COMPUTER FILED NOW RECORDED BOOK 134 PAGE 495 COMPARED 95 AUG -3 PM 3: 07 MICHELLE UTSLER RECORDER AUD % MADISON COUNTY, 10 WA RMF. S IN THE MATTER OF THE CONDEMNATION OF) EASEMENT RIGHTS IN AGRICULTURAL LAND) BY WARREN WATER DISTRICT TO SHERIFF'S FILING OF RECORD CONSTRUCT, OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA RE: PHASE III (NE 1/4 NW 1/4 17-74-26) PARCEL M-0137-A (NW 1/4 NW 1/4 17-74-26) PARCEL M-0137-B MICHELLE UTSLER, MADISON COUNTY RECORDER: PLEASE FIND ATTACHED THE FOLLOWING PAPERS REGARDING THE ABOVE NAMED CONDEMNATION WHICH WAS HELD IN MY OFFICE OF THE 6TH DAY OF JUNE :__19<u>95</u> ر 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 NO AWARD WAS MADE AND NO WARRANTS RECEIVED BY THE MADISON COUNTY SHERIFF THIS APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY 1995, IN BOOK RECORDER ON THE 2ND DAY OF MAY NUMBER 134 PAGE(S) SHERIFF MADISON COUNTY STATE OF IOWA ...MADISON COUNTY

ON THIS 21ST DAY OF JULY , 1995, BEFORE ME A MOTARY PUBLIC IN THE STATE OF IOWA, PERSONALLY APPEARED PART DE WEICH, SHERIFF TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE SAME AS HIS VOLUNTARY ACT AND DEED.

LOIS E. THOMPSON, NOTARY PUBLIC IN AND FOR THE STATE OF TOWN MY COMMISSION EXPIRES OCTOBER 15, 1996

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

RE: PHASE III;

Parcel M-0137-A (NE NW 17-74-26) Parcel M-0137-B -(NW\) NW\ 17-74-26)

ı :: :=:

2807 FILED NO.

Biox 134 PAGE 295

95 MAY -2 AM 10: 48

MICHELLE UTSLER RECORDER MADISON COUNTY, 10WA

COMPUTER RECORDED, COMPARED_

CERTIFICATION OF APPROVAL OF APPLICATION BY CHIEF JUDGE

STATE OF IOWA, COUNTY OF WARREN: ss.

I, the undersigned, pursuant to the provisions of § 6B.3(7) of the Code of Iowa, 1995, being first duly sworn on oath, depose and state that I am attorney for Warren Water District, Applicant in the above-captioned condemnation proceeding and that I make the following certifications upon the direction of and on behalf of the Applicant.

I hereby certify that attached hereto is the original Application by Warren Water District which was filed with the Honorable Richard D. Morr, Chief Judge of the Fifth Judicial District of Iowa, which includes Madison County, Iowa, on the 26th day of April, 1995, at his office in Des Moines, Iowa and that said Application has been approved by the said Chief Judge. I further certify that the statements accompanying the attached are true.

I further certify that the original approved application is filed with the Madison County Recorder in the manner required under § 6B.37, Code of Iowa, all pursuant to § 6B.3(7), Code of Iowa, to constitute constructive notice to all parties that a proceeding to condemn the property is pending and that the Applicant has the right to acquire the property.

Dated at Indianola, Iowa, this 28th day of April

Richard B.

Subscribed and sworn to before me by Richard B. Clogg this 28th day of April, 1995.

Harris. Costera Notary Public in and for the State of 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: PHASE III;

Parcel M-0137-A - (NE NW 17-74-26)
Parcel M-0137-B - (NW NW 17-74-26)

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 RICHARD D. MORR, 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 (1995), 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 708 North Avenue, Norwalk, Iowa 50211, and is authorized to make this application under the provisions of §357A.11(5) of the Code of Iowa (1995).
- 2. The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements 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 Warren County and Madison County, Iowa.

497

- 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 re-clear 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 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, is 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 (1995) 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 of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

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

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE \ NW\) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

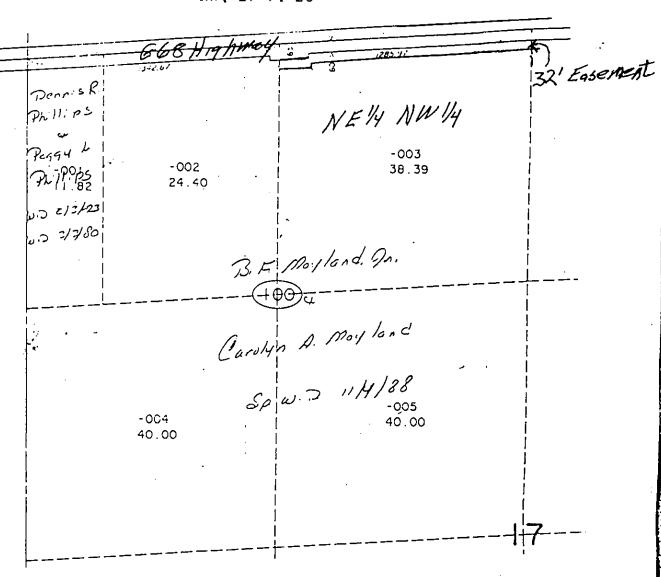
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

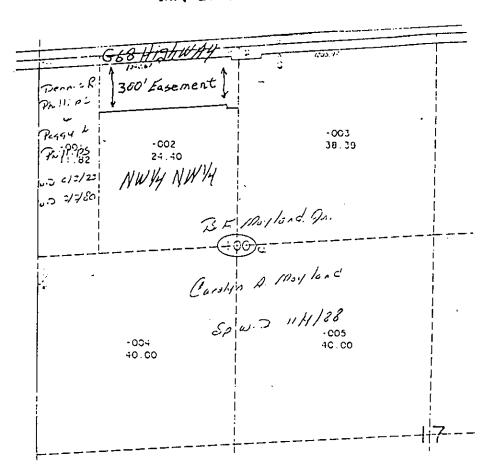
Page 1 of 2

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW) NW) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

. 1

Parcel No. M-0137-A - NE NW 17-74-26

Property Owners:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

First Federal Savings Bank, FSB

612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

Parcel Mo. M-0137-B - NW\ NW\ 17-74-26

Property Owner:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

First Federal Savings Bank, FSB

612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

IN THE MATTER OF THE EASEMENT RIGHTS IN BY WARREN WATER DISTORMED TO SYSTEM DISTRIBUTION SYSTEM DISTRIBUTION CO	CONDEMNATION OF AGRICULTURAL LAND TRICT TO CONSTRUCT, IN A WATER IIN MADISON COUNTY, I	SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT			
An Application and Notice of Condemnation having been filed with me by Warren Water District for the selection and					
	_	ons as the law provides to act as			
_	•	ppraise the damages sustained by			
		cified rights in certain land			
		Condemnation filed in the above			
		CT and APPOINT as the members of			
said compensation con	mmission required in	this matter the following persons:			
NAME	ADDRESS	QUALIFICATIONS	-		
1. Don Noack 2. Pat Corkrean	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON			
1. Märgaret Schäfei 2. Loren Myers	r Earlham Macksburg	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION			
1. Bruce Brownlee 2. Russell Anderson		AGRICULTURAL/ATHER THOU AGRICULTURAL			
to act as Chairperson appointed as Alternat TO THE SHERIFF OF please find a duplicatentitled matter.	of said Commission at the Chairperson. Madison Ite of the Application es, Iowa this 27 day JUDGE OF THE E	COUNTY, IOWA: Attached hereto	is		
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IN THE MATTER OF THE CONDEMNATION OF S
EASEMENT RIGHTS IN AGRICULTURAL A
LAND BY WARREN WATER DISTRICT TO
CONSTRUCT, OPERATE AND MAINTHIN A
WATER DISTRIBUTION SYSTEM IN MADISON
WATER DISTRIBUTION SYSTEM IN MADISON
OUNTY, IA PHASE III H SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS _ 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. Don Eyerly Winterset LICENSED REAL ESTATE 2. Jim Kress Earlham BROKERS /SALESPERSON 1. Jim Mease Winterset KNOWLEDGEABLE OF PROPERTY 2. Gary Dwyer Winterset BY VIRTUE OF OCCUPATION 1. Raymond Clark Booneville AGRICULTURAL/CENER THAN AGRICULTURAL Winterset 2. Dean Molln 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 27 day of ___ April

CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA

Filed in my office at Winderset, Iowa this 2 day of MAg 1995.

SHERIFF OF THE COUNTY, IOWA

BEFORE THE SHERIFF OF MADISON COUNTY

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

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO: Loren Myers RR 2 Box 101 Lorimor, Iowa 50149

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 DAMAGES 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 DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTERSET, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM 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 2ND DAY OF MAY , 1995.

SHERIFF OF MADISON COUNTY, IOWA

1. Let 5%

SUMMONS TO COMMISSIONERS PAGE 2

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED AND RECEIPT OF A COPY ACKNOWLEDGED AT MORPHON , IOWA, THIS DO DAY OF MAY , 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION THEREIN.

Lan D. myen

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 OR FOR THE REASON THAT

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF IN THE ENCLOSED SELF ADDRESSED STAMPED ENVELOPE

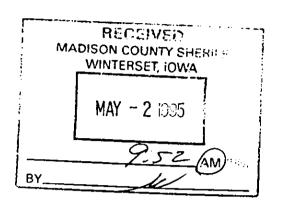
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FILED IN MAY OFFICE AT WINTERSET, IOWA, THIS 12th DAY OF

PAUL D. WELCH, SHERIFF MADISON COUNTY, IOWA

IN THE MATTER OF THE ENSEMENT RIGHTS IN A BY WARREN WITTER DISTORDED TO SYSTEM. DISTRIBUTION SYSTEM. MADISON COU		SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT			
	Notice of Condemnation	on 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					
	•	ified rights in certain land			
	•	ondemnation filed in the above			
	_	and APPOINT as the members of			
said compensation com	mission required in tr	nis matter the following persons:			
NAME	ADDRESS	QUALIFICATIONS			
1. Don Noack 2.Pat Corkican	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON			
1. Märgaret Schafer 2. Loren Myers		KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION			
1. Bruce Brownlee 2. Russell Anderson	St Charles Peru	AGRICULTURAL/OTHER THEE			
I further DESIGNATI to act as Chairperson appointed as Alternate	E, SELECT and APPOINT of said Commission an	the above named Dan Noack is			
	–	COUNTY, IOWA: Attached hereto			
•		for Condemnation in the above			
entitled matter.					
	JUDGE OF THE FI	FTH JUDICIAL DISTRICT OF IOWA			
Filed in my office at	///	Iowa this 2 day of May			
199 <u>5</u> .		D Well Ship DADSON 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: PHASE III;

Parcel M-0137-A - (NE NW 17-74-26)
Parcel M-0137-B - (NW NW 17-74-26)

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 RICHARD D. MORR, 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 (1995), 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 708 North Avenue, Norwalk, Iowa 50211, and is authorized to make this application under the provisions of §357A.11(5) of the Code of Iowa (1995).
- 2. The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements 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 Warren County and 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 re-clear 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 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, is 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 (1995) 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 of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

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

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of 9, 1995.

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE \ NW\) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

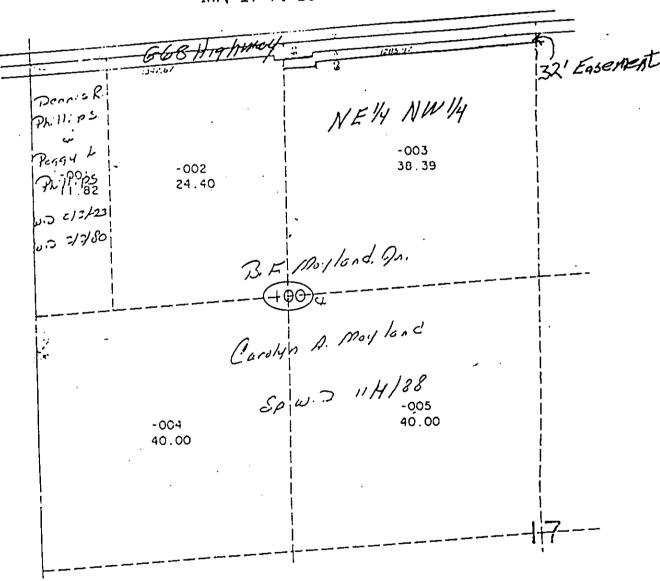
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE\ NW\) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW4 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

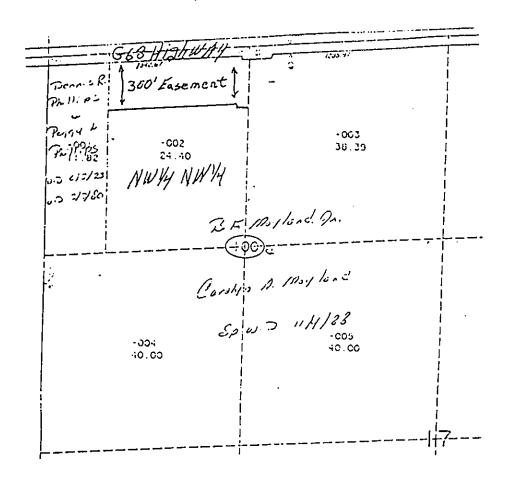
Page 1 of 2

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\\ NW\\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW4 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE% NW% 17-74-26

Property Owners:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

First Federal Savings Bank, FSB 612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

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

Winterset, Iowa 50273

Parcel Mo. M-0137-B - NW NW 17-74-26

Property Owner:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

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Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

SUMMONS TO COMMISSIONERS PAGE 2

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED AND RECEIPT OF A COPY ACKNOWLEDGED AT _______, IOWA, THIS ________, DAY OF _________, 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS 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 OR FOR THE REASON THAT

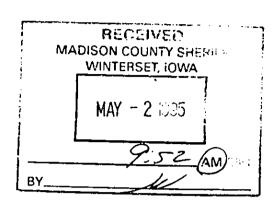
PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF IN THE ENCLOSED SELF ADDRESSED STAMPED ENVELOPE

> > PAUL D. WELCH, SHERIFF MADISON COUNTY, IOWA

<u>5)</u>		•
IN THE MATTER OF THE ENSEMENT RIGHTS IN BY WARREN WATER DIS OPERATE AND MAINTE DISTRIBUTION SYSTEM PHASE III Madisan Co	E CONDEMNATION OF AGRICULTURAL LAND STRICT TO CONSTRUCT, AIN A WATER MIN MADISON COUNTY, IA	SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT
		on having been filed with me by
Warren Water	District	for the selection and
appointment, by lot,	of six suitable person	ns as the law provides to act as
		praise the damages sustained by
		ified rights in certain land
		ondemnation filed in the above
		T and APPOINT as the members of
		his matter the following persons:
NAME	ADDRESS	QUALIFICATIONS
1. Don Noack 2. Pat Corkrean	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON
1. Mirgaret Schafe 2. Loren Myers	Macksburg	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
1. Bruce Brownlee 2. Russell Anderson	St Charles Peru	AGRICULTURAL/ATURE AGRICULTURAL
		the above named Don Noack
to act as Chairperso	n of said Commission an	nd Pat Corkream is
appointed as Alterna	te Chairperson.	COUNTY, IOWA: Attached hereto
please find a duplic	ate of the Application	for Condemnation in the above
entitled matter.	and of the application	Tot condemnation in the above
	es, Iowa this 27 day o	- MM
mala a di con	JUDGE OF THE FI	FTH JUDICIAL DISTRICT OF 10WA Towa this 2 day of
Filed in my office a	t <u>vialleisel</u> ,	Iowa this 2 day of May
199 <u>5</u> .		

SHERIFF OF MARISON 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: PHASE III;

Parcel M-0137-A - (NE NW 17-74-26)
Parcel M-0137-B - (NW NW 17-74-26)

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 RICHARD D. MORR, 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 (1995), 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 708 North Avenue, Norwalk, Iowa 50211, and is authorized to make this application under the provisions of §357A.11(5) of the Code of Iowa (1995).
- 2. The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements 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 Warren County and 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 re-clear 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 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, is 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 (1995) 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 of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

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

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this Ab day of April , 1995.

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

EXHIBIT "A"

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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

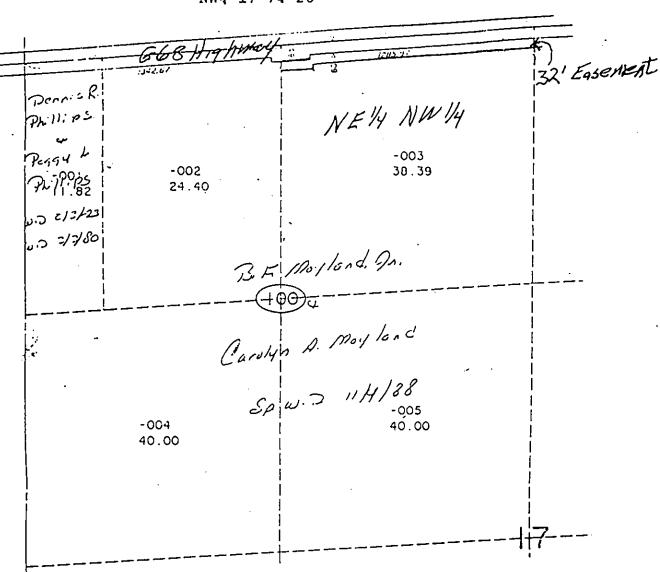
The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE\(\frac{1}{4}\) NW\(\frac{1}{4}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW\ 17-74-26



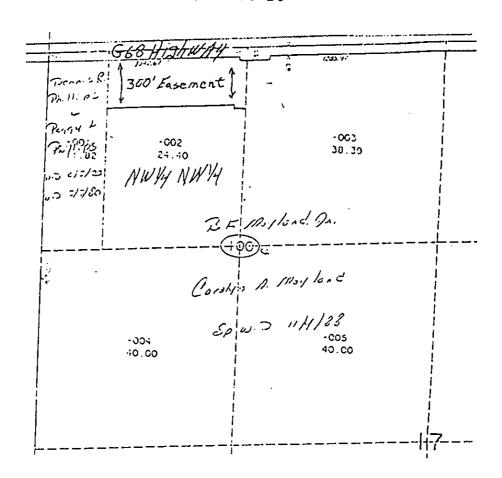
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "B"

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{4}\) NW\(\frac{1}{4}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLIOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, thirty-two (32) foot wide parcel of land the centerline of which shall be a pipe line as constructed.

NW1 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{2}\) NW\(\frac{1}{2}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

EXHIBIT "C"

Parcel No. M-0137-A - NE NW 17-74-26

Property Owners:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

First Federal Savings Bank, FSB 612 N. Main Street Rockford, Illinois 61103

Others that may be affected by the proceedings:

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

Parcel Mo. M-0137-B - NW4 NW4 17-74-26

Property Owner:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

ricase tia- Mortgagee:

. . .

First Federal Savings Bank, FSB 612 N. Main Street Rockford, Illinois 61103

Others that may be affected by the proceedings:

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

BEFORE THE SHERIFF OF MADISON COUNTY

IN THE MATTER OF THE CONDEMNATION)

OF/RIGHTS IN AGRICULTURAL LAND BY) SUMMONS TO COMMISSIONERS

WARREN WATER DISTRICT TO CONSTRUCT,)

OPERATE AND MAINTAIN A WATER)

DISTRIBUTION SYSTEM)

IN MADISON COUNTY, IOWA,)

RE: PHASE III

PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)

PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO: Don Noack
RR 1 Box 93
Booneville, Iowa 50038

· ...

Booneville, lowa 50038

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 DAMAGES 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 DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTERSET, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM 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 2ND DAY OF MAY ,1995.

SHERIFF OF MADISON COUNTY, IOWA

NOACOOTE 500582022 295 05/AV/75
NOTIFY SENDER OF NEW ADDRESS
NOACK 1059 & BADGER (CREEK RD)
LVAN METER (IA 50261 8506)

SUMMONS TO COMMISSIONERS PAGE 2

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED AND RECEIPT OF A COPY ACKNOWLEDGED AT VAN VETEL, IOWA, THIS 15 DAY OF VAU, 1995. I FURTHER CERTIFY THAT I DO NOT POSSESS ANY INTEREST IN THE ABOVE PROCEEDINGS 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 OR FOR THE REASON THAT

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF IN THE ENCLOSED SELF ADDRESSED STAMPED ENVELOPE

FILED IN MAY OFFICE AT WINTERSET, IOWA, THIS 16 DAY OF 1995.

PAUL D. WELCH, SHERIFF MADISON COUNTY, IOWA

Faul D Welch Storf

Honald PY Jeach

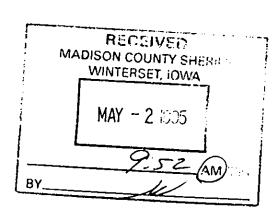
Warren Water D appointment, by lot, of a compensation commiss reason of the condemna described by Applicant	Notice of Condemnations of Six suitable personation to assess and apartion of certain specific in the Notice of Condemnation o	SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT on having been filed with me by for the selection and ns as the law provides to act as praise the damages sustained by ified rights in certain land ondemnation filed in the above T and APPOINT as the members of
said compensation comm	mission required in t	his matter the following persons:
NAME	ADDRESS	QUALIFICATIONS
1. Don Noack 2. Pat Corkrean	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON
1. Märgaret Schäfer 2. Loren Myers	Earlham Macksburg	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
1. Bruce Brownlee 2. Russell Anderson	St Charles Peru	AGRICULTURAL/OTHER THAN AGRICULTURAL
to act as Chairperson appointed as Alternate TO THE SHERIFF OF _ please find a duplicatentitled matter.	of said Commission as Chairperson. Madison e of the Application for Iowa this 27 day	the above named Dan Noack and Pat Corkrean COUNTY, IOWA: Attached hereto for Condemnation in the above of April, 1995. IFTH JUDICIAL DISTRICT OF IOWA I Iowa this 2 day of May A PLISTY 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: PHASE III;

Parcel M-0137-A - (NE NW 17-74-26) Parcel M-0137-B - (NW NW 17-74-26)



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 RICHARD D. MORR, 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 (1995), 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 708 North Avenue, Norwalk, Iowa 50211, and is authorized to make this application under the provisions of §357A.11(5) of the Code of Iowa (1995).
- 2. The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements 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 Warren County and 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 re-clear 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 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, is 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 (1995) 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 of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

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

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of 90, 1995.

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{2}$ NW $\frac{1}{2}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

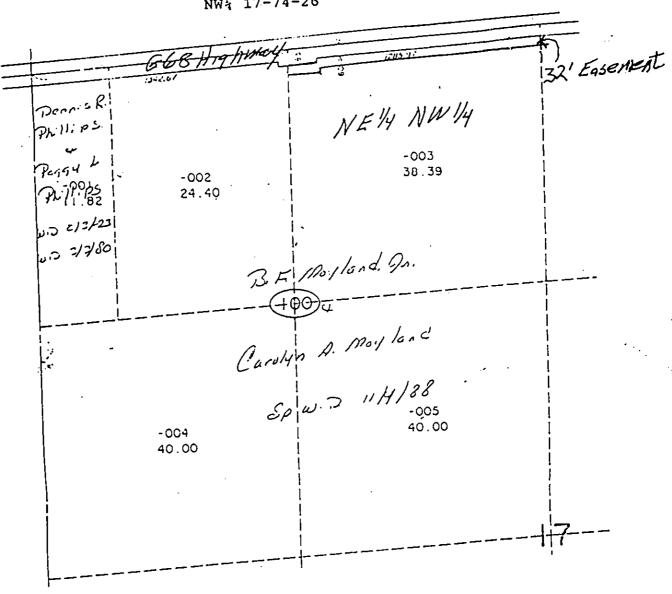
PARCEL NO. M-0137-B

The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW $\frac{1}{3}$ NW $\frac{1}{3}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE NW) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW+ 17-74-26

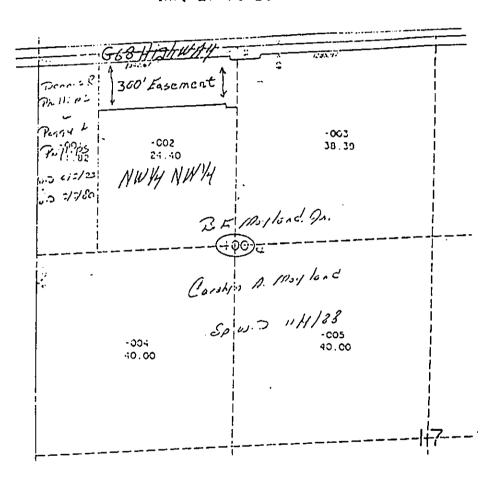


A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE NW) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{4}\) NW\(\frac{1}{4}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{2}\) NW\(\frac{1}{2}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

Page 2 of 2

Parcel No. M-0137-A - NE NW 17-74-26

Property Owners:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

First Federal Savings Bank, FSB

612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

Parcel Mo. M-0137-B - NW NW 17-74-26

Property Owner:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

. -

First Federal Savings Bank, FSB 612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

BEFORE THE SHERIFF OF MADISON COUNTY

11

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

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO: Jim Mease
315 W Green

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 DAMAGES 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 DON NOACK AS CHAIRMAN

Winterset, Iowa 50273

OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTERSET, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM 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 2ND DAY OF MAY ,1995.

SHERIFF OF MADISON COUNTY, IOWA

OD Welch Storff

ACCEPTANCE OF SERVICE

		DUE	AND	LEGAL	SERVI	CE OF	FOF	REGOING	SUMMO	NS AC	CEPTED	15+	DAY
	OF		lay			19 <u>9</u>	<u>5</u> .	I FUR	THER C	ERTIF	TAHT Y	I DO	тои
	POS	SESS A	ANY I	INTERES	ST IN T	HE A	BOVE	PROCEE	DINGS	WHICH	WOULD	CAUSE	ME
>	то	RENDE	R A	BIASED	DECIS	ו אסו	THERE	EIN.					

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE MADISON COUNTY SHERIFF IN THE ENCLOSED ENVELOPE

FILED IN MY OFFICE AT WINTERSET, IOWA, IOWA, THIS 17 DAY

OF ________, 1995.

And O Well Think

PAUL D. WELCH, SHERIFF MADISON COUNTY, IOWA

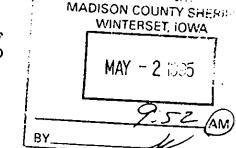
REFUSAL TO SERVE

I WILL BE UNABLE TO SERVE FOR THE REASONS THAT I POSSESS AN INTEREST IN THE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION.

アクリース	CONDEMNATION OF AGRICULTURAL LAND TRICT TO CONSTRUCT, IN A WATER IEN MADISON COUNTY, IA	SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT
Madisan Con	unty	
appointment, by lot, a compensation commission of the condemn described by Applicar entitled matter, I he	of six suitable persons sion to assess and appropriation of certain specific, in the Notice of Corereby DESIGNATE, SELECT	for the selection and s as the law provides to act as raise the damages sustained by fied rights in certain land indemnation filed in the above and APPOINT as the members of is matter the following persons:
NAME	ADDRESS	QUALIFICATIONS
1. Don Noack 2. Pat Corkrean	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON
1. Margaret Schafer 2. Loren Myers	- Earlham Macksburg	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
1. Bruce Brownlee 2. Russell Anderson	St Charles Peru	AGRICULTURAL/ATHER PASSE AGRICULTURAL
appointed as Alternate	of said Commission and e Chairperson.	he above named Dan Noack Pat Corkrean is OUNTY, IOWA: Attached hereto
please find a duplicate entitled matter.	s, Iowa this 27 day of	or Condemnation in the above
Filed in my office at 1995 .	Viateset.	Iowa this 2 day of May
	<i>y</i>	<u> </u>

199<u>5</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,



RECEIVED

RE: PHASE III;

Parcel M-0137-A - (NE NW 17-74-26)
Parcel M-0137-B - (NW NW 17-74-26)

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 RICHARD D. MORR, 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 (1995), 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 708 North Avenue, Norwalk, Iowa 50211, and is authorized to make this application under the provisions of §357A.11(5) of the Code of Iowa (1995).
- 2. The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements 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 Warren County and 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 re-clear 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 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, is 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 (1995) 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 of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

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

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this 26 day of 1995.

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{2}$ NW $\frac{1}{2}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

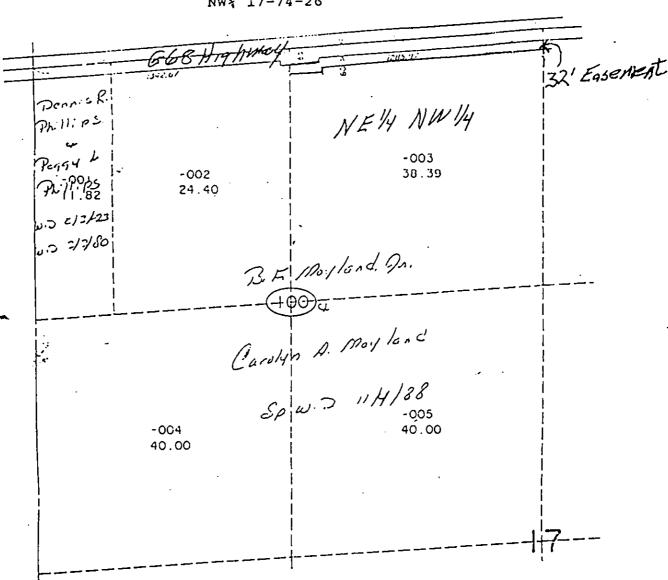
PARCEL NO. M-0137-B

The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE NW) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW 17-74-26

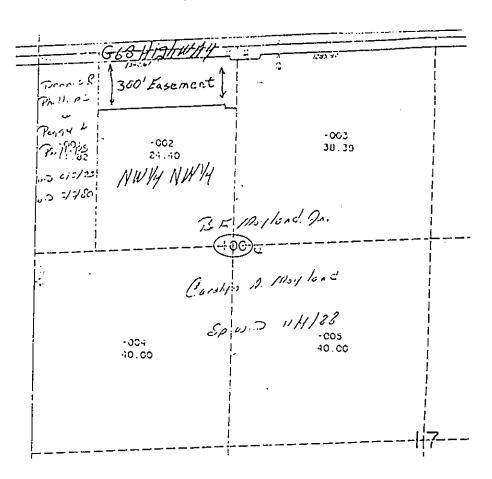


EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE NW4) of Section 17, Township 74 North; Range 26 West of the 5th P.M., Madison County, Iowa.

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{4}\) NW\(\frac{1}{4}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW4 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{2}\) NW\(\frac{1}{2}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

Page 2 of 2

Parcel No. M-0137-A - NE NW 17-74-26

Property Owners:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

First Federal Savings Bank, FSB

612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

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

Parcel Mo. M-0137-B - NW NW 17-74-26

Property Owner:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

First Federal Savings Bank, FSB

612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

ACCEPTANCE OF SERVICE

Raymond Clark

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE MADISON COUNTY SHERIFF IN THE ENCLOSED ENVELOPE

FILED IN MY OFFICE AT WINTERSET, IOWA, IOWA, THIS 22 DAY

of <u>May</u>, 1995.

PAUL D. WELCH, SHERIFF MADISON COUNTY, IOWA

REFUSAL TO SERVE

I WILL BE UNABLE TO SERVE FOR THE REASONS THAT I POSSESS AN INTEREST IN THE PROCEEDINGS WHICH WOULD CAUSE ME TO RENDER A BIASED DECISION.

BEFORE THE SHERIFF OF MADISON COUNTY

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

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO: Raymond Clark
RR'l Box 111
Booneville, Iowa 50038

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 DAMAGES 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 DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED

IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTERSET, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM 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 2ND DAY OF MAY , 1995.

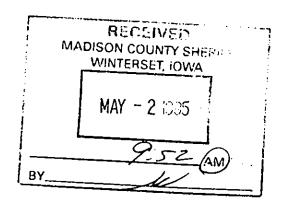
SHERIFF OF MADISON COUNTY, IOWA

Faul E Velet Shift

W -		
IN THE MATTER OF THE CASEMENT RIGHTS IN A BY WHRREN WHTER DISTINGUERATE AND MAINTAID DISTRIBUTION SYSTEM LAND MAINTAID AND THE STATE OF	CONDEMNATION OF GRICULTURAL LAND RICT TO CONSTRUCT, N A WATER IN MADISON COUNTY, I	SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT
Madisan Cou	ntv	
An application and	Notice of Condemnati	ion having been filed with me by
Wirren Water U	1Strict	for the selection and
		ons as the law provides to act as
		opraise the damages sustained by
		cified rights in certain land
		Condemnation filed in the above
		CT and APPOINT as the members of
said compensation com	nission required in t	this matter the following persons:
NAME	ADDRESS	QUALIFICATIONS
1. Don Noack 2. Pat Corkrean	Booneville Winterset	LICENSED REAL ESTATE BROKERS/SALESPERSON
1. Margaret Schafer 2. Loren Myers	Eartham Macksburg	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
1. Bruce Brownlee 2. Russell Anderson		AGRICULTURAL/OTHER PER AGRICULTURAL
I further DESIGNATE		the above named Don Noack
to act as Chairperson	of said Commission a	and Pat Corkrean is
appointed as Alternate		raz <u>Carkrean</u> is
		COUNTY, IOWA: Attached hereto
		for Condemnation in the above
entitled matter.	F F F F F F F F F F	and the decimal to the dove
DATED at Des Moines	INDEE OF THE P	wall have
Filed in my office at	January THE F	, Iowa this 2 day of
199 <u>5</u> .	- 1-1-11-13-5	day of
		- 0 11 1 10 . '

SHERIFF OF MARISON 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: PHASE III;

Parcel M-0137-A - (NE NW 17-74-26)
Parcel M-0137-B - (NW NW 17-74-26)

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 RICHARD D. MORR, 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 (1995), 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 708 North Avenue, Norwalk, Iowa 50211, and is authorized to make this application under the provisions of §357A.11(5) of the Code of Iowa (1995).
- 2. The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements 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 Warren County and 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 re-clear 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 of repair of the pipeline will be 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, is 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 (1995) 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 of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

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

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this Ab day of April, 1995.

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

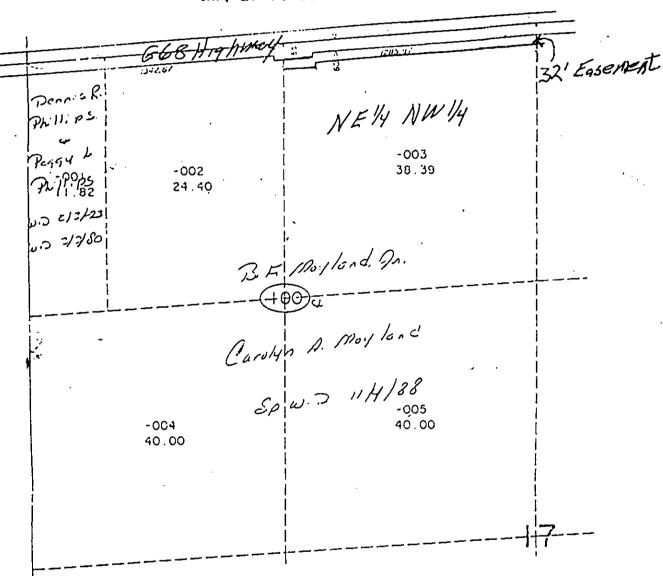
PARCEL NO. M-0137-B

The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{4}\) NW\(\frac{1}{4}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

NW4 17-74-26



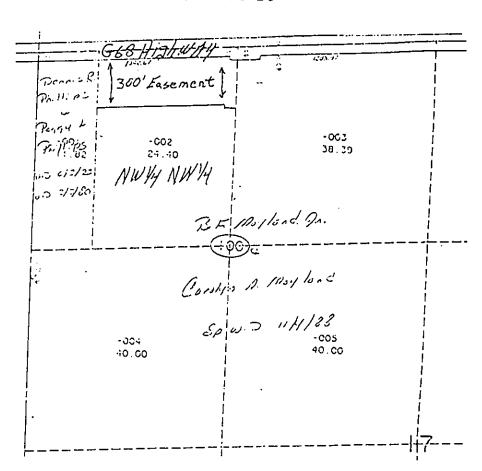
EASEMENT DESCRIPTION: A perpetual easement for erection, construction, installation, laying and thereafter use, operation, inspection, repair, maintenance, replacement and removal of water lines and appurtenances thereto, over, across and through the following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

Page 1 of 2

PARCEL NO. M-0137-B

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, thirty-two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed.

NW4 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

Page 2 of 2

Parcel No. M-0137-A - NE NW 17-74-26

Property Owners:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB

612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

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

Parcel Mo. M-0137-B - NW NW 17-74-26

Property Owner:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee: First Federal Savings Bank, FSB

612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

SUMMONS TO COMMISSIONERS PAGE 2

ACCEPTANCE OF SERVICE

DUE AND LEGAL SERVICE OF FOREGOING SUMMONS ACCEPTED AND RECEIPT OF A COPY ACKNOWLEDGED AT A LONG INTEREST IN THE ABOVE PROCEEDINGS 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 OR FOR THE REASON THAT

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF IN THE ENCLOSED SELF ADDRESSED STAMPED ENVELOPE

FILED IN MAY OFFICE AT WINTERSET, IOWA, THIS

DAY O

PAUL D. WELCH, SHERIFF MADISON COUNTY, IOWA

BEFORE THE SHERIFF OF MADISON COUNTY

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

RE: PHASE III
PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)
PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26)

TO: Dean Molln 724 E Jefferson Winterset, Iowa 50273

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 DAMAGES 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 DON NOACK AS CHAIRMAN OF THE SAID COMMISSION.

YOU ARE THEREFORE COMMANDED TO APPEAR BEFORE THE UNDERSIGNED IN THE OFFICE OF THE SHERIFF OF MADISON COUNTY, IOWA AT WINTERSET, IOWA, ON THE 6TH DAY OF JUNE, 1995 AT 8:00 AM 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 2ND DAY OF MAY , 1995

SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF ENSEMENT RIGHTS IN AGRICULTURAL LAND BY WARREN WHIER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A WATER.

DISTRIBUTION SYSTEM IN MADISON COUNTY, IA SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT County An Application and Notice of Condemnation having been filed with me by 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. Don Noack Booneville LICENSED REAL ESTATE 2. Pat Corkrean Winterset BROKERS/SALESPERSON 1. Margaret Schafer Earlham KNOWLEDGEABLE OF PROPERTY 2. Loren Myers BY VIRTUE OF OCCUPATION 1. Bruce Brownlee St Charles AGRICULTURAL/ATHER 2. Russell Anderson AGRICULTURAL I further DESIGNATE, SELECT and APPOINT the above named Donto act as Chairperson of said Commission and $\frac{\psi_{a}}{2}$ appointed as Alternate Chairperson. TO THE SHERIFF OF Madison ___ COUNTY, IOWA: Attached hereto please find a duplicate of the Application for Condemnation in the above entitled matter. DATED at Des Moines, Iowa this 27 day of THE FIFTH JUDICIAL DISTRICT OF IOWA Filed in my office at , Iowa thisス

199<u>5</u>.

day 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,

MAY - 2 1005

MAY - 2 1005

RE: PHASE III;

Parcel M-0137-A - (NE NW 17-74-26)
Parcel M-0137-B - (NW NW 17-74-26)

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 RICHARD D. MORR, 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 (1995), 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 708 North Avenue, Norwalk, Iowa 50211, and is authorized to make this application under the provisions of §357A.11(5) of the Code of Iowa (1995).
- 2. The Applicant seeks to acquire, by the process of eminent domain, permanent and perpetual easements 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 Warren County and 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 re-clear 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 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, is 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.

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10. You are requested to appoint a Commission in compliance with Chapter 6B of the Code of Iowa (1995) 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 of Chapter 6B, Code of Iowa, as amended.

Dated this 25th day of April, 1995.

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

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

Application filed in duplicate in my office in Des Moines, Iowa, is approved this Ada day of April , 1995.

CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA

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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE\ NW\) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

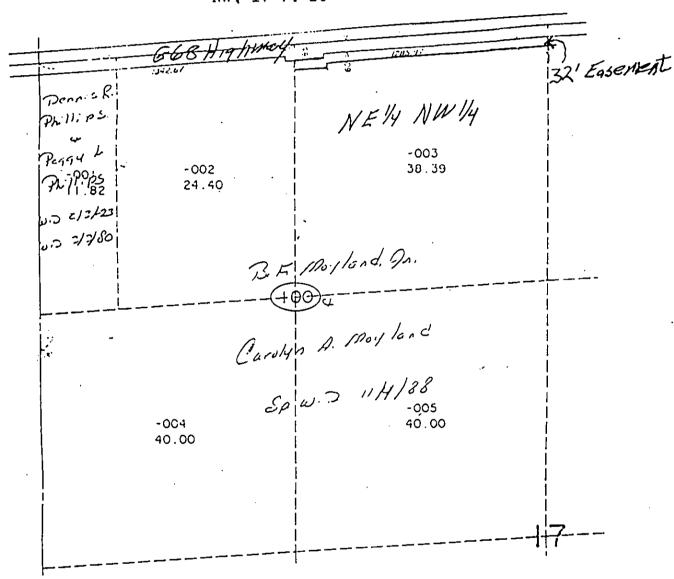
PARCEL NO. M-0137-B

The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-A

PLAT OF AN EASEMENT for construction and maintenance of a water distribution system across the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa DESCRIBED AS FOLLOWS: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property.

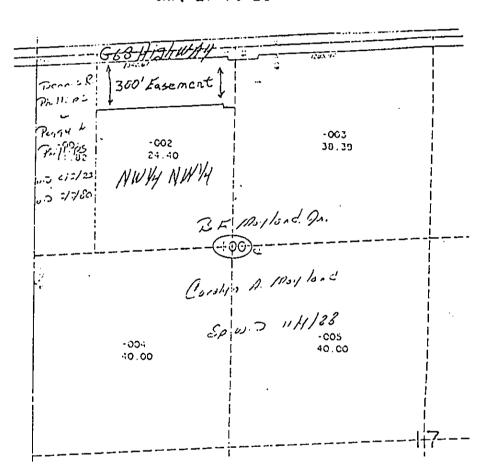
NW4 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A 32 foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property in the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

PARCEL NO. M-0137-B

NW1 17-74-26



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 following described real estate situated in Madison County, Iowa, to-wit: A Three Hundred (300) foot wide parcel of land adjacent to the South G68 Highway Right-of-way from the East boundary line of said property to the West boundary line of said property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{2}\) NW\(\frac{1}{2}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

Page 2 of 2

Parcel No. M-0137-A - NE NW 17-74-26

Property Owners:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

 $\mathbf{g}(\cdot) =$

First Federal Savings Bank, FSB 612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

Parcel Mo. M-0137-B - NW NW 17-74-26

Property Owner:

B. F. Moyland, Jr. Rt. 2, Box 61 Truro, Iowa 50357

Carolyn A. Moyland Rt. 2, Box 61 Truro, Iowa 50357

Mortgagee:

First Federal Savings Bank, FSB 612 N. Main Street

Rockford, Illinois 61103

Others that may be affected by the proceedings:

Madison County, Iowa c/o County Auditor

Madison County Courthouse Winterset, Iowa 50273

1/2

IN THE IOWA DISTRICT COURT OF MADISON COUNTY

THE MATTER OF THE CONDENNATION OATH OF COMMISSIONERS OF RIGHTS IN AGRICULTURAL LAND BY WARREN WATER DISTRICT TO CONSTRUCT, : OPERATE AND MAINTAIN A WATER DISTRIBUTION SYSTEM IN MADISON COUNTY, IOWA RE: PHASE III PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26)

- (NW 1/4 NW 1/4 17-74-26)

STATE OF IOWA) MADISON COUNTY

PARCEL M-0137-B

THE UNDERSIGNED, HAVING BEEN FIRST DULY SWORN, EACH SEVERALLY STATES THAT HE OR SHE IS A RESIDENT OF MADISON COUNTY, IOWA, AND IS A PERSON POSSESSING THE REQUIRED QUALIFICATIONS; THAT HE OR SHE IS NOT INTERESTED IN THE MATTER OF THE CONDEMNATION BY THE CONDEMNOR, AND OF THE MATTERS HAVING BEEN DESCRIBED IN THE APPLICATION FOR CONDEMNATION, OR IN ANY LIKE QUESTION OR MATTER; THAT HE OR SHE WILL, TO THE BEST OF THEIR ABILITY, FAITHFULLY AND IMPARTIALLY ASSESS THE DAMAGES FOR THE CONDEMNATION OF SAID PROPERTY AND/OR EASEMENTS THEREOF; AND WILL MAKE WRITTEN REPORTS TO THE SHERIFF OF MADISON COUNTY, IOWA. THIS OATH IS TAKEN PURSUANT TO THE PROVISIONS OF SECTION 6B, CODE OF IOWA.

DON NOACK LICENSED REAL ESTATE **BROKER/SALESPERSON**

LOREN MYERS KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION

RAYMOND CLARA
AGRICULTURAL
SUBSCRIBED AND SWORN TO BEFORE
1995.

PAT CORKREAN LICENSED REAL ESTATE BROKER/SALESPERSON

J'IM MEASE

llerk

KNÓWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION

1438 AGRICULTURAL

DAY OF

NOTARY PUBLIC FILED IN MY OFFICE AT WINTERSET, MADISON COUNTY, IOWA THIS

June, 1995.

PAUL D. WELCH, SHERIFF HADISON COUNTY, IOWA

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

EASI BY V OPEI DIS' MAD	EMENT RIGHTS IN A WARREN WATER DIST	in)	F'S CERTIFICATION AND AWARDS
<u>J</u>	VENED AT THE MADI	THE APPOINTED COMMISSIONERS SON COUNTY SHERIFF'S OFFICE PROCEEDED TO VIEW THE PR 1995 FILED THEIR I AS FOLLOWS:	ON THE <u>6TH</u> DAY OF REMISES. AND ON THE
A.	AWARDS MADE BY	CONNISSION TO CONDENNEES	
CAR FIR	DLYN A MOYLAND ST FEDERAL SAVIN	ADDRESS RR 1 BOX 61, TRURO, RR 1 BOX 61, TRURO, GS BANK, FSB, 612 N MAIN STI ROCKFORD, IL TOR COURTHOUSE, WINTERSE	TUWA 50357 REET 61103
		TOTAL AWARD \$00.0	20
_	NEROCITE TO CUE	RIFF MADE BY CONDEMNOR	
В.	NAME	AMOUNTS	<u>DATES</u>
	·	TOTAL AMOUNTS D	EPOSITED <u>\$ 60.60</u>
c.	AWARDS OR DAMAG	ES PAID TO CONDENNEES	
	NAME	AMOUNTS	<u>DATES</u>

D. CONNISSIONER'S FEES AN	ID EXPENSES
<u>NAMES</u>	FEES & EXPENSES
1. DON NOACK 2. PAT CORKREAN 3. JIM MEASE 4. LOREN MYERS 5. RAYMOND CLARK 6. DEAN MOLLN	\$ 58.64 \$ 50.00 \$ 50.00 \$ 55.40 \$ 57.16 \$ 50.00
TOTAL	<u>\$ 321.20</u>
DATE PAID JUNE 21, 1995	
E. SHERIFF'S CIVIL FEES A	ND EXPENSES
SERVICE \$ MILEAGE \$ COUNTY FEES(POSTAGE)\$ ATTEND COMMISSION \$ RECORDING FEE \$	25.00 51.30 67.63 60.00 UNKNOWN
TOTAL \$	203.93
DATE PAIDJUNE 21, 199	5
DAY OF JUNE G. THE APPLICATION FOR CORECORDER FOR MADISON CO	MENT OF DAMAGES AND TIME FOR APPEAL WAS ED PARTIES BY ORDINARY MAIL ON THE 6TH 1995. NDEMNATION WAS FILED WITH THE COUNTY DUNTY, IOWA, ON THE 2ND DAY OF MAY. E FOLLOWING BOOK, PAGE OR INSTRUMENT DK 134 AT PAGE 295.
COMPLETE ORIGINAL FILE	THE ATTACHED PAPERS ARE THE FULL AND IS IN THE PROCEEDINGS AND THE STATEMENTS ARE CORRECT AND TRUE. GIVEN UNDER MY DAY OF JULY , 1995.
	PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

CONDEMNATION COMMISSIONER'S THE HATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN AGRICULTURAL CONDEMNATION COMMISSIONER'S CONDEMNATION COMMISSIONER'S CONDEMNATION COMMISSIONER'S CONDEMNATION OF COSTS CONDEMNATION OF COSTS CONDEMNATION COMMISSION OF COSTS CONDEMNATION COMMISSION COUNTY: I CERTIFF OF MADISON COUNTY: I CERTIFF OF MADISON COUNTY: I CERTIFF THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE CLAIMS ARE DUB, JUST AND UNPAID. DAY SERVICE AT 950.00. MEALS. PARKING. PARKING. COMMISSIONER ADDRESS: 1059 BADGYD COMMISSIONER FILED IN MY OFFICE AT WINTERSET, MADISON COUNTY, IOWA, THIS PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IDWA		
DE EASEMENT RIGHTS IN AGRICULTURAL) CONDEMNATION COMMISSIONER'S CAND BY WARREN WATER DISTRICT TO) CONSTRUCT, OPERATE AND MAINTAIN A) MATER DISTRIBUTION SYSTEM) IN HADISON COUNTY, 10WA) RE: PHASE III PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26) TO THE SHERIFF OF MADISON COUNTY: I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE CLAIMS ARE DUB, JUST AND UNPAID. DAY OF	- COUNCEMATION)	
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ATTER DISTRIBUTION SYSTEM IN MADISON COUNTY, 10WA RE: PHASE III PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26) PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26) TO THE SHERIFF OF MADISON COUNTY: I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE COUNTY ARE DUB, JUST AND UNPAID. DAY SERVICE AT 950.00		CENT. 1010 C. =====
RE: PHASE III PARCEL M-0137-A - (NE 1/4 NW 1/4 17-74-26) PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26) TO THE SHERIFF OF MADISON COUNTY: I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE DAY OF LAIR AND UNPAID. DAY SERVICE AT 950.00		
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PARCEL M-0137-B - (NW 1/4 NW 1/4 17-74-26) TO THE SHERIFF OF MADISON COUNTY: I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE COMPANDED OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE COMPANDED OF THE CONDEMNATION COUNTY HELD ON THE CLAIMS ARE DUB, JUST AND UNPAID. DAY SERVICE AT 950.00	RE: PHASE III	
TO THE SHERIFF OF MADISON COUNTY: I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE COMMISSION AND THAT THESE LAIMS ARE DUB, JUST AND UNPAID. DAY SERVICE AT 950.00. 9 50.00 BAMILES AT \$.27. \$ 1.44 MEALS. \$ COMMISSIONER ADDRESS: 1059 BADGYD VALUETUS FILED IN MY OFFICE AT WINTERSET, MADISON COUNTY, IOWA, THIS DAY OF THE PHONE: 515-996- MEALS. 1995. PAUL D. WELCH, SHERIFF OF	PARCEL M-0137-A - (NE 1/4 NW 1/4 17	~74-26)
I CERTIFY THAT MY FEE AND EXPENSES AS A MEMBER OF THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE CONDEMNATION COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE COMMISSION IN THE ABOVE-ENTITLED MATTER, HELD ON THE COMMISSION AND THAT THESE CLAIMS ARE DUB, JUST AND UNPAID. DAY SERVICE AT 950.00	PARCEL M-0137-B - (NW 1/4 NW 1/4 17	~74-26)
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1995, ARE AS FOLLOWS AND THAT THESE CLAIMS ARE DUB, JUST AND UNPAID. 1 DAY SERVICE AT 950.00	CONDEMNATION COMMISSION IN THE ABOVE-	ENTITLED MATTER, HELD ON THE
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DAY SERVICE AT 950.00. 9_50.00 Baniles at \$.27. \$ 164 MEALS. \$ COMMISSIONER ADDRESS: 1059 Badqxv VAN Metwork Telephone: 515-996- MAD DAY OF COUNTY, IOWA, THIS PAUL D. WELCH, SHERIFF OF		AS FOLLOWS AND THAT THESE
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ADDRESS: 1059 Badger UND Metwork FILED IN MY OFFICE AT WINTERSET, MADISON COUNTY, IOWA, THIS O DAY OF June 1995. PAUL D. WELCH, SHERIFF OF		COMMISSIONER
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PAUL D. WELCH, SHERIFF OF		
PAUL D. WELCH, SHERIFF OF	FILED IN MY OFFICE AT WINTERSET	, MADISON COUNTY, IUWA, THIS
PAUL D. WELCH, SHERIFF OF	(a 24% OF C. 1995	
PAUL D. WELCH, SHERIFF OF	TA DAY OF TABS.	
PAUL D. WELCH, SHERIFF OF	\mathcal{U}	
PAUL D. WELCH, SHERIFF OF		120 D Well 3kg
PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA		TOTAL -
MADISON COUNTY, IOWA		PAUL D. WELCH, SHERIFF OF
		MADISON COUNTY, IOWA

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

2-11-1	
OF EASEMENT RIGHTS IN AGRICULTURAL) LAND BY WARREN WATER DISTRICT TO	CONDEMNATION COMMISSIONER'S CERTIFICATION OF COSTS CONDEMNATION COMMISSIONER'S
RE: PHASE III PARCEL M-0137-A - (NE 1/4 NW 1/4 1 PARCEL M-0137-B - (NW 1/4 NW 1/4 1	17-74-26) 17-74-26)
TO THE SHERIFF OF MADISON COUNTY: I CERTIFY THAT MY FEE AND EXPEN CONDEMNATION COMMISSION IN THE ABOVE	C-ENTITLED MATTER, HELD ON THE
CLAIMS ARE DUE, JUST AND UNPAID.	RE AS FOLLOWS AND THAT THESE
DAY SERVICE AT \$50.00	<u>50 4</u>
MILES AT \$.27	s
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PARKING	\$0
	COMMISSIONER CUEL
	Winterf & 50273
FILED IN MY OFFICE AT WINTERSET	TELEPHONE: 462-2549 THADISON COUNTY, IOWA, THIS
6 DAY OF June 1995.	
	PAUL D. WELCH, SHERIFF OF HADISON COUNTY, IDWA

IN THE DISTRICT COURT IN AND	FOR MADISON COUNTY, 10WA
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	CONDENNATION CURRESSIONER S CERTIFICATION OF COSTS
RE: PHASE III PARCEL M-0137-A - (NE 1/4 NW 1/4 PARCEL M-0137-B - (NW 1/4 NW 1/4	17-74-26) 17-74-26)
TO THE SHERIFF OF MADISON COUNTY: I CERTIFY THAT MY FEE AND EXPE CONDEMNATION COMMISSION IN THE ABOV	E-ENTITLED MATTER, HELD ON THE
CLAIMS ARE DUE. JUST AND UNPAID.	
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	COMMISSIONER BOX82 RRI ADDRESS: Macksburg Ia
FILED IN MY OFFICE AT WINTERS DAY OF June 1995.	TELEPHONE: 5/5-7/8-2349 SET, MADISON COUNTY, IOWA, THIS
	PAUL D. WELCH, SHERIFF OF MADISON COUNTY, IOWA

OF ELAND CONS	ASEME BY W. TRUCT R DIS	NT RIGI Arren	HTS IN WATER ATE AN ION SY	DISTRICT D MAINTA STEM	TURAL F TO)	CONDEMNATION COMMISSIONER'S CERTIFICATION OF COSTS
PARC		0137-A		NE 1/4 k NW 1/4 k			
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							ADDRESS: 315 love + lover st
6th	FILED	IN MY	OFFIC Ken	CE AT WI	NTERSI	ET,	TELEPHONE: 5/5-1/62-373/7 MADISON COUNTY, IOWA, THIS
							PAUL D. WELCH, SHERIFF OF

MADISON COUNTY, IOWA

3.3

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION)	
OF EASEMENT RIGHTS IN AGRICULTURAL)	CONDEMNATION CONMISSIONER
LAND BY WARREN WATER DISTRICT TO CONSTRUCT, OPERATE AND MAINTAIN A	
WATER DISTRIBUTION SYSTEM)	
IN MADISON COUNTY, IOWA	
RE: PHASE III	T 74 05 \
PARCEL M-0137-A - (NE 1/4 NW 1/4 1 PARCEL M-0137-B - (NW 1/4 NW 1/4 1	
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b DAY OF June, 1995, AR CLAIMS ARE DOE, JUST AND UNPAID.	E AS FOLLOWS AND THAT THESE
/ DAY SERVICE AT \$50.00	5000
	
28 MILES AT \$.27	s <u>/./6</u>
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FILED IN MY OFFICE AT WINTERSE	
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(DAY OF June . 1995.	
1995.	
DAY OF June, 1995.	For O D Well Sta
DAY OF June, 1995.	PAUL D. WELCH, SHERIFF O

IN THE DISTRICT COURT IN AND FOR 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	CONDEMNATION COMMISSIONER'S CERTIFICATION OF COSTS CONDEMNATION OF COSTS CONTRACTOR OF COSTS
RE: PHASE III PARCEL M-0137-A - (NE 1/4 NW 1/4 PARCEL M-0137-B - (NW 1/4 NW 1/4	
TO THE SHERIFF OF MADISON COUNTY: I CERTIFY THAT MY FEE AND EXPE CONDEMNATION COMMISSION IN THE ABOV DAY OF	E-ENTITLED MATTER, HELD ON THE RE AS FOLLOWS AND THAT THESE
MILES AT \$.27	
PARKING	COMMISSIONER ADDRESS: 724 & Jufferso Winter So 27'3
FILED IN MY OFFICE AT WINTERSE DAY OF JUNE 1995.	TELEPHONE:

MADISON COUNTY, IOWA

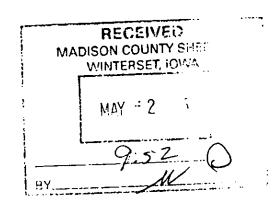
RETURN OF SERVICE			<u> </u>
		FORM 141	I-Q: June 1989
IN THE IOWA DISTRICT COUR IN THE MATTER OF THE CONDEMNATION	T FOR MADISON OF RIGHTS IN AGRICULTURAL	COU	NTY Type of
IN THE MATTER OF THE CONDEMNATION LAND BY WARREN WATER DISTRICT TO Case Name MAINTAIN A WATER DISTRIE	CONSTRUCT OPERATE AND UTION SYSTERETURN OF SERVICE	UNTY, IOWA,	Service Code
Case NoVS MOYLAND ETAL	XXX Personal ☐ Dwelling/Substitu	ıta.	1
Notice Rec'd this date May 2, 1995	☐ Hotel, Boarding/I ☐ Corporation/Asso	Rooming House	3
STATE OF IOWA	☐ Official (State, Co	ounty, City)	4 5
MADISONCounty	ss. Spouse away from Other	n residence	6 7
I certify that I served a copy of:			
☐ Petition and Original Notice		ed	
☐ Modification/Application and Notice☐ Order to Show Cause	XXXOther N	otice of Condemnatio	on and
Served:	Assessment hearin	g Before Compensatio	on Commiss
R F Mouland In	PP 2 Pov 61		Code
B. F. Moyland, Jr. (Name) Carolyn A. Moyland	or Truro; Inwagess)	on May 13, 1995	1
	at		
·			-
(Name)	by serving(Name)	(Address)	
least 18 years old) or (Spouse away from res	idence). (Strike non-applicable po	rson residing therein who art.)	was then at
		•	
(Company/Government Unit Name)	by serving	(Name)	
(Title) on	(Date)	ot	 ·
NOTE: (Diligent Search, etc.)	, ,		
	Paul	D_Welch	, Sheriff
	Mad	son c	ounty, Iowa
	M		
			Official Vivia
	Ken I	Burk, Deputy	Official Title
FEES:			
Processing \$ 15.00			
Mileage\$ 29.16			
Copy \$.50 Notary \$			
TOTAL \$ 44.66	Fees charged to/paid by Atty/Rang	X .	
	Richard B. Clogg/ELGIN, Cl	LOGG & PATIN	
NOTE: Copy of Original Notice, if served, mu	ust be attached to this form		
			[]

HATT PARRETT & BOND BO., WATERLOO, 10HA GG-1573

26___

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

Re: Phase III
Parcel M-0137-A - (NE% NW% 17-74-26)
Parcel M-0137-B - (NW% NW% 17-74-26)



NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: B. F. Moyland, Jr. Rt. 2, Box 61, Truro, Iowa 50357; Carolyn A. Moyland, Rt. 2, Box 61, Truro, Iowa 50357; First Federal Savings Bank, FSB, 612 N. Main Street, Rockford, Illinois 61103; and 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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{3}$ NW $\frac{1}{3}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

The East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{2}$ NW $\frac{1}{2}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

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 on April 26, 1995 with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and filed 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, permanent and perpetual easements 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 water lines 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. M-0137-A 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: A 32 foot wide parcel of land adjacent the to the South G68 Highway Right-of-way from the East boundary line of the property to the West boundary of the property in the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

PARCEL NO. M-0137-B 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: A Three Hundred (300) foot wide parcel of land) adjacent to the South G68 Highway Right-of-way from the East boundary line of the property to the West boundary of the property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{2}\) NW\(\frac{1}{2}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

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 waterlines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Warren County, Iowa and 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 6th day of June, 1995, at 8:00 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 Second Floor Jury Room in the Madison County Courthouse, Winterset, Iowa and proceed to appraise and award said damages. You may participate in these proceedings and appear before the commissioners, if you care to do so.

Dated this 28th day of April, 1995.

WARREN WATER DISTRICT

Richard B. Clogg ELGIN, CLOGG & PATIN 106 East Salem Avenue

P.O. Box 215

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

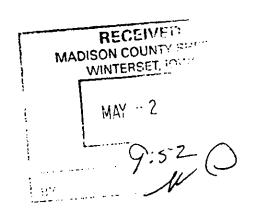
ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

				RM 141-Q June 1989
IN THE LOWA DISTRICT CO	URT EOR	MADISON AGRICULTUR	(A).	COUNTY
AND BY WARREN WATER DISTRICT (AINTENDED A WATER DISTRIBUTION)	TO CONSTRU	OPERATE AND	rowa.	Type of Service
OS MOYLAND ETAL			ICE:	Code
Case No.		Personal	-A'A A-	1
Notice Rec'd this date <u>May 2, 1995</u>			ng/Rooming House	3
		☐ Corporation/A	Association	4
STATE OF IOWA	1	x⊠X Official (State, □ Spouse away	, County, City) from residence	5 6
MADISONCounty	SS.	Other		_ 7
	,		•	
certify that I served a copy of:		□ Order	Filed	
Petition and Original NaticeModification/Application and National N	Notice	-		
Order to Show Cause	VOILE	XXXOther	Notice of Condemna	ation and
		Assessment Hea	aring Before Compen	nsation Commis
Served:				Code
	at		on	
(Name)		(Address)	(Date)	
<u> </u>	at	 	on	
	at	<u> </u>	on	
•			on	
(Name)	by se	rving(Nome)	at(Add	iress)
		7 1		
MADISON COUNTY, IOWA (Company/Government Unit Name	•)		(Name)	5
(Company/Government Unit Name	•)	, 1995	an Madison County	Courthouse
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	_by servingJoan 1 , 1995 (Date)	(Name)	Courthouse
(Company/Government Unit Name	•)	, 1995	an Madison County	Courthouse
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995	an Madison County	Courthouse
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	or <mark>Madison County, or Winterset, Iow</mark>	Courthouse va
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	an Madison County	Courthouse va
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	,or Madison County Winterset, Iow	Courthouse, Sheriff
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	or <mark>Madison County, or Winterset, Iow</mark>	Courthouse, Sheriff
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	,or Madison County Winterset, Iow	Courthouse, Sheriff
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	winterset, Iow aul D. Welch	Courthouse /a , Sheriff County, lower
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	,or Madison County Winterset, Iow	Courthouse ra, Sheriff
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	winterset, Iow aul D. Welch	Courthouse /a , Sheriff County, lower
(Company/Government Unit Name its <u>Auditor</u> , ((Title)	•)	, 1995 (Date)	winterset, Iow aul D. Welch	Courthouse /a , Sheriff County, lower
(Company/Government Unit Name its Auditor (Title) NOTE: (Diligent Search, etc.) FEES:	•)	, 1995 (Date)	winterset, Iow aul D. Welch	Courthouse /a , Sheriff County, lower
(Company/Government Unit Name Its Auditor (Title) NOTE: (Diligent Search, etc.) FEES: Processing \$10.00 \$2.70	•)	, 1995 (Date)	winterset, Iow aul D. Welch	Courthouse /a , Sheriff County, lower
(Company/Government Unit Name its Auditor (Title) NOTE: (Diligent Search, etc.) FEES: Processing \$ 10.00	•)	, 1995 (Date)	winterset, Iow aul D. Welch	Courthouse /a , Sheriff County, lower
(Company/Government Unit Name Auditor (Title) NOTE: (Diligent Search, etc.) FEES: Processing \$ 10.00 Mileage \$ 2.70 Copy \$.50 Notary \$ \$.50	on May 2	, 1995 (Date)	winterset, Iow aul D. Welch adison en Burk, Deputy	Courthouse /a , Sheriff County, lower
(Company/Government Unit Name Auditor (Title) NOTE: (Diligent Search, etc.) FEES: Processing \$ 10.00 Mileage \$ 2.70 Copy \$.50	on May 2	(Date) Promote Managed to/posteklssycherical	winterset, Iow aul D. Welch adisor en Burk, Deputy	Courthouse /a , Sheriff County, lower
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(Company/Government Unit Name Auditor (Title) NOTE: (Diligent Search, etc.) FEES: Processing \$ 10.00 Mileage \$ 2.70 Copy \$.50 Notary \$ \$.50	Fees ch	(Date) Proged to/postdkisyxArrya	winterset, Iow aul D. Welch adisor en Burk, Deputy	Courthouse /a , Sheriff County, lower

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

Re: Phase III
Parcel M-0137-A - (NE NW 17-74-26)
Parcel M-0137-B - (NW NW 17-74-26)



NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: B. F. Moyland, Jr. Rt. 2, Box 61, Truro, Iowa 50357; Carolyn A. Moyland, Rt. 2, Box 61, Truro, Iowa 50357; First Federal Savings Bank, FSB, 612 N. Main Street, Rockford, Illinois 61103; and 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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

The East 28 acres of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

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 on April 26, 1995 with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and filed 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, permanent and perpetual easements 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 water lines 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. M-0137-A 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: A 32 foot wide parcel of land adjacent the to the South G68 Highway Right-of-way from the East boundary line of the property to the West boundary of the property in the Northeast Quarter of the Northwest Quarter (NE\(\) NW\(\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

PARCEL NO. M-0137-B 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: A Three Hundred (300) foot wide parcel of land) adjacent to the South G68 Highway Right-of-way from the East boundary line of the property to the West boundary of the property, provided that after construction of said pipe line, the easement shall be a thirty two (32) foot wide parcel of land the centerline of which shall be the pipe line as constructed, in the East 28 acres of the Northwest Quarter of the Northwest Quarter (NW\(\frac{1}{2}\) NW\(\frac{1}{2}\)) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa.

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 waterlines and appurtenances thereto, over, across and through the above described real estate for a water distribution system to serve residents of Warren County, Iowa and 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 6th day of June, 1995, at 8:00 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 Second Floor Jury Room in the Madison County Courthouse, Winterset, Iowa and proceed to appraise and award said damages. You may participate in these proceedings and appear before the commissioners, if you care to do so.

Dated this 28th day of April, 1995.

WARREN WATER DISTRICT

Richard B. Clogg ELGIN, CLOGG & PATIN 106 East Salem Avenue

P.O. Box 215

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

ATTORNEYS FOR APPLICANT, WARREN WATER DISTRICT

AFFIDAVIT OF PUBLICATION

X X

STATE OF IOWA

Madison County

SS.

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

In The Matter Of The Condemnation Of Rights In Agricultural Land By Warren Water District To-Construct, Operate And Maintain A Water Distribution System In Madison County, Iowa Re: Phase III

Parcel M-0137-A - (NE1/4 NW1/4 17-74-26) Parcel M-0137-B) = (NW1/4 NW1/4 17-74-26)

TO: B.F. Moyland, Jr. Rt. 2, Box 61; Truro, Iowa 50357; Carolyn A. Moyland, Rt. 2, Box 61, Truro, Iowa 50357; First Federal Savings Bank, FSB, 612 N. Main Street, Rockford, 61. Truro, Iowa 50357; First Federal Savings Bank, FSB, 612 N. Main Street, Rockford, Illinois 61103; and 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:

The Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 17.

Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0187-8

The East 28 acres of the Northwest Quarter of the Northwest Quarter (NW1/4) of Section 17. Township 74 North, Range 26 West of the 5th P.M.; Madison County Iowa.

YOU AND EACH OF YOU ARE HEREBY NOTUPIED that Warren Water District 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 on April 26, 1995 with the Chief Judge of the Pifth Judicial District including Madison County, Iowa, and filed in the Office of the Sheriff of Madison County. Iowa to which you are referred.

tion, filed on April 26, 1995 with the Chief Judge of the Pitth Judicial District including Madison County, Iowa, and filed in the Office of the Shertif of Madison County, Iowa to which you are referred.

The Applicant seeks to sequire, by the process of eminent domain, permanent and perpetual easements thirty-two (32) feet in width on, under, across and through the perpetual easements thirty-two (32) feet in width on, under, across and through the perpetual easements thirty-two (32) feet in width on, under, across and through the perpetual easements thirty-two (32) feet in width on, under, across and through the above-described tract for these purposes. The owners and other aftered persons may continue to use and enjoy the grounds within the easement affected persons may continue to use and enjoy the grounds within the easement affected persons may continue to use and enjoy the grounds, within the easement affected persons may continue to use and enjoy the grounds, within the easement affected persons may continue to use and enjoy the grounds, within the easement affected persons may continue to use and enjoy the grounds, within the easement affected persons may continue to use and enjoy the grounds, within the easement affected persons may continue to use and enjoy the grounds, within the easement affected persons may continue to the property with Applicant's rights hereby soquired, including across to the easement strip and the safe operation of its water lines.

The permanent and 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, lows, to with through the following described real estate situated in Madison County, lows, to with through the following described real estate situated in Madison County, lows, to with through the following described real estate situated in Madison

mison county, lows.

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

above described real estate for a water distribution system to serve residents of water County, Iowa and 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 asid condemnation. That said Commission will, on the 6th day of June. 1995, at 8:00 o'clock AM. converse at the Madison County Sheriff's Office. 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. The commissioners will then feeturn to the Second Floor Jury Room in the Madison County Courthouse, Wintersett, Iowa and proceed to appraise and award said damages. You may participate in these proceedings and appear before the commissioners, if you care to do so.

Dated this 28th day of April, 1995.

Sight of the sale of a

: 41

_:..*'\$*~?**>**

By: Richard B. Clogs

DLOIN, CLOGO & PATIN 106 East Salem Avenue P.O: Box 215. | Indianola, Iowa 50125 Telephone: (515) 961-2574 ATTORNEYS FOR APPLICANT.

WARREN WATER DISTRICT

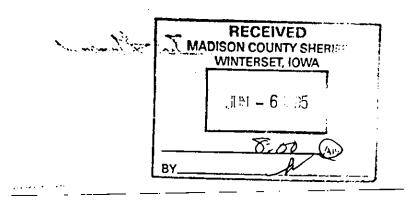
TED GORMAN BEING DULY SWORN SAYS HE IS PUBLISHER OF THE WINTERSET MADISONIAN, a once weekly newspaper of general circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof, was correctly published in said newspaper

four for the period of_ __consecutive weeks, the last publication thereof being on the $\frac{24\,th}{}$ day _, 19<u>_95</u> of Subscribed and sworn to before me this 24th day of

NOTARY PUBLIC In and for Madison County

122.03





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: PHASE III;

Parcel M-0137-A -(NE NW 17-74-26) Parcel M-0137-B -(NW\ NW\ 17-74-26)

:

AFFIDAVIT OF FINAL OFFER

STATE OF IOWA

: ss.

COUNTY OF WARREN

I, Richard B. Clogg, in compliance with § 6B.33, Code of Iowa (1995), 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 in the Notice of Condemnation filed in the above matter was in the amount of One Dollar (\$1.00), per parcel.

> Richard B. Clegg

Subscribed and sworn to before me this

day of June, 1995.

Notary Public in and for the State of Iowa

Filed in my office at Winterset, Iowa, this day of June, 1995.

Sheriff of Madison County, Iowa

By: Craig Busch
Deputy Craig Busch

BANK, FSB

IN THE MATTER OF THE COMOF EASEMENT RIGHTS IN A LAND BY WARREN WATER DISCONSTRUCT, OPERATE AND MATER DISTRIBUTION SYSTEMADISON COUNTY, IOWA	AGRICULTURAL) STRICT TO) MAINTAIN A)	REPORT OF COMMISSION	COMPENSATION
RE: PHASE III			
PARCEL M-0137-A - (PARCEL M-0137-B - (
TO: PAUL D. WELCH, SHER	RIFF OF MADISON	COUNTY, IOWA	
WE, THE UNDERSIGNED COMMISSIONERS APPOINTED OWNERS, LIENHOLDERS, ENC THE APPROPRIATION OF CERDESCRIBED IN THE NOTICE RESPECTFULLY SUBMIT THE	TO ASSESS THE UMBRANCERS AND RTAIN SPECIFIED OF CONDEMNATION	DAMAGES SUSTAIN OTHER PERSONS I RIGHTS AS SET ON FILED IN THI	NED BY THE INTERESTED IN FORTH AND
AFTER HAVING VIEWER IN THE NOTICE, WE ASSESS RESPECTIVE PERSON(S) WIL	AND APPRAISE	THE DAMAGES WIT	TH THE
AS FOLLOWS: PARCEL NO. M-0137-A -	NE 1/4 NW 1/4	17-74-26	
CONDENNEE(S)	LAND	PERSONAL PROPERTY	SUBTOTAL AWARD
B F MOYLAND, JR CAROLYN M MOYLAND MORTGAGEE:	\$ \$	\$	\$ <u>0</u> \$ <u>0</u>
FIRST FEDERAL SAVINGS BANK, FSB	e	s <u> </u>	sO
		TOTAL AWARD 6	 _
PARCEL NO. M-0137-B -	NW 1/4 NW 1/4	17-74-26 PERSONAL	SUBTOTAL
CONDENNEE(S)	LAND	PROPERTY	AWARD
B F MOYLAND, JR CAROLYN M MOYLAND MORTGAGEE:	\$ <u> </u>	\$ <u> </u>	\$ <u>0</u> \$ <u>0</u>
FIRST FEDERAL SAVINGS	_		

RESPECTFULLY REPORTED AT MADISON COUNTY, IOWA, THIS DAY OF 19—10, 19—15.

Maymond Clark

I CERTIFY THAT THE ABOVE AMOUNTS ARE LEGALLY PAYABLE TO EACH CLAIMANT, AND THAT PAYMENT HAS NOT BEEN RECEIVED.

DAY OF ______, 19 95.

PAUL D. WELCH, SHERIFF MADISON COUNTY, IOWA

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

MADISON COUNTY SHER WINTERSET, 10WA

JEM - 6 1005

8:00 (AIN)

BY

Re: Phase III

Parcel M-0137-A - (NE\ NW\ 17-74-26)
Parcel M-0137-B - (NW\ NW\ 17-74-26)

AFFIDAVIT RE: PUBLICATION AND MAILING OF NOTICE

STATE OF IOWA, COUNTY OF WARREN: ss

I, Richard B. Clogg, being first duly sworn on oath, depose and state that I am attorney for Warren Water District, Applicant in the above-captioned condemnation proceeding.

I further state that the following persons interested in said proceedings are nonresidents of the State of Iowa:

First Federal Savings Bank, FSB 612 N. Main Street Rockford, Illinois 61103

I further state that the said First Federal Savings Bank, FSB is a lienholder or encumbrancer of the land described in the above-captioned condemnation proceeding by reason of a Mortgage dated June 24, 1993 and filed June 29, 1993 in Book 167, Page 743, Office of the Recorder of Madison County, Iowa.

I further state that true copies of the Application for Condemnation dated April 26, 1995 and the Notices of Condemnation and Assessment dated April 28, 1995, were mailed to said persons at their last known post office addresses as shown above on May 1, 1995.

I further state that pursuant to Section 6B.12, Code of Iowa (1995), I caused Notice of Condemnation and Assessment hearing Before Compensation Commission to be published in a newspaper of Madison County and of general circulation therein to be published once each week for four successive weeks prior to the day fixed for the appraisement which was at least thirty days after the first publication of the notice.

Richard B. Clogg

Subscribed and Sworp to be

to before me this

day of

Notary Public

13/

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: PHASE III;

Parcel M-0137-A - (NE NW 17-74-26)
Parcel M-0137-B - (NW NW 17-74-26)



AFFIDAVIT OF NONMILITARY SERVICE

STATE OF IOWA

. : ss.

COUNTY OF WARREN

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 real property described in Exhibit "A" attached hereto, and by this reference made a part hereof, 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 $\underline{\mathcal{S}}$

_ day of June,

1995.

Notary Public in and for the State of Iowa

EXHIBIT "A"

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. M-0137-A

The Northeast Quarter of the Northwest Quarter (NE\ NW\) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.

PARCEL NO. M-0137-B

The East 28 Acres of Northwest Quarter of the Northwest Quarter (NW_4^1 NW_4^1) of Section 17, Township 74 North, Range 26 West of the 5th P.M., Madison County Iowa.