

COMPILED ✓
RECORDED ✓
COMPARED ✓

FILED NO. 493

BOOK 134 PAGE 649

95 AUG 23 AM 10: 29

REC # 45
AUD. # 710
R.M.F. \$ ---

MICHELLE UTSELL
RECORDER
MADISON COUNTY, IOWA

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 in and east of
the City of Patterson
located in Madison County, Iowa

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

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

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 **Other than Agricultural** land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 68.3 the Code of Iowa, the following is set forth:

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

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

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

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

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

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

Dated at Ames, Iowa, this 11 day of August, 1995.

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

ROBERT L. NORTH
Right of Way Director

By [Signature]
Bernie Jorgensen
Condemnation Unit Coordinator

Filed in my office at Des Moines, Iowa, this 15 day of August, 1995.

[Signature]
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.

[Signature] 8/21/95
Condemnation Unit Coordinator

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 in and

NOTICE

east of the City of Patterson

located in Madison County, Iowa

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

Group "E"

TO:

Jack A. Gyles, 3307 Hwy. 92, Prole, Iowa
LaCinda Gyles, 3307 Hwy. 92, Prole, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

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

Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ 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 "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 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:

A parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 25, T76N, R26W of the 5th P.M., Madison County, Iowa.

Said parcel is described as follows:

Madison County Project No. FN-92-4(15)--21-61
Jack A. Gyles, et ux (Parcel 69)
Continued on next sheet.

Sheet 1

Madison County Project No. FN-92-4(15)--21-61
Jack A. Gyles, et ux (Parcel 69)

Sheet 2

Commencing at the SW Corner of said Sec. 25; thence N1°34'03"W, 963.79 ft. along the west line of the SW¼ SW¼ of said Sec. 25 to a point on the present northwesterly right of way line of Primary Road No. 92; thence N49°57'23"E, 57.66 ft. along said northwesterly line to the Point of Beginning; thence N40°02'40"W, 35.27 ft.; thence N49°57'20"E, 70.00 ft.; thence S40°02'40"E, 35.27 ft. to a point on said northwesterly line; thence S49°57'23"W, 70.00 ft. along said northwesterly line to the Point of Beginning.

In connection with this condemnation proceeding it is specifically provided that any and all improvements, including fences, if any, located wholly within the land sought by temporary easement are condemned in their entirety.

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

Madison County Project No. FN-92-4(15)--21-61
Jack A. Gyles, et ux (Parcel 69)

Sheet 2

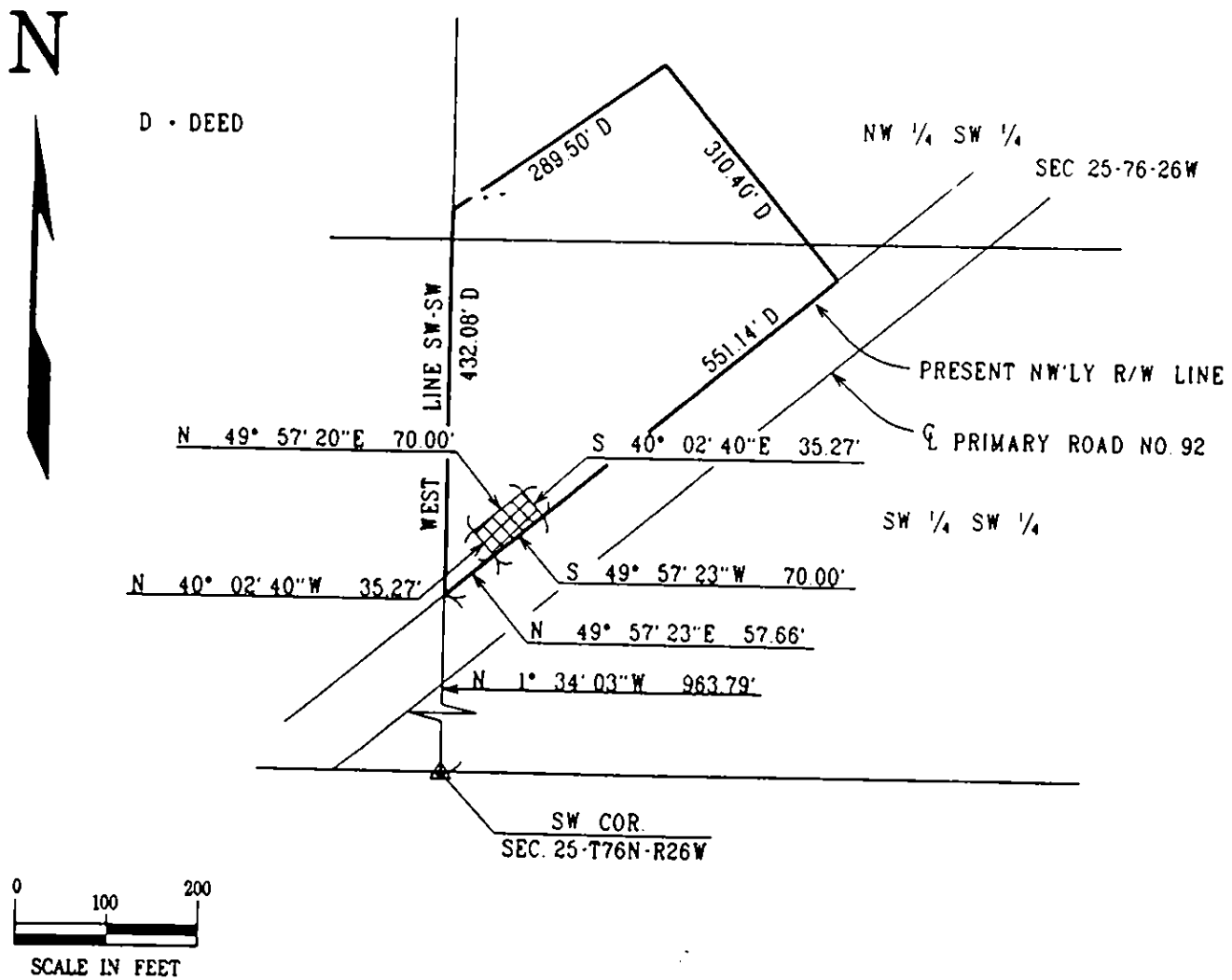
FORM 634-077
1-83

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 69
 SECTION 25 TOWNSHIP 76N RANGE 26W
 BORROW AC
 ACQUIRED FROM JACK A. GYLES, ET UX

TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE



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

Primary Road No. 92 in and

NOTICE

east of the City of Patterson

located in Madison County, Iowa

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

Group "E"

TO:

June Myers, 916 West South Street, Winterset, Iowa
Kelly Myers, 216 East Washington, Winterset, Iowa
Kathy Whetstone, 204 1st Street, Gilbert, Iowa
Connie Myers, 1863 Southeast Creston Street, Des Moines, Iowa
Dan Myers, 10 Rue DuBallon, 67100 Strasbourg, Nevdorf, France
All Unknown Heirs of Jerry Myers
Dorothy Gray, Rural Route 1, Winterset, Iowa
City of Patterson, Iowa, c/o City Clerk, Patterson, 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:

Lots 3 and 4 in Block 1, Lots 1 and 2 in Block 2, Lots 1 and 2 in Block 3 of the Original Town of Patterson and part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec. 29, T76N, R26W of the 5th P.M., Madison County, Iowa.

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

Madison County Project No. FN-92-4(15)--21-61
June Myers, et al (Parcel 103)
Continued on next sheet.

Sheet 1

Madison County Project No. FN-92-4(15)--21-61
June Myers, et al (Parcel 103)

Sheet 2

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in Lots 3 and 4 of Block 1 in the Town of Patterson and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29 and a parcel of land located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29, all in T76N, R26W of the 5th P.M., Madison County, Iowa, as shown on the plats Exhibits "A" (1 of 2) and (2 of 2) attached hereto and by reference made a part hereof.

Said parcels are described as follows:

Exhibit "A" (1 of 2)

Beginning at the SW Corner of Lot 4 of said Block 1; thence N8 $^{\circ}$ 40'45"W, 132.56 ft. along the west line of said Lot 4 to the NW Corner thereof; thence S81 $^{\circ}$ 32'23"W, 55.49 ft.; thence northwesterly 15.88 ft. along a 1602.89 foot radius curve, concave northeasterly and having a chord bearing N50 $^{\circ}$ 31'23"W, 15.88 ft.; thence N83 $^{\circ}$ 35'04"E, 215.85 ft. to a point on the present northeasterly right of way line of Primary Road No. 92; thence S48 $^{\circ}$ 22'18"E, 5.34 ft. along said present northeasterly right of way line to a point on the north line of said Block 1; thence S81 $^{\circ}$ 32'23"W, 21.00 ft. along said north line to the NE Corner of Lot 3 of said Block 1; thence S8 $^{\circ}$ 40'45"E, 132.56 ft. along the east line of said Lot 3 to the SE Corner thereof; thence S81 $^{\circ}$ 32'23"W, 132.00 ft. along the south lines of said Lots 3 and 4 to the Point of Beginning.

Said parcel contains 19,155 sq. ft. of which 12,929 sq. ft. is within existing road right of way.

Exhibit "A" (2 of 2)

Commencing at the SW Corner of Lot 4 of said Block 1; thence N8 $^{\circ}$ 40'45"W, 132.56 ft. along the west line of said Lot 4 to the NW Corner thereof; thence S81 $^{\circ}$ 32'23"W, 55.49 ft.; thence northwesterly 15.88 ft. along a 1602.89 foot radius curve, concave northeasterly and having a chord bearing N50 $^{\circ}$ 31'23"W, 15.88 ft. to the Point of Beginning; thence northerly 5.20 ft. along a 1602.89 foot radius curve, concave northeasterly and having a chord bearing N50 $^{\circ}$ 08'46"W, 5.20 ft.; thence N83 $^{\circ}$ 52'09"E, 217.04 ft. to a point on the present northeasterly right of way line of Primary Road No. 92; thence S48 $^{\circ}$ 22'18"E, 3.60 ft. along said northeasterly line; thence S83 $^{\circ}$ 35'04"W, 215.85 ft. to the Point of Beginning.

Said parcel contains 695 sq. ft. of which 530 sq. ft. is within existing road right of way.

In connection with this condemnation proceeding it is specifically provided that any and all improvements, including fences, if any, located wholly within the land sought in fee simple title are condemned in their entirety.

Madison County Project No. FN-92-4(15)--21-61
June Myers, et al (Parcel 103)

Sheet 2



IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAN OF 2
EXHIBIT 'A'



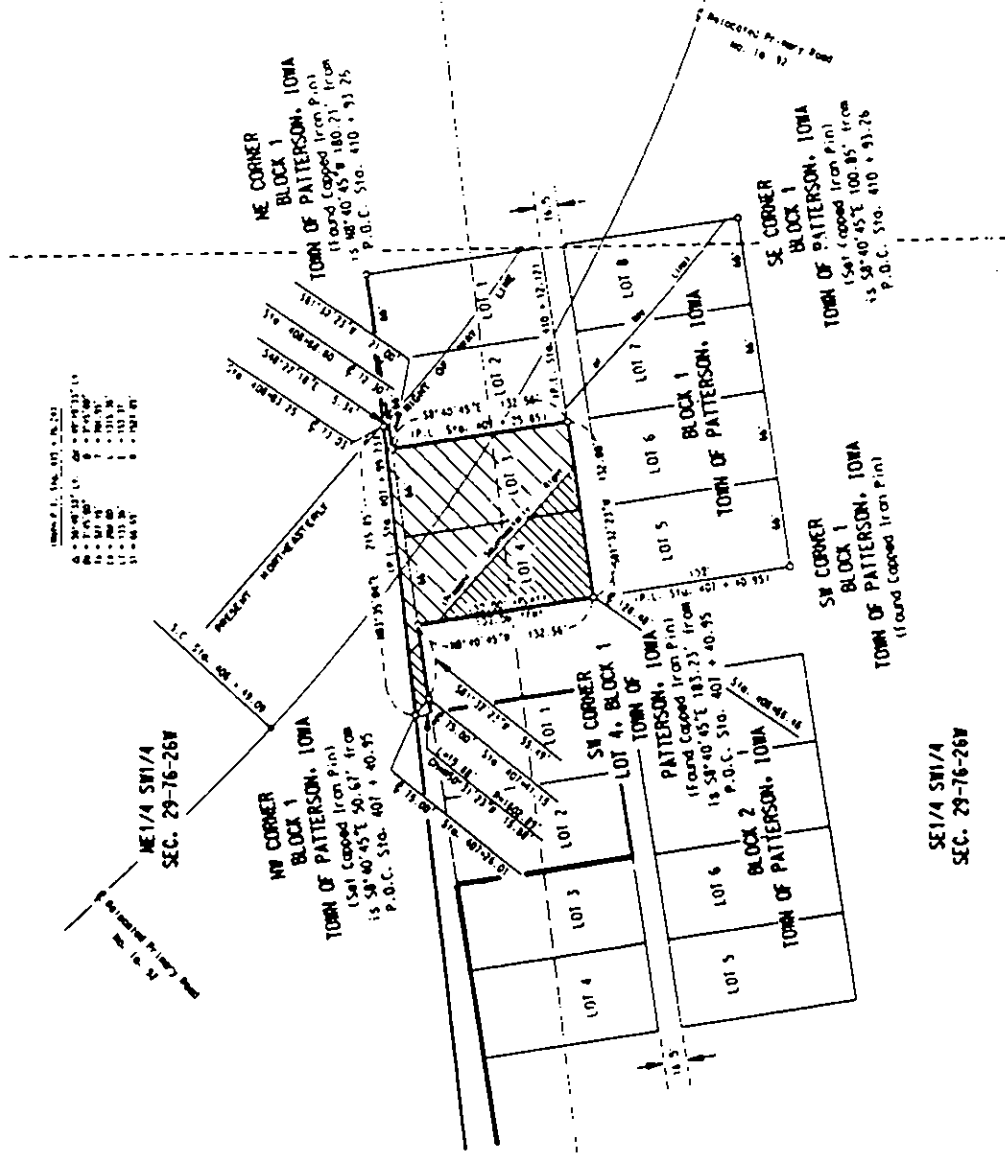
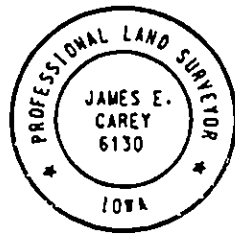
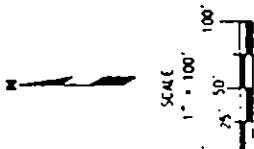
COUNTY MADISON STATE CONTROL NO. 61-0600
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 103
 SECTION 29 TOWNSHIP 76 N RANGE 28 W
 ROW-FEE * 19,155 SQ. FT., EASE _____ AC. EXCESS - FEE _____ AC
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE _____
 ACQUIRED FROM JUNE MYERS, ET AL
 (* Inclusive of 12,929 Sq. Ft. Underlying Fee Title, and 6,226 Sq. Ft. New Fee Title)

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
14006 (L. 12/84)

Date: August 3 1995 Reg. No. 6130

My Registration Expires: date is December 31, 1996



Area A	1.00
Area B	1.00
Area C	1.00
Area D	1.00
Area E	1.00
Area F	1.00
Area G	1.00
Area H	1.00
Area I	1.00
Area J	1.00
Area K	1.00
Area L	1.00
Area M	1.00
Area N	1.00
Area O	1.00
Area P	1.00
Area Q	1.00
Area R	1.00
Area S	1.00
Area T	1.00
Area U	1.00
Area V	1.00
Area W	1.00
Area X	1.00
Area Y	1.00
Area Z	1.00



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



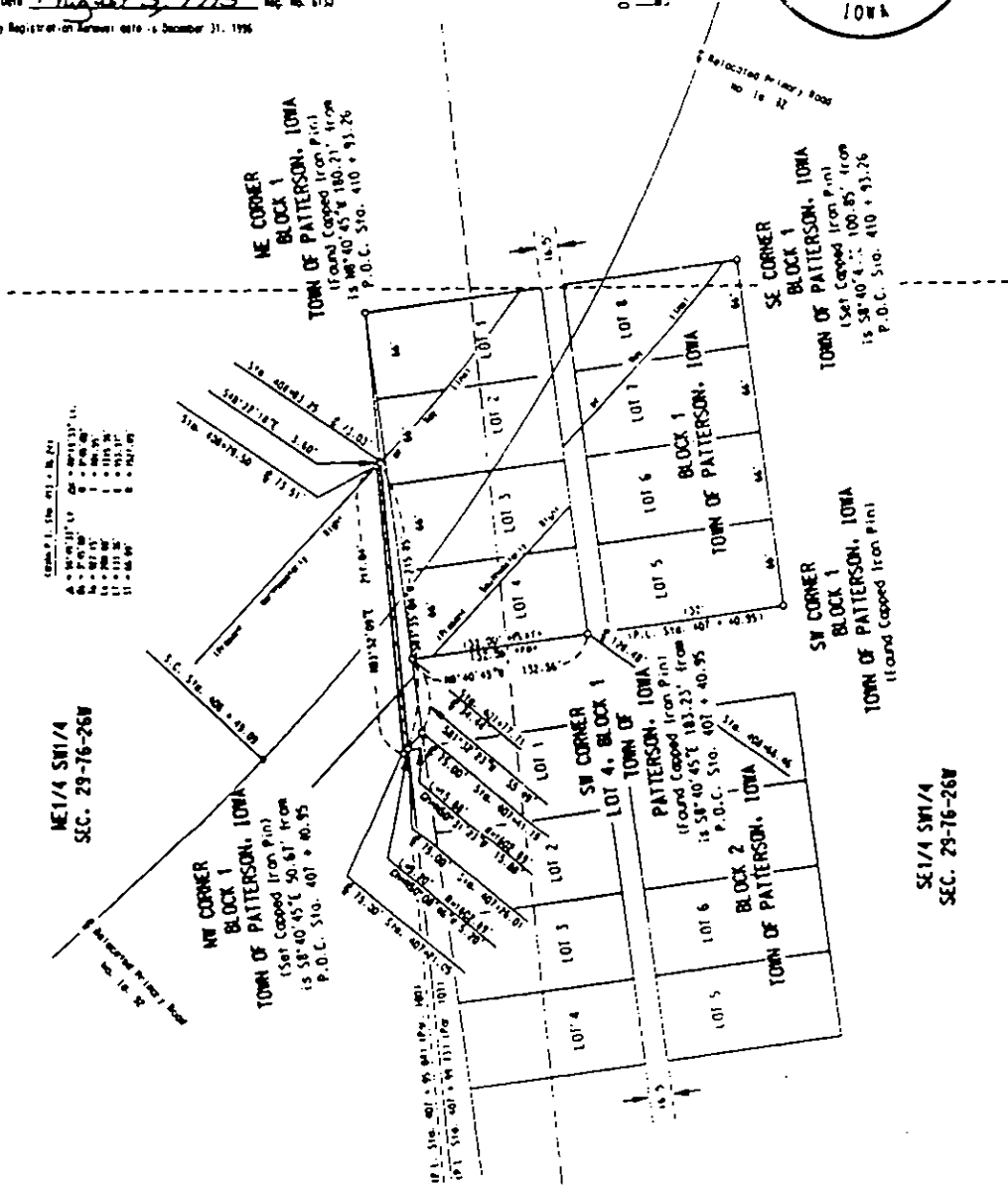
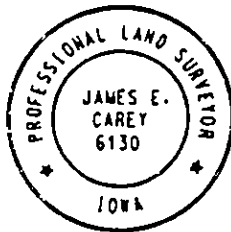
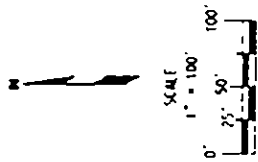
COUNTY MADISON STATE CONTROL NO. 61-0800
 PROJECT NO. FN-92-4(15)--21-81 PARCEL NO. 103
 SECTION 28 TOWNSHIP 78 N RANGE 26 W
 ROW-FEE * 685 SQ. FT. EASE _____ AC. EXCESS - FEE _____ AC
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE _____
 ACQUIRED FROM JUNE MYERS, ET AL
 (Inclusive of 530 Sq. Ft. Underlying Fee Title, and 165 Sq. Ft. New Fee Title)

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 3, 1995 No. 6130

By Registrar of Records: date - December 31, 1996



NE 1/4 SW 1/4
SEC. 29-76-26W

SE 1/4 SW 1/4
SEC. 29-76-26W

FORM 634-077
1-83

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 103
SECTION 29 TOWNSHIP 76N RANGE 26W
BORROW AC
ACQUIRED FROM JUNE MYERS, ET AL

N

TOTAL OWNERSHIP PLAT ONLY

