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FILED NO.
BOOK 119 PAGE 746

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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
No Fee-County

BEFORE THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IOWA

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS IN LAND BY MADISON COUNTY, IOWA	)	APPLICATION FOR CONDEMNATION AND APPOINTMENT OF COMMISSION TO APPRAISE DAMAGES

TO: Richard D. Morr, The Chief Judge of the Fifth Judicial District of the State of Iowa

The Applicant, Madison County, Iowa, pursuant to Chapter 472.3 of the Code of Iowa, hereby applies to the 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 support thereof, states as follows:

1. The applicant is Madison County, Iowa.

2. The applicant seeks to condemn and acquire by eminent domain fee simple title to the real estate described on Exhibit "B" for the purpose of County road right-of-way including installation of bridge over Middle River.

3. A description of all the property in the county, affected or sought to be condemned, by its congressional numbers, in tracts not exceeding one-sixteenth of a section, or, if the land consists of lots in a city, by the numbers of the lot and block, and plat designation is attached hereto as Exhibit "A" and incorporated herein.

4. The names of all record owners of the different tracts of land sought to be condemned, or otherwise affected by such proceedings, and of all record holders of liens and encumbrances on such lands; and, the place of residence of all such persons so far as known to the applicant is as follows:

NAMES AND ADDRESSES OF ALL RECORD OWNERS AND PARTIES IN POSSESSION OF SAID PROPERTY

OWNERS: Edward A. Powell and Lorraine Powell	ADDRESS: Rural Route #1 Winterset, Iowa 50273
TENANTS: None	
LIENHOLDERS:	
Union State Bank of Winterset	201 West Court Avenue Winterset, Iowa 50273

See Warranty Deed filed 5-17-1988 in Deed Record 154-331 from Edward A & Lorraine Powell to Madison County, Iowa.

5. The plat or plats showing the location of the right-of-way or other property sought to be condemned with reference to the real estate heretofore described is attached hereto as Exhibit "B" and incorporated herein.

6. The property to be condemned is agricultural property with damages to be paid by the State of Iowa. The land is classified as Class I and II under the United States Department of Agriculture soil conservation service land capability classification system and is reasonably necessary for the work of internal improvement for which condemnation is sought.

Applicant requests that the Chief Judge of this Judicial District appoint a Commission to appraise the damages to said real estate pursuant to Chapter 472 of the Code of Iowa.

Dated this 1st day of October, 1986, at Winterset, Madison County, Iowa.

Applicant: MADISON COUNTY, IOWA

By _____
John E. Casper
Madison County Attorney
223 East Court Avenue
P. O. Box 67
Winterset, Iowa 50273-0067
Tele: (515) 462-4912
Attorney for Applicant

Filed in duplicate in my office at Des Moines, Iowa on this 2nd day of October, 1986.

_____
Richard D. Morr, Chief Judge of the Fifth Judicial District of Iowa including Madison County

DESCRIPTION OF PROPERTY TO BE AFFECTED

See attached Exhibit "A"

DESCRIPTION OF SPECIFIC PROPERTY SOUGHT TO BE CONDEMNED

See attached Exhibit "B"

EXHIBIT "A"

The Southeast Quarter of the Northeast Quarter, except that part thereof lying West of Middle River; and all that part of the North Half of the Northeast Quarter lying South and East of Middle River; and all that part of the Southwest Quarter of the Northeast Quarter lying East of Middle River; and a tract of about 13.75 acres described as commencing 1156.4 feet West of the Northeast corner of the Northeast Quarter of the Southeast Quarter and running thence East to said Northeast Corner, thence South on the East line thereof 1037 feet to intersection of the center line of the public highway, thence following said highway in a northwesterly direction 1569 feet to the point of beginning; all in Section 4, Township 75 North, Range 27 West of the 5th P.M.;

EXHIBIT "B"

Commencing at the Southeast corner of the Northeast Quarter of Section 4, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa; thence on an assumed bearing of South 90°00'00" West along the South line of said Northeast Quarter 843.16 feet to the centerline of the proposed new highway; thence North 48°45'09" West along the centerline and tangent line of the proposed new highway 748.87 feet to the point of beginning; thence South 51°21'12" West 47.43 feet; thence South 64°23'17" West 126.59 feet; thence North 78°23'58" West 89.43 feet; thence North 30°46'40" West 95.48 feet; thence North 17°37'17" West 77.13 feet; thence North 88°29'33" East 41.65 feet; thence southeasterly 308.66 feet along a tangential curve concave southwesterly and having a radius of 791.20 feet, a central angle of 22°21'07" and a chord 306.70 feet in length bearing South 77°32'01" East; thence South 51°21'12" West 38.55 feet to the point of beginning and containing 0.85 acres more or less exclusive of the present highway right-of-way and subject to encumbrances of record; and Commencing at the Southeast corner of the Northeast Quarter of Section 4, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence on an assumed bearing of South 90°00'00" West along the South line of said Northeast Quarter 758.03 feet to the point of beginning; thence South 32°40'49" East 4.06 feet to the North right-of-way line of the existing Madison County highway; thence North 86°35'32" West 89.66 feet along the said right-of-way line to the centerline of the proposed new highway; thence North 86°35'32" West 16.08 feet; thence Southwesterly 182.49 feet along a tangential curve concave southeasterly and having a radius of 237.63 feet, a central angle of 44°00'00" and a chord 178.00 feet in length bearing South 71°24'28" West; thence South 49°24'28" West 6.81 feet to the easterly right of way line of the existing Madison County highway; thence North 49°03'35" West 74.23 feet; thence North 57°02'51" East 177.63 feet to the centerline of the proposed new highway; thence North 52°51'18" East 188.86 feet; thence South 5°42'35" West 129.03 feet; thence South 32°40'49" East 86.24 feet to the point of beginning and containing 0.73 acres more or less exclusive of the present highway right-of-way and subject to encumbrances of record; and, Commencing at northeast corner of the Southeast Quarter of Section 4, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence on an assumed bearing of North 90°00'00" West along the North line of said Southeast Quarter 190.60 feet; thence South 0°00'00" West 61.24 feet to the centerline of the existing Madison County highway; thence South 0°48'55" West 33.00 feet to the southerly right-of-way line of said highway and the point of beginning; thence North 89°11'05" West 197.17 feet along said right-of-way line; thence North 86°35'32" West 477.94 feet along said right-of-way; thence continuing along said right-of-way line southwesterly 128.59 feet along a tangential curve concave southeasterly and having a radius of 171.63 feet, a central angle of 42°55'36" and a chord 125.77 feet in length bearing South 71°55'36" West; thence South 49°03'35" East 402.92 feet along said right-of-way line; thence South 45°03'29" East 813.73 feet along said right-of-way line; thence North 39°45'45" West 238.37 feet; thence northwesterly 221.98 feet along a tangential curve concave northeasterly and having a radius of 517.96 feet a central angle 24°33'20"and a chord 220.29 feet in length bearing North 32°46'49" West; thence North 20°30'09" West 217.13 feet; thence northwesterly 109.56 feet along a tangential curve concave southwesterly having a radius of 627.96, feet a central angle of 9°59'46" and a chord 109.42 feet in length bearing North 25°30'02" West; thence North 51°37'42" East 272.29 feet; thence North 85°45'39" East 95.14 feet to the point of beginning and containing 3.93 acres more or less exclusive of the present highway right-of-way and subject to encumbrances of record.

Form 489-A
4M—3-67-14593
PB-14375

Plat of Property

Parcel No. ENTIRE FARM AREA

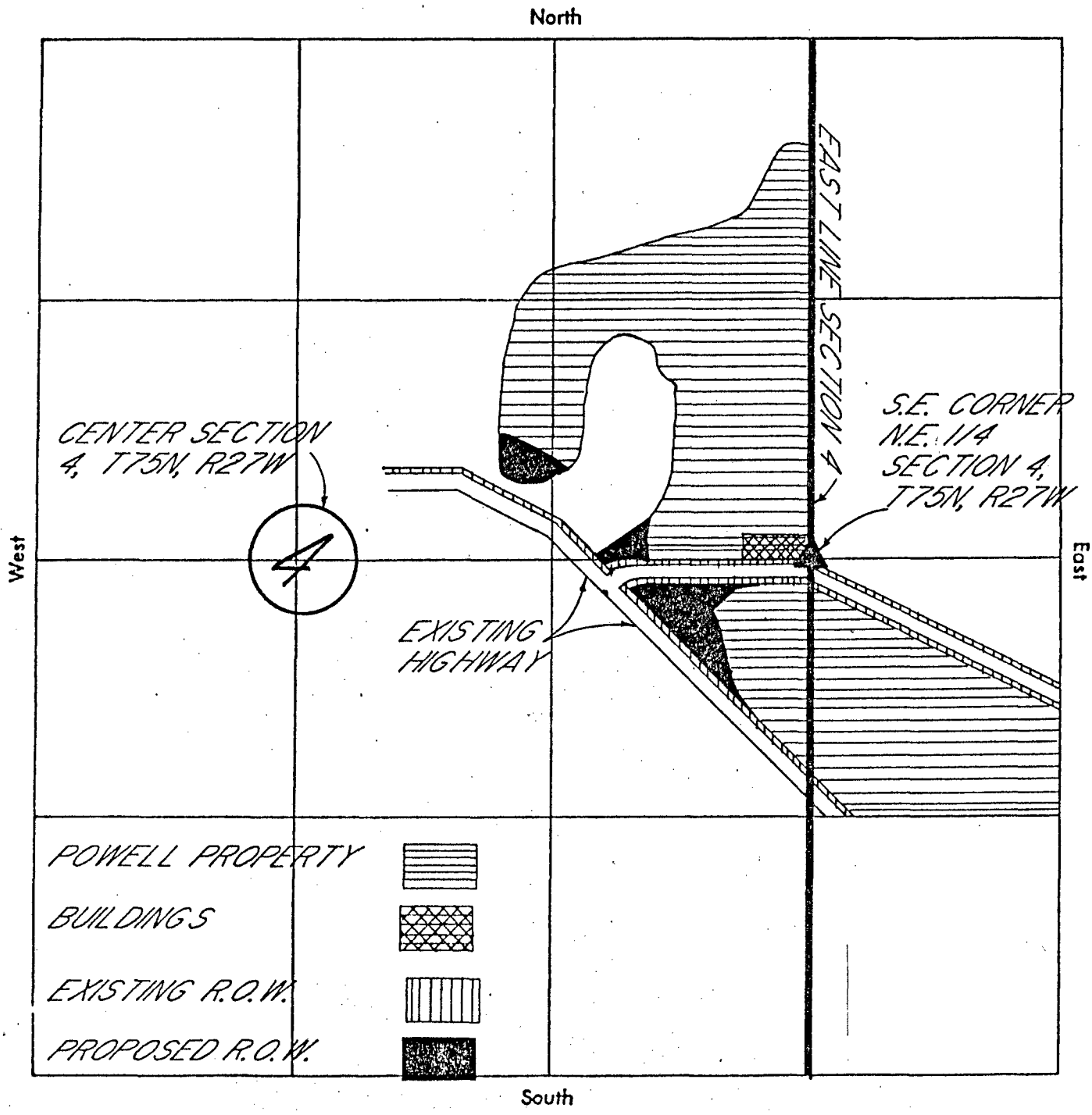
Of EDWARD A. POWELL

Area of Farm 90.55 Acres.

Sta ____ to Sta ____

Section 34 T 75 N-R 27 W.

Right of Way 5.51 Ac.*
Area Remaining NA Ac.
Area Remaining 85.04 Ac.
Borrow NA Ac.
Right of Entry NA Ac.
Move Fence NA Rods
New Fence NA Rods
*R. O. W. (Lt. Side) NA Ac.
R. O. W. (Rt. Side) NA Ac.



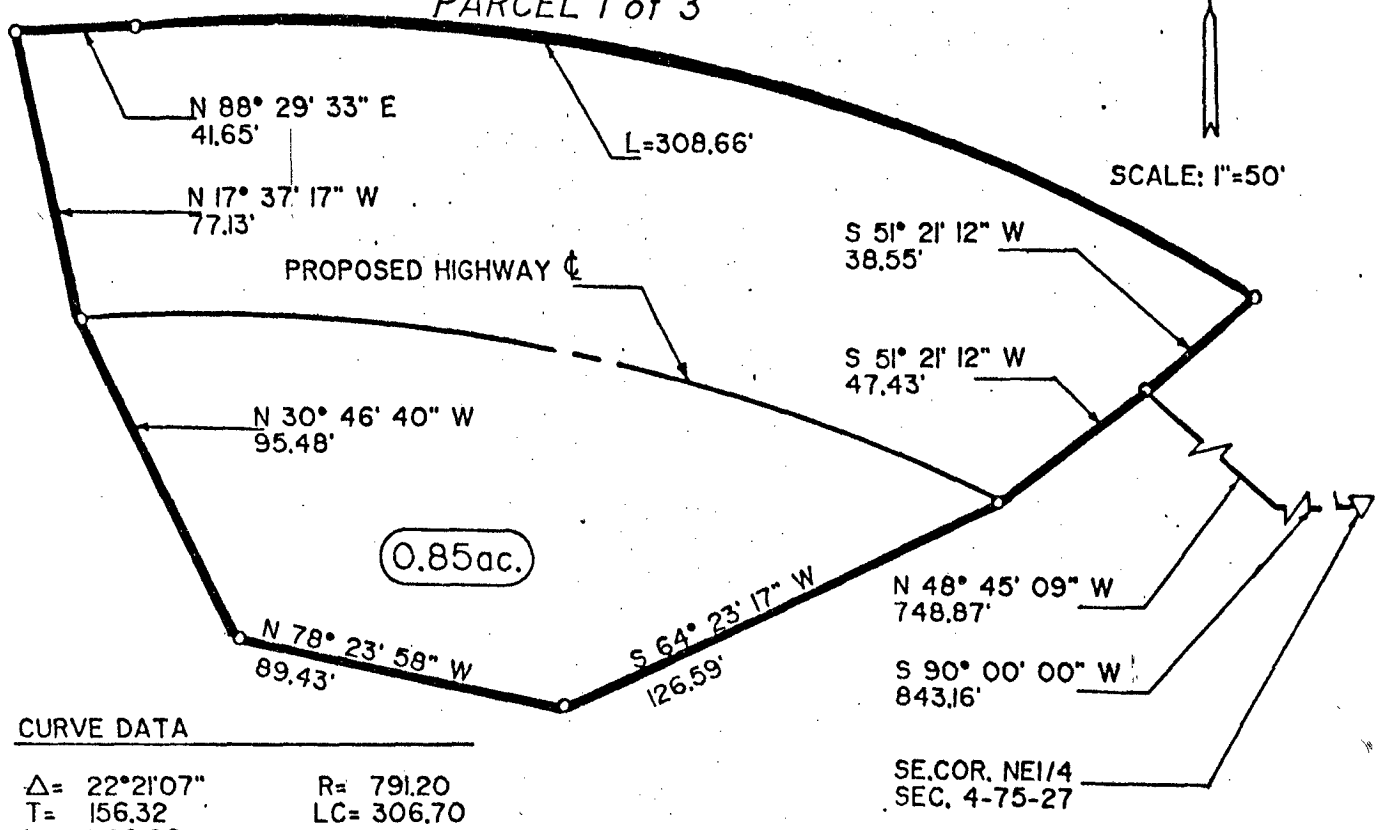
MADISON County Project No. BROS906(112)--5F-61

RIGHT OF WAY PLAT

N.E. 1/4 SECTION 4, T75N, R27W

MADISON COUNTY, IOWA

PARCEL 1 of 3



SCALE: 1"=50'

CURVE DATA

Δ= 22°21'07"	R= 791.20
T= 156.32	LC= 306.70
L= 308.66	

DESCRIPTION

Commencing at the southeast corner of the Northeast Quarter of Section 4, Township 75 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa;
thence on an assumed bearing of South 90 degrees 00 minutes 00 seconds West along the south line of said Northeast Quarter 843.16 feet to the centerline of the proposed new highway;
thence North 48 degrees 45 minutes 09 seconds West along the centerline and tangent line of the proposed new highway 748.87 feet to the point of beginning;
thence South 51 degrees 21 minutes 12 seconds West 47.43 feet;
thence South 64 degrees 23 minutes 17 seconds West 126.59 feet;
thence North 78 degrees 23 minutes 58 seconds West 89.43 feet;
thence North 30 degrees 46 minutes 40 seconds West 95.48 feet;
thence North 17 degrees 37 minutes 17 seconds West 77.13 feet;
thence North 88 degrees 29 minutes 33 seconds East 41.65 feet;
thence southeasterly 308.66 feet along a tangential curve concave southwesterly and having a radius of 791.20 feet, a central angle of 22 degrees 21 minutes 07 seconds and a chord 306.70 feet in length bearing South 77 degrees 32 minutes 01 seconds East;
thence South 51 degrees 21 minutes 12 seconds West 38.55 feet to the point of beginning and containing 0.85 acres more or less exclusive of the present highway right-of-way and subject to encumbrances of record.

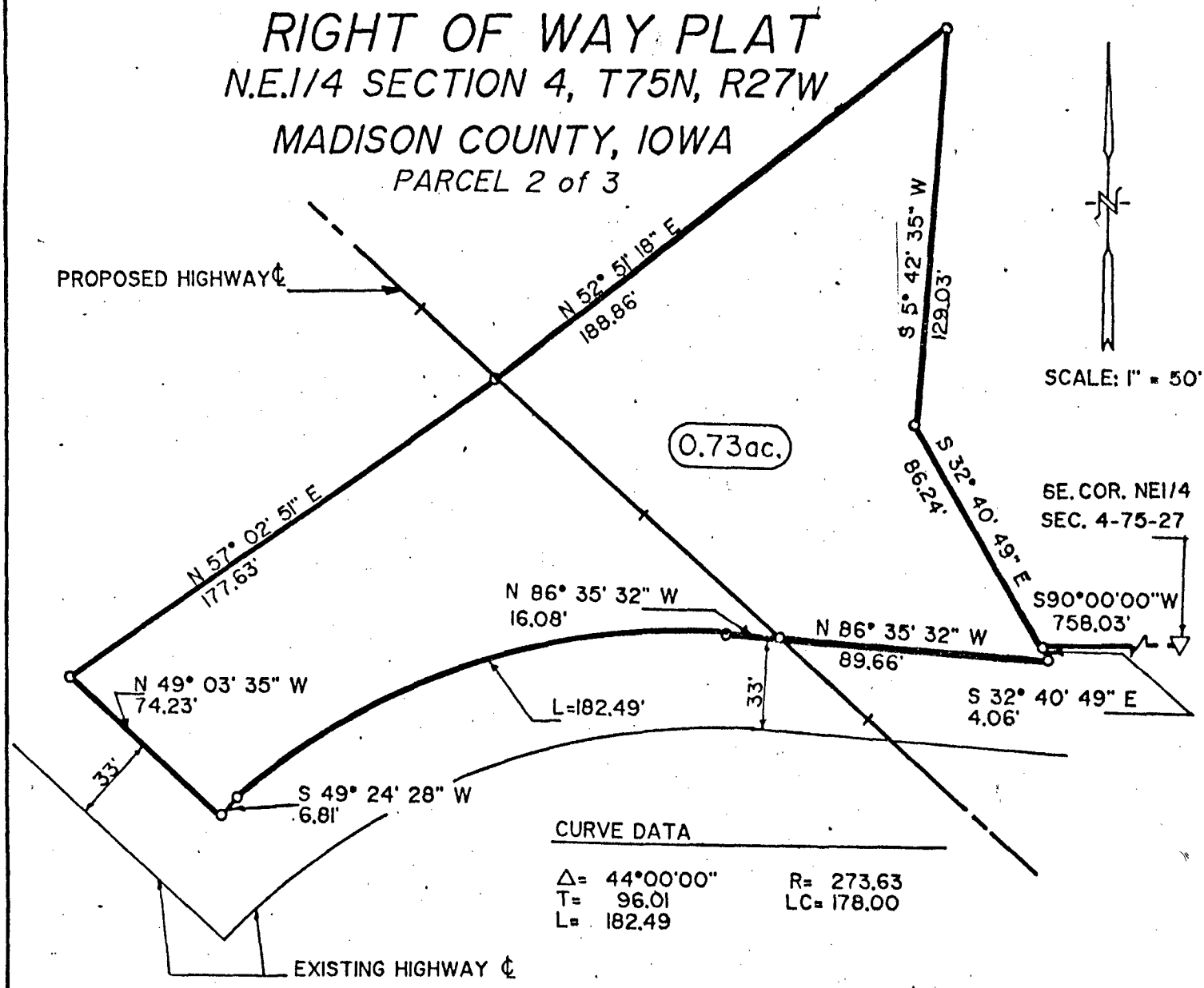
MADISON COUNTY PROJ # BROS006(12)--5E-60

RIGHT OF WAY PLAT

N.E.1/4 SECTION 4, T75N, R27W

MADISON COUNTY, IOWA

PARCEL 2 of 3



DESCRIPTION

Commencing at the southeast corner of the Northeast Quarter of Section 4, Township 75 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa;
thence on an assumed bearing of South 90 degrees 00 minutes 00 seconds West along the South line of said Northeast Quarter 758.03 feet to the point of beginning;
thence South 32 degrees 40 minutes 49 seconds East 4.06 feet to the north right-of-way line of the existing Madison County highway;
thence North 86 degrees 35 minutes 32 seconds West 89.66 feet along the said right-of-way line to the centerline of the proposed new highway;
thence North 86 degrees 35 minutes 32 seconds West 16.08 feet;
thence southwesterly 182.49 feet along a tangential curve concave southeasterly and having a radius of 237.63 feet, a central angle of 44 degrees 00 minutes 00 seconds and a chord 178.00 feet in length bearing south 71 degrees 24 minutes 28 seconds West;
thence South 49 degrees 24 minutes 28 seconds West 6.81 feet to the easterly right of way line of the existing Madison County highway;
thence North 49 degrees 03 minutes 35 seconds West 74.23 feet;
thence North 57 degrees 02 minutes 51 seconds East 177.63 feet to the centerline of the proposed new highway;
thence North 52 degrees 51 minutes 18 seconds East 188.86 feet;
thence South 5 degrees 42 minutes 35 seconds West 129.03 feet;
thence South 32 degrees 40 minutes 49 seconds East 86.24 feet to the point of beginning and containing 0.73 acres more or less exclusive of the present highway right-of-way and subject to encumbrances of record.

MADISON COUNTY PROJ. # BROS9061(12)--5F-61

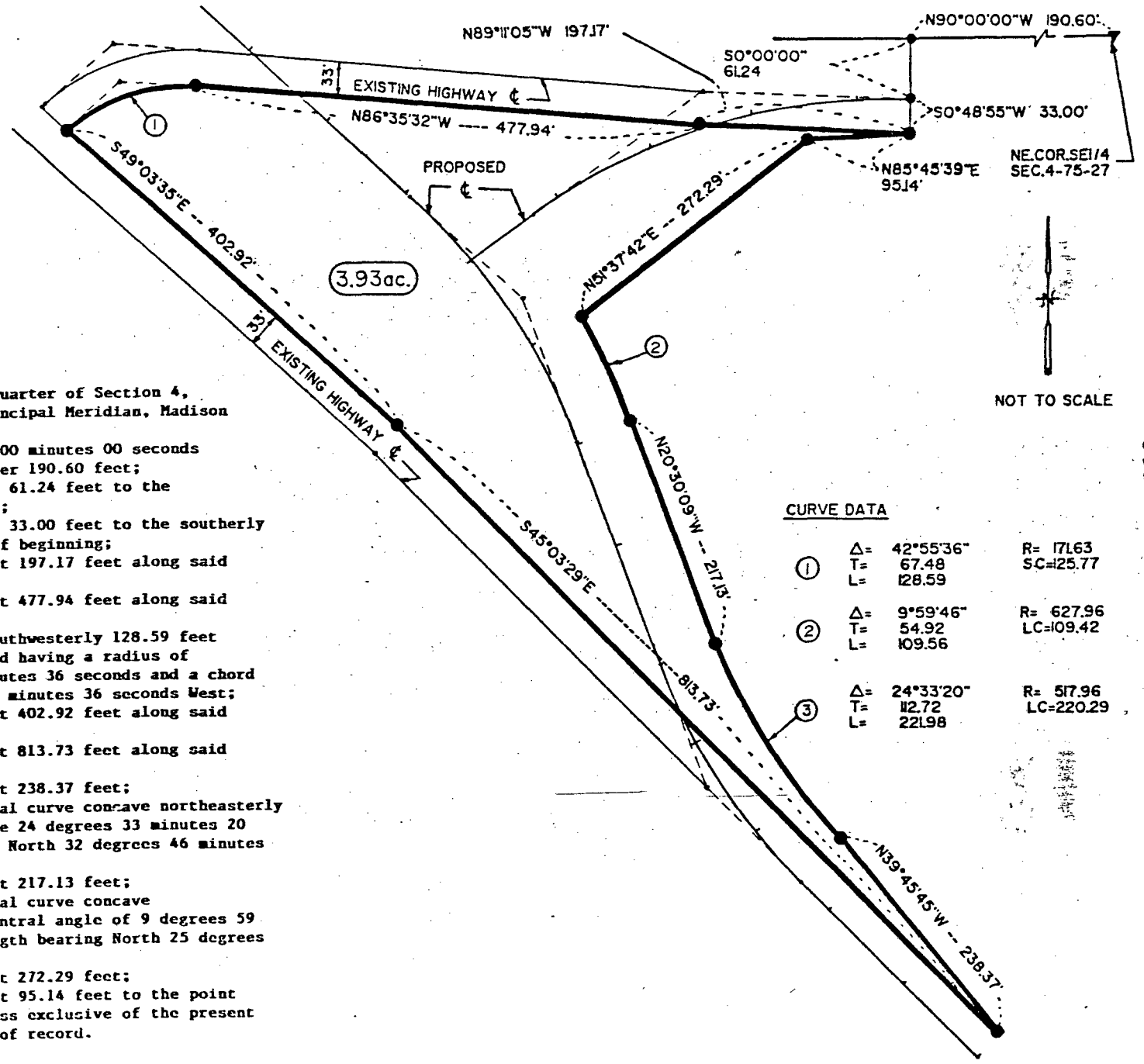
RIGHT OF WAY PLAT

SE 1/4

SECTION 4, T75N, R27W

MADISON COUNTY, IOWA

PARCEL 3 of 3



DEED REC. 119

DESCRIPTION

Commencing at northeast corner of the Southeast Quarter of Section 4, Township 75 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa;
thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds West along the North line of said Southeast Quarter 190.60 feet;
thence South 0 degrees 00 minutes 00 seconds West 61.24 feet to the centerline of the existing Madison County highway;
thence South 0 degrees 48 minutes 55 seconds West 33.00 feet to the southerly right-of-way line of said highway and the point of beginning;
thence North 89 degrees 11 minutes 05 seconds West 197.17 feet along said right-of-way line;
thence North 86 degrees 35 minutes 32 seconds West 477.94 feet along said right-of-way line;
thence continuing along said right-of-way line southwesterly 128.59 feet along a tangential curve concave southeasterly and having a radius of 171.63 feet, a central angle of 42 degrees 55 minutes 36 seconds and a chord 125.77 feet in length bearing South 71 degrees 55 minutes 36 seconds West;
thence South 49 degrees 03 minutes 35 seconds East 402.92 feet along said right-of-way line;
thence South 45 degrees 03 minutes 29 seconds East 813.73 feet along said right-of-way line;
thence North 39 degrees 45 minutes 45 seconds West 238.37 feet;
thence northwesterly 221.98 feet along a tangential curve concave northeasterly and having a radius of 517.96, feet a central angle 24 degrees 33 minutes 20 seconds and a chord 220.29 feet in length bearing North 32 degrees 46 minutes 49 seconds West;
thence North 20 degrees 30 minutes 09 seconds West 217.13 feet;
thence northwesterly 109.56 feet along a tangential curve concave southwesterly having a radius of 627.96, feet a central angle of 9 degrees 59 minutes 46 seconds and a chord 109.42 feet in length bearing North 25 degrees 30 minutes 02 seconds West;
thence North 51 degrees 37 minutes 42 seconds East 272.29 feet;
thence North 85 degrees 45 minutes 39 seconds East 95.14 feet to the point of beginning and containing 3.93 acres more or less exclusive of the present highway right-of-way and subject to encumbrances of record.

MADISON COUNTY

PROJ. # BROS9061(12)--5F-61