

FILED NO. 1074

BOOK 135 PAGE 51

95 OCT 17 PM 2: 13

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

COMPUTER
RECORDED
COMPARED

REC. \$ 80.00
AUD. \$ ---
R.M.F. \$ LR

In the Matter of the Condemnation of Certain Rights
in Land by the Iowa Department of Transportation
for the Improvement of

Primary Road No. 92 east
of the City of Winterset
located in Madison County, Iowa

APPLICATION TO THE CHIEF JUDGE
OF THE 5th JUDICIAL DISTRICT
FOR THE APPOINTMENT OF A
COMMISSION TO APPRAISE DAMAGES

Project No. FN-92-4(15)--21-61 Group "A"

TO: Arthur E. Gamble, Chief Judge, 5th Judicial District including Madison County, Iowa.

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in Agricultural land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 6B.3 the Code of Iowa, the following is set forth:

Description: The lands and/or property rights sought to be condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application.

Plat: The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

Names and Addresses: The names and addresses of the record owners, lienholders, encumbrancers, and other persons affected by this proceeding are listed on the attached Notice of Condemnation.

Purpose: The Department of Transportation desires the rights specified in the lands sought to be condemned for road right of way and/or access control and/or for highway drainage and/or obtaining and removing gravel or other suitable material for the improvement and/or maintenance of roads and streets within the State of Iowa.

Agricultural Land: A part of the lands sought to be appropriated may be classified as Class I or Class II within an agricultural area and, if so classified, is reasonably necessary for this internal improvement.

Request: NOW, THEREFORE, the Iowa Department of Transportation hereby requests the appointment of a compensation commission of six qualified persons to view the premises and appraise the damages which the owners, lienholders, encumbrancers, and other persons affected will sustain by reason of this Condemnation.

Dated at Ames, Iowa, this 10 day of October, 1995.

IOWA DEPARTMENT OF TRANSPORTATION
DAVID A. FERREE
Special Assistant Attorney General
and General Counsel to the Iowa DOT

ROBERT L. NORTH
Right of Way Director

By Bernie Jorgensen
Bernie Jorgensen
Condemnation Unit Coordinator

Filed in my office at Des Moines, Iowa, this 11 day of Oct, 1995.

Arthur E. Gamble
Arthur E. Gamble
Chief Judge of the 5th Judicial District
including Madison County, Iowa.

I certify that this Application for Condemnation has been approved by the Chief Judge.

Bernie Jorgensen
Bernie Jorgensen
Condemnation Supervisor

10/16/95

*For Carlson Damaged
see Deed No. 135-591
1-11-96*

In the Matter of the Condemnation of
 Certain Rights in Land by the Iowa
 Department of Transportation for the
 Improvement of

Primary Road No. 92 east

NOTICE

of the City of Winterset

located in Madison County, Iowa

Project No. FN-92-4(15)--21-61

Group "A"

TO:

Union State Bank, 201 W. Court Street, Winterset, Iowa

Benshoof Farms Partnership, c/o Ted Benshoof, General Partner, Rural Route #1, Winterset, Iowa

Cheryl J. Howell, Rural Route #1, Winterset, Iowa

U.S. West Communications, Inc., formerly known as Northwestern Bell Telephone Company, c/o C T Corporation
 System, Registered Agent, 2222 Grand Avenue, Des Moines, Iowa

Madison County, Iowa, c/o Clerk of District Court, Winterset, Iowa

Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described
 real estate:

The NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$
 SE $\frac{1}{4}$ of Sec. 33, T76N, R27W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically
 described as follows and shown with reference to their location as to lands affected on the plats Exhibits "A" (1
 of 2), (2 of 2) and "B" (Total Ownership Plat Only) attached hereto and to the Application filed with the Chief
 Judge of the Judicial District containing Madison County, Iowa, and in the Office of the Sheriff of Madison
 County, Iowa, to which you are referred:

The easement for highway purposes sought to be appropriated is in land described as follows:

A parcel of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 33, T76N, R27W of the 5th P.M., Madison
 County, Iowa, as shown on the plat Exhibit "A" (1 of 2) attached hereto and by reference made a part hereof.

Madison County Project No. FN-92-4(15)--21-61

Union State Bank, et al (Parcel 19)

Continued on next page.

Page 1

Said parcel is described as follows:

Beginning at the N $\frac{1}{4}$ Corner of said Sec. 33; thence S88°50'44"W, 2445.57 ft. along the north line of the NW $\frac{1}{4}$ of said Sec. 33; thence S2°29'16"E, 80.02 ft.; thence N88°50'44"E, 367.93 ft.; thence easterly 637.19 ft. along an 11,379.16 foot radius curve, concave southerly and having a chord bearing S89°33'01"E, 637.10 ft.; thence S87°56'46"E, 288.67 ft.; thence easterly 1152.83 ft. along an 11,539.16 foot radius curve, concave northerly and having a chord bearing N89°11'30"E, 1152.35 ft. to a point on the east line of the NW $\frac{1}{4}$ of said Sec. 33; thence N1°55'25"W, 120.97 ft. along said east line to the N $\frac{1}{4}$ Corner of said Sec. 33, the Point of Beginning, excepting therefrom present easements of record.

Said parcel contains 3.19 acres, exclusive of said exceptions.

Also, a parcel of land located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 33, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" (2 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the N $\frac{1}{4}$ Corner of said Sec. 33; thence N88°29'29"E, 1314.74 ft. along the north line of the NE $\frac{1}{4}$ of said Sec. 33 to a point on the east line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ thereof; thence S2°10'22"E, 80.00 ft. along said east line; thence S88°29'29"W, 192.69 ft.; thence westerly 566.85 ft. along an 11,379.16 foot radius curve, concave southerly, and having a chord bearing S87°03'52"W, 566.79 ft.; thence S85°38'14"W, 416.67 ft.; thence westerly 139.47 ft. along an 11,539.16 foot radius curve, concave northerly, and having a chord bearing S85°59'00"W, 139.46 ft. to a point on the west line of the NE $\frac{1}{4}$ of said Sec. 33; thence N1°55'25"W, 120.97 ft. along said west line to the N $\frac{1}{4}$ Corner of said Sec. 33, the Point of Beginning, excepting therefrom present easements of record.

Said parcel contains 1.32 acres, exclusive of said exceptions.

In connection with this condemnation proceeding it is specifically provided as follows:

1. Any and all improvements, including fences, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.

CS-100
10/1/61



IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT (2 OF 2)
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-0600
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 19
SECTION 33 TOWNSHIP 76 N RANGE 27 W
ROW-FEE _____ AC. EASE 1.32 AC. EXCESS - FEE _____ AC
ACQUIRED FROM UNION STATE BANK, ET AL



I hereby certify that this plat is a true and accurate representation of the land herein described, made by me or under my direct supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Leslie F. Marousek
Leslie F. Marousek, Reg. No. 6263, Surv.

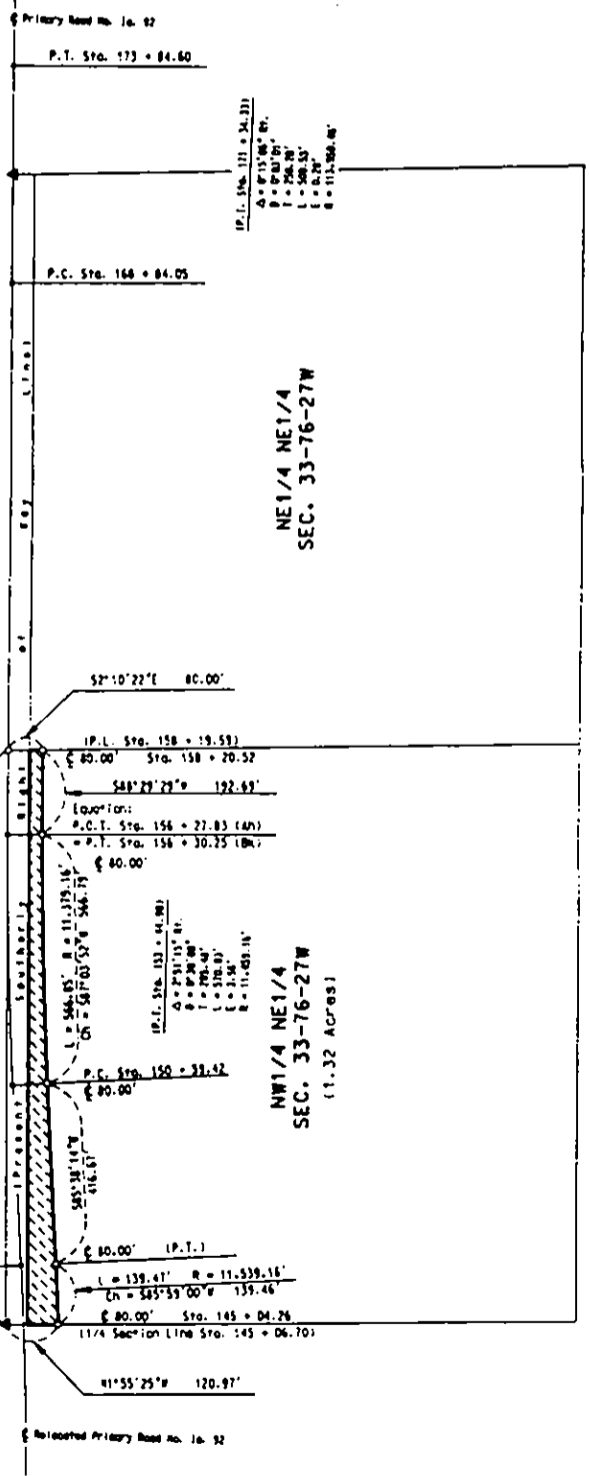
SCALE 1" = 300'

0' 100' 200' 300'

NE 1/4 CORNER
SEC. 33-76-27W
(Found Nail in S1/4)
P.T. Sta. 171 + 34.33

NW 1/4 CORNER
SEC. 33-76-27W
(Found Nail in S1/4)
Is 40.91' L.S. (N) from
P.O.C. Sta. 145 + 07.96

IP.L. Sta. 146 + 07.26
Δ = 273.97' R.
P = 273.97'
L = 273.97'
E = 11.05' N
R = 11.05' W



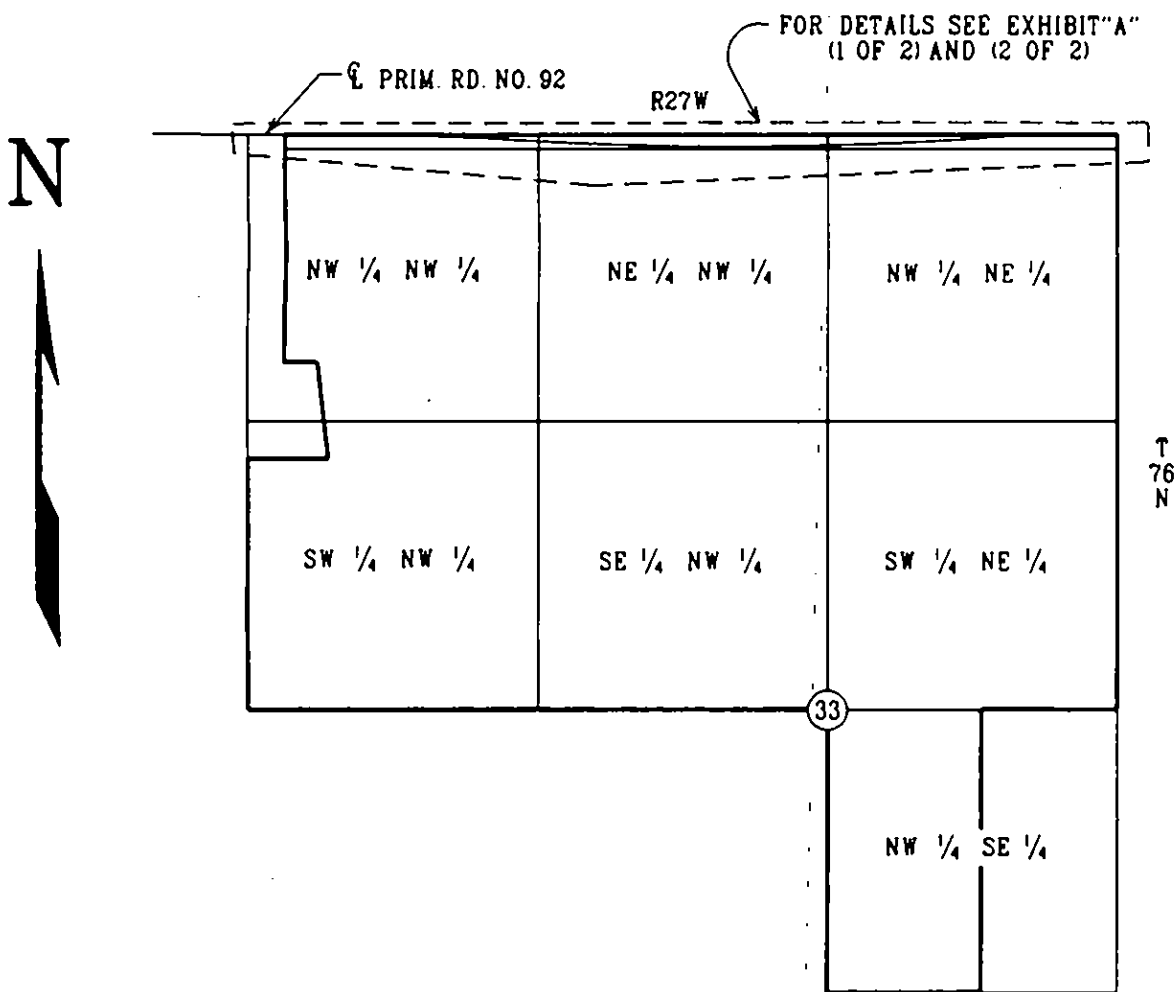
FORM 634-077
1-83

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 19
 SECTION 33 TOWNSHIP 76N RANGE 27W
 BORROW AC
 ACQUIRED FROM UNION STATE BANK, ET AL

TOTAL OWNERSHIP PLAT ONLY



3
1
In the Matter of the Condemnation of
Certain Rights in Land by the Iowa
Department of Transportation for the
Improvement of

Primary Road No. 92 east

NOTICE

of the City of Winterset

located in Madison County, Iowa

Project No. FN-92-4(15)--21-61

Group "A"

TO:

Leona Gardner Carlson, 407 S.E. Delaware, #103, Ankeny, Iowa

Robert T. Carlson, 407 S.E. Delaware, #103, Ankeny, Iowa

Floyd R. Housman, R.R. #1, Winterset, Iowa

Althea Housman, R.R. #1, Winterset, Iowa

South Central Iowa Landfill Agency, c/o Tim A. Zisoff, Chairman of the Board, Rural Route #1, Winterset, Iowa

Rolling Hills FS, Inc., c/o Stephen M. Morain, Registered Agent, 5400 University Avenue, West Des Moines, Iowa

U.S. West Communications, Inc., formerly known as Northwestern Bell Telephone Company, c/o C T Corporation

System, Registered Agent, 2222 Grand Avenue, Des Moines, Iowa

Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 33 and part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34, all in T76N, R27W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plats Exhibits "A" (1 of 2) and (2 of 2) attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

The easement for highway purposes sought to be appropriated is in land described as follows:

Madison County Project No. FN-92-4(15)--21-61
Leona Gardner Carlson (Parcel 28)
Continued on next page.

Page 1

Madison County Project No. FN-92-4(15)--21-61
Leona Gardner Carlson (Parcel 28)

Page 2

A parcel of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 33 and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34 and a parcel of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 33, all in T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plats Exhibits "A" (1 of 2) and (2 of 2) attached hereto and by reference made a part hereof.

Said parcels are described as follows:

Exhibit "A" (1 of 2)

Beginning at the NE Corner of said Sec. 33; thence S88°29'29"W, 477.74 ft. along the north line of the NE $\frac{1}{4}$ of said Sec. 33; thence S2°10'22"E, 90.00 ft.; thence N88°29'29"E, 226.42 ft.; thence easterly 500.16 ft. along a 113,868.46 foot radius curve, concave southerly and having a chord bearing N88°37'02"E, 500.16 ft.; thence N88°44'35"E, 841.56 ft.; thence N1°46'58"W, 90.00 ft. to a point on the north line of the NW $\frac{1}{4}$ of said Sec. 34; thence S88°44'35"W, 1091.01 ft. along said north line to the NE Corner of said Sec. 33, the Point of Beginning; excepting therefrom present easements of record; containing 1.44 acres, more or less, exclusive of said exceptions.

Exhibit "A" (2 of 2)

Also, commencing at the NE Corner of said Sec. 33; thence S88°29'29"W, 661.74 ft. along the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to the Point of Beginning; thence continuing S88°29'29"W, 28.00 ft. along said north line to a point on the east line of the west 625.00 ft. of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence S2°10'22"E, 70.00 ft. along said east line; thence N88°29'29"E, 28.00 ft.; thence N2°10'22"W, 70.00 ft. to a point on the north line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, the Point of Beginning; excepting therefrom present highway easements of record; containing 0.01 acre, more or less, exclusive of said exceptions.

In connection with this condemnation proceeding it is specifically provided as follows:

1. Any and all improvements, including fences, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.

Madison County Project No. FN-92-4(15)--21-61
Leona Gardner Carlson (Parcel 28)

Page 2

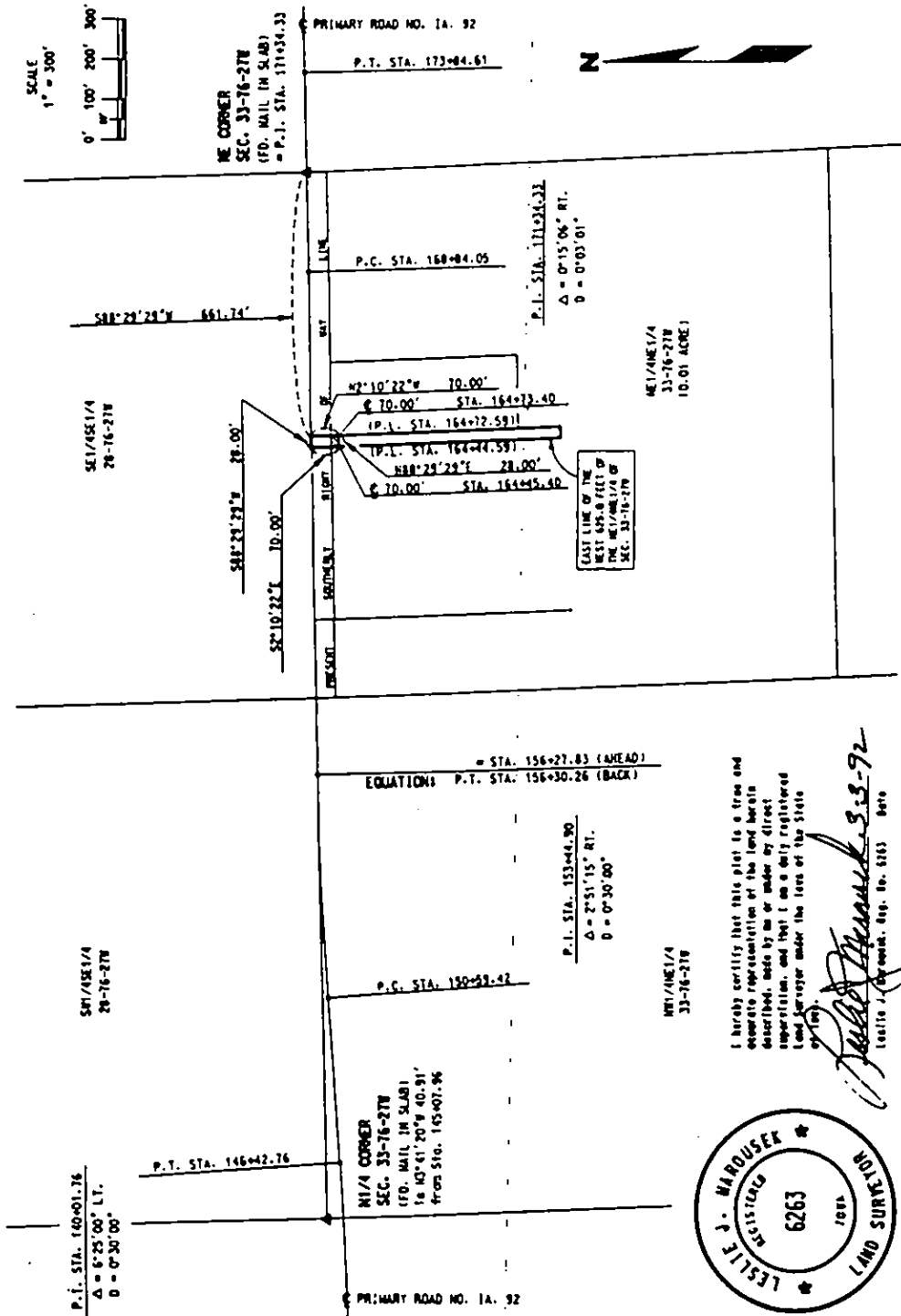
Form 611-011
6-75



IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT
EXHIBIT 'A' (2 OF 2)

COUNTY MADISON STATE CONTROL NO. 61-0600
 PROJECT NO. FN-92-4(15)-21-61 PARCEL NO. 28
 SECTION 33 TOWNSHIP 76N RANGE 27W
 ROW-FEE _____ AC. EASE 0.01 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM LEONA GARDNER CARLSON



4
In the Matter of the Condemnation of
Certain Rights in Land by the Iowa
Department of Transportation for the
Improvement of

Primary Road No. 92 east

NOTICE

of the City of Winterset

located in Madison County, Iowa

Project No. FN-92-4(15)--21-61

Group "A"

TO:

Leta M. Hollingsworth, R.R. #1, Winterset, Iowa

Trust Created Under the Will of N. Bernard Hollingsworth, deceased, c/o Leta M. Hollingsworth, Trustee, R.R. #1, Winterset, Iowa

Trust Created Under the Will of N. Bernard Hollingsworth, deceased, c/o Paul Hollingsworth, Trustee, R.R. #1, Winterset, Iowa

Trust Created Under the Will of N. Bernard Hollingsworth, deceased, c/o Barbara Weiss, Trustee, 776 Bragg Street, New Orleans, Louisiana

Trust Created Under the will of N. Bernard Hollingsworth, deceased, c/o Mark Hollingsworth, Trustee, R.R. #1, Winterset, Iowa

Paul Hollingsworth, R.R. #1, Winterset, Iowa

Ralph Allen, also known as Mike Allen, R.R. #1, Winterset, Iowa

Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

The SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26, T76N, R27W of the 5th P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and Madison County, Iowa, desire certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plats Exhibits "A" (1 of 2), (2 of 2) and "B" (Total Ownership Plat Only) attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

Madison County Project No. FN-92-4(15)--21-61

Leta M. Hollingsworth, et al (Parcel 35)

Continued on next page.

Page 1

Madison County Project No. FN-92-4(15)--21-61
Leta M. Hollingsworth, et al (Parcel 35)

Page 2

The easement for highway purposes sought to be appropriated for the use and benefit of the State of Iowa is in land described as follows:

A parcel of land located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" (1 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the SW Corner of said Sec. 26; thence N2°05'49"W, 1316.87 ft. along the west line of the SW $\frac{1}{4}$ of said Sec. 26, to a point on the main tangent line (ahead) of Relocated Primary Road No. 92; thence N72°14'45"E, 1632.10 ft. along said main tangent line (ahead) and centerline of Relocated Primary Road No. 92 to a point on the main tangent line (back) of said Relocated Primary Road No. 92; thence S1°01'18"W, 3.18 ft. to a point on the present southerly right of way line of Primary Road No. 92, the Point of Beginning; thence continuing S1°01'18"W, 81.12 ft.; thence N69°40'27"E, 524.70 ft. to a point on the present southerly right of way line of the present east-west Local Road; thence S88°20'45"W, 247.13 ft. along said present southerly right of way line of present east-west Local Road to a point on the present southerly right of way line of said Primary Road No. 92; thence southwesterly, 243.79 ft. along a 1942.86 foot radius curve, concave northwesterly, and having a chord bearing S68°39'04"W, 243.63 ft. along the present southerly right of way line of said Primary Road No. 92; thence S72°14'45"W, 17.47 ft. along the present southerly right of way line of said Primary Road No. 92 to the Point of Beginning; containing 0.68 acre, more or less.

The easement for highway purposes sought to be appropriated for the use and benefit of Madison County, Iowa, is in land described as follows:

A parcel of land located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" (2 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the SW Corner of said Sec. 26; thence N2°05'49"W, 1316.87 ft. along the west line of the SW $\frac{1}{4}$ of said Sec. 26 to a point on the main tangent line (ahead) of Relocated Primary Road No. 92; thence N72°14'45"E, 1934.21 ft. along said main tangent line (ahead) and centerline of Relocated Primary Road No. 92 to a point on the main tangent line (back) of said Relocated Primary Road No. 92, said point also being the present southerly right of way line of the present east-west Local Road; thence N88°20'45"E, 606.55 ft. along said present southerly right of way line to the Point of Beginning; thence continuing N88°20'45"E, 450.82 ft. along said present southerly right of way line; thence S83°33'03"W, 263.19 ft.; thence westerly 190.25 ft. along an 818.94 foot radius curve, concave northerly, and having a chord bearing N84°59'56"W, 189.83 ft. to a point on said present southerly right of way line, the Point of Beginning; containing 0.13 acre, more or less.

Madison County Project No. FN-92-4(15)--21-61
Leta M. Hollingsworth, et al (Parcel 35)
Continued on next page.

Page 2

Madison County Project No. FN-92-4(15)--21-61
Leta M. Hollingsworth, et al (Parcel 35)

Page 3

In connection with this condemnation proceeding it is specifically provided as follows:

1. Any and all improvements, including fences, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.

Madison County Project No. FN-92-4(15)--21-61
Leta M. Hollingsworth, et al (Parcel 35)

Page 3

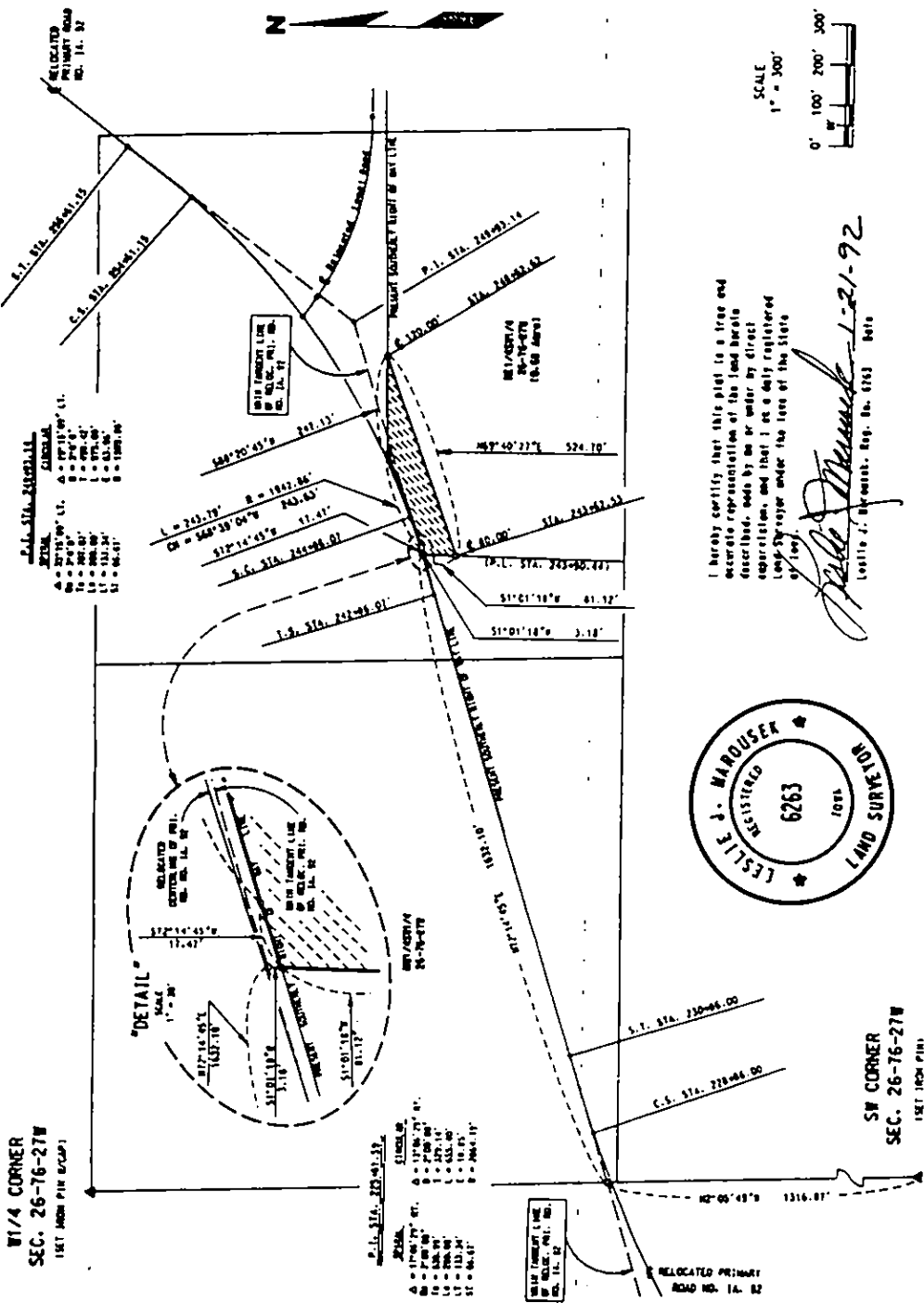
Form 624-011
5-72



IOWA DEPARTMENT OF TRANSPORTATION

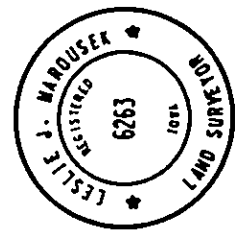
ACQUISITION PLAT
EXHIBIT 'A'(10F2)

COUNTY	MADISON	STATE CONTROL NO.	60-0600
PROJECT NO.	FH-92-4(15)-21-61	PARCEL NO.	35
SECTION	26	TOWNSHIP	76N
RDM-FEE		RANGE	27W
ACQUIRED FROM	LETA M. HOLLINGSWORTH, ET AL	AC. EASE	0.68
		AC. EXCESS - FEE	AC



I hereby certify that this plat is a true and accurate representation of the land herein described, made by me or under my direct supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Leslie P. Marousek
Leslie P. Marousek, Reg. No. 6263, Iowa
1-21-92



W1/4 CORNER
SEC. 26-76-27W
1/4 MI FROM P.M. 82(81)

SW CORNER
SEC. 26-76-27W
1/4 MI FROM P.M. 82

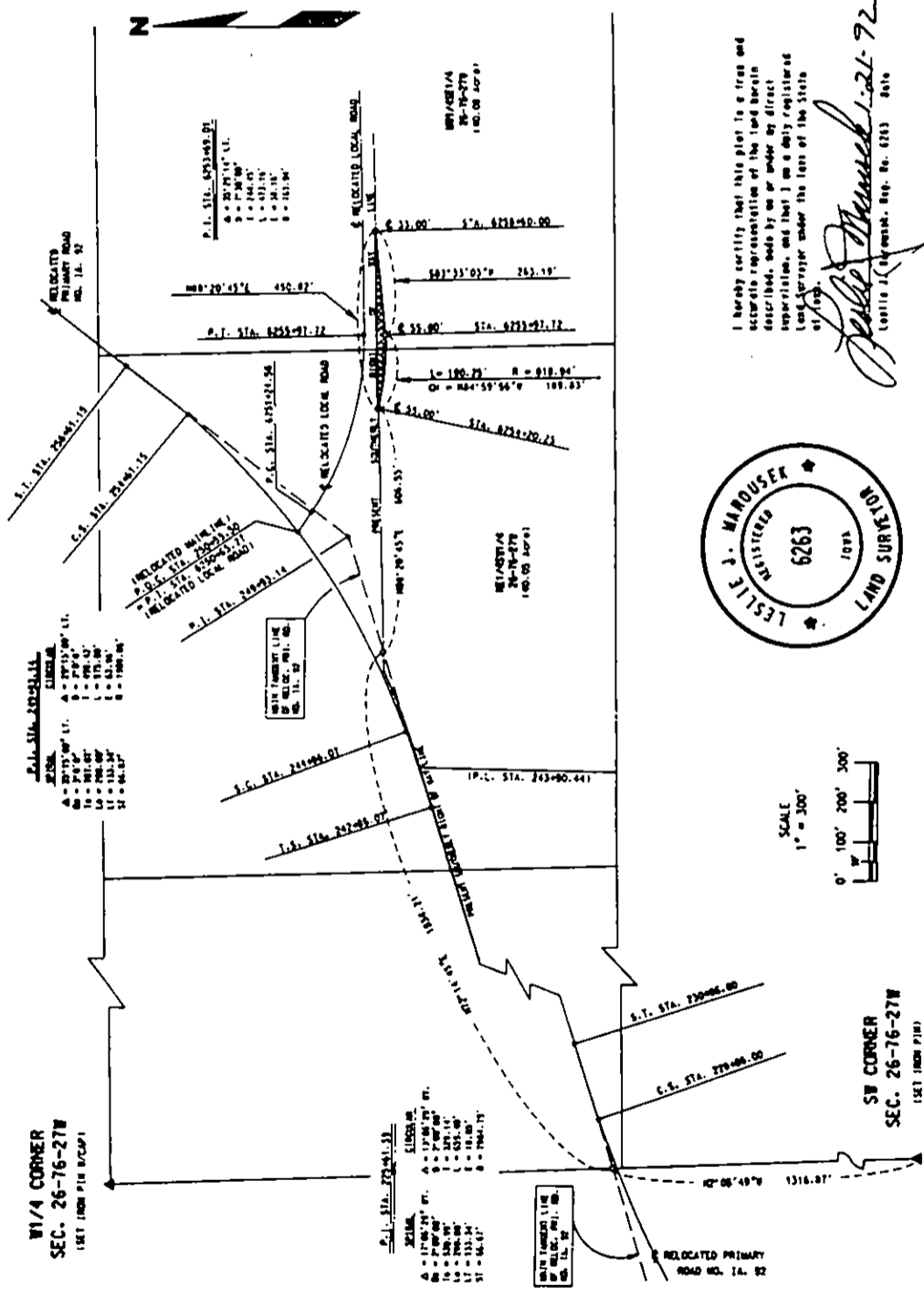


IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT
EXHIBIT 'A' (2 OF 2)

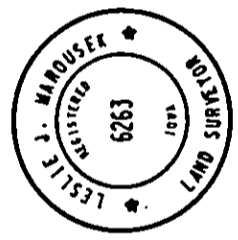
COUNTY MADISON STATE CONTROL NO. 60-0600
 PROJECT NO. FN-92-4(15)-21-61 PARCEL NO. 35
 SECTION 26 TOWNSHIP 76N RANGE 27W
 ROW-FEE _____ AC. EASE 0.13 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM LETA M. HOLLINGSWORTH, ET AL

© - ACQUIRED IN THE NAME OF MADISON COUNTY, IOWA.



I hereby certify that this plat is a true and accurate representation of the land herein described, made by me or under my direct supervision, and that I am a duly registered land surveyor under the laws of the State of Iowa.

Leslie J. Maroušek
 Leslie J. Maroušek, Reg. No. 6263, State of Iowa



SCALE
1" = 300'

FORM 634-077
1-83

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 35
 SECTION 26 TOWNSHIP 76N RANGE 27W
 BORROW AC
 ACQUIRED FROM LETA M. HOLLINGSWORTH, ET AL

TOTAL OWNERSHIP PLAT ONLY

