

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. )

1024

FILED NO. \_\_\_\_\_  
 BOOK 121 PAGE 85  
 1987 DEC -9 AM 10:19  
 MARY E. WELTY  
 RECORDER  
 MADISON COUNTY, IOWA  
 Fee \$25.00

Completed

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 West Half (W 1/2) of the Southeast Quarter (SE 1/4) of Section 8 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 Code of Iowa (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 Titleholders</u>	Wayne E. Thrailkill Ardith E. Thrailkill	R.R. 1, Box 57 Earlham, IA 50072

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.

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*  
Joseph R. Gunderson

BY *Donald G. Henry (JRG)*  
Donald G. Henry

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

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

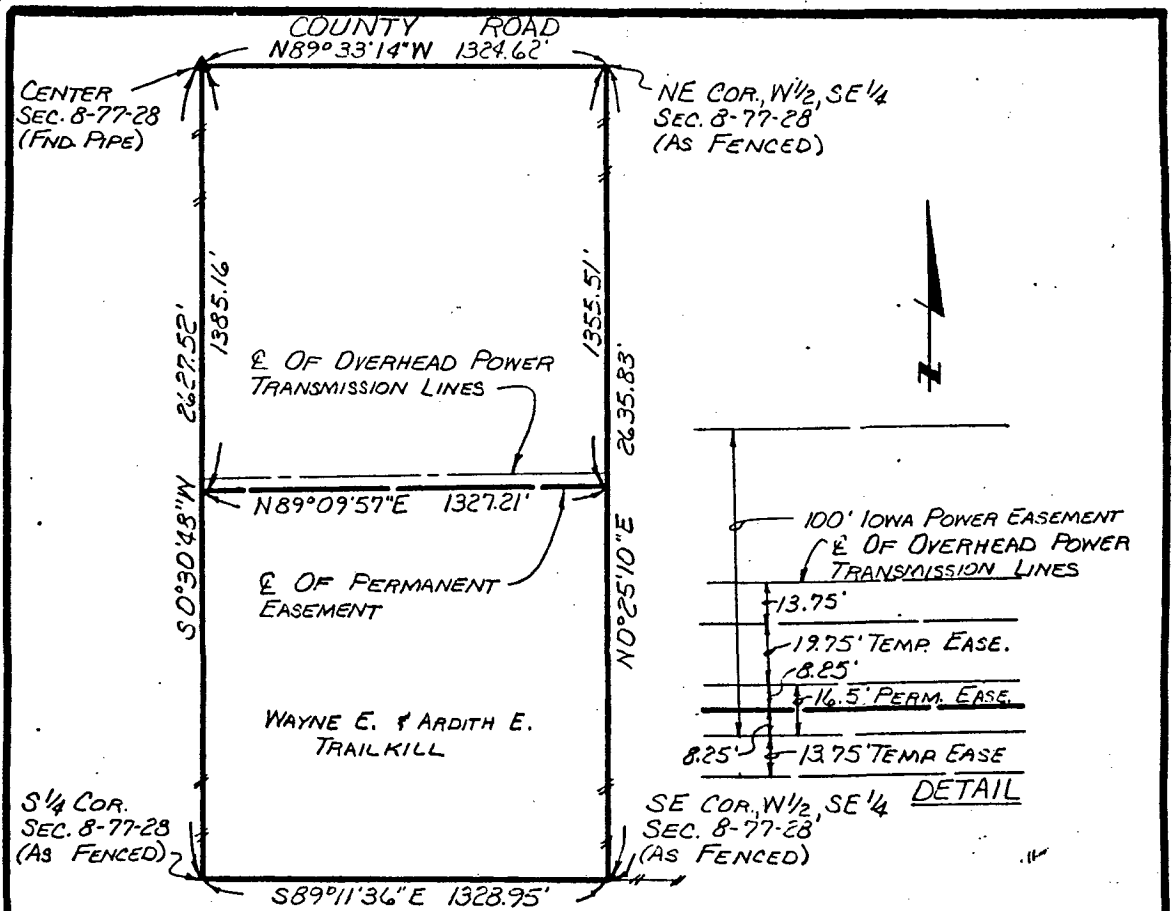
Filed in my office at *Des Moines* Iowa, this *4<sup>th</sup>* day  
of *Dec*, 198*7*.

*R Morr*

RICHARD D. MORR, CHIEF JUDGE OF THE  
FIFTH JUDICIAL DISTRICT  
including Madison County, Iowa

Filed in my office at \_\_\_\_\_, Iowa, this  
\_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_.

\_\_\_\_\_, Sheriff of  
Madison County, Iowa

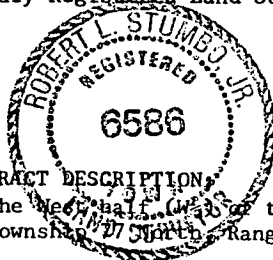


**PERMANENT EASEMENT DESCRIPTION:**

A strip of land 16.5 feet in width, lying 8.25 feet each side of a survey centerline in the W $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 8, 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 W $\frac{1}{2}$  SE $\frac{1}{4}$ ; thence S0°30'48"W, 1385.16 feet along the west line of said SE $\frac{1}{4}$  to the point of beginning; thence N89°09'57"E, 1327.21 feet along said survey centerline to the east line of said W $\frac{1}{2}$  SE $\frac{1}{4}$ , 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 Southeast Quarter (SE $\frac{1}{4}$ ) of Section 8, Township 77 North, Range 28 West of the 5th P.M.

Total distance across property: 1327.21 Feet 80.44 Rods	<b>STUMBO &amp; ASSOCIATES LAND SURVEYING</b> P.O. Box 1664 Ames, Iowa 50010 Phone 233-3689	Page: 1 of 1
	Tract Number: F081MD0020	Date: 10-26-87
Temporary R-O-W: 1.02 Acres	Checked by: MTR	Drawn by: MTR
Permanent R-O-W: 0.50 Acres	Checked by: RLS	Scale: 1"=500'
	AT&T COMMUNICATIONS DES MOINES-COUNCIL BLUFFS FT "A" CABLE PROPERTY OF: WAYNE E. & ARDITH E. THRAILKILL	Job no: 4981

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. )

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 West Half (W1/2) of the Southeast Quarter (SE1/4) of Section 8 Township 77 North, Range 28 West of the 5th P.M.

has been approved by the Chief Judge of the Fifth Judicial District of Iowa, the Hon. Richard D. Morr, 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 8<sup>th</sup> day of December, 1987.

*Connie S. Love*  
Notary Public



Filed in my office at \_\_\_\_\_, Iowa, this  
\_\_\_\_\_ day of \_\_\_\_\_, 198\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Sheriff of  
Madison County, Iowa

**COURT**