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99 JUN 23 PH 2: 31  
MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

Prepared By: Todd R. Hagan, P.E., Madison County Engineer, P.O. Box 152, Winterset, Iowa 50273, Telephone: (515) 462-1136

**CONTRACT**

THIS AGREEMENT made and entered into this 19th of January, 19 99 A.D.  
By and between MARTIN MARIETTA MATERIALS, INC.

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

WITNESSETH:

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

In Section 5 & 8 Township 75N Range 27W Commencing at  
Station 105 + 50.38 to Station 106 + 40.00 a strip 135.00 feet wide Left side, from  
Station 106 + 40.00 to Station 106 + 75.00 a strip 135.00 - 60.00 feet wide Left side, from  
Station 106 + 75.00 to Station 110 + 00.00 a strip 60.00 - 45.00 feet wide Left side, from  
Station 110 + 00.00 to Station 114 + 00.00 a strip 45.00 - 40.00 feet wide Left side, from  
Station 114 + 00.00 to Station 115 + 00.00 a strip 40.00 - 33.00 feet wide Left side, from

Measured from centerline of proposed highway as shown on plans for Project No. SBRC-61(44)--8D-61.

Party of the first part agrees that the County may take immediate possession of the above described real estate and further agrees to convey same to the County for the consideration hereinafter named, on or before the        day of       , 19       .

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

Approximately <u>0.752</u> acres at \$ <u>964.53</u> per acre	\$ <u>725.33</u>
Approximately <u>30.3</u> rods of new fence at \$ <u>15.00</u> per rod	\$ <u>454.50</u>
Approximately <u>      </u> rods of new fence at \$ <u>      </u> per rod	\$ <u>      </u>
General Damage <u>      </u>	\$ <u>      </u>
<b>TOTAL</b> .....	<b>\$ <u>1,179.83</u></b>

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

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

IN WITNESS WHEREOF, Party of the First Part, do hereby set their hands to this instrument on this 19th day of January, 19 99, at Des Moines, Iowa.

**MARTIN MARIETTA MATERIALS, INC.**

BY: Robert C Meskimen  
Name: ROBERT C. MESKIMEN, President,  
Midwest Division

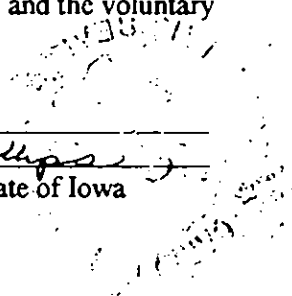
Fed I.D.  
Social Security No. 561848578

Party of the First Part

STATE OF IOWA )  
 ) ss  
COUNTY OF MADISON )  
 Polk

On this 19 day of January, 1999, before me, Carole M Phillips, a Notary Public in and for the State of Iowa, personally appeared, ROBERT C. MESKIMEN, to me personally known, and who, being by me duly sworn, did say that he is the President, Midwest Division, of MARTIN MARIETTA MATERIALS, INC., that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of ROBERT C MESKIMEN, acknowledged the execution of the instrument to be his voluntary act and deed, and the voluntary act and deed of the corporation, by it voluntarily executed.

Name: Carole M Phillips  
Notary Public in and for the State of Iowa



IN WITNESS WHEREOF, the Party of the Second Part, do hereby set its hand to this instrument on this 25<sup>th</sup> day of January, 1999, at Winterset, Iowa.

MADISON COUNTY  
BOARD OF SUPERVISORS

BY: Cy McDonald  
CY McDONALD, Chairman

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

STATE OF IOWA )  
 ) ss  
COUNTY OF MADISON )

On this 25<sup>th</sup> day of January, 1999, before me, Kerry B. Staples, a Notary Public in and for the State of Iowa, personally appeared CY McDONALD and JOAN WELCH, to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of the County of Madison, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, under Roll Call Vote of the Board of Supervisors on the 25<sup>th</sup> day of January, 1999, and CY McDONALD and JOAN WELCH, acknowledged the execution of the instrument to be their voluntary act and deed, and the voluntary act and deed of the corporation, by it voluntarily executed.



Kerry B. Staples  
Name: Kerry B. Staples  
Notary Public in and for the State of Iowa

Prepared By: Todd R. Hagan, P.E., Madison County Engineer, P.O. Box 152, Winterset, Iowa 50273, Telephone: (515) 462-1136

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MEMORANDA

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

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If married, full name of spouse

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

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

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Show names of spouses of such if are married.

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Name of administrator or executor

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

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Name of guardian

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Remarks:

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