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FILED NO. **323**BOOK **134** PAGE **484**

95 AUG -3 PM 2: 59

MICHELLE UTSELL
 RECORDER
 MADISON COUNTY, IOWA

REC \$ 55.00
 AUD \$ 1.00
 R.M.F. \$ 1.00

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

Primary Road No. 92 west
 of the City of Bevington
 located in Madison County, Iowa

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

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

TO: Richard D. Morr, Chief Judge, 5th Judicial District including Madison County, Iowa.

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

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

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

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

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

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

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

Dated at Ames, Iowa, this 27 day of July, 1995.

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

ROBERT L. NORTH
 Right of Way Director

By Bernie Jorgensen
 Condemnation Unit Coordinator

Filed in my office at Des Moines, Iowa, this 28 day of July, 1995.

Richard D. Morr
 Richard D. Morr
 Chief Judge of the 5th Judicial District
 including Madison County, Iowa.

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

Bernie Jorgensen
 Condemnation Supervisor

8/1/95

Deed Record 134-647 & 648

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

Primary Road No. 92 west

NOTICE

of the City of Bevington

located in Madison County, Iowa

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

Group "D"

TO:

Harry Johnny Shnurman, Rural Route 1, Prole, Iowa

Charlotte Sutton Shnurman, Rural Route 1, Prole, Iowa

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

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

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

The NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26; the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, all in
T76N, R26W of the 5th P.M., Madison County, Iowa.

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

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

A parcel of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26, T76N, R26W of the 5th P.M., Madison County, Iowa, as
shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

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

Sheet 1

Harry Johnny Shnurman, et ux (Parcel 68)

Continued on next sheet.

Sheet 2

Madison County Project No. FN-92-4(15)--21-61
 Harry Johnny Shnurman, et ux (Parcel 68)

Beginning at the SW Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 26; thence N1°34'13"W, 76.90 ft. along the west line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 26. to a point on the northwesterly right of way line of Primary Road No. 92; thence N49°57'20"E, 1301.17 ft. along said northwesterly line; thence N42°21'39"E, 75.66 ft.; thence N49°57'20"E, 75.00 ft.; thence N57°33'01"E, 75.66 ft. to said northwesterly line; thence N49°57'20"E, 127.55 ft. along said northwesterly line to a point on the east line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 26; thence S1°34'04"E, 217.15 ft. along said east line; thence S49°57'20"W, 142.44 ft.; thence S64°53'13"W, 77.62 ft.; thence S49°57'20"W, 1206.58 ft. to a point on the south line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 26; thence S82°11'09"W, 168.37 ft. along said south line to the SW Corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$, the Point of Beginning, excepting therefrom present easements of record.

Said parcel contains 1.49 acres, exclusive of said exceptions.

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

1. Any and all improvements, including fences, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement, for the specific purpose of ditching outlet, in land described as follows and as shown on the plat Exhibit "B" (1 of 2) attached hereto and by reference made a part hereof:

Commencing at the SE Corner of said Sec. 26; thence N1°34'04"W, 670.34 ft. along the east line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 26. the Point of Beginning; thence S49°57'20"W, 169.75 ft.; thence N40°02'40"W, 80.0 ft. to a point on the southeasterly line of the land sought by easement; thence N64°53'13"E, 77.62 ft. along said southeasterly line; thence N49°57'20"E, 142.44 ft. along said southeasterly line to a point on said east line; thence S1°34'04"E, 76.64 ft. along said east line to the Point of Beginning.

3. The State of Iowa shall have a right of temporary easement, for the specific purpose of ditching inlet, in land described as follows and as shown on the plat Exhibit "B" (1 of 2) attached hereto and by reference made a part hereof:

Commencing at the SE Corner of said Sec. 26; thence N1°34'04"W, 964.13 ft. along the east line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 26 to a point on the existing northwesterly right of way line of Primary Road No. 92; thence S49°57'20"W, 127.55 ft. along said northwesterly line to a point on the northwesterly line of the land sought by easement, the Point of Beginning; thence S57°33'01"W, 75.66 ft. along the northwesterly line of the land sought by easement; thence S49°57'20"W, 75.00 ft. along the northwesterly line of the land sought by easement; thence S42°21'39"W, 75.66 ft. along the northwesterly line of the land sought by easement; thence N40°02'40"W, 90.00 ft.; thence N49°57'20"E, 225.00 ft.; thence S40°02'40"E, 90.00 ft. to the Point of Beginning.

Madison County Project No. FN-92-4(15)--21-61
 Harry Johnny Shnurman, et ux (Parcel 68)
 Continued on next sheet.

Sheet 2

Madison County Project No. FN-92-4(15)--21-61
Harry Johnny Shnurman, et ux (Parcel 68)

Sheet 3

4. The State of Iowa shall have a right of temporary easement, for the specific purpose of constructing entrances, in land described as follows and as shown on the plats Exhibit "B" (1 of 2) and (2 of 2) attached hereto and by reference made a part hereof:

Exhibit "B" (1 of 2)

Commencing at the SE Corner of said Sec. 26; thence N1°34'04"W, 964.13 ft. along the east line of the SE ¼ SE ¼ of said Sec. 26 to a point on the existing northwesterly right of way line of Primary Road No. 92; thence S49°57'20"W, 32.55 ft. along said northwesterly line to the Point of Beginning; thence continuing S49°57'20"W, 60.00 ft. along said northwesterly line; thence N40°02'40"W, 35.00 ft.; thence N49°57'20"E, 60.00 ft.; thence S40°02'40"E, 35.00 ft. to the Point of Beginning.

Exhibit "B" (2 of 2)

Commencing at the SE Corner of said Sec. 26; thence S82°11'09"W, 1166.12 ft. along the south line of the SE ¼ SE ¼ of said Sec. 26; thence N7°48'51"W, 157.06 ft. to a point on the existing northwesterly right of way line of Primary Road No. 92, the Point of Beginning; thence N40°02'40"W, 45.00 ft.; thence N49°57'20"E, 60.00 ft.; thence S40°02'40"E, 45.00 ft. to a point on said northwesterly line; thence S49°57'20"W, 60.00 ft. along said northwesterly line to the Point of Beginning.

5. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
6. The areas sought to be appropriated by temporary easement, for the specific purpose of ditching outlet, ditching inlet, constructing entrances, relocating, replacing, or restoring tile, if any, are reserved to the condemnees until the actual date said areas are required for construction of this highway improvement. Also, said temporary easement rights shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than the completion of this highway improvement.

Madison County Project No. FN-92-4(15)--21-61
Harry Johnny Shnurman, et ux (Parcel 68)

Sheet 3

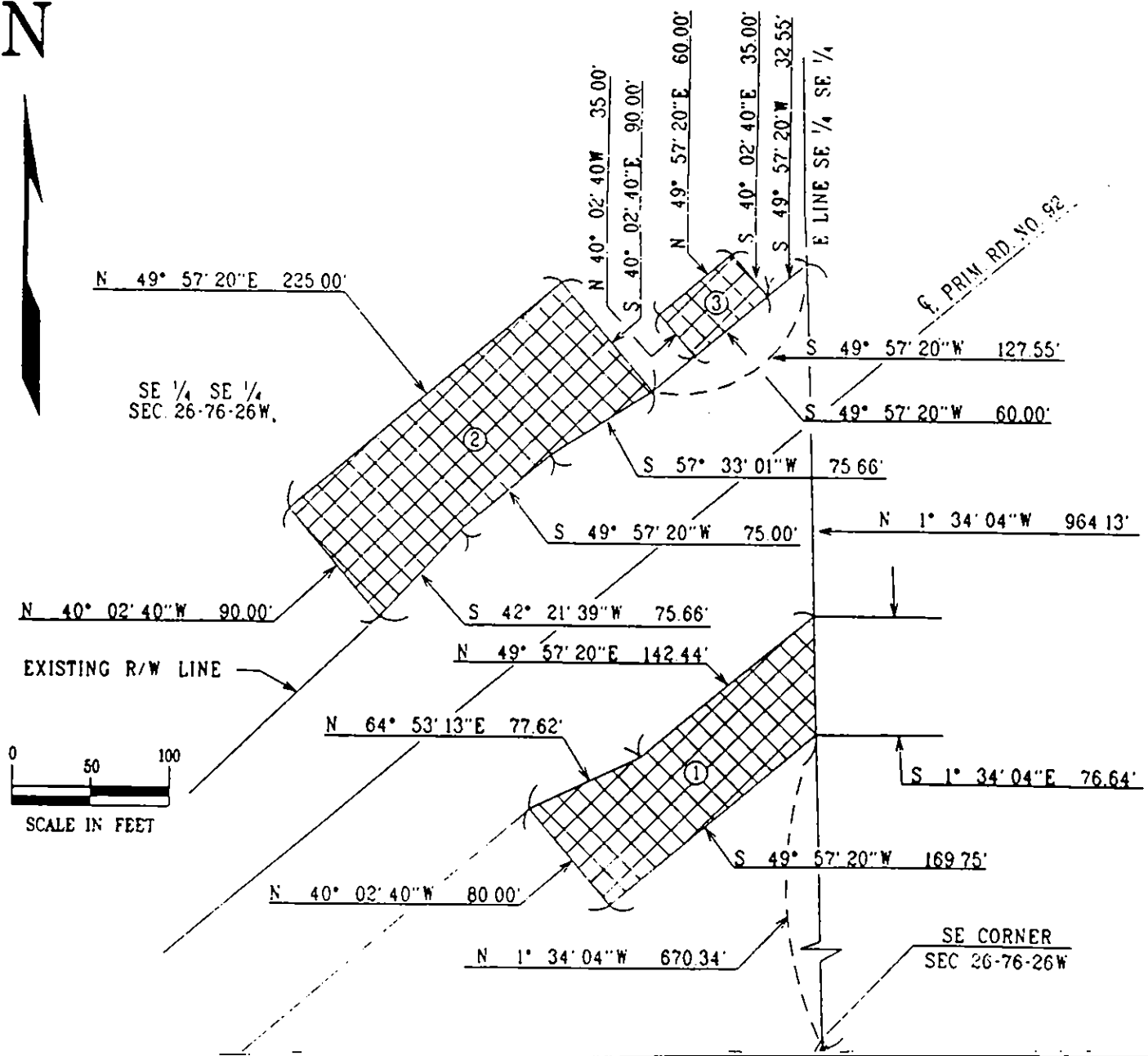
IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B" (1 OF 2)



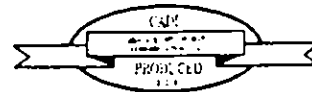
COUNTY MADISON
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 68
SECTION 26 TOWNSHIP 76N RANGE 26W
BORROW AC
ACQUIRED FROM HARRY JOHNNY SHNURMAN, ET UX

- ① TEMPORARY EASEMENT TO DITCH OUTLET
- ② TEMPORARY EASEMENT TO DITCH INLET
- ③ TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE

N



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



COUNTY MADISON
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 68
SECTION 26 TOWNSHIP 76N RANGE 26W
BORROW AC
ACQUIRED FROM HARRY JOHNNY SHNURMAN, ET UX

N 49° 57' 20"E 60.00'

S 40° 02' 40"E 45.00'

N 40° 02' 40"W 45.00'

S 49° 57' 20"W 60.00'

SE 1/4 SE 1/4 SEC. 26-76-26W

SE CORNER SEC 26-76-26W

EXISTING NWLY R/W LINE

N 7° 48' 51"W 157.06'

S 82° 11' 09"W 1166.12'

S. LINE SE 1/4 SE 1/4

SW COR. SE 1/4 SE 1/4 SEC. 26-76-26W

NE 1/4 NE 1/4 SEC. 26

NW 1/4 NW 1/4 SEC. 25

SE 1/4 NE 1/4 SEC. 26

SW 1/4 NW 1/4 SEC. 25

NE 1/4 SE 1/4 SEC. 26

NW 1/4 SW 1/4 SEC. 25

SE 1/4 SE 1/4 SEC. 26

SE COR. SEC 26-76-26W

R26W

FOR DETAILS SEE EXHIBIT "A", EXHIBIT "B" (1 OF 2) AND ENLARGEMENT ABOVE

SCALE IN FEET

0 50 100

N

PRIM. RD. NO 92

HWY 92

T 76 N

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

Primary Road No. 92 west

NOTICE

of the City of Bevington

located in Madison County, Iowa

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

Group "D"

TO:

Shelf, Inc., c/o Harry J. Shnurman, Registered Agent, Rural Route 1, Prole, Iowa

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

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

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

The SW $\frac{1}{4}$ NW $\frac{1}{4}$ and part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25, T76N, R26W of the 5th P.M.,
Madison County, Iowa.

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

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

A parcel of land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25, T76N, R26W of the 5th P.M., Madison
County, Iowa, as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows:

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

Shelf, Inc. (Parcel 70)

Continued on next sheet.

Sheet 1

Madison County Project No. FN-92-4(15)--21-61
Shelf, Inc. (Parcel 70)

Sheet 2

Commencing at the Center of said Sec. 25; thence S2°02'03"E, 463.68 ft. along the east line of the SW¼ of said Sec. 25, to a point on the centerline of Primary Road No. 92; thence S63°12'44"W, 865.12 ft. along said centerline to the Point of Beginning; thence continuing S63°12'44"W, 184.05 ft. along said centerline; thence southwesterly 662.83 ft. along said centerline, along a 2864.79 foot radius curve, concave southeasterly and having a chord bearing S56°35'02"W, 661.36 ft.; thence S49°57'20"W, 350.55 ft. along said centerline; thence N58°21'56"W, 84.27 ft. to a point on the present northwesterly right of way line of Primary Road No. 92; thence N49°57'20"E, 96.31 ft. along said northwesterly line; thence N44°14'42"E, 201.00 ft.; thence N50°16'53"E, 152.41 ft.; thence N63°18'50"E, 105.06 ft. to a point on said northwesterly line; thence northeasterly 97.47 ft. along said northwesterly line along a 2944.79 foot radius curve, concave southeasterly and having a chord bearing N54°17'21"E, 97.46 ft.; thence northeasterly 409.87 ft. along a 2944.79 foot radius curve, concave southeasterly and having a chord bearing N59°13'29"E, 409.54 ft.; thence N61°51'49"E, 212.44 ft.; thence S8°20'59"E, 89.60 ft. to a point on said centerline, the Point of Beginning, excepting therefrom present easements of record.

Said parcel contains 0.43 acre, exclusive of said exceptions.

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

1. Any and all improvements, including fences, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement, for the specific purpose of constructing an entrance, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the S¼ Corner of said Sec. 25; thence N2°02'03"W, 1662.56 ft. along the east line of the SW¼ of said Sec. 25; thence S87°57'57"W, 1279.80 ft. to a point on the northwesterly line of the land sought by easement, the Point of Beginning; thence southwesterly 61.68 ft. along a 2944.79 foot radius curve, concave southeasterly and having a chord bearing S56°08'28"W, 61.67 ft. along said northwesterly line; thence N34°27'32"W, 30.00 ft.; thence N56°08'28"E, 62.30 ft.; thence S33°15'32"E, 30.00 ft. to the Point of Beginning.

3. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
4. The area sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance, relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.

Madison County Project No. FN-92-4(15)--21-61
Shelf, Inc. (Parcel 70)

Sheet 2

SDS Project
Number 4-88

IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT
EXHIBIT 'A'



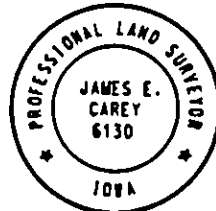
COUNTY MADISON STATE CONTROL NO. 61-0800
PROJECT NO. FN-92-4(15)--21-81 PARCEL NO. 70
SECTION 25 TOWNSHIP 76 N RANGE 26 W
ROW-FEE _____ AC. EASE 0.43 AC. EXCESS - FEE _____ AC
ACQUIRED FROM SHELF, INC.

I hereby certify that this land surveying document was prepared
by me or under my direct personal supervision and that I am a
 duly Registered Land Surveyor under the laws of the State of Iowa.

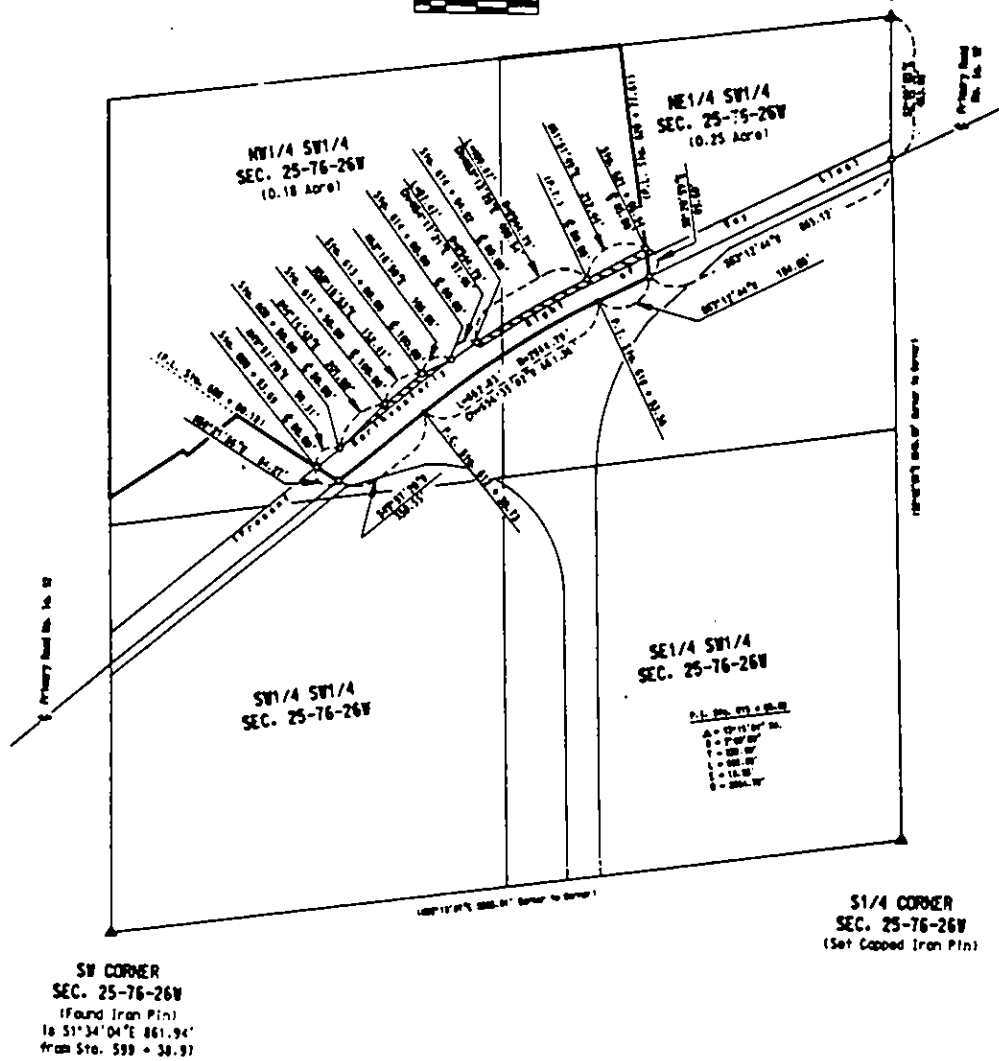
Signature James E. Carey

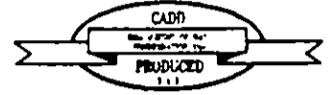
Date August 21, 1992 Reg. No. 6130

My registration expires December 31, 1992



CENTER
SEC. 25-76-26W
(Found Iron Pin)
to N2°02'03"W 463.66'
from Sta. 629 + 42.72



FORM 634-077
1-83IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"

COUNTY MADISON
 PROJECT NO. FN-02-4(15)--21-61 PARCEL NO. 70
 SECTION 25 TOWNSHIP 76N RANGE 26W
 BORROW AC
 ACQUIRED FROM SHELF, INC.

① TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE

