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MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

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

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

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

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. 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 14 day of September, 1995.

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

Bernie Jorgensen Condemnation Unit Coordinato

Filed in my office at Alis Moins

/ vomo

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

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

Bernde orgensen Condemnation Supervisor

9/25/95

See (MC/MUSHMO) For Dum 339 See Blow 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 "G"

TO:

Nyle B. Jurgensen, Rural Route 1, Prole, Iowa

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

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

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

The SW¼ SE¼ and SE¼ SE¼ of Sec. 28; the NW¼ NE¼, NE¼ NE¼ and part of the SE¼ NE¼ of Sec. 33; the NW¼ NW¼ and part of the SW¼ NW¼ of Sec. 34, 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" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

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

Madison County Project FN-92-4(15)--21-61 Nyle B. Jurgensen, et ux (Parcel 62) Continued on next page.

Madison County Project No. FN-92-4(15)--21-61 Nyle B. Jurgensen, et ux (Parcel 62) Page 2

A parcel of land located in the SW¼ SE¼ and SE¼ SE¼ of Sec. 28, 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:

Commencing at the SE Corner of said Sec. 28; thence N1°29'33"W, 470.31 ft. along the east line of the SE¼ of said Sec. 28 to the Point of Beginning; thence continuing N1°29'33"W, 151.81 ft. along said east line to a point on the present northerly right of way line of Primary Road No. 92; thence S89°36'45"W, 2577.69 ft. along said northerly line to a point on the west line of the SE¼ of said Sec. 28; thence S1°50'27"E, 164.90 ft. along said west line; thence N89°36'42"E, 46.08 ft.; thence N72°54'45"E, 52.20 ft.; thence N89°36'42"E, 2161.57 ft.; thence N89°58'00"E, 318.80 ft. to a point on the east line of the SE¼ of said Sec. 28, the Point of Beginning, excepting therefrom present easements of record.

Said parcel contains 2.36 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" attached hereto and by reference made a part hereof:

Commencing at the S¼ Corner of said Sec. 28; thence N1°50'27"W, 689.29 ft. along the west line of the SW¼ SE¼ of said Sec. 28 to the Point of Beginning; thence continuing N1°50'27"W, 50.02 ft. along said west line to a point on the southerly line of the land sought by easement; thence N89°36'42"E, 46.08 ft. along said southerly line; thence S0°23'18"E, 50.00 ft.; thence S89°36'42"W, 44.81 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 ditching outlet, 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.

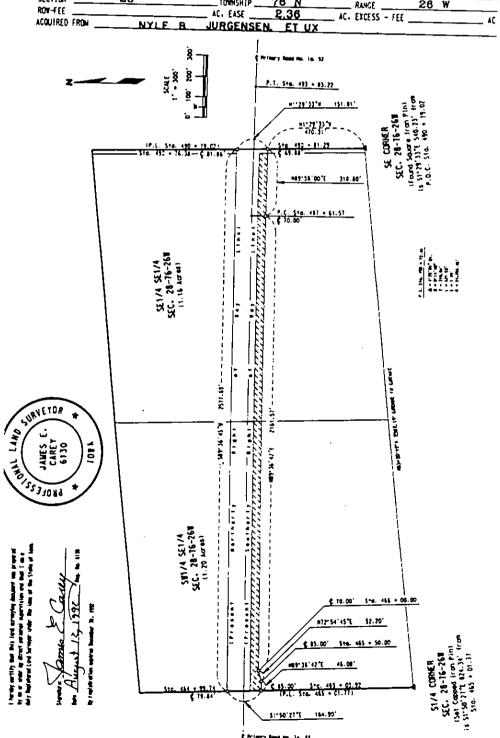
Madison County Project No. FN-92-4(15)--21-61 Nyle B. Jurgensen, et ux (Parcel 62)

3

Mill Areas

#### IONA DEPARTMENT OF TRANSPORTATION

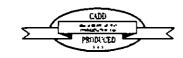




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FORM 634-077 1-93

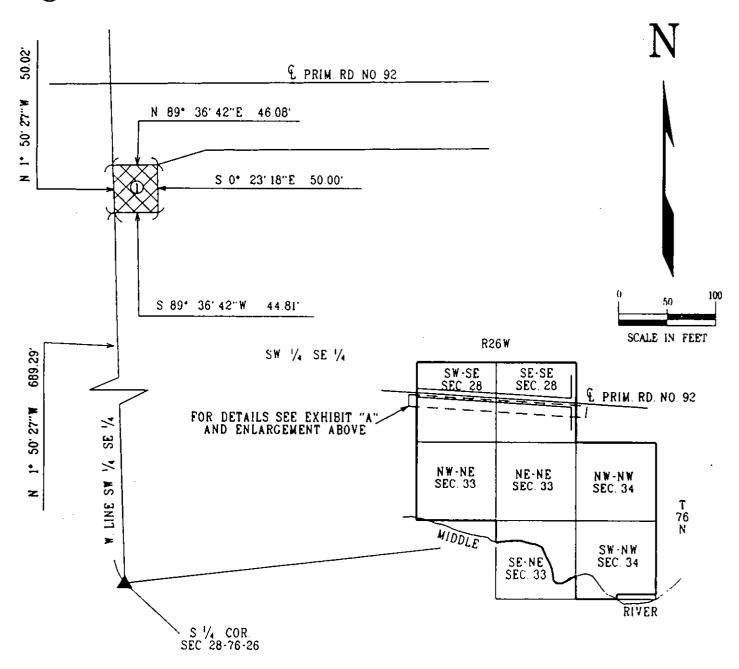
## IOWA DEPARTMENT OF TRANSPORTATION



ACQUISITION PLAT EXHIBIT "B"

COUNTY MADISON	
PROJECT NO. FN-92-4(15)21-61	PARCEL NO. 62
SECTION 28 TOWNSHIP 76N	RANGE 26W
BORROW AC	
ACQUIRED FROM NYLE B. JURGENS	EN ET IIX

# 1 TEMPORARY EASEMENT TO DITCH OUTLET



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 "G"

TO:

Effie E. Blosser Estate, c/o Len Flanders, Executor, 223 East Court, Winterset, Iowa Arthur Speer, 410 Olive Street, Martinsdale, Iowa American Bible Society of America, Legacy Department, 1865 Broadway, New York, New York Salvation Army of Iowa, 1216 East 25 Court, Des Moines, Iowa Madison County Memorial Hospital, c/o Robert Young, Administrator, 300 Hutchings, Winterset, Iowa Tim Camp, Rural Route 1, Winterset, Iowa Madison County, Iowa, c/o County Auditor, Winterset, Iowa

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

The NW 4 SE 4, NE 4 SE 4, SW 4 SE 4 and SE 4 SE 4, all in Sec. 27, T76N, R26W of the 5th P.M., Madison County, Iowa.

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

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

A parcel of land located in the SW ¼ SE ¼ and SE ¼ SE ¼ of Sec. 27, T76N, R26W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

Madison County Project No. FN-92-4(15)--21-61 Effie E. Blosser Estate (Parcel 64) Continued on next page.

Madison County Project No. FN-92-4(15)--21-61 Effie E. Blosser Estate (Parcel 64)

Page 2

Said parcel is described as follows:

Beginning at the SE Corner of said Sec. 27; thence N1°35'44"W, 51.00 ft. along the east line of the SE¼ of said Sec. 27 to a point on the present northerly right of way line of Primary Road No. 92; thence S89°37'21"W, 1265.26 ft. along said northerly line; thence continuing S89°37'21"W, 35.00 ft. to a point on said northerly line; thence continuing S89°37'21"W, 995.31 ft. along said northerly line; thence S89°13'56"W, 309.27 ft. along said northerly line to a point on the west line of the SE¼ of said Sec. 27; thence S1°34'51"E, 74.77 ft. along said west line to a point on the centerline of Primary Road No. 92; thence easterly 307.72 ft. along said centerline along a 22,616.76 foot radius curve, concave southerly and having a chord bearing N89°13'55"E, 307.72 ft.; thence N89°37'18"E, 2089.56 ft. along said centerline to a point on the south line of the SE¼ of said Sec. 27; thence N83°04'52"E, 208.43 ft. along said south line to the Point of Beginning, excepting therefrom present easements of record. Said parcel contains 0.01 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. 27; thence N83°04'52"E, 1087.15 ft. along the south line of the SW¼ SE¼ of said Sec. 27; thence N6°55'08"W, 226.59 ft. to a point on the present northerly right of way line of Primary Road No. 92, the Point of Beginning; thence N0°22'42"W, 15.25 ft.; thence N89°37'18"E, 50.00 ft.; thence S0°22'42"E, 15.25 ft. to a point on said northerly line; thence S89°37'18"W, 50.00 ft. along said northerly line 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.

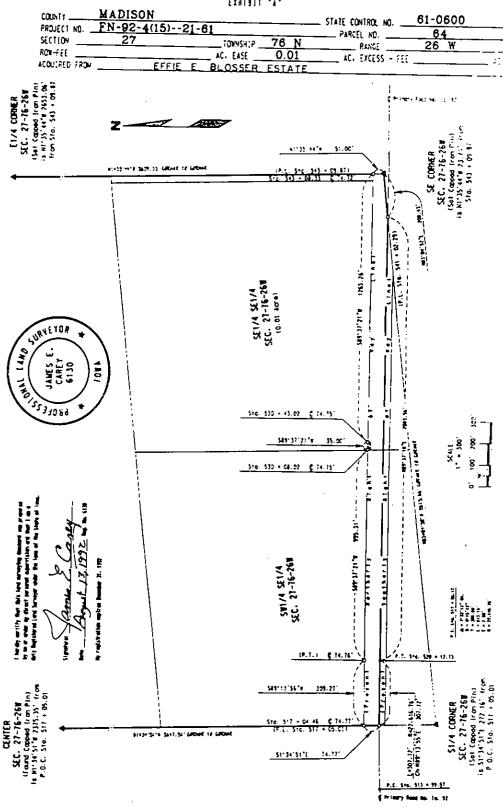
Madison County Project No. FN-92-4(15)--21-61 Effie E. Blosser Estate (Parcel 64)

(d) Primer District ( C)

#### 10VA DEPARTMENT OF TRANSPORTATION



TAJO MOITISIUDDA TA' TIBIEXE



FORM 634-077 I-R3 IOWA DEPARTMENT OF TRANSPORTATION ACQUISITION PLAT EXHIBIT "B" MADISON COUNTY\_ FN-92-4(15)--21-61 PROJECT NO. \_ 64 PARCEL NO. 27 76N SECTION \_ 26W TOWNSHIP\_ \_ RANGE\_ BORROW \_ AC <u> EFFIE E. BLOSSER ESTATE</u> ACQUIRED FROM TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE SW 1/4 SE 1/4 SEC. 27-76-26W N 89° 37' 18"E 50.00" \$ 0°22' 42"E 15.25" N 0° 22' 42"W 15.25" 1 PRESENT N'LY R/W LINE S 89\* 37'18"W 50.00 N 6° 55' 08"W 226 59 £ PRIM. RD. NO. 92 SE COR. — SEC. 27.76-26W R26W N 83° 04' 52"E 1087 15' — S ¼ COR. SEC. 27-76-26W NW 1/4 SE 1/4 NE 1/4 SE 1/4 7 76 N

SW 1/4 SE 1/4

& PRIM RD. NO. 92 -

SCALE IN FEET

SE 1/4 SE 1/4

FOR DETAILS SEE EXHIBIT "A"
AND ENLARGEMENT ABOVE

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 "G"

TO:

Vernon John McLaughlin, also known as Vernon J. McLaughlin and Vernon McLaughlin, Rural Route, Bevington, Iowa

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

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

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

The NE¼ NW¼, SE¼ NW¼, NW¼ NE¼, SW¼ NE¼ and part of the NW¼ SE¼ 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 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 NW¼ SE¼ 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.

Madison County Project No. FN-92-4(15)--21-61 Vernon John McLaughlin (Parcel 73) Continued on next page.

Madison County Project No. FN-92-4(15)--21-61 Vernon John McLaughlin (Parcel 73) Page 2

Said parcel is described as follows:

Commencing at the Center of said Sec. 25; thence S2°02'03"E, 386.60 ft. along the west line of the SE¼ of said Sec. 25 to a point on the present northerly right of way line of Primary Road No. 92, the Point of Beginning; thence N63°15'45"E, 275.00 ft. along said northerly line; thence N41°17'30"E, 107.79 ft.; thence N61°36'31"E, 526.77 ft. to a point on said northerly line; thence N50°25'53"E, 100.20 ft. along said northerly line to a point on the north line of the NW¼ SE¼ of said Sec. 25; thence N81°20'26"E, 440.22 ft. along said north line to the NE Corner of said NW¼ SE¼; thence S2°13'58"E, 44.32 ft. along the east line of said NW¼ SE¼ to a point on the present southerly right of way line of said Primary Road No. 92; thence S63°12'47"W, 531.83 ft. along said southerly line; thence westerly 341.54 ft. along a 2366.83 foot radius curve, concave northerly and having a chord bearing S56°12'06"W, 341.25 ft.; thence S39°52'12"W, 55.58 ft.; thence S62°40'32"W, 102.69 ft.; thence S85°00'49"W, 53.85 ft.; thence S63°12'44"W, 391.86 ft. to a point on the west line of the SE¼ of said Sec. 25; thence N2°02'03"W, 159.28 ft. along said west line to the Point of Beginning, excepting therefrom present easements of record.

Said parcel contains 1.29 acres, exclusive of said exceptions.

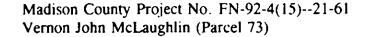
In connection with this condemnation proceeding it is specifically provided as follows:

- 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 filling channel, 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 S¼ Corner of said Sec. 25; thence N2°02'03"W, 2102.63 ft. along the west line of the SE¼ of said Sec. 25 to a point on the southerly line of the land sought by easement; thence N63°12'44"E, 391.86 ft. along said southerly line; thence N85°00'49"E, 16.15 ft. along said southerly line to the Point of Beginning; thence continuing N85°00'49"E, 37.70 ft. along said southerly line; thence N62°40'32"E, 102.69 ft. along said southerly line; thence N39°52'12"E, 55.58 ft. along said southerly line; thence S29°39'52"E, 120.00 ft.; thence S43°55'43"W, 206.31 ft.; thence N26°47'16"W, 179.00 ft. to the Point of Beginning.

3. 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:

Madison County Project No. FN-92-4(15)--21-61 Vernon John McLaughlin (Parcel 73) Continued on next page.



Page 3

Exhibit "B" (1 of 2)

Commencing at the S¼ Corner of said Sec. 25; thence N2°02'03"W, 2102.63 ft. along the west line of the SE¼ of said Sec. 25; thence N63°12'44"E, 391.86 ft.; thence N85°00'49"E, 53.85 ft.; thence N62°40'32"E, 102.69 ft.; thence N39°52'12"E, 55.58 ft.; thence N59°57'38"E, 30.98 ft. to a point on the southerly line of the land sought by easement, the Point of Beginning; thence easterly 72.29 ft. along a 2366.83 foot radius curve, concave northerly and having a chord bearing N58°42'38"E, 72.29 ft.; thence S32°09'52"E, 45.00 ft.; thence S58°42'38"W, 73.66 ft.; thence N30°24'52"W, 45.00 ft. to the Point of Beginning.

Exhibit "B" (2 of 2)

Commencing at the S¼ Corner of said Sec. 25; thence N2°02'03"W, 2262.30 ft. along the west line of the SE¼ of said Sec. 25 to a point on the present northerly right of way line of Primary Road No. 92, the Point of Beginning; thence continuing along said west line N2°02'03"W, 33.04 ft.; thence N63°12'44"E, 36.17 ft.; thence S26°47'16"E, 30.04 ft. to said northerly line; thence S63°15'45"W, 50.00 ft. along said northerly line to the Point of Beginning.

Also, commencing at the S¼ Corner of said Sec. 25; thence N2°02'03"W, 2262.30 ft. along the west line of the SE¼ of said Sec. 25; thence N63°15'45"E, 275.00 ft.; thence N41°17'30"E, 107.79 ft.; thence N61°36'31"E, 182.51 ft. to a point on the northerly line of the land sought by easement, the Point of Beginning; thence N30°39'52"W, 49.89 ft.; thence N57°50'08"E, 111.61 ft.; thence S33°39'52"E, 57.43 ft. to said northerly line; thence S61°36'31"W, 114.67 ft. along said northerly line to the Point of Beginning.

- 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.
- 5. The areas sought to be appropriated by temporary easement, for the specific purpose of filling channel and 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 Vernon John McLaughlin (Parcel 73)

COUNTY -

SECTION

PROJECT NO.

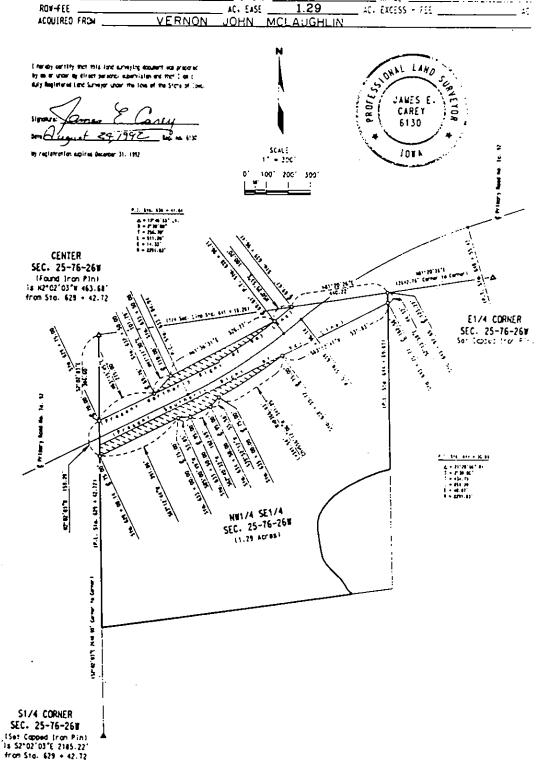
### IOWA DEPARTMENT OF TRANSPORTATION ACOUISTION PLAT

MADISON

25



#### EIBIBIT 'A' STATE CONTROL NO. \_\_\_\_ 61-0600 FN-92-4(15)--21-61 73 \_ PARCEL NO. \_ 26 W TOWNSHIP \_ 76 N \_\_ RANGE



PORM 634-077 1-93

# IOWA DEPARTMENT OF TRANSPORTATION ACQUISITION PLAT

EXHIBIT "B" (1 OF 2)

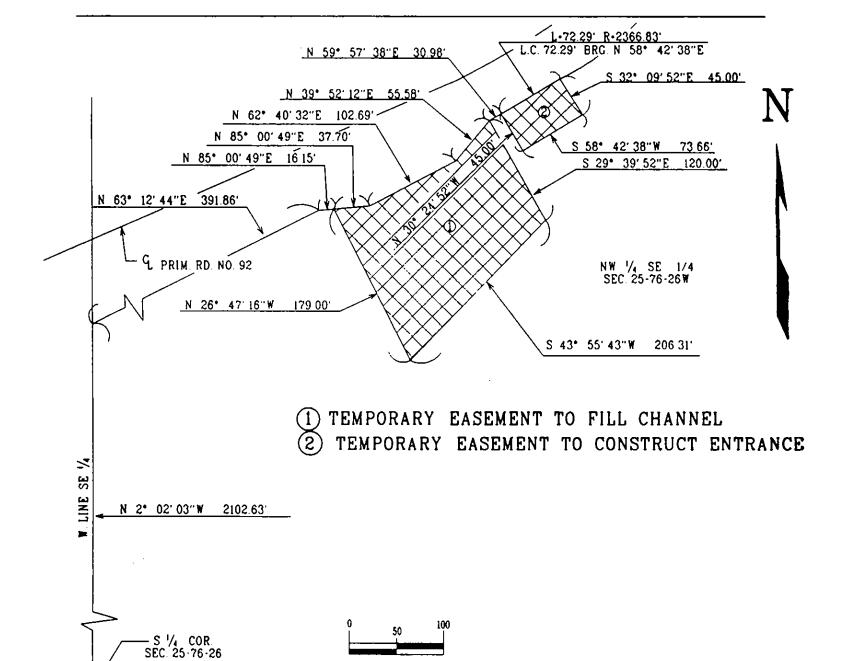


 COUNTY MADISON

 PROJECT NO.
 FN-92-4(15)--21-61
 PARCEL NO.
 73

 SECTION
 25
 TOWNSHIP
 76N
 RANGE
 26W

 BORROW
 ACQUIRED FROM
 VERNON JOHN MCLAUGHLIN



	FORM \$34-077 1-93	IOWA DEP	OWA DEPARTMENT OF TRANSPORTATION ACQUISITION PLAT EXHIBIT "B" (2 OF 2)				
	COUNTY	MADISON					
	PROJECT NO.	FN-92-4(15)	21-61	PARO	CEL NO	3	
	SECTION	0.5	OWNSHIP	76N	RANGE 26	W	
	BORROW	AC	101111 1491 111				
	ACQUIRED FROM	<u> VERNON</u>	JOHN MCLAU	GHLIN		<del> </del>	
	1 TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE						
	1N		N 57° 50	), 08E 111.61.	S 33° 39'5	02"E 57.43"	
						/	
	N		N 30* 39:52"W	49 89'	S 61° 36' 31	W 114.67	
		<u>N 6</u>	1° 36' 31"E 182.51"				
		NW 1/4 SE 1/4 SEC. 25-76-26W					
	<u>N</u>	41° 17′ 30″E 107.75	9.				
	N 63° 12' 44"E	26.121			R26W	<del>-</del>	
	N 65 12 44 E	30.17 30.04 LINE	E. PRIM RD. NO. 92				
	\$ 26° A7' 16"	N 63° 15	· 45"E 225.00°	NE 1/4 N	W 1/4 NW 1/4 NE 1	4	
35			10 0 230.00			T 76 N	
₩ 33.04	S 63° 15' 45	."₩ 50.00°		SE 1/4 NI	W 1/4 SW 1/4 NE 1		
02 03							
N 2.	M 29 02/02/	W 0000 000			92 NW 1/2 SE'		
	N 2° 02' 03"	W 2262.30'		G. PRIM RO NO	92		
	_			d bu			
	SEC 25	COR. -76-26	50 100	FOR	DETAILS SEE EXHIBI	Γ. "Α".	
			SCALE IN FEET	٤.	XHIBIT "B" (1 OF 2) A ENLARGEMENT ABOV	E E	