OFFICE OS

## Sheriff of Madison County

# PAUL D. WELCH, SHERIFF LARRY B. ZEUTENHORST, CHIEF DEPUTY PHONE: (515) 462-3575 1012 N. JOHN WAYNE DRIVE • WINTERSET, IOWA 50273



	· ·
IN THE MATTER OF THE . )	
CONDEMNATION OF EASEMENT )	SHERIFF'S FILING OF RECORD Q14
RIGHTS IN LAND BY MIDAMERICAN )	SHERIFF'S FILING OF RECORD 914
ENERGY COMPANY, TO CONSTRUCT, )	BOOK 136 PAGE 662
OPERATE AND MAINTAIN A 345 kv )	,
ELECTRIC TRANSMISSION LINE IN )	96 OCT -2 AM 10: 25
MADISON COUNTY, IOWA	R.M.F. <b>\$</b> -2
TO: MICHELLE UTSLER, MADISON COUNTY RECORDER	MAINSUN COURT INO TO
PLEASE FIND ATTACHED THE FOLLOWING PAPERS REC	
WHICH WAS HELD IN MY OFFICE ON THE 29th	DAY OF SEPTEMBER, 1996: COMPARED
A CERTIFIED COPY OF THE APPLICATION FOR ALL NOTICES, TOGETHER WITH ALL RETURNS OR ATTACHED TO THE RETURNS; ALL OTHER PAPERS FILED WITH THE SHERIF	F IN THE PROCEEDINGS
I FURTHER CERTIFY THAT I HAVE IN MY POSSESSI AMOUNT OF \$400.00, PAYABLE TO WILLIAM C. APPLICATION FOR CONDEMNATION WAS FILED WITH OF MAY, 1996, IN BOOK NUMBER 136 WERE RECEIVED FROM MIDAMERICAN ENERGY.	AIRI DOROTHI GOMEGOL
MAD	ISON COUNTY, IOWA SHERIFF
STATE OF IOWA )	
) SS	
MADISON COUNTY )	1.
ON THIS DAY OF OFFICE OF IOWA, PERSONALLY APPEARED TO BE THE PERSON NAMED IN AND WHO EXECUTED THAT HE EXECUTED THE SAME AS HIS VOLUNTARY	, 1996, BEFORE ME, A NOTARY PUBLIC  PAUL D. WELCH, SHERIFF TO ME KNOWN  THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED  ACT AND DEED.
Jowa Jorannia	LOIS E. THOMPSON, NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

FILED NO. 2998 BOOK 136 PAGE 205

96 HAY -2 AH II: 09

MICHELLE UTSLER RECORDER MADISON COUNTY, 10WA

IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

PECORDED COMPARED

# APPLICATION TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT FOR CONDEMNATION AND FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

COMES NOW MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc., sometimes hereinafter the "Applicant" or "MidAmerican", pursuant to Iowa Code § 6B.3 (1995) and hereby makes application for the appointment of a Commission to appraise damages to real estate hereinafter described and, in support thereof and in connection therewith, states as follows:

- 1. MidAmerican Energy Company is an Iowa corporation with its principal place of business at 666 Grand Avenue, Des Moines, Iowa 50309. MidAmerican is an investor-owned public utility incorporated under the laws of the State of Iowa, and is the corporate successor by merger to Midwest Power Systems Inc. (hereinafter "Midwest Power").
- 2. On March 9, 1993, the Iowa Utilities Board issued to Midwest Power a Decision and Order in Docket Nos. E-21043, E-21044, and E-21045, in which the Iowa Utilities Board granted Midwest Power the power of eminent domain over certain real property, including that property sought to be condemned herein. Said power of eminent domain is reflected in the Franchise issued to Midwest Power on March 31, 1993, a copy of which is attached hereto as Attachment "A." The power of eminent domain granted to Midwest Power by the Iowa Utilities Board is now vested in MidAmerican as a result of the merger of Midwest Power into MidAmerican.
- 3. MidAmerican seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width upon, over, along, across and through the real estate hereinafter set forth to construct, reconstruct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communications purposes, and any poles, structures, foundations, and other equipment incidental thereto. MidAmerican shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners and other affected persons may

DEED RECORD 136

continue to use and enjoy the grounds within the easement areas, but subject to MidAmerican's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip.

- 4. The easement rights of MidAmerican to be acquired pursuant to this Application and the resultant assessment of damages shall be and are limited to the following:
- (a) That MidAmerican will pay for any damages to crops, fences, or other property caused by the construction of the line, and will also pay for damages to growing crops caused by the inspection repair, replacement, removal, maintenance or operation of MidAmerican's facilities on the land described above; provided, however, that MidAmerican shall have the right (without liability for damages) from time to time after initial construction of the transmission line to re-clear the right-of-way by trimming and removing therefrom trees, brush, other vegetation, and other obstructions that may, in MidAmerican's judgment, interfere with MidAmerican's use of the easement strip.
- (b) That MidAmerican will restore the surface of all disturbed areas on said land to its original condition as nearly as practicable and will replace or rebuild to the reasonable satisfaction of the owner or of his representatives any and all damaged portions of all drainage or irrigation systems, the damage to which shall have been occasioned by the construction, maintenance, operation, repair, inspection, replacement, or removal of said transmission line through the acquired right-of-way.
- 5. The rights sought and the resultant assessment of damages are subject to the requirements of the Code of Iowa, as may be amended from time to time, which shall be separately and subsequently settled and paid following construction.
- 6. Exhibit "B" attached hereto, and by this reference made a part hereof, is a list showing and describing all property affected or sought to be condemned in Madison County by MidAmerican. Such property is located outside the limits of any city and should be appraised as agricultural.
- 7. Exhibit "C" attached hereto, and by this reference made a part hereof, is a plat specifically describing the property affected or sought to be condemned in Madison County by MidAmerican. The plat further shows the location of the right-of-way with reference to such description and the names of all record owners of the tract of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such land, together with the place of residence of all such persons so far as known to MidAmerican.

9. MidAmerican has been unable to secure the described rights in said real estate by purchase and conveyance and, therefore, requests the appointment of a commission to appraise damages.

WHEREFORE, MidAmerican Energy Company hereby requests the appointment of a compensation commission to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrances, or other persons interested therein will sustain by reason of the appropriation of the easement rights for the purposes herein stated, and make their report to the Sheriff as provided by law, all in accordance with the terms and provisions of Iowa Code Chapter 6B, as amended.

Dated this 30 day of April, 1996.

MIDAMERICAN ENERGY COMPANY

By:

David J. Lynch

MidAmerican Energy Company

666 Grand Avenue

P.O. Box 657

Des Moines, IA 50303

Telephone: 515/281-2379

ATTORNEY FOR APPLICANT MIDAMERICAN ENERGY COMPANY

Applicant approved this \_\_\_\_\_ day of \_\_\_\_\_\_, 1996.

CHIEF JUDGE, 5th JUDICIAL DISTRICT OF IOWA

-3-

#### CERTIFICATION

STATE OF IOWA )
OFFICE OF THE )
UTILITIES BOARD )

I, Raymond K. Vawter, Jr., Executive Secretary of the Utilities Board, hereby certify that the attached is a true and correct copy of Franchise No. 17051, Docket No. E-21043, granted by the Board on the 31st day of March, 1993, to Midwest Power, a division of Midwest Power Systems, Inc., f/k/a Iowa Power, Des Moines, Iowa, for the construction, operation, and maintenance of an electric transmission line in Madison County.

IN TESTIMONY WHEREOF, witness my signature and seal of the Utilities Board at Des Moines, Iowa, this <u>31st</u> day of March, 1993.

Executive Secretary
UTILITIES BOARD

EXHIBIT A

Docket No. E-21043 Franchise No. 17051

#### FRANCHISE

WHEREAS, on the 4th day of June, 1991, the Midwest Power, a division of Midwest Power Systems, Inc., f/k/a Iowa Power, Des Moines, Iowa, which is authorized to transact business in the State of Iowa, filed a petition with the Utilities Division of the Department of Commerce, for franchise to erect, maintain and operate 7.80 miles of 362,250-volt transmission line as provided in and under the provisions of IOWA CODE Chapter 478 (1993). Upon notice in accordance with the provisions of said statute, the Board found that the application should be granted and that a franchise should be issued to applicant.

Pursuant to the order of this Board and pursuant to the provisions of the said IOWA CODE Chapter 478 (1993), this franchise is issued and permission and authority thereunder are hereby granted unto the above named applicant to erect, maintain and operate a transmission line on routing as specifically described herein for the transmission, distribution, use and sale of electric current outside of cities and towns, and for such purpose to erect, use and maintain poles, wires, guy wires, towers, cables, conduits and other fixtures and appliances necessary for conducting electric current for light, heat and power, over, along and across any public lands, highways, streams, or the lands of any person, company or corporation, and to acquire necessary interest in real estate for such purposes, on and along the route particularly described to-wit:

(Insert attached legal description)

Docket No. E-21043 Franchise No. 17051

#### Page 2

This franchise is granted and issued for a period of twenty-five years from and after the date hereof unless sooner revoked, modified or terminated as provided by law, and it is expressly stated herein that this franchise shall be subject to and governed by all the provisions, conditions and requirements of IOWA CODE Chapter 478 (1993) and by all of the provisions, rules and regulations of the Utilities Board, insofar as the same may be applicable. Provided, however, should the facilities herein authorized not be built in whole or in part within two years from the date hereof, this franchise shall be void, and of no further force or effect.

During the period of time this franchise is in force the holder hereof is vested with the right of eminent domain to such extent as may be necessary and as prescribed and approved by the Utilities Board in its Order granting this franchise.

It is provided and understood that this franchise is granted subject to the provisions of IOWA CODE § 319.5 (1993).

It is further provided and is a condition of this franchise that the Utilities Board retains jurisdiction and may at any time hereafter and during the period of this franchise make such further orders and regulations as may be necessary.

Signed and sealed as provided by law on March 31, 1993.

UTILITIES BOARD

ATTEST:

Executive Secretary

navised December 25, ...

## EXHIBIT A MADISON COUNTY

Maximum operating voltage of 362,250, three phase, wye connected, neutral grounded at source.

The approximate centerline of said transmission line will begin approximately .07 miles west of the Northeast Corner of the Southwest Quarter (SW 1/4) of Section 36, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, also being the point of attachment to a proposed Iowa Power Switching station, thence north across a road into the Northwest Quarter (NW 1/4) of said Section 36 onto private property a distance of approximately .10 miles, thence continuing on private property in a northeasterly direction into the Northeast Quarter (NE 1/4) of said Section 36 a distance of .30 miles to a point that is approximately .05 miles east and .12 miles south of the northwest corner of the Northeast Quarter (NE 1/4) of said Section 36 where it will intersect an existing Iowa Power 161 kV transmission line, thence continuing northeast through said Section 36 and the Southeast Quarter (SE 1/4) of Section 25 a distance of approximately .60 miles to a point that is .17 miles north of the southeast corner of said Section 25, all in the last named township and range.

Beginning approximately .17 miles north of the Southwest Corner of Section 30, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, thence continuing in a northeast direction through said Section 30, and Sections 29, 20, 21, 22, 15, 14, 11, and 12, to a point that is approximately .40 miles south of the Northeast Corner of said Section 12 a total distance of approximately 6.80 miles, all in last named township and range. The continuation of the proposed line into Warren

1

E-21043

Exhibit A Madison County Revised 9-27-91 Page 2

County and Polk County is identified and filed under Dockets No. E-21044 and E-20145 respectively. Said proposed transmission line continues northeast through Warren County and Polk County and will terminate at a proposed substation located near the southeast comer of Des Moines.

The proposed transmission line is to be built along the route of an existing lowa Power owned 161 kV line.

Total distance of proposed line in Madison County is approximately 7.8 miles, and will be on private right-of-way.

9

E-21043

#### MADISON COUNTY CONDEMNATIONS

William C. Johnson Rural Route 1 P. O. Box 106A Winterset, Iowa 50273

#### Easements on Property:

9

Iowa Power & Light Co. (Electrical Supply Line Easement) now MidAmerican Energy Company (Applicant) PO Box 657 Des Moines, Iowa 50303

EXHIBIT 3

DEED RECORD 136

PROPERTY LEGAL DESCRIPTION THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IX TOWNSHIP SEVENT-SEX (16) NORTH, RANGE THENT-SEVEN (27), MEST OF THE STH PM. MADISON COUNTY, IOWA

THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE)

INA) AND THE SOUTHEAST QUARTER (1/4) OF THE WORTHEAST

QUARTER (1/4) IN SECTION THIRTY—SIX (36), TOWESHIP SECRETY—SIX

(16) NORTH, RANGE THEMTY—SECRET (36), MARSHIP SECRETY—SIX

(16) NORTH, RANGE THEMTY—SECRET (27), MEST OF THE STIM PH.

MADISON COUNTY, IONA EXCEPT ONE (1) ACRE OUT OF THE

SOUTHEAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND

EXCEPT A PARCEL OF LIND CONTENCING AT THE NORTHEAST

(16) RANNING THE SOUTHEAST QUARTER (SE (1/4) OF THE

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WORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE WORTHEAST QUARTER (1/4) OF

EASEMENT LEGAL DESCRIPTIONS

THAT PART OF A 150 FOOT MIDE STRIP OF LAND THAT IS WITHIN 15 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 150 FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICALARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NY PROPERTY CORNER, MICH IS ALSO THE NY CORNER OF THE SH I/4 OF THE NI I/4 SECTION 36, TOWNSHIP 76 NORTH, RANGE 27 MEST OF THE STH PH, THENCE SOUTHERLY ALONG THE MEST PROPERTY LINE 115 FEET, MORE OR LESS, THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE, THENCE MESTERLY ALONG THE NORTH PROPERTY LINE 10 FEET MORE OR LESS, TO THE POINT OF PROPERTY LINE 10 FEET MORE OR LESS, TO THE POINT OF THAT PART OF A STRIP OF LAND ISO FEET IN WIDTH ACROSS THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID ISO FOOT STRIP IS HORE PARTICULARLY DESCRIBED AS FOLLOWS. BEGINNING, ALL BEING IN MADISON COUNTY, IOMA,

LEGEND

COMMERCING AT THE IN CORDER OF THE NE I/A OF THE NE I/A OF SECTION 36, T-16K R-27M OF THE 5TM PRINCIPAL MERIDIAN; THEKE SOUTHERY ALONG THE MEST PROPERTY LINE 19 FEET; MORE OR LESS TO THE INTERSECTION OF SAID MEST LINE MITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE, SAID POINT OF INTERSECTION IS THE POINT OF BEGINNING; THEKE KORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET; MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE MICH IS A SO THE POINT ON THE NORTH PROPERTY LINE MICH IS IS IS FEET, MORE OR LESS, EAST OF THE NIX PROPERTY CORDAND ALL BEILD.

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TITLE HOLDER

LINE POLE STRUCTURE ANGLE POLE STRUCTURE

12-21-6

SECTION 36, T-76N, R-27M

SCALE: 1" = 400" DATE: MAY IGGI

#61-2

PROPERTY PLAT

MIDAMERICAN ENERGY COMPANY

APPROVED. CHECKED, RA DRAWN BY, MAYO PROPOSED 345 KY EASEMENT

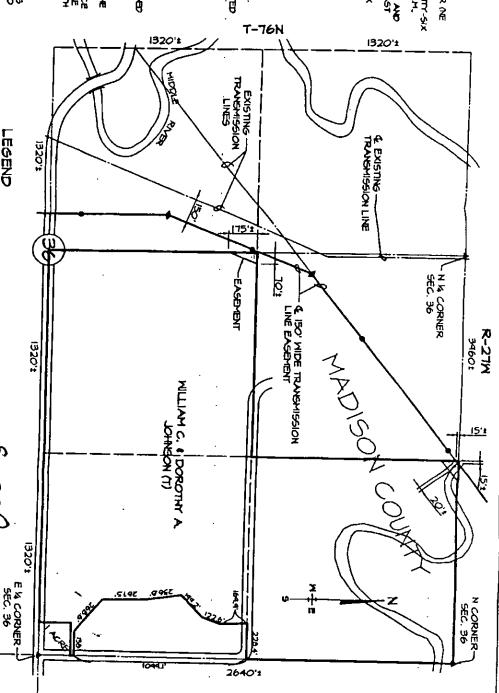
A A SECTION LINE

SECTION CORNER

SECTION LINE & & SECTION LINE

PROPERTY LINE

EXHIBIT C



IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

### CERTIFICATION OF APPROVAL OF APPLICATION BY CHIEF JUDGE

STATE OF IOWA	)
	) ss:
COUNTY OF MADISON	)

I, David J. Lynch, being first duly sworn on oath, depose and state that I am attorney for MidAmerican Energy Systems, Applicant in the above-captioned condemnation proceeding, and that I make the following certifications upon the direction of and on behalf of the Applicant.

I hereby certify that the Application for Condemnation by MidAmerican Energy Systems, has been approved by the Chief Judge for the Fifth Judicial District, which includes Madison County, Iowa, on the day of day of figure 1996.

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

Dated at Des Moines, Iowa this and day of April, 1996.

Subscribed and swom to before me by the said David J. Lynch this 30th day of APAIL

Notary Public in and for the State of Iowa

David J. Lynch

JAMES P. DIEMER
MY COMMISSION EXPIRES

9-13-98

IN THE MATTER OF THE CONDEMNATION OF
EASEMENT RIGHTS IN LAND BY MID AMERICAN
ENERGY COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN
A 345kV ELECTRIC TRANSMISSION LINE IN MADISON
COUNTY, IOWA

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

COUNTY, IOWA		1
<u>Madison</u> Co	ounty	1
An Application an	d Notice of Condemnat.	ion having been filed with me by
	eny	1 -
		ons as the law provides to act as
		opraise the damages sustained by
		cified rights in certain land
	· -	Condemnation filed in the above
entitled matter, I h	ereby DESIGNATE, SELEC	CT and APPOINT as the members of
		this matter the following persons:
NAME	ADDRESS	QUALIFICATIONS
1. Don Noack	Booneville	LICENSED REAL ESTATE
2. Jim Kress	Earlham	BROKERS/SALESPERSON
l. Margaret Schafer	Earlham	KNOWLEDGEABLE OF PROPERTY
2. Loren Myers	Macksburg	BY VIRTUE OF OCCUPATION
l. Raymond Clark	Booneville	AGRICULTURAL/677488 THAN
2. James Camp	Peru	AGRICULTURAL
I further DESIGNA	TE, SELECT and APPOINT	the above named DON NOACK
to act as Chairperson	of said Commission a	ndJIM KRESS is
appointed as Alternat	e Chairperson.	
TO THE SHERIFF OF	MADISON	COUNTY, IOWA: Attached hereto
olease find a duplica	ate of the Application	for Condemnation in the above
entitled matter.		
DATED at Des Moine	es, Iowa this 1 day	of <u>May</u> , 1996
	arthu &	Smolle
Filed in my office at	JUDGE OF THE F	IFTH JUDICIAL DISTRICT OF IOWA , Iowa this Lay of MAY
199 <u>(</u> -		MA (ISON COUNTY, IOWA

IN 'THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MID AMERICAN ENERGY COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN A 345kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS

Madison	County	
An Application and	d Notice of Condemnation	having been filed with me by
MidAmerican Energy C		_ for the selection and
a compensation commine reason of the condem described by Applica entitled matter, I h	ssion to assess and appra nation of certain specifi nt, in the Notice of Cond ereby DESIGNATE, SELECT a	as the law provides to act as lise the damages sustained by ed rights in certain land lemnation filed in the above and APPOINT as the members of matter the following persons:
NAME	ADDRESS	QUALIFICATIONS
1. Gene Vierling	Winterset	LICENSED REAL ESTATE BROKERS /SALESPERSON
2. George Bown	Winterset	
1. Irvin Martens	Winterset	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2. Gail Leeper	Winterset	
1. Vincent Wildin	Winterset	AGRICULTURAL/CTHENKXEHANKX AGRICULTURAL
2. Darrell Daggett	Winterset	
a vacancy in the comappointed having the the same manner as to DATED this 1	chief Judge of Total Control of the	owa shall upon being informed of tify the alternate member the person unable to serve in swere notified.  1996  HE FIFTH JUDICIAL DISTRICT OF IOWA was this day of MAY, TOWA
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IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

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# APPLICATION TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT FOR CONDEMNATION AND FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

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- 7. Exhibit "C" attached hereto, and by this reference made a part hereof, is a plat specifically describing the property affected or sought to be condemned in Madison County by MidAmerican. The plat further shows the location of the right-of-way with reference to such description and the names of all record owners of the tract of land sought to be condemned or otherwise affected by these proceedings, and the names of all record holders of liens and encumbrances on such land, together with the place of residence of all such persons so far as known to MidAmerican.

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Dated this 30 day of April, 1996.

MIDAMERICAN ENERGY COMPANY

Ву:

David J. Lynch

MidAmerican Energy Company

666 Grand Avenue

P.O. Box 657

Des Moines, IA 50303

Telephone: 515/281-2379

ATTORNEY FOR APPLICANT
MIDAMERICAN ENERGY COMPANY

Applicant approved this \_\_\_\_ day of \_\_\_\_\_\_\_, 1996.

CHIEF JUDGE, 5th JUDICIAL DISTRICT OF IOWA

#### **CERTIFICATION**

STATE OF IOWA )
OFFICE OF THE ) ss:
UTILITIES BOARD )

· 4

I, Raymond K. Vawter, Jr., Executive Secretary of the Utilities Board, hereby certify that the attached is a true and correct copy of Franchise No. 17051, Docket No. E-21043, granted by the Board on the 31st day of March, 1993, to Midwest Power, a division of Midwest Power Systems, Inc., f/k/a Iowa Power, Des Moines, Iowa, for the construction, operation, and maintenance of an electric transmission line in Madison County.

IN TESTIMONY WHEREOF, witness my signature and seal of the Utilities Board at Des Moines, Iowa, this <u>31st</u> day of March, 1993.

Executive Secretary
UTILITIES BOARD

EXHIBIT A

Docket No. E-21043 Franchise No. 17051

#### FRANCHISE \*

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(Insert attached legal description)

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Docket No. E-21043 Franchise No. 17051

Page 2

This franchise is granted and issued for a period of twenty-five years from and after the date hereof unless sooner revoked, modified or terminated as provided by law, and it is expressly stated herein that this franchise shall be subject to and governed by all the provisions, conditions and requirements of IOWA CODE Chapter 478 (1993) and by all of the provisions, rules and regulations of the Utilities Board, insofar as the same may be applicable. Provided, however, should the facilities herein authorized not be built in whole or in part within two years from the date hereof, this franchise shall be void, and of no further force or effect.

During the period of time this franchise is in force the holder hereof is vested with the right of eminent domain to such extent as may be necessary and as prescribed and approved by the Utilities Board in its Order granting this franchise.

It is provided and understood that this franchise is granted subject to the provisions of IOWA CODE § 319.5 (1993).

It is further provided and is a condition of this franchise that the Utilities Board retains jurisdiction and may at any time hereafter and during the period of this franchise make such further orders and regulations as may be necessary.

Signed and sealed as provided by law on March 31, 1993.

UTILITIES BOARD

ATTEST:

· )

mavised Department 43, ...

## EXHIBIT A MADISON COUNTY

1

Maximum operating voltage of 362,250, three phase, wye connected, neutral grounded at source.

The approximate centerline of said transmission line will begin approximately .07 miles west of the Northeast Corner of the Southwest Quarter (SW 1/4) of Section 36, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, also being the point of attachment to a proposed Iowa Power Switching station, thence north across a road into the Northwest Quarter (NW 1/4) of said Section 36 onto private property a distance of approximately .10 miles, thence continuing on private property in a northeasterly direction into the Northeast Quarter (NE 1/4) of said Section 36 a distance of .30 miles to a point that is approximately .05 miles east and .12 miles south of the northwest corner of the Northeast Quarter (NE 1/4) of said Section 36 where it will intersect an existing Iowa Power 161 kV transmission line, thence continuing northeast through said Section 36 and the Southeast Quarter (SE 1/4) of Section 25 a distance of approximately .60 miles to a point that is .17 miles north of the southeast corner of said Section 25, all in the last named township and range.

Beginning approximately .17 miles north of the Southwest Corner of Section 30, Township 76 North, Range 26 West of the 5th P.M., Madison County, lowa, thence continuing in a northeast direction through said Section 30, and Sections 29, 20, 21, 22, 15, 14, 11, and 12, to a point that is approximately .40 miles south of the Northeast Corner of said Section 12 a total distance of approximately 6.80 miles, all in last named township and range. The continuation of the proposed line into Warren

E-21043

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Exhibit A Madison County Revised 9-27-91 Page 2

County and Polk County is identified and filed under Dockets No. E-21044 and E-20145 respectively. Said proposed transmission line continues northeast through Warren County and Polk County and will terminate at a proposed substation located near the southeast comer of Des Moines.

The proposed transmission line is to be built along the route of an existing lowa Power owned 161 kV line.

Total distance of proposed line in Madison County is approximately 7.8 miles, and will be on private right-of-way.

E-21043

#### MADISON COUNTY CONDEMNATIONS

William C. Johnson Rural Route 1 P. O. Box 106A Winterset, Iowa 50273

#### Easements on Property:

Iowa Power & Light Co. (Electrical Supply Line Easement) now MidAmerican Energy Company (Applicant) PO Box 657 Des Moines, Iowa 50303

#### EXHIBIT 3

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۲,

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (16) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE 5TH P.M., MADISON COUNTY, IOWA

PROPERTY

MANUFIER COUNTY, ICHANS, COUNTER, (1/4) OF THE NOW, INC. 1/5) AND THE SOUTHEAST ON THE STAPP.

(76) NORTH, RANGE THENTY-SEVEN (29), MEST OF THE STAPP.

(76) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE STAPP.

(76) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE STAPP.

(76) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE STAPP.

(76) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE SOUTHEAST OWARTER (SE OUT OF THE SOUTHEAST OWARTER (SE OUT OF THE NORTHEAST OWARTER (NE OUT) OF THE NORTHEAST OWARTER (NE OUT).

(8) FEET, THENCE SOUTH (5) OP THE NORTHEAST OWARTER (NE OUT).

(9) OP THE NORTHEAST OWARTER (NE OUT).

(10) OF THE NORTHEAST OWARTER (NE OUT).

(11) OF THE NORTHEAST OWARTER (NE OUT).

(12) OF THE NORTHEAST OWARTER (NE OUT).

(13) OP THE NORTHEAST OWARTER (NE OUT).

(14) OF THE NORTHEAST OWARTER (NE OUT).

(15) FEET OF BEGINNING, CONTAINING 19145 ACRES OF CONTAINING 19 THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST 27, 1992 AND FILED IN BOOK 130, PAGE 34,

# EASEMENT LEGAL DESCRIPTIONS

THAT PART OF A 150 FOOT WIDE STRIP OF LAND THAT IS WITHIN 15 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 150 FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NM PROPERTY CORNER, WHICH IS ALSO THE NM CORNER OF THE SM 1/4 OF THE NE 1/4 SECTION 36. TOWNSHIP 76 NORTH, RANGE 27 MEST OF THE STH PM., THENCE SOUTHERLY ALONG THE MEST PROPERTY LINE 175 FEET, MORE OR LESS; THENCE WORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE; THENCE MESTERLY ALONG THE NORTH PROPERTY LINE TO FIET MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING IN MADISON COUNTY, 10MA. THAT PART OF A STRIP OF LAND ISO FEET IN WIDTH ACROSS THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID ISO FOOT STRIP IS MORE PARTICULARLY DESCRIBED AS

CEGEND

COMMERCING AT THE NW CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36, T-16N, R-2TW OF THE WEST PRINCIPAL MERIDIAN, THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE IS FEET, MORE OR LESS TO THE INTERSECTION OF SAID WEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE, SAID POINT OF INTERSECTION IS THE POINT OF BEGINNING, THENCE WORTHEASTERLY ALONG THE CENTERLINE OF SOID TRANSMISSION LINE 20 FEET, NORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION. SAID TERMINATION POINT IS IS FEET, MORE OR LESS, EAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOMA.

PROPOSED 345 KV EASEMENT

TITLE HOLLDER

12-21-46 12-21-46 12-1-43 12-4-41

CHECKED, RAE

SECTION 36,

T-76N, R-27M DATE: MAY IGGI

MIDAMERICAN ENERGY COMPANY

PROPERTY PLAT

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APPROVED.

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APPROVED.

LINE POLE STRUCTURE ANGLE POLE STRUCTURE A A SECTION LINE

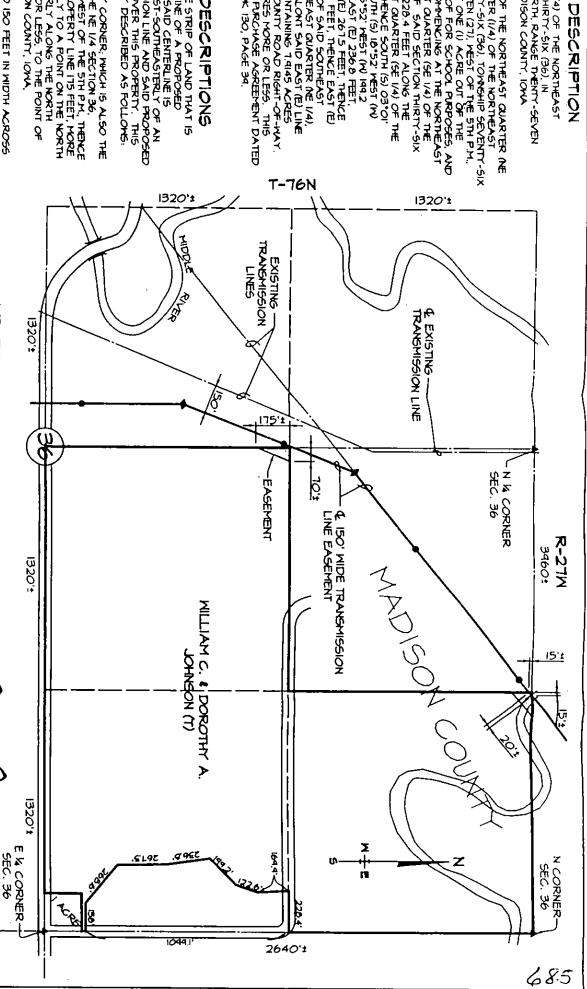
SECTION CORNER

SECTION LINE 4 & SECTION LINE

PROPERTY LINE

CXHIBIT

()



IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

### CERTIFICATION OF APPROVAL OF APPLICATION BY CHIEF JUDGE

	RECEIVED MADISON COUNTY SHEE WINTERSET, IOWA	}
,	MAY - I	
;	3:45	$\bigcirc$

STATE OF IOWA	) ·
	ss (
COUNTY OF MADISON	)

I, David J. Lynch, being first duly sworn on oath, depose and state that I am attorney for MidAmerican Energy Systems, Applicant in the above-captioned condemnation proceeding, and that I make the following certifications upon the direction of and on behalf of the Applicant.

I hereby certify that the Application for Condemnation by MidAmerican Energy Systems, has been approved by the Chief Judge for the Fifth Judicial District, which includes Madison County, Iowa, on the day of April, 1996.

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

Dated at Des Moines, Iowa this 20 day of April, 1996.

David J. Lynch

Subscribed and sworn to before me by the said David J. Lypith this 30th day of ADAIL, 1996.

Notary Public in and for the State of Iowa

JAMES P. DIEMER
MY COMMISSION EXPIRES

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MID AMERICAN ENERGY COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN THE CHIEF JUDGE OF THE FIFTH A 345kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY JUDICIAL DISTRICT

<u>Madison</u> Cou	inty		
An Application and	Notice of Condemnation	n having been filed with me by	
MidAmerican Energy Compa		for the selection and	
appointment, by lot,	of six suitable person	s as the law provides to act as	•
a compensation commis	sion to assess and app	raise the damages sustained by	,
reason of the condemn	ation of certain speci	fied rights in certain land	
described by Applican	it, in the Notice of Cou	ndemnation filed in the above	
entitled matter, I he	reby DESIGNATE. SELECT	and APPOINT as the members of	
said compensation com	mission required in the	is matter the following persons	
			: 
NAME	ADDRESS	QUALIFICATIONS	
		<u>s'</u>	
1. Don Noack	Booneville	LICENSED REAL ESTATE	
2. Jim Kress	Earlham	BROKERS/SALESPERSON	
l. Margaret Schafer	Earlham		_
<u>-</u>	Dal IIIam	KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION	Ľ
2. Loren Myers	Macksburg	or occupation	
1. Raymond Clark			-
	Booneville	AGRICULTURAL/ <b>OTHEA</b> THAN AGRICULTURAL	
2. James Camp	Peru		
I further DESIGNAT	E, SELECT and APPOINT t	he above named DON NOACK	-
	of said Commission and		is
appointed as Alternate			13
TO THE SHERIFF OF	MADISON C	OUNTY, IOWA: Attached hereto	
please find a duplication		or Condemnation in the above	
entitled matter.		or condemnation in the above	
DATED at Des Moine:	s, Iowa this 1 day of	M 100c	
	_	<u> </u>	
	arthur & a	Touble	
·	JUDGE OF THE FIF	TH JUDICIAL DISTRICT OF IOWA	
Filed in my office at		Iowa this Aday of May	
1996.	/ / /· ~	Well :	
	SHERIFF OF	A A DISON COUNTY, IOWA	

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MID AMERICAN ENERGY COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN A 345kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS

Madison	County		
An Application an	d Notice of Cond	demnation	having been filed with me by
MidAmerican Energy C	Company		_ for the selection and
appointment, by lot,	of six suitable	e persons	as the law provides to act as
a compensation commi	ssion to assess	and appra	ise the damages sustained by
<u>-</u>			ed rights in certain land
			emnation filed in the above
<u>-</u>			nd APPOINT as the members of
	_		matter the following persons:
	7.01	DRESS	QUALIFICATIONS
NAME		UKE55	QUALIFICATIONS
	•••		
1. Gene Vierling	Winterset		LICENSED REAL ESTATE BROKERS /SALESPERSON
2. George Bown	Winterset	·-	
1. Irvin Martens	Winterset		
- Irvin marcens	winterset		KNOWLEDGEABLE OF PROPERTY BY VIRTUE OF OCCUPATION
2. Gail Leeper	Winterset		
l. Vincent Wildin	Winterset		AGRICULTURAL/CXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
2. Darrell Daggett	Winterset		
			wa shall upon being informed of ify the alternate member
_			the person unable to serve in
the same manner as t			
DATED this 1			
	Cesta	tu & Q	Frankle
	CHIEF J	UDGE OF TH	E FIFTH JUDICIAL DISTRICT OF IOWA
D: 1 1	1 July erso	+-	in this 1 stant of MAC
Filed in my office a	it 1/1/01 -156	, 10w	va this <u>f</u> day of,
199 6.	<i>/</i>	al D	Well : " Well : " .
	SHERIFF	OF/	COUNTY, IOWA

IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1
P.O. Box 106A
Winterset, Iowa 50273

Madison County Treasurer County Courthouse Winterset, Iowa

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

[See attached legal description and plat]

You and each of you are hereby notified that MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across, and through the real estate hereinafter set forth to construct, re-construct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners

and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10th day of July, 1996.

MIDAMERICAN ENERGY COMPANY

*\_\_\_* 

Antonio Colacino
BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.
801 Grand Avenue, Suite 3700
Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT

COMMENCING AT THE NY CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36. I-16N. R-21W OF THE STH PRINCIPAL MERIDIAN. THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE IS FEET, MORE OR LESS TO THE INTERSECTION OF SAID MEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE. SAID POINT OF INTERSECTION IS THE FOINT OF BEGINNING. THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET, MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION. SAID TERMINATION POINT IS IS FEET, MORE OR LESS, EAST OF THE NY PROPERTY THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE)

1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST

QUARTER (1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENTY; SIX

(76) NORTH RANGE THENTY-SEVEN (27), MEST OF THE STH P.M.,

HADISON COUNTY, IOWA EXCEPT ONE (1) ACRE OUT OF THE

SOUTHEAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND

EXCEPT A PARCEL OF LAND COMMENCING AT THE NORTHEAST

(NE) CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE

NORTHEAST QUARTER (NE 1/4) OF SAID SECTION THIRTY-SIX

(36), RUNNING THENCE WEST (W) 220.4 FEET ALONG THE

NORTHEAST QUARTER (NE 1/4), THENCE SOUTH (S) 03°0"

EAST (E) 169.9 FEET, THENCE SOUTH (S) 10°52" WEST (W)

122.6 FEET, THENCE SOUTH (S) 43°52" WEST (W)

122.6 FEET, THENCE SOUTH (S) 43°52" WEST (W)

123.6 FEET, THENCE SOUTH (S) 43°52" WEST (W)

124.7 THENCE SOUTH (S) 43°52" WEST (W)

125.7 THENCE SOUTH (S) 43°52" WEST (W)

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122.8 THET, THENCE SOUTH (S) 10°52" WEST (W)

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126.7 THENCE SOUTH (S) 43°52" WEST (W)

127.7 THENCE SOUTH (S) 43°52" WEST (W)

128.7 THENCE SOUTH (S) 43°52" BEGINNING AT THE NM PROPERTY CORNER, WHICH IS ALSO THE NM CORNER OF THE SM I/4 OF THE NE I/4 SECTION 36.
TOWNSHIP 76 NORTH, RANGE 27 MEST OF THE STM PM, THENCE SOUTHERLY ALONG THE MEST PROPERTY LINE 175 FEET, MORE OR LESS, THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE 170 FEET MORE OR LESS TO THE NORTH PROPERTY LINE 70 FEET MORE OR LESS TO THE POINT OF BEGINNING, ALL BEING IM MADISON COUNTY, ICMA. CORNER, ALL BEING IN MADISON COUNTY, IOWA THAT PART OF A 150 FOOT WIDE STRIP OF LAWD THAT IS MITHIN 15 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND ISO FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: AND,

THAT PART OF A STRIP OF LAND 150 FEET IN WIDTH ACROSS
THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID
150 FOOT STRIP 15 MORE PARTICALARLY DESCRIBED AS EASEMENT LEGAL DESCRIPTIONS THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE 5TH P.M. MADISON COUNTY, IOMA PROPERTY LEGAL DESCRIPTION 132*0*'± 1320'± TRANSMISSION EXISTING GNEGEL TRANSMISSION LINE I320'± 3 175 SECTION CORNER A A SECTION LINE SECTION LINE 4 14 SECTION LINE TITLE HOLDER LINE POLE STRUCTURE ANGLE POLE STRUCTURE PROPOSED 345 KY EASEMENT PROPERTY LINE N & CORNER SEC. 36 10 EASEMENT LINE BASEMENT & 150' MIDE TRANSMISSION MAD/SOH COV. R-27X 3960: 1320'€ MILLIAM C. 4 DOROTHY CE NOTIFIED 15'1 4-22-46 12-21-45 3-1-45 12-4-41 4-30-41 DRAWN BY: MMD 5ECTION 36, T-76N, R-27M MIDAMERICAN ENERGY COMPANY PPROVED, g Q Q 1320'± PROPERTY PLAT RA E E 14 CORNER-SEC. 36 99 N CORNER-SEC. 36 .SL98 DATE: MAY IGGI #61-2 8 2640'± 691

ATROVED!

RETURN OF SERVICE		· · · -				FORM	141-Q Ju	ne 1989
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THE MATTER OF THE CONDEMNAT	ON OF F	AREMENT-RIV		NTAIN				oe of
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certify that I served a copy of:  ———————————————————————————————————			□ Order	Filed				
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erved:			. Box 106A					Code
Dorothy A. Johnson	at	Winterset (A	, Iowa	on	July	27, 1996	<u> 5</u>	1
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	at_	<u></u> .		on				
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William C. Johnson (Name) Winterset, Iowa on east 18 years old) xxx/8pxxxxxxxxxxxxxxx	July 2	oy serving <u>Do</u>	rothy John (Name) , (a on-applicable	person (e part.)	at P	therein w	LOGA ss) vho was	2 then
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William C. Johnson (Name)  Winterset, Iowa on east 18 years old) xxxx(8 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	July 2 HRXBSISE ne)	by serving Do. 27, 1996  1289. (Strike n by serving (Date)	Pa	person person port.)	residing (Nom	therein w		Sher
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William C. Johnson (Name)  Winterset, Iowa on east 18 years old) xxx (8 px xxx xx	July 2  HHXBSIDEF  ne)  on	by serving Do. 27, 1996  1289. (Strike n by serving (Date)	Pa	person person port.)	residing (Nom	therein w		Sher
William C. Johnson (Name)  Winterset, Iowa on east 18 years old) xxx (8 px xxx xx	July 2  HHXBSIDEF  ne)  on	by serving Do. 27, 1996  1289. (Strike n by serving (Date)	Pa	person person port.)	residing (Nom	therein w		Sher
William C. Johnson (Name)  Winterset, Iowa on east 18 years old) xxx (8 pxxxx xx	July 2  MAXIMUM  SEP 2 0	1996  Description  Description	Party John (Name)  Party John (N	person e part.)  aul D. adison Burk	residing (Nom	therein w		Sher
William C. Johnson (Name)  Winterset, Iowa on east 18 years old) xxx(8pxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	July 2  MAXIMUM  SEP 2 0	by serving Do. 27, 1996  1289. (Strike n by serving (Date)	Party John (Name)  Party John (N	person e part.)  aul D. adison Burk	residing (Nom	therein w		Sher

IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1
P.O. Box 106A
Winterset, Iowa 50273

Madison County Treasurer County Courthouse Winterset, Iowa

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

[See attached legal description and plat]

You and each of you are hereby notified that MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across, and through the real estate hereinafter set forth to construct, re-construct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners

and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10th day of July, 1996.

MIDAMERICAN ENERGY COMPANY

\_\_\_\_

Antonio Colacino
BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.
801 Grand Avenue, Suite 3700
Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOMPSHIP SEVENTY-SIX (36) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE STHIPM, MADISON COUNTY, IOMA PROPERTY トヨのタト

THE SOUTHWEST QUARTER (1/4) OF THE NCTHEAST QUARTER (NE 1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENTY-SIX (76) NORTH RANGE THENTY-SEVEN (27), MEST OF THE STH PM., TADISON COUNT, JOHA EXCEPT ONE (1) ACRE OUT OF THE SOUTHEAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE NORTHEAST (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4). THENCE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) LINE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) 230 B FEET. THENCE SOUTH (S) 08°17' EAST (E) 230 B FEET. THENCE EAST (E) 230 B FEET. THENCE SOUTH (

# EASEMENT LEGAL DESCRIPTIONS

THAT PART OF A 150 FOOT MIDE STRIP OF LAND THAT IS MITHIN TS FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND ISO FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AND.

THAT PART OF A STRIP OF LAND 150 FEET IN MIDTH ACROSS
THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID 150 FOOT STRIP 15 MORE PARTICULARLY DESCRIBED AS
FOLLOWS: BEGINNING AT THE NA PROPERTY CORNER, WHICH IS ALSO THE NA CORNER OF THE SM I/4 OF THE NE I/4 SECTION 36, TOWNSHIP 76 MORTH, RANGE 27 MEST OF THE STH PH., THENCE SOUTHERLY ALLONG THE MEST PROPERTY LINE 175 FEET, MORE OR LESS; THENCE NORTHERASTERLY TO A POINT ON THE NORTH PROPERTY LINE. THENCE MESTERLY ALONG THE NORTH PROPERTY LINE. THENCE MESTERLY ALONG THE MORTH PROPERTY LINE 70 FIET MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING IN MADISON COUNTY, JOYA.

**LEGEND** 

POINT OF BEGINNING, THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET, MORE OR LESS, TO A POINT ON THE MORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION SAID TERMINATION POINT IS IS FEET, MORE OR LESS, EAST OF THE NM PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOMA COMMENCING AT THE NW CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36, T-76N, R-27M OF THE 5TH PRINCIPAL MERIDIAN, THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE IS FEET, MORE OR LESS TO THE INTERSECTION OF SAID MEST LINE MITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE, SAID POINT OF INTERSECTION IS THE TRANSMISSION LINE, SAID POINT OF INTERSECTION IS THE

3

TITLE HOLDER

4-22-46 12-21-65 3-1-43 12-4-41 4-30-41

SECTION 36,

T-76N, R-27M DATE: MAY IGGI %AIE: 1" = 400 #6|-2

MIDAMERICAN ENERGY COMPANY

APPROVED.

APPROVED. CHRCKED: DRAWN BY: MIND

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LINE POLE STRUCTURE

ANGLE POLE STRUCTURE

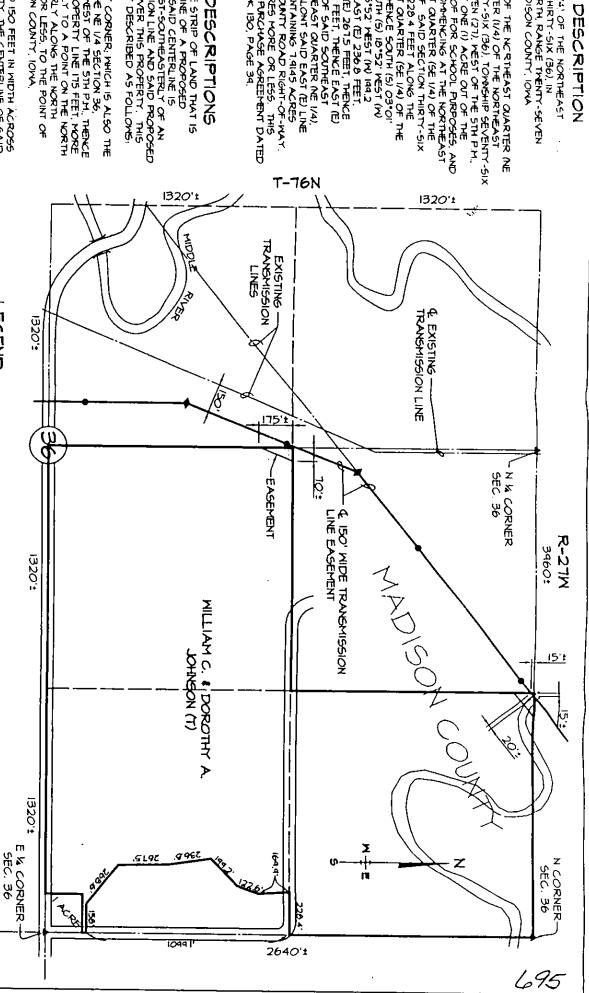
A A SECTION LINE

SECTION CORNER

SECTION LINE 4 & SECTION LINE

PROPERTY LINE

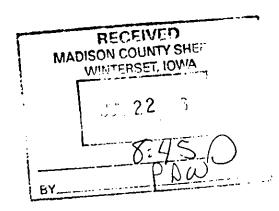
PROPOSED 345 KV EASEMENT



IN THE IOWA DISTOIR	T COURT FOR	MADISON	60111171
INSTHENMATTER OF THE COND	ENDATION OF A	MADISON ENERGY COMPANY TRANSMISSION ELECTRIC TRANSMISSION RETURN OF SERVICE:	
TO CONSTRUCT OPERATE AND	, <b>MYTHUT</b> \$181, \$37	45" RV ELECTRIC TRANSMISSION	Type of Service
VS William C. To	huson and	— RETURN OF SERVICE:	Code
Case No. Dorothy A. Jo	11118011	☐ Personal ☐ Dwelling/Substitute	1
Notice Rec'd this date		Hotel, Boarding/Rooming Hou.	2
		Corporation/Association	4
STATE OF IOWA	1	Official (State, County, City)	5
MADISONC	SS.	☐ Spouse away from residence☐ Other	6 7
I certify that I served a copy of:	,		
☐ Petition and Original No	AT mm		
☐ Modification/Application	once and Notice	Order Filed	<del></del>
☐ Order to Show Cause	dia Nonce	☐ WritXX(X) Other Notice of Co	ndemnation and
Served:		Assessment Hearing Befor	
		5 =====	Type Code
	at		
(Name)		(Address)	Dote)
		on	<u> </u>
	at	on	
		on	
	at	on	
(Nome)	by se	ervingatat	
reast to years old) or (spouse awa	y from residence).	(Strike non-applicable part.)	therein who was then at
MADISON COUNTY, IOWA (Compony/Government Uni	y from residence).	, (a person residing . (Strike non-applicable part.) _by servingBECKY_MCDONALD(Name	therein who was then at
MADISON COUNTY, IOWA (Compony/Government Uni	y from residence).	, (a person residing . (Strike non-applicable part.) _by servingBECKY_MCDONALD(Name	therein who was then at
MADISON COUNTY, IOWA (Company/Government Units TREASURER (Title)	y from residence).		therein who was then at
MADISON COUNTY, IOWA (Compony/Government Uni	y from residence).		therein who was then at
MADISON COUNTY, IOWA (Company/Government Units TREASURER (Title)	y from residence).		therein who was then at
MADISON COUNTY, IOWA (Company/Government Units TREASURER (Title)	y from residence).		therein who was then at
MADISON COUNTY, IOWA (Company/Government Units TREASURER (Title)	y from residence).		therein who was then at
MADISON COUNTY, IOWA (Company/Government Units TREASURER (Title)	y from residence).		therein who was then at 5
MADISON COUNTY, IOWA (Company/Government Units TREASURER (Title)	y from residence).		therein who was then at 5
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)	y from residence).  1 Name), on <u>July</u>		therein who was then at 5
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)	y from residence).  1 Name), on <u>July</u>		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)	y from residence).  1 Name), on <u>July</u>		therein who was then at 5
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)	y from residence).  1 Name), on <u>July</u>		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)	y from residence).  1 Name), on <u>July</u>		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)	y from residence).  1 Name), on <u>July</u>		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)	y from residence).  1 Name), on <u>July</u>		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)  FEES: Processing \$ 10.00 Aileage \$ 2.70 Copy \$ .50	y from residence).		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title)  NOTE: (Diligent Search, etc.)  Processing \$ 10.00 Aileage \$ 2.70 Copy \$ .50 Notary \$ .50	SEP 2 0 199		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title) NOTE: (Diligent Search, etc.)  Processing \$ 10.00 Alleage \$ 2.70 Copy \$ ,50	SP 2 199 SP 2 199 Fees che		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa
MADISON COUNTY, IOWA (Company/Government Units_TREASURER (Title)  NOTE: (Diligent Search, etc.)  Processing \$ 10.00 Aileage \$ 2.70 Copy \$ .50 Notary \$ .50	SSP 2 0 199 SSP 2 0 199 SSP 2 Mid		therein who was then at 5  Souse Set, Iowa 50273 , Sheriff County, Iowa

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IN THE MATTER OF THE
CONDEMNATION OF
EASEMENTS RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA



#### SUMMONS TO COMMISSIONERS

TO: Don Noack Booneville, Iowa

MidAmerican Energy Company has filed with the Chief Judge of the Fifth Judicial District, which includes Madison County, an application for the selection and appointment of a compensation commission to assess the damages which owners, encumbrancers, lienholders and other persons interested in the land sought to be appropriated or condemned in these proceedings will sustain by reason of such appropriation of the rights as described in the Application for the installation of an electric transmission line; and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District, including Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further that Don Noack has been designated as Chairman of the Commission; and

WHEREAS, the Chief Judge of the Fifth Judicial District has instructed me to notify you of your appointment to the Compensation Commission.

NOW, THEREFORE, you are hereby summoned and required to be and appear before the undersigned, in the Office of the Sheriff at 1012 N. John Wayne Drive, Winterset, Madison County, Iowa, on the 29th day of August, 1996, at 9:00 o'clock A.M. for the purpose of qualifying as such Commissioner, and proceed to view said premises and make an award of damages as by law provided.

Dated at Madison County, Iowa, on the\_

Sheriff of.

ACCEP	TANCE OF SERVICE
Due and legal service of the foregoing Summons is acknowledged at further certify that I do not possess any interest in the about biased decision therein.	is hereby accepted and receipt of a copy thereof lowa, this, 1996. I have proceedings which would cause me to render
PLEASE SIGN THIS ACCEPTANCE AND RETURN PROMPTLY TO THE SHERIFF OF MADISON COUNTY	Donald & Mouch
REFUSAL TO	SERVE
I will be unable to serve for the reason that:	
I possess an interest in the proceeding w	hich would cause me to render a biased decision
I	
	· · · · · · · · · · · · · · · · · · ·

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IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

## NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1!
P.O. Box 106A
Winterset, Iowa 50273

Madison County Treasurer County Courthouse Winterset, Iowa

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

[See attached legal description and plat]

You and each of you are hereby notified that MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across, and through the real estate hereinafter set forth to construct, re-construct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners

and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10<sup>th</sup> day of July, 1996.

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MIDAMERICAN ENERGY COMPANY

Antonio Colacino

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

801 Grand Avenue, Suite 3700 Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT



THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (16) NORTH, RANGE TWENTY-SEVEN (21), WEST OF THE 5TH P.M. MADISON COUNTY, IOWA

THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE) AND THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST (1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENTY-SIX (1/6), TOWNSHIP SEVENTY-SIX (1/6), TOWNSHIP SEVENTY-SIX (1/6), TOWNSHIP SEVENTY-SIX (1/6), THE SOUTHEAST OWE (1/4) OF THE SOUTHEAST OWNSTER (SE (1/4) OF THE NORTHEAST QUARTER (NE) (1/6) (1/

# EASEMENT LEGAL DESCRIPTIONS

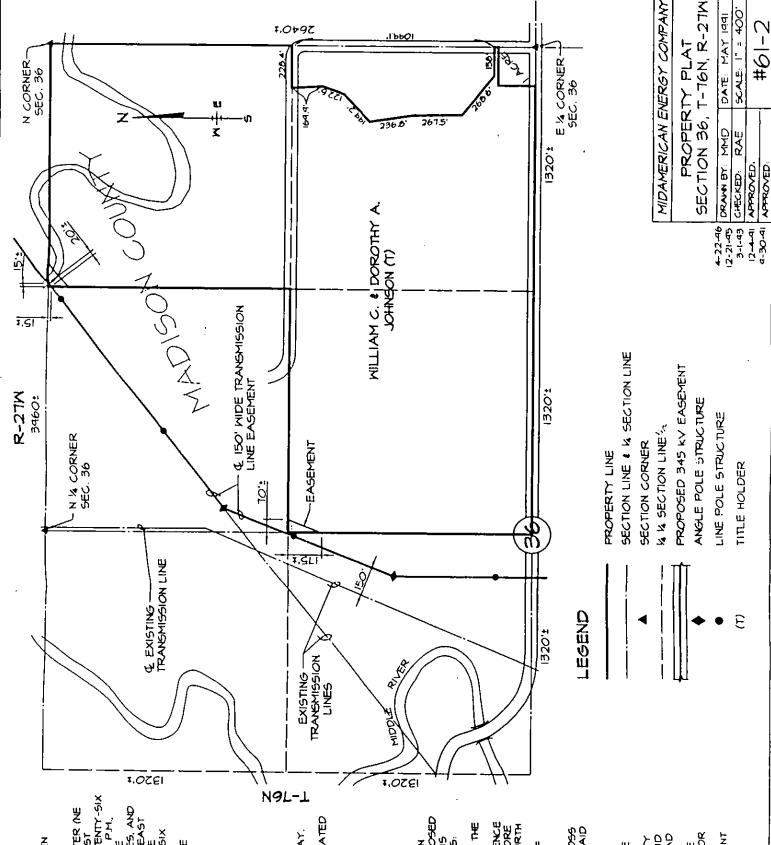
THAT PART OF A ISO FOOT WIDE STRIP OF LAND THAT IS WITHIN 15 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND ISO FEET EAST-SCATHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTER, INE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW PROPERTY CORNER, WHICH IS ALSO THE NW CORNER OF THE SW 1/4 OF THE NE 1/4 SECTION 36.

TOWNSHIP TO NORTH, RANGE 27 NEST OF THE 5TH P.M., THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE ITS FEET, MORE OR LESS, THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE. THENCE WESTERLY ALONG THE NORTH PROPERTY LINE. THENCE WESTERLY ALONG THE NORTH PROPERTY LINE TO FEET MORE OR LESS. TO THE POINT OF BEGINNING, ALL BEING IN MADISON COUNTY, IOWA.

AND,
THAT PART OF A STRIP OF LAND 150 FEET IN WIDTH ACROSS
THE ABOVE DESCRIBED PROPERTY. THE CENTERLINE OF SAID
150 FOOT STRIP 15 MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NE 1/4 OF THE NEW CETTON 36. THEN RESTRICTION OF SAID MEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE, SAID POINT OF INTERSECTION IS THE FOINT OF BEGINNING. THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID POINT OF INTERSECTION IS THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET, MORE OR LESS, TO A POINT OF THE MORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION SAID TERMINATION POINT IS IS FEET, NORE OR LESS, EAST OF THE IM PROPERTY CORNER.



IN THE MATTER OF THE
CONDEMNATION OF
EASEMENTS RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

### **SUMMONS TO COMMISSIONERS**

TO: George Bown Winterset, Iowa

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WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District, including Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further that Don Noack has been designated as Chairman of the Commission; and

WHEREAS, the Chief Judge of the Fifth Judicial District has instructed me to notify you of your appointment to the Compensation Commission.

NOW, THEREFORE, you are hereby summoned and required to be and appear before the undersigned, in the Office of the Sheriff at 1012 N. John Wayne Drive, Winterset, Madison County, Iowa, on the 29th day of August, 1996, at 9:00 o'clock A.M. for the purpose of qualifying as such Commissioner, and proceed to view said premises and make an award of damages as by law provided.

Dated at Madison County, Iowa, on the Saud Dwell

Madison County, Iowa

y Y

ACCEPTANCE OF SERVICE
Due and legal service of the foregoing Summons is hereby accepted and receipt of a copy thereof is acknowledged at, Iowa, this <u>29</u> day of <u>Aury</u> , 1996. I further certify that I do not possess any interest in the above proceedings which would cause me to render biased decision therein.
PLEASE SIGN THIS ACCEPTANCE AND RETURN PROMPTLY TO THE SHERIFF OF MADISON COUNTY  Though The Country  The Country  Though The Country  Though The Country  The Coun
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
1
<del></del>
MADISON COUNTY SHER WINTERSET, IOWA
AUG 2 9 1996

IN THE MATTER OF THE
CONDEMNATION OF
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BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
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# NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1
P.O. Box 106A
Winterset, Iowa 50273

Madison County Treasurer County Courthouse → Winterset, Iowa

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

[See attached legal description and plat]

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and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do

Dated this 10th day of July, 1996.

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MIDAMERICAN ENERGY COMPANY

Antonio Colacino

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

801 Grand Avenue, Suite 3700 Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT

# PROPERTY LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE 5TH P.M., MADISON COUNTY, IOMA

THE SOUTHWEST QUARTER (I/4) OF THE NORTHEAST QUARTER (NE I/4) AND THE SOUTHEAST QUARTER (I/4) OF THE WORTHEAST QUARTER (I/4) IN SECTION THIRTY-SIX (36). TOWNSHIP SEVENTY-SIX (76) NORTH RANGE THENTY-SEVEN (27), WEST OF THE STH PM. PADISON COUNTY, IOWA EXCEPT ONE (I) ACRE QUIT OF THE SWITHEAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMERCING AT THE WORTHEAST QUARTER (NE I/4) OF SAID SECTION THIRTY-SIX (76). RUNNING THENCE WEST (W) 226 4 FEET ALONG THE WORTHEAST QUARTER (NE I/4) OF THE WORTHEAST QUARTER (NE I/4) OF THE WORTHEAST QUARTER (NE I/4). THENCE SOUTH (S) 03°O' EAST (E) 164 9 FEET, THENCE SOUTH (S) 18°52' WEST (W) 122.6 FEET, THENCE SOUTH (S) 48°S2' WEST (W) 122.6 FEET, THENCE SOUTH (S) 48°S2' WEST (W) 122.6 FEET, THENCE SOUTH (S) 08°17' EAST (E) 236 8 FEET, THENCE SOUTH (S) 48°S2' WEST (W) 123.6 FEET, THENCE SOUTH (S) 08°17' EAST (E) 236 8 FEET, THENCE SOUTH (S) 09°17' EAST (E) 236 8 FEET, THENCE SOUTH (S) 09°18' EA

# EASEMENT LEGAL DESCRIPTIONS

THAT PART OF A 150 FOOT MIDE STRIP OF LAND THAT IS MITHIN 15 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 150 FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOMS:

NW CORNER OF THE SM 1/4 OF THE NE 1/4 SECTION 36, TOWNSHIP 76 NORTH, RANGE 27 WEST OF THE STH PM, THENCE SOUTHERLY ALONG THE MEST PROPERTY LINE 175 FEET, MORE OR LESS; THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE; THENCE WESTERLY ALONG THE NORTH PROPERTY LINE 70 FEET MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING IN MADISON COUNTY, IOWA. THAT PART OF A STRIP OF LAND ISO FEET IN WIDTH ACROSS
THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID
ISO FOOT STRIP IS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NIM PROPERTY CORNER, MHICH IS ALSO THE

PROPOSED 345 KV EASEMENT

ANGLE POLE STRUCTURE

A SECTION LINE

SECTION CORNER

SECTION LINE & & SECTION LINE

PROPERTY LINE

TITLE HOLDER

+ 22.46 12-21.45 3-1-43 12-4-41

CHIM AB NAME

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SECTION 36,

T-76N, R DATE: MA SCALE: I 9#

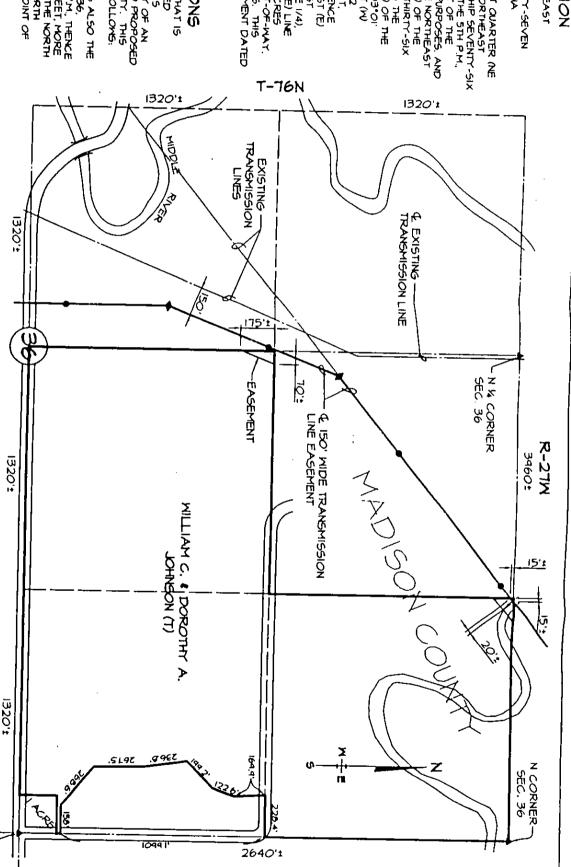
PROPERTY PLA

MIDAMERICAN ENERGY CO.

E 14 CORNER SEC. 36

1-30-1

APPROVED. CHICKED: LINE POLE STRUCTURE



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IN THE MATTER OF THE
CONDEMNATION OF
EASEMENTS RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

### **SUMMONS TO COMMISSIONERS**

TO: Irvin Martens Winterset, Iowa

MidAmerican Energy Company has filed with the Chief Judge of the Fifth Judicial District, which includes Madison County, an application for the selection and appointment of a compensation commission to assess the damages which owners encumbrancers, lienholders and other persons interested in the land sought to be appropriated or condemned in these proceedings will sustain by reason of such appropriation of the rights as described in the Application for the installation of an electric transmission line; and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District, including Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further that Don Noack has been designated as Chairman of the Commission; and

WHEREAS, the Chief Judge of the Fifth Judicial District has instructed me to notify you of your appointment to the Compensation Commission.

NOW, THEREFORE, you are hereby summoned and required to be and appear before the undersigned, in the Office of the Sheriff at 1012 N. John Wayne Drive, Winterset, Madison County, Iowa, on the 29th day of August, 1996, at 9:00 o'clock A.M. for the purpose of qualifying as such Commissioner, and proceed to view said premises and make an award of damages as by law provided.

Dated at Madison County, Iowa, on the 15 day of

, Sheriff of

MADISON COUNTY SHE WINTERSET, 101/14

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## ACCEPTANCE OF SERVICE

is acknowledged at	o not possess any interest in	mmons is hereby accepted and receipt of a copy thereof, lowa, this, day of, 1996. I the above proceedings which would cause me to render
PLEASE SIGN THIS AND RETURN PROM	MPTLY TO THE	
SHERIFF OF MADIS	ON COUNTY	Sim It Il Cartin
	REFUSA	L TO SERVE
I will be unable to serve	e for the reason that:	
I posse	ss an interest in the proceed	ing which would cause me to render a biased decision
I		<del></del>
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SCL

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

## NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1
P.O. Box 106A
Winterset, Iowa 50273

Madison County Treasurer County Courthouse Winterset, Iowa

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

[See attached legal description and plat]

You and each of you are hereby notified that MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across, and through the real estate hereinafter set forth to construct, re-construct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners

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and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10<sup>th</sup> day of July, 1996.

MIDAMERICAN ENERGY COMPANY

Antonio Colacino

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

801 Grand Avenue, Suite 3700 Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT

PROPERTY LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36). IN TOWNSHIP SEVENTY-SIX (16) NORTH, RANGE TWENTY-SEVEN (21), WEST OF THE 5TH P.M., MADISON COUNTY, IOWA

THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) IN SECTION THRITY-SIX (36). TOWNSHIP SEVENTY-SIX (1/6) NORTH, RANGE TWENTY-SEVEN (2/1), WEST OF THE SITH P.M. HADISON COUNTY. OWE EXCEPT ONE (1) ACRE OUT OF THE SOUTHEAST ONE (1/1) ACRE OUT OF THE SOUTHEAST ONE (1/1) ACRE OUT OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4). THENCE SOUTH (S) 03°01' EAST (E) 1644 FEET, THENCE SOUTH (S) 16°52' WEST (W) 12.26 FEET, THENCE SOUTH (S) 16°52' WEST (W) 12.26 FEET, THENCE SOUTH (S) 16°52' WEST (E) 1644 FEET, THENCE SOUTH (S) 16°52' WEST (W) 146.2 FEET, THENCE SOUTH (S) 26°52' WEST (W) 16°52' WEST (W) 16°52' WEST (W) 16°52' WEST (E) 1694 FEET, THENCE SOUTH (S) 26°17' EAST (E) 236 B FEET,

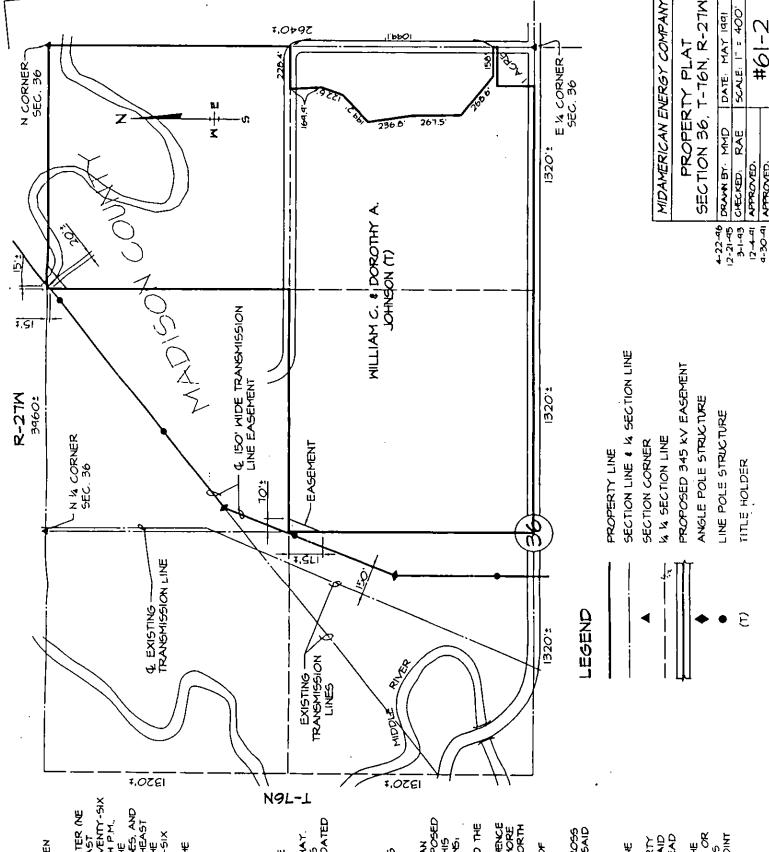
# EASEMENT LEGAL DESCRIPTIONS

THAT PART OF A 150 FOOT WIDE STRIP OF LAND THAT IS WITHIN 15 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSHISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 150 FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSHISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NW PROPERTY CORNER, WHICH IS ALSO THE NW CORNER OF THE SW 1/4 OF THE NE 1/4 SECTION 36, TOWNSHIP TO NORTH, RANGE 27 WEST OF THE STH PM., THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 175 FEET, MORE OR LESS, THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE, OF FEET MORE OR LESS, TO THE NORTH PROPERTY LINE, TO FEET MORE OR LESS, TO THE POINT OF BEGINNING. ALL BEING IN MADISON COUNTY, IOWA.

AND:
THAT PART OF A STRIP OF LAND ISO FEET IN WIDTH ACROSS
THE ABOVE DESCRIBED PROPERTY. THE CENTERLINE OF SAID
ISO FOOT STRIP IS MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COPPERCING AT THE NW CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36, T-16N, R-2TM OF THE 5TM PRINCIPAL MERIDIAN. THENCE SOUTHERY ALONG THE WEST PROPERTY LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE SAID POINT OF INTERSECTION IS THE POINT OF BEGINNING. THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET, MORE OR LESS. TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION SOUTH IS ALSO THE POINT OF TERMINATION POINT IS SEET. MORE OR LESS. EAST OF THE NA PROPERTY CORNER, ALL BEING IN MADISON COUNTY, 10MA



IN THE MATTER OF THE
CONDEMNATION OF
EASEMENTS RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

MADISON COUNTY SHE WINTERSET, IOWA

### **SUMMONS TO COMMISSIONERS**

TO: Loren Myers Macksburg, Iowa

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MidAmerican Energy Company has filed with the Chief Judge of the Fifth Judicial District, which includes Madison County, an application for the selection and appointment of a compensation commission to assess the damages which owners, encumbrancers, lienholders and other persons interested in the land sought to be appropriated or condemned in these proceedings will sustain by reason of such appropriation of the rights as described in the Application for the installation of an electric transmission line; and

WHEREAS, pursuant to lowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District, including Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further that Don Noack has been designated as Chairman of the Commission; and

WHEREAS, the Chief Judge of the Fifth Judicial District has instructed me to notify you of your appointment to the Compensation Commission.

NOW, THEREFORE, you are hereby summoned and required to be and appear before the undersigned, in the Office of the Sheriff at 1012 N. John Wayne Drive, Winterset, Madison County, Iowa, on the 29th day of August, 1996, at 9:00 o'clock A.M. for the purpose of qualifying as such Commissioner, and proceed to view said premises and make an award of damages as by law provided.

Dated at Madison County, Iowa, on the\_

<del>//-</del>, 1996.

Madison County, Iowa

by

ACC	CEPTANCE OF SERVICE
Due and legal service of the foregoing Summ is acknowledged at	ons is hereby accepted and receipt of a copy thereof, Iowa, this day of July _, 1996. I above proceedings which would cause me to render
PLEASE SIGN THIS ACCEPTANCE AND RETURN PROMPTLY TO THE SHERIFF OF MADISON COUNTY	In D. my
REFUSAL	TO SERVE
I will be unable to serve for the reason that:	
I possess an interest in the proceeding	g which would cause me to render a biased decision
I	
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IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

# NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1
P.O. Box 106A
Winterset, Iowa 50273

Madison County Treasurer County Courthouse Winterset, Iowa

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

[See attached legal description and plat]

You and each of you are hereby notified that MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across, and through the real estate hereinafter set forth to construct, re-construct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners

and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do SO.

Dated this 10<sup>th</sup> day of July, 1996.

Antonio Colacino BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

45

801 Grand Avenue, Suite 3700

Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT

# PROPERTY LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (16) NORTH, RANGE TWENTY-SEVEN (27), WEST OF THE 5TH P.M., MADISON COUNTY, IOMA

QUARTER (1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENT-SIX (76) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE STH PM, MADISON COUNTY, IOWA EXCEPT ONE (1) ACRE OUT OF THE SOUTHEAST (SE) CONNER THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE MORTHEAST (NE) CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE WORTHEAST QUARTER (NE) 1/4) OF THE WORTHEAST QUARTER (SE) 1/4) OF THE WORTHEAST QUARTER (SE) 1/4) OF THE WORTHEAST (B) 23-6 B FEET, THENCE SOUTH (5) 08-17: EAST (E) 23-6 B FEET, THENCE SOUTH (5) 07-50: EAST (E) 23-6 B FEET, THENCE SOUTH (5) O7-50: EAST (E) 23-6 B FEET, THENCE SOUTH (5) O7-50: EAST (E) 23-6 B FEET, THENCE SOUTH (5) O7-50: EAST (E) 23-6 B FEET, THENCE SOUTH (5) O7-50: EAST (E) 23-6 B FEET, THENCE SOUTH (5) O7-50: EAST (E) CAST (E) CHARLES OF THE NORTHEAST QUARTER (NE 1/4).

THENCE SOUTH (5) O7-50: EAST (E) CHARLES CONTRACT (E) LINE OF SAID SOUTHEAST (E) LINE OF SAID SOUTHEAST (E) LINE OF THE NORTHEAST QUARTER (NE 1/4).

THENCE SOUTH (5) O7-50: EAST (E) CHARLES CONTRACT (E) LINE OF THE NORTHEAST QUARTER (NE 1/4).

THENCE SOUTH (5) O7-50: EAST (E) CHARLES CONTRACT (E) LINE OF THE NORTHEAST QUARTER (NE 1/4).

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THENCE SOUTH (5) O7-50: EAST (E) CHARLES CONTRACT (E) LINE OF THE NORTHEAST QUARTER (NE 1/4).

THENCE SOUTH (5) O7-50: EAST (E) CHARLES CONTRACT (E) LINE OF THE NORTHEAST QUARTER (NE 1/4).

THENCE SOUTH (5) O7-50: EAST (E) CHARLES CONTRACT (E) CONTRACT THE SOUTHMEST QUARTER (I/4) OF THE NORTHEAST QUARTER (NE

# EASEMENT LEGAL DESCRIPTIONS

THAT PART OF A 150 FOOT WIDE STRIP OF LAND THAT IS WITHIN 15 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 150 FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NY PROPERTY CORNER, WHICH IS ALSO THE NY CORNER OF THE SM 1/4 OF THE NE 1/4 SECTION 36, TOWNSHIP 76 NORTH, RANGE 27 WEST OF THE STH PM., THENCE SOUTHERLY ALLONG THE MEST PROPERTY LINE 115 FEET, MORE OR LESS; THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE; THENCE MESTERLY ALLONG THE NORTH PROPERTY LINE TO FEET MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING IN MADISON COUNTY, JOWA. THAT PART OF A STRIP OF LAND ISO FEET IN MIDTH ACROSS THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID ISO FOOT STRIP IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36. T-16N, R-21W OF THE 5TH PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 15 FEET, MORE OR LESS TO THE INTERSECTION OF SAID MEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE SAID POINT OF INTERSECTION 15 THE POINT OF BEGINNING, THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET, MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION. SAID TERMINATION POINT IS 15 FEET, MORE OR LESS, EAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA

PROPOSED 345 KV EASEMENT

A A SECTION LINE SECTION CORNER

MIDAMERICAN ENERGY CO

PROPERTY PLA

SECTION LINE & IS SECTION LINE

PROPERTY LINE

TITLE HOLDER

4-22-46 12-21-45 3-1-43 12-4-41 1-30-1

T-76N, R-27M

DATE: MAY 1991

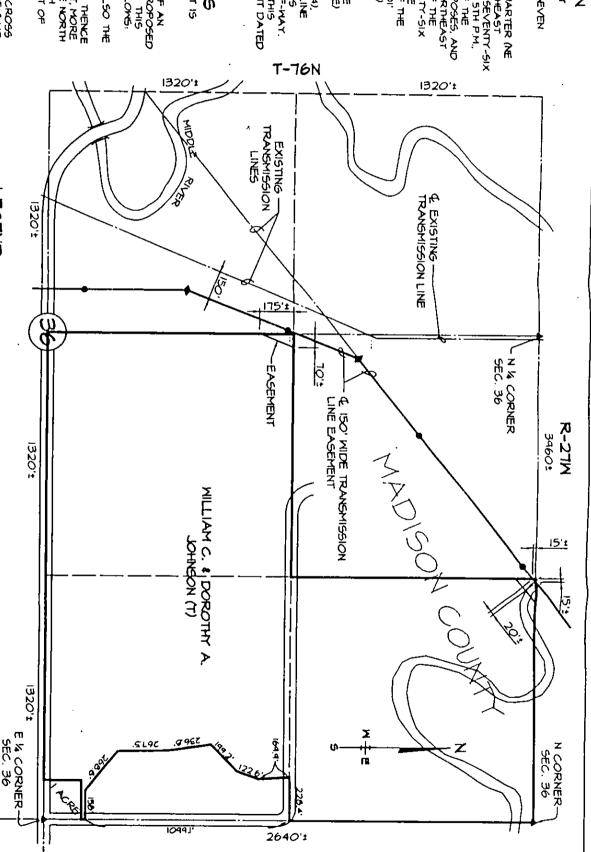
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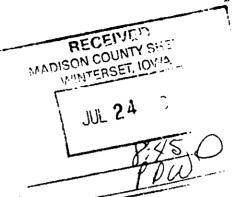
ASTROVED. APPROVED. CHECKED: RAE DRAWN BY: MMD SECTION 36,

LINE POLE STRUCTURE ANGLE POLE STRUCTURE



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IN THE MATTER OF THE
CONDEMNATION OF
EASEMENTS RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA



SUMMONS TO COMMISSIONERS

TO: Raymond Clark Booneville, Iowa

MidAmerican Energy Company has filed with the Chief Judge of the Fifth Judicial District, which includes Madison County, an application for the selection and appointment of a compensation commission to assess the damages which owners, encumbrancers, lienholders and other persons interested in the land sought to be appropriated or condemned in these proceedings will sustain by reason of such appropriation of the rights as described in the Application for the installation of an electric transmission line; and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District, including Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further that Don Noack has been designated as Chairman of the Commission; and

WHEREAS, the Chief Judge of the Fifth Judicial District has instructed me to notify you of your appointment to the Compensation Commission.

NOW, THEREFORE, you are hereby summoned and required to be and appear before the undersigned, in the Office of the Sheriff at 1012 N. John Wayne Drive, Winterset, Madison County, Iowa, on the 29th day of August, 1996, at 9:00 o'clock A.M. for the purpose of qualifying as such Commissioner, and proceed to view said premises and make an award of damages as by law provided.

Dated at Madison County, Iowa, on the

\_, 1996.

Madison County, Iowa

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ACCEPTANCE OF SERVICE
Due and legal service of the foregoing Summons is hereby accepted and receipt of a copy thereos acknowledged at, Iowa, this, Iowa, Iowa, this, Iowa, Iowa, this, Iowa,
PLEASE SIGN THIS ACCEPTANCE AND RETURN PROMPTLY TO THE HERIFF OF MADISON COUNTY  APALYMONAL CLOCK  APA
REFUSAL TO SERVE
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
I

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IN THE MATTER OF THE
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BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
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IN MADISON COUNTY, IOWA

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TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1
P.O. Box 106A
Winterset, Iowa 50273

Madison County Treasurer County Courthouse Winterset, Iowa

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

[See attached legal description and plat]

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The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across, and through the real estate hereinafter set forth to construct, re-construct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners

and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10th day of July, 1996.

Y.

MIDAMERICAN ENERGY COMPANY

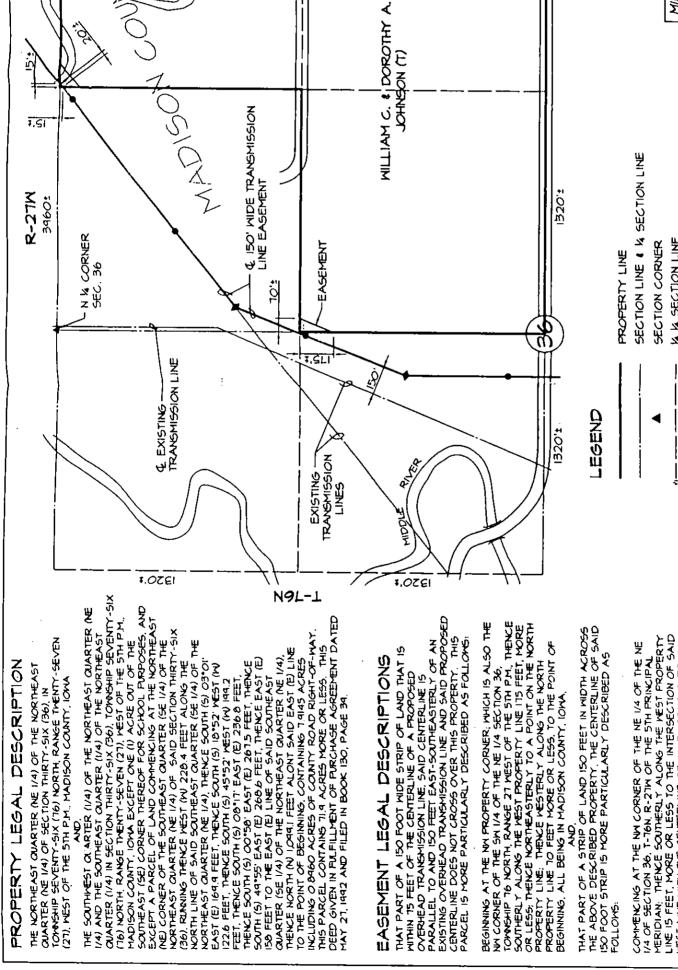
Antonio Colacino

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

801 Grand Avenue, Suite 3700 Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT



T.0492

N CORNER-SEC. 36

T-76N, R-27M

SECTION 36,

504E: 1" = 400

RAE

CHECKED

4-22-46 12-21-45 APPROVED.

MIDAMERICAN ENERGY COMPANY

E 14 CORNER-

13201

PROPERTY PLAT

E-2725

1

# #

COMMENCING AT THE NM CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36, T-76N, R-27M OF THE 5TH PRINCIPAL MERIDIAN. THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE IS FEET, MORE OR LESS TO THE INTERSECTION OF SAID PREST. LINE MITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE, SAID POINT OF INTERSECTION IS THE POINT OF BEGINNING. THENCE NORTHEASTERLY ALONG THE CENTER, INE OF SAID TRANSMISSION LINE 20 FEET, MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION. SAID TERMINATION POINT IS IS FEET, MORE OR LESS, EAST OF THE NM PROPERTY CORNER, ALL BEING IN MADISON CONTY, IONA

721

121

IN THE MATTER OF THE
CONDEMNATION OF
EASEMENTS RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

### SUMMONS TO COMMISSIONERS

TO: Vincent Wildin Winterset, Iowa

MidAmerican Energy Company has filed with the Chief Judge of the Fifth Judicial District, which includes Madison County, an application for the selection and appointment of a compensation commission to assess the damages which owners, encumbrancers, lienholders and other persons interested in the land sought to be appropriated or condemned in these proceedings will sustain by reason of such appropriation of the rights as described in the Application for the installation of an electric transmission line; and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District, including Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further that Don Noack has been designated as Chairman of the Commission; and

WHEREAS, the Chief Judge of the Fifth Judicial District has instructed me to notify you of your appointment to the Compensation Commission.

NOW, THEREFORE, you are hereby summoned and required to be and appear before the undersigned, in the Office of the Sheriff at 1012 N. John Wayne Drive, Winterset, Madison County, Iowa, on the 29th day of August, 1996, at 9:00 o'clock A.M. for the purpose of qualifying as such Commissioner, and proceed to view said premises and make an award of damages as by law provided.

Dated at Madison County, Iowa, on the 15th day of \_\_\_\_\_\_, 1996.

Medison County, Lova .

13

IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

## NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1
P.O. Box 106A
Winterset, Iowa 50273

فتار

Madison County Treasurer County Courthouse Winterset, Iowa

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

## [See attached legal description and plat]

You and each of you are hereby notified that MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across, and through the real estate hereinafter set forth to construct, re-construct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners

 $\sqrt{\lambda}$ 

and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10<sup>th</sup> day of July, 1996.

MIDAMERICAN ENERGY COMPANY

Antonio Colacino

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

÷4,

801 Grand Avenue, Suite 3700

Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT

-2-

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOMISHIP SEVENTY-SIX (76) NORTH, RANGE THENTY-SEVEN (27), MEST OF THE STH P.M. MADISON COUNTY, IOMA PROPERTY LEGAL DESCRIPTION

THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE) 1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST (1/4) NORTH RANGE TWENTY-SEVEN (27), WEST OF THE STH PM. HADISON COUNTY, IOWA EXCEPT ONE (1) ACRE OUT OF THE SOUTHEAST (SE) CORNER THEREOFF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE NORTHEAST (NE) CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTH (5) 48\*52" MEST (N) 1226 FEET, THENCE SOUTH (5) 08\*17" EAST (E) 286 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 266 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 100 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 100 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 48\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 200 B FEET, THENCE SOUTH (5) 40\*55" EAST (E) 20\*50" EAST (E) 2

# MAGENT LEGAL DESCRIPTIONS

THAT PART OF A 150 FOOT WIDE STRIP OF LAND THAT IS WITHIN 15 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 150 FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS,

BEGINNING AT THE NM PROPERTY CORNER, WHICH IS ALSO THE NM CORNER OF THE SM 1/4 OF THE NE 1/4 SECTION 36. TOWNSHIP TO NORTH, RANGE 27 MEST OF THE STH PM., THENCE SOUTHERLY ALONG THE MEST PROPERTY LINE 115 FEET, MORE OR LESS; THENCE WESTERLY TO A POINT ON THE NORTH PROPERTY LINE. THENCE WESTERLY ALONG THE NORTH PROPERTY LINE TO FEET MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING IM MADISON COUNTY, JOWA.

AND.

THAT PART OF A STRIP OF LAND ISO FEET IN MIDTH ACROSS
THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID
ISO FOOT STRIP IS MORE PARTICULARLY DESCRIBED AS

LEGEND

COMMENCING AT THE NW CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36. T-76N. R-27M OF THE 5TH PRINCIPAL MERIDIAN. THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 15 FEET. MORE OR LESS TO THE INTERSECTION OF SAID PREST LINE WITH THE CENTERLINE OF A BUSSTING OVERHEAD TRANSMISSION LINE, SAID POINT OF INTERSECTION IS THE POINT OF BEGINNING. THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET. MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION SAID TERMINATION POINT IS IS FEET. MORE OR LESS, TO A POINT OF TERMINATION SAID TERMINATION POINT IS IS FEET. MORE OR LESS, TO THE NY PROPERTY BEING IN MADISON COUNTY, IOMA

PROPOSED 345 KV EASEMENT

ANGLE POLE STRUCTURE

LINE POLE STRUCTURE

TITLE HOLDER

12-21-45 3-1-43 1-22-46

DRAWN BY MMD CHECKED APPROVED.

RXAE

T-76N, R-27W

DATE: MAY 1991

SCALE: 1" = 400"

#61-2

6-2725

SECTION 36,

MIDAMERICAN ENERGY CO

MPANY

E & CORNER SEC. 36

PROPERTY PLAT

1-30-1 244

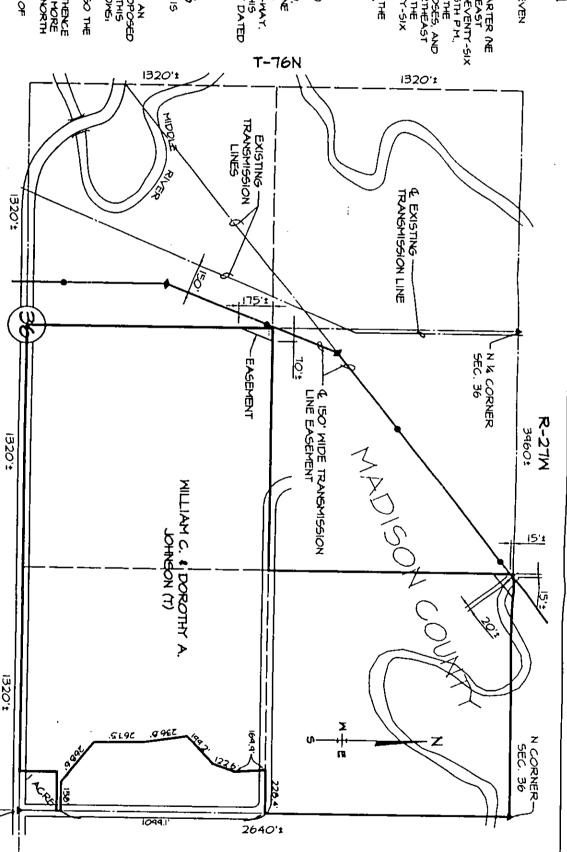
**APPROVED** 

& & SECTION LINE

SECTION CORNER

SECTION LINE & & SECTION LINE

PROPERTY LINE



IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY, TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

### OATH OF COMPENSATION COMMISSIONERS

STATE	OF	IOWA	)	
			)	SS
COUNTY	OF	MADISON	)	

The undersigned Commissioners, appointed by the Chief Judge of the Fifth Judicial District, which includes Madison County, Iowa, pursuant to the Application for condemnation filed by MIDAMERICAN ENERGY COMPANY, do solemnly swear, each for themselves:

That I do possess the qualifications listed under  $\ensuremath{\mathsf{my}}$  name below, and

That I do not possess any interest in the proceedings 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, encumbrancers, 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 as set forth and described in the Application and Notice of Condemnation filed in the Office of the Sheriff by MIDAMERICAN ENERGY COMPANY to construct, operate, and maintain a 345 kV electric transmission line and make a written report to the Sheriff as authorized and prescribed in Iowa Code Chapters 6A and 6B (1995) and any amendments thereto, and in accordance with the instructions of the Chief Justice of the Iowa Supreme Court, and will well and 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.

Licensed Real Estate Salesman or Broker

Licensed Real Estate Salesman or Broker

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1,6

67

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

Agricultural/Other Than

Agricultural

Name: <u>IRVIN W. MARTENS</u> Knowledgeable of Property Values by Virtue of Occupation

Agricultural/Other Than

Agricultural

Subscribed and sworn to before me this  $\frac{29}{4}$ 

Notary Public in and for

of Iowa

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IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY, TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

## AFFIDAVIT OF NONMILITARY SERVICE

STATE OF IOWA ) ss:
COUNTY OF MADISON )

I, James P. Diemer, being first duly sworn on oath, depose and state that I am Senior Right-of-Way Agent for MidAmerican Energy Company and am responsible for condemnation of right-of-way for this captioned project, and that I am qualified to make this affidavit; that to the best of my knowledge, belief and investigation none of the persons holding any legal right to the real property described in Exhibit "A" attached hereto, and by this reference made a part hereof, are in the active service or on active duty in any of the United States Armed Forces and none come within the provisions of the Soldiers and Sailors Relief Act of 1940, and the amendments thereto.

of Iowa

James P. Diemer

Subscribed and sworn to before me this

Z8 day of Aug

Notary Public in and for the State

ANTONIO COLACINO MY COLAMBRION EXPIRES 44 CC 17 1/ 17 9 8

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1996.

MADISON COUNTY SHER WINTERSET, IOWA

AUG 2 9 1996

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IN THE MATTER OF THE
CONDEMNATION OF
EASEMENT RIGHTS IN LAND
BY MIDAMERICAN ENERGY COMPANY
TO CONSTRUCT, OPERATE AND MAINTAIN
A 345 kV ELECTRIC TRANSMISSION LINE
IN MADISON COUNTY, IOWA

# NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route I
P.O. Box 106A
Winterset, Iowa 50273

: 0

Madison County Treasurer County Courthouse Winterset, Iowa

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

[See attached legal description and plat]

You and each of you are hereby notified that MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, under, across, and through the real estate hereinafter set forth to construct, maintain, operate, inspect, repair, replace, or remove an electric transmission line, and appurtenances thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip

which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10th day of July, 1996.

MIDAMERICAN ENERGY COMPANY

By:

Antonio Colacino BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C. 801 Grand Avenue, Suite 3700 Des Moines, IA 50309-2727 (515) 243-4191

ATTORNEYS FOR APPLICANT

**4**.V

# PROPERTY LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (16) NORTH, RANGE TVENTY-SEVEN (21), MEST OF THE 5TH P.M., MADISON COUNTY, IOMA

THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENTY-SIX (76), NORTH, RANGE THENTY-SEVEN (27), MEST OF THE STIN P.M., HADISON COUNTY, IOWA EXCEPT ONE (1) ACRE OUT OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST (E) 136.6 FEET. THENCE SOUTH (5) 03°50' EAST (E) 236.6 FEET. THENCE SOUTH (5) 03°17' EAST (E) 236.6 FEET. THENCE EAST (E) 236.

# MASHMENT LEGAL DESCRIPTIONS

THAT PART OF A 150 FOOT WIDE STRIP OF LAND THAT IS WITHIN TO FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 150 FEET EAST-SOUTHEASTERLY OF AN EXISTING OVERHEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NM PROPERTY CORNER, WHICH IS ALSO THE NM CORNER OF THE SM 1/4 OF THE NE 1/4 SECTION 36, TOWNSHIP 76 NORTH, RANGE 27 WEST OF THE STH PM, THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE ITS FEET, MORE OR LESS, THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE, THENCE WESTERLY ALONG THE NORTH PROPERTY LINE TO FEET MORE OR LESS, TO THE POINT OF BEGINNING, ALL BEING IN MADISON COUNTY, 10MA. THAT PART OF A STRIP OF LAND ISO FEET IN WIDTH ACROSS THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID ISO FOOT STRIP IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**GNEOEL** 

4 4 SECTION LINE

MIDAMERICAN ENERGY OF

PROPERTY PLA

T-76N,

SECTION CORNER

PROPOSED 345 KV EASEMENT

ANGLE POLE STRUCTURE

TITLE HOLDER

12.21.43 3-1.43 12.44 12.44 1-30.4

CARCKED, RAE DRAWN BY: MIND SECTION 36,

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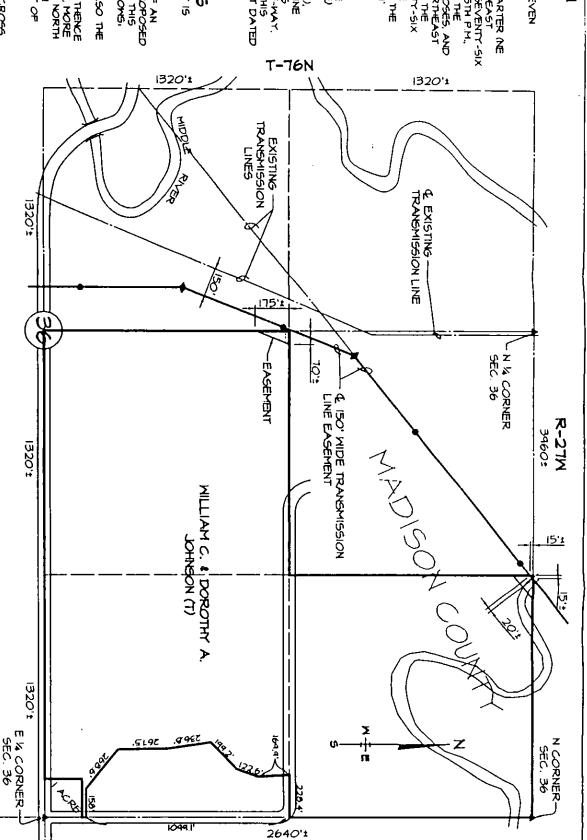
APPROVED APPROVED.

LINE POLE STRUCTURE

SECTION LINE & & SECTION LINE

PROPERTY LINE

COMMENCING AT THE NM CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36, T-T6N, R-2TM OF THE 5TH FRINCIPAL MERIDIAN. THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE IS FEET, MORE OR LESS TO THE INTERSECTION OF SAID FIRMST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE. SAID POINT OF INTERSECTION IS THE POINT OF BEGINNING, THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET, MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION. SAID TERMINATION POINT IS IS FEET, MORE OR LESS, EAST OF THE NM PROPERTY.



113-

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY, TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

### REPORT OF COMPENSATION COMMISSION

STATE OF IOWA	
COUNTY OF MADISON )	SS:
Each of the undersigne	d, being duly sworn, states:
matter, convened at Indiano 1996, and thereupon proceed did thereafter on the 29 <sup>th</sup> o	on Commissioners in the above-entitled la, Iowa, on the 29 <sup>th</sup> day of August, ed to view the premises and further lay of July, 1996, award damages in to the owners and
William C. Johnson Dorothy A. Johnson Madison County Treasurer	\$  \$
Commissioner: /m //ldim Vin Wildin  Commissioner: /m //ldim Loren Myers  Commissioner: Irvin Martens	Commissioner: George Bown  Commissioner: Raymond Clark  Commissioner: Donald P. Noack
August, 1996	before me on this of day of the State of Iowa

#### AFFIDAVIT OF FINAL OFFER

STATE OF IOWA ) ss COUNTY OF MADISON )

I, James P. Diemer, Senior Right of Way Agent, acting for MidAmerican Energy Company, in the above-captioned matter, hereby state and depose that, in compliance with Iowa Code § 6B.33 (1995), the most recent offer made to the owners, lienholders, encumbrancers, and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant in the Notice of Condemnation filed in the above matter, a copy of which is attached hereto, was in the amount of  $Twp\ Thousand\ + Nolioo\ Dollars\ and\ no/100$ 

Afriant - James P. Diemer

Subscribed and sworn to before me by the said James P. Diemer on this  $28^{\circ}$  day of August, 1996.

Notary Public in and for the State of Iowa

ANTONO COLACINO NY GONAGES METABES

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# NOTICE OF CONDEMNATION AND ASSESSMENT HEARING BEFORE COMPENSATION COMMISSION

TO: William C. Johnson
Dorothy A. Johnson
Rural Route 1
P.O. Box 106A
Winterset, Iowa 50273

IN MADISON COUNTY, IOWA

Madison County Treasurer County Courthouse Winterset, Iowa

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

[See attached legal description and plat]

You and each of you are hereby notified that MidAmerican Energy Company, successor by merger to Midwest Power Systems Inc. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, under, across, and through the real estate hereinafter set forth to construct, maintain, operate, inspect, repair, replace, or remove an electric transmission line, and appurtenances thereto. MidAmerican Energy Company shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip

which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

The easement is shown on the plat attached hereto and is described in the attached document.

That such condemnation is sought to construct, operate, and maintain an electric transmission line as provided in the relevant Provisions of the Code of Iowa.

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission will, on the 29th day of August, 1996, at 9:00 o'clock A.M. convene at the Madison County Sheriff's Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises. They will then return to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10th day of July, 1996.

MIDAMERICAN ENERGY COMPANY

Antonio Colacino

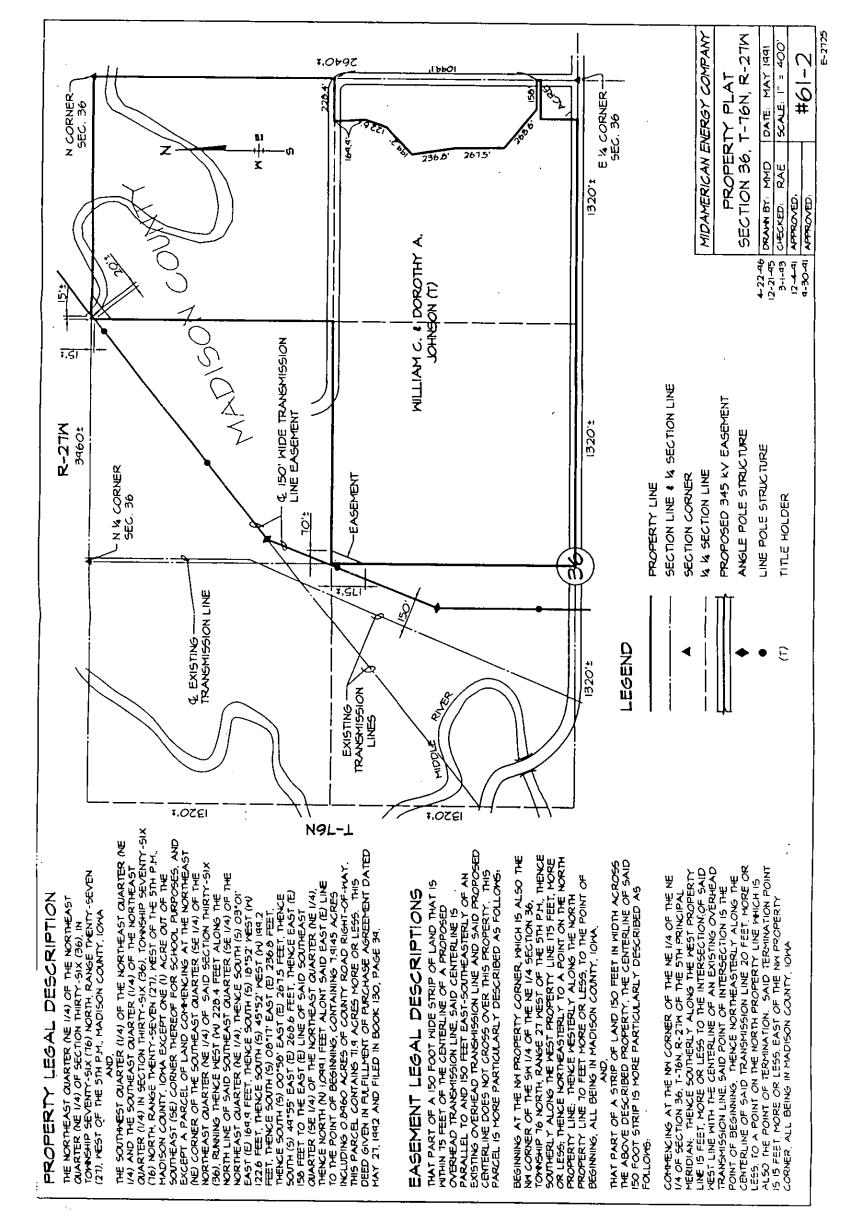
BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

801 Grand Avenue, Suite 3700

Des Moines, IA 50309-2727

(515) 243-4191

ATTORNEYS FOR APPLICANT



THE NORTHEAST CUARTER (NE 1/4) OF CUARTER (NE 1/4) OF SECTION THIRTY-TOWNSHIP SEVENTY-SIX (16) NORTH, R (21), WEST OF THE 5TH P.M. MADISON

D

PROPERTY LEGAL

.,

FOLLOWS

#### NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

 $\eta \le$ 

William C. Johnson Rural Route 1 P.O. Box 106A Winterset, IA 50273

Dorothy A. Johnson Rural Route 1 P.O. Box 106A Winterset, IA 50273

Madison County Treasurer County Courthouse Winterset, Iowa

MidAmerican Energy Company c/o Antonio Colacino 801 Grand Avenue, Suite 3700 Des Moines, Iowa 50309-2727

Damages Awarded

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the duly appointed and qualified Commissioners have on the  $29^{\rm th}$  day of August, 1996, assessed and appraised the damages sustained by reason of the condemnation as follows:

Damages Awarded	\$ 400.00
Attorneys Fees and Costs Awarded (if any)	\$
TOTAL AWARD	\$ <u>400.00</u>
Apportionment:	
William C. Johnson Dorothy A. Johnson Rural Route 1 P.O. Box 106A Winterset, Iowa 50273	\$_400_00

Madison County Treasurer County Courthouse Winterset, Iowa

|--|

Any interested party may, pursuant to Section 6B.18, Code of Iowa, within thirty (30) days from the date of mailing this Notice, appeal to the District Court as by law provided.

Dated this 29th day of August, 1996.

Sheriff of Madison County, Iow

By:

Deputy

. Ken Burk

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IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY, TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

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

I, the undersigned, Sheriff of Madison County, Iowa, hereby endorse and certify to the Report of Compensation Commission, to which this is attached, that I have mailed by ordinary mail on this 29th day of August, 1996, the attached Notice of Appraisement of Damages and Time for Appeal to each of the persons to whom they are addressed.

Sheriff of Madison County, Iowa

By:

Deputy

Ken Burk

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IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY, TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

# SHERIFF'S CERTIFICATION OF COMPLIANCE WITH IOWA CODE SECTION 6B.43 (1995)

STATE OF	IOWA	)
		) ss:
COUNTY O	F MADISON	)

I hereby certify that, pursuant to Iowa Code § 6B.43 (1995), I have this 29<sup>TH</sup> day of August, 1996, read aloud the "WRITTEN INSTRUCTIONS FOR MEMBERS OF THE COMPENSATION COMMISSION" submitted to me for this purpose by the Chief Justice of the Iowa Supreme Court, having previously transmitted a copy of the Instructions to each member of the Commission.

Sheriff of Madison County, Iowa

By:

Deputy

gt Ken Burk

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#### SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

TO: Madison County Clerk of Court

Madison County Recorder

MidAmerican Energy Company c/o Antonio Colacino Bradshaw, Fowler, Proctor & Fairgrave,

P.C. 801 Grand, Suite 3700 Des Moines, IA 50309-2727

I hereby certify that the Commissioners in the above-entitled cause convened at Winterset, Iowa, on the 29<sup>th</sup> day of August, 1996, and thereupon proceeded to view the premises and said Commissioners did thereafter on the 29th day of August, 1996, file their report in my office awarding damages as follows:

	_	
Name		Amount
William C. Johnson Dorothy A. Johnson Rural Route 1 P.O. Box 106A		
Winterset, Iowa 50273		\$ 400.00
Madison County Treasurer County Courthouse Winterset, Iowa		\$
	TOTAL DAMAGES AWARDED	\$ 400.00
ጥር ተጠር ነው።	FEES AND COSTS AWARDED	
-OIAM MITOMET	ERES WIN COSTS WMWKDFD	<b>₽</b>

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I further certify that costs incident to this proceeding have been taxed as follows:

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Serving notices as listed below:

Date	Names of Persons Served	Fee	Mileage	Rate	Amount	Total
072796	William C. Johnson	\$10.50	l6_miles	0.27c	\$4.32	\$14_82
072796	Dorothy A. Johnson	\$ 5.00		·		\$ 5.00
072996	Madison County Treasu	rer \$10.50	<u>minimum</u>	27¢_	\$2.70	
	summoning and attending	ng Commis			\$_70.31_	<del></del>
Sheriff, Commissi	mileage while attendin oners 32 miles at	.27¢		:	\$ <u>8.64</u>	
SHERIFF SERVING COMMISSI	TOTAL COSTS OF NOTICES AND ATTENDING ONERS					
COSTS OF	SIX COMMISSIONERS MISSIONERS' STATEMENTS			``	182.28	
ATTACHED	)			\$	372.14	<del></del>
		TOTAL	COSTS \$ 5:	54.42		
Give	en under my hand this 29	th day o	f Augus	it	_, 1996.	
		Sheri Iowa	ff of Mad	ison	ounty,	
		By:	Deputy 6gt	. Ken B	urk	
V:C:\Word\Co	ndemnation\SCA.Madison.doc				WA IN	

-2-

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY, TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

# COMPENSATION COMMISSIONER STATEMENT

# TO THE SHERIFF OF MADISON COUNTY, IOWA:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain land in Madison County, Iowa, for right-of-way in the above-captioned matter held on the 29th day of August, 1996, are as follows, and that these claims are due, just, and unpaid:

	day service at \$50.00 \$ 50 -	
40	miles at \$ 274 \$ 1080	
<del></del>	meals and parking \$ 5 -	
Total	\$ 65.40	
Signed thi	s <u>29</u> day of August, 1996.	

Name:
Commissioner

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#### COMPENSATION COMMISSIONER STATEMENT

٥,

TO THE SHERIFF OF MADISON COUNTY, IOWA:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain land in Madison County, Iowa, for right-of-way in the above-captioned matter held on the 29th day of August, 1996, are as follows, and that these claims are due, just, and unpaid:

	day service at \$50.00	\$ 50.00
16	miles at \$ <u>,27</u>	\$ 4.32
	meals and parking	\$ 5.00
Total	••••••	\$ 59.32
Signed th	is <u>29</u> day of August, 1996.	
		L

Commissioner

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IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY, TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kV ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

## COMPENSATION COMMISSIONER STATEMENT

# TO THE SHERIFF OF MADISON COUNTY, IOWA:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain land in Madison County, Iowa, for right-of-way in the above-captioned matter held on the 29th day of August, 1996, are as follows, and that these claims are due, just, and unpaid:

	day service at \$50.00 \$ 50.00
28	miles at \$ \$ 7.56
1	meals and parking s 500
Total	\$ \\\ \begin{align*}
Signed thi	s $99$ day of August, 1996.

Name: Commissioner

 ${\tt NV:C:\Word\Condemnation\ccs.madison.doc}$ 

# COMPENSATION COMMISSIONER STATEMENT

TO THE SHERIFF OF MADISON COUNTY, IOWA:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain land in Madison County, Iowa, for right-of-way in the above-captioned matter held on the 29th day of August, 1996, are as follows, and that these claims are due, just, and unpaid:

	day service at \$50.00 \$ 50x
-34	miles at \$ \$ 9.18
	meals and parking s 5 00
	\$ 64 18
Signed thi	s <u>29 -</u> day of August, 1996.

Name:
Commissioner

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#### COMPENSATION COMMISSIONER STATEMENT

#### TO THE SHERIFF OF MADISON COUNTY, IOWA:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain land in Madison County, Iowa, for right-of-way in the above-captioned matter held on the 29th day of August, 1996, are as follows, and that these claims are due, just, and unpaid:

<del></del>	day service at \$50.00 .	 \$ 50
22	miles at \$	 \$ 5.94
	meals and parking	
Total		 \$ 60 94
	22	

Signed this 2 day of August, 1996.

Commissioner

NV:C:\Word\Condemnation\ccs.madison.doc

#### COMPENSATION COMMISSIONER STATEMENT

#### TO THE SHERIFF OF MADISON COUNTY, IOWA:

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain land in Madison County, Iowa, for right-of-way in the above-captioned matter held on the 29th day of August, 1996, are as follows, and that these claims are due, just, and unpaid:

	day service at \$50.00	\$ <u>50</u>
16	miles at \$ <u>37</u>	\$ 4.32
	meals and parking	\$5,
Total		\$ 59.32
Signed thi	is <u>297/</u> day of August, 1996.	

Name:
Commissioner

NV:C:\Word\Condemnation\ccs.madison.doc

## FILING PROOF OF PUBLICATION

COMES NOW MidAmerican Energy Company, by and through its undersigned attorney, and submits the attached Proof of Publication for filing in the above-identified proceeding. The attached Proof of Publication establishes that notice of these proceedings was published in the Winterset Madisonian, a weekly paper of general circulation printed and published in Madison County, for four consecutive weeks, beginning on July 17, 1996, and ending on August 7, 1996. As a result, the first publication of the notice was published more than thirty days prior to August 29, 1996, the day fixed for the appraisement, as specified therein.

Liù

Antonio Colacino
Bradshaw, Fowler, Proctor &
Fairgrave, P.C.
801 Grand, Suite 3700
Des Moines, IA 50309-2727

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RECEIVED

MADISON COUNTY SHERIFF
WINTERSET, IOWA

MG 2 9 1996

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#### STATE OF IOWA

SS. Madison County

2012年 是是是 In The Matter Of The Condemnation Of 17 Easement Rights In Land By MidAmerican SO St Energy Company, To Construct, Operate And Maintain A 345 KV, Electric, Transmission Line In Madison County, lowa

Notice Of Condemnation And Assessment Hearing Before Competitation Commission
Togathe Williams Helpsonia Production 1923111W

P.O. Box 108A
Winterset, IA 50273

and all other persons, companies, or corporations having any interest in or owning

THE NORTHEAST QUARTER (NEI/4) OF THE NORTHEAST QUARTER (NEI/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-SEVEN (27), WEST OF THE 5TH P.M., MADISON COUNTY, IOWA

THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-SEVEN (27), WEST OF THE 5TH P.M., MADISON COUNTY, IOWA EXCEPT ONE (1), ACRE OUT OF THE SOUTHEAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE MODERN TO THE SOUTHEAST (SE) COMMENCING AT THE MODERN TO THE SOUTHEAST (SE) COMMENCING AT THE MODERN THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE MODERN THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A WEST OF THE 5TH P.M., MADISON COUNTY, IOWA EXCEPT ONE (1). ÀCRE OUT OF THE SOUTHEAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE NORTHEAST (NE) CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION THIRTY-SIX (36), RUNNING THENCE WEST (W) 228.4 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4), THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET, THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET, THENCE SOUTH (S) 05'17' EAST (E) 288.8 FEET, THENCE SOUTH (S) 00'58' EAST (E) 267.5 FEET, THENCE SOUTH (S) 49'55' EAST (E) 268.6 FEET, THENCE EAST (E) 158.9 FEET, THENCE SOUTH (S) 49'55' EAST (E) 268.6 FEET, THENCE EAST (E) 158.9 FEET, THENCE SOUTH (S) 49'55' EAST (E) 268.6 FEET, THENCE EAST (E) 158.9 FEET, THENCE EAST (E) LINE OF SAID SOUTHEAST QUARTER (SE1/4) OF THE 267.5 FEET, THENCE SOUTH (S) 49'55' EAST (E) 268.6 FEET, THENCE EAST (E) 158
PEET TO THE EAST (E) LINE OF SAID SOUTHEAST QUARTER (SE1/4) OF THE
NORTHEAST QUARTER (NE1/4). THENCE NORTH (N) 1,099.1 FEET ALONG SAID
EAST (E) LINE TO THE POINT OF BEGINNING, CONTAINING 7.9145 ACRES INCLUDING
0.8980 ACRES OF COUNTY ROAD RIGHT-OF-WAY. THIS PARCEL CONTAINS 71.9
ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF PURCHASE
AGREEMENT DATED MAY 27, 1992 AND FILED IN BOOK 130, PAGE 39...

PARCEL 61-2

THAT PART OF A 150 FOOT WIDE STRIP OF LAND THAT IS WITHIN 75 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 150 PEET EAST-SOUTHEASTERLY OF AN EXISTING OVER-12-HEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS POL-

BEGINNING AT THE NW PROPERTY CORNER, WHICH IS ALSO THE NW CORNER OF THE SW 1/4 OF THE NE 1/4, SECTION 38, TOWNSHIP 78 NORTH, RANGE 27 WEST OF THE 5TH P.M., THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 175, PEET, MORE OR LESS; THENCE NORTHEASTERLY, TO A POINT ON THE NORTH PROPERTY LINE; THENCE WESTERLY ALONG THE NORTH PROPERTY LINE 70 FEET MORE OR LESS, TO THE POINT OF BEGINNING; ALL BEING IN MADISON COUNTY, NOW. AND THU SHALL WELL

THAT PART OF A STRIP OF LAND 150 PEET IN WIDTH ACROSS THE ABOVE DE-SCRIBED PROPERTY. THE CENTERLINE OF SAID 150 POOT STRIP IS MORE PARTICU-

LARLY DESCRIBED AS FOLLOWS:

COMMENCINO AT THE NW CORNER OF THE NE 1/4 OF SECTION 36, ; COMMENCING AT THE NW CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 38; T-76N, R-27W OF THE 5TH PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 15 FEET, MORE OR LESS TO THE INTERSECTION OF SAID WEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION LINE. SAID POINT OF INTERSECTION 19 THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET, MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA.

You and each of you are, hereby notified that Middmerican Energy Company, ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, lows, and in the Office of the Sheriff of Madison County, lows, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along across, and through the real estate herein above set forth to construct, reconstruct, main-stain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles.

tain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. Middmerican Energy Company, shall have the right of ingress to and egress from said strip of land across the described tract for these purposes Middmerican shall further have the right to sell, lease, apportion, or subdivide its rights for any partithereof hereunder. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas but subject to Applicant's rights which forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby accounted, including across to the easement and the safe merson. rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line. 

That such condemnation is sought to construct; operate, maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of lown:

That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission, will, on the 29th day of August, 1996, at 9:00 A.M. convene at the Madison County, Sheriff's Office, 1012 N. John Wayne Drive, Winterset, lows, and immediately thereafter view said premises. They will then beturn to the Sheriff's Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10th day of July, 1998.

MIDAMERICAN ENERGY COMPANY

Antonio Colecino

e/o MidAmerican Energy Company.

1: ... ATTORNEY FOR APPLICANT, MIDAMERICAN ENERGY COMPANY Des Motnes, IA 50303

### <u>AFFIDAVIT OF PUBLICATION</u>

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

for the period of four consecutive weeks, the last publication thereof being

on the <u>7th</u> day of <u>August</u>. 19<u>96</u>

Subscribed and sworn to before me this

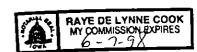
<u>7th</u> day of <u>August</u>

**NOTARY PUBLIC** 

In and for Madison County

8/07

Fee \$ 58.21 pariet



Notice Of Condemnation And Assessment Hearing 

THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECURITY SEVEN (27), WEST OF THE STH P.M., MADISON COUNTY, IOWA 13 TOTAL AND.

SEVEN (27), WEST OF THE 5TH P.M., MADISON COUNTY, IOWA 13 TOTY YOU DITE THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE1/4) AND THE SOUTHWAST QUARTER (1/4) OF THE NORTHWAST QUARTER (1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-SEVEN (27), WEST OF THE 5TH P.M., MADISON COUNTY, IOWA EXCEPT ONE (1) ACRE OUT OF THE SOUTHWAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE NORTHWAST (NE) CORNER OF THE SOUTHWAST QUARTER (SE)/4) OF THE NORTHWAST QUARTER (NE)/4) OF SAID SECTION THIRTY-SIX (36), RUNNING THENCE WEST (W) 228.4 FEET ALONG THE NORTH LINE OF SAID SOUTHWAST QUARTER (SE)/4) OF THE NORTHWAST QUARTER (NE)/4). THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET, THENCE SOUTH (S) 18'52' WEST (W) 122.6 FEET, THENCE SOUTH (S) 45'52' WEST (W) 199.2 FEET, THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET, THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET, THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET, THENCE SOUTH (S) 05'01' EAST (E) 238.6 FEET, THENCE SOUTH (S) 03'05' EAST (E) 268.6 FEET, THENCE SOUTH (S) 05'05' EAST (E) 268.6 FEET, THENCE SOUTH (S) 05'05' EAST (E) 169.9 FEET TO THE EAST (E) LINE OF SAID SOUTHEAST QUARTER (SE)/4) OF THE NORTHWAST QUARTER (RE)/4), THENCE NORTH (N) 1.099,1 FEET ALONG SAID NORTHWAST QUARTER (RE)/4), THENCE NORTH (N) 1.099,1 FEET ALONG SAID PASSON ACRES OF COUNTY ROAD RIGHT-OF-WAY. THIS PARCEL CONTAINS 71.9 ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF PURCHASE ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF PURCHASE ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF PURCHASE ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF PURCHASE ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF PURCHASE ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF PURCHASE ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF PURCHASE ACRES MORE OR LESS. THIS DEED GIVEN IN FULFILLMENT OF A PROPOSED OVER HEAD TRANSMISSION LINE, SAID CENTERLINE OF AN EXISTING OVER THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

HEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW PROPERTY CORNER, WHICH IS ALSO THE NW CORNER OF THE SW 1/4 OF THE NE 1/4, SECTION 36, TOWNSHIP 76 NORTH, RANGE 27 WEST OF THE 5TH P.M., THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 175 FEET, MORE OR LESS; THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE; THENCE WESTERLY ALONG THE NORTH PROPERTY LINE 70 FEET MORE OR LESS, TO THE POINT OF BEGINNING; ALL BEING IN MADISON COUNTY, PROPERTY LINE: THENCE WESTERLY ALUMN THE MORE OR LESS. TO THE POINT OF BEGINNING: ALL BRING IN MADISON COUNTY.

THAT PART OF A STRIP OF LAND 150 FEET IN WIDTH ACROSS THE ABOVE DE-SCRIBED PROPERTY. THE CENTERLINE OF SAID 150 FOOT STRIP IS MORE PARTICU-COMMENCING AT THE INCOME.

LARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36,
T-76N, R-27W OF THE 5TH PRINCIPAL MERIDIAN: THENCE SOUTHERLY ALONG THE
WEST PROPERTY LINE 15 FEET. MORE OR LESS TO THE INTERSECTION OF SAID
WEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION
LINE, SAID POINT OF INTERSECTION IS THE POINT OF BEGINNING: THENCE
NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET.
MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE
POINT OF TERMINATION. SAID TERMINATION POINT IS 15 FEET. MORE OR LESS,
EAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA.

YOU and each of you are hereby notified that MidAmerican Energy Company,

POINT OF TERMINATION. SAID TERMINATION POINT IS TO FEET, MORE OR LESS, EAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA.

You and each of you are hereby notified that MidAmerican Energy Company, ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, and in the Office of the Sheriff of Madison County, Iowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across, and through the real estate herein above set forth to construct, reconstruct, maintain, operate, enlarge, inspect, repair, locate, replace, on remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, attructures, foundations and other equipment incidental thereto. MidAmerican Energy Company, shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners and other affected persons may continue to use and enjoy the grounds within the casement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constituted upon the casement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operarights hereby acquired, including access to the easement strip and the safe opera-

tion of its electric transmission line.

That such condemnation is sought to construct, operate, maintain an electric transmission line and appurtenances thereto as provided in the relevant Provisions

That a Commission has been appointed as provided by law for the purpose of ap-That a Commission has been appointed as provided by law for the purpose of appraising and awarding damages which will be caused by said condemnation. That said Commission, will, on the 29th day of August, 1996, at 9:00 A.M. convene at the Maddison County. Sheriffs Office, 1012 N. John Wayne Drive, Winterset, lows, and imme- & diately thereafter view said premises. They will then return to the Sheriffs Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated this 10th day of July, 1996.

Antonio Colacino

c/o MidAmerican Energy Company P.O. Box 657 Des Moines, IA 50303

ATTORNEY FOR APPLICANT, MIDAMERICAN ENERGY COMPANY

# AFFIDAVIT OF PUBLICATION

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

for the period of four consecutive weeks, the last publication thereof being

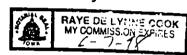
on the 7th day of \_ 19<sup>96</sup>

Subscribed and sworn to before me this

 $\frac{7 \text{th}}{2}$  day of August , 19 <sup>96</sup>

> NOTARY PUBLIC In and for Madison County

7/31 Fee \$ 58.21 per lot



STATE OF IOWA

**Madison County** 



In The Matter Of The Condemnation Of , Easement Rights In Land By MidAmerican T Energy Company, To Construct, Operate And And Maintain A 245 Maint Maintain A 345 KV Electric Transmission, Line

In Madison County, Iowa Notice Of Condemnation And Assessment Hearing Before Compensation Commission

Mr. William C. Johnson and Dorothy A. Johnson Rural Route I P.O. Box 106A w frails

Winterect. IA 50273
and all other persons, companies, or corporations having any interest in or ow

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

PROPERTY LEGAL DESCRIPTION

PARCEL 61-2

THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-SEVEN (27), WEST OF THE 5TH P.M., MADISON COUNTY, 10WA

THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-SEVEN (27), WEST OF THE 5TH P.M., MADISON COUNTY, 10WA EXCEPT, ONE (1) ACRE OUT OF THE SOUTHEAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE NORTHEAST (DUARTER (NE1/4), OF SAID SECTION THIRTY-SIX (36), RUNNING THENCE WEST (W) 228.4 FEET ALDNO THE NORTH LINE OP SAID SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4). THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET. THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET. THENCE SOUTH (S) 05'S EAST (E) 267.5 FEET. THENCE SOUTH (S) 45'52' WEST (W) 199.2 FEET. THENCE SOUTH (S) 06'10' EAST (E) 100'S EAST (E) 267.5 FEET. THENCE SOUTH (S) 45'55' EAST (E) 268.6 FEET. THENCE SOUTH (S) 05'S EAST (E) 267.5 FEET. THENCE SOUTH (S) 45'55' EAST (E) 268.6 FEET. THENCE EAST (E) 158 FEET TO THE EAST (E) LINE OF SAID SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4). THENCE NORTH (N) 1.099.1 FEET ALONG SAID EAST (E) LINE TO THE POINT OF BEDINNING. CONTAINING 7.1.95 ACRES INCLUDING 0.8960 ACRES OF COUNTY ROAD RIGHT-OF-WAY. THIS PARCEL CONTAINS 71.9 ACRES MORE OR LESS. THIS DEED GIVEN IN PULPILLMENT OF PURCHASE AGREEMENT DATED MAY 27. 1992 AND PILED IN BOOK 130. PAGE 39. SOUTH LEGAL DESCRIPTIONS \

PARCEL 61-2

PARCEL 61-2

PARCEL 61-2

THAT PART OP A 180 POOT WIDE STRIP OF LAND THAT IS WITHIN 78 FEET OF THE CENTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE, SAID CENTERLINE IS PARALLEL TO AND 180 FEET EAST-SOUTHEASTERLY OF AN EXISTING OVER HEAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS OVER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS.

LOWS:
BEDINNING AT THE NW PROPERTY CORNER, WHICH IS ALSO THE NW CORNER OF
THE SW 1/4 OF THE NE 1/4, SECTION 36, TOWNSHIP 76 NORTH, RANGE 27 WEST
OF THE 5TH P.M., THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 175,
PEET, MORE OR LESS; THENCE NORTHEASTERLY TO A POINT ON THE NORTH
PROPERTY LINE; THENCE WESTERLY ALONG THE NORTH PROPERTY LINE 70 FEET.
MORE OR LESS, TO THE POINT OF BEGINNING; ALL BEING IN MADISON COUNTY,

MORE OR LESS, TO THE POINT OF BEGINNING; ALL BEING IN MADISON COUNTY,
IOWA.

AND,

THAT PART OF A STRIP OF LAND 150 FEET IN WIDTH ACROSS THE ABOVE DESCRIBED PROPERTY, THE CENTERLINE OF SAID 150 FOOT STRIP IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMERCING AT THE NW CORNER OF THE RE 1/4 OF THE NE 1/4 OF SECTION ST
T-78N, R-27W OF THE STH PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE
WEST PROPERTY LINE 15 FEET, MORE OR LESS TO THE INTERSECTION OF SAID
WEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION
LINE, SAID POINT OF INTERSECTION IS THE POINT OF BEGINNING; THENCE
NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET, I/I
MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE
POINT OF TERMINATION, SAID TERMINATION POINT IS 15 FEET, MORE OR LESS,
EAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, TOWA.

YOU and cach of you are thereby notified that MidAmerican Prints Towally and Cach of you are thereby notified that MidAmerican Prints Towally and Cach of you are thereby notified that MidAmerican Prints Towally and Table 1000.

EAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA.

You and each of you are hereby notified that MidAmerican Energy Company.
("Applicant") desires condemnation of certain rights in the land described above his more specifically described herein and in the Application filed with the Chief Judge of the Pitth Judicial District including Madison County, lowa, and in the Office of the Sheriff of Madison County, lowa, to which you are referred.

The Applicant seeks to acquire, by the process of eminent domain, a permanent and perpetual easement one hundred fifty (150) feet in width on, over, along, across? and through the real estate herein above set forth to construct, reconstruct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, structures, foundations and other equipment incidental thereto. MidAmerican Energy Company, shall have the right of ingress to and egress from said strip of land parcoss the described tract for these purposes. MidAmerican shall further have the right to sell, lesse, apportion, or subdivide its rights for any part thereoff hereunder. The owners and other affected persons may continue to use and enjoy the grounds within the essement grass but subject to Applicant's rights set forthasbook years wided, howeverythistyrid thildfull structure, or other improvement shall be constructed upon the essement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line. rights hereby acquired, including access to the casement strip and the safe operaof its electric transmission line.

tion of its electric transmission line.

That such condemnation is sought to construct, operate, mainfain an electric transmission line and appurtenances thereto as provided in the relevant Provisions of the Code of lows.

That a Commission has been appointed as provided by law for the purpose of ap-

prelising and awarding damages which will be caused by said dondermation. That said Commission, will, on the 29th day of August, 1996, at 9:00 A.M. converse at the Madison County, Shertiffs Office, 1012 N. John Wayne Drive, Winterset, Iowa, and immediately thereafter view said premises, They will then return to the Shertiffs Office and proceed to appraise and award said damages. You may participate in these proceedings before the commissioners, if you care to do so.

Dated the 10th date of these 1000s. KLEENEX.

Dated this 10th day of July, 1998. MIDAMERICAN ENERGY COMPANY

By: Antonio Colectro
c/o MidAmerican Energy Company
P.O. Box 657
Des Moines, IA 5030S
ATTORNEY FOR APPLICANT, MIDAMERICAN ENERGY COMPANY

### AFFIDAVIT OF PUBLICATION

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

for the period of four consecutive weeks, the last publication thereof being

on the 7th day of August 1996.

Subscribed and sworn to before me this

\_day of . August

> **ONOTARY PUBLIC** In and for Madison County

7/24

RAYE DE LYNNE COOK MY COMMISSION EXPIRES

Fee \$ 58.21 per wet

4)،

STATE OF IOWA

Madison County

In The Matter Of The Condemnation Of Easement Rights In Land By MidAmerican
Energy Company, To Construct, Operate And
Maintain A 345 KV Electric Transmission Line
In Madison County, Iowa

Notice Of Condemnation And Assessment Hearing Before Compensation Commission

Mr. William C. Johnson and Dorothy A. Johnson

Rural Route, I P.O. Box 106A

Winterset, IA 50273

and all other persons, companies, or corporations having any any of the following described real estate: any of the following described real estate: PROPERTY LEGAL DESCRIPTION

THE NORTHEAST QUARTER (NE!/4) OF THE NORTHEAST QUARTER (NE!/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-

THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-SIX (36), IN TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-SEVEN (27), WEST OF THE 5TH P.M., MADISON COUNTY, IQWA

THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) IN SECTION THIRTY-SIX (36), TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-SIX (97), WEST OF THE 5TH P.M., MADISON COUNTY, IOWA EXCEPT ONE (1) ACRE OUT OF THE SOUTHEAST (SE) CORNER THEREOF FOR SCHOOL PURPOSES, AND EXCEPT A PARCEL OF LAND COMMENCING AT THE NORTHEAST (NE) CORNER OP THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4). THENCE SOUTH (S) 03'01' EAST (E) 169.9 FEET. THENCE SOUTH (S) 05'17. EAST (E) 236.8 FEET. THENCE SOUTH (S) 09'5 EAST (E) 17.5 FEET. THENCE SOUTH (S) 05'5 EAST (E) 17.5 FEET. THENCE SOUTH (S) 00'58' EAST (E) 168' EA

AT PART OF A 150 FOOT WIDE STRIP OF LAND THAT IS WITHIN 75 FEET OF THE AT PART OF A 150 FOOT WIDE STRIP OF LAND THAT IS WITHIN 75 FEET OF THE
ATTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE; SAID CENTERLINE;
ATTERLINE OF A PROPOSED OVERHEAD TRANSMISSION LINE;
AND TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS

EAD TRANSMISSION LINE AND SAID PROPOSED CENTERLINE DOES NOT CROSS

VER THIS PROPERTY. THIS PARCEL IS MORE PARTICULARLY DESCRIBED AS FOL ECINNING AT THE NW PROPERTY CORNER, WHICH IS ALSO THE NW CORNER OF, HE SW 1/4 OF THE NE 1/4, SECTION 36, TOWNSHIP 76 NORTH, RANGE 27 WEST OF THE 5TH P.M., THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 175 PEET, MORE OR LESS; THENCE NORTHEASTERLY TO A POINT ON THE NORTH PROPERTY LINE; THENCE WESTERLY ALONG THE NORTH PROPERTY LINE 70 FEET MORE OR LESS, TO THE POINT OF BEGINNING; ALL BEING IN MADISON COUNTY, IOWA. EGINNING AT THE NW PROPERTY CORNER, WHICH IS ALSO THE NW CORNER OF

AND, 10 M THAT PART OF A STRIP OF LAND 150 FEET IN WIDTH ACROSS THE ABOVE DESCRIBED PROPERTY. THE CENTERLINE OF SAID 150 FOOT STRIP IS MORE PARTICULARLY DESCRIBED AS POLLOWS:

SCRIBED PROPERTY. THE CENTERLINE OF SAID 150 FOOT STRIP IS MORE PARTICL! \*\*ALARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 36.

T-76N, R-27W OF THE 5TH PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE WEST PROPERTY LINE 15 FEET, MORE OR LESS TO THE INTERSECTION OF SAID WEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION WEST LINE WITH THE CENTERLINE OF AN EXISTING OVERHEAD TRANSMISSION NORTHEASTERLY ALONG THE CENTERLINE OF SAID TRANSMISSION LINE 20 FEET.

MORE OR LESS, TO A POINT ON THE NORTH PROPERTY LINE WHICH IS ALSO THE POINT OF TERMINATION. SAID TERMINATION POINT IS 15 FEET. MORE OR LESS!

EAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY. IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY. IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY. IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY. IOWA. 15 LEAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY. IOWA. 15 LEAST OF THE NW PROPERTY CORNER.

EAST OF THE NW PROPERTY CORNER, ALL BEING IN MADISON COUNTY, IOWA. You and each of you are hereby notified that MidAmerican Energy Company. ("Applicant") desires condemnation of certain rights in the land described above, as more specifically described herein and in the Application filed with the Chief Judge of the Fifth Judicial District including Madison County, lows, and in the Office of the Shertif of Madison County, lows, to which you are referred.

The Applicant seeks to sequire, by the process of eminent domain, a permanent, and perpetual easement one hundred fifty (150) feet in width on, over, along seroes, and through the real estate herein above set forth to construct, reconstruct, main-

and perpetual easement one hundred fifty (150) feet in width on, over, along across, and through the real estate herein above set forth to construct, reconstruct, maintain, operate, enlarge, inspect, repair, locate, replace, or remove wires and cables for the transmission of electric energy, and for communication purposes, and any poles, extructures, foundations and other equipment incidental thereto. MidAmerican Energy Company, shall have the right of ingress to and egress from said strip of land across the described tract for these purposes. MidAmerican shall further have the right to sell, lease, apportion, or subdivide its rights (or any part thereof) hereunder. The owners and other affected persons may continue to use and enjoy the grounds within the easement areas, but subject to Applicant's rights as set forth above; provided, however, that no building, structure, or other improvement shall be constructed upon the easement strip which would directly interfere with Applicant's rights hereby acquired, including access to the easement strip and the safe operarights hereby acquired, including access to the easement strip and the safe operation of its electric transmission line.

That such condemnation is sought to construct, operate, maintain an electric ransmission line and appurtenances thereto as provided in the relevant Provisions

That a Commission has been appointed as provided by law for the purpose of apraising and awarding damages which will be caused by said condemnation. That said commission, will, on the 29th day of August, 1996, at 9:00 A.M. convene at the Madion County, Sheriff's Office 1012 N. John Wayne Drive, Winterset, Iowa, and immeliately thereafter view said premises. They will then return to the Sheriffs Office and state proceed to appraise and sward said damages. You may participate in these proceeds with ommissioners, if you care to do so.

The same of an and the property of the same of

Dated this 10th day of July, 1996; IIDAMERICAN ENERGY COMPANY
Antonio Colacino c/o MidAmerican Energy Company P.O. Box 657

Des Moines, IA 50303 TTORNEY FOR APPLICANT, MIDAMERICAN ENERGY COMPANY THE TANKS OF THE PROPERTY OF

# AFFIDAVIT OF PUBLICATION

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

for the period of four consecutive weeks, the last publication thereof being

on the  $_{2}$ day of August

Subscribed and sworn to before me this

7th day of August

> NOTARY PUBLIC In and for Madison County

58.21 per week

July 17

RAYE DE LYNNE COOK MY COMMISSION EXPIRES

Changed by Antino Colacino

DATE September 20, 1996	
RECEIVED FROM MIDAMERICAN ENERGY	COMPANY
ISSUED FROM MIDAMERICAN ENERG	SY COMPANY
CHECK NUMBERO0004964IN THE A	MOUNT OF \$554.42
MADE PAYABLE TO: MADISON COUNT	TY SHERIFF
	PAUL D. WELCH, SHERIFF MADISON COUNTY
DATE SEPTEMBER 20, 1996	_
RECEIVED FROM THE MADISON COUNTY S	SHERIFF'S OFFICE THE ABOVE NAMED
CHECK. ALL FEES PAID THAT WERE DI OVERCHARGE OF \$70.31 REFUNDED TO	
Lia Hompon	Fam D Wes
WITNESS /	

J.

IN THE MATTER OF THE CONDEMNATION OF EASEMENT RIGHTS IN LAND BY MIDAMERICAN ENERGY COMPANY, TO CONSTRUCT, OPERATE AND MAINTAIN A 345 kv ELECTRIC TRANSMISSION LINE IN MADISON COUNTY, IOWA

DATE AUGUST 29, 1996
RECEIVED FROM MIDAMERICAN ENERGY COMPANY
ISSUED FROM MIDAMERICAN ENERGY COMPANY
CHECK NUMBER 00004961 IN THE AMOUNT OF \$400.00
MADE PAYABLE TO: WILLIAM C. AND DOROTHY JOHNSON
Paul D. Welch, Sheriff MADISON COUNTY
DATE
RECEIVED FROM THE MADISON COUNTY SHERIFF'S OFFICE THE ABOVE NAME
СНЕСК
WITNESS