

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"

TO: Richard D. Morr, Chief Judge of the 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 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.

Compared

FILED NO. 1095
BOOK <u>121</u> PAGE <u>639</u>
89 NOV 22 AM 10:26
MARY E. WELTY RECORDER MADISON COUNTY, IOWA Fee \$50.00

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 Rec 127-87

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

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

NOTICE

located in Madison County, Iowa

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

Group "A"

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°00'25"E, 612.80 ft. along the west line of the NW Fr. 1/4 SW 1/4 of said Sec. 19; thence N89°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°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°32'58"E, 67.88 ft.; thence S87°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°32'58"W, 67.24 ft. to the Point of Beginning.

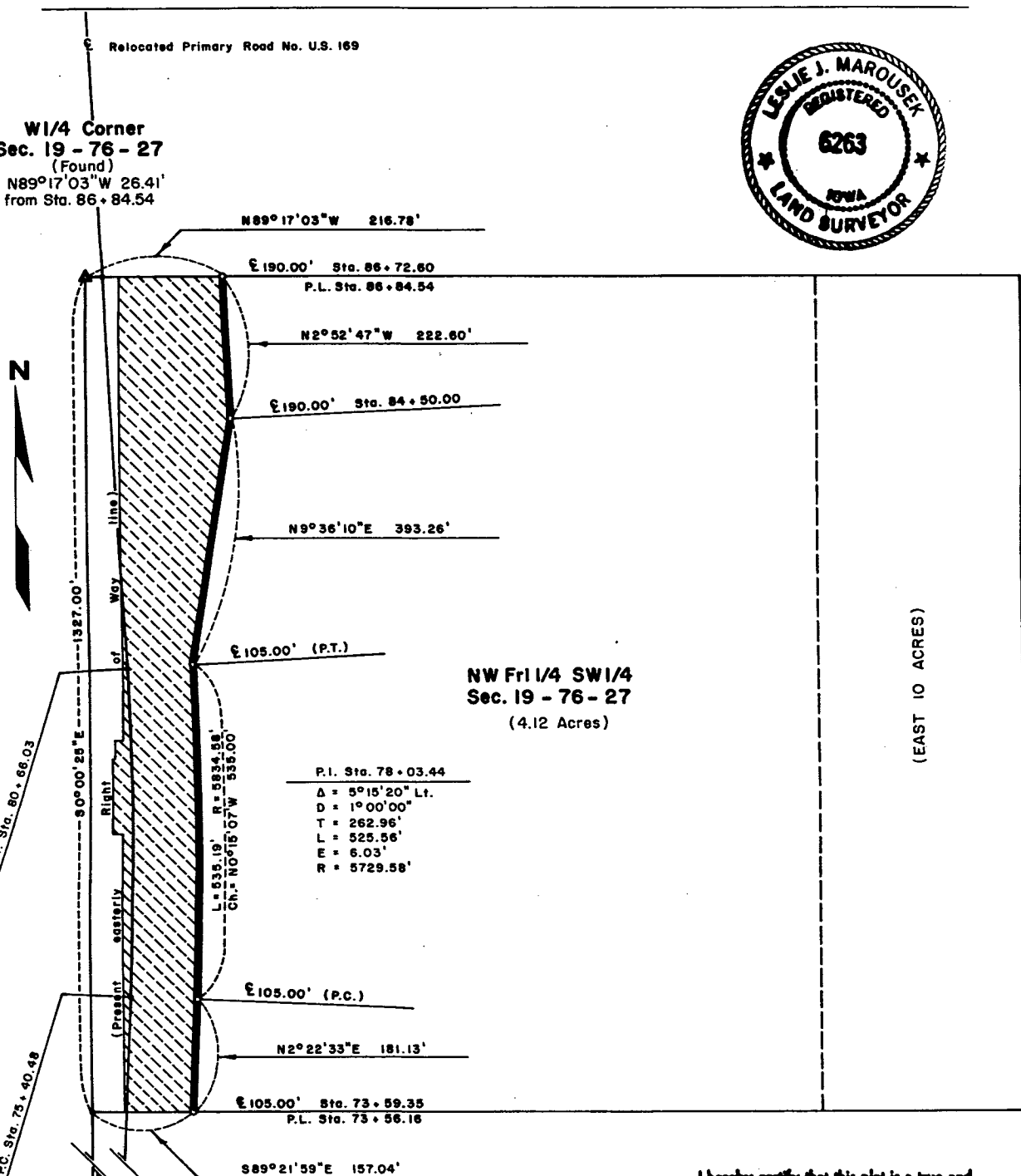
4. Any drain tile lines, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to 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



W1/4 Corner
 Sec. 19 - 76 - 27
 (Found)
 is N89°17'03"W 26.41'
 from Sta. 86+84.54

NW 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 = 5729.56'

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 _____

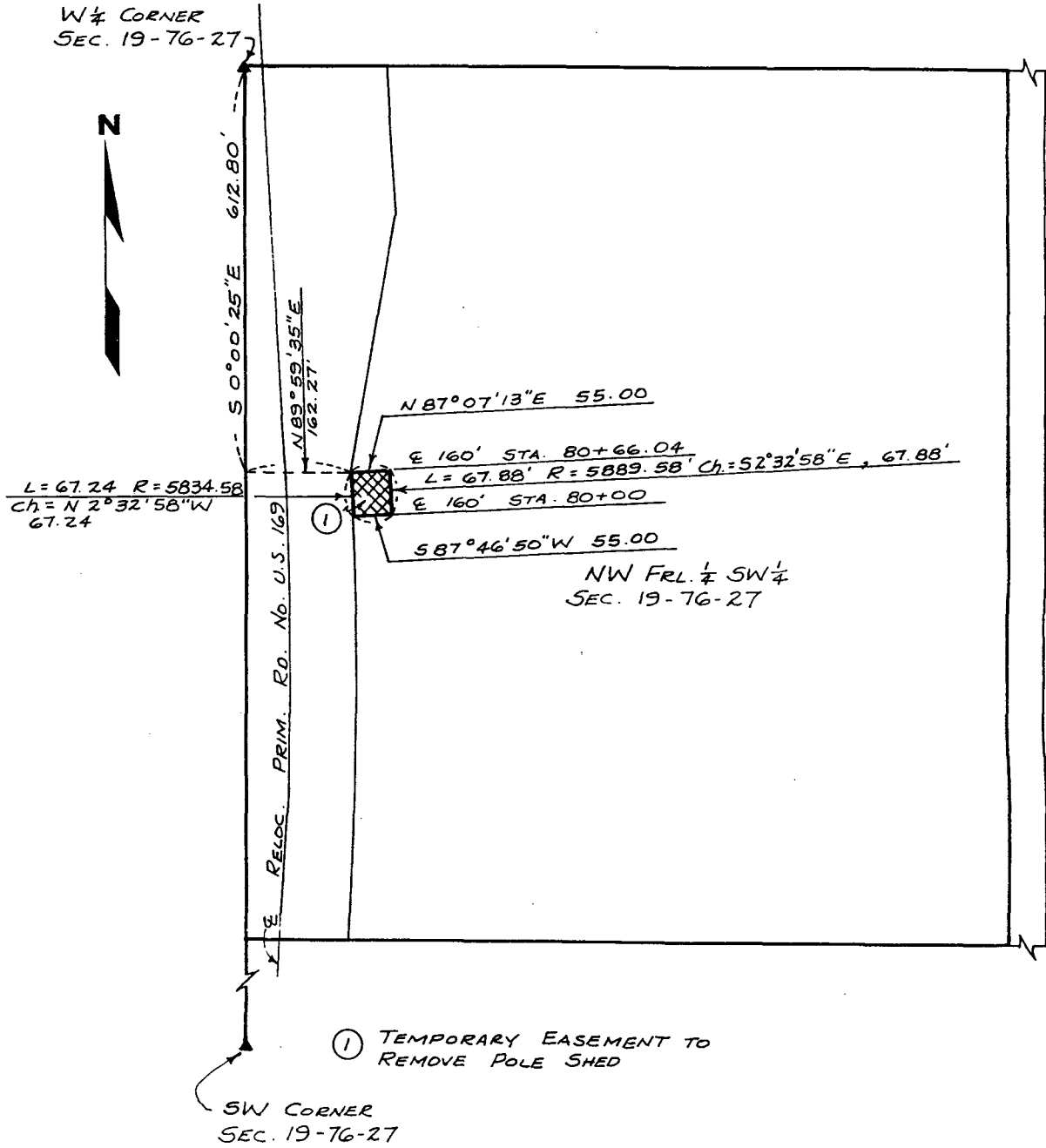
SCALE _____

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

located in Madison County, Iowa

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

Group "A"

Check filed 12/1-01

TO:

Patrick F. Corkrean (also known as Patrick Corkrean), 108 North First Avenue, Winterset,
Iowa
Nancy M. Corkrean, 108 North First Avenue, Winterset, Iowa
Union State Bank, 201 West Court, Winterset, Iowa
Larry D. Watts, R.R. 2, 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:

The SW 1/4 SE 1/4, SE 1/4 SW 1/4 and part of the SW 1/4 SW 1/4, NW 1/4 SW 1/4, NE 1/4
SW 1/4 and SE 1/4 SE 1/4 of Sec. 12; part of the NE 1/4 NW 1/4 and NE 1/4 NE 1/4 of
Sec. 13, all in T76N, R28W 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 Exhibits "A" (1 of 2), (2 of 2) 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:

Two parcels of land located in the NE 1/4 NE 1/4 of Sec. 13 and in the SE 1/4 SE 1/4 and
SW 1/4 SE 1/4 of Sec. 12, all in T76N, R28W of the 5th P.M., Madison County, Iowa, as shown
on the plats Exhibits "A" (1 of 2) and (2 of 2) attached hereto and by reference made a
part hereof:

Said parcels are described as follows:

Exhibit "A" (1 of 2): Commencing at the NW Corner of the NE 1/4 NE 1/4 of said Sec. 13;
thence N89°32'51"E, 146.60 ft. along the north line of the NE 1/4 of said Sec. 13 to the
Point of Beginning; thence S52°17'10"E, 353.11 ft.; thence S52°12'16"E, 292.10 ft.; thence
S89°57'16"E, 22.00 ft. to a point on the former centerline of Primary Road No. U.S. 169;
thence N50°28'16"W, 61.16 ft. along said former centerline; thence northwesterly 482.83 ft.
along said former centerline, along a 1637.02 foot radius curve, concave northeasterly and
having a chord bearing N42°01'18"W, 481.08 ft. to a point on the north line of the NE 1/4
of said Sec. 13; thence S89°32'51"W, 162.94 ft. along said north line to the Point of
Beginning; excepting therefrom present easements of record; containing 0.13 acre, more or
less, exclusive of said exceptions.

Exhibit "A" (2 of 2): Beginning at the SW Corner of the SE 1/4 SE 1/4 of said Sec. 12; thence N22°27'04"W, 569.67 ft.; thence N38°12'49"E, 171.88 ft.; thence northerly 659.44 ft. along a 1777.02 foot radius curve, concave easterly and having a chord bearing N1°28'54"E, 655.66 ft. to a point on the north line of the SW 1/4 SE 1/4 of said Sec. 12; thence S89°42'18"E, 98.63 ft. along said north line to a point on the west line of the SE 1/4 SE 1/4 of said Sec. 12; thence S0°11'22"W, 638.95 ft. along said west line to a point on the present westerly right of way line of Primary Road No. U.S. 169; thence southeasterly 97.79 ft. along said present westerly right of way line along a 1687.02 foot radius curve, concave easterly and having a chord bearing S9°30'08"E, 97.77 ft.; thence S78°50'14"W, 3.00 ft. along said present westerly right of way line; thence southeasterly 206.48 ft. along said present westerly right of way line along a 1690.02 foot radius curve, concave easterly and having a chord bearing S14°39'46"E, 206.35 ft.; thence N71°50'14"E, 3.00 ft. along said present westerly right of way line; thence southeasterly 309.16 ft. along said present westerly right of way line, along a 1687.02 foot radius curve, concave easterly and having a chord bearing S23°24'46"E, 308.73 ft.; thence S61°20'14"W, 18.00 ft. along said present westerly right of way line; thence southeasterly 102.10 ft. along said present westerly right of way line along a 1705.02 foot radius curve, concave easterly and having a chord bearing S30°22'41"E, 102.08 ft. to a point on the south line of said SE 1/4 SE 1/4; thence S89°32'51"W, 229.03 ft. along said south line to the SW Corner of said SE 1/4 SE 1/4, the Point of Beginning; excepting therefrom present easements of record; containing 5.07 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 State of Iowa shall have a right of temporary easement, for the specific purpose of constructing an entrance, 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 SE Corner of the SW 1/4 SE 1/4 of said Sec. 12; thence N22°27'04"W, 569.67 ft. along the westerly line of the land sought by easement for highway purposes to the Point of Beginning; thence N38°12'49"E, 171.88 ft. along said westerly line; thence northerly 325.66 ft. along said westerly line, along a 1777.02 foot radius curve, concave easterly and having a chord bearing N3°53'58"W, 325.20 ft.; thence S21°13'10"W, 375.34 ft.; thence S25°13'42"E, 121.16 ft. to the Point of Beginning.

3. 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.
4. The area sought to be appropriated by temporary easement, for the specific purpose of constructing an entrance, 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.

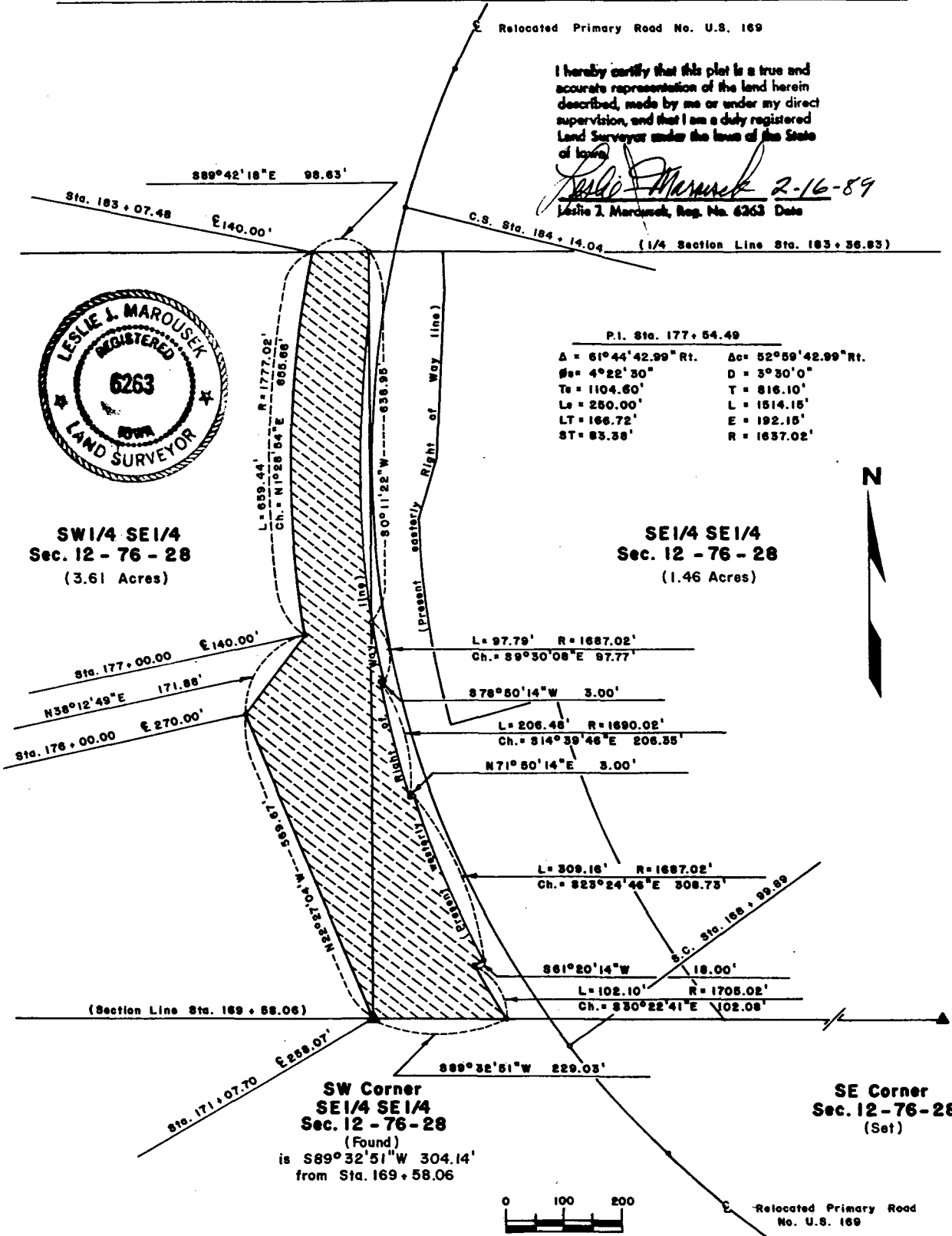
IOWA DEPARTMENT OF TRANSPORTATION



RIGHT OF WAY PLAT (2 OF 2)
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 61-1100
 PROJECT NO. FN-169-3 (29) -- 21-61 PARCEL NO. 22A
 SECTION 12 TOWNSHIP 76 N RANGE 28 W
 ROW - FEE _____ AC, EASE *5.07 AC, EXCESS - FEE _____ AC
 ACQUIRED FROM PATRICK F. CORKREAN

* SEE EXHIBIT "A" (1 OF 2)



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. 22A
 SECTION 12 & 13 TOWNSHIP 76N RANGE 28W
 ROW - FEE _____ AC, EASE _____ AC, EXCESS - FEE _____ AC
 ACQUIRED FROM PATRICK F. CORKREAN

