

FILED NO. 1075
BOOK 135 PAGE 67
95 OCT 17 PM 2:14
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

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RECORDED
INDEXED
REC. \$ 45.00
A.D.S. _____
R.M.F. \$ 1.00

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 and
west of the City of Patterson
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 "C"

TO: Arthur 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 Other than 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. 68.3 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 [Signature]
Bernie Jorgensen
Condemnation Unit Coordinator

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

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

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

[Signature] 10/16/95
Condemnation Unit Coordinator

*For folder Dismissed
see Deed Rec 135-434
12-20-95*

*For Condemnation
see Deed Rec 135-399
12-20-95 (Blings)*

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 and

NOTICE

west of the City of Patterson

located in Madison County, Iowa

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

Group "C"

TO:

Rodney D. Slings, Rural Route #1, Winterset, Iowa

Pamela S. Slings, Rural Route #1, Winterset, Iowa

United Mortgage Corporation, c/o Prentice-Hall Corporation System, Inc., Registered Agent, 729 Insurance
 Exchange Building, 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 NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25, 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 plat Exhibit "A" and
 "B" 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 $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25, T76N, R27W of the 5th P.M., Madison County, Iowa,
 as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

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

Rodney D. Slings, et ux (Parcel 43)

Continued on next page.

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Commencing at the SE Corner of the NE ¼ NE ¼ of said Sec. 25; thence S89°00'46"W, 1831.79 ft. along the south line of the N ½ NE ¼ of said Sec. 25 to a point on the east line of the west 48 rods 11 ft. of the NW ¼ NE ¼ of said Sec. 25; thence N2°47'06"W, 281.94 ft. along said east line to the Point of Beginning; thence continuing N2°47'06"W, 59.15 ft. along said east line to a point on the present southerly right of way line of Primary Road No. 92; thence easterly 201.61 ft. along said southerly right of way line along a 5696.58 foot radius curve, concave southerly and having a chord bearing N88°54'33"E, 201.60 ft. thence N89°55'16"E, 10.58 ft. along said southerly right of way line; thence S44°24'14"W, 73.91 ft.; thence S86°19'17"W, 157.87 ft. to the Point of Beginning.

Said parcel contains 0.24 acre.

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. The State of Iowa shall have a right of temporary easement, for the specific purpose of constructing an entrance, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

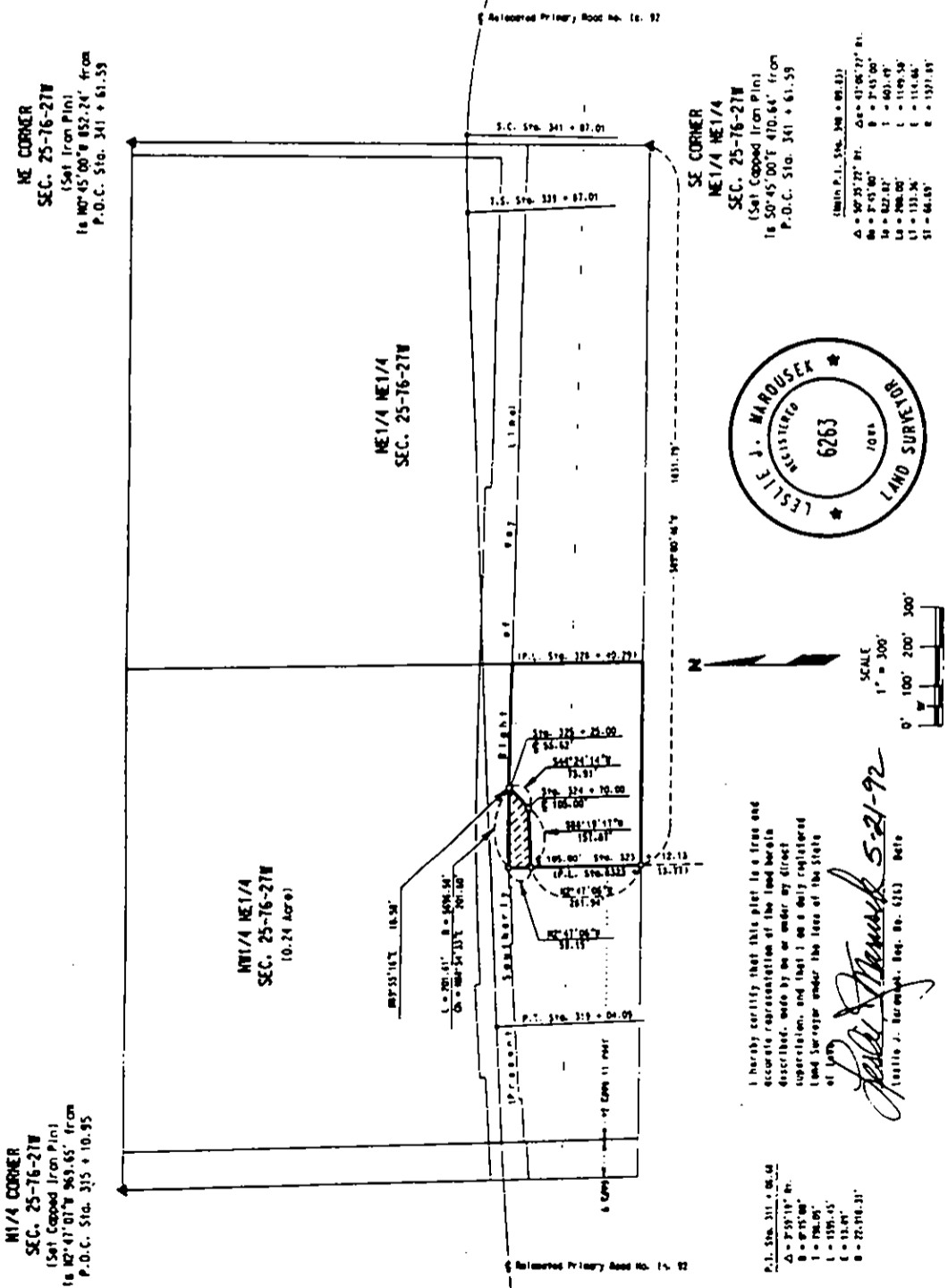
Commencing at the SE Corner of the NE ¼ NE ¼ of said Sec. 25; thence S89°00'46"W, 1463.18 ft. along the south line of the NE ¼ of said Sec. 25; thence N00°59'14"W, 299.54 ft. to the Point of Beginning; thence N3°40'43"W, 38.99 ft. to a point on the present southerly right of way line of Primary Road No. 92; thence N89°55'23"E, 70.14 ft. along said southerly right of way line; thence S3°40'43"E, 34.59 ft.; thence S86°19'17"W, 70.00 ft. to the Point of Beginning.

3. The trees lying within or adjacent to the above described temporary easement will not be damaged.
4. The area sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.

IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT
EXHIBIT 'A'

COUNTY MADISON STATE CONTROL NO. 61-0800
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 43
 SECTION 25 TOWNSHIP 76 N RANGE 27 W
 ROW-FEE _____ AC. EASE 0.24 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM RODNEY D. SLINGS, ET UX



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. Marousek
 Leslie J. Marousek, Reg. No. 6263, IOWA

FORM 634-077
1-83

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON

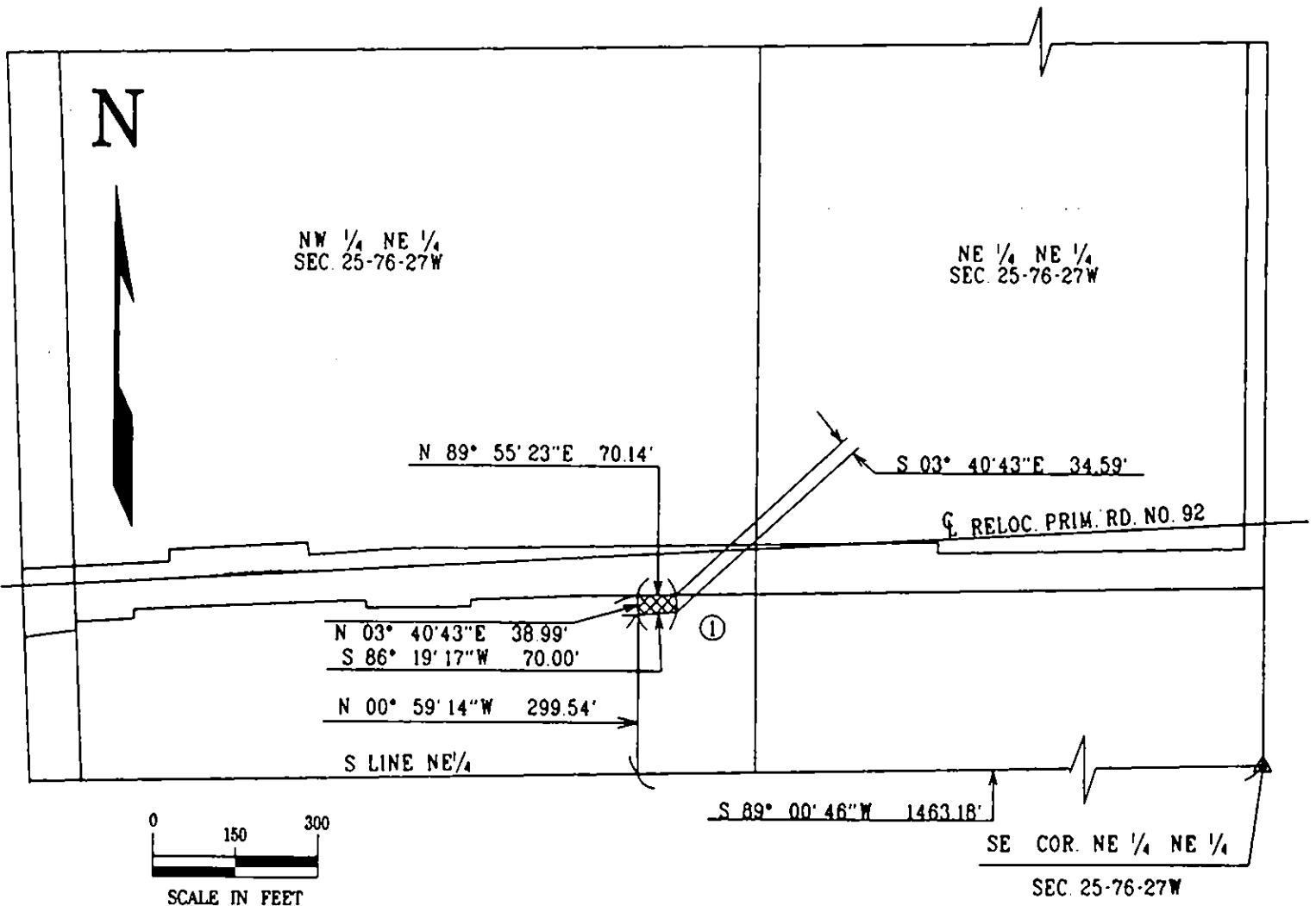
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 43

SECTION 25 TOWNSHIP 76 N RANGE 27 W

BORROW AC

ACQUIRED FROM RODNEY D. SLINGS, ET UX

① TEMPORARY EASEMENT TO CONSTRUCT AN ENTRANCE



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 and

west of the City of Patterson

located in Madison County, Iowa

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

Group "C"

NOTICE

TO:

Elma R. Fogler, 415 North 2nd Street, Winterset, Iowa

Marilyn Winebrenner, Rural Route #1, Patterson, Iowa

Warren Water District, formerly known as Warren Water, Inc., c/o Peggy Crabbs, 708 North Avenue, Norwalk, Iowa

Indianola Municipal Electric Utility, c/o Grant Johnson, General Manager, 111 South Buxton, Indianola, Iowa

Robert C. Petterson, 1410 Havens Avenue, Des Moines, Iowa

Hamilton's Funeral Home, Inc., c/o Carlton D. Peterson, Registered Agent, 605 Lyon Street, 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:

Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, T76N, R26W 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" and "B" 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, T76N, R26W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

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

Elma R. Fogler, et al (Parcel 57)

Continued on next page.

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Said parcel is described as follows:

Commencing at the E $\frac{1}{4}$ Corner of said Sec. 29; thence S1 $^{\circ}$ 36'06"E, 1570.70 ft. along the east line of the SE $\frac{1}{4}$ of said Sec. 29 to a point on the centerline of Primary Road No. 92; thence westerly 272.34 ft. along said centerline, on a 5729.58 foot radius curve, concave southerly and having a chord bearing S83 $^{\circ}$ 25'35"W, 272.32 ft. to the Point of Beginning; thence westerly 249.51 ft. along said centerline on a 5729.58 foot radius curve, concave southerly and having a chord bearing S80 $^{\circ}$ 49'01"W, 249.49 ft.; thence S79 $^{\circ}$ 34'10"W, 654.46 ft. along said centerline; thence S1 $^{\circ}$ 36'25"E, 70.84 ft.; thence N79 $^{\circ}$ 34'10"E, 665.33 ft.; thence N85 $^{\circ}$ 57'32"E, 153.26 ft.; thence N81 $^{\circ}$ 32'32"E, 84.05 ft.; thence N1 $^{\circ}$ 36'06"W, 85.53 ft. to a point on the centerline of Primary Road No. 92, the Point of Beginning, excepting therefrom present easements of record.

Said parcel contains 0.88 acre, 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. The State of Iowa shall have a right of temporary easement, for the specific purpose of constructing an entrance, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the E $\frac{1}{4}$ Corner of said Sec. 29; thence S1 $^{\circ}$ 36'06"E, 1699.52 ft. along the east line of the SE $\frac{1}{4}$ of said Sec. 29; thence S88 $^{\circ}$ 23'54"W, 528.00 ft. to a point on the southerly line of the land sought by easement for highway purposes, the Point of Beginning; thence S10 $^{\circ}$ 25'50"E, 35.00 ft.; thence S79 $^{\circ}$ 34'10"W, 50.00 ft.; thence N10 $^{\circ}$ 25'50"W, 35.00 ft. to a point on said southerly line; thence N79 $^{\circ}$ 34'10"E, 50.00 ft. along said southerly line to the Point of Beginning.

3. The area sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.

