

In the Matter of the Condemnation
of Real Estate for Project Designated as
FN-169-3(29)--21-61 "A"
BY: Iowa Department of Transportation
for the Improvement of Primary Road No.
U.S. 169 North of the City of Winterset
Located in Madison County, Iowa
vs
John W. Mahan, Winifred W. Mahan,
Union State Bank, Harriet I. Campbell,
Madison County, Iowa c/o County Auditor
TO: Mary Welty, Recorder for Madison County, Iowa

SHERIFF'S FILING OF RECORD

for Settlement
see Deed Rec 127-451

Please find attached the following papers regarding the above named condemnation which was held in my office on the 9th day of February, 1990:

- A certified copy of the application for condemnation;
- All notices, together with all returns of service endorsed on the returns or attached to the returns;
- The report of the commissioner;
- All other papers filed with the sheriff in the proceedings.

I further certify that I have in my possession, warrant no. 02657614 in the amount of \$31,000.00, payable to Mahan, John W.; Winifred W. Mahan; Harriet I. Campbell; Union State Bank; Madison County Treasurer, and warrant no. 02657617 in the amount of \$1,000.00 made payable to Darling, Gordon, Attorney and Keith W. Jones appraiser. This application for condemnation was filed with the county recorder on the 22nd day of November, 1990, in book number 121, page number 639 - 648. These funds were received from Treasurer State of Iowa, Des Moines.

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

On this 16th day of March, 1990, before me, a Notary Public in the State of Iowa, personally appeared Paul D. Welch, Sheriff to be known to be the person named.



Lois E. Thompson
Lois E. Thompson
Notary Public in and for
Madison County, Iowa

ENTERED FOR TAXATION
THIS 16 DAY OF MAR 1990
AUDITORS FEE \$ 500
Sean Welch
AUDITOR:
Bucky McDonald
DEPUTY AUDITOR

FILED NO. 1836
BOOK 127 PAGE 88
90 MAR 16 PM 3: 34
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$190.00
Transfer \$5.00

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

Primary Road No. U.S. 169 north of the City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA

NOV 22 89

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

CERTIFIED TRUE COPY

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

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in Agricultural land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 472.3 of the Code of Iowa, the following is set forth:

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

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

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

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

Agricultural Land: A part of the lands sought to be appropriated ~~(was)~~ (has not) been classified as Class I or Class II within an agricultural area and is reasonably necessary for this internal improvement.

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

Dated at Ames, Iowa, this 14 day of November, 1989.

IOWA DEPARTMENT OF TRANSPORTATION

Special Assistant Attorney General and General Counsel to the Iowa Department of Transportation

Robert L. North
Right of Way Director

By Fred Cirksena

Fred Cirksena
Condemnation Supervisor

Filed in duplicate in my office at Des Moines Iowa, this 16 day of Nov, 19 89.

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

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

Fred Cirksena
Condemnation Supervisor

3/

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

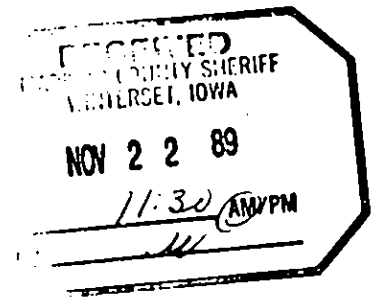
Primary Road No. U.S. 169 north of the
City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

NOTICE



TO:

John W. Mahan, 215 East Green, Winterset, Iowa
Winifred W. Mahan, 215 East Green, Winterset, Iowa
Union State Bank, 201 West Court, Winterset, Iowa
Harriet I. Campbell, 910 West South Street, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

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

Part of the NW Fr1. 1/4 SW 1/4 of Sec. 19, T76N, R27W of the 5th P.M., Madison County,
Iowa.

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

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

A parcel of land located in the NW Fr1. 1/4 SW 1/4 of Sec. 19, T76N, R27W of the 5th P.M.,
Madison County, Iowa, as shown on the plat Exhibit "A" attached hereto and by reference
made a part hereof.

Said parcel is described as follows: Beginning at the W 1/4 Corner of said Sec. 19; thence
S0°00'25"E, 1327.00 ft. along the west line of the NW Fr1. 1/4 SW 1/4 of said Sec. 19 to a
point on the south line thereof; thence S89°21'59"E, 157.04 ft. along said south line;
thence N2°22'33"E, 181.13 ft.; thence northerly 535.19 ft. along a 5834.58 foot radius
curve, concave westerly and having a chord bearing N0°15'07"W, 535.00 ft.; thence
N9°36'10"E, 393.26 ft.; thence N2°52'47"W, 222.60 ft. to a point on the north line of the
NW Fr1. 1/4 SW 1/4 of said Sec. 19; thence N89°17'03"W, 216.78 ft. along said north line to
the Point of Beginning, excepting therefrom present easement of record; containing
4.12 acres, more or less, exclusive of said exceptions.

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

- 1. Any and all improvements, including fences, and advertising devices, if any, located
wholly within the land sought by easement for highway purposes are condemned in their
entirety.
- 2. The pole shed lying partially within the above described easement for highway purposes
sought to be appropriated is condemned in its entirety.

3. The State of Iowa shall have a right of temporary easement, for the specific purpose of removing said pole shed referred to in paragraph numbered 2 above, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the W 1/4 Corner of said Sec. 19; thence $S0^{\circ}00'25''E$, 612.80 ft. along the west line of the NW Frl. 1/4 SW 1/4 of said Sec. 19; thence $N89^{\circ}59'35''E$, 162.27 ft. to a point on the easterly line of the land sought by easement for highway purposes, the Point of Beginning; thence $N87^{\circ}07'13''E$, 55.00 ft.; thence southerly 67.88 ft. along a 5889.58 foot radius curve, concave westerly and having a chord bearing $S2^{\circ}32'58''E$, 67.88 ft.; thence $S87^{\circ}46'50''W$, 55.00 ft. to a point on the easterly line of said land sought by easement for highway purposes; thence northerly 67.24 ft. along said easterly line along a 5834.58 foot radius curve, concave westerly and having a chord bearing $N2^{\circ}32'58''W$, 67.24 ft. to the Point of Beginning.

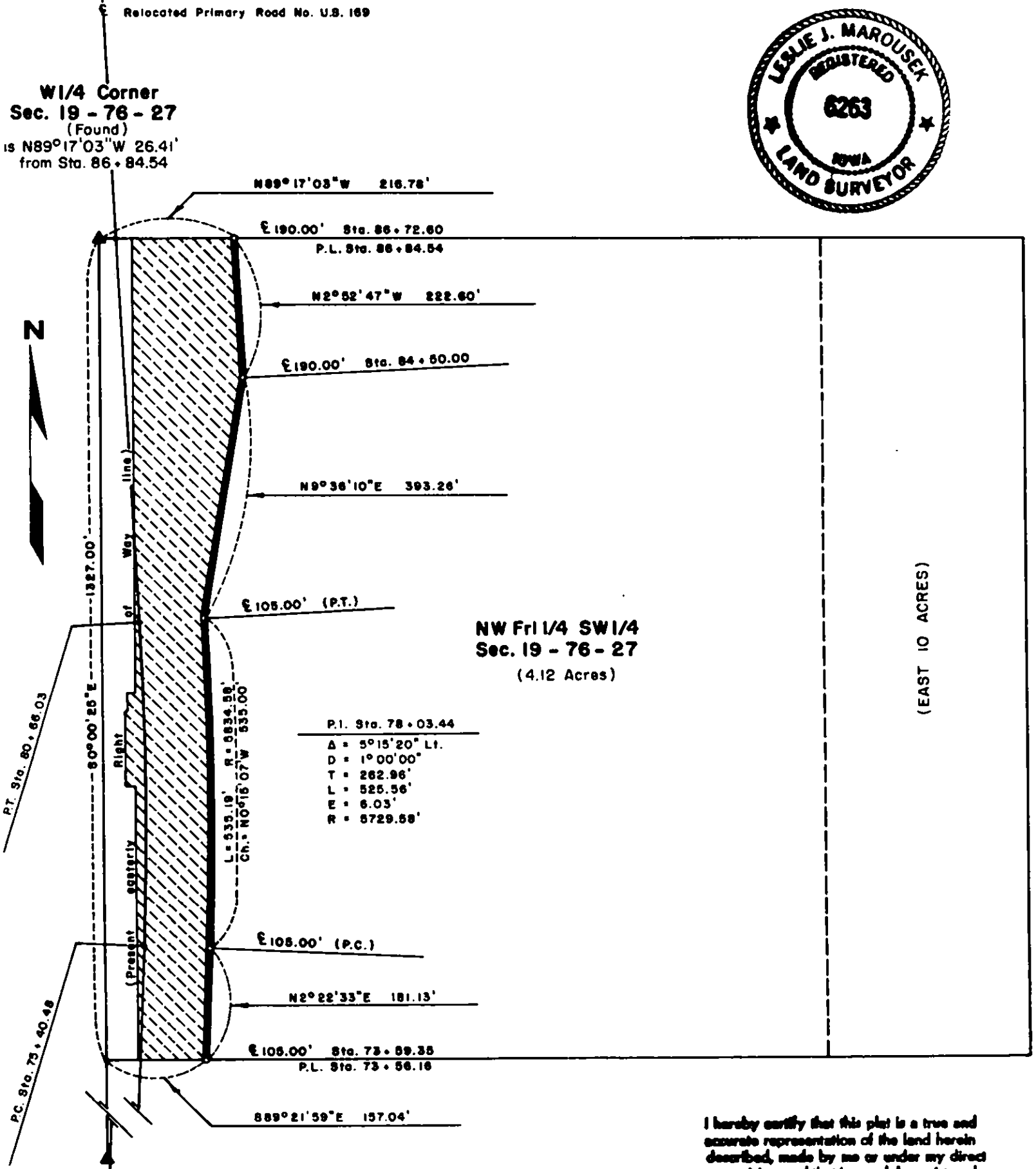
4. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. The area sought to be appropriated by temporary easement, for the specific purpose of removing a pole shed, relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"



COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 13
 SECTION 19 TOWNSHIP 76 N RANGE 27 W
 ROW - FEE _____ AC, EASE 4.12 AC, EXCESS - FEE _____ AC
 ACQUIRED FROM JOHN W. MAHAN, ET UX



SW Corner
Sec. 19 - 76 - 27
(Found)
is S89°45'40"E 3.21'
from Sta. 60 + 28.60

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

Leslie J. Marousek 2-6-89
Leslie J. Marousek, Reg. No. 6263 Date



1" = 200'

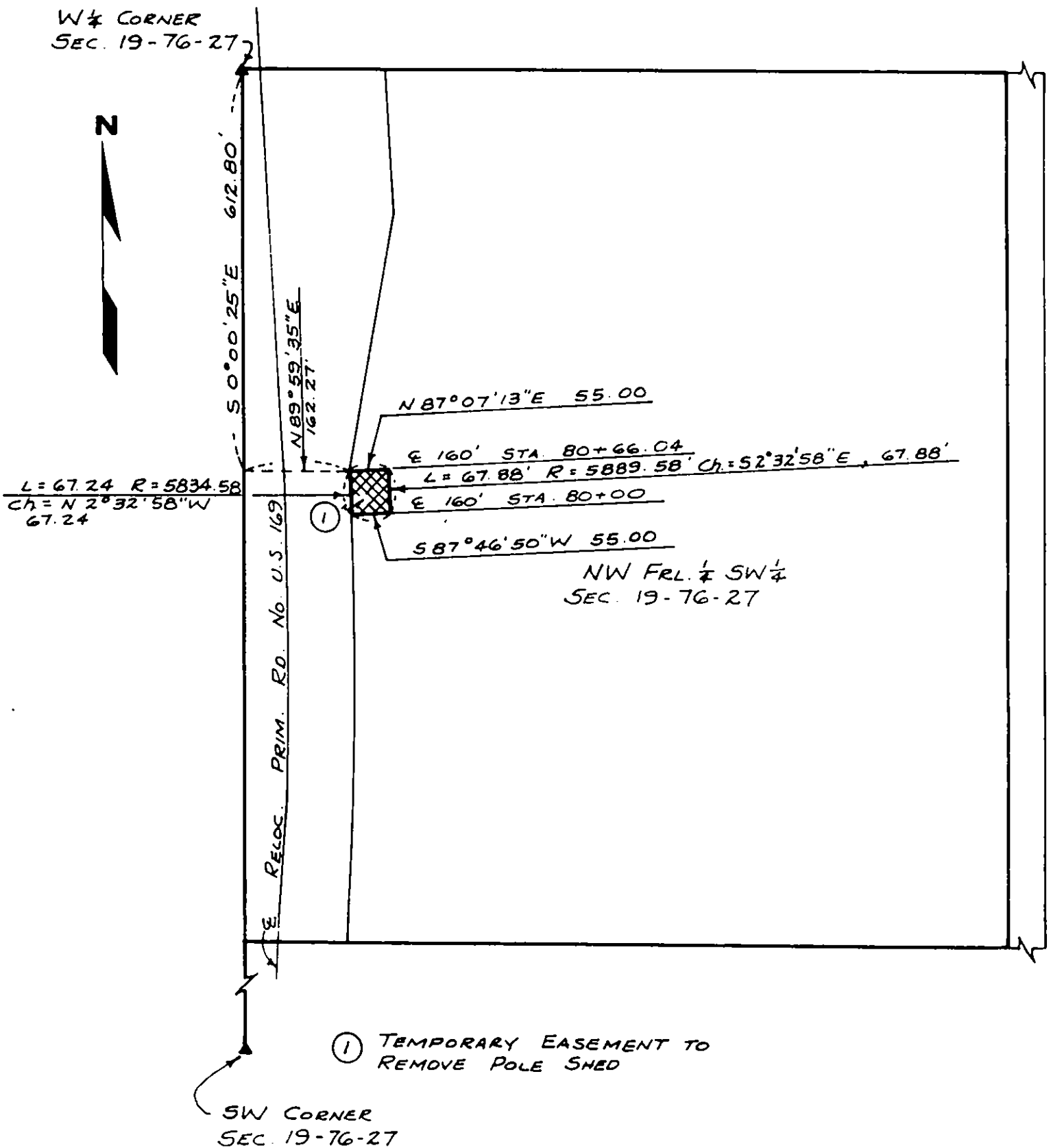
DATE DRAWN _____ SCALE _____

IOWA DEPARTMENT OF TRANSPORTATION



RIGHT OF WAY PLAT EXHIBIT 'B'

COUNTY MADISON STATE CONTROL NO. 61-1100
PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 13
SECTION 19 TOWNSHIP 76N RANGE 27W
ROW-FEE _____ AC, EASE _____ AC, EXCESS-FEE _____ AC
ACQUIRED FROM JOHN W. MAHAN, ET UX



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

Primary Road No. U.S. 169 north of the

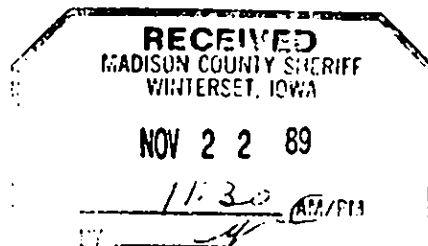
City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

SUPPLEMENTARY ORDER APPOINTING ALTERNATE COMPENSATION COMMISSIONERS



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

Table with 3 columns: NAME, ADDRESS, and QUALIFICATION. It lists six individuals with their respective addresses and qualifications, such as 'Licensed Real Estate' and 'Agricultural'.

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

Dated at Des Moines, Iowa, this 17th day of November 19 89.

Richard D. Morr, CHIEF JUDGE OF THE 5th JUDICIAL DISTRICT, including Madison County, Iowa.

Filed in my office at Winterset, Iowa, this 22nd day of November, 19 89.

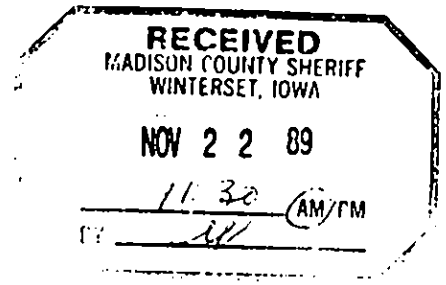
Paul Wetch, Sheriff of Madison County, Iowa.

see next page

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

Primary Road No. U.S. 169 north of the City of Winterset located in Madison County, Iowa Project No. FN-169-3(29)--21-61 Group "A"

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



An Application and Notice of Condemnation having been filed with me by the Iowa Department of Transportation for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in the Notice of Condemnation filed in the above entitled matter, I hereby designate, select, and appoint as the members of said compensation commission required in this matter the following persons:

Table with 3 columns: NAME, ADDRESS, QUALIFICATIONS. Lists Micki Utsler, Steve Weeks, Margaret Schafer, Loren Myers, Raymond Clark, and Harrison Vowell with their respective addresses and qualifications.

I further designate, select, and appoint, the above named MICKI UTSLER to act as Chairman of said commission. I further select STEVE WEEKS as Alternate Chairman of said commission.

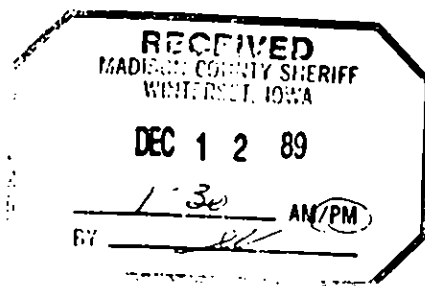
To the Sheriff of Madison County, Iowa: Attached hereto please find a duplicate of the Application for Condemnation in the above-entitled matter.

Dated at Des Moines, Iowa, this 17th day of November, 1989.

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

Filed in my office Winterset, Iowa, this 22nd day of November 1989.

Paul Welch, Sheriff of Madison County, Iowa



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

Primary Road No. U.S. 169 north of the

City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

ORDER CONFIRMING
APPOINTMENT OF
SUBSTITUTE COMPENSATION
COMMISSIONERS

NOW ON THIS 7th day of December, 19 89, an Order Confirming Appointment of Substitute Compensation Commissioners having been presented to me due to the inability of Micki Utsler and Steve Weeks, the original appointees, and the alternates, Geraldine Lee and Don Eyerly, all having qualifications as being Licensed Real Estate Salespersons or Brokers, to serve as a compensation commissioner in the condemnation referenced above, this Order confirms that it was Ordered on the 6th day of December, 1989, that the vacancies be filled by the following commissioners:

NAME	ADDRESS	QUALIFICATION
Dale Tuttle, Chairman	Rt. #2, Winterset, Iowa	Real Estate
Don Noack	Rt. #1, Box 93, Booneville, Iowa	Real Estate
ALTERNATE		
Charles Tucker	Rt. #3, Box 58A, Winterset, Iowa	Real Estate

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

Dated at Des Moines, Iowa, this 7 day of
December, 19 89.

R. W. Now
Chief Judge of the 5th Judicial District,
including Madison County, Iowa

Filed in my office at Winterset, Iowa, this
12th day of December, 19 89.

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

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

Primary Road No. U.S. 169 north of the

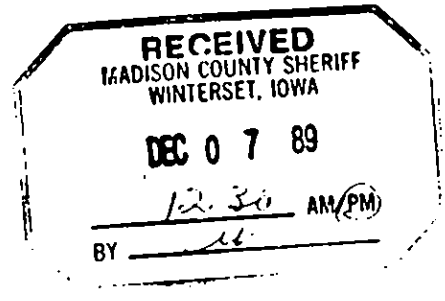
City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

SUMMONS TO COMMISSIONERS



TO: DON NOACK

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

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office, and further, that Dale Tuttle has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on 9th day of February, 19 90, at 9:30 o'clock a.m. (CST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

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

Acceptance of Service

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Booneville, Iowa, this 14th day of December, 19 89. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Please sign original summons and return promptly to the Sheriff of the above named county.

Donald P. Noack

Filed in my office at Winterset, Iowa, this 18th day of December, 19 89.

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

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

In the Matter of the Condemnation
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for the Improvement of

SUMMONS TO COMMISSIONERS

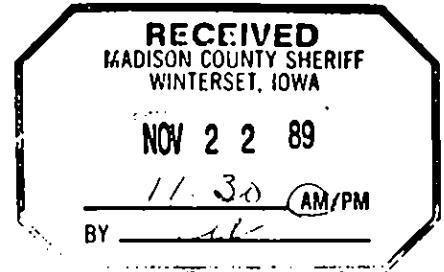
Primary Road No. U.S. 169 north of the

City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"



TO: MARGARET SCHAFER

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

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office, and further, that DALE TUTTLE has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on 9th day of February, 1990, at 9:30 o'clock a.m. (CST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

Paul D Welch, Sheriff

Paul Welch
Sheriff of Madison County, Iowa

Acceptance of Service

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Earl Law, Iowa, this 16th day of December, 1989. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Please sign original summons and return promptly to the Sheriff of the above named county.

Margaret Schaffer

Filed in my office at Winterset, Iowa, this 18th day of

December, 19 89.

Paul D Welch, Sheriff

Paul Welch
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

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

SUMMONS TO COMMISSIONERS

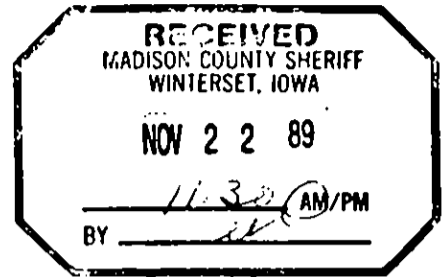
Primary Road No. U.S. 169 north of the

City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"



TO: HARRISON VOWELL

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

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office, and further, that DALE TUTTLE has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on 9th day of FEBRUARY, 1990, at 9:30 o'clock a.m. (CST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

Paul D Welch, Sheriff

Paul Welch Sheriff of Madison County, Iowa

Acceptance of Service

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa, this 16th day of February, 1989. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Please sign original summons and return promptly to the Sheriff of the above named county.

Harrison Vowell

Filed in my office at Winterset, Iowa, this 18th day of December, 1989.

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

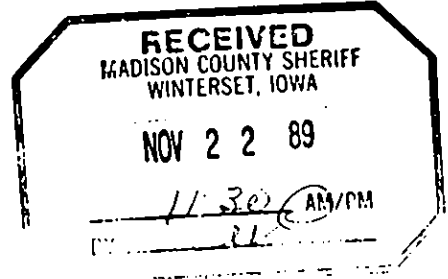
REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

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

Primary Road No. U.S. 169 north of the City of Winterset located in Madison County, Iowa Project No. FN-169-3(29)--21-61 Group "A"

SUMMONS TO COMMISSIONERS



TO: LOREN MYERS

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

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office, and further, that DALE TUTTLE has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on the 20th day of February, 1989, at 9:30 o'clock a.m. (CST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

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

Acceptance of Service

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Waukegan, Iowa, this 18th day of Dec, 1989. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Please sign original summons and return promptly to the Sheriff of the above named county.

Loren Myers

Filed in my office at Winterset, Iowa, this 20th day of December, 1989.

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

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

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

Primary Road No. U.S. 169 north of the

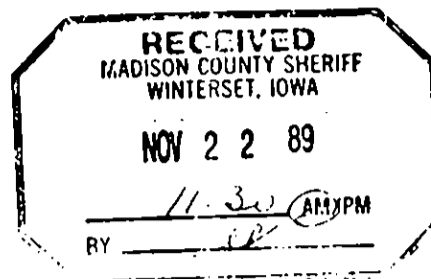
City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

SUMMONS TO COMMISSIONERS



TO: RAYMOND CLARK

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

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office, and further, that DALE TUTTLE has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on 9th day of February, 19 90, at 9:30 o'clock a.m. (CST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

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

Acceptance of Service

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

Please sign original summons and return promptly to the Sheriff of the above named county.

Raymond Clark

Filed in my office at Winterset, Iowa, this 21 day of December, 19 89.

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

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

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

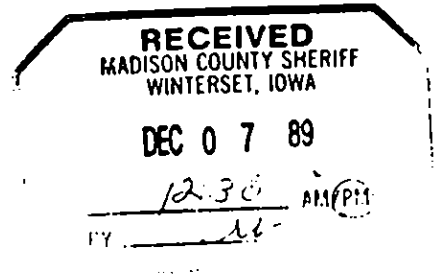
Primary Road No. U.S. 169 north of the City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

SUMMONS TO COMMISSIONERS



TO: CHARLES TUCKER

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

Pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th Judicial District for Madison County, Iowa as a member of such Compensation Commission, and such selection and appointment has been duly filed in my office, and further, that Dale Tuttle has been designated as Chairman of the Commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the Sheriff at Winterset, Madison County, State of Iowa, on 9th day of February, 1990, at 9:30 o'clock a.m. (CST) for the purpose of qualifying as such Commission, and proceed to view said premises and make an award of damages as by law provided.

Paul Welch, Sheriff of Madison County, Iowa

Acceptance of Service

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa, this 6 day of January, 1990. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

Please sign original summons and return promptly to the Sheriff of the above named county.

Charles Tucker

Filed in my office at Winterset, Iowa, this 9th day of January, 1990.

Paul Welch, Sheriff of Madison County, Iowa

REFUSAL TO SERVE

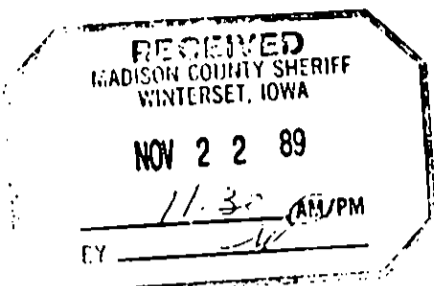
I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

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

Primary Road No. U.S. 169 north of the City of Winterset

OATH OF COMMISSIONERS

located in Madison County, Iowa
Project No. FN-169-3(29)--21-61
Group "A"



STATE OF IOWA)
Madison County)ss

Each of the undersigned being duly sworn says:

That I do possess the qualifications listed under my name below, and
That I do not possess any interest in the proceeding which would cause me to render a biased decision, and

That I will, to the best of my ability, faithfully and impartially assess the damages which owners, lienholders, encumbrances and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of the appropriation of the rights set forth and described in the Application and Notice of Condemnation in the Office of the Sheriff for the improvement of roads and streets and make a written report to the Sheriff as Authorized and prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 471, and 472, Code of Iowa, and any amendments thereto, and in accordance with the instructions of the Chief Justice of the Supreme Court, and will truly perform any and all other duties imposed upon me by law as a member of the compensation commission selected and appointed to assess said damages.

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

Charles Tucker
Name: CHARLES TUCKER
Licensed Real Estate Salesperson or Broker

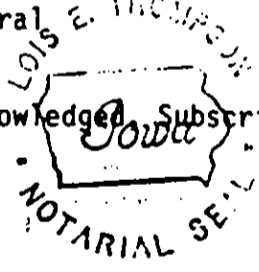
Margaret Schaffer
Name: MARGARET SCHAFER
Knowledgeable of Property Values by Virtue Occupation

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

Raymond Clark
Name: RAYMOND CLARK
Agricultural

H. J. Vowell
Name: HARRISON VOWELL
Agricultural

19 90 Acknowledged, Subscribed and sworn to before me this 9th day of February.



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

19 90 Filed in my office at, Winterset, Iowa, this 9th day of February.

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

17

IN THE MATTER OF THE CONDEMNATION OF CERTAIN)
 RIGHTS IN LAND BY THE IOWA DEPARTMENT OF)
 TRANSPORTATION FOR THE IMPROVEMENT OF)

SHERIFF'S CERTIFICATION
 AS TO AWARDS AND COSTS

ROAD NO.

IN MADISON COUNTY)

PROJECT NO. FN-169-3(29)--21-61 "A")

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED IN
 BOOK 121, PAGE 639 - 648, OR INSTRUMENT NUMBER _____,
 AND DATED November 22, 1989.

TO: Iowa Department of Transportation, Ames, Iowa

I certify that the commissioners in the above-entitled cause convened
 at Winterset, Iowa, on the 9th day of February,
 1990, and thereupon proceeded to view the premises and said commissioners
 did thereafter on the 9th day of February, 1990, file their
 report in my office awarding damages as follows:

NAMES OF CONDEMNEES	AWARD	ATTORNEY FEES AND COSTS
<u>John W. Mahan;</u>	<u>\$ 31,000.00</u>	<u>\$1,000.00</u>
<u>Winifred W. Mahan;</u>		
<u>Harriet I. Campbell;</u>		
<u>Union State Bank;</u>		
<u>Madison County Treasurer;</u>		
TOTAL DAMAGES AWARDED	<u>\$ 31,000.00</u>	<u>\$1,000.00</u>

I certify that the costs incident to this proceeding have been taxed
 as follows: Serving Notices as listed below:

Date	Name of Condemnees Served	Fee	Mileage	Rate : .21	Amount	Total
12/12/89	John W. Mahan	\$10.00			\$2.40	\$12.40
12/12/89	Winifred W. Mahan	5.00				5.00
12/18/89	Union State Bank & Duane Gordon, Vice Pres	10.00			2.40	12.40
12/12/89	Harriet I. Campbell	10.00			2.40	12.40
12/15/89	Madison County, Iowa C/O Joan Welch, Auditor	10.00			2.40	12.40
					POSTAGE	9.05
					COPIES	.50
					Sub Total \$	<u>64.15</u>

Sheriff, Summoning and attending Commissioners..... \$60.00
 Sheriff, Mileage while attending Commissioners, 10 miles @.21 = 2.10
TOTAL \$ 126.25

Paul D. Welch, Sheriff

Sheriff of Madison
 County, Iowa

COMMISSIONERS' COSTS

106

CHARLES TUCKER of WINTERSET, Iowa
1 day service \$ 50.00
-- miles at .21 ---
1 meals 4.21
TOTAL \$ 54.21

DON NOACK of BOONEVILLE, Iowa
1 day service \$ 50.00
34 miles at .21 7.14
1 meals 4.32
TOTAL \$ 61.46

MARGARET SCHAEFER of EARLHAM, Iowa
 day service REFUSED COMPENSATION \$
 miles at .21
 meals
TOTAL \$

LOREN MYERS of LORIMOR, Iowa
1 day service \$ 50.00
40 miles at .21 8.40
1 meals 4.34
TOTAL \$ 62.74

RAYMOND CLARK of BOONEVILLE, Iowa
1 day service \$ 50.00
28 miles at .21 5.88
1 meals 4.11
TOTAL \$ 59.99

HARRISON VOWELL of PERU, Iowa
1 day service \$ 50.00
18 miles at .21 3.78
1 meals 2.28
TOTAL \$ 56.06

GRAND TOTAL \$ 294.45

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

Dated this 9th day of February, 19 90.

Paul D. Welch, Sheriff

Sheriff of MADISON
County, Iowa

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of MADISON County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. FN-169-3(29)--21-61 "A", held on the 9th day of February, 1990, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50.⁰⁰</u>
<u> </u> miles at \$.21	\$ <u> </u>
<u> </u> meals	\$ <u>4.21</u>

Signed this 9 day of February, 1990.

Charles Tucker
COMMISSIONER

RECEIPT

Northside Cafe
Winterset, Iowa

Date 2-9-90

1 Meals = \$ 4.21

Thank You
Please come back!

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of MADISON County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. FN-169-3(29)--21-61 "A", held on the 9th day of February, 1990, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50.00</u>
<u>34</u> miles at \$.21	\$ <u>7.14</u>
<u>1</u> meals	\$ <u>4.32</u>

Signed this 9 day of February, 1990.

Donald P. Noack
COMMISSIONER

RECEIPT

Northside Cafe
Winterset, Iowa

Date 2-7-90

1 Meals = \$ 4.32

Thank You
Please come back!

21

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of MADISON County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. FN-169-3(29)--21-61 "A", held on the 9th day of February, 1990, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50.00</u>
<u>40</u> miles at \$.21	\$ <u>8.40</u>
_____ meals	\$ <u>5.00 4.34</u>

Signed this 9 day of Feb, 1990.

Lois Meyer
COMMISSIONER

RECEIPT

Northside Cafe
Winterset, Iowa

Date 2-9-90

1 Meals = \$ 4.34

Thank You
Please come back!

22

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of MADISON County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. FN-169-3(29)--21-61 "A", held on the 9th day of February, 1990, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50.00</u>
<u>28</u> miles miles at \$.21	\$ <u>5.88</u>
<u>1</u> meals	\$ <u>4.11</u>

Signed this 9 day of Feb., 1990.

Raymond Clark
COMMISSIONER

RECEIPT

Northside Cafe
Winterset, Iowa

Date 2-9-90

1 Meals = \$ 4.11

Thank You
Please come back!

CONDEMNATION COMMISSIONERS STATEMENT

To the Sheriff of MADISON County

I certify that my fee and expenses as a member of the commission in the matter of the condemnation of certain real estate or rights to real estate for Project No. FN-169-3(29)--21-61 "A", held on the 9th day of February, 19 90, are as follows and that these claims are due, just and unpaid.

<u>1</u> day service at \$50.00	\$ <u>50.00</u>
<u>18</u> miles at \$.21	\$ <u>3.79</u>
meals	\$ <u>2.28</u>

Signed this 9 day of Feb., 19 90.

H. S. Dawell
COMMISSIONER

RECEIPT

Northside Cafe
Winterset, Iowa

Date 2-9-90

1 Meals = 2.28

Thank You
Please come back!

H. S. Dawell

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

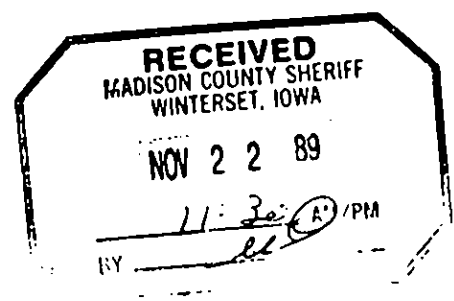
Primary Road No. U.S. 169 north of the
City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

NOTICE



TO:

- John W. Mahan, 215 East Green, Winterset, Iowa
- Winifred W. Mahan, 215 East Green, Winterset, Iowa
- Union State Bank, 201 West Court, Winterset, Iowa
- Harriet I. Campbell, 910 West South Street, Winterset, Iowa
- Madison County, Iowa, c/o County Auditor, Winterset, Iowa

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

Part of the NW Fr1. 1/4 SW 1/4 of Sec. 19, T76N, R27W of the 5th P.M., Madison County, Iowa.

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

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

A parcel of land located in the NW Fr1. 1/4 SW 1/4 of Sec. 19, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows: Beginning at the W 1/4 Corner of said Sec. 19; thence S0°00'25"E, 1327.00 ft. along the west line of the NW Fr1. 1/4 SW 1/4 of said Sec. 19 to a point on the south line thereof; thence S89°21'59"E, 157.04 ft. along said south line; thence N2°22'33"E, 181.13 ft.; thence northerly 535.19 ft. along a 5834.58 foot radius curve, concave westerly and having a chord bearing N0°15'07"W, 535.00 ft.; thence N9°36'10"E, 393.26 ft.; thence N2°52'47"W, 222.60 ft. to a point on the north line of the NW Fr1. 1/4 SW 1/4 of said Sec. 19; thence N89°17'03"W, 216.78 ft. along said north line to the Point of Beginning, excepting therefrom present easement of record; containing 4.12 acres, more or less, exclusive of said exceptions.

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

1. Any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. The pole shed lying partially within the above described easement for highway purposes sought to be appropriated is condemned in its entirety.

3. The State of Iowa shall have a right of temporary easement, for the specific purpose of removing said pole shed referred to in paragraph numbered 2 above, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the W 1/4 Corner of said Sec. 19; thence $S0^{\circ}00'25''E$, 612.80 ft. along the west line of the NW Frl. 1/4 SW 1/4 of said Sec. 19; thence $N89^{\circ}59'35''E$, 162.27 ft. to a point on the easterly line of the land sought by easement for highway purposes, the Point of Beginning; thence $N87^{\circ}07'13''E$, 55.00 ft.; thence southerly 67.88 ft. along a 5889.58 foot radius curve, concave westerly and having a chord bearing $S2^{\circ}32'58''E$, 67.88 ft.; thence $S87^{\circ}46'50''W$, 55.00 ft. to a point on the easterly line of said land sought by easement for highway purposes; thence northerly 67.24 ft. along said easterly line along a 5834.58 foot radius curve, concave westerly and having a chord bearing $N2^{\circ}32'58''W$, 67.24 ft. to the Point of Beginning.

4. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. The area sought to be appropriated by temporary easement, for the specific purpose of removing a pole shed, relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.

That such condemnation is sought for the improvement and/or the maintenance of roads and streets in the State of Iowa in the matter prescribed in Chapters 28E, 306, 306A, 306B, 306C, 313, 471, and 472 of the Code of Iowa and all amendments thereto.

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

You are further notified that the Commissioners will report to the Sheriff's Office in Winterset, Iowa, at 9:30 o'clock a.m., on the 9th day of February, 1990 and will view your property at approximately 10:00 o'clock a.m. on the same day. They will then return to the Sheriff's Office and proceed to appraise said damages. You may participate in these proceedings if you care to do so.

IOWA DEPARTMENT OF TRANSPORTATION

Special Assistant Attorney General and Counsel

Right of Way Director

By Fred Cirksena
Fred Cirksena
Chief Condemnation Agent
Iowa Department of Transportation
Ames, Iowa 50010

ACCEPTANCE OF SERVICE

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

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

STATE OF IOWA)
) SS.
COUNTY OF MADISON)

Received the within notice the 22nd day of November, 1989, and I hereby certify that I have served to each person named below by delivering a true copy of the same to each person at the time and place set opposite their respective names:

Name	Date	City or Town	County	State
John W. Mahan	12/12/89	Winterset	Madison	Iowa
Winifred W. Mahan	12/12/89	Winterset	Madison	Iowa
Union State Bank by serving Duane Gordon, Vice President	12/18/89	Winterset	Madison	Iowa
Harriet I. Campbell	12/12/89	Winterset	Madison	Iowa
Madison County, Iowa c/o Joan Welch, Auditor	12/15/89	Winterset	Madison	Iowa

Fees:
Service \$ 45.00
Mileage \$ 9.60
Total \$ 54.60

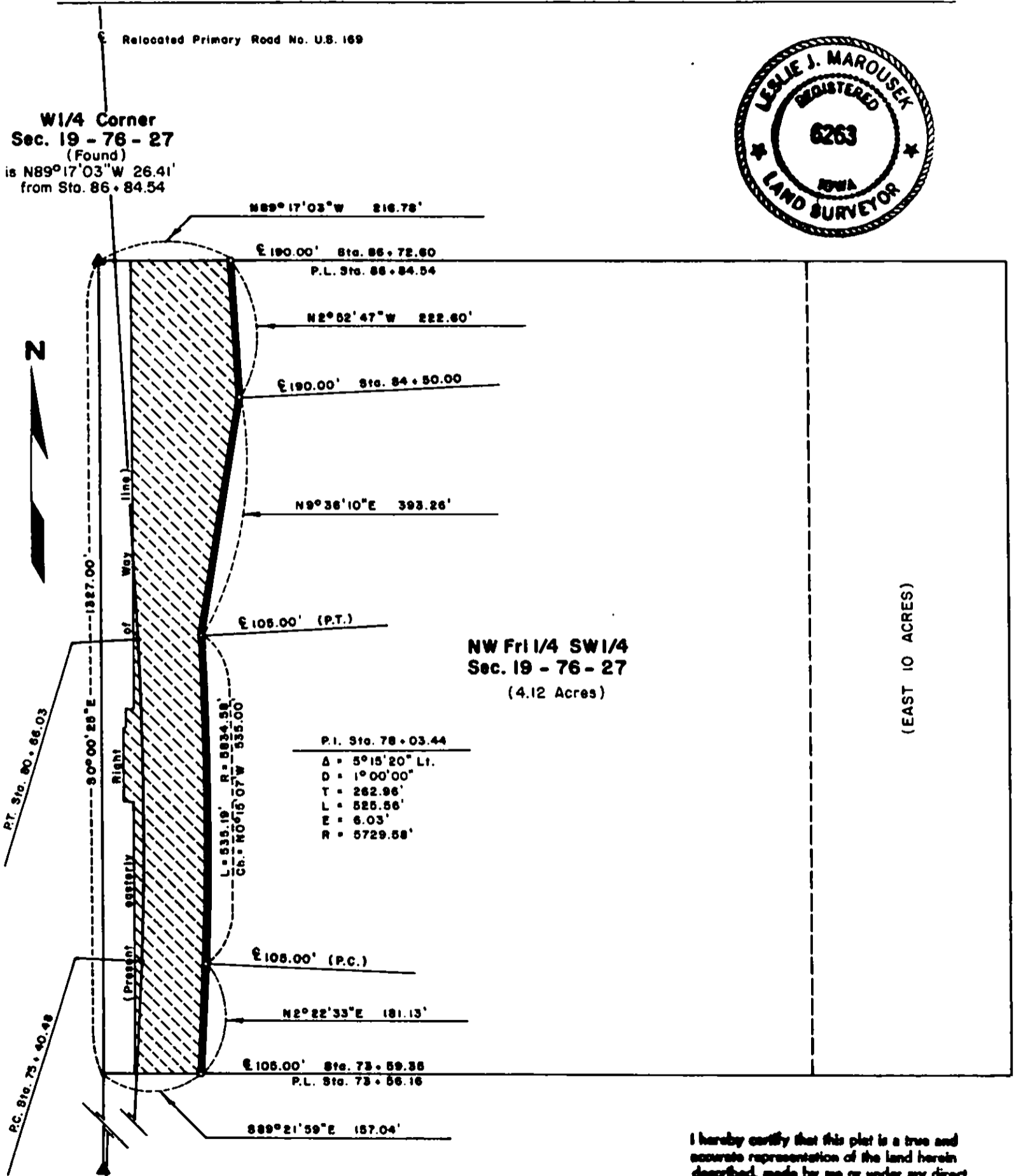
Paul D. Welch, Sheriff
Sheriff of Madison County, Iowa

IOWA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLAT
EXHIBIT "A"



COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 13
 SECTION 19 TOWNSHIP 76 N RANGE 27 W
 ROW - FEE _____ AC, EASE 4.12 AC, EXCESS - FEE _____ AC
 ACQUIRED FROM JOHN W. MAHAN, ET UX



NW Fri 1/4 SW 1/4
Sec. 19 - 76 - 27
(4.12 Acres)

(EAST 10 ACRES)

P.I. Sta. 78 + 03.44
Δ = 5°15'20" Lt.
D = 1°00'00"
T = 262.96'
L = 525.56'
E = 6.03'
R = 5729.58'

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

Leslie J. Marousek 2-6-89
Leslie J. Marousek, Reg. No. 6263 Date



1" = 200'

DATE DRAWN _____

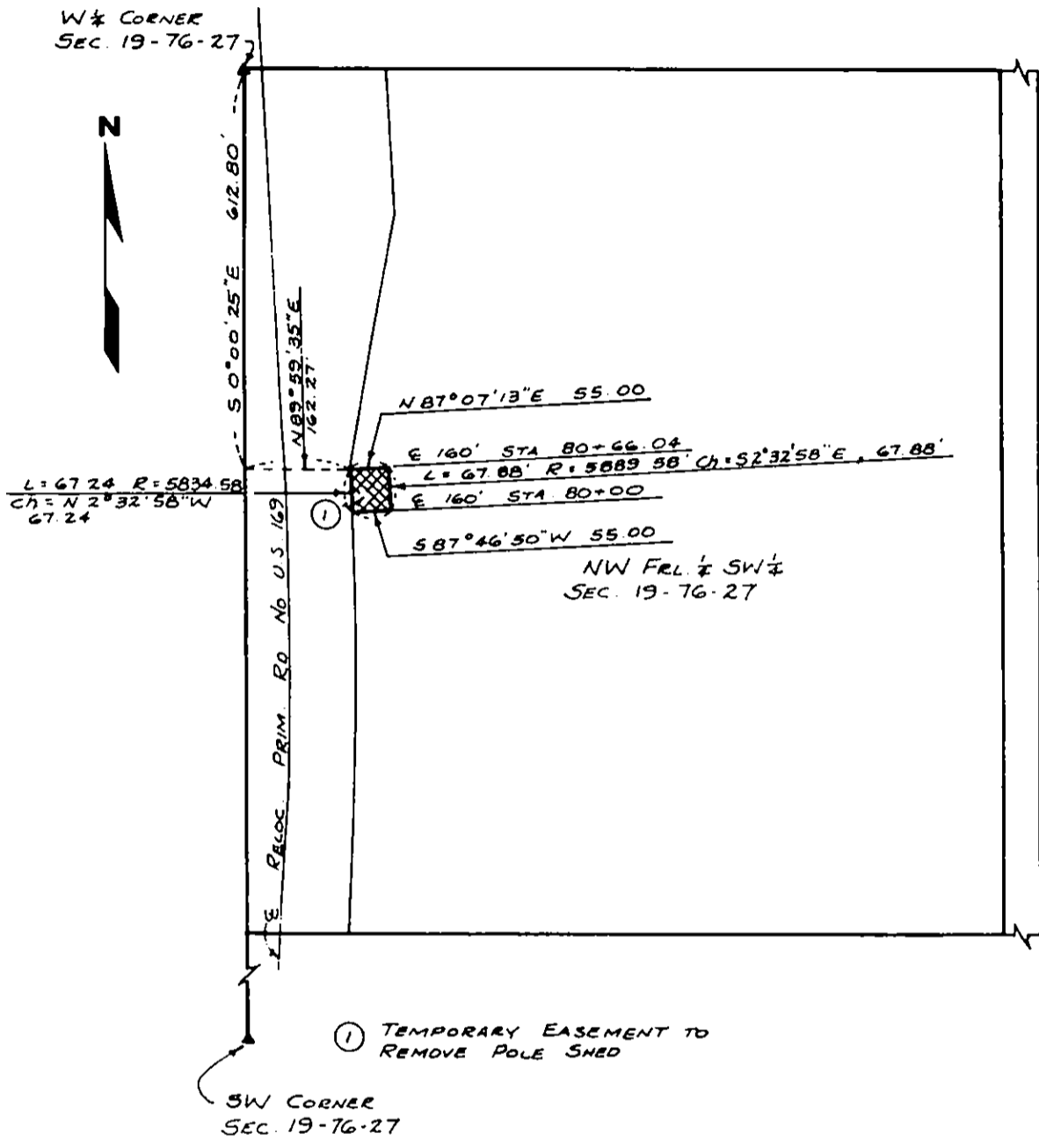
SCALE _____

IOWA DEPARTMENT OF TRANSPORTATION



RIGHT OF WAY PLAT
EXHIBIT 'B'

COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 13
 SECTION 19 TOWNSHIP 76N RANGE 27W
 ROW-FEE _____ AC, EASE _____ AC, EXCESS-FEE _____ AC
 ACQUIRED FROM JOHN W. MAHAN, ET UX



DATE DRAWN _____ SCALE _____

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

AFFIDAVIT OF FINAL OFFER

Primary Road No. U. S. 169 north of the
City of Winterset
located in Madison County, Iowa
Project No. FN-169-3-(29)--21-61
Group "A"

On this the 9th day of February, 19 90, comes the Iowa
Department of Transportation and states, as by law provided, that the most recent offers made to the owners,
lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights in cer-
tain land as described by the Applicant in the Notice of Condemnation filed in the above matter are as follows:

(Names as on Notice)

\$ 25,000⁰⁰

Parcel 13

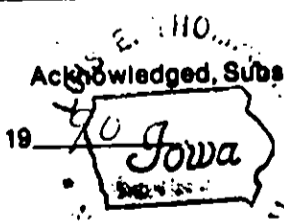
John W. Mahan
Winifred W. Mahan
Harriet I. Campbell
Union State Bank
Madison County Treasurer

IOWA DEPARTMENT OF TRANSPORTATION

Right of Way Director

By: Mont D. Rouse
Condemnation Agent

Acknowledged, Subscribed and sworn to before me this 9th day of February



Leo E. Thompson
(Notary Public) In and for said County and State
(Clerk of Court)

Filed in my office at Winterset, Iowa, this 9th day of
February, 19 90.

Paul D. Wiley
Sheriff of Madison County, Iowa

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

Primary Road No. U.S. 169 north of the City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

REPORT OF COMPENSATION COMMISSION

TO: Paul Welch, Sheriff of Madison County, Iowa

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

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

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Parcel-13			\$ ^x	
John W. Mahan	\$ 31,000.00		\$ 31,000.00	\$ 1,000.00
Winifred W. Mahan				
Harriet I. Campbell				
Union State Bank				
Madison County Treasurer				

Respectfully reported at Winterset, Iowa, this 9th day of Feb., 19 90.

Charles Tucker
Donald P. Noack
Margaret Schaefer

A. S. Dowell
Raymond Clark
Laura

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

Filed in my office at Winterset, Iowa, this 9th day of February, 19 90.

Paul Welch
Paul Welch
Sheriff of Madison County, Iowa

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

Primary Road No. U.S. 169 north of the
City of Winterset
located in Madison County, Iowa
Project No. FN-169-3(29)--21-61
Group "A"

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

The undersigned hereby endorse and certify that a true copy of the foregoing Notice was served upon each of the parties of this proceeding, as listed herein, by enclosing said notice in an envelope addressed to each such party at their respective last known mailing address as disclosed by the record in the Application to the Chief Judge (excepting those parties, if any, listed below), with postage prepaid, and by depositing said envelope in a United States Post Office depository in Winterset, Iowa, on the 9th day of February, 1990.


Paul Welch
Sheriff of Madison County, Iowa

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

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

Primary Road No. U.S. 169 north of the
City of Winterset

located in Madison County, Iowa

Project No. FN-169-3(29)--21-61

Group "A"

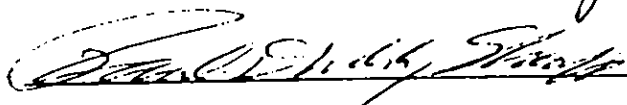
Parcel No. 13

TO:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
John W. Mahan;	\$	\$	\$ <u>31,000</u>	\$ <u>1,000</u>
Winifred W. Mahan;	\$	\$	\$	\$
Harriet I. Campbell;	\$	\$	\$	\$
Union State Bank;	\$	\$	\$	\$
Madison County Treasurer;	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
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	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$
	\$	\$	\$	\$

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

Date: 9th Day of February, 1990


Sheriff of Madison County, Iowa

ACCEPTANCE AND ACKNOWLEDGEMENT OF SERVICE

I hereby accept and acknowledge service of the within and foregoing Notice of Appeal on behalf of Madison County, Iowa, at Winterset, Iowa this _____ day of March, 1990.

MADISON COUNTY, IOWA

By _____
Joan Welch, Madison County Auditor

ACCEPTANCE AND ACKNOWLEDGEMENT OF SERVICE

I, Paul D. Welch, Sheriff of Madison County, Iowa, hereby accept and acknowledge service of the within and foregoing Notice of Appeal, at Winterset, Iowa this 6th day of March, 1990.

Paul D. Welch

Paul D. Welch, Sheriff of Madison County, Iowa

Ep/mm/subj/gkd90/mahn3060

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

JOHN W. MAHAN and
WINIFRED W. MAHAN,

Plaintiffs,

vs.

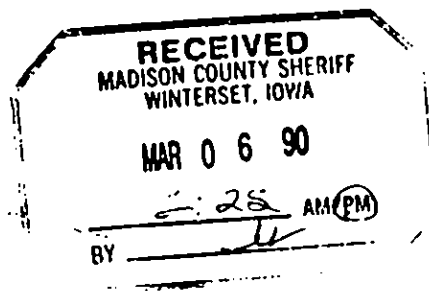
IOWA DEPARTMENT OF
TRANSPORTATION, STATE OF
IOWA; UNION STATE BANK;
HARRIET I. CAMPBELL;
MADISON COUNTY, IOWA,

Defendants.

Number _____ Law

NOTICE OF APPEAL OF CONDEM-
NATION ASSESSMENT AND AWARD
TO THE IOWA DISTRICT COURT
FOR MADISON COUNTY

In the Matter of the Condem-
nation of Certain Rights in
Land by the Iowa Department
of Transportation for the
Improvement of Primary Road
No. U.S. 169 north of the
City of Winterset located in
Madison County, Iowa Project
No. FN-169-3(29)--21-61
Group "A".



TO: The Iowa Department of Transportation, State of Iowa;
Thomas J. Miller, Attorney General of the State of Iowa;
Charles J. Krogmeier, Deputy Attorney General and General
Counsel to the Iowa Department of Transportation; Union State
Bank; Harriet I. Campbell; Madison County, Iowa; Paul D.
Welch, Sheriff of Madison County, Iowa:

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that the under-
signed Plaintiffs, John W. Mahan and Winifred W. Mahan, do
hereby Appeal to the District Court of Iowa in and for Madison
County from the appraisal and award of damages made on the 9th
day of February, 1990 by the Compensation Commission appointed
therefor, as damages as the result of the condemnation and
taking by right of eminent domain for highway purposes by the
Defendant, Iowa Department of Transportation, acting for the
use and benefit of the State of Iowa, of the following
described real estate to-wit:

Part of the NW Fr1. 1/4 SW 1/4 of Sec. 19, T76N, R27W of the 5th P.M., Madison County, Iowa.

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

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

A parcel of land located in the NW Fr1. 1/4 SW 1/4 of Sec. 19, T76N, R27W of the 5th P.M., Madison County, Iowa, as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

Said parcel is described as follows: Beginning at the W 1/4 Corner of said Sec. 19; thence $S0^{\circ}00'25''E$, 1327.00 ft. along the west line of the NW Fr1. 1/4 SW 1/4 of said Sec. 19 to a point on the south line thereof; thence $S89^{\circ}21'59''E$, 157.04 ft. along said south line; thence $N2^{\circ}22'33''E$, 181.13 ft.; thence northerly 535.19 ft. along a 5834.58 foot radius curve, concave westerly and having a chord bearing $N0^{\circ}15'07''W$, 535.00 ft.; thence $N9^{\circ}36'10''E$, 393.26 ft.; thence $N2^{\circ}52'47''W$, 222.60 ft. to a point on the north line of the NW Fr1. 1/4 SW 1/4 of said Sec. 19; thence $N89^{\circ}17'03''W$, 216.78 ft. along said north line to the Point of Beginning, excepting therefrom present easement of record; containing 4.12 acres, more or less, exclusive of said exceptions.

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

1. Any and all improvements, including fences, and advertising devices, if any, located wholly within the land sought by easement for highway purposes are condemned in their entirety.
2. The pole shed lying partially within the above described easement for highway purposes sought to be appropriated is condemned in its entirety.
3. The State of Iowa shall have a right of temporary easement, for the specific purpose of removing said pole shed referred to in paragraph numbered 2 above, in land described as follows and as shown on the plat Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the W 1/4 Corner of said Sec. 19; thence $S0^{\circ}00'25''E$, 612.80 ft. along the west line of the NW Fr1. 1/4 SW 1/4 of said Sec. 19; thence $N89^{\circ}59'35''E$, 162.27 ft. to a point on the easterly line of the land sought by easement for highway purposes, the Point of Beginning; thence $N87^{\circ}07'13''E$, 55.00 ft.; thence southerly 67.88 ft. along a 5989.58 foot radius curve, concave westerly and having a chord bearing $S2^{\circ}32'58''E$, 67.88 ft.; thence $S87^{\circ}46'50''W$, 55.00 ft. to a point on the easterly line of said land sought by easement for highway purposes; thence northerly 67.24 ft. along said easterly line along a 5834.58 foot radius curve, concave westerly and having a chord bearing $N2^{\circ}32'58''W$, 67.24 ft. to the Point of Beginning.

4. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. The area sought to be appropriated by temporary easement, for the specific purpose of removing a pole shed, relocating, replacing, or restoring tile, if any, is reserved to the condemnees until the actual date said area is required for construction of this highway improvement. Also, said temporary easement right shall terminate immediately upon completion of the operations for which said right is sought and in no event later than the completion of this highway improvement.

all as described and referred to in the Notice of Condemnation and Assessment served upon the Plaintiffs in said matter.

YOU AND EACH OF YOU ARE FURTHER NOTIFIED that said Appeal will come on for hearing before said Court, which convenes and is held at Winterset, in Madison County, Iowa, as by law provided.

Exhibits "A" and "B" heretofore referred to and attached hereto are by this reference made a part of this Notice.

DARLING & DARLING

By 

Gordon K. Darling, Sr.
53 Jefferson Street
P.O. Box 88
Winterset, IA 50273-0088
515/462-2442


ATTORNEYS FOR PLAINTIFFS,
JOHN W. MAHAN AND WINIFRED
W. MAHAN

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Form 654-077
5-78

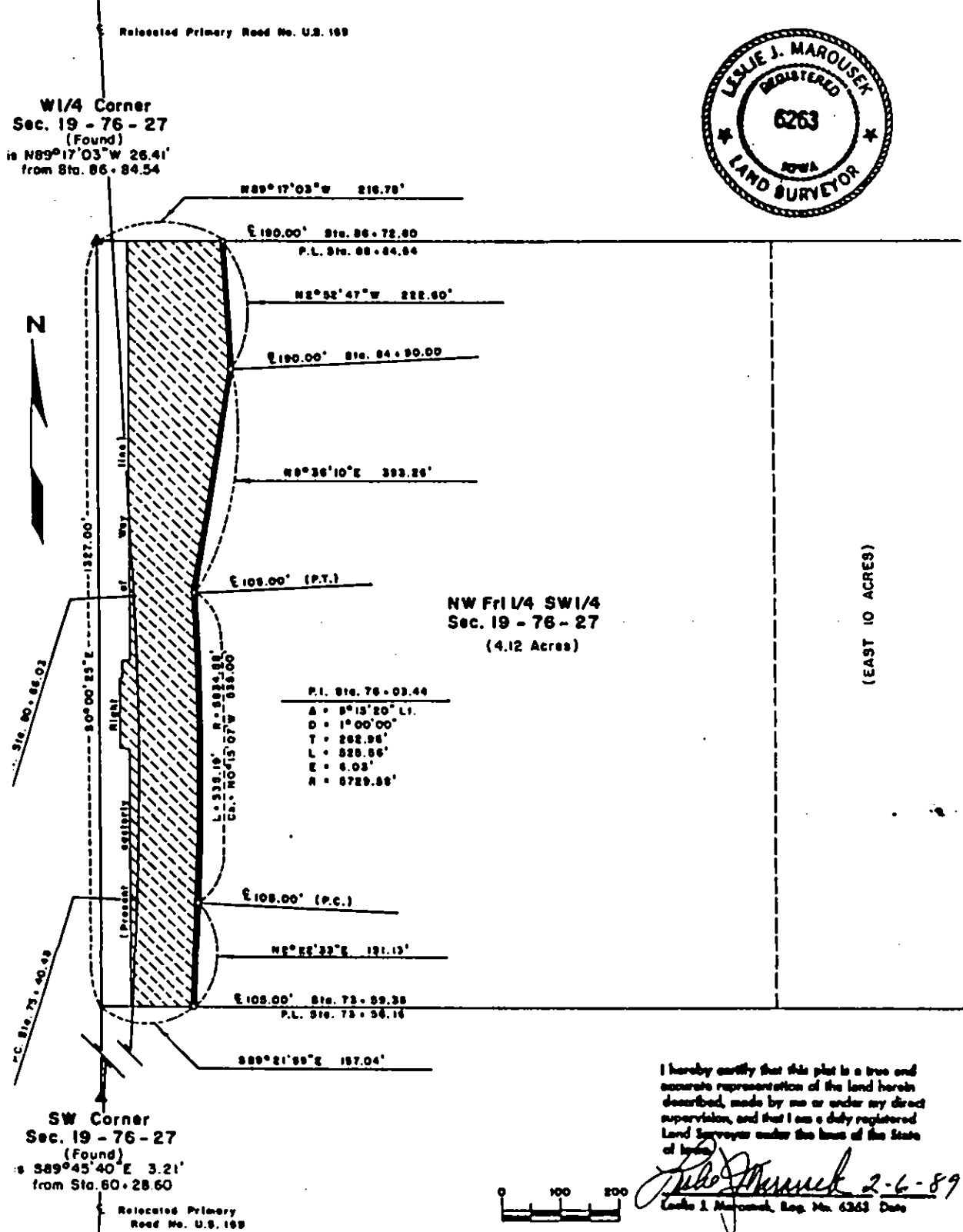
880928 JOB

IOWA DEPARTMENT OF TRANSPORTATION

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RIGHT OF WAY PLAT
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 13
 SECTION 19 TOWNSHIP 76 N RANGE 27 W
 ROW - FEE _____ AC, EASE 4.12 AC, EXCESS - FEE _____ AC
 ACQUIRED FROM _____



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

Leslie J. Marousek 2-6-89
Leslie J. Marousek, Reg. No. 6263 Date

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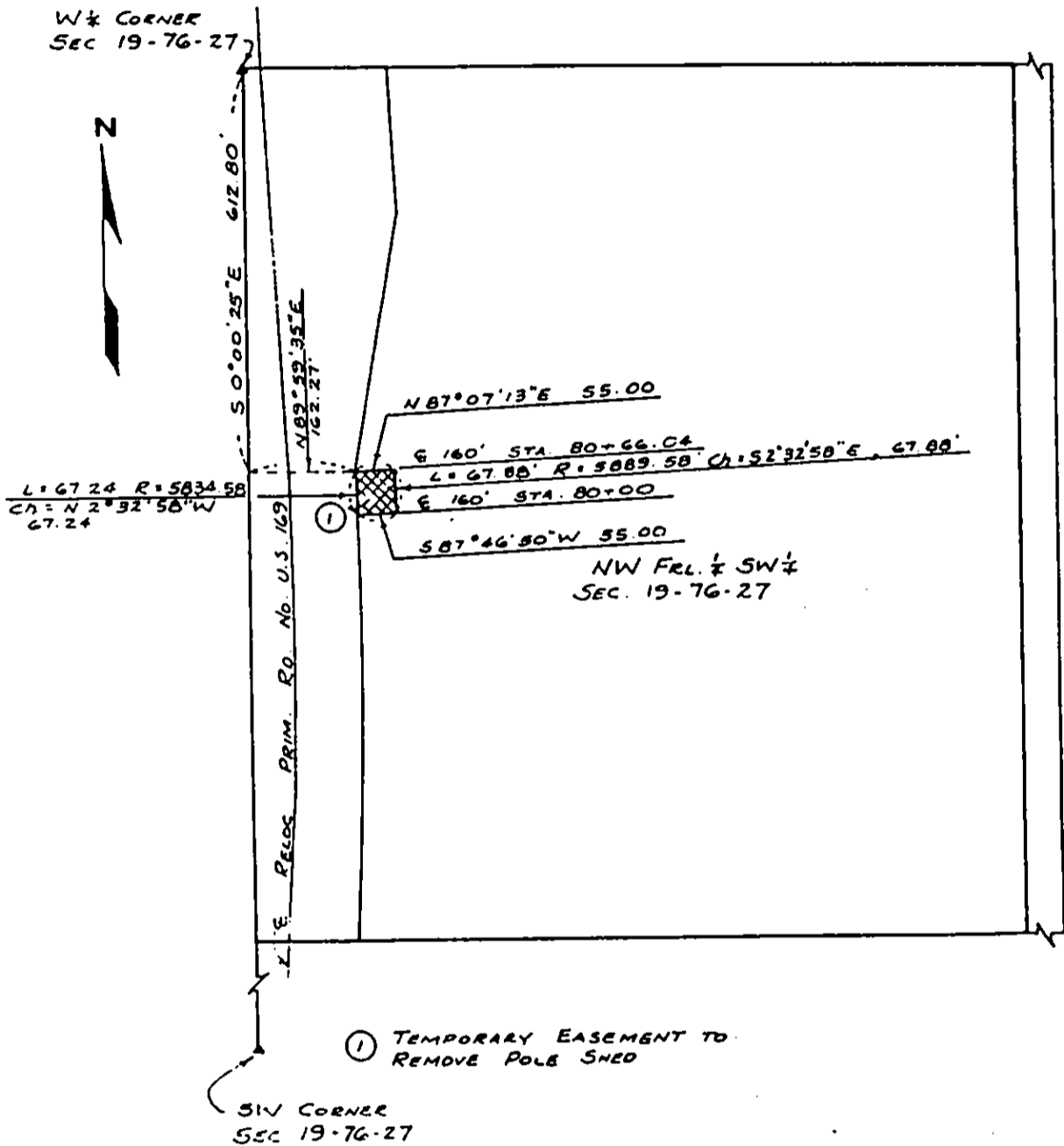
Form 834-017
6-75

IOWA DEPARTMENT OF TRANSPORTATION



RIGHT OF WAY PLAT
EXHIBIT 'B'

COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3(29)--21-61 PARCEL NO. 13
 SECTION 19 TOWNSHIP 76N RANGE 27W
 ROW-FEE _____ AC, EASE _____ AC, EXCESS-FEE _____ AC
 ACQUIRED FROM JOHN W. MAHAN, ET UX



DATE DRAWN _____ SCALE _____