

FILED NO. 1969

BOOK 135 PAGE 616

96 JAN 17 AM 10:05

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

CONTINUED
RECORDED
COMPARED

REC # 385
R.M.F. \$ 100

IN THE MATTER OF THE CONDEMNATION OF)
CERTAIN RIGHTS IN LAND BY THE IOWA)
DEPARTMENT OF TRANSPORTATION FOR THE) SHERIFF'S FILING OF RECORD
IMPROVEMENT OF)

PRIMARY ROAD NO. 92 EAST
OF THE CITY OF WINTERSET
LOCATED IN MADISON COUNTY, IOWA

PROJECT NO. FN-92-4(15)--21-61 GROUP "B"

TO: MICHELLE UTSLER, MADISON COUNTY RECORDER:

PLEASE FIND ATTACHED THE FOLLOWING PAPERS REGARDING THE ABOVE NAMED
CONDEMNATION WHICH WAS HELD IN MY OFFICE OF THE 12TH DAY
OF DECEMBER, 1995:

- 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 WARRANT NO. 06462698 IN THE AMOUNT OF
\$7,695.00, AND WARRANT NO. 06462694 IN THE AMOUNT OF \$18,844.00,
RECEIVED FROM THE TREASURER, STATE OF IOWA, WAS PAID TO TED
BENSHOOF ON THE 15TH DAY OF JANUARY, 1996 AND WARRANT NO. 06462697
IN THE AMOUNT OF \$300.00 AND WARRANT NO. 06462695 IN THE AMOUNT OF
\$300.00 WAS RECEIVED BY LEWIS H JORDAN, A PARTNER IN THE OFFICE OF
JORDAN, OLIVER AND WALTERS, ON THE 5TH DAY OF JANUARY, 1996.

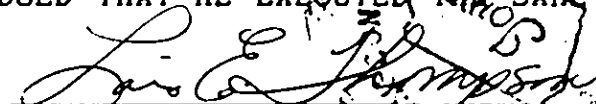
I FURTHER CERTIFY THAT I HAVE IN MY POSSESSION, WARRANT NO.
06462696 IN THE AMOUNT OF \$18,655.00, PAYABLE TO HELMS, THOMAS E &
BARBARA E HELMS & MADISON COUNTY TREASURER.

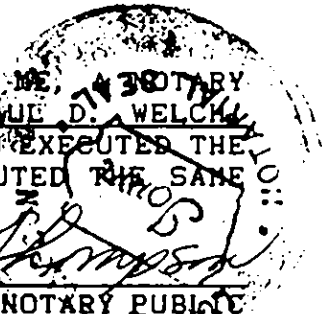
THIS APPLICATION FOR CONDEMNATION WAS FILED WITH THE COUNTY
RECORDER ON THE 1ST DAY OF NOVEMBER, 1995, IN BOOK NO. 135 ON
PAGES 115.

 SHERIFF
MADISON COUNTY, IOWA

STATE OF IOWA)
) SS
MADISON COUNTY)

ON THIS 15th DAY OF JANUARY, 1996, BEFORE ME, A NOTARY
PUBLIC IN THE STATE OF IOWA, PERSONALLY APPEARED PAUL D. WELCH,
SHERIFF TO ME KNOWN TO BE THE PERSON NAMED IN AND WHO EXECUTED THE
FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME
AS HIS VOLUNTARY ACT AND DEED.


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



2

CERTIFIED TRUE COPY

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

Relocated Primary Road No. 92 in and west
of the City of Patterson
located in Madison County, Iowa

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

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

TO: Arthur E. Gamble, Chief Judge, 5th Judicial District including Madison County, Iowa.

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in 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.

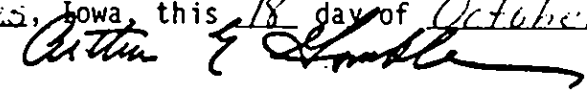
Dated at Ames, Iowa, this 13 day of October, 1995.

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

ROBERT L. NORTH
Right of Way Director

By 
Bernie Jorgensen
Condemnation Unit Coordinator

Filed in my office at Des Moines, Iowa, this 18 day of October, 1995.


Arthur E. Gamble
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.


Condemnation Unit Coordinator 10/31/95

X



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

Relocated Primary Road No. 92 in

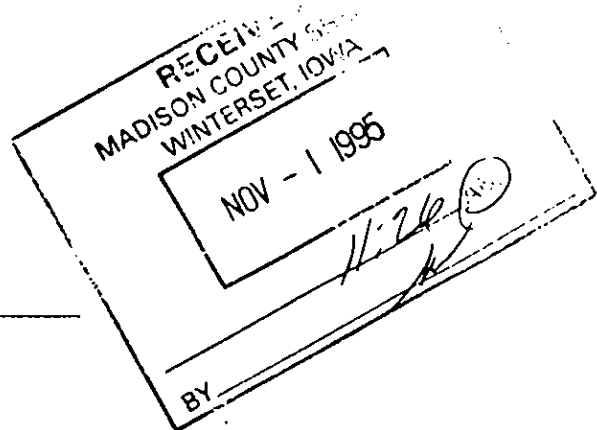
and west of the City of Patterson

located in Madison County, Iowa

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

Group "B"

NOTICE



TO:

Howard L. Benshoof, 1122 11th Avenue, DeWitt, Iowa

Florence L. Benshoof, 1122 11th Avenue, DeWitt, Iowa

Ted Benshoof, R.R. #1, Winterset, 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

Midwest Power Systems, Inc., formerly known as Iowa Power and Light Company, c/o Paul J. Leighton,
Registered Agent, 666 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24, the NW $\frac{1}{4}$
NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, all in T76N, R27W of the 5th
P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and Madison County, Iowa, desire 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:

The easement for highway purposes sought to be appropriated for the use and benefit of the State of Iowa is in
land described as follows:

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

Howard L. Benshoof, et ux (Parcel 41)

Continued on next page.

Page 1

Madison County Project No. FN-92-4(15)--21-61
Howard L. Benshoof, et ux (Parcel 41)

Page 2

A parcel of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and in the West 3 acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" (1 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the SW Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence N0°53'22"W, 257.58 ft. along the west line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence N89°06'38"E, 58.27 ft. to a point on the present northerly right of way line of Primary Road No. 92; thence S46°58'50"E, 56.59 ft. along said northerly right of way line; thence easterly 33.85 ft. along said present northerly right of way line, along a 1482.39 foot radius curve, concave southerly, and having a chord bearing N84°46'24"E, 33.85 ft.; thence N85°25'39"E, 1325.26 ft. along said present northerly right of way line; thence N74°45'06"E, 346.09 ft.; thence easterly 968.08 ft. along a 23,033.31 foot radius curve, concave southerly, and having a chord bearing N84°23'25"E, 968.00 ft. to a point on the east line of the West 3 acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 25; thence S2°47'06"E, 225.09 ft. along said east line; thence S85°44'27"W, 1432.04 ft. to a point on the east line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence S1°50'14"E, 160.12 ft. along said east line to the SE Corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence S89°00'46"W, 1335.84 ft. along the south line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW Corner thereof, the Point of Beginning; excepting therefrom present easements of record; containing 7.84 acres, exclusive of said exceptions.

The easement for highway purposes sought to be appropriated for the use and benefit of Madison County, Iowa, is in land described as follows:

Two parcels of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" (2 of 2) attached hereto and by reference made a part hereof.

Said parcels are described as follows:

Commencing at the SW Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence N0°53'22"W, 251.10 ft. along the west line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ to the Point of Beginning; thence continuing N0°53'22"W, 265.72 ft. along said west line; thence N89°06'38"E, 39.73 ft. to a point on the present easterly right of way line of the north-south Local Road along the west line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence S18°34'52"E, 100.34 ft.; thence S0°51'50"W, 170.20 ft. to a point on the present northerly right of way line of Primary Road No. 92; thence S89°06'38"W, 65.01 ft. to a point on the west line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25, the Point of Beginning; excepting therefrom present easements of record; containing 0.06 acre, exclusive of said exceptions.

Madison County Project No. FN-92-4(15)--21-61
Howard L. Benshoof, et ux (Parcel 41)
Continued on next page.

Page 2

Also, commencing at the SW Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence N1 $^{\circ}$ 50'14"W, 14.19 ft. along the west line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Point of Beginning; thence continuing N1 $^{\circ}$ 50'14"W, 145.92 ft. along said west line; thence N85 $^{\circ}$ 44'27"E, 79.47 ft. to a point on the southerly line of the land sought by easement for the use and benefit of the State of Iowa as shown on said plat Exhibit "A" (1 of 2); thence S0 $^{\circ}$ 51'31"W, 50.35 ft.; thence S11 $^{\circ}$ 39'26"W, 101.80 ft. to a point on the present easterly right of way line of the north-south Local Road along the west line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence S88 $^{\circ}$ 09'46"W, 53.28 ft. to a point on said west line, the Point of Beginning; excepting therefrom present easements of record; containing 0.05 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. 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.

616

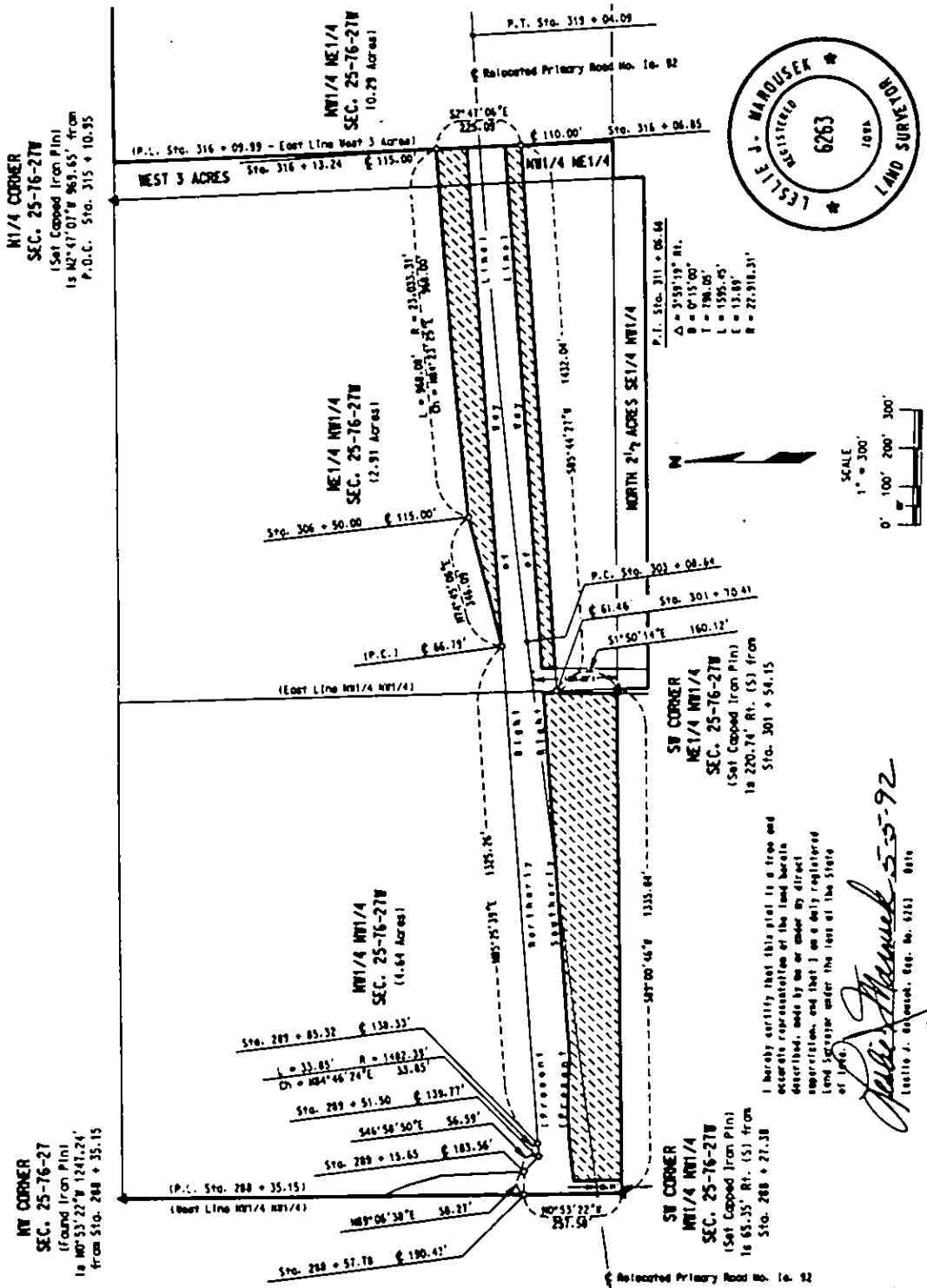
76
27
41

IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT
EXHIBIT 'A' (1 OF 2)



COUNTY MADISON STATE CONTROL NO. 61-0800
 PROJECT NO. FN-92-4(15)--21-81 PARCEL NO. 41
 SECTION 25 TOWNSHIP 76 N RANGE 27 W
 ROW-FEE _____ AC. EASE 7.84 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM HOWARD L. BENSHOOF, ET UX



I hereby certify that this plat is a true and accurate representation of the land herein described, made by me or under my direct supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Leslie J. Mandussek
 Leslie J. Mandussek, Reg. No. 6263, SLS

5

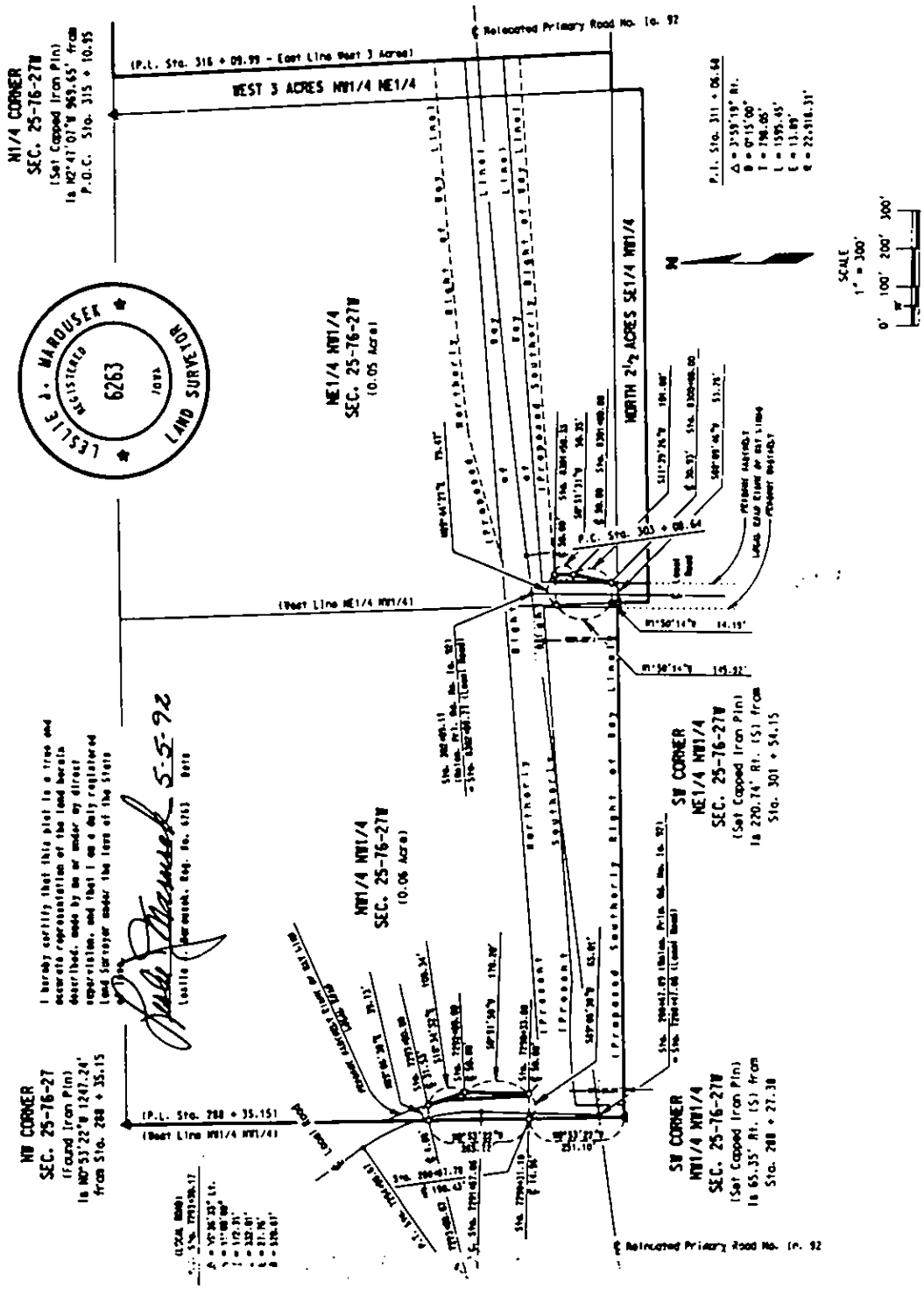
68
10/10/10



IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT EXHIBIT 'A'(2 OF 2)

COUNTY MADISON STATE CONTROL NO. 61-0800
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 41
 SECTION 25 TOWNSHIP 78 N RANGE 27 W
 ROW-FEE _____ AC. EASE • 0.11 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM HOWARD L. BENSHOOF, ET UX
 • ACQUIRE IN THE NAME OF MADISON COUNTY, IOWA



617

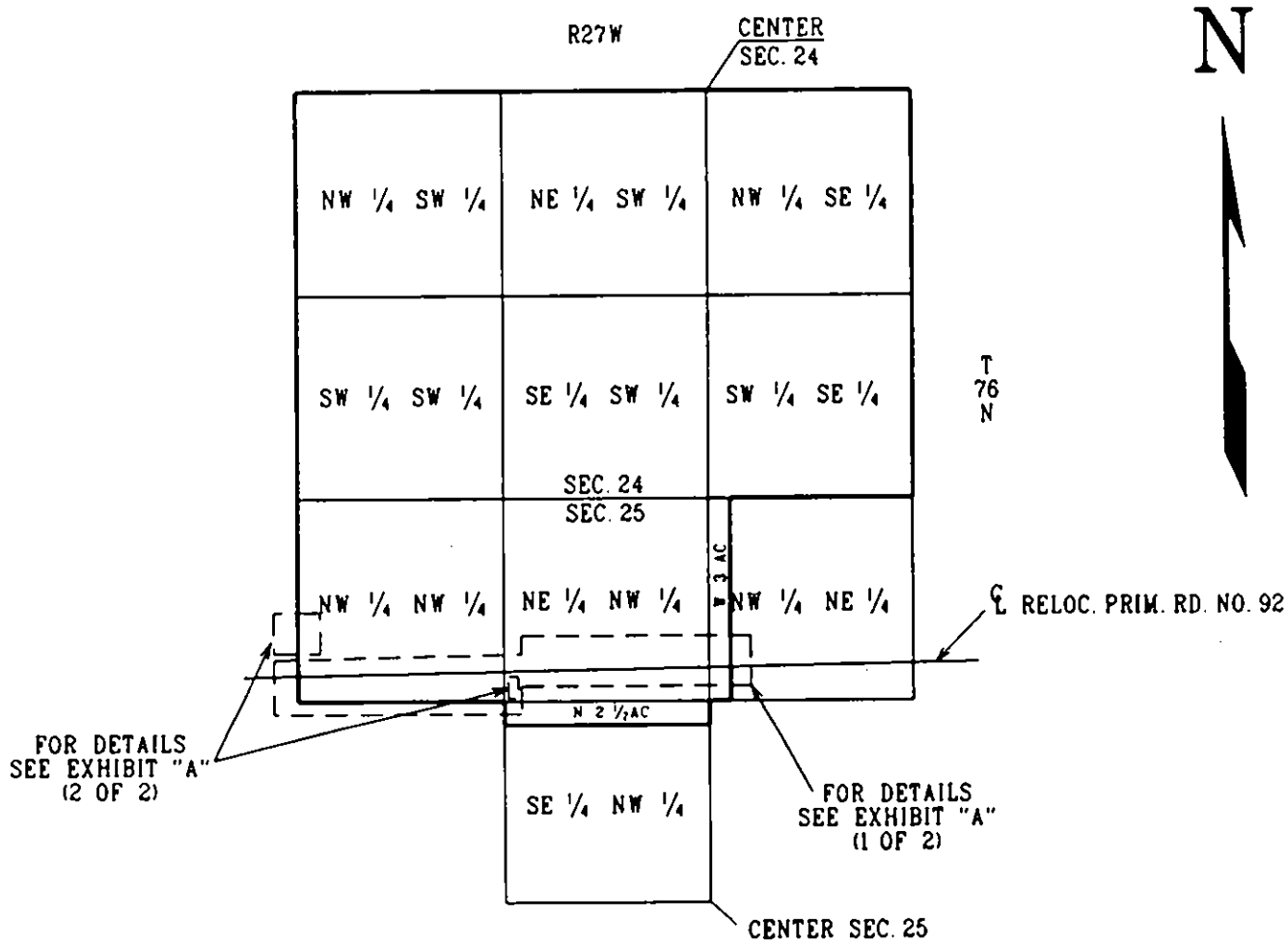
FORM 634-077
1-83

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 41
SECTION 24, 25 TOWNSHIP 76N RANGE 27W
BORROW AC
ACQUIRED FROM HOWARD L. BENSHOOF, ET UX

TOTAL OWNERSHIP PLAT ONLY



4
In the Matter of the Condemnation of
Certain Rights in Land by the Iowa
Department of Transportation for the
Improvement of

Relocated Primary Road No. 92 in
and west of the City of Patterson
located in Madison County, Iowa
Project No. FN-92-4(15)--21-61
Group "B"

NOTICE

TO:

Thomas E. Helms, R.R. #1, Winterset, Iowa
Barbara E. Helms, R.R. #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:

Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Frl. Sec. 30, 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 $\frac{1}{4}$ NE $\frac{1}{4}$ of Frl. Sec. 30, 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
Thomas E. Helms, et ux (Parcel 47)
Continued on next page.

Page 1

Commencing at the SE Corner of the SW ¼ NE ¼ of said Frl. Sec. 30; thence N1°39'02"W, 160.97 ft. along the east line of said SW ¼ NE ¼ to a point on the former centerline of Primary Road No. 92, the Point of Beginning; thence northwesterly 531.58 ft. along said former centerline, on an 1145.92 foot radius curve, concave northeasterly and having a chord bearing N56°21'49"W, 526.82 ft.; thence N43°04'27"W, 404.42 ft. along said former centerline; thence N46°55'33"E, 33.09 ft. to a point on the present northeasterly right of way line of Primary Road No. 92; thence S66°19'02"E, 206.19 ft.; thence S37°04'34"E, 238.93 ft.; thence southeasterly 393.31 ft. along a 1427.89 foot radius curve, concave northeasterly and having a chord bearing S64°12'21"E, 392.06 ft. to a point on the east line of the SW ¼ NE ¼ of said Sec. 30; thence S1°39'02"E, 165.85 ft. along said east line to a point on the former centerline of Primary Road No. 92, the Point of Beginning; excepting therefrom present easements of record; containing 1.14 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 constructing an entrance, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the SE Corner of the SW ¼ NE ¼ of said Frl. Sec. 30; thence N1°39'02"W, 702.22 ft. along the east line of said SW ¼ NE ¼; thence S88°20'58"W, 486.44 ft. to a point on the northeasterly line of the land sought by easement for highway purposes, the Point of Beginning; thence N66°19'02"W, 206.19 ft. along said northeasterly line to a point on the present northeasterly right of way line of Primary Road No. 92; thence N43°01'43"W, 41.87 ft. along said present northeasterly right of way line; thence N61°24'40"E, 167.65 ft.; thence S44°16'09"E, 183.92 ft.; thence S43°12'45"W, 85.00 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.

IOVA DEPARTMENT OF TRANSPORTATION

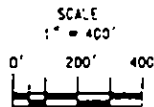


ACQUISITION PLAT
EXHIBIT 'A'

COUNTY MADISON STATE CONTROL NO. 61-0800
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 47
 SECTION 30 TOWNSHIP 78 N RANGE 26 W
 ROW-FEE _____ AC. EASE 1.14 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM THOMAS E. HELMS, ET UX

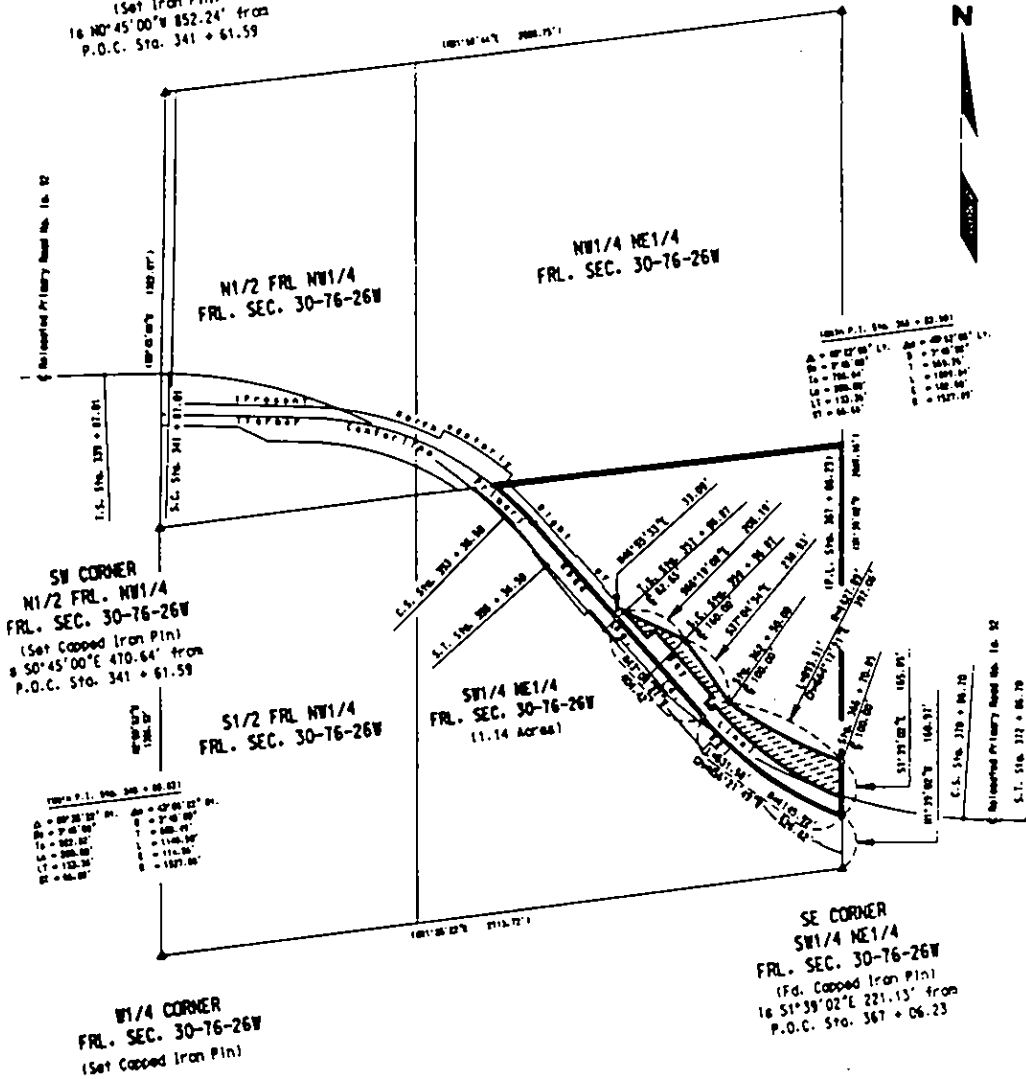
I hereby certify that this plat is a true and accurate representation of the land herein described, made by me or under my direct supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Leslie J. Marouea 6-9-92
 Leslie J. Marouea, Reg. No. 5263 Date



NE CORNER
 NW1/4 NE1/4
 FRL. SEC. 30-76-26W
 (Set Capped Iron Pin)
 1st N1°39'02"W 2386.03' from
 P.O.C. Sta. 367 + 06.23

NW CORNER
 FRL. SEC. 30-76-26W
 (Set Iron Pin)
 1st N0°45'00"W 852.24' from
 P.O.C. Sta. 341 + 61.59



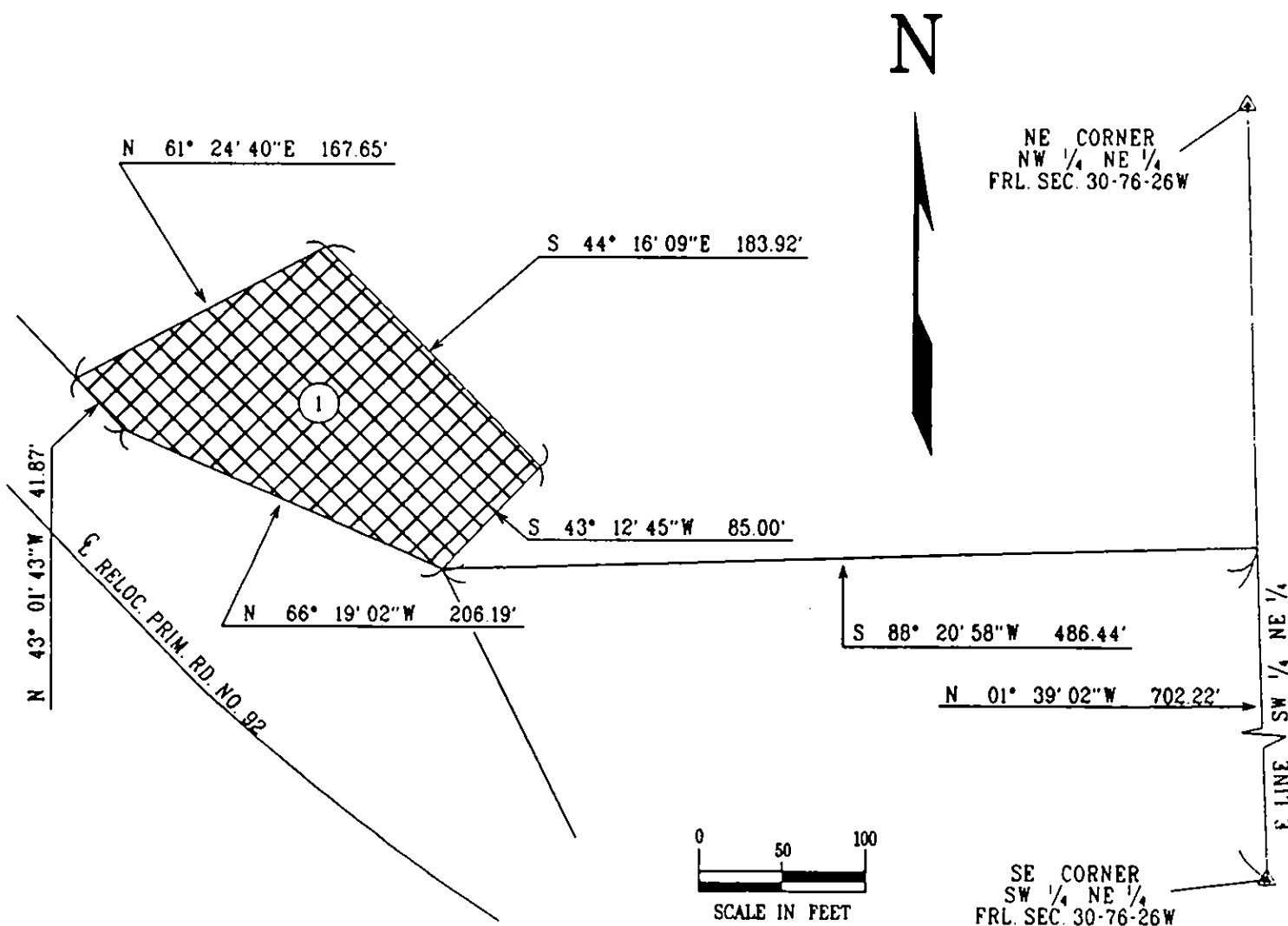
FORM 634-077
1-83

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



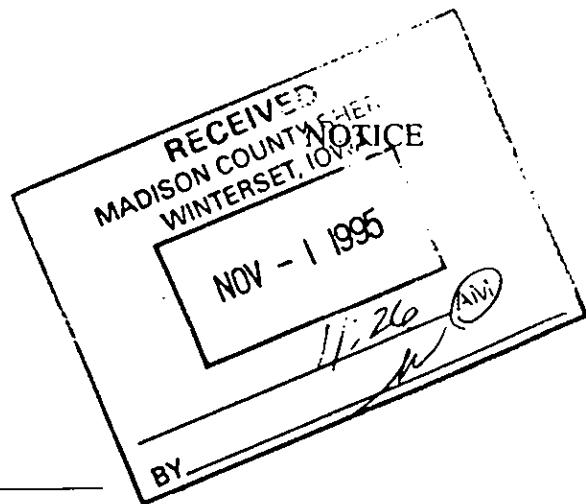
COUNTY MADISON
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 47
 SECTION 30 TOWNSHIP 76 N RANGE 26 W
 BORROW AC
 ACQUIRED FROM THOMAS E. HELMS, ET UX

① 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

Relocated Primary Road No. 92 in
and west of the City of Patterson
located in Madison County, Iowa
Project No. FN-92-4(15)--21-61
Group "B"



TO:

Florence L. Benshoof, also known as Florence Lucille Benshoof, 1122 11th Avenue, DeWitt, Iowa
Howard L. Benshoof, 1122 11th Avenue, DeWitt, Iowa
Ted Benshoof, 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:

Part of the NW¼ SW¼ of Sec. 29, T76N, R26W of the 5th P.M., in the City of Patterson, Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and the City of Patterson, Iowa, desire 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" 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 for the use and benefit of the State of Iowa is in land described as follows:

A parcel of land located in the NW¼ SW¼ of Sec. 29, T76N, R26W of the 5th P.M., in the City of Patterson, Madison County, Iowa, as shown on the plat Exhibit "A" (1 of 2) attached hereto and by reference made a part hereof.

Madison County Project No. FN-92-4(15)--21-61
Florence L. Benshoof, et vir (Parcel 51)
Continued on next page.

Page 1

Said parcel is described as follows:

Beginning at the W ¼ Corner of said Sec. 29; thence N83°19'49"E, 543.47 ft. along the north line of the NW ¼ SW ¼ of said Sec. 29 to a point on the present centerline of Primary Road No. 92; thence N86°32'16"E, 250.69 ft. along said present centerline; thence southeasterly 537.82 ft. along said centerline on an 1145.92 foot radius curve, concave southerly and having a chord bearing S80°01'00"E, 532.90 ft. to a point on the east line of the NW ¼ SW ¼ of said Sec. 29; thence S1°41'11"E, 194.81 ft. along said east line; thence northwesterly 80.32 ft. along a 1382.89 foot radius curve, concave southerly and having a chord bearing N69°16'35"W, 80.31 ft.; thence N29°15'34"W, 95.12 ft.; thence northwesterly 352.23 ft. along a 1447.89 foot radius curve, concave southerly and having a chord bearing N80°43'20"W, 351.36 ft.; thence S89°47'30"W, 194.73 ft.; thence S89°02'42"W, 655.83 ft. to a point on the west line of the NW ¼ SW ¼ of said Sec. 29; thence N1°54'47"W, 52.46 ft. along said west line to the W ¼ Corner of said Sec. 29, the Point of Beginning, excepting therefrom present easements of record; containing 1.68 acres, exclusive of said exceptions.

The easement for highway purposes sought to be appropriated for the use and benefit of the City of Patterson, Iowa, is in land described as follows:

A parcel of land located in the NW ¼ SW ¼ of Sec. 29, T76N, R26W of the 5th P.M., in the City of Patterson, Madison County, Iowa, as shown on the plat Exhibit "A" (2 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the W ¼ Corner of said Sec. 29; thence S1°54'47"E, 52.46 ft. along the west line of the NW ¼ SW ¼ of said Sec. 29 to the Point of Beginning; thence continuing S1°54'47"E, 182.01 ft. along said west line; thence N87°59'52"E, 65.95 ft. to a point on the present easterly right of way line of the north-south Local Road along the west line of the NW ¼ SW ¼ of said Sec. 29; thence N2°18'46"E, 181.07 ft. to a point on the southerly line of the land sought by easement for the use and benefit of the State of Iowa and shown on the plat Exhibit "A" (1 of 2); thence S89°02'42"W, 79.30 ft. along said southerly line and the westerly extension thereof to the west line of the NW ¼ SW ¼ of said Sec. 29, the Point of Beginning, excepting therefrom present easements of record; containing 0.03 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 a dike, 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 NE Corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 29; thence S83° 19' 49" W, 227.74 ft. along the north line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence S6° 40' 11" E, 202.02 ft. to a point on the southerly line of said land sought by easement for the use and benefit of the State of Iowa, the Point of Beginning; thence southeasterly 94.76 ft. along said southerly line on a 1447.89 foot radius curve, concave southwesterly and having a chord bearing S75° 37' 41" E, 94.75 ft.; thence S29° 15' 34" E, 95.12 ft. along said southerly line; thence N70° 37' 34" W, 159.19 ft.; thence N12° 29' 49" E, 55.00 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 a dike 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.

CSB Product
Survey 100



IOWA DEPARTMENT OF TRANSPORTATION

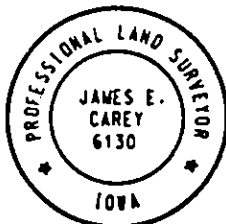
ACQUISITION PLAT EXHIBIT "A" (1 OF 2)

COUNTY: MADISON STATE CONTROL NO. 61-0600
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 51
 SECTION 29 TOWNSHIP 78 N RANGE 26 W
 ROW-FEE _____ AC. EASE 1.68 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM FLORENCE L. BENSHOOF, ET VIR

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.

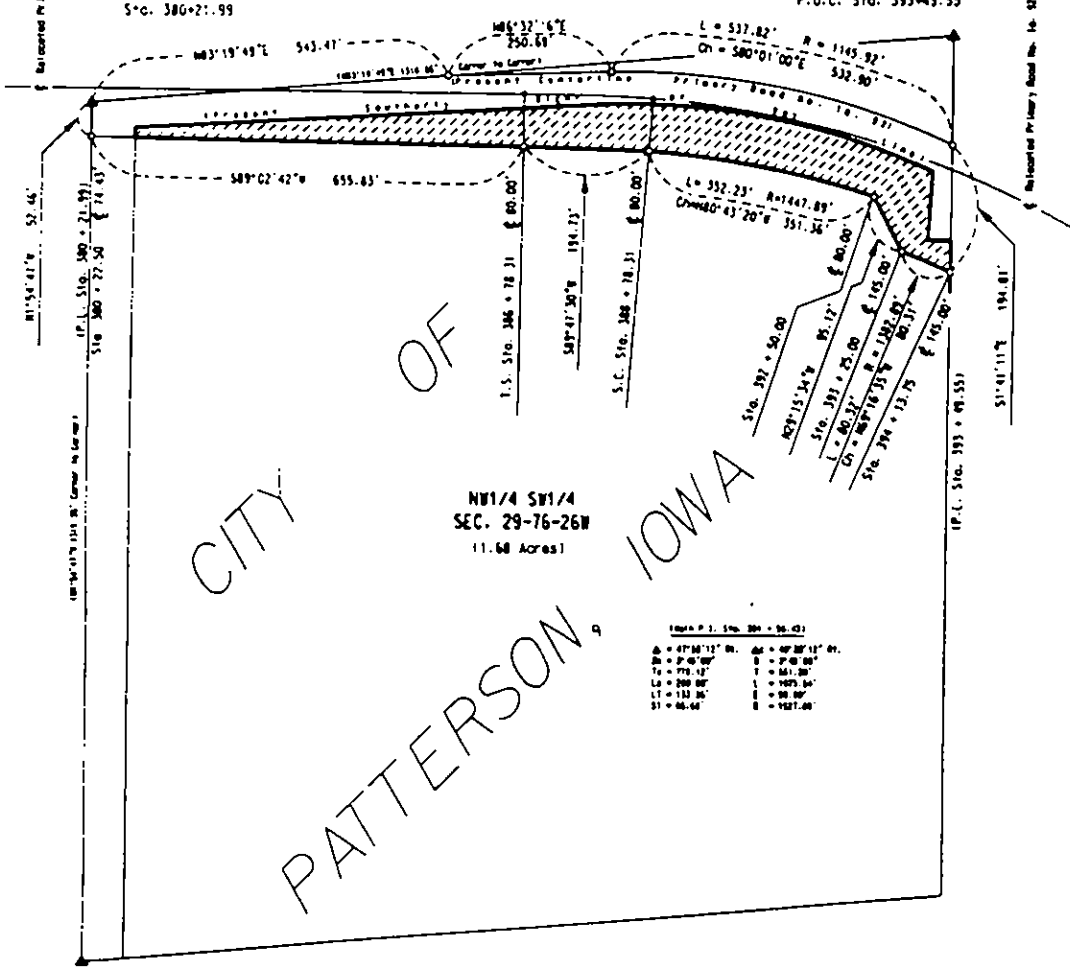
Signature James E. Carey
 Date September 22, 1995 Reg. No. 6130

My Registration Renewal date is December 31, 1996



W1/4 CORNER
 SEC. 29-76-26W
 (Found Capped Iron Pin)
 is S1°39'31"E 21.98' from
 Sta. 380+21.99

NE CORNER
 NW1/4 SW1/4
 SEC. 29-76-26W
 (Found Iron Pin)
 is N1°41'11"W 204.84' from
 P.O.C. Sta. 393+49.55



SW CORNER
 NW1/4 SW1/4
 SEC. 29-76-26W
 (Set Capped Iron Pin)

104

GIS Project
Survey 4 02



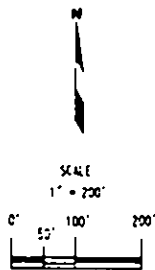
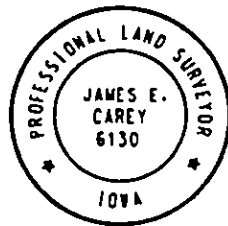
IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT
EXHIBIT 'A' (2 OF 2)

COUNTY MADISON STATE CONTROL NO. 61-0800
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 51
 SECTION 29 TOWNSHIP 78 N RANGE 26 W
 ROW-FEE _____ AC. EASE 0.03 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM FLORENCE L. BENSHOOF, ET VIR
* ACQUIRE IN THE NAME OF THE CITY OF PATTERSON, IOWA

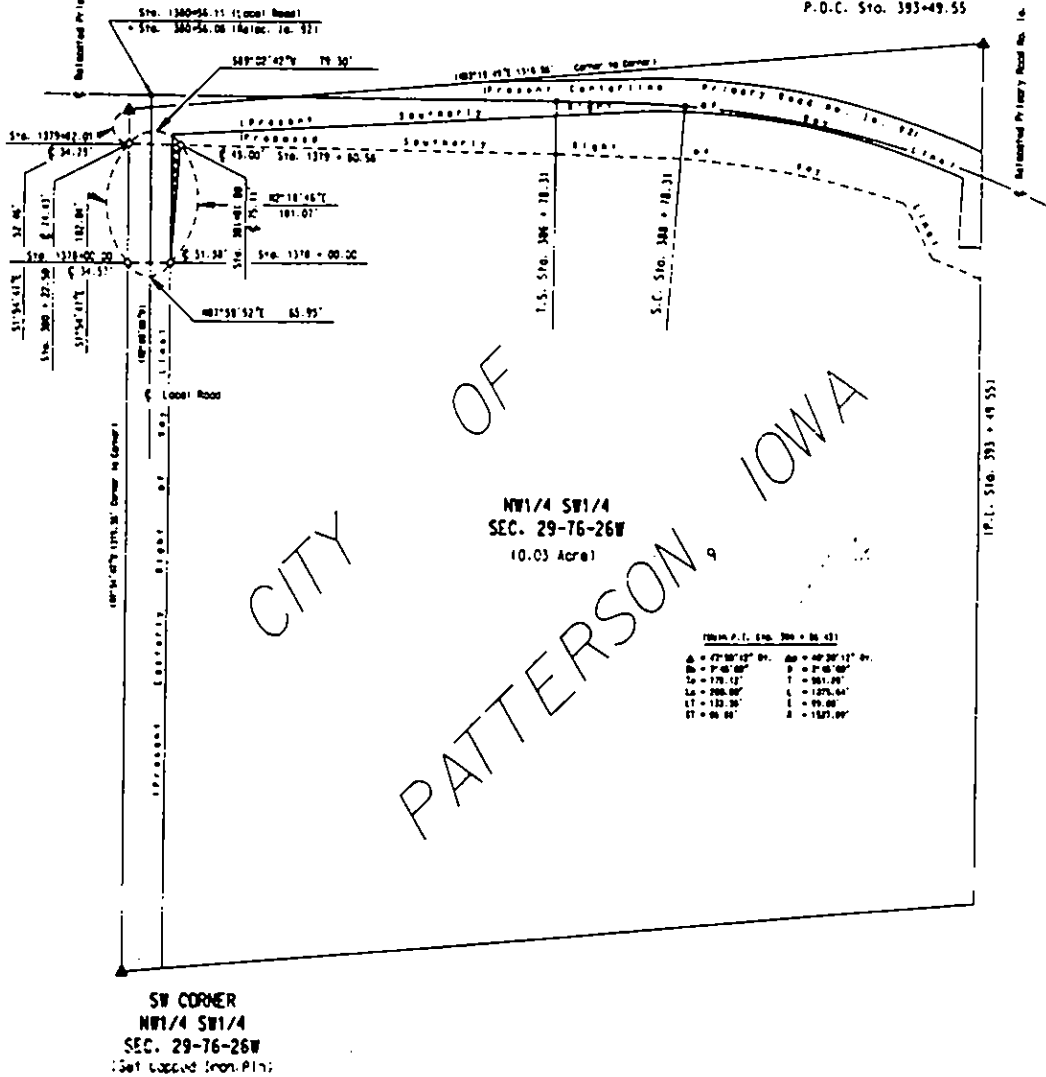
I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Signature: James E. Carey
 JAMES E. CAREY
 September 23, 1995 Reg. No. 6130
 My Registration Renewal date is December 31, 1996



SE
1/4
CORNER
SEC. 29-76-26W
 (Found Capped Iron Pin)
 is S 51° 39' 31" E 21.98' from
 Sta. 380+21.99

NE CORNER
 NW 1/4 SW 1/4
 SEC. 29-76-26W
 (Found Iron Pin)
 is N 11° 41' 11" W 204.84' from
 P.O.C. Sta. 393+49.55



627

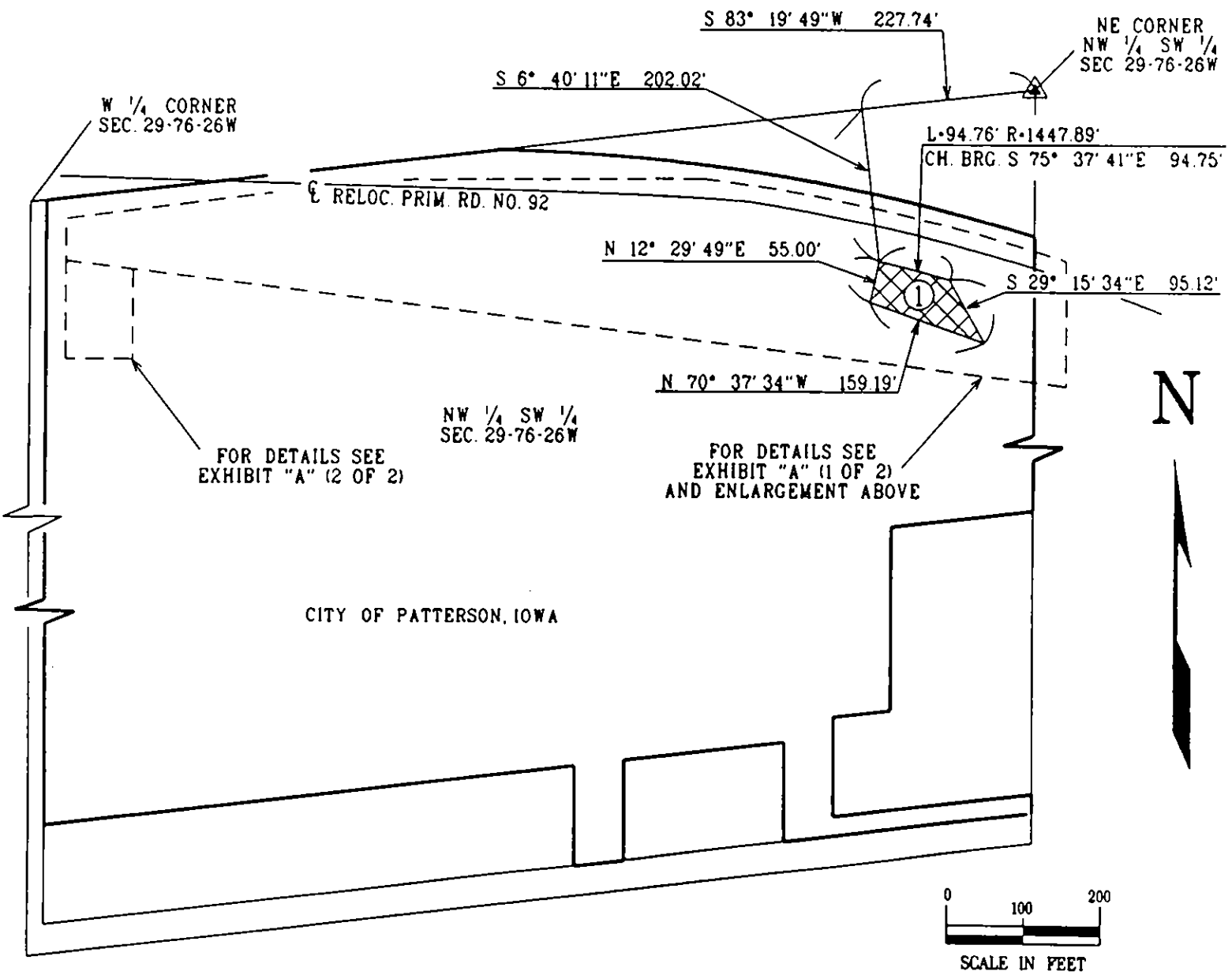
FORM 634-077
1-83

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 51
SECTION 29 TOWNSHIP 76N RANGE 26W
FEE AC
ACQUIRED FROM FLORENCE L. BENSHOOF, ET VIR

① TEMPORARY EASEMENT TO CONSTRUCT DIKE



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

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE 5th JUDICIAL DISTRICT

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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


An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation 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
Jim Kress	Earlham	Licensed Real Estate Salesperson or Broker
Don Noack	Booneville	Licensed Real Estate Salesperson or Broker
Irvin Martens	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Loren Myers	Macksburg	Knowledgeable of Property Values by Virtue of Occupation
Raymond Clark	Booneville	Agricultural
James Camp	Peru	Agricultural

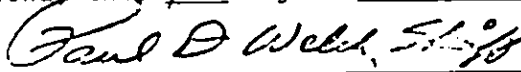
I further designate, select, and appoint, the above named JIM KRESS to act as Chairperson of said commission. I further designate DON NOACK as Alternate.

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 25 day of October, 1995.


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

Filed in my office at Winterset, Iowa, this 1st day of November 1995.


Paul Welch
Sheriff of Madison County, Iowa

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

SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation, entitled as above, for the selection and appointment, by lot, of a duly constituted compensation commission, and said selection and appointment having been made by me, I further, DESIGNATE, SELECT, and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

NAME	ADDRESS	QUALIFICATION
1. Steve Weeks	Winterset	Licensed Real Estate Salesperson or Broker
2. Gene Vierling	Winterset	
1. Gary Dwyer	Winterset	Knowledgeable of Property Values by Virtue of Occupation
2. Gus Henrichs	Winterset	
1. John Spera	Winterset	Agricultural
2. Darrell Daggett	Winterset	

The Sheriff of Madison County, Iowa, shall have upon being informed of a vacancy in the compensation commission, notify an alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 25 day of October, 1995.

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

Filed in my office at Winterset, Iowa, this 1st day of November, 1995.

Paul D. Welch, Sheriff
Paul Welch
Sheriff of 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 east and
west of the City of Patterson
located in Madison County, Iowa
Project No. FN-92-4(15)--21-61
Group "B"

ORDER CONFIRMING
APPOINTMENT OF
COMMISSIONERS

NOW ON THIS 15 day of November, 1995, an Order Confirming
Appointment of Substitute Compensation Commissioner having been presented to me due to
the inability of James Camp, one of the original appointees, and John Spera and Darrell
Daggett, the alternates, having qualifications in the category of Agricultural to serve as
a compensation commissioner in the condemnation referenced above, this Order confirms that
it was Ordered on the 14th day of November, 1995, that the vacancy be filled by one of the
following commissioners:

NAME	ADDRESS	QUALIFICATION
1. Dean Molln	724 E. Jefferson, Winterset	Agricultural
2. Chester Haymond	R #4, Box 102, Winterset	Agricultural
3. Vincent Wildin	RR #3, Box 194, Winterset	Agricultural

The Sheriff of Madison County, Iowa, shall notify the substitute commissioner in the
same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 15 day of
November, 1995.

Arthur E. Lamb

Chief Judge of the 5th Judicial District,
including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 27th day of
November, 1995.

Paul D. Welch, Sheriff

Sheriff of Madison County, Iowa

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

SUMMONS TO COMMISSIONERS

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

TO: Jim Kress

The Iowa Department of Transportation has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrances, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or the maintenance of roads and streets and/or for highway drainage in Madison County, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Jim Kress has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on the 12th day of December, 19 95, at 9:30 o'clock a.m. (cst) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

Paul Welch
Paul Welch
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Carham, Iowa, this 7th day of November, 19 95. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Robert Kress

Filed in my office at Winterset, Iowa, this 8th day of November, 19 95.

Paul Welch
Paul Welch
Sheriff of Madison County, Iowa

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 of County.

15

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

SUMMONS TO COMMISSIONERS

Relocated Primary Road No. 92 in and west
of the City of Patterson
located in Madison County, Iowa

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

TO: Don Noack

The Iowa Department of Transportation has filed with the Chief Judge of the 5th
Judicial District including Madison County, Iowa, an Application and Notice of Condemnation
for the selection of a Compensation Commission to assess the damages which owners,
lienholders, encumbrances, and other persons interested in the land from which certain
rights are sought to be appropriated by these proceedings will sustain by reason of such
appropriation of the rights as described in the Application and Notice of Condemnation for
the improvement and/or the maintenance of roads and streets and/or for highway drainage in
Madison County, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the
Judicial District for Madison County, Iowa as a member of such Compensation Commission, and
such selection and appointment has been duly filed in my office and that
Jim Kress has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the
office of the Sheriff at Winterset, Madison County, State of Iowa, on the 12th day of
December, 19 95, at 9:30 o'clock a.m. (cst) for the purpose of qualifying
as such Commission, and proceed to view said premises and make an award of damages as by
law provided.

Paul D Welch
Paul Welch
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged
at Van Meter Iowa, this 6 day of November, 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.

Donald P. Noack

Filed in my office at Winterset, Iowa, this 6th day of November, 19 95.

Paul D Welch
Paul Welch
Sheriff of Madison County, Iowa

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 of County.

14

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

SUMMONS TO COMMISSIONERS

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

TO: Loren Myers

The Iowa Department of Transportation has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrances, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or the maintenance of roads and streets and/or for highway drainage in Madison County, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Jim Kress has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on the 12th day of December, 19 95, at 9:30 o'clock a.m. (cst) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

Paul D Welch, Sheriff

Paul Welch Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa, this 5 day of September, 19 95. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Loren Myers

Filed in my office at Winterset, Iowa, this 14th day of September, 19 95.

Paul Welch Sheriff of Madison County, Iowa

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 of County.

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

SUMMONS TO COMMISSIONERS

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

TO: GARY DWYER

The Iowa Department of Transportation has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrances, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or the maintenance of roads and streets and/or for highway drainage in Madison County, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Jim Kress has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on the 12th day of December, 19 95, at 9:30 o'clock a.m. (cst) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

Paul Welch
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa, this 7 day of November 19 95 I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Gary Dwyer
Signature of Gary Dwyer

Filed in my office at Winterset, Iowa, this 13th day of November, 19 95.

Paul Welch
Sheriff of Madison County, Iowa

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 of County.

18

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

SUMMONS TO COMMISSIONERS

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

TO: Raymond Clark

The Iowa Department of Transportation has filed with the Chief Judge of the 5th Judicial District including Madison County, Iowa, an Application and Notice of Condemnation for the selection of a Compensation Commission to assess the damages which owners, lienholders, encumbrances, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application and Notice of Condemnation for the improvement and/or the maintenance of roads and streets and/or for highway drainage in Madison County, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office and that Jim Kress has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on the 12th day of December, 19 95, at 9:30 o'clock a.m. (cst) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

Paul D Welch, Sheriff
Paul Welch
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Iowa, this 7 day of November, 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.

Raymond Clark

Filed in my office at Winterset, Iowa, this 7th day of November, 19 95.

Paul D Welch, Sheriff
Paul Welch
Sheriff of Madison County, Iowa

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 of County.

19

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

SUMMONS TO COMMISSIONERS

Relocated Primary Road No. 92 in and west
of the City of Patterson
located in Madison County, Iowa

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

TO: CHESTER HAYMOND

The Iowa Department of Transportation has filed with the Chief Judge of the 5th
Judicial District including Madison County, Iowa, an Application and Notice of Condemnation
for the selection of a Compensation Commission to assess the damages which owners,
lienholders, encumbrances, and other persons interested in the land from which certain
rights are sought to be appropriated by these proceedings will sustain by reason of such
appropriation of the rights as described in the Application and Notice of Condemnation for
the improvement and/or the maintenance of roads and streets and/or for highway drainage in
Madison County, and

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the
Judicial District for Madison County, Iowa as a member of such Compensation Commission, and
such selection and appointment has been duly filed in my office and that
Jim Kress has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the
office of the Sheriff at Winterset, Madison County, State of Iowa, on the 12th day of
December, 19 95, at 9:30 o'clock a.m. (cst.) for the purpose of qualifying
as such Commission, and proceed to view said premises and make an award of damages as by
law provided.

Paul D. Welch, Sheriff

Paul Welch
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged
at Iowa, this 24 day of November 19 95. I further certify that I
do not possess any interest in the above proceedings which would cause me to render a
biased decision therein.

Chester Haymond

filed in my office at Winterset, Iowa, this 24 day of Nov, 19 95.

Paul D. Welch, Sheriff
Paul Welch
Sheriff of Madison County, Iowa

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 of County.

20

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

OATH OF COMMISSIONERS

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

STATE OF IOWA
Madison County

} ss)

Each of the undersigned being duly sworn says:

That I do possess the qualifications listed under my name below, and

That I do not possess any interest in the proceeding which would cause me to render a biased decision,

and, that I will, to the best of my ability, faithfully and impartially assess the damages which owners, lienholders, encumbrances and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of the appropriation of the rights set forth and described in the Application and Notice of Condemnation in the Office of the Sheriff for the improvement of roads and streets and make a written report to the Sheriff as Authorized and prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B, Code of Iowa, and any amendments thereto, and in accordance with the instructions of the Chief Justice of the Supreme Court, and will truly perform any and all other duties imposed upon me by law as a member of the compensation commission selected and appointed to assess said damages.

Jim Kress
Name: JIM KRESS
Licensed Real Estate Salesperson
or Broker

Don Noack
Name: DON NOACK
Licensed Real Estate Salesperson
or Broker

Gary Dwyer
Name: GARY DWYER
Knowledgeable of Property Values
by Virtue of Occupation

Loren Myers
Name: LOREN MYERS
Knowledgeable of Property Values
by Virtue of Occupation

Raymond Clark
Name: RAYMOND CLARK
Agricultural

Chester Hammond
Name: CHESTER HAMMOND
Agricultural

Acknowledged, Subscribed and sworn to before me this 12th day of December, 19 95.

Luis E. Thompson
(Notary Public) in and for said
(Clerk of Court) County and State

Filed in my office at, Winterset, Iowa, this 12th day of December, 19 95.

Paul D. Welch
Paul D. Welch
Sheriff of Madison County, Iowa

21

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

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN BOOK 135 PAGE 115, OR INSTRUMENT NUMBER, AND DATED November 1, 1995.

TO: Iowa Department of Transportation, Ames, Iowa

I certify that the commissioners in the above-entitled cause convened at Winterset Iowa, on the 12th day of December, 1995 and thereupon proceeded to view the premises and said commissioners did on the 12th day of December, 1995, file their report in my office awarding damages as follows:

NAMES OF CONDEMNEES	AWARD	ATTORNEY FEES AND COSTS
Howard L. Benshoof;		
Florence L. Benshoof	\$ 18,844.00	\$ 300.00
Ted Benshoof;	\$	\$
U. S. West Communications, Inc	\$	\$
Midwest Power Systems, Inc.	\$	\$
Madison County Treasurer	\$	\$
TOTAL DAMAGES AWARDED	\$ 18,844.00	\$ 300.00

I certify that the costs incident to this proceeding are taxed and Notices were served as listed below: (Attach separate list if necessary)

Date	Name of Condemnees Served	Service Fee	[Mileage : x Rate Per Mile] =	Amount	Sum
11/03/95	Ted Benshoof	\$10.00	15 : .27¢	\$4.05	\$14.05
11/06/95	Madison County, IA by serving Joan Welch, Auditor	\$10.00	-- : --	--	\$10.00

Sheriff's Fees

Summoning and attending Commissioners (Includes service fees) 1996 \$ 60.00
 Maximum allowed by Code Section 331.655 POSTAGE 2.56
 Mileage while summoning and attending Commissioners \$

PAID Sub Total \$ 24.05

By Paul D. Welch Sheriff of Madison County, Iowa
 TOTAL \$ 26.61

22

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

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN BOOK 135 PAGE 115, OR INSTRUMENT NUMBER, AND DATED November 1, 1995.

TO: Iowa Department of Transportation, Ames, Iowa

I certify that the commissioners in the above-entitled cause convened at Winterset Iowa, on the 12th day of December, 1995 and thereupon proceeded to view the premises and said commissioners did on the 12th day of December, 1995, file their report in my office awarding damages as follows:

NAMES OF CONDEMNEES	AWARD	ATTORNEY FEES AND COSTS
Thomas E. Helms;	\$ 18,655.00	\$ 500.00
Barbara E. Helms;	\$	\$
Madison County Treasurer	\$	\$
	\$	\$
	\$	\$
TOTAL DAMAGES AWARDED	\$ 18,655.00	\$ 500.00

I certify that the costs incident to this proceeding are taxed and Notices were served as listed below: (Attach separate list if necessary)

Date	Name of Condemnees Served	Service Fee	[Mileage : x Rate Per Mile] = Amount	Sum
11/06/95	Thomas E. Helms	\$10.00	15 : .27¢ = \$ 4.05	\$14.05
11/06/95	Barbara E. Helms	\$ 5.00	---	\$ 5.00
11/06/95	Madison County, Ia by serving Joan Welch, Auditor	\$10.00	minimum : .27¢ = \$ 2.70	\$12.70

PAID

Sheriff's Fees

Summning and attending Commissioners (Includes service fees) \$ 60.00
 Maximum allowed by Code Section 331.655
 POSTAGE & COPIES \$ 21.21
 Mileage while summoning and attending Commissioners \$ 8.10
 30 miles x rate .27¢

Sub Total \$ 19.05

TOTAL \$ 139.39

121.06

Paul D Welch, Sheriff

Paul Welch Sheriff of Madison, County, Iowa

COMMISSIONERS' COSTS

-2-

JIM KRESS of
EARLHAM, IOWA, Iowa
1 day service \$ 50.00
36 miles at .27 cents 9.72
1 meals 6.00
TOTAL \$ 65.72

DON NOACK of
VAN METER, Iowa
1 day service \$ 50.00
32 miles at .27 cents 8.64
1 meals 6.00
TOTAL \$ 64.64

LOREN MYERS of
MACKSBURG, Iowa
1 day service \$ 50.00
40 miles at .27 cents 10.80
1 meals 6.00
TOTAL \$ 66.80

GARY DWYER of
WINTERSET, Iowa
1 day service \$ 50.00
0 miles at ___ cents ---
1 meals 6.00
TOTAL \$ 56.00

RAYMOND CLARK of
VAN METER, Iowa
1 day service \$ 50.00
28 miles at .27 cents 7.56
1 meals 6.00
TOTAL \$ 63.56

CHESTER HAYMOND of
WINTERSET, Iowa
1 day service \$ 50.00
32 miles at .27 cents 8.64
1 meals 6.00
TOTAL \$ 64.64

JAN - 8 1996

Treasurer State of Iowa

GRAND TOTAL

\$ 502.42
~~\$ 520.75~~

I certify that the foregoing amounts are legally payable to each claimant and that the claim is correct and just and that the payment has been received.

Dated this 15th day of December, 1995.

Paul D Welch Sheriff
 Paul Welch
 Sheriff of Madison County, Iowa

23

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

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN BOOK 135, PAGE 115, OR INSTRUMENT NUMBER, AND DATED November 1, 1995.

TO: Iowa Department of Transportation, Ames, Iowa

I certify that the commissioners in the above-entitled cause convened at Winterset Iowa, on the 12th day of December, 1995 and thereupon proceeded to view the premises and said commissioners did on the 12th day of December, 1995, file their report in my office awarding damages as follows:

NAMES OF CONDEMNEES	AWARD	ATTORNEY FEES AND COSTS
Florence L. Benshoof		
Howard L. Benshoof	\$ 7,695.00	\$ 300.00
Ted Benshoof	\$	\$
Madison County Treasurer	\$	\$
	\$	\$
	\$	\$
TOTAL DAMAGES AWARDED	\$ 7.695.00	\$ 300.00

I certify that the costs incident to this proceeding are taxed and Notices were served as listed below: (Attach separate list if necessary)

Date	Name of Condemnees Served	Service Fee	[Mileage : x Rate Per Mile] = Amount	Sum
11/03/95	Ted Benshoof	\$10.00	---	\$ 10.00
11/06/94	Madison County, Iowa by serving Joan Welch, Auditor	\$10.00		\$ 10.00
11/12/95	City of Patterson, Ia by faxing a copy to Connie Stark, City Clerk	\$10.00		\$ 10.00

Sheriff's Fees

Summoning and attending Commissioners (Includes service fees \$ 1996
 Maximum allowed by Code Section 331.655 JAN \$ ~~60.00~~

Mileage while summoning and attending Commissioners
 _____ miles x rate _____ \$ 30.00

PAID Sub Total \$ \$ 30.00

BY *Paul D Welch*
 Paul Welch
 Sheriff of Madison, County, Iowa

TOTAL \$ _____

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Madison County:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. _____ held on the 12 day of December, 1995, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50.-</u>
<u>36</u> miles at _____ cents	\$ <u>9.72</u>
<u>1</u> meals meals	\$ <u>6.00</u>

Signed on this 12 day of December, 1995.

[Signature]
COMMISSIONER

25

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of MADISON County:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. _____ held on the _____ day of _____, 19____, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50.00</u>
<u>32</u> miles at <u>27</u> cents	\$ <u>8.64</u>
<u>6</u> meals	\$ <u>6.00</u>

Signed on this 12 day of December 1995

Donald O. Moore
COMMISSIONER

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Marion County:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. _____ held on the _____ day of _____, 1995, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50-</u>	
<u>70</u> miles at <u>27</u> cents	\$ <u>1080</u>	
<u>1</u> meals	\$ <u>800</u>	
	<u>6680</u>	<u>66.80</u>

Signed on this 12 day of Dec, 1995.

Lowrey
COMMISSIONER

27

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Madison County:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. _____ held on the 12 day of DECEMBER, 1995, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50</u>
_____ miles at _____ cents	\$ _____
<u>1</u> meals	\$ <u>6</u>

Signed on this 12th day of DECEMBER, 1995.



 COMMISSIONER

22

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Madison County:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. _____ held on the 12 day of December, 1959, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50 00</u>
<u>28</u> miles at <u>27</u> cents	\$ <u>756</u>
<u>1</u> meals	\$ <u>6.00</u>

Signed on this 12 day of Dec., 1959.

Raymond Clark
COMMISSIONER

29

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of Shelby Madison County:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. 1 held on the 12 day of Dec., 1995, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>150.00</u>
<u>32</u> miles at <u>27</u> cents	\$ <u>8.64</u>
<u>1</u> meals	\$ <u>6</u>

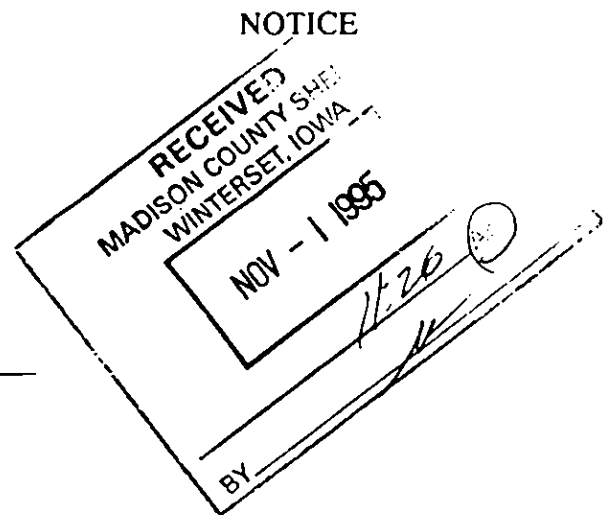
Signed on this 12 day of Dec., 1995.

Chester Hayward
COMMISSIONER

36

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

Relocated Primary Road No. 92 in
and west of the City of Patterson
located in Madison County, Iowa
Project No. FN-92-4(15)--21-61
Group "B"



TO:

Howard L. Benshoof, 1122 11th Avenue, DeWitt, Iowa
Florence L. Benshoof, 1122 11th Avenue, DeWitt, Iowa
Ted Benshoof, R.R. #1, Winterset, 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
Midwest Power Systems, Inc., formerly known as Iowa Power and Light Company, c/o Paul J. Leighton,
Registered Agent, 666 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 NW ¼ SW ¼, SW ¼ SW ¼, SE ¼ SW ¼, NE ¼ SW ¼, NW ¼ SE ¼, and SW ¼ SE ¼ of Sec. 24, the NW ¼
NW ¼, NE ¼ NW ¼, and part of the NW ¼ NE ¼ and SE ¼ NW ¼ of Sec. 25, all in T76N, R27W of the 5th
P.M., Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa and Madison County, Iowa, desire 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:

The easement for highway purposes sought to be appropriated for the use and benefit of the State of Iowa is in
land described as follows:

Madison County Project No. FN-92-4(15)--21-61
Howard L. Benshoof, et ux (Parcel 41)
Continued on next page.

Madison County Project No. FN-92-4(15)--21-61
Howard L. Benshoof, et ux (Parcel 41)

Page 2

A parcel of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and in the West 3 acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" (1 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Beginning at the SW Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence N0°53'22"W, 257.58 ft. along the west line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence N89°06'38"E, 58.27 ft. to a point on the present northerly right of way line of Primary Road No. 92; thence S46°58'50"E, 56.59 ft. along said northerly right of way line; thence easterly 33.85 ft. along said present northerly right of way line, along a 1482.39 foot radius curve, concave southerly, and having a chord bearing N84°46'24"E, 33.85 ft.; thence N85°25'39"E, 1325.26 ft. along said present northerly right of way line; thence N74°45'06"E, 346.09 ft.; thence easterly 968.08 ft. along a 23,033.31 foot radius curve, concave southerly, and having a chord bearing N84°23'25"E, 968.00 ft. to a point on the east line of the West 3 acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 25; thence S2°47'06"E, 225.09 ft. along said east line; thence S85°44'27"W, 1432.04 ft. to a point on the east line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence S1°50'14"E, 160.12 ft. along said east line to the SE Corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence S89°00'46"W, 1335.84 ft. along the south line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW Corner thereof, the Point of Beginning; excepting therefrom present easements of record; containing 7.84 acres, exclusive of said exceptions.

The easement for highway purposes sought to be appropriated for the use and benefit of Madison County, Iowa, is in land described as follows:

Two parcels of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" (2 of 2) attached hereto and by reference made a part hereof.

Said parcels are described as follows:

Commencing at the SW Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence N0°53'22"W, 251.10 ft. along the west line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ to the Point of Beginning; thence continuing N0°53'22"W, 265.72 ft. along said west line; thence N89°06'38"E, 39.73 ft. to a point on the present easterly right of way line of the north-south Local Road along the west line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence S18°34'52"E, 100.34 ft.; thence S0°51'50"W, 170.20 ft. to a point on the present northerly right of way line of Primary Road No. 92; thence S89°06'38"W, 65.01 ft. to a point on the west line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25, the Point of Beginning; excepting therefrom present easements of record; containing 0.06 acre, exclusive of said exceptions.

Madison County Project No. FN-92-4(15)--21-61
Howard L. Benshoof, et ux (Parcel 41)
Continued on next page.

Page 2

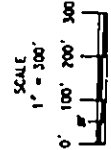
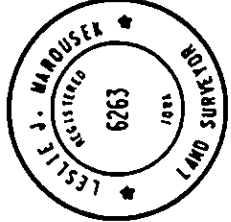
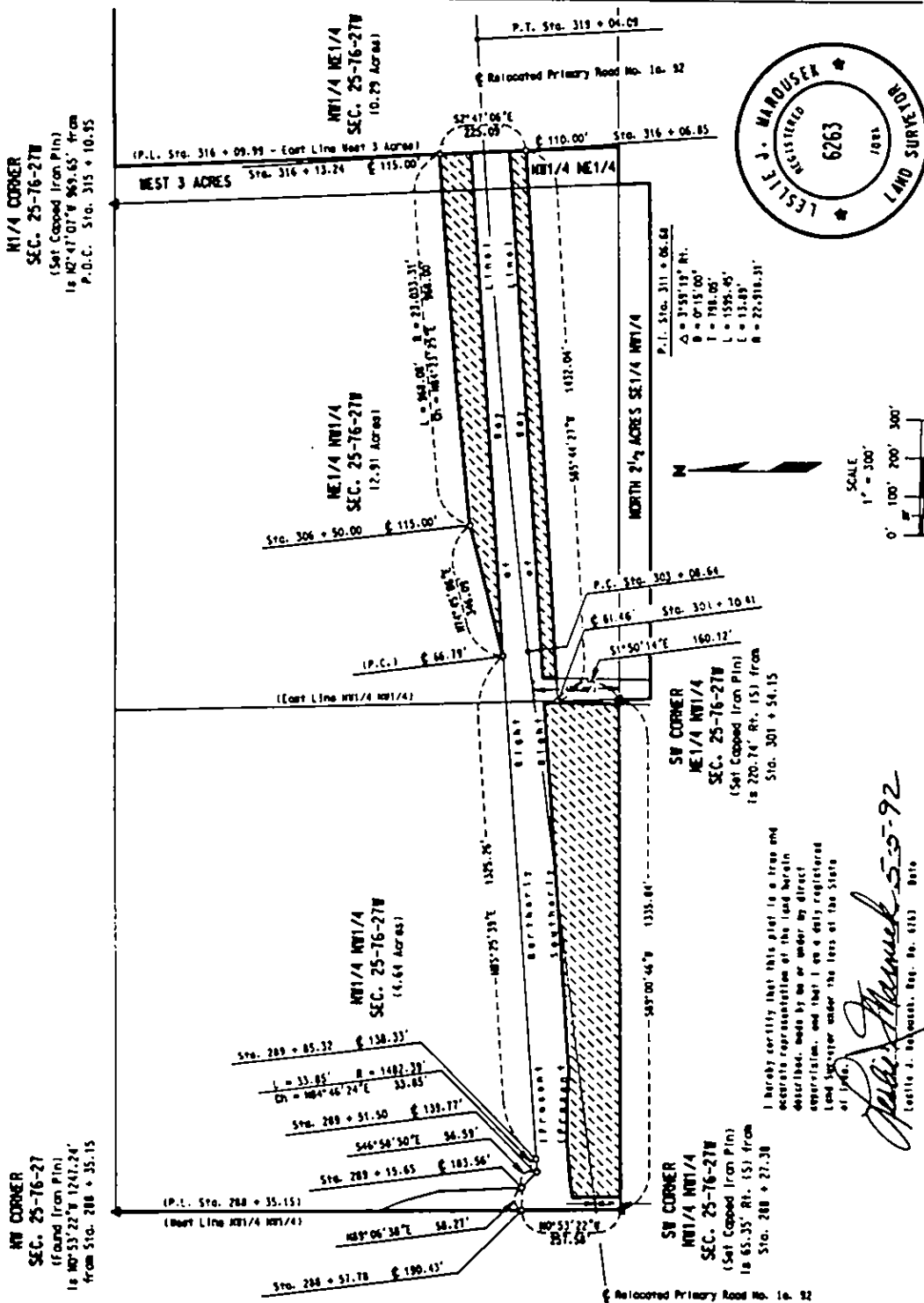
Also, commencing at the SW Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence N1 $^{\circ}$ 50'14"W, 14.19 ft. along the west line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Point of Beginning; thence continuing N1 $^{\circ}$ 50'14"W, 145.92 ft. along said west line; thence N85 $^{\circ}$ 44'27"E, 79.47 ft. to a point on the southerly line of the land sought by easement for the use and benefit of the State of Iowa as shown on said plat Exhibit "A" (1 of 2); thence S0 $^{\circ}$ 51'31"W, 50.35 ft.; thence S11 $^{\circ}$ 39'26"W, 101.80 ft. to a point on the present easterly right of way line of the north-south Local Road along the west line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 25; thence S88 $^{\circ}$ 09'46"W, 53.28 ft. to a point on said west line, the Point of Beginning; excepting therefrom present easements of record; containing 0.05 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. 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.

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT 'A'(1 OF 2)

COUNTY MADISON STATE CONTROL NO. 81-0800
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 41
SECTION 25 TOWNSHIP 78 N RANGE 27 W
ROW-FEE AC. EASE 7.84 AC. EXCESS - FEE AC
ACQUIRED FROM HOWARD L. BENSHOOF, ET UX



I hereby certify that this plat is a true and accurate representation of the land herein described, made by me or under my direct supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Leslie J. Harbuser
Leslie J. Harbuser, Reg. No. 6113 1981

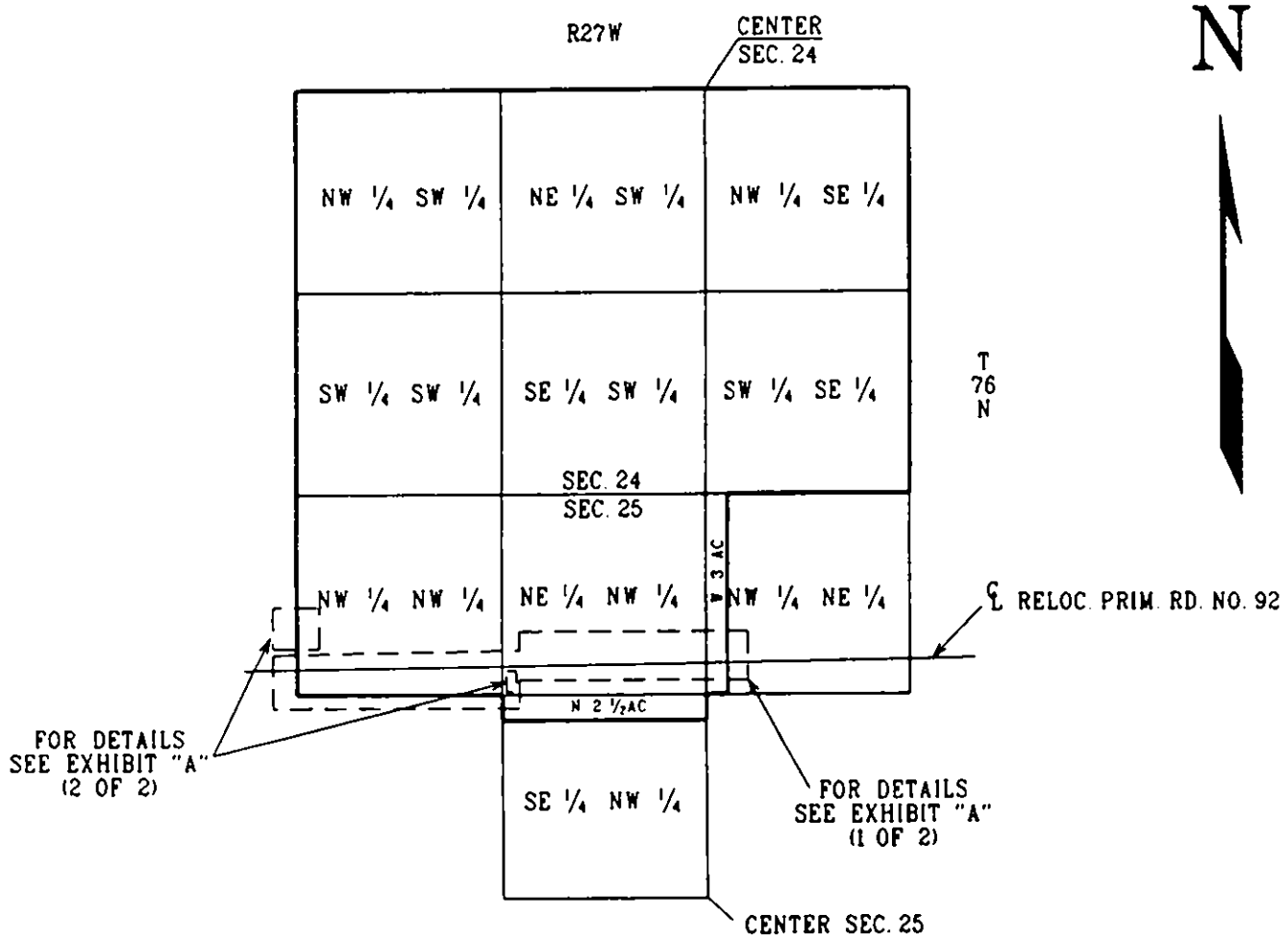
FORM 634-077
1-93

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 41
SECTION 24, 25 TOWNSHIP 76N RANGE 27W
BORROW AC
ACQUIRED FROM HOWARD L. BENSHOOF, ET UX

TOTAL OWNERSHIP PLAT ONLY




That such condemnation is sought for the improvement and/or the maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B of the Code of Iowa and all amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed.

You are further notified that the Commissioners will report to the Sheriff's Office in Winterset, Iowa, at 9:30 o'clock a.m. on the 12th day of December, 1995 and will view your property at approximately 10:00 o'clock a.m. on the same day. They will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

IOWA DEPARTMENT OF TRANSPORTATION
Special Assistant Attorney General and Counsel

Robert L. North
Right of Way Director

By 
Bernie Jorgensen
Condemnation Unit Coordinator
Iowa Department of Transportation
Ames, Iowa 50010

ACCEPTANCE OF SERVICE

I accept service of the above notice, I acknowledge receipt of a copy, and I waive time of service and any requirements that such notice be published in a newspaper.

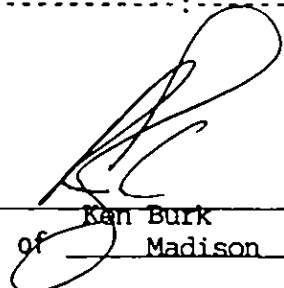
Dated at _____, this ____ day of _____, 19____.

STATE OF IOWA }
COUNTY OF MADISON } ss:

Received the within notice the 1st day of November, 1995, and I hereby certify that I have served to each person named below by delivering a true copy of the same to each person at the time and place set opposite their respective names:

NAME	DATE	CITY OR TOWN	COUNTY	STATE
Ted Benshoof	November 3, 1995		Madison	Iowa

Fees:
Service \$ 10.00
Mileage \$ 4.05
Total \$ 14.05


Deputy Sheriff of Madison County, Iowa

34

RETURN OF SERVICE

FORM 141-Q June 1989

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

Case Name DOT VS BENSHOOF

Case No. FN-92-4(15)--21-61 "B"

Notice Rec'd this date November 1, 1995

STATE OF IOWA

MADISON County

ss.

RETURN OF SERVICE:

- Personal
Dwelling/Substitute
Hotel, Boarding/Rooming House
Corporation/Association
Official (State, County, City)
Spouse away from residence
Other

Type of Service Code

- 1
2
3
4
5
6
7

I certify that I served a copy of:

- Petition and Original Notice
Modification/Application and Notice
Order to Show Cause

- Order Filed
Writ
Other Condemnation Notice

Served:

Type Code

(Name) at (Address) on (Date)
at
at
at
at

(Name) by serving (Name) at (Address)

on (a person residing therein who was then at least 18 years old) or (Spouse away from residence). (Strike non-applicable part.)

Madison County, Iowa by serving Joan Welch 5
(Company/Government Unit Name) (Name)

its Auditor on November 6, 1995 at Madison County Courthouse
(Winter set, Iowa)
(Title) (Date)

NOTE: (Diligent Search, etc.)

Paul D. Welch, Sheriff
Paul D. Welch
Madison County, Iowa

Official Title

FEES:

Processing \$ 10.00
Mileage \$
Copy \$
Notary \$
TOTAL \$

Fees charged to/paid by Atty/Party:
IOWA DEPARTMENT OF TRANSPORTATION

NOTE: Copy of Original Notice, if served, must be attached to this form.

35

NOV 17 1995

Clinton County Sheriff

Page # 1

*** RETURN OF SERVICE ***

IN THE IOWA DISTRICT COURT FOR

Clinton

COUNTY

CASE NAME IT IS CONDEMNATION OF
REARVIEW, FLORENCE/HOWARD

RETURN OF SERVICE:
PERSONAL 1

CASE NO 11700

NOTICE RECEIVED: 11/04/95

STATE OF IOWA

CLINTON COUNTY

I certify that I served a copy of:
Petition and Original Notice
Modification Application and Notice
Order to Show Cause

Order Filed
 Writ
 Other Notice of Condemnation

Served FLORENCE BENSHOOF

* at 1122 111TH AVE
DEWITT IA

on 11/04/95

Served Howard Benshoof by serving
his wife Florence at their residence

(with Search, etc.)

GARY MULHOLLAND

, Sheriff

CLINTON

County, Iowa



Signature Title

12.00
12.50
.00
.00
.00
12.50

~~Attorney~~ Atty/Party: IOWA DEPT TRANSPORTATION

657

34

RETURN OF SERVICE

SHERIFF'S FILE # LS 3

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

Case Name Jawa Dept of Trans

Case No. EW-92-405-2R61

Notice Rec'd this date 11-1-95

STATE OF IOWA } ss.
POLK County }

RETURN OF SERVICE

- Personal 1
- Dwelling Substitute 2
- Hotel, Boarding/Rooming House 3
- Corporation/Association 4
- Official (State, County, City) 5
- Spouse away from residence 6
- Other _____ 7
- Posted Per Court Order 8

- I certify that I served a copy of:
- Petition and Original Notice
 - Modification/Application and Notice
 - Order to Show Cause

- Order Filed _____
- NTQ/FED _____
- Writ _____
- Other Notice of Condemnation

Served:	(Name)	at	(Address)	on	(Date)	(Time)	Type Code

BY DELIVERING A COPY TO:

- NAME _____ A person at least 18 years old residing there.
- NAME _____ TITLE _____ The usual dwelling of the defendant, which place was a rooming house, hotel, apartment bldg.
- NAME _____ Spouse of defendant, which was not the defendants dwelling house or usual place of abode.

____ The Spouse stated that he/she lived together.
 ____ I have reason to believe that this Spouse lives at defendant's dwelling:
 Because: _____

4. I served the same on the within named defendant Midwest Power Systems company 4
 by delivering a true copy to Paul Leighton name Ray Agent
 at 666 Grand Date & Time 11-2-95 240PM

NOTE: (Diligent search, etc.)

FEEs:
 Processing 20.00
 Mileage 2.20
 Copy _____
 Notary _____
 TOTAL 22.20

PAID
 NOV 16 1995
 By Plaintiff's Attorney
POLK COUNTY SHERIFF
 fees charged to _____ of Atty/Party.

BOB E. RICE
 Sheriff of Polk County
Bill Croner
 Deputy

RETURN OF SERVICE

SHERIFF'S FILE # I-153

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

Case Name IA - Dept of Trans
Case No. FN-92-4-(15) 21-61

Notice Rec'd this date 11-1-95

STATE OF IOWA }
POLK County } ss.

RETURN OF SERVICE

- Personal
- Dwelling Substitute
- Hotel, Boarding/Rooming House
- Corporation/Association
- Official (State, County, City)
- Spouse away from residence
- Other
- Posted Per Court Order

Type of Service Code

1
2
3
4
5
6
7
8

- I certify that I served a copy of:
- Petition and Original Notice
 - Modification/Application and Notice
 - Order to Show Cause

- Order Filed
- WHI/FED
- Other Notice of Condemnation

Served:

(Name)	at	(Address)	on	(Date)	(Time)	Type Code
_____	at	_____	on	_____	_____	_____
_____	at	_____	on	_____	_____	_____
_____	at	_____	on	_____	_____	_____
_____	at	_____	on	_____	_____	_____
_____	at	_____	on	_____	_____	_____

BY DELIVERING A COPY TO:

- _____ A person at least 18 years old residing there.
NAME _____
- _____ TITLE _____ The usual dwelling of the defendant,
NAME _____ which place was a rooming house, hotel, apartment bldg.
- _____ Spouse of defendant, which was not the defendants dwelling house
NAME _____ or. usual place of abode.

_____ The Spouse stated that he/she lived together.
 _____ I have reason to believe that this Spouse lives at defendant's dwelling:

Because: _____

4. I served the same on the within named defendant U.S. West Comm. Inc 4
company
 by delivering a true copy to Rolland E. Grefe, Asst. Sec. C.T. Corp Systems, R.A.
name use
 at 2222 Grand Ave., Des Moines, IA 50309, Date & Time 11-2-95 0930

NOTE: (Diligent search, etc.)

FEES:

Processing _____
 Mileage _____
 Copy _____
 Notary _____
 TOTAL _____

BOB E. RICE
Sheriff of Polk County

By Bob Hargens
 Bob Hargens Deputy

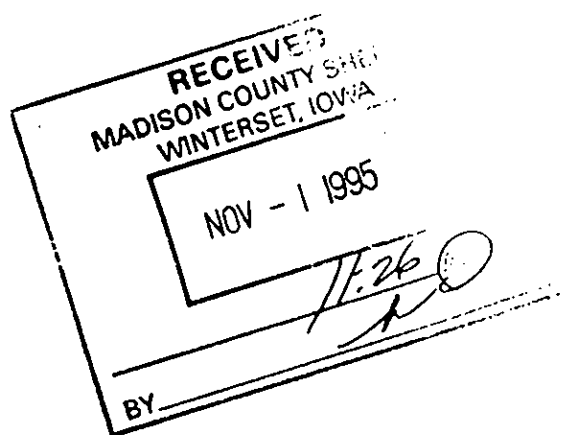
Fees charged to/paid by Atty/Party: _____

38

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

Relocated Primary Road No. 92 in
and west of the City of Patterson
located in Madison County, Iowa
Project No. FN-92-4(15)--21-61
Group "B"

NOTICE



TO:
Thomas E. Helms, R.R. #1, Winterset, Iowa
Barbara E. Helms, R.R. #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:

Part of the SW ¼ NE ¼ of Frl. Sec. 30, 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 NE ¼ of Frl. Sec. 30, 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
Thomas E. Helms, et ux (Parcel 47)
Continued on next page.

Commencing at the SE Corner of the SW ¼ NE ¼ of said Frl. Sec. 30; thence N1°39'02"W, 160.97 ft. along the east line of said SW ¼ NE ¼ to a point on the former centerline of Primary Road No. 92, the Point of Beginning; thence northwesterly 531.58 ft. along said former centerline, on an 1145.92 foot radius curve, concave northeasterly and having a chord bearing N56°21'49"W, 526.82 ft.; thence N43°04'27"W, 404.42 ft. along said former centerline; thence N46°55'33"E, 33.09 ft. to a point on the present northeasterly right of way line of Primary Road No. 92; thence S66°19'02"E, 206.19 ft.; thence S37°04'34"E, 238.93 ft.; thence southeasterly 393.31 ft. along a 1427.89 foot radius curve, concave northeasterly and having a chord bearing S64°12'21"E, 392.06 ft. to a point on the east line of the SW ¼ NE ¼ of said Sec. 30; thence S1°39'02"E, 165.85 ft. along said east line to a point on the former centerline of Primary Road No. 92, the Point of Beginning; excepting therefrom present easements of record; containing 1.14 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 constructing an entrance, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the SE Corner of the SW ¼ NE ¼ of said Frl. Sec. 30; thence N1°39'02"W, 702.22 ft. along the east line of said SW ¼ NE ¼; thence S88°20'58"W, 486.44 ft. to a point on the northeasterly line of the land sought by easement for highway purposes, the Point of Beginning; thence N66°19'02"W, 206.19 ft. along said northeasterly line to a point on the present northeasterly right of way line of Primary Road No. 92; thence N43°01'43"W, 41.87 ft. along said present northeasterly right of way line; thence N61°24'40"E, 167.65 ft.; thence S44°16'09"E, 183.92 ft.; thence S43°12'45"W, 85.00 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.

CSB Printed
March 1988

IOWA DEPARTMENT OF TRANSPORTATION

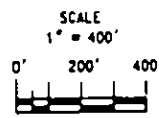


ACQUISITION PLAT EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-0800
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 47
 SECTION 30 TOWNSHIP 78 N RANGE 28 W
 ROW-FEE AC. EASE 1.14 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM THOMAS E. HELMS, ET UX

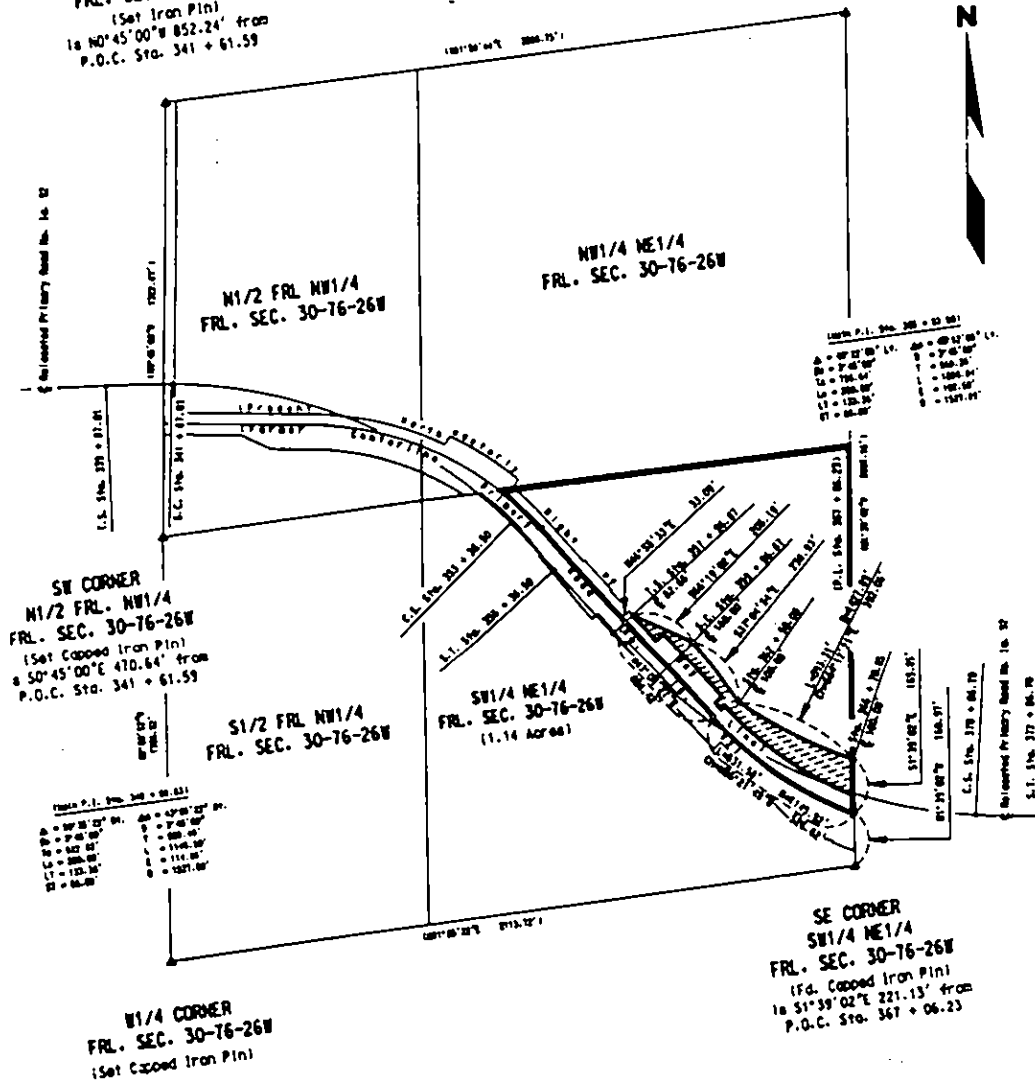
I hereby certify that this plat is a true and accurate representation of the land herein described, made by me or under my direct supervision, and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Leslie J. Marouise 6-9-92
 Leslie J. Marouise, Reg. No. 6263, Iowa



NE CORNER
 NW1/4 NE1/4
 FRL. SEC. 30-76-26W
 (Set Capped Iron Pin)
 1st N1°39'02"W 2386.03' from
 P.O.C. Sta. 367 + 06.23

NW CORNER
 FRL. SEC. 30-76-26W
 (Set Iron Pin)
 1st N0°45'00"W 852.24' from
 P.O.C. Sta. 341 + 61.59

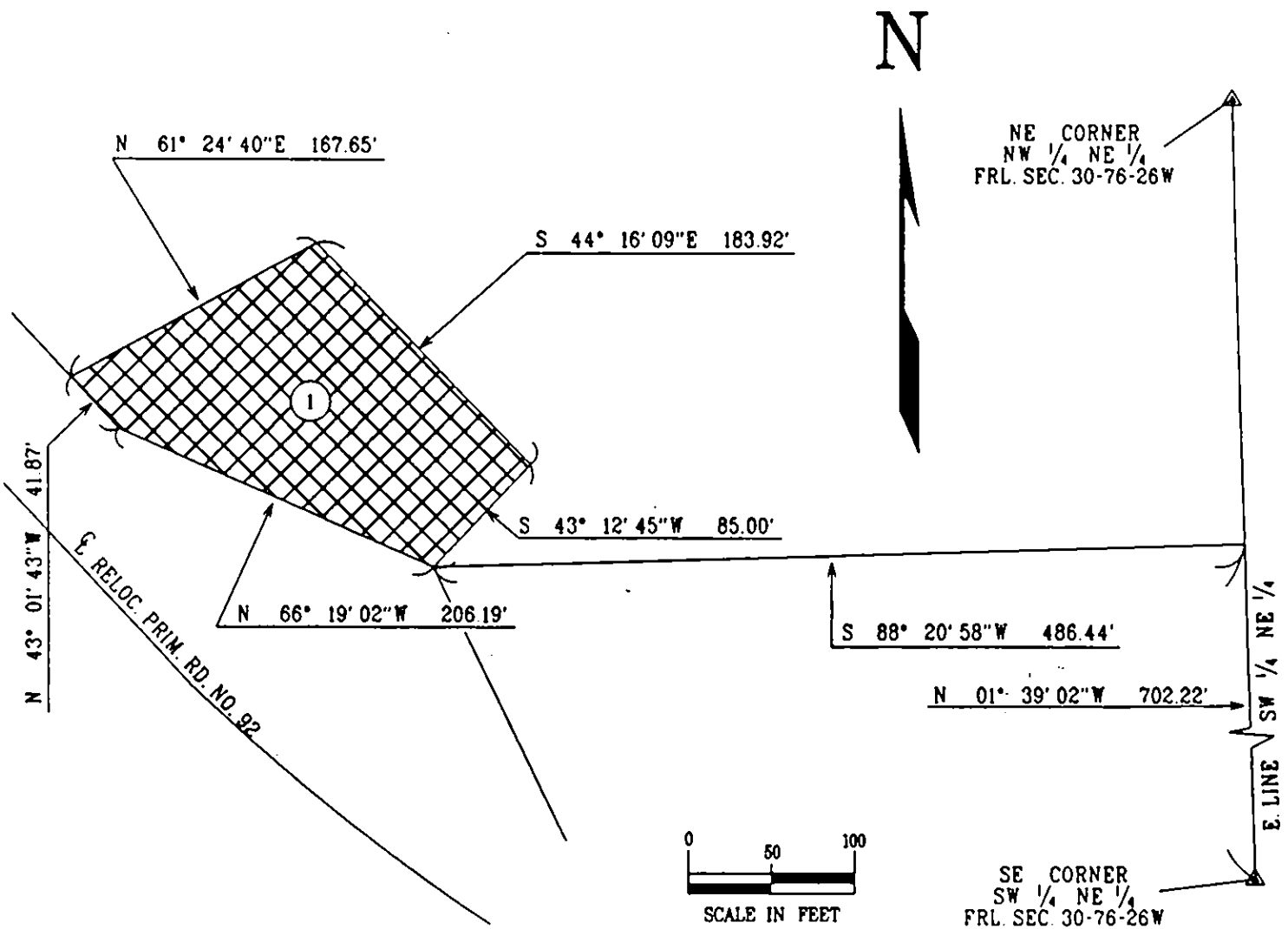


IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 47
SECTION 30 TOWNSHIP 76 N RANGE 26 W
BORROW AC
ACQUIRED FROM THOMAS E. HELMS, ET UX

① TEMPORARY EASEMENT TO CONSTRUCT ENTRANCE



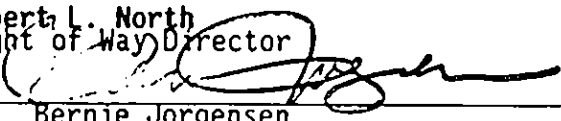
40

That such condemnation is sought for the improvement and/or the maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B of the Code of Iowa and all amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed.

You are further notified that the Commissioners will report to the Sheriff's Office in Winterset, Iowa, at 9:30 o'clock a.m. on the 12th day of December, 1995 and will view your property at approximately 10:10 o'clock a.m. on the same day, they will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

IOWA DEPARTMENT OF TRANSPORTATION
Special Assistant Attorney General and Counsel

Robert L. North
Right of Way Director
By 
Bernie Jorgensen
Condemnation Unit Coordinator
Iowa Department of Transportation
Ames, Iowa 50010

ACCEPTANCE OF SERVICE

I accept service of the above notice, I acknowledge receipt of a copy, and I waive time of service and any requirements that such notice be published in a newspaper.


Dated at _____, this _____ day of _____, 19__.

STATE OF IOWA }
COUNTY OF MADISON } ss:

Received the within notice the 1st day of November, 1995 and I hereby certify that I have served to each person named below by delivering a true copy of the same to each person at the time and place set opposite their respective names:

NAME	DATE	CITY OR TOWN	COUNTY	STATE
Thomas E. Helms	November 6, 1995	Crawford Township	Madison	Iowa
Barbara E. Helms	November 6, 1995	Crawford Township	Madison	Iowa

Fees:
Service \$ 15.00
Mileage \$ 4.05
Total \$ 19.05


Deputy Sheriff of Madison County, Iowa

RETURN OF SERVICE

FORM 141-Q June 1989

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

Case Name DOT VS HELMS

Case No. FM-92-4(15)--21-61 "B"

Notice Rec'd this date November 1, 1995

STATE OF IOWA
MADISON County ss.

RETURN OF SERVICE:

- Personal
Dwelling/Substitute
Hotel, Boarding/Rooming House
Corporation/Association
Official (State, County, City)
Spouse away from residence
Other

Table with 2 columns: Type of Service Code (1-7)

I certify that I served a copy of:

- Petition and Original Notice
Modification/Application and Notice
Order to Show Cause

- Order Filed
Writ
Other Condemnation Notice

Served:

Table with 4 columns: (Name), (Address), (Date), Type Code

by serving (Name) at (Address) on (Date) (a person residing therein who was then at least 18 years old) or (Spouse away from residence). (Strike non-applicable part.)

MADISON COUNTY, IOWA by serving Joan Welch 5
Auditor on November 6, 1995 at Madison County Courthouse Winterset, Iowa

NOTE: (Diligent Search, etc.)

Signature of Paul D. Welch, Sheriff
Paul D. Welch
Madison County, Iowa
Official Title

FEEES:

Table with 2 columns: Fee Type (Processing, Mileage, Copy, Notary, TOTAL) and Amount (\$ 10.00, \$ 2.70, \$, \$, \$ 12.70)

Fees charged to/paid by Atty/Party:

IOWA DEPARTMENT OF TRANSPORTATION

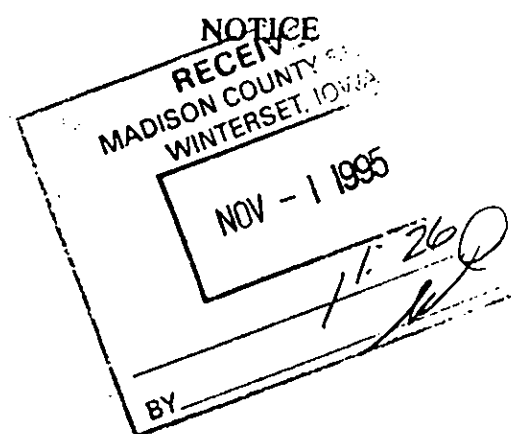
NOTE: Copy of Original Notice, if served, must be attached to this form.

4666

42

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

Relocated Primary Road No. 92 in
and west of the City of Patterson
located in Madison County, Iowa
Project No. FN-92-4(15)--21-61
Group "B"



TO:
Florence L. Benshoof, also known as Florence Lucille Benshoof, 1122 11th Avenue, DeWitt, Iowa
Howard L. Benshoof, 1122 11th Avenue, DeWitt, Iowa
Ted Benshoof, 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:

Part of the NW 1/4 SW 1/4 of Sec. 29, T76N, R26W of the 5th P.M., in the City of Patterson, Madison County,
Iowa.

You, and each of you, are hereby notified that the State of Iowa and the City of Patterson, Iowa, desire 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" 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 for the use and benefit of the State of Iowa is in
land described as follows:

A parcel of land located in the NW 1/4 SW 1/4 of Sec. 29, T76N, R26W of the 5th P.M., in the City of Patterson,
Madison County, Iowa, as shown on the plat Exhibit "A" (1 of 2) attached hereto and by reference made a part
hereof.

Madison County Project No. FN-92-4(15)--21-61
Florence L. Benshoof, et vir (Parcel 51)
Continued on next page.

Said parcel is described as follows:

Beginning at the W $\frac{1}{4}$ Corner of said Sec. 29; thence N83° 19'49"E, 543.47 ft. along the north line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 29 to a point on the present centerline of Primary Road No. 92; thence N86° 32'16"E, 250.69 ft. along said present centerline; thence southeasterly 537.82 ft. along said centerline on an 1145.92 foot radius curve, concave southerly and having a chord bearing S80° 01'00"E, 532.90 ft. to a point on the east line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 29; thence S1° 41'11"E, 194.81 ft. along said east line; thence northwesterly 80.32 ft. along a 1382.89 foot radius curve, concave southerly and having a chord bearing N69° 16'35"W, 80.31 ft.; thence N29° 15'34"W, 95.12 ft.; thence northwesterly 352.23 ft. along a 1447.89 foot radius curve, concave southerly and having a chord bearing N80° 43'20"W, 351.36 ft.; thence S89° 47'30"W, 194.73 ft.; thence S89° 02'42"W, 655.83 ft. to a point on the west line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 29; thence N1° 54'47"W, 52.46 ft. along said west line to the W $\frac{1}{4}$ Corner of said Sec. 29, the Point of Beginning, excepting therefrom present easements of record; containing 1.68 acres, exclusive of said exceptions.

The easement for highway purposes sought to be appropriated for the use and benefit of the City of Patterson, Iowa, is in land described as follows:

A parcel of land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29, T76N, R26W of the 5th P.M., in the City of Patterson, Madison County, Iowa, as shown on the plat Exhibit "A" (2 of 2) attached hereto and by reference made a part hereof.

Said parcel is described as follows:

Commencing at the W $\frac{1}{4}$ Corner of said Sec. 29; thence S1° 54'47"E, 52.46 ft. along the west line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 29 to the Point of Beginning; thence continuing S1° 54'47"E, 182.01 ft. along said west line; thence N87° 59'52"E, 65.95 ft. to a point on the present easterly right of way line of the north-south Local Road along the west line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 29; thence N2° 18'46"E, 181.07 ft. to a point on the southerly line of the land sought by easement for the use and benefit of the State of Iowa and shown on the plat Exhibit "A" (1 of 2); thence S89° 02'42"W, 79.30 ft. along said southerly line and the westerly extension thereof to the west line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 29, the Point of Beginning, excepting therefrom present easements of record; containing 0.03 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.

667

43

Madison County Project No. FN-92-4(15)--21-61
Florence L. Benshoof, et vir (Parcel 51)

Page 3

2. The State of Iowa shall have a right of temporary easement, for the specific purpose of constructing a dike, 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 NE Corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 29; thence S83°19'49"W, 227.74 ft. along the north line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence S6°40'11"E, 202.02 ft. to a point on the southerly line of said land sought by easement for the use and benefit of the State of Iowa, the Point of Beginning; thence southeasterly 94.76 ft. along said southerly line on a 1447.89 foot radius curve, concave southwesterly and having a chord bearing S75°37'41"E, 94.75 ft.; thence S29°15'34"E, 95.12 ft. along said southerly line; thence N70°37'34"W, 159.19 ft.; thence N12°29'49"E, 55.00 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 a dike 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
Florence L. Benshoof, et vir (Parcel 51)

Page 3

CSB Prepaid
Receipt # 88



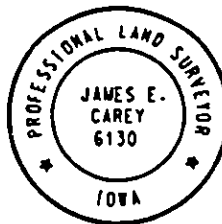
IOWA DEPARTMENT OF TRANSPORTATION

ACQUISITION PLAT EXHIBIT 'A' (1 OF 2)

COUNTY MADISON STATE CONTROL NO. 61-0600
 PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 51
 SECTION 29 TOWNSHIP 76 N RANGE 26 W
 ROW-FEE _____ AC. EASE 1.68 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM FLORENCE L. BENSHOOF, ET VIR

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.

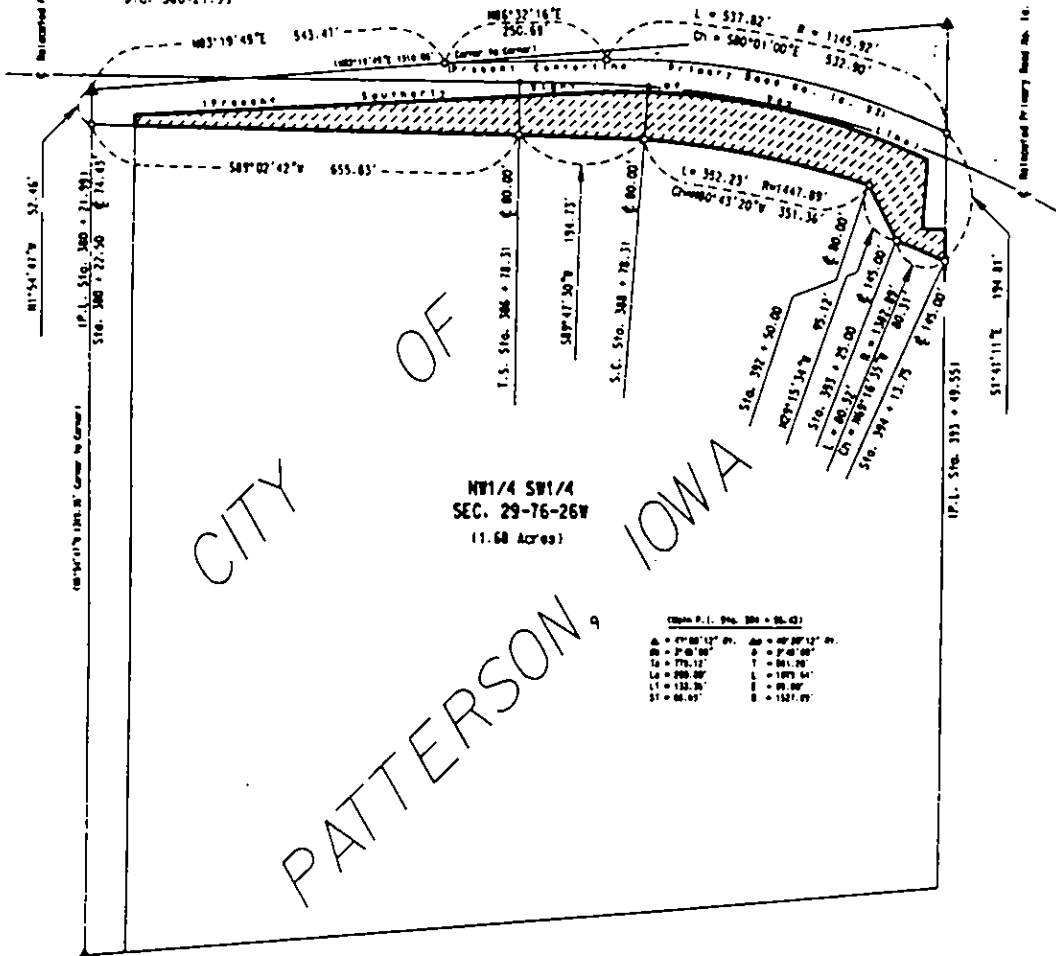
Signature: James E. Carey
 Date: September 23, 1995, Reg. No. 6130
 My Registration Expires on December 31, 1996



Not to be used for any other purpose than that for which it was prepared.

W1/4 CORNER
 SEC. 29-76-26W
 (Found Capped Iron Pin)
 is S1°39'31"E 21.98' from
 Sta. 340+21.99

NE CORNER
 NW1/4 SW1/4
 SEC. 29-76-26W
 (Found Iron Pin)
 is N1°41'11"W 204.84' from
 P.O.C. Sta. 393+49.55



SW CORNER
 NW1/4 SW1/4
 SEC. 29-76-26W
 (Set Capped Iron Pin)

Curve P.I.	Sta.	Sta. + (Ch. Ch.)
A	47+00.12'	48+00.12'
B	77+00.00'	78+00.00'
C	100+00.00'	101+00.00'
D	130+00.00'	131+00.00'
E	160+00.00'	161+00.00'
F	190+00.00'	191+00.00'
G	220+00.00'	221+00.00'
H	250+00.00'	251+00.00'

669

470

44

Land Professional
Number 6130



IOWA DEPARTMENT OF TRANSPORTATION

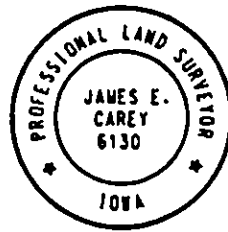
ACQUISITION PLAT EXHIBIT 'A' (2 OF 2)

COUNTY MADISON STATE CONTROL NO. 81-0800
 PROJECT NO. FN-92-4(15)--21-81 PARCEL NO. 51
 SECTION 29 TOWNSHIP 78 N RANGE 28 W
 ROW-FEE _____ AC. EASE 0.03 AC. EXCESS - FEE _____ AC
 ACQUIRED FROM FLORENCE L. BENSHOOF, ET VIR
* ACQUIRED IN THE NAME OF THE CITY OF PATTERSON, IOWA

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.

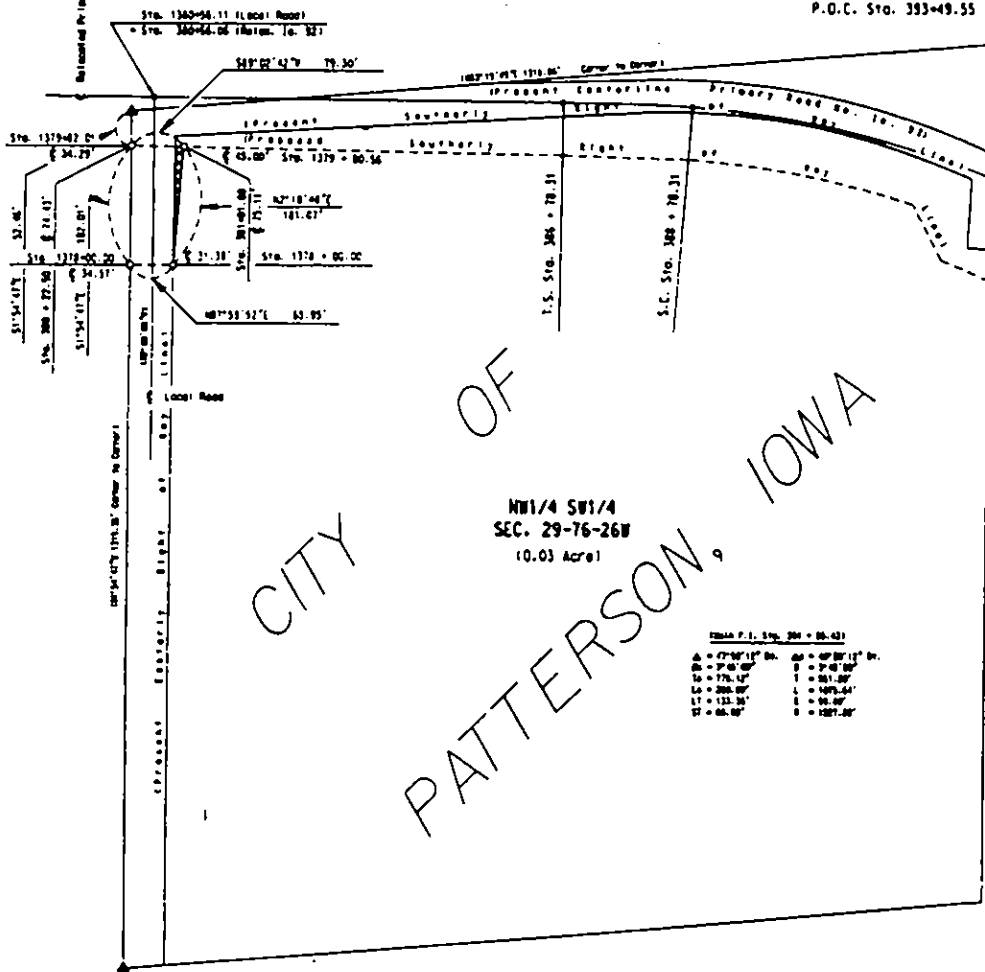
Signature: James E. Carey
 JAMES E. CAREY
 September 23, 1976 Reg. No. 6130

My Registration Renewal date is December 31, 1996



SW 1/4 CORNER
 SEC. 29-76-26W
 (Found Capped Iron Pin)
 is S1°39'31"E 21.98' from
 Sta. 380+21.99

NE CORNER
 NW 1/4 SW 1/4
 SEC. 29-76-26W
 (Found Iron Pin)
 is N1°41'11"W 204.84' from
 P.O.C. Sta. 393+49.55



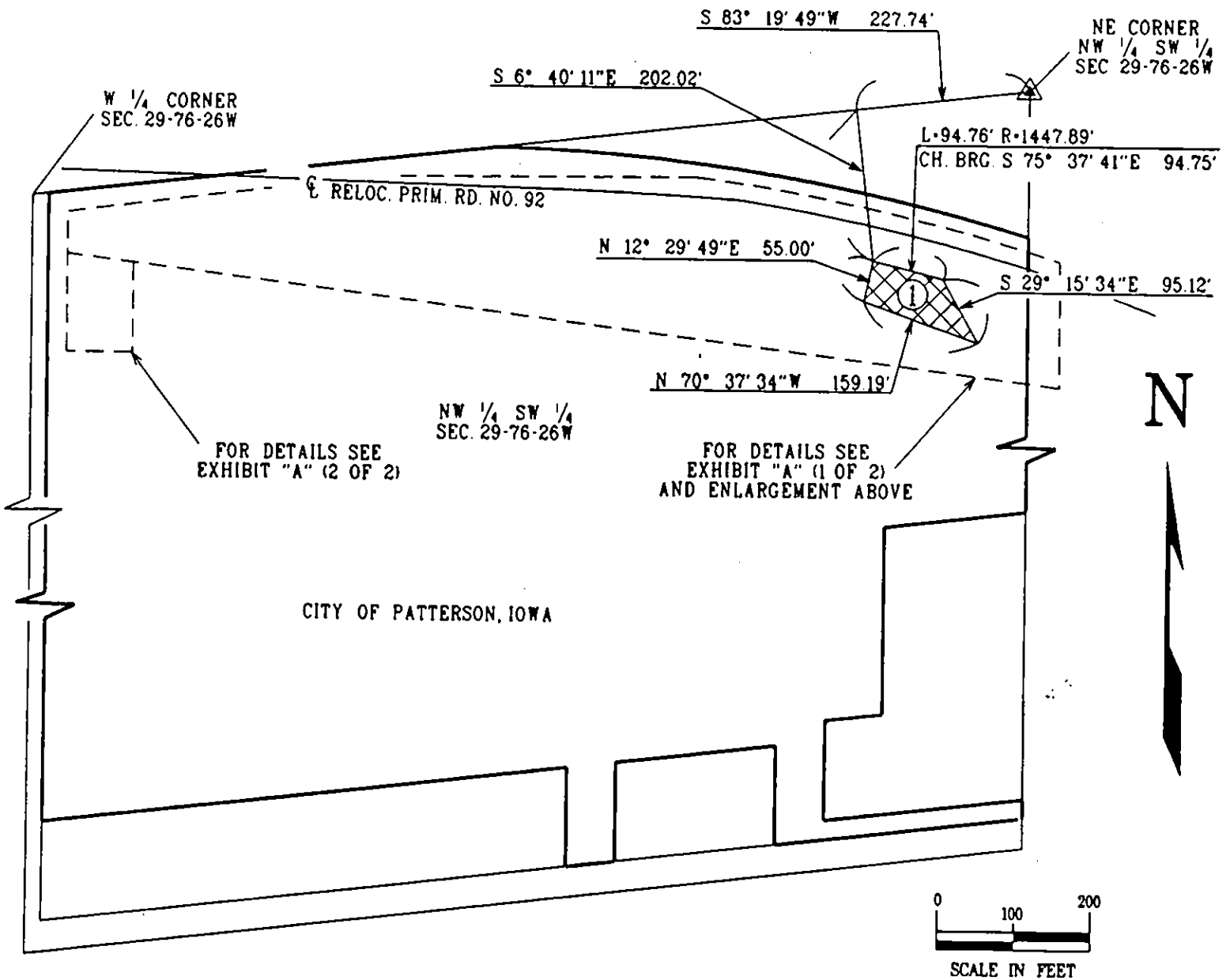
SW CORNER
 NW 1/4 SW 1/4
 SEC. 29-76-26W
 (5" Capped Iron Pin)

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "B"



COUNTY MADISON
PROJECT NO. FN-92-4(15)--21-61 PARCEL NO. 51
SECTION 29 TOWNSHIP 76N RANGE 26W
FEE _____ AC
ACQUIRED FROM FLORENCE L. BENSHOOF, ET VIR

① TEMPORARY EASEMENT TO CONSTRUCT DIKE



672

12/12/95 09:04

3515 986 9435

RYKO PARTS DEPT.

001/001

DEC-12-95 TUE

9:58 MADISON CO. LAW CENTER

15154623684

P.00

45

That such condemnation is sought for the improvement and/or the maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 6A, and 6B of the Code of Iowa and all amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed.

You are further notified that the Commissioners will report to the Sheriff's Office in Winterset, Iowa, at 9:30 o'clock a.m. on the 12th day of December, 1995 and will view your property at approximately 10:20 o'clock a.m. on the same day. They will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

IOWA DEPARTMENT OF TRANSPORTATION

Special Assistant Attorney General and Counsel

Robert L. North
Right of Way Director

By Bernie Jorgensen
Bernie Jorgensen
Condemnation Unit Coordinator
Iowa Department of Transportation
Ames, Iowa 50010

ACCEPTANCE OF SERVICE

I accept service of the above notice, I acknowledge receipt of a copy, and I waive time of service and any requirements that such notice be published in a newspaper.

Dated at Ryko MEG. Co., this 12th day of December, 1995.
Connie Stark

STATE OF IOWA

COUNTY OF MADISON

} ss:

Received the within notice the 12th day of December, 1995, and I hereby certify that I have served to each person named below by delivering a true copy of the same to each person at the time and place set opposite their respective names:

NAME	DATE	CITY OR TOWN	COUNTY	STATE
City of Patterson				
by faxing a copy to:				
Connie Stark, City Clerk				
of Patterson	121295	Grimes, Iowa	Polk	Iowa

Fees:
Service \$ 10.00
Mileage \$ _____
Total \$ 10.00

Deputy

Sheriff of Ken Burk
Madison

County Iowa

47.

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

AFFIDAVIT OF FINAL OFFER

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

Parcel No. 41

On this the 12 day of December, 1995, comes the Iowa Department of Transportation and states, as by law provided, that the most recent offers made the owners lienholders, encumbrances and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant in the Notice of Condemnation filed in the above matter are as follows:

(Names as on Notice)

\$ 10,875⁰⁰

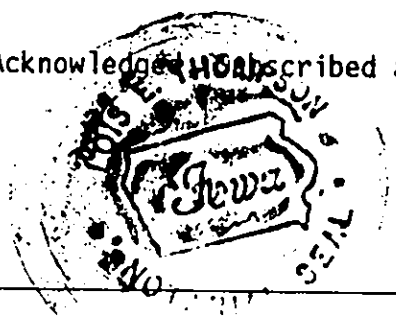
- Howard L. Benshoof
- Florence L. Benshoof
- Ted Benshoof
- U.S. West Communications, Inc.
- Midwest Power Systems, Inc.
- Madison County Treasurer

IOWA DEPARTMENT OF TRANSPORTATION

Robert H. North
Right of Way Director

By: [Signature]
Condemnation Agent

Acknowledged, subscribed and sworn to before me this 12th day of December 1995.



[Signature]

(Notary Public)
in and for said County and State
(Clerk of Court)

Filed in my office at Winterset, Iowa, this 12th day of December 1995.

[Signature]

Paul Welch
Sheriff of Madison County, Iowa

18

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

AFFIDAVIT OF FINAL OFFER

Relocated Primary Road No. 92 in and west
of the City of Patterson
located in Madison County, Iowa

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

Parcel No. 47

On this the 12 day of December, 1995, comes the Iowa Department
of Transportation and states, as by law provided, that the most recent offers made the
owners lienholders, encumbrances and other persons interested in the appropriation of
certain specified rights in certain land as described by the Applicant in the Notice of
Condemnation filed in the above matter are as follows:

(Names as on Notice)

\$ 8,050.00

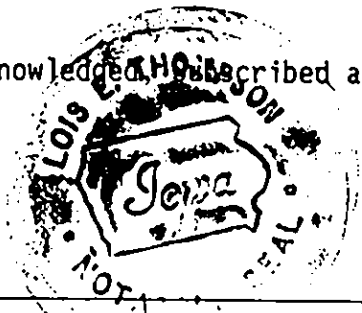
Thomas E. Helms
Barbara E. Helms
Madison County Treasurer

IOWA DEPARTMENT OF TRANSPORTATION

Robert L. North
Right of Way Director

By: [Signature]
Condemnation Agent

Acknowledged, subscribed and sworn to before me this 12th day of December, 1995.



[Signature]

(Notary Public)
in and for said County and State
(Clerk of Court)

Filed in my office at Winterset, Iowa, this 12th day of December, 1995.

[Signature]
Paul Welch
Sheriff of Madison County, Iowa

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

AFFIDAVIT OF FINAL OFFER

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

Parcel No. 51

On this the 12 day of December, 1995, comes the Iowa Department of Transportation and states, as by law provided, that the most recent offers made the owners lienholders, encumbrances and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant in the Notice of Condemnation filed in the above matter are as follows:

(Names as on Notice) \$ 4000⁰⁰

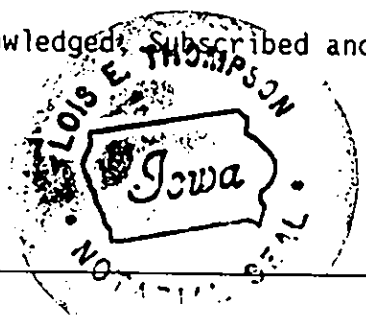
Florence L. Benshoof
Howard L. Benshoof
Ted Benshoof
Madison County Treasurer

IOWA DEPARTMENT OF TRANSPORTATION

Robert L. North
Right of Way Director

By: [Signature]
Condemnation Agent

Acknowledged, subscribed and sworn to before me this 12th day of December, 1995.



[Signature]

(Notary Public)
in and for said County and State
(Clerk of Court)

Filed in my office at Winterset, Iowa, this 12th day of December, 1995.

[Signature]
Paul Welch
Sheriff of Madison County, Iowa

50

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

REPORT OF COMPENSATION COMMISSION

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

TO: Paul Welch, Sheriff of Madison County, Iowa

We, the undersigned, being duly appointed and qualified Commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrances and other persons interested in the appropriation of certain specified rights as set forth and described in the Notice of Condemnation filed in the above entitled matter respectfully report as follows:

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
PARCEL 41 - Howard L. Benshoof; Florence L. Benshoof; Ted Benshoof; U.S. West Communications, Inc.; Midwest Power Systems, Inc.; Madison County Treasurer	\$	\$	\$X18844-	\$ 300 ⁰⁰
PARCEL 47 - Thomas E. Helms; Barbara E. Helms; Madison County Treasurer	\$	\$ Well Considered	\$X 18655 ⁰⁰	\$ 500 ⁰⁰
	\$	\$	\$ (18655 ⁰⁰)	\$

Respectfully reported at Winterset, Iowa, this 12 day of Dec, 1995.

Signatures of commissioners: Jim Price, Tom Price, Donald Noack, Chester Hayward, Raymond Clark.

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Winterset, Iowa, this 16th day of Dec, 1995. Paul B. Welch, Sheriff

Paul Welch Sheriff of Madison County, Iowa

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

ENDORSEMENT OF SHERIFF
OF MAILING OF NOTICE OF
APPRAISEMENT OF DAMAGES
AND TIME FOR APPEAL

Relocated Primary Road No. 92 in and west
of the City of Patterson
located in Madison County, Iowa

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

The undersigned hereby endorse and certify that a true copy of the Notice of Appraisement of Damages and Time for Appeal was served upon each of the parties of this proceeding, as listed herein, by enclosing said Notice in an envelope addressed to each such party at their respective last known mailing address as disclosed by the record in the Application to the Chief Judge (excepting those parties, if any, listed below), with postage prepaid, and by depositing said envelope in a United States Post Office depository

in Wasson, Iowa, on the 16 day of

Dec, 19 61 *Paul D Welch, Sheriff*

Paul Welch
Sheriff of Madison County, Iowa

51

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

REPORT OF COMPENSATION COMMISSION

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

TO: Paul Welch, Sheriff of Madison County, Iowa

We, the undersigned, being duly appointed and qualified Commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrances and other persons interested in the appropriation of certain specified rights as set forth and described in the Notice of Condemnation filed in the above entitled matter respectfully report as follows:

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
PARCEL 51 - Florence L. Benshoof; Howard L. Benshoof; Ted Benshoof; Madison County Treasurer	\$	\$	\$ 7695	\$ 300
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

Respectfully reported at Winterset, Iowa, this 12 day of Dec, 19 95.

Jim Kress
Tom [unclear]
Donald O. Noack

Raymond Clark
Chester Raymond

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Winterset, Iowa, this 12 day of Dec, 19 95.

Paul D Welch, Sheriff
Paul Welch
Sheriff of Madison County, Iowa

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

ENDORSEMENT OF SHERIFF
OF MAILING OF NOTICE OF
APPRAISEMENT OF DAMAGES
AND TIME FOR APPEAL

Relocated Primary Road No. 92 in and west
of the City of Patterson
located in Madison County, Iowa

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

The undersigned hereby endorse and certify that a true copy of the Notice of Appraisement of Damages and Time for Appeal was served upon each of the parties of this proceeding, as listed herein, by enclosing said Notice in an envelope addressed to each such party at their respective last known mailing address as disclosed by the record in the Application to the Chief Judge (excepting those parties, if any, listed below), with postage prepaid, and by depositing said envelope in a United States Post Office depository in Waukegan, Iowa, on the 12 day of

Dec, 1961 *Paul D. Welch, Sheriff*

Paul Welch
Sheriff of Madison County, Iowa

52

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

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

Parcel No. 41

TO:	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Howard L. Benshoof;	\$ _____	\$ _____	\$ 18,844 ⁰⁰	\$ 300 ⁰⁰
Florence L. Benshoof;	\$ _____	\$ _____	\$ _____	\$ _____
Ted Benshoof;	\$ _____	\$ _____	\$ _____	\$ _____
U.S. West Communications, Inc.;	\$ _____	\$ _____	\$ _____	\$ _____
Midwest Power Systems, Inc.;	\$ _____	\$ _____	\$ _____	\$ _____
Madison County Treasurer	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____	\$ _____

NOTE:

If Owner-Occupied Dwelling is acquired: Value of Condemnees' Dwelling \$ _____ Value of Land and Improvements other than Condemnees' Dwelling \$ _____

You and each of you are hereby notified that on the 12th day of December, 19 95, the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to the Code of Iowa, you may within (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Signed this 12th day of December, 19 95 Paul D. Welch, Sheriff

Paul Welch Sheriff of Madison County, Iowa

53

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

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

Parcel No. 47

TO:	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Thomas E. Helms;	\$	\$	\$ 18,655 ⁰⁰	\$ 500 ⁰⁰
Barbara E. Helms;	\$	\$ well considered		\$
Madison County Treasurer	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

NOTE:

If Owner-Occupied Dwelling is acquired: Value of Condemnees' Dwelling \$ Value of Land and Improvements other than Condemnees' Dwelling \$

You and each of you are hereby notified that on the 12th day of December 19 95, the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to the Code of Iowa, you may within (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Signed this 12th day of December 19 95 Paul B Welch Sheriff

Paul Welch Sheriff of Madison County, Iowa

54

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

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

Relocated Primary Road No. 92 in and west of the City of Patterson located in Madison County, Iowa

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

Parcel No. 51

TO:	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Florence L. Benshoof;	\$	\$	\$ 769 ⁰⁰	\$ 300 ⁰⁰
Howard L. Benshoof;	\$	\$	\$	\$
Ted Benshoof;	\$	\$	\$	\$
Madison County Treasurer	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

NOTE:

If Owner-Occupied Dwelling is acquired: Value of Condemnees' Dwelling \$ Value of Land and Improvements other than Condemnees' Dwelling \$

You and each of you are hereby notified that on the 12th day of December 19 95, the duly appointed and qualified commissioners assessed and appraised the damages, sustained by reason of the condemnation as set out above, and that pursuant to the Code of Iowa, you may within (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Signed this 12th day of December 19 95 Paul D. Welch, Sheriff

Paul Welch Sheriff of Madison County, Iowa

55



Iowa Department of Transportation

800 Lincoln Way, Ames, Iowa 50010 (515) 239-1213

October 31, 1995
Madison County Recorder
Madison County Courthouse
Winterset, IA 50273

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
NOV 13 1995
8.42
h

Dear Recorder:
RE: Madison County Condemnation FN-92-4(15)--21-61 "B"

Enclosed is the original Certified Application for Condemnation which has been approved by the Chief Judge. In accord with Sec. 6B.3(7) the Iowa Department of Transportation is to file the original approved Application with the County Recorder in the manner required under Section 6B.37.

Please file and index this Application in the record of deeds.

Also, please complete and sign the following statement and promptly return this letter to the undersigned in the self-addressed stamped envelope provided.

STATE OF IOWA }
COUNTY OF MADISON }

I, MARLENE LITNER, Recorder of MADISON County, do hereby certify that the original certified approved Application for Condemnation was filed in my office on the 12 day of NOVEMBER, 1995, and is RECORDED IN BOOK 135, ON PAGES 115, of the records of said county, as provided by law.

* I certify that the fee for recording of these papers is in the amount of \$6.00 and that said amount is legally payable and that the claim is correct and just and that payment has not been received.

[Signature]
County Recorder

If you have any questions regarding the above, please contact this office at (515) 239-1029. Thank you for your cooperation in this matter.

Sincerely,

ROBERT L. NORTH
Right of Way Director

[Signature]

Bernie Jorgensen
Condemnation Supervisor
Office of Right of Way

Enclosures

56

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

THOMAS R. HELMS and	:	
BARBARA R. HELMS,	:	
	:	
Plaintiffs-Appellants,	:	
	:	
vs.	:	
	:	NOTICE OF APPEAL
IOWA DEPARTMENT OF TRANSPORTATION,	:	
And, MADISON COUNTY, IOWA,	:	
	:	
Defendants.	:	

TO.....IOWA DEPARTMENT OF TRANSPORTATION, Defendant; MADISON COUNTY, IOWA, Defendant; and PAUL WELCH, Sheriff of Madison County, Iowa:

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the above-named Plaintiffs-Appellants hereby appeal to the District Court aforesaid the award made to the Plaintiffs-Appellants by the Compensation Commission on December 12, 1995, as damages for the Defendant's taking of the following-described real estate, to-wit:

A permanent easement for highway purposes:

A parcel of land located in the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Fractional Section Thirty (30), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, more particularly described as: Commencing at the Southeast corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of said Fractional Section Thirty (30), thence North 1° 39' 02" West 160.97 feet along the east line of said Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) to a point on the former centerline of Primary Road No. 92, the Point of Beginning, thence northwesterly 531.58 feet along said former centerline on an 1145.92 foot radius curve, concave northeasterly and having a chord bearing North 56° 21' 49" West 526.82 feet, thence North 43° 04' 27" West 404.42 feet along said former centerline, thence North 46° 55' 33" East 33.09 feet to the point on the present northeasterly right of way line of Primary Road No. 92; thence South 66° 19' 02" East 206.19 feet, thence South 37° 04' 34" East 238.93 feet, thence southeasterly 393.31 feet along a 1427.89 foot radius curve, concave northeasterly and having a chord bearing South 64° 12' 21" East 392.06 feet to a point on the east line of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of said Section Thirty (30); thence South 1° 39' 02" East 165.85 feet along said east line to a point on the former centerline of Primary Road No. 92, the Point of Beginning; excepting therefrom present easements of record, containing 1.14 acres, exclusive of said exceptions;

685

And, the temporary easement for the specific purpose of constructing an entrance on the land described as follows:

Commencing at the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Fractional Section Thirty (30); thence North 1°39'02" West 702.22 feet along the east line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$); thence South 88°20'58" West 486.44 feet to a point on the northeasterly line of the land sought by easement for highway purposes, the Point of Beginning; thence North 66°19'02" West 206.19 feet along said northeasterly line to a point on the present northeasterly right of way line of Primary Road No. 92, thence North 43°01'43" West 41.87 feet along said present northeasterly right of way line; thence North 61°24'40" East 167.65 feet; thence South 44°16'09" East 183.92 feet; thence South 43°12'45" West 85.00 feet to the Point of Beginning.

Said appeal will come on for hearing before this Court which convenes and is held at Winterset, Madison County, Iowa, as by law provided.

JORDAN, OLIVER & WALTERS, P.C.

By 

Lewis H. Jordan ()
Farmers & Merchants Bank Bldg.
Post Office Box 230
Winterset, IA 50273
Telephone: 515/462-3731
ATTORNEYS FOR PLAINTIFFS-APPELLANTS.

581

ACCEPTANCE OF SERVICE

Paul Welch, Madison County Sheriff, hereby accepts due, timely and legal service of the within and foregoing Notice of Appeal.

Dated at Winterset, Iowa, this 05 day of January, 1926.

1407
PWS



Sheriff of Madison County, Iowa