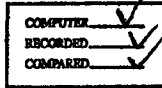


REC \$ 25.00
AUD \$
R.M.F. \$ 100

FILED NO 001300

BOOK 2003 PAGE 1300

2003 MAR 10 AM 9:16



MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

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

Primary Road No. 92 north of the City of Patterson located in Madison County, Iowa

Project No. STPN-92-4(24)-2J-61 Group "A"

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

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

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in Non-Agricultural land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 6B.2A, 6B.2B and 6B.3, the Code of Iowa, as amended by H.F. 476, 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.

Minimum Land Needs: The minimum amount of land necessary to achieve the public purpose is as described in and shown on the Notice of Condemnation and attached plat(s).

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 the improvement and/or maintenance of roads and streets within the State of Iowa.

Statement of Individual Rights: The Iowa Department of Transportation has provided the owner(s) with a statement of their individual rights and written notification as required under Sec. 6B.2A.

Good Faith Negotiations: The Applicant has made an effort to negotiate in good faith with the owner(s) to acquire the property sought to be condemned. These efforts include:

1. Provided the owner(s) with written notification at least 30 days prior to the intent to proceed with this public improvement.
2. Provided the owner(s) with a copy of the appraisal of the property sought.
3. Discussed the basis of determining value.
4. Reviewed the project design plans.
5. Discussed the contents of the acquisition contract.
6. Addressed owner's questions and concerns.
7. Provided the owner(s) with a written offer of the fair market value.

Based on these efforts, we were unable to reach an agreement.

Agricultural Land: A part of the lands sought to be appropriated may be classified as Class I or Class II within an agricultural area and, if so classified, is reasonably necessary for this internal improvement.

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

Dated at Ames, Iowa, this 26 day of February, 2003.

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

By Robert Dahlgren
Robert Dahlgren
Condemnation Unit Coordinator
Office of Right of Way

Filed in my office at Des Moines, Iowa, this 3 day of March, 2003.

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

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

Robert Dahlgren 3/5/03
Condemnation Unit Coordinator

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

Primary Road No. 92 north

NOTICE

of the City of Patterson

located in Madison County, Iowa

Project No. STPN-92-4(24)--2J-61

Group "A"

TO:

Dwayne Frazier also known as Dwayne W. Frazier, 390 School Street, Martensdale, Iowa
Dolores E. Frazier, 390 School Street, Martensdale, Iowa
Peoples Savings Bank, 111 North Buxton, Indianola, Iowa
Madison County, Iowa, c/o County Auditor, 112 N. John Wayne Dr., 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T76N, R26W, of the 5th P.M., Madison County, Iowa.

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

The title in fee simple sought to be appropriated for the use and benefit of the State of Iowa is in land described as follows:

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

Madison County Project No. STPN-92-4(24)--2J-61

Dwayne Frazier, et ux (Parcel 1)

Continued on next page

Page 1

Said parcel is described as follows:

Commencing at the NW Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29; thence S1 $^{\circ}$ 41'11"E, 313.50 feet along the west line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29 to a point on the present southwesterly right of way line of Primary Road No. IA. 92; thence N89 $^{\circ}$ 24'21"E, 73.07 feet along said present southwesterly right of way line, to the Point of Beginning; thence continuing N89 $^{\circ}$ 24'21"E, 33.18 feet; thence southeasterly 173.56 feet along a 1470.89 foot radius curve, concave southwesterly and having a chord bearing S61 $^{\circ}$ 11'37"E, 173.46 feet; thence N64 $^{\circ}$ 21'02"W, 56.91 feet; thence N66 $^{\circ}$ 21'32"W, 146.14 feet to a point on the present southwesterly right of way line of Primary Road No. IA. 92, the Point of Beginning.

Said parcel contains 1,563 Square Feet of which 176 Square Feet is contained within existing highway easements.

In connection with this condemnation proceeding it is specifically provided as follows: Any and all improvements, including fences or agricultural crops, if any, located wholly within the land sought in fee simple title, are condemned in their entirety.

IOWA DEPARTMENT OF TRANSPORTATION



ACQUISITION PLAT
EXHIBIT 'A'

COUNTY MADISON STATE CONTROL NO. 61-0600
 PROJECT NO. STPN-92-4(24)--2J-81 PARCEL NO. 1
 SECTION 29 TOWNSHIP 76 N RANGE 28 W
 ROW-FEE * 1,563 Sq.Ft. EASE _____ AC. EXCESS - FEE _____ AC
 ACQUIRED FROM DWAYNE FRAZIER, ET UX

* Includes 176 Square Feet Underlying Fee Title
and 1,387 Square Feet New Fee Simple Title

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

Mike J. Jensen 4-4-02
 Date
 Mike J. Jensen
 License number: 11953
 Pages covered by this deed: 1
 By Registration Renewal date is December 31, 2002

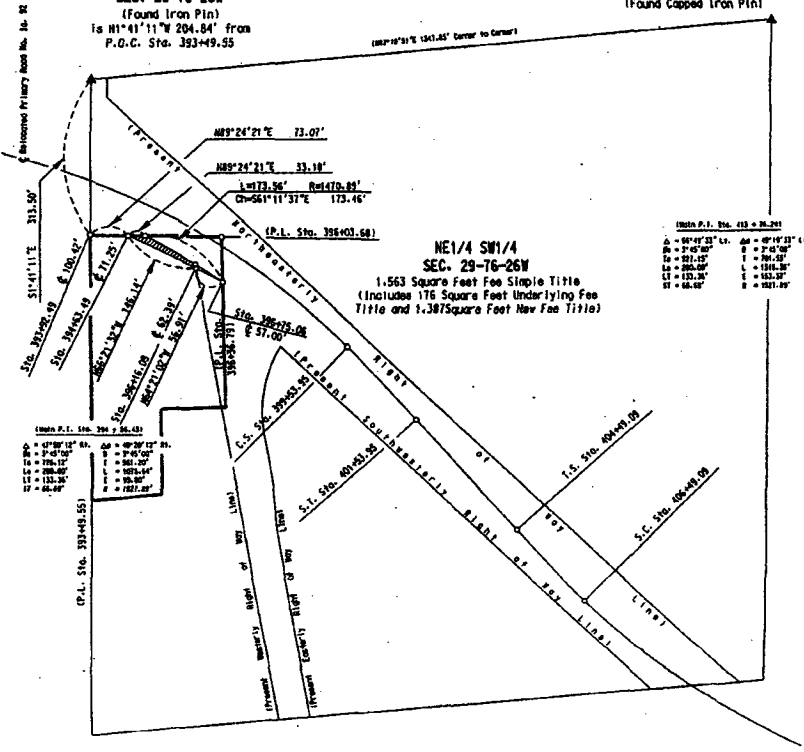
LICENSED LAND SURVEYOR
 MIKE J. JENSEN
 11953
 IOWA



SCALE (FEET)
 0' 50' 100' 150' 200'

NW CORNER
 NE1/4 SW1/4
 SEC. 29-76-26W
 (Found Iron Pin)
 Is N1°41'11"W 204.84' from
 P.O.C. Sta. 393+49.55

CENTER
 SEC. 29-76-26W
 (Found Capped Iron Pin)



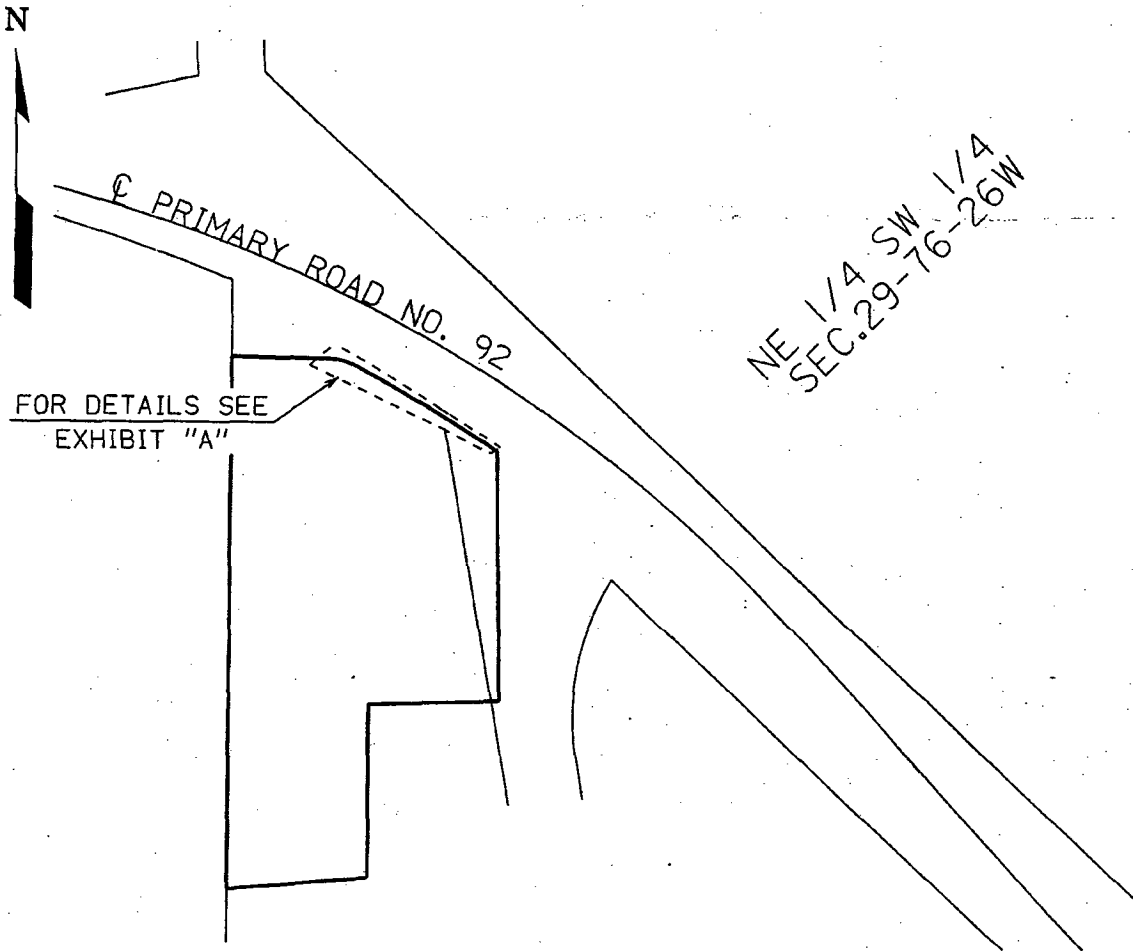
CADD
 PRODUCED
 04/02/02

IOWA DEPARTMENT OF TRANSPORTATION
EXHIBIT "B"



COUNTY MADISON
PROJECT NO. STPN-92-4(24)-2J-61 PARCEL NO. 1
SECTION 29 TOWNSHIP 76N RANGE 26W
BORROW AC
ACQUIRED FROM DWAYNE FRAZIER, ET UX

TOTAL OWNERSHIP PLAT ONLY



FOR DETAILS SEE
EXHIBIT "A"