due and legal service of foregoing Summor                                 | ns accepted and receipt of copy acknowledged at  |
| 1) 1 tellet lowa this 14 day of   | 199 <u>8</u> . I further certify that I do not h would cause me to render a biased decision therein.   |
| possess any interest in the above proceeding which                        | h would cause me to render a biased decision therein.  |
|   | Carolfandis  |
|   | - Constant   |
| REFUSAL   | L TO SERVE   |
|   | ssess an interest in the proceeding which would cause  |
| i will be dilable to serve for the reason that I bos                      | seess an interest in the proceeding which would cause  |

| me to render a biased decision of for the r | eason that | <br> | Which would cause |
|---|------------|------|-------------------|
|   | •          | <br> | ·                 |
|   |            | <br> |                   |

**SUMMONS TO COMMISSIONERS** 

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

TO:

**Bret Smith** 

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 damage 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 JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the 12th day of January, 1999, at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

| Filed in my office this 4 day of Decer  | mber, 1998.  |
|---|--|
| Professional Control of the Control | al D Well The  |
| Verse and the second  | Paul D. Welch, Sheriff of Madison County, Iowa                 |
| Mi 1 1 1283   |  |
|   | TANCE OF SERVICE   |
| Due and legal service of foregoing Sui  | mmons_accepted and receipt of copy acknowledged at             |
| Winterset lowa this 11 day  | of <u>Jan</u> , 199 <u>9</u> . I further certify that I do not |
| possess any interest in the above proceeding  | which would cause me to render a biased decision therein.      |
|   | But a Sinth  |
| ·   |  |

# **REFUSAL TO SERVE**

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND   | :  |
|---|--|
| BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN   | :  |
| A WATER DISTRIBUTION SYSTEM   | :  |
| IN MADISON COUNTY, IOWA   |  |
| RE: SERVICE AREA 5  | : SUMMONS TO COMMISSIONERS   |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)  |  |
| Parcel No. M5-2172 (SE½ NW¼ 3-75-27)  | •  |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | :  |
| TO: MARCY BAKER   |  |
| the selection of a compensation commission to proceedings, the Chief Judge of the Fifth Judicial  | the Chief Judge of the Fifth Judicial District of Iowa for appraise damage to real estate by reason of these District has selected and appointed you as a member on has been duly filed in my office. Further, the Chief airperson of the said Commission. |
| of Madison County, lowa at 1012 N. John Wayne 1999, at 9:00 o'clock a.m. for the purpose of qualif to view the premises and make an award of dama |  |
| Filed in my office this 4 the day of December,  | 1998.  |
| 78  | ( ) O Well Stoff   |
| 1, 1999   | Paul D. Welch, Sheriff of Madison County, Iowa   |
| ACCEPTANCE  | CE OF SERVICE  |
| <u>UInTerseT</u> , lowa this <u>//</u> day of   | ns accepted and receipt of copy acknowledged at <u>Jan</u> , 199 <u>99</u> . I further certify that I do not h would cause me to render a biased decision therein.   |
|   | Mancy Baker  |
| REFUSA  | L TO SERVE   |
| I will be unable to serve for the reason that I pome to render a biased decision of for the reason the  | ssess an interest in the proceeding which would cause  |
|   |  |
|   |  |

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**SUMMONS TO COMMISSIONERS** 

RE: SERVICE AREA 5

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

TO: Charles Tucker

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 damage 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 JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the 12th day of January, 1999, at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4 day of December, 1998.

Paul D. Welch, Sheriff of Madison Founty, Iowa

## **ACCEPTANCE OF SERVICE**

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at \_\_\_\_\_, lowa this \_\_\_\_\_ day of \_\_\_\_\_\_, 199\_\_\_\_. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

<u>στ. 1004</u>

**REFUSAL TO SERVE** 

Comment of the second

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that \_\_\_\_\_\_\_

Charlas & Tucker

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

TO:

James Camp

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 damage 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 JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, lowa at 1012 N. John Wayne Drive, Winterset, lowa, on the 12th day of January, 1999, at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Paul D. Welch, Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at \_\_\_\_\_\_, lows this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 199\_\_\_\_. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

**REFUSAL TO SERVE** 

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that \_\_\_\_\_

James D. Anop

**SUMMONS TO COMMISSIONERS** 

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### BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**SUMMONS TO COMMISSIONERS** 

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

TO: Jim Kress

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 damage 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 JIM KRESS as Chairperson of the said Commission.

YOU ARE THEREFORE COMMANDED to appear before the undersigned in the Office of the Sheriff of Madison County, Iowa at 1012 N. John Wayne Drive, Winterset, Iowa, on the 12th day of January, 1999, at 9:00 o'clock a.m. for the purpose of qualifying as a member of such commission and to proceed to view the premises and make an award of damages according to law.

Filed in my office this 4th day of December, 1998.

Paul D. Welch, Sheriff of Madison Collinty, Iowa

# ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at \_\_\_\_\_\_, lowa this \_\_\_\_\_ day of \_\_\_\_\_\_, 199\_\_\_\_. I further certify that I do not possess any interest in the above proceeding which would cause me to render a biased decision therein.

**REFUSAL TO SERVE** 

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision of for the reason that

Aucu A Hoffley Could for the reason that

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IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27) **OATH OF COMMISSIONERS** 

STATE OF IOWA

. SS

MADISON COUNTY

EACH OF THE UNDERSIGNED BEING DULY SWORN SAYS:

THAT THE AFFIANT DOES POSSESS THE QUALIFICATIONS LISTED UNDER HIS/HER NAME BELOW, AND THAT THE AFFIANT DOES NOT POSSESS AN INTEREST IN THE PROCEEDING WHICH WOULD CAUSE HE OR SHE TO RENDER A BIASED DECISION; AND THAT THE AFFIANT WILL, TO THE BEST OF HIS/HER ABILITY, FAITHFULLY AND IMPARTIALLY ASSESS THE DAMAGES WHICH OWNERS, LIENHOLDERS. ENCUMBRANCERS AND OTHER PERSONS INTERESTED IN THE LAND FROM WHICH CERTAIN RIGHTS ARE SOUGHT TO BE APPROPRIATED BY THESE PROCEEDINGS WILL SUSTAIN BY REASON OF THE APPROPRIATION OF THE RIGHTS SET FORTH AND DESCRIBED IN THE APPLICATION AND NOTICE OF CONDEMNATION FILED IN THE OFFICE OF THE SHERIFF FOR THE IMPROVEMENT OF WARREN WATER DISTRICT AND MAKE A WRITTEN REPORT TO THE SHERIFF AS AUTHORIZED AND PRESCRIBED IN CHAPTERS 6A AND 6B OF THE 1997 CODE OF IOWA AND ANY AMENDMENTS THERETO, AND IN ACCORDANCE WITH THE INSTRUCTIONS OF THE CHIEF JUSTICE OF THE SUPREME COURT, AND WILL TRULY PERFORM ANY AND ALL OTHER DUTIES IMPOSED UPON ME BY LAW AS A MEMBER OF THE COMPENSATION COMMISSION SELECTED AND APPOINTED TO ASSESS SAID DAMAGES.

NAME: CAROL LANDIS

LICENSED REAL ESTATE SALESPERSON OR

BROKER

BRET SMITH NAME:

KNOWLEDGE OF PROPERTY VALUES BY

VIRTUE OF OCCUPATION

NAME: /RAYMOND CLARK

**AGRICULTURAL** 

NAME: NAME: MARÔY BAKER LICENSED REAL ESTATE SALESPERSON OR **BROKER** 

MARGARET SCHAFER KNOWLEDGE OF PROPERTY VALUES BY

VIRTUE OF OCCUPATION

NAME: RUSSELL ANDERSON

**AGRICULTURAL** 

DAY OF

O SUBSCRIBED AND SWORN TO BEFORE ME THIS

NOTÁRY PUBLIC

FILED IN MY OFFICE THIS

1999

PAUL D. WELCH, SHERIFF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

SHERIFF'S CERTIFICATION
AS TO AWARDS AND COSTS

I HEREBY CERTIFY THAT THE COMMISSIONERS IN THE ABOVE ENTITLED CAUSE CONVENED AT WINTERSET, IOWA, ON THE 12TH DAY OF JANUARY, 1999., AND THEREUPON PROCEEDED TO VIEW THE PREMISES AND SAID COMMISSIONERS DID THEREAFTER ON THE 12TH DAY OF JANUARY, 1999, FILED THEIR WRITTEN REPORT IN MY OFFICE AWARDING DAMAGES AS FOLLOWS:

## A. AWARDS MADE BY COMMISSION TO CONDEMNEES

Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)

NAME

**ADDRESS** 

Niada McFarland

2554 - 225th Trail, Winterset, Iowa 50273

TOTAL AWARD \$ 250.00

Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

<u>NAME</u>

<u>ADDRESS</u>

Geoffrey McFarland Earlham Savings Bank 2553 - 225th Street, Winterset, Iowa 50273 7300 Lake Drive, West Des Moines, Iowa 50266

TOTAL AWARD \$\_\_\_\_1.00

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

NAME

<u>ADDRESS</u>

Rodney McFarland Jennifer J. McFarland 2543 - 225th Street, Winterset, Iowa 50273 2543 - 225th Street, Winterset, Iowa 50273

DeGeorge Capital Corp., c/o Prentice-Hall

Corp. System

729 Insurance Exchange Bldg., Des Moines, Iowa 50309

Reliastar Mortgage Corporation

7015 Vista Drive, West Des Moines, Iowa 50266.

TOTAL AWARD \$ 1.00

# B. DEPOSITS TO SHERIFF MADE BY CONDEMNOR

| 3-75-27) |
|----------|
| 3-75-2   |

NAMES AMOUNT DATE

Niada McFarland \$ 250.00 February 1, 1999

TOTAL AMOUNTS DEPOSITED \$\_ 250.00

Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27)

NAMES AMOUNT DATE

Geoffrey McFarland,

Earlham Savings Bank, \$ 1.00 February 1, 1999

TOTAL AMOUNTS DEPOSITED \$ 1.00

Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

NAMES AMOUNT DATE

Rodney McFarland
Jennifer J. McFarland
DeGeorge Capital Corp.,

Reliastar Mortgage Corporation, \$ 1.00 February 1, 1999

TOTAL AMOUNTS DEPOSITED \$ 1.00

## C. AWARDS OR DAMAGES PAID TO CONDEMNEES

| NAME  | <u>AMOUNTS</u> | DATES       |
|---|----------------|-------------|
| Niada McFarland   | \$ 250.00      | <del></del> |
| Geoffrey McFarland and<br>Earlham Savings Bank  | \$ 1.00        | <u> </u>    |
| Rodney McFarland<br>Jennifer J. McFarland<br>DeGeorge Capital Corp.,<br>Reliastar Mortgage Corporation, | \$ 1.00<br>_   |             |

TOTAL AMOUNTS PAID TO CONDEMNEES \$\_\_\_\_\_

## D. COMMISSIONERS FEES AND EXPENSES

NAME FEES & EXPENSES

1. Bret Smith \$ 53.12 \$ 2. Russell Anderson \$ 53.12 \$ 3. Margaret Schafer \$ 00.00 \$ 1999 \$ 55.52 \$ 160 \$ 57.28 \$ 57.28 \$ 55.20 \$ 100

DATE PAID February 1, 1999

## E. SHERIFF'S CIVIL FEES AND EXPENSES

| SERVICE               | \$  | 50.00  | PAID                 |
|-----------------------|-----|--------|----------------------|
| MILEAGE               | \$  | 22.05  |                      |
| COUNTY FEES (POSTAGE) | \$  | 17.40  | - FFR - 7 1999       |
| ATTENDED COMMISSION   | \$_ | 60.00  | _ 1tb - 1 1777       |
| COPIES                | \$  | 31.50  | $\Delta N = 0 = 0.0$ |
| TOTAL                 | \$  | 180.95 | ) Jainty             |
|                       |     |        |                      |

DATE PAID February 1, 1999

- F. THE NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL WAS MAILED TO ALL INTERESTED PARTIES BY ORDINARY MAIL ON THE 12th DAY OF JANUARY, 1999.
- G. THE APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY RECORDER FOR MADISON COUNTY, IOWA ON THE <u>29TH</u> DAY OF <u>OCTOBER</u>,1998, RECORDED WITH THE FOLLOWING BOOK, PAGE OR INSTRUMENT NUMBER; <u>DEED RECORD BOOK 140 AT PAGE 488, INSTRUMENT NO. 1862</u>.

I FURTHER CERTIFY THAT THE ATTACHED PAPERS ARE THE FULL AND COMPLETE ORIGINAL FILES IN THE PROCEEDINGS AND THE STATEMENTS ACCOMPANYING THE SAME ARE CORRECT AND TRUE. GIVEN UNDER MY HAND THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_, 1999.

PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA

| IN THE MATTER OF THE COMPENSATION OF  |  |
|---|--|
| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND                 | :  |
| BY WARREN WATER DISTRICT TO   | :  |
| CONSTRUCT, OPERATE AND MAINTAIN   |  |
| A WATER DISTRIBUTION SYSTEM   | :  |
| IN MADISON COUNTY, IOWA   |  |
| RE: SERVICE AREA 5  | •  |
| Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)  | : CONDEMNATION COMMISSIONER'S  |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)  | STATEMENT  |
| Parcel No. M5-2173 (SE1/4 NW1/4 3-75-27)  | :  |
| To the Sheriff of Madison County:   |  |
| To the Sheriii or Madison County:   |  |
| of certain real estate or rights to the real estate for<br>January, 1999, are as follows: | r of the commission in the matter of the condemnation<br>r the above described project held on the 12th day of |
| day service at \$50.00  | <u>\$ 30.00</u>  |
| mileage at .26 cents  | \$ 5.20  |
| meals   |  |
| TOTAL   | \$ 55, 20  |
|   | ·  |
| Signed this 12 day of January   | <del></del>  |
|   | _ Carol Jandis   |
|   | COMMISSIONER   |
|   |  |
|   | •  |
|   |  |

| N THE MATTER OF THE CONDEMNATION OF   | ;   |
|---|---|
| EASEMENT RIGHTS IN AGRICULTURAL LAND  |   |
| BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN   | •   |
| A WATER DISTRIBUTION SYSTEM   | :   |
| N MADISON COUNTY, IOWA  |   |
| RE: SERVICE AREA 5  | :   |
| ne: Service Area 5<br>Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)  | : CONDEMNATION COMMISSIONER'S   |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)  | STATEMENT   |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | :   |
|   |   |
|   |   |
| To the Sheriff of Madison County:   |   |
| To the Sheriff of Madison County:   |   |
| I certify that my fee and expense as a membe  | er of the commission in the matter of the condemnation  |
| I certify that my fee and expense as a membe<br>of certain real estate or rights to the real estate fo  | er of the commission in the matter of the condemnation or the above described project held on the 12th day of |
| I certify that my fee and expense as a membe  |   |
| I certify that my fee and expense as a member<br>of certain real estate or rights to the real estate for<br>January, 1999, are as follows:                        |   |
| I certify that my fee and expense as a member<br>of certain real estate or rights to the real estate for<br>January, 1999, are as follows: day service at \$50.00 | or the above described project held on the 12th day of  |
| I certify that my fee and expense as a member<br>of certain real estate or rights to the real estate for<br>January, 1999, are as follows: day service at \$50.00 | or the above described project held on the 12th day of  |
| I certify that my fee and expense as a member<br>of certain real estate or rights to the real estate for<br>January, 1999, are as follows: day service at \$50.00 | or the above described project held on the 12th day of  |
| I certify that my fee and expense as a member of certain real estate or rights to the real estate for January, 1999, are as follows:  day service at \$50.00      | or the above described project held on the 12th day of  |
| I certify that my fee and expense as a member of certain real estate or rights to the real estate for January, 1999, are as follows:  day service at \$50.00      | or the above described project held on the 12th day of  |
| I certify that my fee and expense as a member of certain real estate or rights to the real estate for January, 1999, are as follows:  day service at \$50.00      | the above described project held on the 12th day of   |
| I certify that my fee and expense as a member of certain real estate or rights to the real estate for January, 1999, are as follows:  day service at \$50.00      | s 50.00  \$ 50.52   |
| I certify that my fee and expense as a member of certain real estate or rights to the real estate for January, 1999, are as follows:  day service at \$50.00      | s 50.00  \$ 50.52   |

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA | ; ; ; ;                       |
|---|-------------------------------|
| RE: SERVICE AREA 5  |                               |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)  | : CONDEMNATION COMMISSIONER'S |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)  | STATEMENT                     |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | :                             |
| January, 1999, are as follows:  day service at \$50.00  |                               |
| mileage at .26 cents  |                               |
| meals   |                               |
| TOTAL   | \$ <u>53,12</u>               |
| Signed this 12th day of Jan.  | , 1999.                       |
|   |                               |

| IN THE MATTER OF THE CONDEMNATION OF<br>EASEMENT RIGHTS IN AGRICULTURAL LAND<br>BY WARREN WATER DISTRICT TO<br>CONSTRUCT, OPERATE AND MAINTAIN<br>A WATER DISTRIBUTION SYSTEM<br>IN MADISON COUNTY, IOWA | ;<br>;<br>;   |
|--|---|
| RE: SERVICE AREA 5   |   |
| Parcel No. M5-2171 (SE1/4 NW1/4 3-75-27)   | : CONDEMNATION COMMISSIONER'S   |
| Parcel No. M5-2172 (SE1/4 NW1/4 3-75-27)   | STATEMENT   |
| Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | :   |
|  | er of the commission in the matter of the condemnation or the above described project held on the 12th day of |
| day service at \$50.00   | \$ <u></u>  |
| mileage at .26 cents   | \$ ~ 6 —  |
| meals  | ····· \$ 0  |
| Signed this 12 day of fam any  | \$ <u></u> , 1999.  |
|  | margaret Schage   |
|  | COMMISSIONER  |

| IN THE MATTER OF THE CONDEMNATION OF<br>EASEMENT RIGHTS IN AGRICULTURAL LAND<br>BY WARREN WATER DISTRICT TO<br>CONSTRUCT, OPERATE AND MAINTAIN<br>A WATER DISTRIBUTION SYSTEM<br>IN MADISON COUNTY, IOWA | :<br>:<br>:  |
|--|--|
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)  | CONDEMNATION COMMISSIONER'S STATEMENT :  |
|  | r of the commission in the matter of the condemnation<br>r the above described project held on the 12th day of |
| day service at \$50.00   | s 50.00  |
| mileage at .26 cents   | <u>\$</u> 7,28   |
| meals  | <b>\$</b>  |
| TOTAL  | <u>\$ 5728</u>   |
| Signed this day of   | , 1999.  |
|  | Daymond Corba<br>COMMISSIONER  |

| IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA | :<br>:  |  |
|---|---|--|
| RE: SERVICE AREA 5  | •   |  |
| Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)  | : CONDEMNATION COMMISSIONER'S   |  |
| Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)   | STATEMENT :   |  |
| To the Sheriff of Madison County:   |   |  |
|   | er of the commission in the matter of the condemnation or the above described project held on the 12th day of |  |
|   | \$ 50.6 D   |  |
| mileage at .26 cents  | s <u>3,12</u>   |  |
| meals   | <b>\$</b>   |  |
| TOTAL   | <u>\$53.12</u>  |  |
| Signed this 12 day of Jan   | , 1999.   |  |
|   | Dussell anderong  |  |
|   |   |  |

Mon Dec 7 10:04:30 1998 Madison Co Sheriff

Page# 1

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

RETURN OF SERVICE:

Personnal

CASE NAME:

WARREN WATER DISTRICT

VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING

: Petition and Original Notice : Order Filed : Modification/Application and Notice : Writ : Writ : Writ : Order Filed : Order Fi

: : Order to Show Cause : : Other

Served MCFARLAND, RODNEY

at 2543 225TH ST

on 12/05/98

WINTERSET, IA 50273 at 1330

NOTE: (Diligent Search, etc.)

Processing:

Mileage : Trust/Copy : MISC.

TOTAL

PAUL D. WELCH,

MADISON

BURK

Title

-Fees XXXXXXXXV/paidby Atty/RaxXXX RICHARD B CLOCK

Mon Dec 7 10:03:41 1998 Madison Co Sheriff

Page#

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

RETURN OF SERVICE:

Personnal

CASE NAME:

WARREN WATER DISTRICT

. . . .

VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING

: : Petition and Original Notice : : Order Filed\_\_\_\_

: : Modification/Application and Notice : : Writ\_

: : Order to Show Cause

: : Other

Served MCFARLAND, NAIDA

at 2554 225TH TR

on 12/05/98

WINTERSET, IA 50273

at 1335

NOTE: (Diligent Search, etc.)

Processing: Mileage

PAUL D. WELCH, MADISON

Trust/Copy : MISC.

Signature

Title

TOTAL

BURK

Fees winning with and paidby ALLY ARRY WE RICHARD B CLOSG

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

#### PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

## PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

# PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa to which you are referred.



The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, lowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, Iowa.

3

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 12th day of January, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, lowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

Richard B. Clogg

WN000000895

ELGIN, CLOGG & PATIN
106 East Salem Avenue

P.O. Box 215

Indianola, Iowa 50125 Telephone: (515) 961-2574 Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Tue Dec 8 08:57:20 1998

Madison Co Sheriff

Page#

1

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

RETURN OF SERVICE:

Personnal

CASE NAME:

WARREN WATER DISTRICT

VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING

Served MCFARLAND, GEOFFREY

at 2553 225TH ST WINTERSET, IA 50273 on 12/07/98

at 1325

NOTE: (Diligent Search, etc.)

Processing :

Mileage : Trust/Copy :

MISC.

00 TOTAL

PAUL D. WELCH, SHERIFF

MADISON County, IOWA

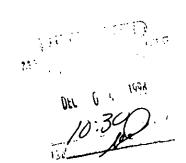
CRAIG BUSCH, CHIEF DEPUTY

Fees charged we paidby Atty Arexent RICHARD B CLOGS

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)



# NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

## PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

## PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County, Recorder on May 9, 1995.

# PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of Iowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, lowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, lowa.

3

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 12th day of January, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, lowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

Richard B. Clogg WN000000895

ELGIN, CLOGG & PATIN 106 East Salem Avenue

P.O. Box 215

Indianola, Iowa 50125 Telephone: (515) 961-2574 Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Mon Dec 7 10:05:36 1998 Madison Co Sheriff Page# 1

\*\*\* RETURN OF SERVICE \*\*\*

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

RETURN OF SERVICE:

CASE NAME: Substitute

WARREN WATER DISTRICT VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING

: : Petition and Original Notice : : Order Filed\_

: : Modification/Application and Notice : : Writ\_\_\_\_\_

: : Order to Show Cause : : Other\_\_\_\_

Served MCFARLAND, JENNIFER by serving MCFARLAND, RODNEY

at 2543 225TH ST WINTERSET, IA 50273 on 12/05/98 at 1330

NOTE: (Diligent Search, etc.)

Processing: 10.50 PAUL D. WELCH SHERIFF
Mileage: 0.00 MADISON COUNTY, IOWA
Trust/Copy: 0.00

(Fees-WHATES Paidby Atty/ WARTY: RICHARD B CLOSE

MISC. : 0/.00 Signature Title

TOTAL : 10.50 SGT. KEN BURK

DEED RECORD 140

Mon Dec 7 10:00:01 1998 Madison Co Sheriff \*\*\* RETURN OF SERVICE \*\*\*

Page# 1

IN THE IOWA DISTRICT COURT FOR

MADISON

COUNTY

RETURN OF SERVICE:

Government

CASE NAME:

WARREN WATER DISTRICT

VS

MCFARLAND, NAIDA

CASE NO: 98CONDEMN005

NOTICE RECEIVED: 12/04/98

STATE OF IOWA

MADISON

COUNTY

I certify that I served a copy of: NOTICE OF CONDEMNATION/HEARING

: : Order to Show Cause

: : Other\_

Served MADISON COUNTY, IOWA

by serving CLEWELL ARLENE itslst/AUDITOR

COURTHOUSE

WINTERSET, IA 50273 on 12/07/98 at 0810

NOTE: (Diligent Search, etc.)

Processing: Mileage :

Trust/Copy : MISC. 0 Vo o

TOTAL 13/.\65 PAUL D. WELCH, SHERIFF

MADISON County, IOWA

CRAIG BUSCH, CHIEF DEPUTY

Fees WHANGANANA paidby Atty/RAKKYX RICHARD B CLOSE

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5
Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)
Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)



# NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

## PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

## PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

## PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of lowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, lowa, and in the Office of the Sheriff of Madison County, lowa to which you are referred.

2

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, lowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 12th day of January, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, lowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

Richard B. Clogg

WN00000895

ELGIN, CLOGG & PATIN

whank

106 East Salem Avenue P.O. Box 215

Indianola, Iowa 50125

Telephone: (515) 961-2574 Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

| IN THE IOW  | 'A DISTRICT COURT  | FOR MADISON COUNTY  |
|---|--|---|
|   | AFFIDAVIT OF SERVI   | CE  |
| CASE NAME: IN THE N<br>CASE NUMBER: N/A   | MATTER OF THE CON  | IDEMNATION OF EASEMENT RIGHTS RETURN:   |
| NOTICE RECEIVED : 12/29/98  |  | ☐ PERSONAL ⊠ CORP/BUS ASSOC.  |
| STATE OF IOWA   | )<br>) \$\$.   | <b>2</b> 002000000.   |
| COUNTY OF MADISON  I, the undersigned being first duly swo the date set forth above and the   | ) orn and upon oath, depose and state hat I served a true copy of said inst  | e that I received the instrument hereto attached on rument, described as follows:   |
| Petition and Original Notice  Dissolution of Marria  F.E.D HEARING I  Money Judgment  Subpoena  Appl. & Order to Show Cause  Modification/Appl. & Notice  3-Day Notice to Cure/Quit | DATE:  | Notice for Nonjudicial Foreclosure  Notice to Redeem from Tax Sale  Notice of Forfeiture  Order: Program regarding family  Order: Mandatory Pre-trial Conference  Order: For Hearing on Temporary matters  Other: NOTICE OF CONDEMNATION  AND ASSESSMENT HEARING  BEFORE COMPENSATION  COMMISSION |
| <ul><li>4.  By means of Posting; for which and to which a copy of said att</li></ul>  | at 7300 LAKE DRIVE at ve named person(s)  for  GIGER a natural person for the about the EXECUTIVE VICE PRESID.  that least three attempts for person tached document was also delivered. | ENT of said corporation or other entity.  |
| FEES: SERVICE: \$20.00 MILEAGE: COPIES: OTHER:  | 513  | SERVICE BY: D. THOMAS   |
| TOTAL: \$20.00  | ALL FEES PAID BY: I  | ELGIN, CLOGG AND PATIN LAW OFFICE   |
| Subscribed and sworn before   | ore me by the said D. THOM  ON DE  NOTARY P  | AAS on this Saturday, January 02, 1999.  UBLIC FOR THE STATE OF IOWA  |

. . . .

| · []   | N THE IOWA   | DISTRICT COURT FO  | R MADISON COUNTY  |
|--|--|--|---|
|  |  | AFFIDAVIT OF SERVICE   |   |
| CASE NAME CASE NUMBER NOTICE RECEIV                            | <b>t</b> :   | MATTER OF CONDEN   | MNATION<br>RETURN:<br>⊠ PERSONAL  |
| STATE OF IOW   |  | )<br>) SS.   | CORP/BUS ASSOC.   |
| COUNTY OF PO<br>I, the undersigned to<br>the date set forth al | being first duly sworn a   | )<br>und upon oath, depose and state that<br>a true copy of said instrument, descr                         | I received the instrument hereto attached on ribed as follows:  |
| Disso  F.E.D  Money  Subpoena  Appl. & Orde                    | Original Notice <u>Jution of Marriage</u> <u>Judgment</u> er to Show Cause  Appl. & Notice  to Cure/Quit | TE:  | Notice for Nonjudicial Foreclosure  Notice to Redeem from Tax Sale  Notice of Forfeiture  Order: Program regarding family  Order: Mandatory Pre-trial Conference  Order: For Hearing on Temporary matters  Other: NOTICE OF CONDEMNATION  AND ASSESSMENT HEARING  BEFORE COMPENSATION  COMMISON |
| I served the same of I. DeGEOR                                 | of <b>DECEMBER</b> , 1998<br>on:<br>RGE CAPITAL COR<br>ICE CORP.J  |  | KCHANGE BLDG.   |
| 1. By personal   | lly serving the above na   | amed person(s)   |   |
|  | ite service on : /[Employed for  | r .  |   |
|  |  | N a natural person for the above c<br>SECRETAY FOR THE RGISTE  | orporation or entity;  RED AGENT of said corporation or other entity.   |
| and to whic  | h a copy of said attache   | least three attempts for personal ser<br>ed document was also delivered by r<br>K County, Iowa, by therein | rvice were made from to regular and certified mailing on who was at least 18 years of age.  |
| FEES:<br>SERVICE:<br>MILEAGE:<br>COPIES:<br>OTHER:             | \$20.00  | SERVICE BY: D.   | THOMAS  |
| TOTAL:   | \$20.00  | ALL FEES PAID BY E   | LGIN, CLOGG & PATIN LAW OFFICE  |
| Subscribed a   | nd sworn before i  | me by the said D. THOMAS   | S on this Friday, December 18, 1998.  |
|  |  |  | . 0   |

DEED RECORD 140

| *********  | IN THE IOWA   | DISTRICT COUR   | T FOR MADISON COUNTY   |
|--|---|---|--|
|  |   | AFFIDAVIT OF SER  | VICE   |
| ČASE NAM   | IF · IN RF• THF   | MATTER OF CO  | NDEMNATION   |
| CASE NUMB  | ER:<br>EIVED : <i>12/7/98</i>   | )   | RETURN:  PERSONAL  CORP/BUS ASSOC.   |
| COUNTY OF I, the undersigne the date set forth                           | d being first duly sworn a  | ) SS. ) nd upon oath, depose and st a true copy of said instrumen | ate that I received the instrument hereto attached on<br>nt, described as follows:   |
| ☐ Dis<br>☐ F.E.<br>☐ Mon<br>☐ Subpoena<br>☐ Appl. & Or<br>☐ Modification | d Original Notice solution of Marriage D HEARING DAT ney Judgment der to Show Cause on/Appl. & Notice ce to Cure/Quit | <u>E:</u>   | Notice for Nonjudicial Foreclosure Notice to Redeem from Tax Sale Notice of Forfeiture Order: Program regarding family Order: Mandatory Pre-trial Conference Order: For Hearing on Temporary matters Other: NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISON |
| I served the same I. RELIA II. PRINC II. at                              | STAR MORTGAGE C<br>SIPAL MORTGAGE D   | CORP. N/K/A<br>DUE TO BUY OUT at                                  | 699 HUB TOWER 7TH FLOOR  |
| 2. By Substi   | nally serving the above na<br>itute service on :<br>ng/⊟Employed for  | . ,,  |  |
| 3. By servin who ident   | g: JANICE SCHADE a tified themselves as the   | natural person for the above SECRETARY RECEPTION                  | e corporation or entity;  VIST FOR PRINCIPAL of said corporation or other entity.  |
| and to wh  | tich a copy of said attache   | d document was also delive  | onal service were made from to red by regular and certified mailing on erein who was at least 18 years of age.   |
| FEES:<br>SERVICE:<br>MILEAGE:<br>COPIES:<br>OTHER:                       | <b>\$</b> 35,00   | SERVICE BY  | Y: D.THOMAS  |
| TOTAL:   | \$35.00   | ALL FEES PAID   | BY: ELGIN, CLOGG & PATIN LAW OFFICE  |
| Subscribed   | and sworn before m  | ne by the said D. THO   | OMAS on this Friday, December 18, 1998.  |

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

# NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273; and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

#### PARCEL NO. M5-2171

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

## PARCEL NO. M5-2172

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

## PARCEL NO. M5-2173

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that Warren Water District ("Applicant"), a rural water district incorporated and organized pursuant to the provisions of Chapter 357A of the Code of lowa, desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, lowa, and in the Office of the Sheriff of Madison County, lowa to which you are referred.

2

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement thirty-two (32) feet in width on, under, across and through the above-described real estate to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto. Warren Water District shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its water lines.

The permanent and perpetual easements are described as follows:

Parcel No. M5-2171: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: All that part of the South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcels "A" and "B" located therein, lying North of the 225th Street county road right-of-way as located across the said South 30 acres of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section, DESCRIBED AS FOLLOWS: The South 32 feet of the East 230 feet and, during construction, the South 175 feet of the West 309.48 feet of said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property; after construction, the easement shall be limited to 32 feet in width and the centerline of the easement shall be the pipe line as constructed.

Parcel No. M5-2172: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995, lying North of the 225th Street county road right-of-way as located across the said Parcel "B", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

Parcel No. M5-2173: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, lowa, to-wit: Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, lying North of the 225th Street county road right-of-way as located across the said Parcel "A", DESCRIBED AS FOLLOWS: The South 32 feet of the said property which is parallel and adjacent to the 225th Street county road right-of-way, beginning at the East boundary line of said property, thence West along and adjacent to the said county road right-of-way to the West boundary line of said property.

That such condemnation is sought for the following purpose: the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Madison County, Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 12th day of January, 1999, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then return to the Madison County Sheriff's Office, and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 3rd day of December, 1998.

WARREN WATER DISTRICT

Richard B. Clogg WN000000895

ELGIN, CLOGG & PATIN 106 East Salem Avenue P.O. Box 215

Indianola, Iowa 50125 Telephone: (515) 961-2574 Facsimile: (515) 961-2577

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

RE: SERVICE AREA 5

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

#### **AFFIDAVIT OF FINAL OFFER**

STATE OF IOWA

: SS.

COUNTY OF WARREN:

I, Richard B. Clogg, in compliance with § 6B.33, Code of Iowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as Parcel No. M5-2171 in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1.00).

Richard B. Clogg

Subscribed and sworn to before me this \_\_\_\_\_\_ day of January, 1999.

RENEE M. HUNGE 7 MY COMMISSION EXPIRES November 16, 2001

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this / day of January, 1999.

Sheriff of Madison County, lowa

By: Chief Deputy Craig Busch
Chief Deputy Craig Busch

RE: SERVICE AREA 5

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

#### AFFIDAVIT OF FINAL OFFER

STATE OF IOWA

: ss.

COUNTY OF WARREN:

I, Richard B. Clogg, in compliance with § 6B.33, Code of Iowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as Parcel No. M5-2172 in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1.00)

Richard B. Clogg

Subscribed and sworn to before me this \_

day of January, 1999.

RENEE M. HUNGE T MY COMMISSION EXPIRES November 16, 2001

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this / \_ day of January, 1999.

Sheriff of Madison County, lowa

By: Chief Daputy Cray Buch
Chief Deputy Craig Busch

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

#### **AFFIDAVIT OF FINAL OFFER**

STATE OF IOWA

: ss.

COUNTY OF WARREN:

I, Richard B. Clogg, in compliance with § 6B.33, Code of lowa (1997), being first duly sworn on oath, state that I am the attorney for Warren Water District in the above-captioned matter; the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant as Parcel No. M5-2173 in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1.00).

Richard B. Clogg

Subscribed and sworn to before me this <u>X</u> day of January, 1999.

RENEE M. HUNGET
MY COMMISSION EXPIRES
November 16, 2001

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this  $\frac{t}{\sqrt{a}}$  day of January, 1999.

Sheriff of Madison County, Iowa

By: Chief Deputy Craig Busch
Chief Deputy Craig Busch

### BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND

BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN

| A WATER DISTRIBUTION IN MADISON COUNTY, I   | · - · - · <del>-</del> · · ·   | :  |  |  |
|---|--|--|--|--|
| RE: SERVICE AREA 5 Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27) |  |  | : REPORT OF COMPENSATION COMMISSION :  |  |
| TO: PAUL D. WELCH   | , SHERIFF OF MADI  | SON COUNTY, IOWA:  |  |  |
| APPOINTED TO ASSESS<br>ENCUMBRANCERS AND<br>AS SET FORTH AND DE<br>RESPECTFULLY SUBMIT  | THE DAMAGES SU<br>OTHER PERSONS II<br>SCRIBED IN THE N<br>THE REPORT PRO |  | E OWNERS, LIENHOLDERS,<br>ATION OF CERTAIN RIGHTS<br>ILED IN THIS PROCEEDING |  |
|   | E THE DAMAGES  | S AT THE TIME OR TIMES F<br>WITH THE RESPECTIVE PER<br>LOWS: |  |  |
| Parcel No. M5-2171 - S  | E¼ NW¼ 3-75-27   |  |  |  |
| CONDEMNEES  | LAND   | PERSONAL PROPERTY  | SUBTOTAL AWARD   |  |
| Niada McFarland   | \$ 225-00  | \$   | s 225  |  |
| ATTORNEY FEES   |  |  | \$   |  |
|   |  | TOTAL AWARD \$   | 225.00   |  |
| Parcel No. M5-2172 - S  | E¼ NW¼ 3-75-27   |  |  |  |
| CONDEMNEES  | LAND   | PERSONAL PROPERTY  | SUBTOTAL AWARD   |  |
| Geoffrey McFarland  | \$_ <i>1.00</i> _  | sO   | \$ 1.00  |  |
| MORTGAGEE:<br>Earlham Savings Bank  | \$_ <i>O</i>   | s  | \$   |  |
| ATTORNEY FEES   |  |  | s  |  |
|   |  | TOTAL AWARD \$   | 1,00   |  |

## Parcel No. M5-2173 - SE¼ NW¼ 3-75-27

| CONDEMNEES  | LAND                           | PERSONAL PROPERTY         | SUBTOTAL AWARD        |
|---|--------------------------------|---------------------------|-----------------------|
| Rodney McFarland and<br>Jennifer J. McFarland                               | \$_1.00                        | \$ <u> </u>               | s_1.00                |
| MORTGAGEE:<br>DeGeorge Capital Corp. &<br>Reliastar Mortgage<br>Corporation | and<br>\$ <u></u>              | \$                        | \$                    |
| ATTORNEY FEES   |                                |                           | \$ 100 N/A            |
|   |                                | TOTAL AWARD \$            | 1.00                  |
| RESPECTFULLY REP  | ORTED AT MADISO                | N COUNTY, IOWA THIS       | DAY OF JANUARY, 1999. |
| Buta  | Smit                           | marrey                    | Baker                 |
| Bussell a   | ndam                           | - Bragnio                 | no Clark              |
| marquet S   | chafe                          | _ Carol                   | fandis                |
| I CERTIFY THAT THE<br>PAYMENT HAS NOT BEE                                   | ABOVE AMOUNTS .<br>N RECEIVED. | ARE LEGALLY PAYABLE TO EA | CH CLAIMANT, AND THAT |
| FILED IN MY OFFICE  | AT WINTERSET, IO               | WA, THIS 12 DAY OF JANU   | JARY, 1999.           |
|   |                                | Elop.                     | Weld Theof            |
|   |                                | Sheriff of Madison Co     | unty, Iowa            |

# BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27) ENDORSEMENT OF SHERIFF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

The Dell This

I, the undersigned, Sheriff of Madison County, Iowa, hereby endorse and certify to the attached report of the Compensation Commission; that I have mailed by ordinary mail on this /2 day of January, 1999, the likewise attached Notice of Appraisement of Damages and Time for Appeal to each of the persons to whom it is addressed.

Sheriff of Madison County, Iowa

#### BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA

RE: SERVICE AREA 5

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27) NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR

APPEAL

TO: Warren Water District, c/o Richard B. Clogg, P.O. Box 215, 106 E. Salem Avenue, Indianola, Iowa 50125; Niada McFarland, 2554 - 225th Trail, Winterset, Iowa 50273; Geoffrey McFarland, 2553 - 225th Street, Winterset, Iowa 50273; Earlham Savings Bank, 7300 Lake Drive, West Des Moines, Iowa 50266; Rodney McFarland, 2543 - 225th Street, Winterset, Iowa 50273; Jennifer J. McFarland, 2543 - 225th Street, Winterset, Iowa 50273; DeGeorge Capital Corp., c/o Prentice-Hall Corp. System, 729 Insurance Exchange Bldg., Des Moines, Iowa 50309; Reliastar Mortgage Corporation, 7015 Vista Drive, West Des Moines, Iowa 50266; Madison County, Iowa, c/o County Auditor, Madison County Courthouse, Winterset, Iowa 50273.

You, and each of you are hereby notified that the duly appointed and qualified commissioners assessed and appraised the damages sustained by each of you by reason of the condemnation as set out upon the attached report of the Compensation Commission, and that pursuant to Section 6B,18 of the 1997 Code of lowa, you may within thirty (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Paul D. Welch, Sheriff of Madison County, Iowa

The D Well This

You may pick up your check at the Sheriff's Office at 1012 N. John Wayne Drive, Winterset, Iowa, after thirty days unless you appealed.

**RE: SERVICE AREA 5** 

Parcel No. M5-2171 (SE¼ NW¼ 3-75-27) Parcel No. M5-2172 (SE¼ NW¼ 3-75-27) Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

## **AFFIDAVIT OF NONMILITARY SERVICE**

STATE OF IOWA: ss.

I, Richard B. Clogg, being first duly sworn on oath, depose and state that I am attorney for Warren Water District, and am responsible for condemnation of right-of-way for this captioned project, and that I am qualified to make this affidavit; that none of the persons holding any legal right to the following described real property, to-wit:

#### Parcel No. M5-2171 (SE¼ NW¼ 3-75-27)

The South 30 acres of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994, AND EXCEPT Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

# Parcel No. M5-2172 (SE¼ NW¼ 3-75-27)

Parcel "B" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 562 in the Office of the Madison County Recorder on May 9, 1995.

## Parcel No. M5-2173 (SE¼ NW¼ 3-75-27)

Parcel "A" of the survey of the SE¼ of the NW¼ of Section 3, Township 75 North, Range 27 West of the 5th P.M., as filed of record in Plat Book 2, Page 521 in the Office of the Madison County Recorder on December 6, 1994.

are in the active service or on active duty in any of the United States Armed Forces and none come within the provisions of the Soldiers and Sailors Relief Act of 1940, and the amendments thereto.

Richard B. Clogg

Subscribed and sworn to before me this 14 day of NOV:

Notary Public in and for the State of lowe

RENEE M. HUNGET
MY COLAMISSION EXPIRES
November 16, 2001

CONDEMNATION OF CERTAIN RIGHTS IN AGRICULTURAL LAND FOR WATER DISTRIBUTION PURPOSES

RODNEY MCFARLAND and JENNIFER MCFARLAND, Plaintiffs,

vs.

NOTICE OF APPEAL

WARREN WATER DISTRICT, Defendant.

TO: PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA WARREN WATER DISTRICT, c/o Richard B. Clogg, P.O. Box 215, 106 E. Salem Avenue, Indianola, Iowa 50125

YOU ARE HEREBY NOTIFIED that Rodney McFarland and Jennifer McFarland, Plaintiffs appeal to the Iowa District Court in Madison County the award of the Condemnation Commission entered in this matter on the 12th day of January, 1999. Notice of the appraisement was mailed by the Sheriff to said Plaintiffs by ordinary mail on the 12th day of January, 1999.

Jennifer McFarland

Rodney McFarland

By:

A. Zane Blessum (DA0008228) 11 North John Wayne Drive

P.O. Box 309

Winterset, IA 50273

Telephone: (515) 462-1666 ATTORNEY FOR PLAINTIFFS

ACCEPTANCE OF SERVICE

STATE OF IOWA

: ss

COUNTY OF MADISON:

Due, legal, and timely service of this Notice of Appeal is leaby accepted this 9 day of Julian; 1999, in Winterset,

a, Dyn Paul D. Welch, Madison County Sherdff.

Paul D. Welch, Madison County Sheriff

Ford D Well 5

Subscribed and sworn to before me this 9th day of February, 1999.

Notary Public in and for the State of Iowa