

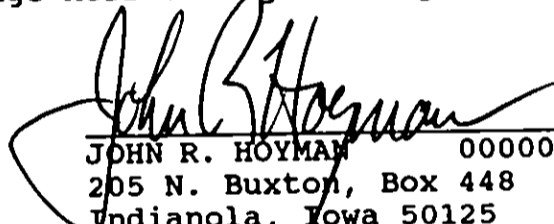
Ad

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN AGRICULTURAL :
LAND BY THE INDIANOLA MUNICIPAL :
UTILITIES REGARDING :
AN ELECTRIC TRANSMISSION AND : CERTIFICATE THAT APPLICATION
DISTRIBUTION LINE(S) LOCATED IN : FOR CONDEMNATION HAS BEEN
MADISON COUNTY, IOWA : APPROVED

STATE OF IOWA :
WARREN COUNTY : .SS

In accordance with Iowa Code Section 472.3(7), I, John R. Hoyman, attorney for Indianola Municipal Utilities, hereby certify that the attached Application for Condemnation has been approved by Chief Judge of the Fifth Judicial District of Iowa, Richard D. Morr, and that the attached document is the original Application for Condemnation and contains Judge Morr's original signature.


JOHN R. HOYMAN 000008310
205 N. Buxton, Box 448
Indianola, Iowa 50125
Telephone: (515) 961-3705

Subscribed and sworn to before the undersigned on the 4
day of February, 1992.




NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

COMPARED FILED NO. 1882
BOOK 127 PAGE 605
92 FEB 11 AM 11:54
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA
Fee \$45.00

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

IN THE MATTER OF THE CONDEMNATION	:
OF CERTAIN RIGHTS IN AGRICULTURAL	:
LAND BY THE INDIANOLA MUNICIPAL	:
UTILITIES REGARDING	:
AN ELECTRIC TRANSMISSION AND	ORDER APPROVING APPLICATION
DISTRIBUTION LINE(S) LOCATED IN	: AND APPOINTING COMMISSIONERS
MADISON COUNTY, IOWA	:

BE IT REMEMBERED that the Indianola municipal Utilities, in Warren County, Iowa, has filed an application for the condemnation through eminent domain procedures of the following described real estate, to wit:

See attached Exhibit A

That Indianola Municipal Utilities, Indianola, Warren County, Iowa, has requested approval of the action and that six (6) Commissioners plus two alternates in each category be appointed by me.

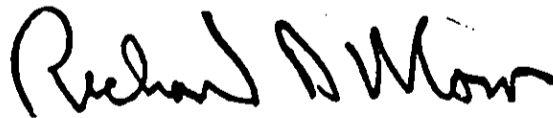
Pursuant to the authority vested in me and on request of the Applicant, I hereby approve the application and appoint the following six (6) Commissioners from the list submitted to me by the Board of Supervisors of Madison County for this purpose, two of the persons being owner-operators of agricultural property, two of the persons having knowledge of property values in the county by reason of their occupation, and two of the persons being licensed real estate salespersons or brokers and none of the persons possessing any interest in the proceedings which would cause them to render a biased decision to assess the damages the owners of the above-described premises will sustain by reason of the taking and condemnation of the property by the Indianola Municipal Utilities, for the purposes stated in its Application to me. The person designated to chair shall act as chair.

<u>NAME</u>	<u>ADDRESS</u>	<u>QUALIFICATIONS</u>
Jim Kress (Chair)	Earlham	REAL ESTATE
George Bown	Winterset	REAL ESTATE
Gus Henrichs	Winterset	KNOWLEDGEABLE
Margaret Schafer	Earlham	KNOWLEDGEABLE
Bruce Brownlee	St. Charles	AGRICULTURAL
Harrison Vowell	Peru	AGRICULTURAL

In addition, I hereby appoint the following six alternates, two in each of the categories as reflected in the following list. The alternate list shall be utilized in the event a Commissioner originally named is not available or willing to serve.

ALTERNATES

<u>NAME</u>	<u>ADDRESS</u>	<u>QUALIFICATIONS</u>
Don Noack Alternate (Chair)	Booneville	REAL ESTATE
Dale Tuttle	Winterset	REAL ESTATE
Loren Myers	Macksburg	KNOWLEDGEABLE
Jim Mease	Winterset	KNOWLEDGEABLE
John Spera	Winterset	AGRICULTURAL
Raymond Clark	Booneville	AGRICULTURAL



CHIEF JUDGE, FIFTH JUDICIAL DISTRICT
including Madison County

EXHIBIT "A"
LEGAL DESCRIPTION
MADISON COUNTY

PARCEL 14 ALT: A part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 25, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows:

A parcel of land beginning at a point on the west property line 77.5 feet south of the centerline of State Highway 92; thence 380 feet easterly to a point 90 feet south of the centerline of said highway; thence easterly 500 feet to a point 105 feet south of the centerline of said highway; thence extending along the aforesaid line to the western Bevington Corporate Limit excluding property owned by the Iowa Department of Transportation.

Legal Titleholder: Vernon John McLaughlin

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

IN THE MATTER OF THE CONDEMNATION :
OF CERTAIN RIGHTS IN AGRICULTURAL :
LAND BY THE INDIANOLA MUNICIPAL :
UTILITIES REGARDING :
: :
AN ELECTRIC TRANSMISSION AND : APPLICATION TO THE CHIEF
DISTRIBUTION LINE(S) LOCATED IN : JUDGE OF THE FIFTH JUDICIAL
: DISTRICT FOR THE APPOINTMENT
MADISON COUNTY, IOWA : OF A COMMISSION TO APPRAISE
DAMAGES

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

COMES NOW the Indianola Municipal Utilities and states that the public interest requires that certain rights be acquired in agricultural land legally described in the attached Exhibit "A", by condemnation proceedings, as authorized and provided by law.

Attached as Exhibit "B" are plats showing the location of the right-of-way easements sought to be condemned with reference to each legal description given in Exhibit "A".

Attached as Exhibit "C" are the names of all owners of record of the tracts 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 lands, as well as place of residence of all such persons so far as is known to the applicant.

The Indianola Municipal Utilities desires right-of-way easements over the agricultural land sought to be condemned for the purpose of constructing, operating, replacing, repairing, and maintaining, or in moving at its option, an electric transmission and distribution line(s), including all necessary poles, cross arms, guy wires, anchors, and overhang for the transmission and distribution of electric current for any purpose whatsoever, including the right to cut and trim trees and shrubbery to the extent necessary to keep them clear of the electric lines or that may interfere with or threaten to endanger the operation or maintenance of the lines.

The Indianola Municipal Utilities has been unable to secure the described easement rights by purchase.

NOW, THEREFORE, the Indianola Municipal Utilities hereby requests the appointment of a compensation commission of six (6) persons qualified as prescribed in Iowa Code Section 472.4 not interested in the same or like question, to view the real estate involved and appraise damages which the owners, lien

holders, encumbrances or other interested persons will sustain by reason of the land sought to be condemned for the purpose stated and make the report in writing to the Sheriff as provided by law.

DATED at Indianola, Iowa, this _____ day of January, 1992.

INDIANOLA MUNICIPAL UTILITIES

Colin Whitley
COLIN WHITLEY, General Manager
Indianola Municipal Utilities

I hereby approve the above Application filed in duplicate in my office at Des Moines, Iowa, this 13 day of January, 1992.

Richard D. Mow
CHIEF JUDGE, FIFTH JUDICIAL DISTRICT
including Madison County

EXHIBIT "A"
LEGAL DESCRIPTION
MADISON COUNTY

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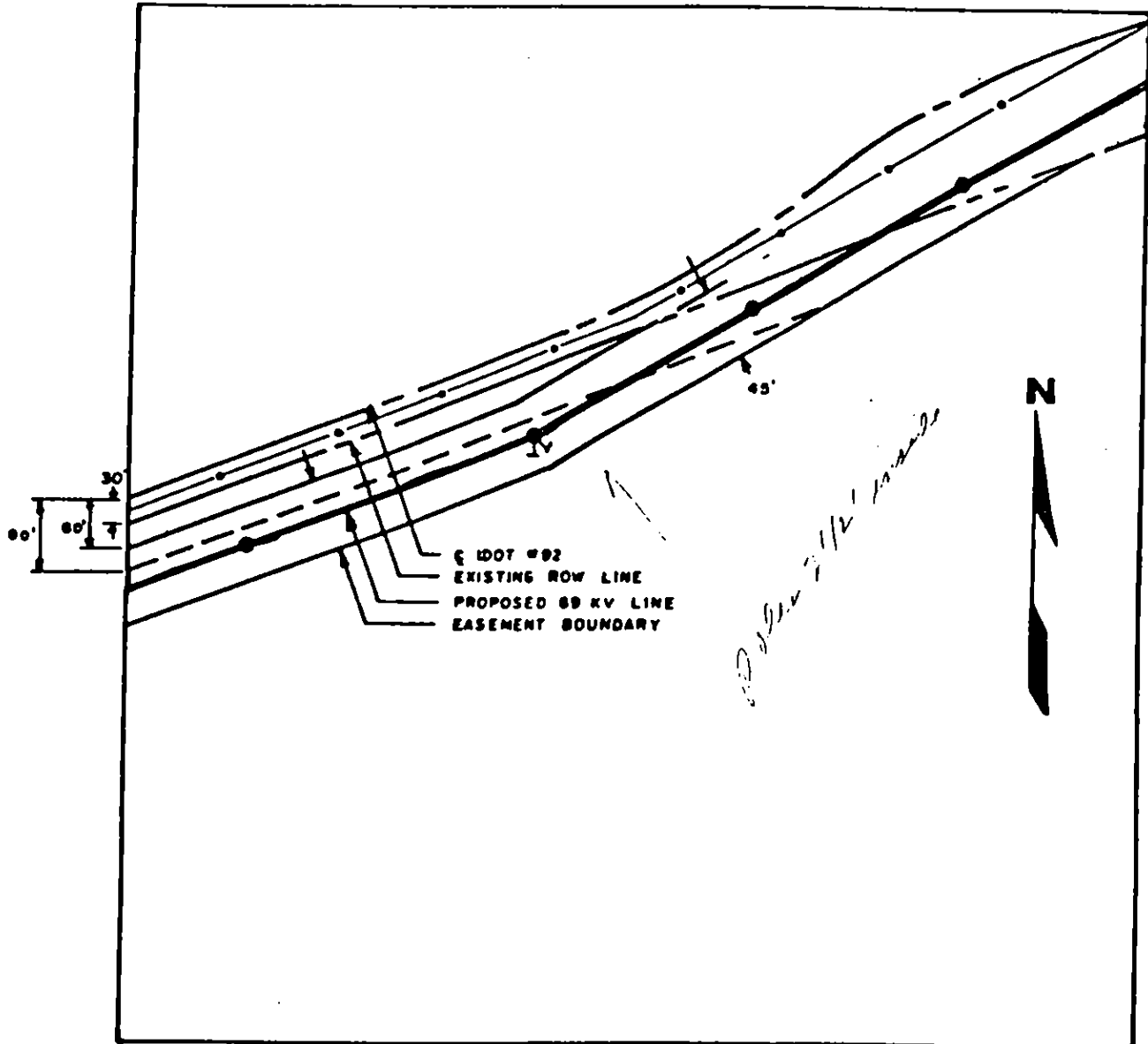
Legal Titleholder: Vernon John McLaughlin

EXHIBIT "B"

SECTION NW 1/4 SE 1/4 25

TWP 76N

R 26W



- EXISTING ROW LINE
- - - - - PROPERTY LINE OR FENCE
- IMEU PROPOSED 69KV LINE
- EXISTING IPALCO 15KV LINE
- IDOT REQUIRED ROW LINE


PARCEL #14ALT		
McLAUGHLIN PROPERTY		
IMEU 69KV LINE		
DRAFTER LP CHECKED APPROVED SCALE 1" = 250'	 ASSOCIATED CONSULTANTS ENGINEERS, INC. <small>MEMBER NATIONAL PROFESSIONAL ENGINEERS ASSOCIATION</small>	JOB NO. 88255 No. _____ OF _____ DATE 3/16/89

EXHIBIT "C"
MADISON COUNTY

Names and addresses of all owners of record, persons
affected by these proceedings, and all record holders
of liens and encumbrances on such lands

PARCEL 14:

Vernon John McLaughlin
R.R.
Cumming, IA 50061