

OFFICE OF

Sheriff of Madison County

REX ROUSE, SHERIFF
PAUL D. WELCH, DEPUTY Jerry Harman
JOHN TOPPENBERG, DEPUTY Dave Cox
WINTERSET, IOWA 50273

FILED
1980 JUN 23 AM 9:27
MARGARET A. WHEELER
CLERK OF DISTRICT COURT

TELEPHONE
DAY OR NIGHT
462 - 3575
AREA CODE 515

FILED NO. 629
BOOK 113 PAGE 225
1980 OCT 30 AM 10:02
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $11.00

TO: Verna W. Klein
101 N. 3rd Ave.
Winterset, Ia. 50273

June 20, 1980

This is to advise you that there has been deposited with me Check # 59c in the amount of $30,000.00. This check represents the amount of the Condemnation Compensation Commission award made on May 22, 1980. This check may be picked up at the Madison County Sheriff's Office at your convenience between the hours of 8:00 A.M. and 5:00 P.M. any Monday through Friday. I would however, suggest you contact your attorney BEFORE picking this check up.

Yours truly,
Rex Rouse
Rex Rouse, Sheriff

Madison County, Ia. 50273

Check Received 6-23 1980
Margaret N Wheeler

IND. ____
REC. ____
PAGE ____

RECEIVED PURSUENT TO STIPULATION AND DISMISSAL THE SUM OF $30,000.00 BY LEONARD M. FLANDER FOR VERNA W. KLEIN ON OCTOBER 22, 1980.

LEONARD M. FLANDER, ATTORNEY

ENTERED FOR TAXATION
THIS 30 DAY OF October 1980
AUDITORS FEE $ 50¢
George F. Adkins
AUDITOR
Jean Addis
DEPUTY AUDITOR

MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA
1980 JUN 20 PM 3:51
FILED

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

VERNA KLEIN,
Plaintiff-Appellant

vs

CITY OF PATTERSON and
LEW WILDIN,
Defendants

LAW No. 21942

JUN 20 1980

NOTICE OF APPEAL

COMES NOW Verna Klein, plaintiff condemnee, 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 May 22, 1980.

FLANDER AND CASPER

By Leonard M. Flander
Leonard M. Flander
Attorney for Plaintiff
223 East Court Avenue
Winterset, Iowa 50273
Tele: (515) 462-4912

I, Rex Rouse, the Sheriff of Madison County, Iowa, do hereby accept service of the above Notice at Winterset, Iowa on this 20th day of June, 1980.

Rex Rouse
Rex Rouse, Sheriff

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
JUN 20 1980

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

VERNA KLEIN,
Plaintiff-Appellant

vs

CITY OF PATTERSON and
LEW WILDIN,
Defendants

LAW No. 21942

ORIGINAL NOTICE

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 Leonard M. Flander of the Law Firm of Flander and Casper, whose address is 223 East Court Avenue, 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.

SEAL OF THE DISTRICT COURT MADISON COUNTY IOWA

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.

FILED
1980 JUN 20 PM 2:58
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE IOWA DISTRICT COURT FOR MADISON COUNTY

VERNA KLEIN,
Plaintiff-Appellant

LAW No. 21942

vs

CITY OF PATTERSON and
LEW WILDIN,
Defendants

PETITION

Comes now Plaintiff-Appellant, Verna Klein, and for her Petition on appeal pursuant to Chapter 472 of the 1979 Code of Iowa, states:

1. Verna Klein an individual residing in Madison County at all times material hereto was the owner of the real estate legally described as:

> The South Half (½) of the Southwest Quarter (¼) of the Northeast Quarter (¼) and all that part of the West Half (½) of the Southeast Quarter (¼) lying and being North of the right of way granted to the Des Moines, Winterset & Southwestern Railroad Company (except all that part of the Southwest Quarter (¼) of the Southeast Quarter (¼) which lies South of the South line of the Public Highway known as highway No. 92 and North of said Railroad right of way, excepting from the East end thereof the portion at one time used for public highway which is now abandoned, containing 3/4 acre, more or less); all of Section Twenty-nine (29) in Township Seventy-six (76) North, of Range Twenty-six (26) West of the 5th P.M.

2. On or about the 22 day of May, 1980 the Defendant, City of Patterson, Iowa, served Notice on this Plaintiff-appellant that the said City of Patterson desired condemnation of the fee title to the real estate legally described as:

> A part of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa described as commencing at the Southwest corner of the SW¼ of the NE¼ of said Section 29, thence N. 0° 00' 110.00 feet to the point of beginnning, thence N. 87°00' E. 810.00 feet, thence N. 0°00' 480.00 feet, thence S. 87°00' W. 810.00 feet to the West line of said SW¼ of the NE¼, thence S. 0°00' 480.00 feet to point of beginning containing 8.913 acres
>
> The west line of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M. is assumed to bear due North and South.
>
> and,
> A part of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) and a part of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) all in Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa described as beginning at the Southwest corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of said Section 29, thence N. 0°00' 110.00 feet, thence N. 87°00' E. 30.00 feet, thence S. 0°00' 1,428.00 feet, thence S. 87°00' W. 30.00 feet to the West line of the NW¼ of the SE¼ of said Section 29, thence N. 0°00' 1,318.00 feet to point of beginng containing 0.982 acres.

and an easement over and across the real estate legally described as:

> A permanent easement for construction and maintenance of a drain tile across a portion of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼); the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼); and the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) all in Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa. Said easement to be 30.00 feet in width - 15.00 feet either side of the following described centerline; commencing at the Southwest corner of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, thence N. 0°00' 110.00 feet, thence N. 87°00' E. 800.00 feet to point of beginning, thence S. 17°00' E. 1,680.00 feet to the North line of Iowa Highway 92 right of way at a point approximately 50.00 feet West of the East line of the SW¼ of the SE¼ of said Section 29.
>
> The West line of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa is assumed to bear due North and South.

3. On or about the 22nd day of May, 1980 the Compensation Commission assessed the damages for said condemnation from which this Plaintiff-Appellant have appealed the Court as provided by law.

4. To the knowledge of the Plaintiff-Appellant, Defendant-Appellee intends to take immediate possession of the property condemned.

5. Defendant Lew Wildin is the Plaintiff-Appellant's tenant and is entitled to the present possession and use of Plaintiff-Appellants real estate.

6. On account of said condemnation and taking this Plaintiff-Appellant has been damaged in the sum of $103,000.00. The items of damage to the Plaintiff-Appellant by reason of said condemnation and taking include but are not limited to those specifically stated as follows:

> a. By taking the fee title as particularly described in Paragraph 2 hereof.
>
> b. By taking the easement particularly described in Paragraph 2 hereof.
>
> c. By causing Plaintiff to remove 100 feet of existing fence at the northwest corner of the lot at the south end of the portion of her premises located north of the highway.

d. By causing Plaintiff to construct a portion or all of 3,528 feet of new fence on the line between the premises described in Paragraph 2 hereof, fee title of which has been taken by Defendant-Appellee and her remaining property.

e. By taking her ownership rights in 954 feet of existing fence on the west boundary of the premises described in Paragraph 1 hereof.

f. By making a sizeable portion of Plaintiff-Appellant's remaining land unusuable for crop land for which it suited.

g. By interfering with and destroying tile drainage lines which traverse the property taken by Defendant-Appellee in fee simple or by easement.

h. By interfering with and/or destroying a drainage swale or ditch which traverses the property taken by Defendant-Appellee.

i. By causing Plaintiff to change the direction of farming operations on her remaining real estate thereby decreasing her ability to control surface water drainage and exposing her remaining real estate to loss by erosion.

j. By exposing Plaintiff-appellant's real estate and the residence thereon to the foul odors incident to and emunating from the sewage lagoon to be operated by the Defendant-Appellee.

k. By exposing her remaining real estate to the danger of trespass, vandalism and littering by the construction of a dead end roadway to Defendant's sewage lagoon site, which roadway will be situated along the west side of Defendant's remaining property.

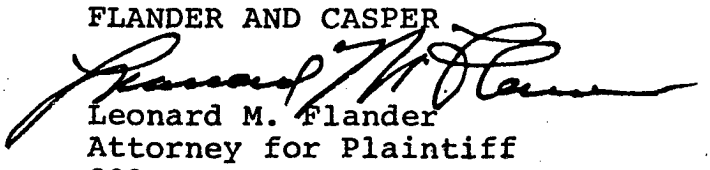
l. By subjecting Plaintiff-Appellant remaining premises to increased dust and noise pollution caused by the operation of its trucks and vehicles on the rock roadway to be constructed along the west boundary of Plaintiff-appellant's remaining property.

m. By destroying the access of her long term tenant to her premises from adjoining property owned or rented by her long-term tenant.

7. The difference in the fair and reasonable market value of Plaintiff's real estate immediately before and immediately after the taking by the City of Patterson is $103,000.00.

WHEREFORE, PLAINTIFF PRAYS that damages to the Plaintiff's property be determined in accordance with law.

FLANDER AND CASPER



Leonard M. Flander
Attorney for Plaintiff
223 East Court Avenue
Winterset, Iowa 50273
Tele: (515) 462-4912

IN THE SHERIFF'S OFFICE OF MADISON COUNTY, IOWA

IN THE MATTER	:	
OF THE	:	NOTICE
CONDEMNATION OF A SITE for a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the City of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa.	:	

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA

MAY 7 1980

TO: VERNA W. KLEIN, 101 North 3rd, Winterset, Iowa, Owner of real estate described in Exhibits A, B, C, D, and E, attached hereto and made a part hereof, and Lew Wildin, Rural Route 2, Winterset, Iowa, tenant in possession thereof:

YOU ARE HEREBY NOTIFIED that the City of Patterson, Madison County, Iowa desires the condemnation of certain real estate described in Exhibit A, Exhibit D and Exhibit C for the purpose of constructing a sewer lagoon site, an access road and constructing and forever maintaining a tile drainage line through, under and across said real estate as described, together with ingress and egress to and from the same and all the rights and privileges incident and necessary to the enjoyment of this grant, and that said sewer lagoon, access road and sewer line are to be installed as a part of the sewer system of the City of Patterson, Iowa to serve said City and its inhabitants.

YOU ARE FURTHER NOTIFIED that the City of Patterson, Madison County, Iowa desires the condemnation and fee simple title of real estate described in Exhibit A, attached hereto and made a part hereof for the purpose of constructing and installing a sewer lagoon site and to real estate described in Exhibit D for the purpose of construction of an access road, together with all of the rights and privileges incident

and necessary to the enjoyment of said grant, said lagoon system to be used as a part of the sewer system of the City of Patterson, Iowa to serve the said City and its inhabitants, and

YOU ARE FURTHER NOTIFIED that the City of Patterson, Madison County, Iowa desires the condemnation of certain easement rights in connection with the installation of a drain tile from the sewer lagoon system and over, across and under the real estate described in Exhibit C, attached hereto and made a part hereof. Said easement is necessary for the drainage of the lagoon site.

That a commission has been appointed as provided by law for the purpose of appraising the damage which will be caused by the condemnation of the easement and the land in fee simple title as described and that the commission so appointed will meet on the 22nd day of May, 1980 at 9:30 o'clock A.M. to view said premises and proceed to appraise said damage, including damages of the tenant in possession, at which time you may appear before the compensation commissioners, if you care to do so.

Dated at Patterson, Iowa this 5th day of May, 1980.

CITY OF PATTERSON, IOWA

BY: _____

P. F. Elgin, City Attorney
106 East Salem Avenue
Indianola, Iowa 50125
Telephone: 961-2574

EXHIBIT "A"

LAGOON SITE DESCRIPTION

A part of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa described as commencing at the Southwest corner of the SW¼ of the NE¼ of said Section 29, thence N. 0 degrees 00' 110.00 feet to the point of beginning, thence N. 87 degrees 00' E. 810.00 feet, thence N. 0 degrees 00' 480.00 feet, thence S. 87 degrees 00' W. 810.00 feet to the West line of said SW¼ of the NE¼, thence S. 0 degrees 00' 480.00 feet to point of beginning containing 8.913 acres.

The West line of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M. is assumed to bear due North and South.

EXHIBIT "C"

TILE LINE EASEMENT DESCRIPTION

A permanent easment for construction and maintenance of a drain tile across a portion of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼); the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼); and the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) all in Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa. Said easement to be 30.00 feet in width - 15.00 feet either side of the following described centerline; commencing at the Southwest corner of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, thence N. 0 degrees 00' 110.00 feet, thence N. 87 degrees 00' E. 800.00 feet to point of beginning, thence S. 17 degrees 00' E. 1,680.00 feet to the North line of Iowa Highway 92 right-of-way at a point approximately 50.00 feet West of the East line of the SW¼ of the SE¼ of said Section 29.

The West line of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M, Madison County, Iowa is assumed to bear due North and South.

EXHIBIT "D"

ACCESS ROAD DESCRIPTION

A part of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) and a part of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) all in Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa described as beginning at the Southwest corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of said Section 29, thence N. 0 degrees 00' 110.00 feet, thence N. 87 degrees 00' E. 30.00 feet, thence S. 0 degrees 00' 1,428.00 feet, thence S. 87 degrees 00' W. 30.00 feet to the West line of the NW¼ of the SE¼ of said Section 29, thence N. 0 degrees 00' 1,318.00 feet to point of beginning containing 0.982 acres.

OFFICERS RETURN OF SERVICE

BBB

STATE OF IOWA, MADISON County, ss.

The attached notice with copy of Petition attached received this 7th day of May, 1980, 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
Verna W. Klein	May	7th	1980	Center	Madison	Iowa

Rex Rouse Sheriff

Rex Rouse

Madison County, Iowa

By _____, Deputy Sheriff

RETURN OF ORIGINAL NOTICE

STATE OF IOWA, MADISON County, ss.

The within notice came into my hands on the 7th day of May 1980, and on the 7th day of May, 1980, I served the same on Lew Wildin _____, by leaving a true copy thereof at the house of Lew Wildin, situated in the Township of crawford Madison County, Iowa, the same being the usual place of residence of said defendent with Mrs. Lew Wildin, a member of said defendant's family, with whom he resides, and over 18 years of age, the said defendant not being found within the County.

FEES

Service, $ 5.00

Copies, $ _____

Mileage, $ 3.52

Total, $ 8.52

Rex Rouse Rex Rouse

Sherriff of Madison County

By _____, Deputy

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 7th day of May, 19 80

and on the 7th day of May, 19 80, I served the same upon the

Madison County, Iowa

by offering to read the same to George Abrahams, he being the Auditor

of the County of Madison, 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

see Lew Wildin return for fees

Service - - - $

Copies - - - $

Mileage - - - $

Total - - - $

Rex Rouse

Rex Rouse, Sheriff

of Madison County

By

Deputy.

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

IN THE MATTER of the CONDEMNATION OF A SITE for a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the City of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa. Verna W. Klein, Lew Wilden Madison County, Iowa	SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
MAY 5 1980

An Application for Condemnation having been filed with me by the City of Patterson for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in its application filed in the above entitled matter, I hereby designate, select, and appoint as the members of said compensation commission required in this matter the following persons:

NAME:	ADDRESS	QUALIFICATION
N ✓ Dwight Mundell	Winterset	Licensed Real Estate Salesman or Broker
Y ✓ Pat Corkrean	Winterset	
Y ✓ Kenneth Ritter	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Y ✓ John Foster	Winterset	
N ✓ N. B. Hollingsworth	Winterset	Agricultural
Y ✓ Darrell Daggett	Earlham	

I further designate, select, and appoint the above-named Dwight Mundell to act as Chairman of said commission.

TO THE SHERIFF OF MADISON COUNTY, IOWA: Attached hereto please find a duplicate of the Application for Condemnation in the above matter.

Dated at Indianola, Iowa this 30th day of April, 1980.

Harry Perkins
HARRY PERKINS, Chief Judge of the Fifth Judicial District, Including Madison County

Filed in my office at Winterset, Iowa this 5th day of May, 1980.

Rex Rouse
Sheriff of Madison County, Iowa

IN THE MATTER :

of the :

CONDEMNATION OF A SITE :
for a sewer lagoon,
access road and an easement :
for the purpose of drainage
for the benefit of the City of :
Patterson, Madison County,
Iowa, said lagoon site, access :
road and easement site being
located in the S½ of the SW¼ :
of the NE¼ of Section 29, Town-
ship 76 North, Range 26 West :
of the 5th P.M., Madison
County, Iowa. :

Madison County, Iowa :

SUPPLEMENTARY ORDER
APPOINTING ALTERNATE
COMPENSATION COMMISSIONERS

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA

MAY 5 1980

An Application for Condemnation having been filed with me by the City of Patterson for the selection and appointment, by lot, of a duly constituted compensation commission, and said selection and appointment having been made by me, I further, DESIGNATE, SELECT and APPOINT the following persons to serve as alternate members of said compensation commission, in the event that any of the said members having the same qualifications are unable to serve for any reason.

NAME:	ADDRESS:	QUALIFICATION:
y ~ William Hunter	Earlham	Licensed Real Estate Salesman or Broker
Wayne Newton	Winterset	Knowledgeable of Property Values by Virtue of Occupation
y ~ Don Beeler	Peru	Agricultural

The Sheriff of Madison County, Iowa, shall upon being informed of a vacancy in the compensation commission, notify the alternate member appointed having the same qualifications as the person unable to serve in the same manner as the original commissioners were notified.

Dated at Indianola, Iowa, this 30th day of April, 1980.

Harry Perkins
HARRY PERKINS, Chief Judge of
the Fifth Judicial District,
Including Madison County, Iowa

Filed in my office at Winterset, Iowa this 5th day of May, 1980.

Rep Rouse
SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER	:	
of the	:	APPLICATION TO THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES
CONDEMNATION OF A SITE for a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the City of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa.	:	

TO: HARRY PERKINS, Chief Judge of the Fifth Judicial District of the State of Iowa, which includes Madison County, Iowa

COMES NOW the City of Patterson and states that the public interest requires that the City of Patterson acquire certain rights to agricultural land hereinafter described, by condemnation proceedings as authorized and provided by law.

The property to be condemned is for the purpose of the construction of a sewer lagoon in an area described as shown in Exhibit A, attached hereto and made a part hereof, and located and shown on the Plat marked Exhibit B, attached hereto and made a part hereof, and an easement for the purpose of laying and installing an underground tile line for removal of excess waste water over an area described in Exhibit C, attached hereto and made a part hereof, and which is located as shown by the Plat marked Exhibit B, attached hereto and made a part hereof, and for construction of an access road over real estate described in Exhibit D, attached hereto and made a part hereof, and as indicated on Exhibit B.

That the owner of the real estate in question is Verna W. Klein and there are no liens against the premises and the real estate taxes for the fiscal year beginning July 1, 1979

are paid in full. That the tenant in possession of said described premises is Lew Wilden.

The City of Patterson has been unable to secure the described rights in said real estate by purchase and conveyance.

NOW, THEREFORE, the City of Patterson hereby requests the appointment of acompensation commission of six persons, qualified as prescribed in Section 472.4 Code of Iowa (1979), which commissioners shall not be interested in this matter or a like question, and who shall view the real estate involved and appraise the damages which the owners and tenant thereof will sustain by reason of the appropriation herein sought to be condemned for the purposes herein stated and make their report in writing to the Sheriff as provided by law.

Dated at Indianola, Iowa this 29th day of April, 1980.

CITY OF PATTERSON, IOWA

BY: P. F. Elgin
P. F. Elgin, City Attorney

Filed in duplicate in my office in Des Moines, Iowa this 30 day of April, 1980.

Harry Perkins
HARRY PERKINS, Judge of the
Fifth Judicial District of the
State of Iowa

EXHIBIT "A"

LAGOON SITE DESCRIPTION

A part of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa described as commencing at the Southwest corner of the SW¼ of the NE¼ of said Section 29, thence N. 0 degrees 00' 110.00 feet to the point of beginning, thence N. 87 degrees 00' E. 810.00 feet, thence N. 0 degrees 00' 480.00 feet, thence S. 87 degrees 00' W. 810.00 feet to the West line of said SW¼ of the NE¼, thence S. 0 degrees 00' 480.00 feet to point of beginning containing 8.913 acres.

The West line of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M. is assumed to bear due North and South.

EXHIBIT "B"

PLAT OF PROPERTY REQUIRED FOR WASTEWATER TREATMENT FACILITIES

OWNED BY VERNA W. KLEIN

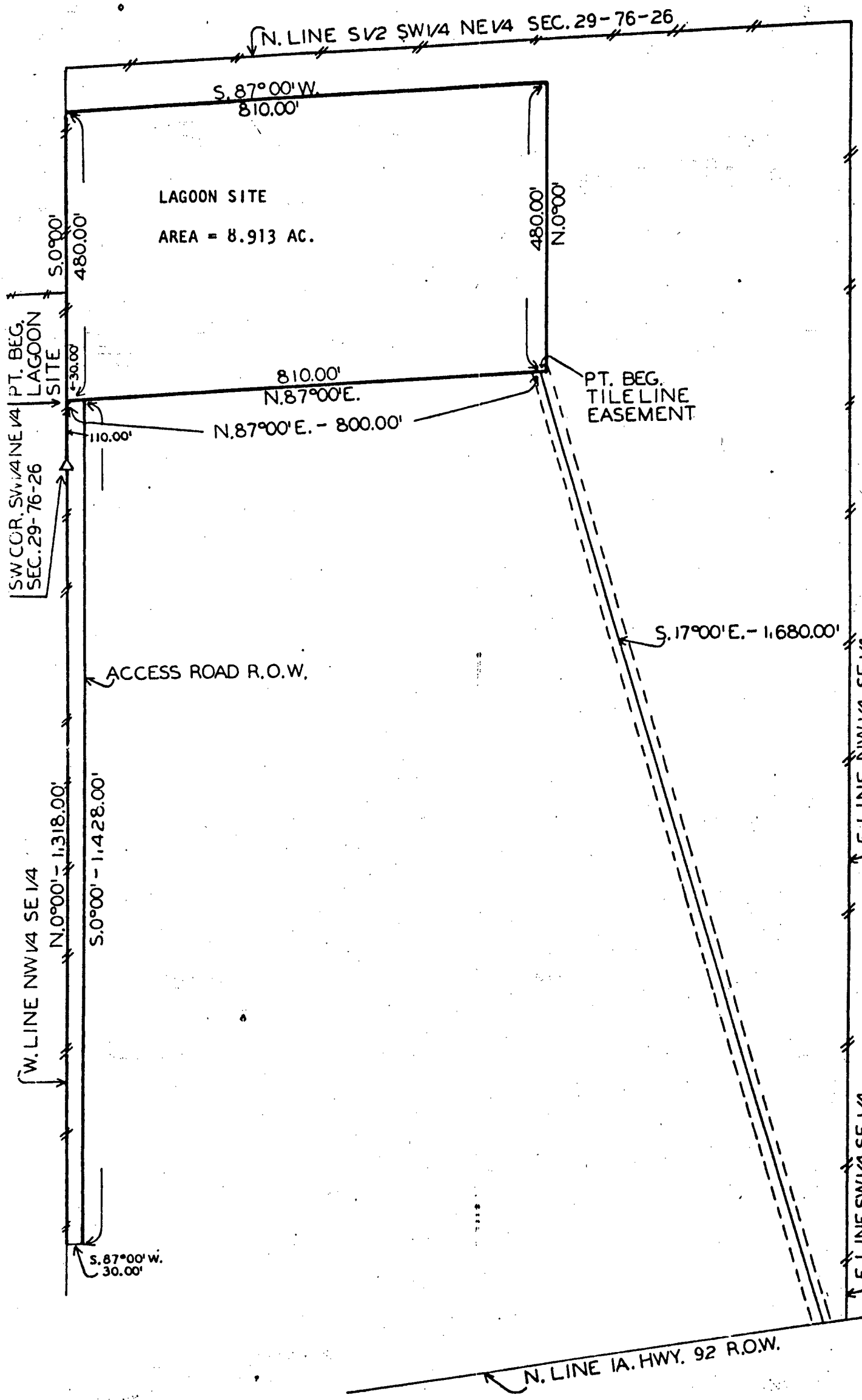


EXHIBIT "C"

TILE LINE EASEMENT DESCRIPTION

A permanent easment for construction and maintenance of a drain tile across a portion of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼); the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼); and the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) all in Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa. Said easement to be 30.00 feet in width - 15.00 feet either side of the following described centerline; commencing at the Southwest corner of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, thence N. 0 degrees 00' 110.00 feet, thence N. 87 degrees 00' E. 800.00 feet to point of beginning, thence S. 17 degrees 00' E. 1,680.00 feet to the North line of Iowa Highway 92 right-of-way at a point approximately 50.00 feet West of the East line of the SW¼ of the SE¼ of said Section 29.

The West line of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M, Madison County, Iowa is assumed to bear due North and South.

EXHIBIT "D"

ACCESS ROAD DESCRIPTION

A part of the South Half (S½) of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) and a part of the Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) all in Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa described as beginning at the Southwest corner of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of said Section 29, thence N. 0 degrees 00' 110.00 feet, thence N. 87 degrees 00' E. 30.00 feet, thence S. 0 degrees 00' 1,428.00 feet, thence S. 87 degrees 00' W. 30.00 feet to the West line of the NW¼ of the SE¼ of said Section 29, thence N. 0 degrees 00' 1,318.00 feet to point of beginning containing 0.982 acres.

IN THE MATTER OF THE CONDEMNATION OF A SITE For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County

: SUMMONS TO COMMISSIONERS

TO: William Hunter; Pat Corkrean; Kenneth Ritter; John Foster; Don Beeler; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that William Hunter has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa, this _____ day of _____, 19____. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

_____

Filed in my office at _____, Iowa, this _____ day of _____

_____

Sheriff of _____ County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

_____

IN THE MATTER OF THE CONDEMNATION OF A SITE For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County

: SUMMONS TO COMMISSIONERS

TO: William Hunter; Pat Corkrean; Kenneth Ritter; John Foster; Don Beeler; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that William Hunter has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Peru, Iowa, this 16 day of May, 1980. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

Don Beeler

Filed in my office at Winterset, Iowa, this 16th day of May 1980

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

ATTENTION:

Before accepting appointment to this commission, please note the persons and real estate affected by this condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision. If you can serve, please sign the acceptance on the original and return to my office.

Rex Rouse, Sheriff
Madison County, Ia.
50273

IN THE MATTER

OF THE

CONDEMNATION OF A SITE
For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County

: SUMMONS TO COMMISSIONERS

TO: William Hunter; Pat Corkrean; Kenneth Ritter; John Foster; N.B. Hollingsworth; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that William Hunter has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Earlham, Iowa, this 14th day of May, 19 80. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

William Hunter

Filed in my office at Winterset, Iowa, this 15th day of May 1980

Rex Rouse
Sheriff of Madison County, Iowa

ATTENTION:

Before accepting appointment to this commission, please note the persons and real estate affected by this condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision. If you can serve, please sign the acceptance on the original and return to my office.

Rex Rouse
Rex Rouse, Sheriff
Madison County, Ia.
50273

IN THE MATTER

OF THE

CONDEMNATION OF A SITE
For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County

: SUMMONS TO COMMISSIONERS

TO: Dwight Mundell; Pat Corkrean; Kenneth Ritter; John Foster; N.B. Hollingsworth; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Dwight Mundell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa, this _____ day of _____, 19____. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

_____

Filed in my office at Winterset, Iowa, this 13th day of May 1980

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

I am good friends of both parties which could cause me to render a biased decision

N.B. Hollingsworth

IN THE MATTER

OF THE

CONDEMNATION OF A SITE
For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County

: SUMMONS TO COMMISSIONERS

TO: Dwight Mundell; Pat Corkrean; Kenneth Ritter; John Foster; N.B. Hollingsworth; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, its application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Dwight Mundell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa, this 9th day of May, 19 80. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

Richard F Parker

Filed in my office at Winterset, Iowa, this 12 day of May 1980

Rex Rouse
Sheriff of Madison County

ATTENTION:

Before accepting appointment to this commission, please note the persons and real estate affected by this condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision. If you can serve, please sign the acceptance on the original and return to my office.

Rex Rouse.
Rex Rouse, Sheriff
Madison County, Ia.
50273

IN THE MATTER :

of the :

CONDEMNATION OF A SITE :
for a sewer lagoon,
access road and an easement :
for the purpose of drainage
for the benefit of the City of:
Patterson, Madison County,
Iowa, said lagoon site, access:
road and easement site being
located in the S½ of the SW¼ :
of the NE¼ of Section 29, Town-
ship 76 North, Range 26 West :
of the 5th P.M., Madison
County, Iowa. :

Verna W. Klein, Lew Wilden :

Madison County, Iowa :

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
MAY 5 1980

An Application for Condemnation having been filed with me by the City of Patterson for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in its application filed in the above entitled matter, I hereby designate, select, and appoint as the members of said compensation commission required in this matter the following persons:

NAME:	ADDRESS	QUALIFICATION
Dwight Mundell	Winterset	Licensed Real Estate Salesman or Broker
Pat Corkrean	Winterset	
Kenneth Ritter	Winterset	Knowledgeable of Property Values by Virtue of Occupation
John Foster	Winterset	
N. B. Hollingsworth	Winterset	Agricultural
Darrell Daggett	Earlham	

I further designate, select, and appoint the above-named Dwight Mundell to act as Chairman of said commission.

TO THE SHERIFF OF MADISON COUNTY, IOWA: Attached hereto please find a duplicate of the Application for Condemnation in the above matter.

Dated at Indianola, Iowa this 30th day of April, 1980.

Harry Perkins
HARRY PERKINS, Chief Judge of the Fifth Judicial District, Including Madison County

Filed in my office at Winterset, Iowa this 5th day of May, 1980.

Rep Rouse
Sheriff of Madison County, Iowa

IN THE MATTER OF THE CONDEMNATION OF A SITE For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County	SUMMONS TO COMMISSIONERS

TO: Dwight Mundell; Pat Corkrean; Kenneth Ritter; John Foster; N.B. Hollingsworth; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Dwight Mundell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa, this 8 day of May, 1980. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

J D Daggett

Filed in my office at Winterset, Iowa, this 12 day of May 1980

Rex Rouse
Sheriff of Madison County, Iowa

ATTENTION:

Before accepting appointment to this commission, please note the persons and real estate affected by this condemnation on the attached Notice(s) to determine whether or not you possess any interest which would cause you to render a biased decision. If you can serve, please sign the acceptance on the original and return to my office.

Rex Rouse
Rex Rouse, Sheriff
Madison County, Ia.
50273

IN THE MATTER :

of the :

CONDEMNATION OF A SITE :
for a sewer lagoon,
access road and an easement :
for the purpose of drainage
for the benefit of the City of :
Patterson, Madison County,
Iowa, said lagoon site, access :
road and easement site being
located in the S½ of the SW¼ :
of the NE¼ of Section 29, Town-
ship 76 North, Range 26 West :
of the 5th P.M., Madison
County, Iowa. :

Verna W. Klein, Lew Wilden :

Madison County, Iowa :

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE FIFTH JUDICIAL DISTRICT

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA

MAY 5 1980

An Application for Condemnation having been filed with me by the City of Patterson for the selection and appointment, by lot, of six suitable persons as the law provides to act as a compensation commission to assess and appraise the damages sustained by reason of the condemnation of certain specified rights in certain land described by Applicant, in its application filed in the above entitled matter, I hereby designate, select, and appoint as the members of said compensation commission required in this matter the following persons:

NAME:	ADDRESS	QUALIFICATION
Dwight Mundell	Winterset	Licensed Real Estate Salesman or Broker
Pat Corkrean	Winterset	
Kenneth Ritter	Winterset	Knowledgeable of Property Values by Virtue of Occupation
John Foster	Winterset	
N. B. Hollingsworth	Winterset	Agricultural
Darrell Daggett	Earlham	

I further designate, select, and appoint the above-named Dwight Mundell to act as Chairman of said commission.

TO THE SHERIFF OF MADISON COUNTY, IOWA: Attached hereto please find a duplicate of the Application for Condemnation in the above matter.

Dated at Indianola, Iowa this 30th day of April, 1980.

Harry Perkins
HARRY PERKINS, Chief Judge of the Fifth Judicial District, Including Madison County

Filed in my office at Winterset, Iowa this 5th day of May, 1980.

Rex Rouse
Sheriff of Madison County, Iowa

IN THE MATTER	
	SUMMONS TO COMMISSIONERS
OF THE	
CONDEMNATION OF A SITE	
For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County	

RECEIVED
MADISON COUNTY SHERIF
WINTERSET, IOWA
MAY 9 1980

TO: Dwight Mundell; Pat Corkrean; Kenneth Ritter; John Foster; N.B. Hollingsworth; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrencers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Dwight Mundell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa, this 9 day of May, 1980. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

John M. Foster

Filed in my office at _____, Iowa, this _____ day of _____

_____

Sheriff of _____ County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

_____

IN THE MATTER

OF THE

CONDEMNATION OF A SITE
For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County

: SUMMONS TO COMMISSIONERS

TO: Dwight Mundell; Pat Corkrean; Kenneth Ritter; John Foster; N.B. Hollingsworth; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Dwight Mundell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at _____, Iowa, this _____ day of _____, 19____. I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

_____

Filed in my office at Winterset, Iowa, this 9th day of May, 1980

Rex Rouse
Sheriff of Madison County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that I have a doctors appointment.

Dwight Mundell

IN THE MATTER

OF THE

CONDEMNATION OF A SITE
For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County

: SUMMONS TO COMMISSIONERS

TO: Dwight Mundell; Int Corkrean; Kenneth Ritter; John Foster; N.B. Hollingsworth; Darrell Daggett.

The City of Patterson has filed with the Chief Judge of the Fifth Judicial District including Madison County, Iowa, an Application for the selection of a compensation commission to assess the damages which owners, Lienholders, encumbrancers, and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of such appropriation of the rights as described in the Application for Condemnation of Site For a Sewer Lagoon in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the Fifth Judicial District for Madison County, Iowa, as a member of such compensation commission, and such selection and appointment has been duly filed in my office, and further, that Dwight Mundell has been designated as Chairman of the commission.

NOW, THEREFORE, you are commanded to be and appear before the undersigned in the office of the sheriff at Madison County, State of Iowa, on the 22nd day of May, 1980 at 9:00 o'clock a.m. for the purpose of qualifying as such commission, and proceed to view said premises and make an award of damages as by law provided.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

ACCEPTANCE OF SERVICE

Due and legal service of foregoing Summons accepted and receipt of copy acknowledged at Winterset, Iowa, this 7th day of May, 19 80
I further certify that I do not possess any interest in the above proceedings which would cause me to render a biased decision therein.

PLEASE SIGN ORIGINAL SUMMONS AND RETURN PROMPTLY TO THE SHERIFF OF THE ABOVE NAMED COUNTY.

Filed in my office at Winterset, Iowa, this 9th day of May 1980

Sheriff of _____ County, Iowa

REFUSAL TO SERVE

I will be unable to serve for the reason that I possess an interest in the proceeding which would cause me to render a biased decision, or for the reason that

IN THE MATTER

OF THE

Oath of COMMISSIONERS

CONDEMNATION OF A SITE
For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the city of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5 th P.M., Madison County

STATE OF IOWA)
)
MADISON County)

Each of the undersigned being duly sworn says:

That I do possess the qualifications listed under my name below, and

That I do not possess any interest in the proceeding which would cause me to render a biased decision and

That I will, to the best of my ability, faithfully and impartially assess the damages which owners, lienholders, encumbrancers and other persons interested in the land from which certain rights are sought to be appropriated by these proceedings will sustain by reason of the appropriation of the rights as set forth and described in the Application in the Office of the Sheriff for Condemnation of a sewer lagoon site, access road and easement for the benefit of the City of Patterson, Iowa and make a written report to the Sheriff as authorized and prescribed in Chapters 471, 472 and 489, Code of Iowa, and any amendments thereto, and will well and truly perform any and all other duties imposed upon me by law as a member of the compensation commission selected and appointed to assess said damages.

William Smith
NAME:
Licensed Real Estate Salesman or Broker

Robert F. Parkerson
NAME:
Licensed Real Estate Salesman or Broker

John W. Foster
NAME:
Knowledgeable of Property Values by Virtue of Occupation

Lewis E. Litton
NAME:
Knowledgeable of Property Values by Virtue of Occupation

J. D. Daggett
NAME:
Agricultural

Don Beeler
NAME:
Agricultural

Subscribed and sworn to before me this 22 day of May,

SEAL OF THE DISTRICT COURT -o- MADISON COUNTY IOWA

Margaret Wheeler
(Notary Public) (Clerk of Court) in and for said County and State

Filed in my office at Winterset, Iowa, this 22nd day of May, 19 80.

Ray Reese
Sheriff of Madison County, Iowa

IN THE MATTER :
of the :
CONDEMNATION OF A SITE :
for a sewer lagoon,
access road and an easement :
for the purpose of drainage
for the benefit of the City of:
Patterson, Madison County,
Iowa, said lagoon site, access:
road and easement site being
located in the S½ of the SW¼ :
of the NE¼ of Section 29, Town-
ship 76 North, Range 26 West :
of the 5th P.M., Madison
County, Iowa. :

AFFIDAVIT REGARD
FINAL OFFER

RECEIVED
MADISON COUNTY SHERIFF
WINTERSET, IOWA
MAY 22 1980

STATE OF IOWA :
: ss
COUNTY OF WARREN :

I, Ray Carroll, being first duly sworn on oath, state that I am Mayor of the City of Patterson, Iowa. That the City Council authorized a final offer of $15,000.00 for the purchase of the real estate involved herein. That said offer was communicated to the attorney representing the landowner and tenant. That said offer is the most recent offer made to the persons whose property it is sought to be condemned.

Ray Carroll
Ray Carroll, Mayor

Subscribed and sworn to before me this 20th day of May, 1980.

Notary Public

BEFORE THE SHERIFF OF MADISON COUNTY, IOWA

IN THE MATTER OF THE CONDEMNATION OF A SITE For a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the City of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being located in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa	:	REPORT OF COMPENSATION COMMISSION

TO: Rex Rouse, Sheriff, Madison County, Ia.

We, the undersigned, being the duly appointed and qualified Commissioners appointed to inspect the agricultural land describe in the City of Patterson'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 sewer lagoon site, acdess road and drainage easement to be located on a strip of land as specifically described in said Application, do hereby make report as follows:

That we proceeded to view the respective premises as 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:

OWNER: Verna W. Klein

AWARD: $30,000.00, for damages, including consequential damages.

TENANT: Lew Wildin

AWARD: $2,500.00, for damages, including consequential damages.

ATTORNEY FEES AND COSTS: $475.00 FLANDER

$215.00 BENTZ

DATED 22 May, 1980

William Hunter

John W. Foster

Kenneth E. Ritter

J. D. Daggett

Orland F. Cochran

Don Beeler

I, the undersigned, Sheriff of Madison County, Iowa hereby endorse and certify to the attached Report of Compensation Commission; that I have mailed by ordinary mail on May 22, 1980, a copy of said Report of Compensation Commission together with a Notice of Appraisement of Damages and Time for Appeal to each of the persons designated thereon.

Roy Reese

Sheriff of Madison County, Iowa

Ben Reese

Klien Condemnation

My attorney fees to date with reference to this condemnation is $75.00.

Leonard M. Hamm

My service to date on behalf of Lew Wildin in connection with the City of Patterson commendation is $215.00.

SHERIFF'S CERTIFICATION OF COSTS

I further certify that costs incident to this proceeding have been taxed as follows:

		FEE	POSTAGE	MILEAGE	TOTAL
1.	Sheriff serving notices and copy	$5.00		$3.52	$8.52
2.	Summoning commissioners		$2.40		2.40
3.	Sheriff attending commissioners	30.00		3.06	33.06
	TOTALS	$35.00	2.40	6.58	43.98

4. COMMISSIONER'S EXPENSES:

William Hunter (Chairman)		
1 day service and mileage		$56.48
John Foster		
1 day service and mileage		53.06
Patrick F. Corkrean		
1 day service and mileage		51.00
Kenneth Ritter		
1 day service and mileage		51.00
Don Beeler		
1 day service and mileage		55.40
J.D. Daggett		
1 day service and mileage		51.00
	TOTAL	$317.94

5. DAMAGES AWARDED:

Verna W. Klein (for damages, including consequential damages)	$30,000.00
Attorney: Leonard F. Flander	$475.00
Lew Wildin (for damages, including consequential damages)	$2,500.00
Attorney: C.R. Bentz	$215.00
TOTAL DAMAGES AWARDED	$33,190.00

6. RECAPITULATION TOTAL EXPENSES:

SHERIFF FEES	$43.98	
COMMISSIONER'S EXPENSES	$317.94	
DAMAGES AWARDED	$33,190.00	
GRAND TOTAL	$33,551.92	6-20-80 Pd to Sheriff

Certified a true statement of condemnation awards and expenses in connection with: "In the Matter of the Condemantion of a Site for a sewer lagoon, access road and an easement for the purpose of drainage for the benefit of the City of Patterson, Madison County, Iowa, said lagoon site, access road and easement site being locatin in the S½ of the SW¼ of the NE¼ of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa", and the Original copies thereof on this 22nd day of May, 1980.

Rex Rouse

Rex Rouse, Sheriff
Madison County, Ia.

