C2928 2/12/75 C:kh 1

TATE OF IOWA, ss.
ADISON COUNTY,

Inst. No. 683 Filed for Record this 28 day of May 1975 at 4:45 PM
Book 111 Page Recording Fee none Mary E. Welty, Recorder, By Deputy

5-20-75 10:30 AM

IN THE MATTER OF THE CONDEMNATION OF CERTAIN RIGHTS AND LAND BY THE WINTERSET-MADISON COUNTY AIRPORT AUTHORITY, FOR THE USE AND BENEFIT OF MADISON COUNTY, IOWA, IN THE IMPROVEMENT OF THE WINTERSET-MADISON COUNTY AIRPORT LOCATED IN MADISON COUNTY, IOWA.

AMENDED APPLICATION FOR CONDEMNATION OF PROPERTY

TO: GIBSON C. HOLLIDAY, CHIEF JUDGE, FIFTH JUDICIAL DISTRICT OF IOWA.

The Winterset-Madison County Airport Authority, organized under the procedures of Chapter 330A, 1973 Code of Iowa, and pursuant to the power therein provided and described does hereby institute and make application for condemnation of certain interests in real estate situated in Madison County, Iowa. Applicant states:

1. The legal description of the two parcels of land (Parcel "A" and Parcel "B") sought to be condemned in fee by the Applicant is as follows:

PARCEL "A"

Parcel is described as commencing at the Northeast corner of the Southwest Quarter (SW¼) of Section 24, Township 76 North, Range 28 West of the 5th P. M., Madison County, Iowa thence N. 90° 00'W. 255.7 feet to Point of Beginning; thence S. 00° 00' 40.0 feet; thence s. 37° 30'E. 3209.6 feet; thence N. 89° 56'W. 94.62 feet; thence N. 37° 30'W. 3209.44 feet; thence N. 00° 40.0 feet to the North line of said SW¼ thence N. 90° 00' E. 94.54 feet to the Point of Beginning. Said Parcel "A" contains 5.6130 Acres including 0.0868 Acres of County Road Right of Way. North line of the SW¼ of Section 24, T76N-R28W is assumed to bear due East and West.

PARCEL "B"

Parcel is described as commencing at the Northeast Corner of the Southwest Quarter (SW¼) of Section 24, Township 76 North, Range 28 West of the 5th P. M., Madison County, Iowa: thence N. 90° 00' W. 255.7 feet thence S. 00° 00' 40.0 feet; thence S. 37° 30'E 3209.6 feet; thence N. 84° 56'W. 378.5 feet to Point of Beginning Parcel B: thence N. 37° 30'W. 1837.0 feet; thence N. 89° 52' E. 94.69 feet; thence S. 37° 30'E. 1837.45 feet; thence N. 89° 56' W. 94.62 feet to Point of Beginning Parcel B. Said Parcel "B" contains 3.2214 acres. The North line of the SE¼ of Section 24, T76N-R28W is assumed to bear due East and West.

The only improvement on said Parcels is fencing which is already owned by the Applicant. Applicant shall replace the existing fencing, at Applicant's cost, so as to constitute a boundary

between the Parcels condemned and Condemnee's remaining property.

The legal description of three parcels of land in which Applicant desires to condemn an aviation easement and right of way for the unobstructed and restricted flight of air traffic in, through, and across the air space over and above the surface of said real estate, said easement being that easement prescribed for airport clear zone easements set forth by the Iowa Aeronautics Commission, is as follows:

> Commencing at the SE. Cor. of the SE¼ NW¼ Sec. 24 T76N-R28W of the 5th P. M., Madison County, Iowa, thence N. 90° 00'W. 311.5 feet to the Point of Beginning. Thence N. 31° 48' W. 954.1 feet, thence S. 52° 30' W. 450.0 feet, thence S. 43° 12'E. 736.6 feet, thence S. 90° 00' E. 355.6 feet to the Point of Beginning. Said Parcel is situated in the SE¼ NW¼ Sec. 24 and contains 7.0952 Acres.

AND

> Commencing at the SW. Cor. of the SE¼ SE¼ Sec. 24 T76N-R28W of the 5th P. M., Madison County, Iowa, thence N. 90° 00' E. 67.1 feet to the Point of Beginning. Thence N. 31° 48'W. 70.6 feet, thence N. 90° 00' E. 344.7 feet, thence S. 43° 12' E. 82.3 feet, thence S. 90° 00' W. 363.8 feet to the Point of Beginning. Said parcel is situated in the SE¼ SE¼ SEc. 24 and contains 0.4880 Acres.

AND

> Commencing at the NW. Cor. of the NE¼ NE¼ Sec. 25 T76N-R28W of the 5th P. M., Madison County, Iowa, thence N. 90° 00' E. 67.1 feet to the Point of Beginning. Thence continuing N. 90° 00' E. 363.8 feet, thence S. 43° 12'E. 699.2 feet, thence S. 52° 30' W. 450.0 feet, thence N. 31° 48' W. 921.8 feet to the Point of Beginning. Said parcel is situated in the NE¼ NE¼ Sec. 25 and contains 6.8659 Acres.

2. Attached hereto and by this reference made a part hereof are engineering plat drawings showing the location of Parcels "A" and "B" described above and the real estate in which an aviation easement is to be condemned.

3. The present owner of record of said Parcels "A" and "B" is:

MADISON COUNTY, IOWA
GEORGE ABRAHAMS, AUDITOR
MADISON COUNTY COURTHOUSE
WINTERSET, IOWA 50273

The present Contract purchasers of real estate that includes the

real estate described as Parcels "A" and "B" and one of the parcels in which an aviation easement is sought are:

Robert M. Casper, 103 West Lane, Winterset, Iowa 50273

Robert E. Casper, Rural Route 2, Winterset, Iowa 50273

Dwight Casper, 121 West Lane, Winterset, Iowa 50273

Other present owners of an interest in real estate that would be affected by such condemnation proceedings are:

CITY OF WINTERSET
O. D. SIMMONS, CLERK
WINTERSET CITY HALL
WINTERSET, IOWA 50273

Mrs. Donna Raber, Rural Route 4, Winterset, Iowa 50273

Glenn Cline, 204 W. Washington, Winterset, Iowa 50273

4. Condemnation of the property rights described above is sought for the improvement and development of the present airport operated by the Winterset-Madison County Airport Authority primarily for the purpose of meeting the physical requirements imposed for State aid for the airport development by the Iowa Aeronautics Commission.

5. Applicant respectfully requests the appointment of a Commission to appraise the damages that would result from the condemnation of the property rights described above.

Harry F. Reed

Harry F. Reed, Chairman
Winterset-Madison County Airport Authority
Applicant

Dated this 13 day of FEB., 1975.

GORDON K. DARLING
CHET R. CHICKERING

By Chet R. Chickering
53 Jefferson Street
Winterset, Iowa 50273
Telephone 462-2442
Attorneys for Applicant

RECEIVED by Gibson Kelleday Chief Judge on February 18, 1975.

Southwest Quarter (SW¼) of Section 24, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa.

DESCRIPTION:

A parcel of land described as commencing at the Northeast Corner of the Southwest Quarter (SW¼) of Section 24, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa thence N.90°00'W. 255.7 feet to Point of Beginning; thence S.00°00' 40.0 feet; thence S.37°30'E. 3209.6 feet; thence N.89°56'W. 378.5 feet; thence N.37°30'W. 1837.0 feet; thence S.89°52'W. 867.6 feet; to Centerline of County Road; thence N.0°05'W. 1130.5 feet to the North line of said SW¼; thence N.90°00'E. 412.2 feet to Point of Beginning. Said parcel contains 33.7668 Acres including 1.2046 Acres of County Road Right of Way. The North line of the SW¼ of Section 24-T76N-R28W is assumed to bear due East and West.

(See Attached Condemnation Descriptions for Parcels "A" & "B".)

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

Signed J. M. Hochstetler Date Jan. 30 1974

J. M. Hochstetler, P.E., L.S. Iowa Reg. No. 6808

VANCE & HOCHSTETLER
CONSULTING ENGINEERS

1

CONDEMNATION DESCRIPTION:

PARCEL "A"

Parcel is described as commencing at the Northeast Corner of the Southwest Quarter ($SW\frac{1}{4}$) of Section 24, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa thence N.90°00'W. 255.7 feet to Point of Beginning; thence S.00°00' 40.0 feet; thence S.37° 30'E. 3209.6 feet; thence N.89°56'W. 94.62 feet; thence N.37°30'W. 3209.44 feet; thence N.00°00' 40.0 feet to the North line of said $SW\frac{1}{4}$; thence N.90°00'E. 94.54 feet to Point of Beginning. Said Parcel "A" contains 5.6130 Acres including 0.0868 Acres of County Road Right of Way. North line of the $SW\frac{1}{4}$ of Section 24, T76N-R28W is assumed to bear due East and West.

CONDEMNATION DESCRIPTION:

PARCEL "B"

Parcel is described as commencing at the Northeast Corner of the Southwest Quarter ($SW\frac{1}{4}$) of Section 24, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence N.90°00'W. 255.7 feet thence S.00°00' 40.0 feet; thence S.37°30'E. 3209.6 feet; thence N.84°56'W. 378.5 feet to Point of Beginning Parcel B; thence N.37°30'W. 1837.0 feet; thence N.89°52'E. 94.69 feet; thence S.37° 30'E. 1837.45 feet; thence N.89°56'W. 94.62 feet to Point of Beginning Parcel B. Said Parcel "B" contains 3.2214 Acres. The North line of the $SW\frac{1}{4}$ of Section 24, T76N-R28W is assumed to bear due East and West.

14

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Condemnation
Airport – Authority
extended Runway
2/20/75