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BEFORE THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IOWA

FILED NO. 875
BOOK 119 PAGE 154
1983 NOV -8 AM 9:01
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA Hepp

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA	* * * * * * * *	NO. APPLICATION FOR CONDEMNATION AND APPOINTMENT OF COMMISSION TO APPRAISE DAMAGES

Fee $135.00

TO: The Chief Judge of the Fifth Judicial District of the State of Iowa

The Applicant, Iowa Power and Light Company, pursuant to Section 472.3 of the Code of Iowa, hereby applies to Gibson C. Holliday Chief Judge of the Fifth Judicial District of Iowa, for the appointment of a Commission to appraise the damages to real estate hereinafter described, and in connection therewith Applicant states as follows:

1. That Applicant, Iowa Power and Light Company, is a corporation organized under the laws of the State of Iowa, with its principal place of business and its general offices in the City of Des Moines, Polk County, Iowa, and is engaged in the business of generating, transmitting and distributing electricity at various points and places within the State of Iowa.

2. That by Order dated December 30, 1977, the Iowa State Commerce Commission granted Applicant a franchise (Iowa State Commerce Commission Frachise No. 14897) authorizing the construction and operation of a nominal 345,000 volt (maximum 400,000 volt) electric transmission line extending through and across the property hereinafter described and other property in Madison County, Iowa together with the right of eminent domain to condemn for transmission line purposes the land hereinafter described which the Iowa State Commerce Commission has found to be necessary for the use of the Applicant for construction, operation and maintenance of said transmission line in Madison County. That a copy of said Order and Franchise is attached as Exhibit "A" and made a part of this application.

FOR FRANCHISE SEE DEED REC. 113, Page 41.

"FOR GENERAL PROCEEDINGS AND SERVICE PERTAINING TO SELECTION, APPOINTMENT & SERVICE OF COMMISSIONERS SEE BOOK 113, Page 372-421, AS SHOWN IN PROCEEDINGS OF ARTHUR KNUTSON, et al."

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
RRR
FEB 20 1979

SHERIFF'S and CLERK'S NOTATION: FOR COMPLETE TEXT OF EXHIBIT "A" ATTACHED TO AND MADE A PART OF THIS APPLICATION FOR CONDEMNATION, SEE DOCKET # 21763, MADISON COUNTY, IOWA DISTRICT COURT.

72

2

3. Applicant seeks to condemn and acquire by the process of eminent domain a right of way and easement one hundred fifty feet (150') in width over, along and across the land hereinafter described to construct, operate and maintain a nominal 345,000 volt (maximum 400,000 volt) electric transmission line and all necessary wires and equipment incident thereto for the purpose of constructing, operating and maintaining said transmission line.

4. The description of the property to be effected or sought to be condemned by its congressional numbers in tracts not exceeding one-sixteenth (1/16) of a section; a description of the specific property sought to be condemned from each of said parcels to be condemned with reference to such description; the names of all record owners and parties in possession of the parcels of property sought to be condemned, or otherwise affected by such proceedings; the holders of liens or encumbrances upon such lands, and the places of residence of all such persons, so far as is known to Applicant, or as shown of record, are as follows, to wit:

SHERIFF'S NOTATION: ONLY THAT DESCRIPTION AND PLAT PERTAINING TO THESE DEFENDANTS IS SET FORTH:

PARCEL NO. 61-119

DESCRIPTION OF PROPERTY TO BE AFFECTED

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) and the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa.

DESCRIPTION OF SPECIFIC PROPERTY SOUGHT TO BE CONDEMNED

That part of a strip of land 150 feet in width which falls across the North Half (N½) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, the centerline of said strip being described as follows:

Beginning at a point 19 feet West of the Southeast corner of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 1, thence North to a point on the North property line 19 feet West of the Northeast corner of said Section 1.

This easement is limited to construction of one 345,000 volt electric transmission line across the above described property consisting of one 2-pole structure and associated conductors. (Maximum 400,000 volt).

NAMES OF ALL RECORD OWNERS AND PARTIES IN POSSESSION

OWNERS: Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

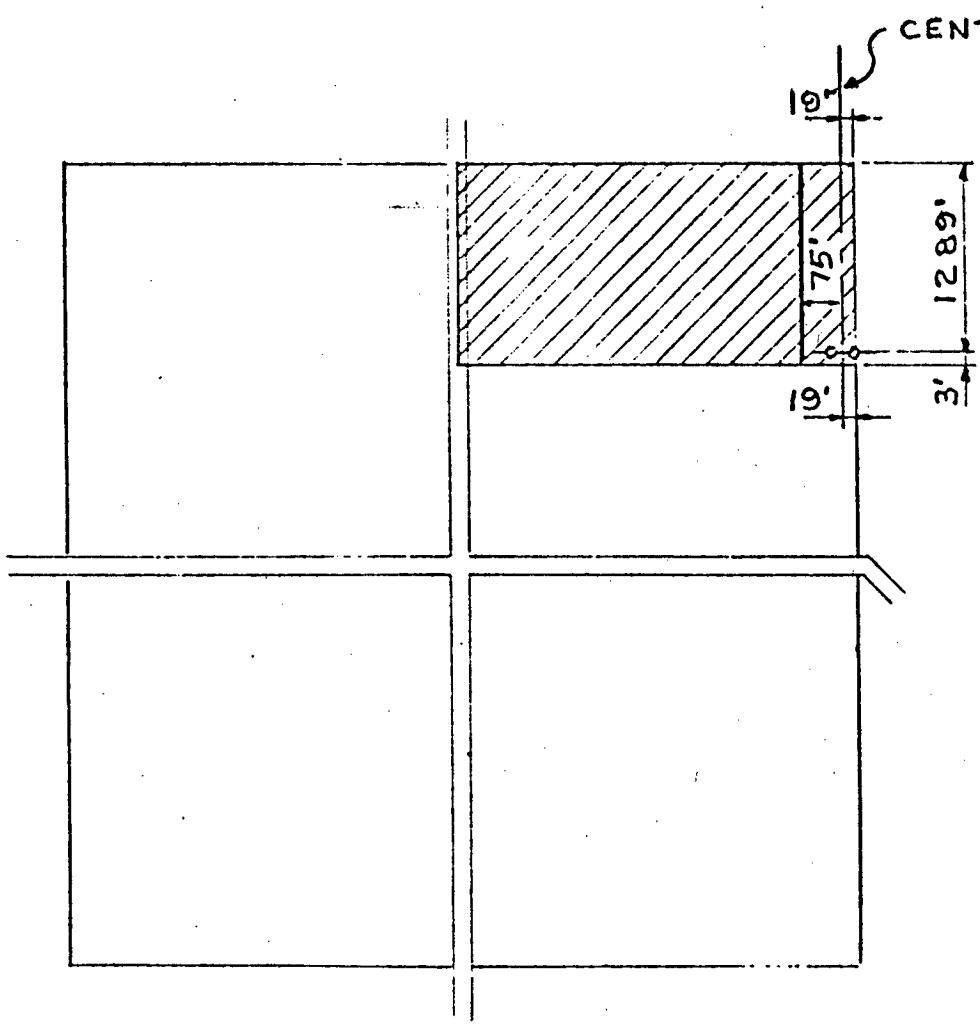
Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

TENANT: Don Waller and Connie Waller
Booneville, Iowa 50038

HOLDERS OF LIENS OR ENCUMBRANCES

LIEN HOLDER: Madison County

(A Plat showing the location of the property to be affected and the location of the specific property sought to be condemned is attached hereto, marked Parcel 61-119 and by this reference made a part hereof.)



Section 1, Township 77N, Range 27W

IOWA POWER AND LIGHT COMPANY
345KV TRANSMISSION LINE

FLUOR PIONEER INC.	REVISION	PROPERTY PLAT MADISON COUNTY	
DWN. BY G.L. 2-24-7[illegible]			
CHECKED			PARCEL NO. 61-119
APP'D			

Applicant requests that the Chief Judge of this Judicial District appoint a Commission to appraise the damages to said lands in accordance with the terms and provisions of Chapter 472 of the Code of Iowa.

Dated this 16 day of February, 1979.

Keith D Hartje

Keith D. Hartje
666 Grand Avenue, P.O. Box 657
Des Moines, Iowa 50309

GAMBLE, RIEPE, BURT, WEBSTER & FLETCHER
2600 Ruan Center
Des Moines, Iowa 50309

By B. A. Webster
B. A. Webster

Attorneys for Applicant
IOWA POWER AND LIGHT COMPANY

State of Iowa)
)
County of Polk)

I, E. L. Birdsall, being first duly sworn, on oath depose and state that I am Vice-President of Iowa Power and Light Company, Applicant named in the foregoing Application; that I have read the above and foregoing Application; that I know the facts therein set forth, and that the same are true and correct as I verily believe.

E. L. Birdsall

Subscribed and sworn to before me by said E. L. Birdsall this 16 day of February, 1979.

LLOYD C. McLAUGHLIN
MY COMMISSION EXPIRES
September 30, 1979

Lloyd C. McLaughlin
Notary Public in and for the State of Iowa

Filed in duplicate in my office at Des Moines Iowa, this 16 day of February, 1979.

Chief Judge of the Fifth Judicial District of Iowa including Madison County.

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA

FEB 20 19[illegible]

PARCEL NO. 61-119

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA	))))	NO. _____ NOTICE OF HEARING BEFORE COMMISSIONERS

TO:

OWNERS: Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA

FEB 20 19[illegible]

Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

TENANT: Don Waller and Connie Waller 21
Booneville, Iowa 50038

HOLDERS OF LIENS OR ENCUMBRANCES

LIEN HOLDER: Madison County 21

and all other persons, companies, or corporations having any interest in or owning any of the following described real estate: See "Exhibit A" attached.

You are hereby notified that Iowa Power and Light Company, a corporation organized under the laws of the State of Iowa, with its principal place of business in the City of Des Moines, Polk County, Iowa, desires the condemnation of the following described easement in land: See "Exhibit B" attached.

That such condemnation is sought for the construction, operation and maintenance of a 345,000 volt electric transmission line and all necessary wires and equipment incident thereto, together with the permanent and perpetual right of ingress and egress on said easement to and from said property for the purpose of constructing, operating and maintaining said transmission line and associated wires and equipment incident to the operation and maintenance of said transmission line.

That a Commission has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation. That said Commissioners will, on March 12 1979, at 10:15 o'clock A.M., view said premises and proceed to appraise said damages, at which time you may appear before the Commissioners if you care to do so.

Keith D Hartje

Keith D. Hartje
P.O. Box 657, 666 Grand Avenue
Des Moines, Iowa 50303

B. A. Webster

B. A. Webster
GRAMBLE, RIEPE, BURT, WEBSTER & FLETCHER
2600 Ruan Center
Des Moines, Iowa 50309

ATTORNEYS FOR APPLICANT,
IOWA POWER AND LIGHT COMPANY

PARCEL NO. 61-119

EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE AFFECTED

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) and the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa.

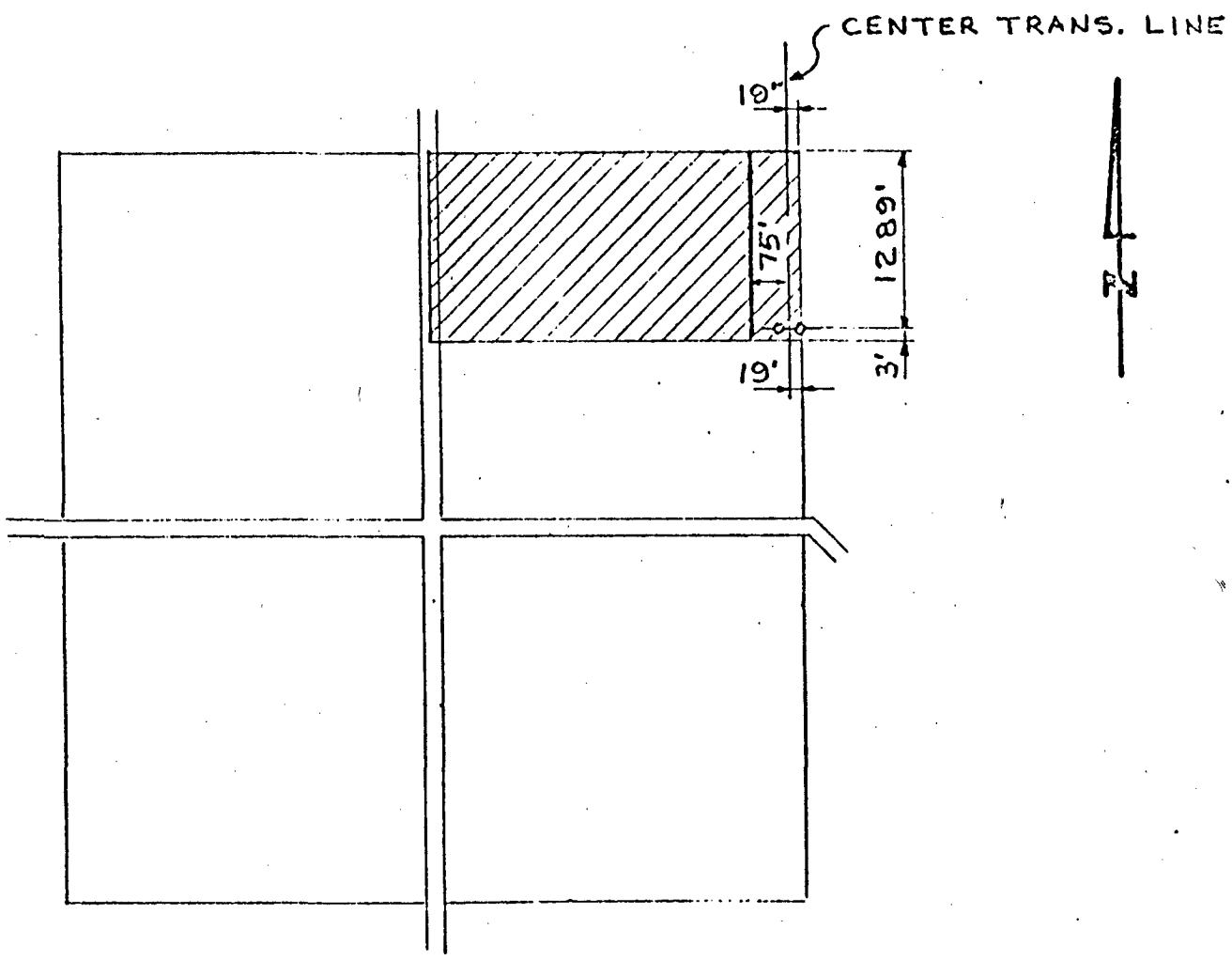
EXHIBIT B

DESCRIPTION OF SPECIFIC PROPERTY SOUGHT TO BE CONDEMNED

That part of a strip of land 150 feet in width which falls across the North Half (N½) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, the centerline of said strip being described as follows:

Beginning at a point 19 feet West of the Southeast corner of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 1, thence North to a point on the North property line 19 feet West of the Northeast corner of said Section 1.

This easement is limited to construction of one 345,000 volt electric transmission line across the above described property consisting of one 2-pole structure and associated conductors. (Maximum 400,000 volt).



Section 1, Township 77N, Range 27W

IOWA POWER AND LIGHT COMPANY
345KV TRANSMISSION LINE

FLUOR PIONEER INC.	REVISION	PROPERTY PLAT MADISON COUNTY	
DWN. BY G.L. 2-24-76			
CHECKED			PARCEL NO. 61-119
APP'D			

10

OFFICERS RETURN OF SERVICE

STATE OF IOWA, Madison County, ss.

The attached notice with copy of Petition attached received this 20th day of February, 19 79, and I certify that I served the same on the defendants named below by delivering a copy thereof to each of said defendants personally at the time and place set opposite their respective name.

Name of Defendants	Month	Day	Year	Township	County	State
Don Waller	February	21st	1979	Lee	Madison	Iowa
Connie Waller	February	21st	1979	Lee	Madison	Iowa

Rex Rouse Sheriff

Madison County, Iowa

By _____, Deputy Sheriff

FEES

Service $_____

Copies $_____

Notary $_____

Mileage $_____

Total $_____

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 20th day of February, 19 79 and on the 21st day of February, 1979, I served the same upon the Madison County by offering to read the same to George Abrahams, he being the Auditor of Madison County, Iowa of said Governmental Body, which he waived, and by giving him a true copy thereof, all done in Center Township, Madison County, Iowa.

FEES

Service - - - $_____

Copies - - - $_____

Mileage - - - $_____

Total - - - $_____

Rex Rouse, Sheriff

of Madison County

By _____ Deputy.

BOONE BLANK BOOK CO., BOONE, IOWA 1081-72

PARCEL NO. 61-119

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA	))))	NO. _____ NOTICE OF HEARING BEFORE COMMISSIONERS

RECEIVED
1970 FEB 22 AM 8 50
BOB E. RICE
SHERIFF
POLK COUNTY, IOWA

TO:

OWNERS: Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

TENANT: Don Waller and Connie Waller
Booneville, Iowa 50038

HOLDERS OF LIENS OR ENCUMBRANCES

LIEN HOLDER: Madison County

and all other persons, companies, or corporations having any interest in or owning any of the following described real estate: See "Exhibit A" attached.

You are hereby notified that Iowa Power and Light Company, a corporation organized under the laws of the State of Iowa, with its principal place of business in the City of Des Moines, Polk County, Iowa, desires the condemnation of the following described easement in land: See "Exhibit B" attached.

That such condemnation is sought for the construction, operation and maintenance of a 345,000 volt electric transmission line and all necessary wires and equipment incident thereto, together with the permanent and perpetual right of ingress and egress on said easement to and from said property for the purpose of constructing, operating and maintaining said transmission line and associated wires and equipment incident to the operation and maintenance of said transmission line.

12.

That a Commission has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation. That said Commissioners will, on March 12 1978, at 10:15 o'clock A.M., view said premises and proceed to appraise said damages, at which time you may appear before the Commissioners if you care to do so.

Keith D Hartje

Keith D. Hartje
P.O. Box 657, 666 Grand Avenue
Des Moines, Iowa 50303

B. A. Webster

B. A. Webster
GRAMBLE, RIEPE, BURT, WEBSTER & FLETCHER
2600 Ruan Center
Des Moines, Iowa 50309

ATTORNEYS FOR APPLICANT,
IOWA POWER AND LIGHT COMPANY

PARCEL NO. 61-119

EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE AFFECTED

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) and the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa.

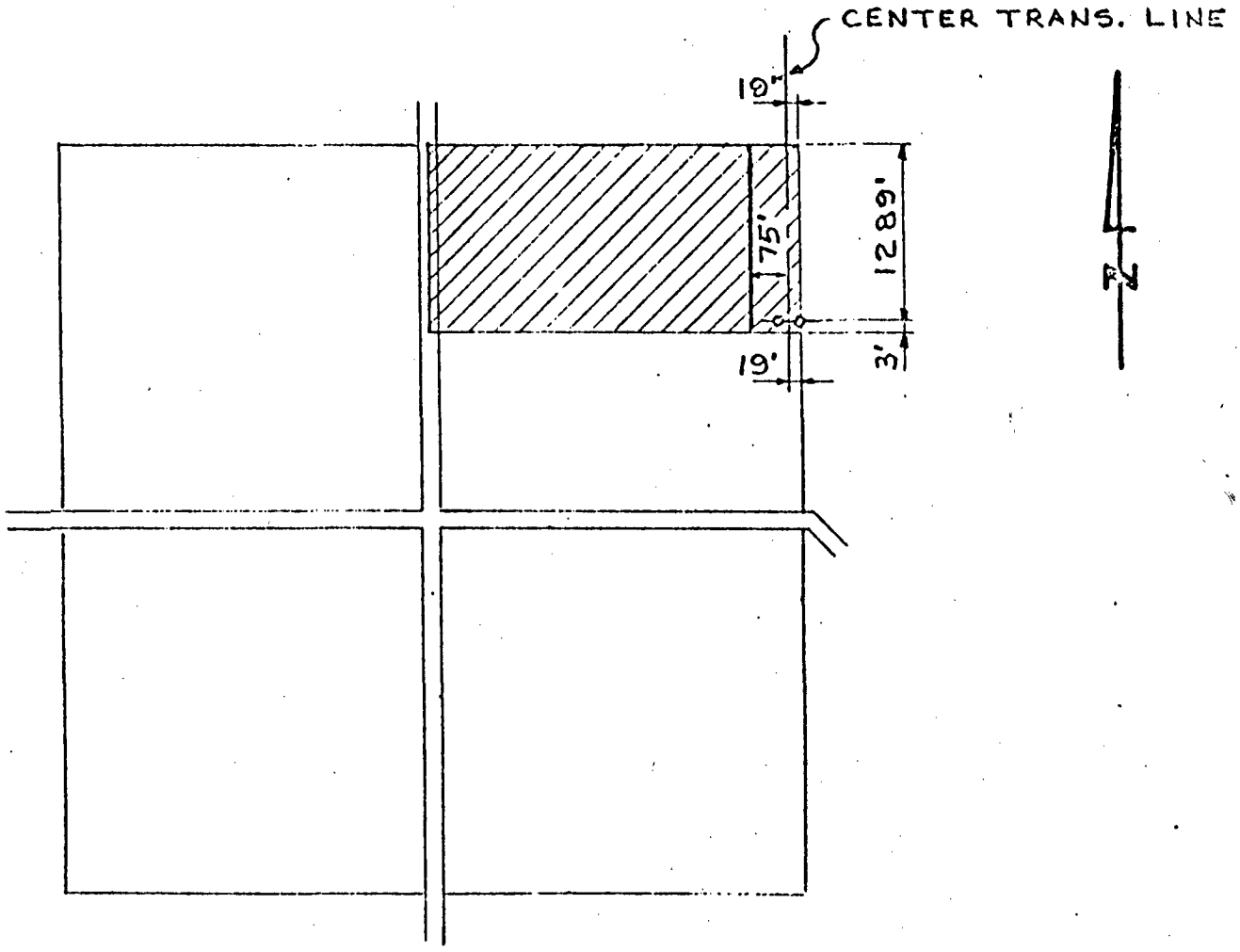
EXHIBIT B

DESCRIPTION OF SPECIFIC PROPERTY SOUGHT TO BE CONDEMNED

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Beginning at a point 19 feet West of the Southeast corner of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 1, thence North to a point on the North property line 19 feet West of the Northeast corner of said Section 1.

This easement is limited to construction of one 345,000 volt electric transmission line across the above described property consisting of one 2-pole structure and associated conductors. (Maximum 400,000 volt).



Section 1, Township 77N, Range 27W

IOWA POWER AND LIGHT COMPANY
345KV TRANSMISSION LINE

FLUOR PIONEER INC.	REVISION	PROPERTY PLAT MADISON COUNTY	
DWN. BY G.L. 2-24-76			
CHECKED			PARCEL NO. 61-119
APP'D			

15

STATE OF IOWA
Polk County } SS

RETURN OF SERVICE

I hereby certify and make return; that I received the within and attached notice on the 22 day of February, 19 79, and that on the 23 day of February, 19 79, I served the same on the within named defendant Robert L Ridgeway at his dwelling house or usual place of abode at 712 S.E. 41st Ankeny (Address), Polk County, Iowa, by there delivering a true copy thereof, with copy of petition attached, to (Strike out if not so attached) Sandra Kay Ridgeway, a person residing therein, who was then at least eighteen years old; that such place was not a rooming house, hotel, club or apartment building.

Fees:
Notary $ 50
Mileage $ 1.80
County $ 4.00
Total $ 6.30
Paid by Plt'ffs. Attorney. Bd 3-8-79

Mike Tipton Deputy Sheriff

Subscribed and sworn to before me this 23 day of Feb, 19 79

Nadine Hall
Notary Public, Polk County, Iowa
Notary commission expires September 30, 1977

NOTARIAL SEAL 1978 NADINE HALL MY COMMISSION EXPIRES SEPTEMBER 30, 1980

Bradley Printing

STATE OF IOWA
Polk County } ss.

RETURN OF SERVICE

I hereby certify and make return; that I received the within and attached notice on the 22 day of February 19 79, and that on the 23 day of February 19 79 I served the same on the within named defendant Sandra Kay Ridgeway by delivering a true copy thereof, with copy of petition attached, to said Sandra Kay Ridgeway (strike out if not so attached) in West Des Moines (Name of City, Town or Twp.), Polk (Name County) County, Iowa.

Fees
Notary $
Mileage $
County $
Total $
Paid by Plt'ffs Attorney.

Mike Tipton Deputy Sheriff.

Subscribed and sworn to before me this 23 day of Feb, 19 79

NOTARIAL SEAL 1978 NADINE HALL MY COMMISSION EXPIRES SEPTEMBER 30, 1980

Nadine Hall
Notary Public, Polk County, Iowa
Notary commission expires September 30, 1977

KOON BROTHERS, DES MOINES

16

PARCEL NO. 61-119

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA	))))	NO. _____ NOTICE OF HEARING BEFORE COMMISSIONERS

TO:

OWNERS: Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

RECEIVED
1979 FEB 22 AM 8 46
BOB E. RICE
SHERIFF
POLK COUNTY, IOWA

TENANT: Don Waller and Connie Waller
Booneville, Iowa 50038

HOLDERS OF LIENS OR ENCUMBRANCES

LIEN HOLDER: Madison County

and all other persons, companies, or corporations having any interest in or owning any of the following described real estate: See "Exhibit A" attached.

You are hereby notified that Iowa Power and Light Company, a corporation organized under the laws of the State of Iowa, with its principal place of business in the City of Des Moines, Polk County, Iowa, desires the condemnation of the following described easement in land: See "Exhibit B" attached.

That such condemnation is sought for the construction, operation and maintenance of a 345,000 volt electric transmission line and all necessary wires and equipment incident thereto, together with the permanent and perpetual right of ingress and egress on said easement to and from said property for the purpose of constructing, operating and maintaining said transmission line and associated wires and equipment incident to the operation and maintenance of said transmission line.

That a Commission has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation. That said Commissioners will, on March 12 1979, at 10:15 o'clock A.M., view said premises and proceed to appraise said damages, at which time you may appear before the Commissioners if you care to do so.

Keith D Hartje

Keith D. Hartje
P.O. Box 657, 666 Grand Avenue
Des Moines, Iowa 50303

B. A. Webster

B. A. Webster
GRAMBLE, RIEPE, BURT, WEBSTER & FLETCHER
2600 Ruan Center
Des Moines, Iowa 50309

ATTORNEYS FOR APPLICANT,
IOWA POWER AND LIGHT COMPANY

18

PARCEL NO. 61-119

EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE AFFECTED

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) and the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa.

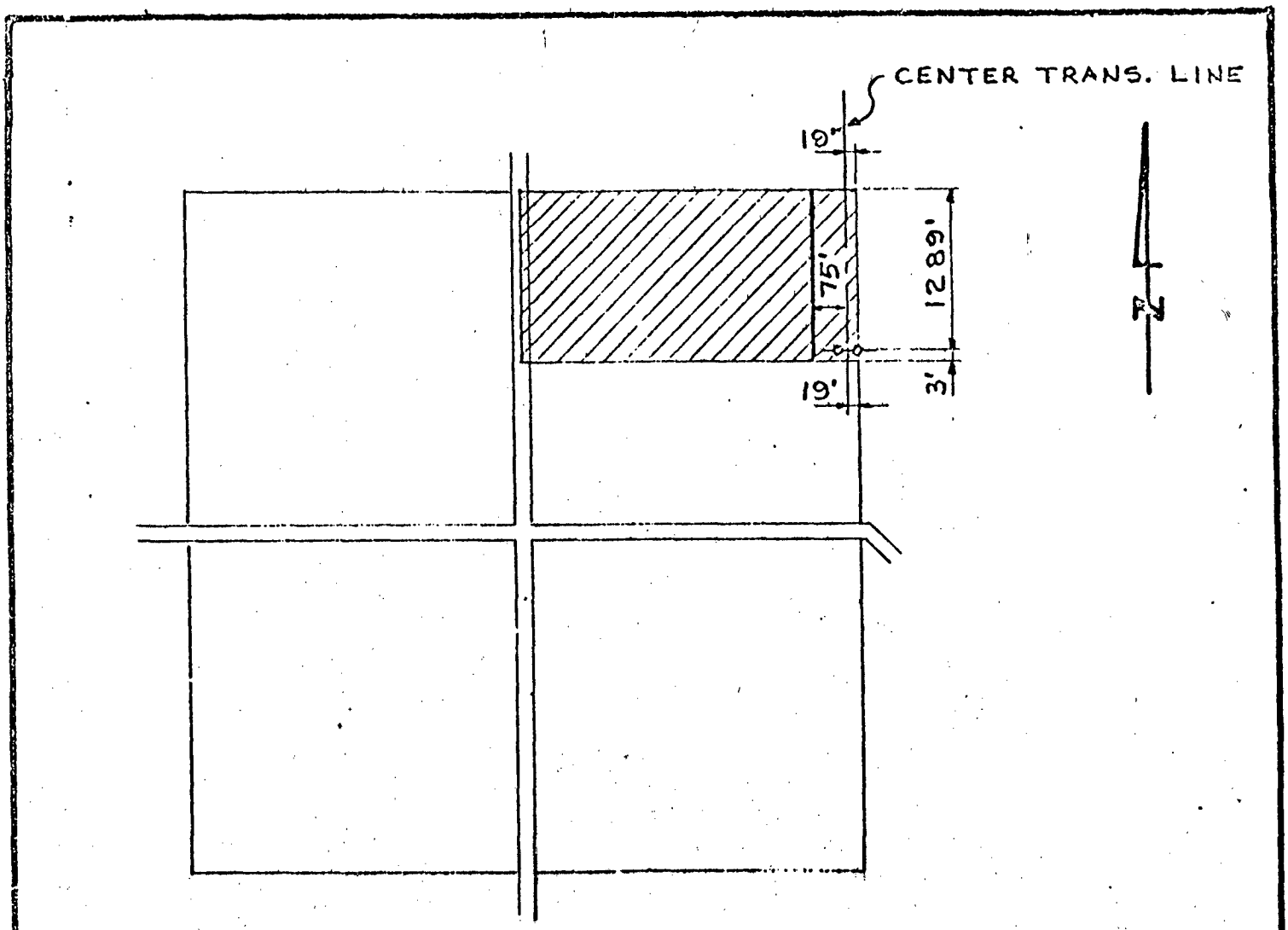
EXHIBIT B

DESCRIPTION OF SPECIFIC PROPERTY SOUGHT TO BE CONDEMNED

That part of a strip of land 150 feet in width which falls across the North Half (N½) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, the centerline of said strip being described as follows:

Beginning at a point 19 feet West of the Southeast corner of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 1, thence North to a point on the North property line 19 feet West of the Northeast corner of said Section 1.

This easement is limited to construction of one 345,000 volt electric transmission line across the above described property consisting of one 2-pole structure and associated conductors. (Maximum 400,000 volt).



Section 1, Township 77N, Range 27W

IOWA POWER AND LIGHT COMPANY
345KV TRANSMISSION LINE

FLUOR PIONEER INC.	REVISION	PROPERTY PLAT MADISON COUNTY	
DWN. BY G.L. 2-24-76			
CHECKED			PARCEL NO. 61-119
APP'D			

30

STATE OF IOWA
Polk County } ss.

RETURN OF SERVICE

I hereby certify and make return; that I received the within and attached notice on the 22nd day of February 1979, and that on the 27th day of February 1979 I served the same on the within named defendant Lewis Freestad Jr. by delivering a true copy thereof, ~~with copy of petition attached~~ (strike out if not so attached), to said Lewis Freestad, Jr. in 8777 NW Beaver (Name of City, Town or Twp.) Polk (Name County) County, Iowa.

Fees
Notary $ .50
Mileage $ 7.20
County $ 4.00
Total $ 11.70
Paid by Plt'ffs Attorney.
Pd 3-8-79

John B. Deputy Sheriff.

Subscribed and sworn to before me this 27 day of Feb, 19 79

NOTARIAL SEAL IOWA
NADINE HALL
MY COMMISSION EXPIRES
SEPTEMBER 30, 1980

Nadine Hall
Notary Public, Polk County, Iowa
Notary commission expires September 30, 1977

KOCH BROTHERS, DES MOINES

STATE OF IOWA
Polk County } SS

RETURN OF SERVICE

I hereby certify and make return; that I received the within and attached notice on the 22nd day of February, 19 79, and that on the 27th day of February, 19 79, I served the same on the within named defendant Yvonne Freestad at his dwelling house or usual place of abode at 8777 NW Beaver Dr (Address), Polk County, Iowa, by there delivering a true copy thereof, ~~with copy of petition attached~~ (Strike out if not so attached), to Lewis Freestad, Jr., a person residing therein, who was then at least eighteen years old; that such place was not a rooming house, hotel, club or apartment building.

Fees:
Notary $
Mileage $
County $
Total $
Paid by Plt'ffs. Attorney.

John B. Deputy Sheriff

Subscribed and sworn to before me this 27 day of Feb, 19 79

NOTARIAL SEAL IOWA
NADINE HALL
MY COMMISSION EXPIRES
SEPTEMBER 30, 1980

Nadine Hall
Notary Public, Polk County, Iowa
Notary commission expires September 30, 1977

Bradley Printing

IN THE DISTRICT COURT OF THE STATE OF IOWA IN AND FOR MADISON COUNTY

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA

AFFIDAVIT OF FINAL OFFER

STATE OF IOWA)
) SS.
COUNTY OF POLK)

I, E. L. Birdsall, being first duly sworn, on oath depose and state that on the 23rd day of February, 1979, as agent and representative of Iowa Power and Light Company, I delivered to the following named persons, ~~to wit:~~ by regular mail, to wit:

Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

Don Waller and Connie Waller
Booneville, Iowa 50038

a duplicate original of the "Final Offer to Acquire Easement", a true copy of which is attached hereto, marked Exhibit A, and by this reference made a part hereof.

Dated this 23rd day of February, 1979.

E. L. Birdsall

Subscribed and sworn to before me by E. L. Birdsall this 23rd day of February, 1979.

NOTARIAL SEAL IOWA
LLOYD C. McLAUGHLIN
MY COMMISSION EXPIRES
September 30, 1979

Lloyd C. McLaughlin

Notary Public in and for IOWA

82

IOWA POWER
823 Walnut Street
Des Moines, Iowa 50303

FINAL OFFER TO ACQUIRE EASEMENT

February 23, 1979

Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

Pursuant to Chapter 472, entitled Procedures Under Power of Eminent Domain, Code of Iowa, Iowa Power and Light Company hereby makes its final offer to pay you the total lump sum of $ 4,024.00 in consideration of your execution, acknowledgement and delivery of a 345,000 volt electric transmission line easement in substance and form as, and across real estate described in, the "Transmission Line Easement" attached hereto, marked Exhibit "A", and made a part hereof. Such offer does not include construction damage to crops, tile or similar property which will be paid after construction when such damage can be ascertained.

If you wish to accept this offer, please call Iowa Power and Light Company collect at the following telephone number: 1-515-281-2713. If a voluntary easement is not acquired by the Company for this parcel, condemnation proceedings will be initiated.

A plat showing the proposed transmission line easement on your property is enclosed for your information.

Yours very truly,

E. L. Birdsall
Vice President

Enclosure

Parcel 61-119

32 1/2

Parcel No. 61-119

Job No.

Draft No.

EXHIBIT "A"

County Madison

Township 77 North

Range 27 West of the 5th P.M.

Section 1

TRANSMISSION LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

The undersigned Owners, Forrest L. Ridgway and Sandra Kay Ridgway Yvonne Friestad and Lewis Friestad, Jr.

and the undersigned Tenant, Don Waller and Connie Waller (hereinafter called the Grantor(s), in consideration of the sum of One Dollar and other valuable considerations in hand paid, do hereby grant to Iowa Power and Light Company, an Iowa Corporation, (hereinafter called the Grantee,) the perpetual right and easement to construct, reconstruct, repair, maintain, operate, inspect, patrol and remove a line of towers or poles for the transmission and supply of electric current, with wires and cables upon and from the same and all necessary foundations, anchors, guys, braces, fittings, equipment and apurtenances including a buried ground wire, and such culverts, bridges, and ways of access as may be reasonably necessary for the convienent construction, reconstruction, repair, maintenance, operation, inspection, patrolling and removal of said line over, along, across and under the following described property situated in Madison County, Iowa, to-wit:

That part of a strip of land 150 feet in width which falls across the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, the centerline of said strip being described as follows:

Beginning at a point 19 feet West of the Southeast corner of the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section 1, thence North to a point on the North property line 19 feet West of the Northeast corner of said Section 1.

This easement is limited to construction of one 345,000 volt electric transmission line across the above described property consisting of one 2-pole structure and associated conductors. (Maximum 400,000 volt).

The Grantor(s) warrants and covenants unto Grantee that, subject to liens and encumbrances of record at the date of this easement, it is the owner of the above described land and has full right and authority to validly grant this easement, and that Grantee may quietly enjoy the premises.

Grantee is given the right to trim, cut and clear away any trees, limbs and brush, whether located on the above described easement property or adjacent to and overhanging the same, and the right to remove from the above described easement property any obstruction, including buildings, inflammable materials, brush, structures of any kind or other obstructions wherever in its judgment such will interfere with or endanger the construction, operation or maintenance of said line, and to renew, replace, and to otherwise change the lines and any part thereof and all appurtenances thereto and the location thereof within the easement property; and to pass along the easement property to and from adjoining lands and to have reasonable access to said property from Grantor's adjoining lands. The Grantee may erect and use gates in all fences which cross or which shall hereafter cross the route of said line.

In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences or other property of the undersigned by the construction, operation, maintenance, inspection, patrolling or removal of said line. Grantor(s) covenants that no act will be permitted within the easement property which is inconsistent with the rights hereby granted; that no building or structures will be erected upon said property and that the present grade or ground level thereof will not be changed by excavation or filling.

Grantee, its contractor or agents, may enter said premises for the purpose of making surveys and preliminary estimates immediately upon the execution of this easement but the easement shall not otherwise be operative nor shall construction begin until a franchise for the line is issued by the Iowa State Commerce Commission and until the full consideration is paid as hereinafter provided.

The Grantor(s) acknowledges payment of $ _____ hereunder and it is agreed that if the additional sum of $ _____ is paid the undersigned Grantor(s) within one year from the date hereof, or the release of this easement from any liens or encumbrances of record, whichever date is later, this agreement shall become binding upon all parties hereto but shall terminate upon the permanent removal or abandonment of all lines and appurtenances of Grantee upon the easement property. If the additional amount of consideration is not paid within the time stated above, then the initial payment shall be forfeited to the Grantor(s) and both parties shall be released from all further obligation hereunder. The parties hereto agree that all payment made by virtue of this agreement shall be paid to _____ of _____ as agent for the Grantor(s).

This agreement shall run with the land and bind and inure to the benefit of the heirs, successors and assigns of the parties.

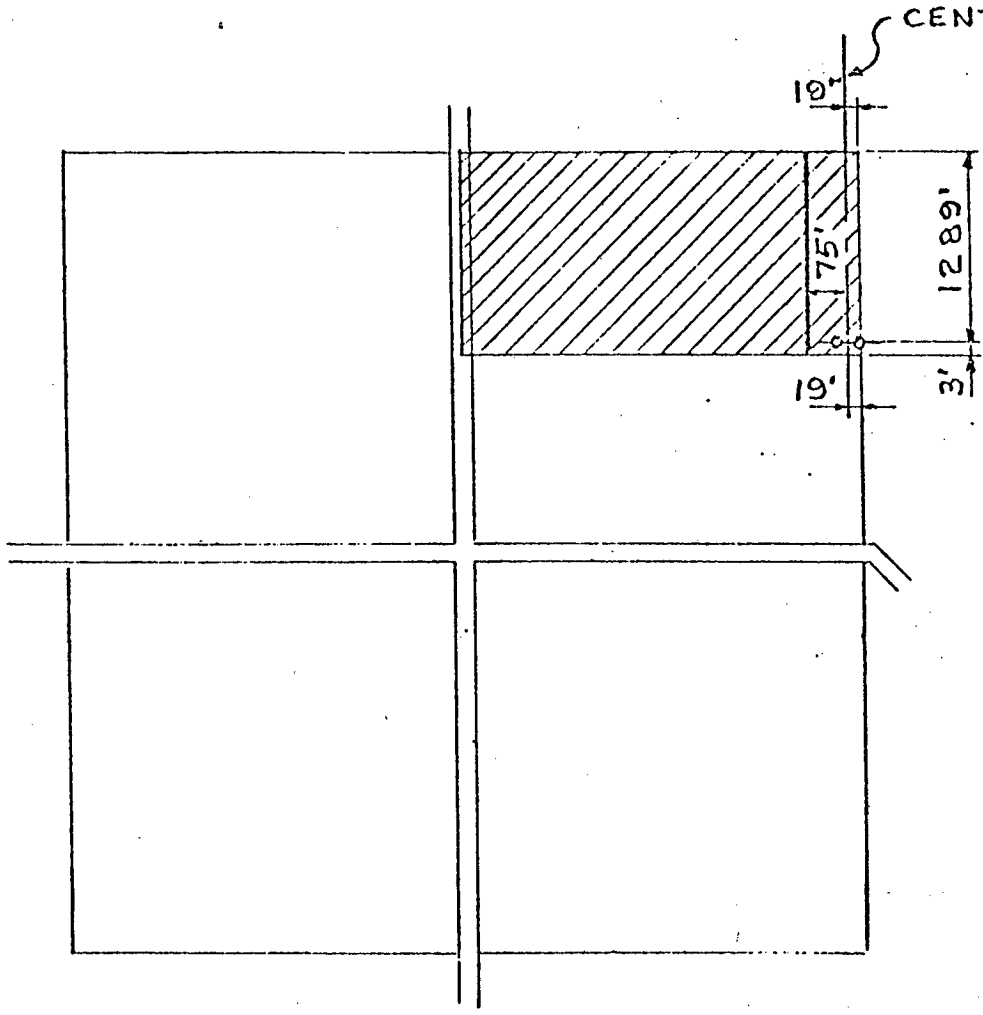
Dated this _____ day of _____, 19 _____.

_____ _____

_____ _____

_____ _____

_____ _____



Section 1, Township 77N, Range 27W

IOWA POWER AND LIGHT COMPANY
345KV TRANSMISSION LINE

FLUOR PIONEER INC.	REVISION	PROPERTY PLAT MADISON COUNTY	
DWN. BY G.L. 2-24-76			
CHECKED			PARCEL NO. 61-119
APP'D			

IOWA POWER
823 Walnut Street
Des Moines, Iowa 50303

FINAL OFFER TO TENANT TO ACQUIRE EASEMENT

February 23, 1979

Don Waller and Connie Waller
Booneville, Iowa 50038

Pursuant to Chapter 472, entitled Procedures Under Power of Eminent Domain, Code of Iowa, Iowa Power and Light Company hereby makes its final offer to pay you the total lump sum of $ 50.00 in consideration of your execution, acknowledgement and delivery of a 345,000 volt electric transmission line easement in substance and form as, and across real estate described in, the "Transmission Line Easement" attached hereto, marked Exhibit "A", and made a part hereof. Such offer does not include construction damage to crops, tile or similar property which will be paid after construction when such damage can be ascertained.

If you wish to accept this offer, please call Iowa Power and Light Company collect at the following telephone number: 1-515-281-2713. If a voluntary easement is not acquired by the Company for this parcel, condemnation proceedings will be initiated.

A plat showing the proposed transmission line easement on your property is enclosed for your information.

Yours truly,

E. L. Birdsall
Vice President

Enclosure

78-119

25

Parcel No. 61-119

Job No.

Draft No.

EXHIBIT "A"

County Madison

Township 77 North

Range 27 West of the 5th P.M.

Section 1

TRANSMISSION LINE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

The undersigned Owners, Forrest L. Ridgway and Sandra Kay Ridgway Yvonne Friestad and Lewis Friestad, Jr.

and the undersigned Tenant, Don Waller and Connie Waller (hereinafter called the Grantor(s), in consideration of the sum of One Dollar and other valuable considerations in hand paid, do hereby grant to Iowa Power and Light Company, an Iowa Corporation, (hereinafter called the Grantee,) the perpetual right and easement to construct, reconstruct, repair, maintain, operate, inspect, patrol and remove a line of towers or poles for the transmission and supply of electric current, with wires and cables upon and from the same and all necessary foundations, anchors, guys, braces, fittings, equipment and apurtenances including a buried ground wire, and such culverts, bridges, and ways of access as may be reasonably necessary for the convienent construction, reconstruction, repair, maintenance, operation, inspection, patrolling and removal of said line over, along, across and under the following described property situated in Madison County, Iowa, to-wit:

That part of a strip of land 150 feet in width which falls across the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, the centerline of said strip being described as follows:

Beginning at a point 19 feet West of the Southeast corner of the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section 1, thence North to a point on the North property line 19 feet West of the Northeast corner of said Section 1.

This easement is limited to construction of one 345,000 volt electric transmission line across the above described property consisting of one 2-pole structure and associated conductors. (Maximum 400,000 volt).

The Grantor(s) warrants and covenants unto Grantee that, subject to liens and encumbrances of record at the date of this easement, it is the owner of the above described land and has full right and authority to validly grant this easement, and that Grantee may quietly enjoy the premises.

Grantee is given the right to trim, cut and clear away any trees, limbs and brush, whether located on the above described easement property or adjacent to and overhanging the same, and the right to remove from the above described easement property any obstruction, including buildings, inflammable materials, brush, structures of any kind or other obstructions wherever in its judgment such will interfere with or endanger the construction, operation or maintenance of said line, and to renew, replace, and to otherwise change the lines and any part thereof and all appurtenances thereto and the location thereof within the easement property; and to pass along the easement property to and from adjoining lands and to have reasonable access to said property from Grantor's adjoining lands. The Grantee may erect and use gates in all fences which cross or which shall hereafter cross the route of said line.

In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences or other property of the undersigned by the construction, operation, maintenance, inspection, patrolling or removal of said line. Grantor(s) covenants that no act will be permitted within the easement property which is inconsistent with the rights hereby granted; that no building or structures will be erected upon said property and that the present grade or ground level thereof will not be changed by excavation or filling.

Grantee, its contractor or agents, may enter said premises for the purpose of making surveys and preliminary estimates immediately upon the execution of this easement but the easement shall not otherwise be operative nor shall construction begin until a franchise for the line is issued by the Iowa State Commerce Commission and until the full consideration is paid as hereinafter provided.

The Grantor(s) acknowledges payment of $ _____ hereunder and it is agreed that if the additional sum of $ _____ is paid the undersigned Grantor(s) within one year from the date hereof, or the release of this easement from any liens or encumbrances of record, whichever date is later, this agreement shall become binding upon all parties hereto but shall terminate upon the permanent removal or abandonment of all lines and appurtenances of Grantee upon the easement property. If the additional amount of consideration is not paid within the time stated above, then the initial payment shall be forfeited to the Grantor(s) and both parties shall be released from all further obligation hereunder. The parties hereto agree that all payment made by virtue of this agreement shall be paid to _____ of _____ as agent for the Grantor(s).

This agreement shall run with the land and bind and inure to the benefit of the heirs, successors and assigns of the parties.

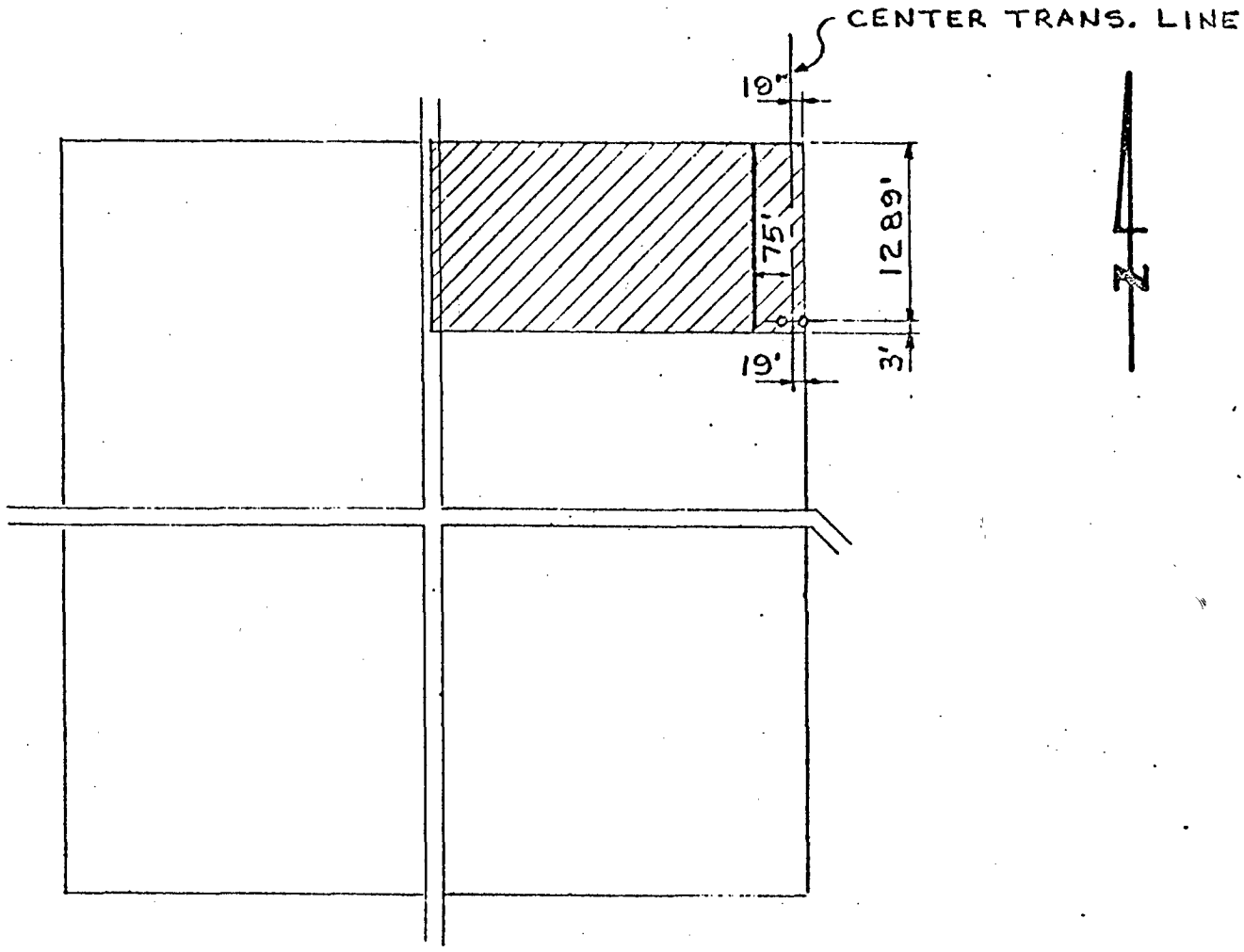
Dated this _____ day of _____, 19 _____.

_____ _____

_____ _____

_____ _____

_____ _____



Section 1, Township 77N, Range 27W

IOWA POWER AND LIGHT COMPANY
345KV TRANSMISSION LINE

FLUOR PIONEER INC.	REVISION	PROPERTY PLAT MADISON COUNTY	
DWN. BY G.L. 2-24-76			
CHECKED			PARCEL NO. 61-119
APP'D			

97

AFFIDAVIT OF RETURN OF SERVICE

STATE OF IOWA)
Polk COUNTY) ss.

I, the undersigned, being first duly sworn on oath, do hereby depose and state that I received the attached notice, order, and/or other document(s) on the 5 day of April, 1975; that on the 6 day of April, 1975, I served the same on the within-named Sandra K. Ridgeway at 920 8th St, in West Des Moines in Polk County, Iowa, by delivering a true and identical copy of each such item in the following manner:

X I served the same by delivering a copy thereof to the above person personally.

___ I served the same on the above person at the above person's dwelling house or usual place of abode (which place was not a rooming house, hotel, club, or apartment building) by there delivering a copy thereof to the individual named below, a person residing therein who was then at least eighteen years old.

___ I served the same on the above person at the above person's dwelling house or usual place of abode, (which place was a rooming house, hotel, club or apartment building) by there delivering a copy thereof to a member of the family, or manager, clerk, proprietor or custodian named and described below, a person who was then at least eighteen years old.

___ I served the above company, corporation, etc., by delivering a copy to the person named and described below. Said service was made at the address shown below, if any, otherwise at the above address.

NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED (IF NOT SHOWN ABOVE)

REMARKS: _____

BY: Shirlee Wolfe
PROFESSIONAL INDEPENDENT PROCESS SERVER

SUBSCRIBED AND SWORN TO BEFORE ME BY THE SAID Shirlee Wolfe

THIS 7th DAY OF April, 1975

LOYD S. JACKSON NOTARIAL SEAL

Loyd S Jackson
NOTARY PUBLIC IN AND FOR THE STATE of IOWA

SERVICE # 6617[illegible] ACCOUNT # 137

Process	8.00
Add'l Return	2.00
Distance Fee	5.00
Other b	5.00
Subtotal Witness/Court Fees Advanced	
Total Charges	$ 20.00

CODES

a. Process Pick-Up Fee
b. Special "Rush"
c. Attempt Time
d. Specified Time of Day
e. Travel Time
f. P.O., D.O.T., Telephone
g. Bad Address
h. Locate, Skip Tracing
i. Stakeout, Waiting Time
j. Court Service
k. Photo Copies
l. Courier Service
m. Notary Public

LYNCH & ASSOCIATES, INC., 1021 Fleming Bldg., Des Moines, Iowa 50309 (515) 244-2488

28

AFFIDAVIT OF RETURN OF SERVICE

STATE OF IOWA)
Polk COUNTY) ss.

I, the undersigned, being first duly sworn on oath, do hereby depose and state that I received the attached notice, order, and/or other document(s) on the 5 day of April, 1928, that on the 6 day of APRIL, 1928, I served the same on the within-named FORREST L. RIDGEWAY at 920 8th ST, in WEST DES MOINES in POLK County, Iowa, by delivering a true and identical copy of each such item in the following manner:

___ I served the same by delivering a copy thereof to the above person personally.

X I served the same on the above person at the above person's dwelling house or usual place of abode (which place was not a rooming house, hotel, club, or apartment building) by there delivering a copy thereof to the individual named below, a person residing therein who was then at least eighteen years old.

___ I served the same on the above person at the above person's dwelling house or usual place of abode, (which place was a rooming house, hotel, club or apartment building) by there delivering a copy thereof to a member of the family, or manager, clerk, proprietor or custodian named and described below, a person who was then at least eighteen years old.

___ I served the above company, corporation, etc., by delivering a copy to the person named and described below. Said service was made at the address shown below, if any, otherwise at the above address.

SHARON A. K. RIDGEWAY, WIFE
NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED (IF NOT SHOWN ABOVE)

REMARKS: _____

BY: Shirley Wolfe
PROFESSIONAL INDEPENDENT PROCESS SERVER

SUBSCRIBED AND SWORN TO BEFORE ME BY THE SAID Shirley Wolfe
THIS 7 DAY OF April, 1928

Notary Public
NOTARY PUBLIC IN AND FOR THE STATE of IOWA

SERVICE # 6617 B ACCOUNT # 137

		Process	SC 6617 A
		Add'l Return	
		Distance Fee	
CODES		Other	
a. Process Pick-Up Fee	g. Bad Address		
b. Special "Rush"	h. Locate, Skip Tracing		
c. Attempt Time	i. Stakeout, Waiting Time		
d. Specified Time of Day	j. Court Service		
e. Travel Time	k. Photo Copies	Subtotal	
f. P.O., D.O.T., Telephone	l. Courier Service	Witness/Court Fees Advanced	
	m. Notary Public	Total Charges	$

LYNCH & ASSOCIATES, INC., 1021 Fleming Bldg., Des Moines, Iowa 50309 (515) 244-2488

29

AFFIDAVIT OF
'URN OF SERVICE

STATE OF IOWA)
Polk COUNTY) ss.

I, the undersigned, being first duly sworn on oath, do hereby depose and state that I received the attached notice, order, and/or other document(s) on the 5 day of April, 19 79 that on the 7 day of April, 19 79 I served the same on the within-named Yvonne Friestad at 8770 N.W. Beaver Dr. in Grimes in Polk County, Iowa, by delivering a true and identical copy of each such item in the following manner:

X I served the same by delivering a copy thereof to the above person personally.

___ I served the same on the above person at the above person's dwelling house or usual place of abode (which place was not a rooming house, hotel, club, or apartment building) by there delivering a copy thereof to the individual named below, a person residing therein who was then at least eighteen years old.

___ I served the same on the above person at the above person's dwelling house or usual place of abode, (which place was a rooming house, hotel, club or apartment building) by there delivering a copy thereof to a member of the family, or manager, clerk, proprietor or custodian named and described below, a person who was then at least eighteen years old.

___ I served the above company, corporation, etc., by delivering a copy to the person named and described below. Said service was made at the address shown below, if any, otherwise at the above address.

NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED (IF NOT SHOWN ABOVE)

REMARKS: _____

BY: Shirlee Wolfe
PROFESSIONAL INDEPENDENT PROCESS SERVER

SUBSCRIBED AND SWORN TO BEFORE ME BY THE SAID Shirlee Wolfe
THIS 7 DAY OF April, 19 79

Lloyd S. Johnson
NOTARY PUBLIC IN AND FOR THE STATE of IOWA

SERVICE # 6018A ACCOUNT # 137

CODES			
a. Process Pick-Up Fee	g. Bad Address	Process	8.00
b. Special "Rush"	h. Locate, Skip Tracing	Add'l Return	2.00
c. Attempt Time	i. Stakeout, Waiting Time	Distance Fee	7.00
d. Specified Time of Day	j. Court Service	Other	
e. Travel Time	k. Photo Copies	b	5.00
f. P.O., D.O.T., Telephone	l. Courier Service		
	m. Notary Public		
		Subtotal	
		Witness/Court Fees Advanced	
		Total Charges	$ 22.00

LYNCH & ASSOCIATES, INC., 1021 Fleming Bldg., Des Moines, Iowa 50309 (515) 244-2488

30

AFFIDAVIT OF TURN OF SERVICE

STATE OF IOWA)
Polk) COUNTY) ss.

I, the undersigned, being first duly sworn on oath, do hereby depose and state that I received the attached notice, order, and/or other document(s) on the 5 day of April, 1975; that on the 7 day of April, 1975, I served the same on the within-named Lewis Friestad, Jr. at 8790 N.W. Beaver Dr. in Grimes in Polk County, Iowa, by delivering a true and identical copy of each such item in the following manner:

___ I served the same by delivering a copy thereof to the above person personally.

X I served the same on the above person at the above person's dwelling house or usual place of abode (which place was not a rooming house, hotel, club, or apartment building) by there delivering a copy thereof to the individual named below, a person residing therein who was then at least eighteen years old.

___ I served the same on the above person at the above person's dwelling house or usual place of abode, (which place was a rooming house, hotel, club or apartment building) by there delivering a copy thereof to a member of the family, or manager, clerk, proprietor or custodian named and described below, a person who was then at least eighteen years old.

___ I served the above company, corporation, etc., by delivering a copy to the person named and described below. Said service was made at the address shown below, if any, otherwise at the above address.

Yvonne Friestad, wife

NAME AND TITLE OR RELATIONSHIP OF INDIVIDUAL SERVED (IF NOT SHOWN ABOVE)

REMARKS: _____

BY: Shirley Wolfe
PROFESSIONAL INDEPENDENT PROCESS SERVER

SUBSCRIBED AND SWORN TO BEFORE ME BY THE SAID Shirley Wolfe

THIS 7th DAY OF April, 1975.

Notary Public 19
NOTARY PUBLIC IN AND FOR THE STATE of IOWA

SERVICE # 6618B

ACCOUNT # 132

Process	See 6615A
Add'l Return	
Distance Fee	
Other	
Subtotal Witness/Court Fees Advanced	
Total Charges	$

CODES

a. Process Pick-Up Fee
b. Special "Rush"
c. Attempt Time
d. Specified Time of Day
e. Travel Time
f. P.O., D.O.T., Telephone
g. Bad Address
h. Locate, Skip Tracing
i. Stakeout, Waiting Time
j. Court Service
k. Photo Copies
l. Courier Service
m. Notary Public

LYNCH & ASSOCIATES, INC., 1021 Fleming Bldg., Des Moines, Iowa 50309 (515) 244-2488

31

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

FILED
1979 MAR 21 AM 8:42
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IOWA POWER AND LIGHT COMPANY, Plaintiff, vs. FORREST L. RIDGWAY, SANDRA KAY RIDGWAY, YVONNE FRIESTAD, LEWIS FRIESTAD, JR., MADISON COUNTY, IOWA, and REX ROUSE, Sheriff of Madison County, Iowa, Defendants.	LAW NO. 21780 NOTICE OF APPEAL

COMES NOW Iowa Power and Light Company, plaintiff condemnor, and pursuant to Chapter 472, Code of Iowa (1977), hereby appeals to the District Court from the award of the Compensation Commission entered herein on March 12, 1979.

B. A. Webster
GAMBLE, RIEPE, BURT, WEBSTER & DAVIS
2600 Ruan Center
Des Moines, Iowa 50309
Telephone: (515) 243-6251

Gordon K. Darling
DARLING & CHICKERING
53 Jefferson Street
Winterset, Iowa 50273
Telephone: (515) 462-2442

Keith D. Hartje
IOWA POWER AND LIGHT COMPANY
666 Grand Avenue
P. O. Box 657
Des Moines, Iowa 50303
Telephone: (515) 281-2331

ATTORNEYS FOR IOWA POWER AND LIGHT COMPANY, Plaintiff-Condemnor

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

IOWA POWER AND LIGHT COMPANY,

Plaintiff,

vs.

FORREST L. RIDGWAY, SANDRA KAY RIDGWAY, YVONNE FRIESTAD, LEWIS FRIESTAD, JR., MADISON COUNTY, IOWA, and REX ROUSE, Sheriff of Madison County, Iowa,

Defendants.

LAW NO. 21780

ORIGINAL NOTICE

10AM

MAR 21 1979

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby notified that there is now on file in the Office of the Clerk of the above-named Court, a Petition in the above-entitled action, a copy of which Petition is attached hereto. The plaintiff's attorney is Gordon K. Darling, whose address is 53 Jefferson Street, Winterset, Iowa 50273.

You are further notified that unless you appear thereto and defend in the Iowa District Court for Madison County at the County Courthouse in Winterset, Iowa within twenty (20) days after the service of this Original Notice upon you, judgment by default will be rendered against you for the relief demanded in the Petition.

Margaret Wheeler

Margaret Wheeler,
Clerk of the Above Court
Madison County Courthouse
Winterset, Iowa 50273

NOTE:

Persons named as defendants are told to "appear thereto and defend." These words are not always understood. The required appearance may be made either by the defendant or by defendant's attorney. IT IS NECESSARY TO SERVE AND FILE A SPECIAL APPEARANCE, MOTION OR PLEADING TO PREVENT A DEFAULT (RULE 87). The attorney who is expected to appear for the defendant should be promptly advised by the defendant of the service of this Original Notice.

33.

ACCEPTANCE OF SERVICE

Service of the foregoing Notice of Appeal, Original Notice and Petition is hereby acknowledged, and receipt of a copy acknowledged this ____ day of _____ , 1979 at Winterset, Iowa.

Sheriff of Madison County, Iowa

By _____

ACCEPTANCE OF SERVICE

Service of the foregoing Notice of Appeal, Original Notice and Petition is hereby acknowledged, and receipt of a copy acknowledged this ____ day of _____ , 1979 at Winterset, Iowa.

MADISON COUNTY, IOWA

By _____

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

FILED
1979 MAR 21 AM 8:42
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IOWA POWER AND LIGHT COMPANY, Plaintiff, vs. FORREST L. RIDGWAY, SANDRA KAY RIDGWAY, YVONNE FRIESTAD, LEWIS FRIESTAD, JR., MADISON COUNTY, IOWA, and REX ROUSE, Sheriff of Madison County, Iowa, Defendants.	LAW NO. 21780 PETITION ON APPEAL FROM COMPENSATION COMMISSION AWARD

COMES NOW Iowa Power and Light Company and, for its Petition on Appeal, pursuant to Chapter 472, Code of Iowa (1977) states:

1. Plaintiff, Iowa Power and Light Company, has been granted a Franchise by the Iowa State Commerce Commission, pursuant to Chapter 478, Code of Iowa (1977) for construction and maintenance of a 345-K.V. electric transmission line through Madison County, Iowa together with the right of eminent domain.

2. Said line passes across lands owned by defendants or in which they have an interest described in Exhibit A hereto attached and incorporated herein by reference.

3. The easement acquired by plaintiff is set forth in Exhibit B and shown in the plat attached, incorporated herein by reference.

4. Said easement on defendants' property is 94 feet in width, 1292 feet in length, contains 2.8 acres and one structure. It is solely for the purposes of said line and defendants retain full ownership and use of said land for all purposes not inconsistent with plaintiff's easement.

5. That on March 12, 1979 said easement was condemned by plaintiff by eminent domain proceedings. That the award returned by the Compensation Commission was excessive and unreasonable. That the difference between the fair and reasonable market value of

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the property before and after the condemnation of the easement did not exceed $ 4,000.00 .

6. That pursuant to law all construction damage, crop damage or damage to personal property now or hereafter incurred will be paid in addition to the payment for said easement.

WHEREFORE, plaintiff prays that damages to said property be determined in accordance with law.

B. A. Webster
GAMBLE, RIEPE, BURT, WEBSTER & FLETCHER
2600 Ruan Center
Des Moines, Iowa 50309
Telephone (515) 243-6251

Gordon K. Darling
DARLING & CHICKERING
53 Jefferson Street
Winterset, Iowa 50273
Telephone (515) 462-2442

Keith D. Hartje
IOWA POWER AND LIGHT COMPANY
666 Grand Avenue
P. O. Box 657
Des Moines, Iowa 50303
Telephone (515) 281-2331

ATTORNEYS FOR IOWA POWER AND LIGHT COMPANY, Plaintiff-Condemnor

36

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY.

FILED
1979 MAR 28 PM 1:40
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IOWA POWER AND LIGHT COMPANY, Plaintiff,	)	
vs.	)	LAW NO. 21780
FORREST L. RIDGWAY, et al., Defendants.	)	AMENDMENT TO PETITION

COMES NOW the plaintiff and hereby amends its Petition by adding Exhibit A and Exhibit B as described in paragraph 2 and 3, which were inadvertently omitted from the Petition as originally filed.

B. A. Webster

B. A. Webster
GAMBLE, RIEPE, BURT, WEBSTER & FLETCHER
2600 Ruan Center
Des Moines, Iowa 50309
Telephone: (515) 243-6251

Keith D. Hartje
IOWA POWER AND LIGHT COMPANY
666 Grand Avenue
P. O. Box 657
Des Moines, Iowa 50309

Gordon K. Darling
DARLING & CHICKERING
53 Jefferson Street
Winterset, Iowa 50273
Telephone: (515) 462-2442

Attorneys for Plaintiff

Service of the foregoing Amendment to Petition is hereby accepted on behalf of the defendants this ____ day of _____, 1979.

_____

31

PARCEL NO. 61-119

DESCRIPTION OF PROPERTY TO BE AFFECTED

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) and the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa.

DESCRIPTION OF SPECIFIC PROPERTY SOUGHT TO BE CONDEMNED

That part of a strip of land 150 feet in width which falls across the North Half (N½) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, the centerline of said strip being described as follows:

Beginning at a point 19 feet West of the Southeast corner of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 1, thence North to a point on the North property line 19 feet West of the Northeast corner of said Section 1.

This easement is limited to construction of one 345,000 volt electric transmission line across the above described property consisting of one 2-pole structure and associated conductors. (Maximum 400,000 volt).

NAMES OF ALL RECORD OWNERS AND PARTIES IN POSSESSION

OWNERS: Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

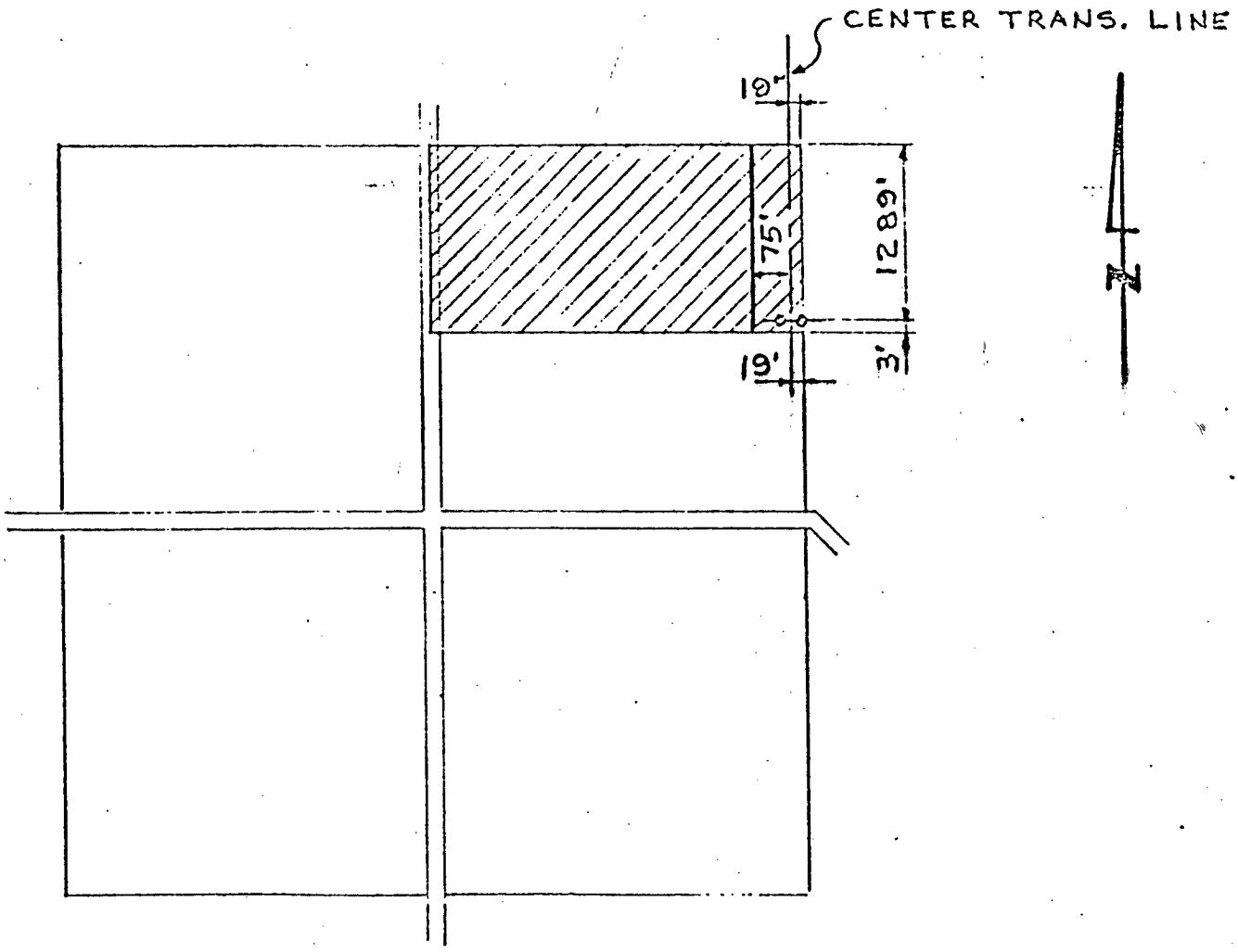
Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

TENANT: Don Waller and Connie Waller
Boonevlle, Iowa 50036

HOLDERS OF LIENS OR ENCUMBRANCES

LIEN HOLDER: Madison County

(A Plat showing the location of the property to be affected and the location of the specific property sought to be condemned is attached hereto, marked Parcel 61-119 and by this reference made a part hereof.)



Section 1, Township 77N, Range 27W

IOWA POWER AND LIGHT COMPANY
345KV TRANSMISSION LINE

FLUOR PIONEER INC.	REVISION	PROPERTY PLAT MADISON COUNTY	
DWN. BY G.L. 2-24-71			
CHECKED			PARCEL NO. 61-119
APP'D			

EXHIBIT B

39

Service of the foregoing Amendment to Petition is hereby accepted on behalf of Madison County, Iowa this 28 day of March, 1979.

Chairman, Board of Supervisors,
Madison County, Iowa

Service of the foregoing Amendment to Petition is hereby accepted by the undersigned Sheriff of Madison County, Iowa this 28 day of March, 1979.

Sheriff, Madison County, Iowa.

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

FILED
1979 MAR 21 AM 11:16
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE MATTER OF THE APPLICATION OF IOWA POWER AND LIGHT COMPANY FOR CONDEMNATION OF RIGHT OF WAY FOR TRANSMISSION LINE IN MADISON COUNTY, IOWA	* * * * * * * *	NO 21780 REPORT OF CONDEMNATION COMMISSION

MAR 1 3 19

TO: **Forrest L. Ridgway, Sandra Kay Ridgway, Yvonne Friestad Lewis Firestad, Jr. Don Waller and Connie Waller**

We, the undersigned, being the duly appointed and qualified Commissioners appointed to inspect the agricultural land described in Iowa Power and Light Company's Application herein, and to assess the damages sustained by the respective owners, lien holders, encumbrancers, and other persons interested in the premises affected by the appropriation or condemnation of the real estate described in said Application for the construction, operation and maintenance of a 345,000 volt electric transmission line to be located on a strip of land as specifically described in said Application, do hereby make report as follows:

That we proceeeded to view the respective premises at the time fixed in the Notices to the persons interested in the parcel numbers hereinafter mentioned, which parcel numbers in this report correspond with the parcel numbers in the said Application, and do hereby assess the damages sustained by the respective persons interested in said lands as follows, all of which is respectfully submitted:

PARCEL NO. 61-119

OWNERS: Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

TENANTS: Don Waller and Connie Waller
Booneville, Iowa 50038

AWARD: $ 8135.00, for damages, including consequential damages, to owners.

AWARD: $ 200.00, to tenants.

ATTORNEY FEES AND COSTS: $ 350.00 xg

IND. ✓
REC. ✓
PAGE ✓

Compared

I hereby certify this to be a true and correct copy of the original instrument on file in my office.
Rex Rouse
REX ROUSE, SHERIFF
MADISON COUNTY, IOWA

1196

FILED NO.
BOOK 113 PAGE 760
1983 FEB 22 AM 9:03
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $9.00

41

PARCEL NO. 61-119

DESCRIPTION OF PROPERTY TO BE AFFECTED

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) and the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa.

DESCRIPTION OF SPECIFIC PROPERTY SOUGHT TO BE CONDEMNED

That part of a strip of land 150 feet in width which falls across the North Half (N½) of the Northeast Quarter (NE¼) of Section 1, Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa, the centerline of said strip being described as follows:

Beginning at a point 19 feet West of the Southeast corner of the North Half (N½) of the Northeast Quarter (NE¼) of said Section 1, thence North to a point on the North property line 19 feet West of the Northeast corner of said Section 1.

This easement is limited to construction of one 345,000 volt electric transmission line across the above described property consisting of one 2-pole structure and associated conductors. (Maximum 400,000 volt).

NAMES OF ALL RECORD OWNERS AND PARTIES IN POSSESSION

OWNERS: Forrest L. Ridgway and Sandra Kay Ridgway
920 8th Street
West Des Moines, Iowa 50265

Yvonne Friestad and Lewis Friestad, Jr.
8777 N.W. Beaver Drive
Grimes, Iowa 50111

TENANT: Don Waller and Connie Waller
Booneville, Iowa 50038

HOLDERS OF LIENS OR ENCUMBRANCES

LIEN HOLDER: Madison County

(A Plat showing the location of the property to be affected and the location of the specific property sought to be condemned is attached hereto, marked Parcel 61-119 and by this reference made a part hereof.)

EXHIBIT A

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IN THE DISTRICT COURT IN AND FOR MADISON COUNTY

IOWA POWER & LIGHT COMPANY

vs.

#21780

FORREST L. RIDGWAY AND
SANDRA KAY RIDGWAY

This is to certify that on March 22, 1979, I received $8135.00 from the Sheriff of Madison County. This check was receipted for by Forrest L. Ridgway. and I gave this check to him.



Margaret Wheeler
Clerk of District Court
Madison County, Iowa

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IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

FILED
1983 OCT 31 AM 9:58
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IOWA POWER AND LIGHT COMPANY, Plaintiff,	)	
vs.	)	LAW NO. 21780
FORREST L. RIDGWAY, et al., Defendant.	)	STIPULATION FOR DISMISSAL

IT IS STIPULATED by and between the parties that the above-entitled case may be dismissed, at plaintiff's cost, the same having been fully settled out of Court.

B. A. Webster

GAMBLE, RIEPE, BURT, WEBSTER
& DAVIS
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Gordon K. Darling

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Attorneys for Plaintiff

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WEBSTER, JORDAN, OLIVER & WALTERS
Farmers & Merchants State
Bank Building
P. O. Box 230
Winterset, Iowa 50273
Telephone: (515) 462-3731

Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause by enclosing the same in an envelope addressed to each such attorney at his respective address disclosed by the pleadings of record herein, with postage fully paid and by depositing said envelopes in a United States Post Office depository in Des Moines, Iowa on the 28 day of October, 1983.

FILED
1983 OCT 31 AM 9:58
MARGARET [illegible]
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

IOWA POWER AND LIGHT COMPANY, Plaintiff,	)	
vs.	)	LAW NO. 21780
FORREST L. RIDGWAY, et al., Defendant.	)	RECEIPT

The undersigned, Lewis H. Jordan, attorney for defendants, Forrest L. Ridgway, Sandra K. Ridgway, Yvonne Friestad and Lewis Friestad, Jr., hereby acknowledges receipt in full for attorney fees in the above-entitled matter from Iowa Power and Light Company.

Dated this 26 day of ~~May~~ October, 1983.

Lewis H. Jordan

WEBSTER, JORDAN, OLIVER & WALTERS
Farmers & Merchants State Bank Building
P. O. Box 230
Winterset, Iowa 50273
Telephone: (515) 462-3731

Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon each of the attorneys of record of all parties to the above-entitled cause by enclosing the same in an envelope addressed to each such attorney at his respective address disclosed by the pleadings of record herein, with postage fully paid and by depositing said envelopes in a United States Post Office depository in Des Moines, Iowa, on the 28 day of October, 1983.

L D Oak

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OFFICE OF

MADISON COUNTY

CLERK OF DISTRICT COURT

WINTERSET, IOWA 50273

Nov. 1, 1983

TO WHOM IT MAY CONCERN:

This is to certify that all costs have been paid in cause #21780, Iowa Power & Light Company vs. Forrest L. Ridgway, Sandra Kay Ridgway, et al.

Margaret Wheeler

Clerk of District Court