

IN THE DISTRICT COURT IN AND FOR MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION)
 OF AN EASEMENT FOR CONSTRUCTION)
 OF A FIBER OPTIC CABLE)
 COMMUNICATIONS SYSTEM IN)
 MADISON COUNTY, IOWA,)
)
 by)
)
 AT&T COMMUNICATIONS OF THE)
 MIDWEST, INC.)
)
 Applicant.)

FILED NO. **1000**
 BOOK 121 PAGE 78
 1987 DEC -4 PM 2:25
 Fee \$25.00
 recording MARY E. WELTY
 RECORDER
 MADISON COUNTY IOWA

APPLICATION FOR CONDEMNATION

TO THE HONORABLE RICHARD D. MORR, CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF IOWA:

1. AT&T Communications of the Midwest, Inc., applies to condemn, for purposes of constructing a fiber optic cable communications system, a sixteen and a half foot (16 1/2) wide permanent easement (together with the right of ingress and egress for all reasonable maintenance, repairs and improvements), over, across and under the following described real estate situated in Madison County, Iowa:

The North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 9, Township 77 North, Range 28 West of the 5th P.M.

2. The Applicant seeks to condemn the easement pursuant to chapters 472 and 477 of the Iowa Code (1987). The construction of the fiber optic cable communications system is for the public use and benefit, and the easement is reasonably necessary to complete construction.

3. According to the public records on file in Madison County, Iowa, the parties listed below possess all record or other interests in the real estate described above, or in affected personal property.

	<u>Name</u>	<u>Address</u>
a. <u>Legal Titleholder</u>	Alice Mason	R.R. #2 Adel, IA 50003

4. Attached and marked as Exhibit A is a plat showing the location of the easement sought to be condemned.

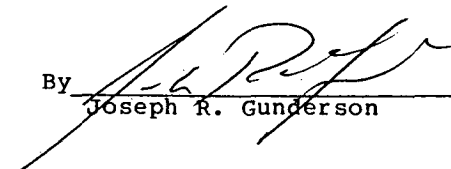
5. The property described above is agricultural property.

For Easement Grant see deed record 121 - Page 83 from Alice M. & Ron Mason to AT&T Communications.

6. You are requested to appoint a Commission in compliance with Chapter 472 of the Code of Iowa (1987) to appraise the damages, the Commission to include six regular Commissioners and six alternate Commissioners who are residents of Madison County, Iowa.

BELIN HARRIS HELMICK TESDELL
LAMSON MCCORMICK

A PROFESSIONAL CORPORATION

By 
Joseph R. Gunderson

By 
Donald G. Henry

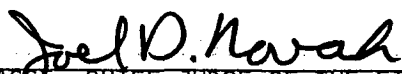
2000 Financial Center
Des Moines, IA 50309
(515) 243-7100

ATTORNEYS FOR AT&T
COMMUNICATIONS OF THE MIDWEST,
INC.

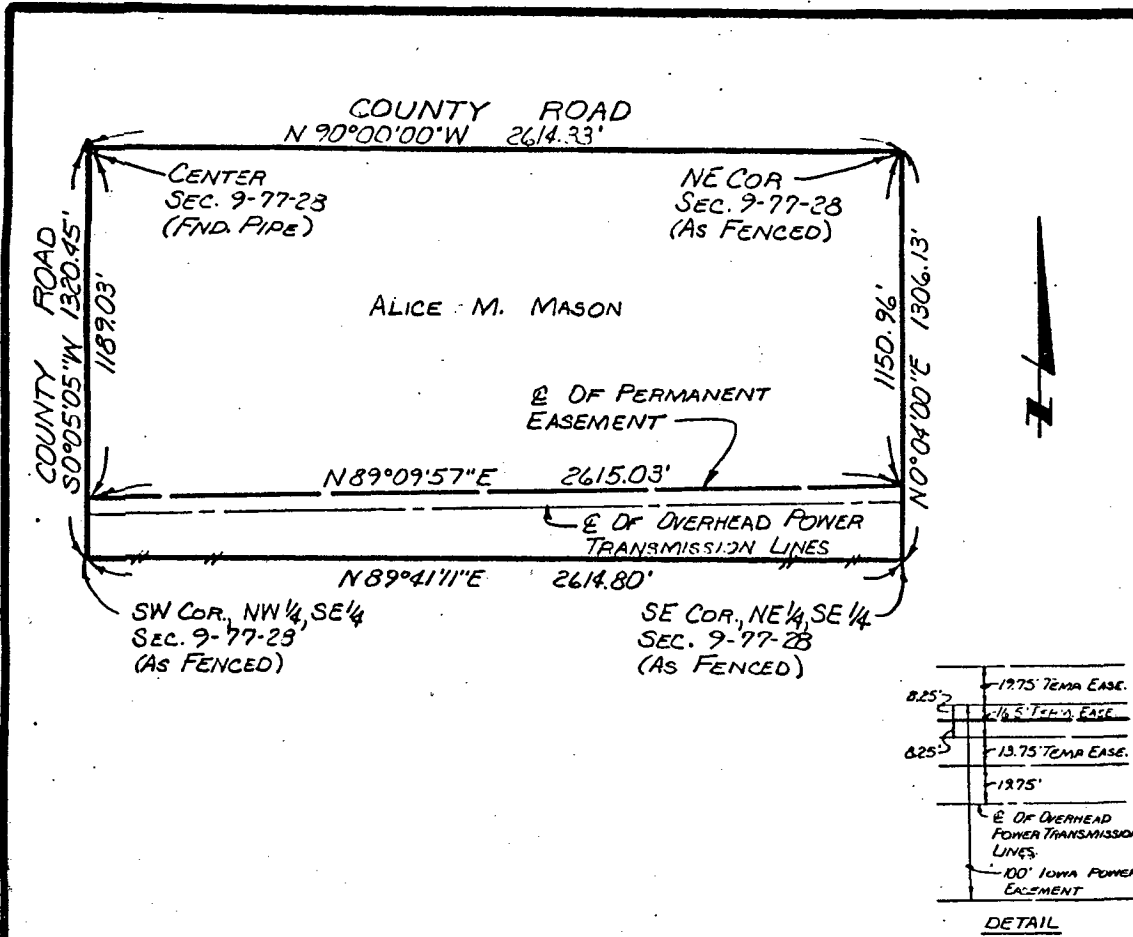
Filed in my office at Winterset, Madison County, Iowa, this
30 day of Nov, 1987.

Sheriff of
Madison County, Iowa

Filed in Des Moines, Iowa this 30th day of November, 1987.



ASSI. CHIEF JUDGE OF THE FIFTH JUDICIAL
DISTRICT OF IOWA
including Madison County



PERMANENT EASEMENT DESCRIPTION:

A strip of land 16.5 feet in width, lying 8.25 feet each side of a survey centerline in the SE 1/4 of Section 9, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa, said centerline being more particularly described as follows: Commencing at the Northwest corner of said SE 1/4; thence S 0°05'05"W, 1189.03 feet along the west line of said SE 1/4 to the point of beginning; thence N 89°09'57"E, 2615.03 feet along said centerline to a point on the East line of said SE 1/4 of said Section 9, and there terminating.

CERTIFICATION:

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.



Robert L. Stumbo, Jr.
Robert L. Stumbo, Jr.
R. L. S. #6586

TRACT DESCRIPTION:

The North Half of the Southeast Quarter (SE 1/4) of Section 9, Township 81 North, Range 23 West of the 5th P.M.

Total distance across property: 2615.03 Feet 158.49 Rods	STUMBO & ASSOCIATES LAND SURVEYING	Page: 1 of 1
	P.O. Box 1684 Ames, Iowa 50010 Phone 233-3889	Date: 10-26-87
Temporary R-0-W 2.01 Acres	Tract Number F081MD0018	Drawn by: MTR
Permanent R-0-W 0.99 Acres	AT&T COMMUNICATIONS DES MOINES-COUNCIL BLUFFS FT "A" CABLE. PROPERTY OF: ALICE M. MASON	Checked by: RLS
		Scale: 1"=500'
		Job no: 4981

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by)
AT&T COMMUNICATIONS OF THE)
MIDWEST, INC.)
Applicant.)

AFFIDAVIT OF APPROVAL
OF APPLICATION FOR
CONDEMNATION

Applicant AT&T Communications of the Midwest, Inc., through its attorneys Belin Harris Helmick Tesdell Lamson McCormick, certifies that its Application for Condemnation as to real estate situated in Madison County, Iowa, and legally described as:

The North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 9, Township 77 North, Range 28 West of the 5th P.M.

has been approved by the Assistant Chief Judge of the Fifth Judicial District of Iowa, the Hon. Joel D. Novak, pursuant to Rule 377 of the Iowa Rules of Civil Procedure, and that attached to this Affidavit is the original approved Application for the purpose of filing with the County Recorder of Madison County, Iowa.

BELIN HARRIS HELMICK TESDELL
LAMSON MCCORMICK
A PROFESSIONAL CORPORATION

By *Joseph R. Gunderson*
Joseph R. Gunderson

By *Donald G. Henry*
Donald G. Henry

2000 Financial Center
Des Moines, IA 50309
(515) 243-7100

ATTORNEYS FOR AT&T
COMMUNICATIONS OF THE MIDWEST,
INC.

Subscribed and sworn to before me on this 2nd day of December, 1987.

Connie S. Love
Notary Public



Filed in my office at Winterset, Madison County, Iowa, this

_____ day of _____, 198__.

, Sheriff of
Madison County, Iowa