RECEIVED
8-5-74 9:30 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

Form 490

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

APPLICATION TO THE CHIEF JUDGE OF THE 5TH JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

FILED NO. 1662
BOOK 111 PAGE 2
1974 OCT 14 PM 4:20
Fee $8.50
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

TO: Gibson C. Holliday, Chief Judge of the 5th Judicial District including Madison County, Iowa

Comes now the Iowa State Highway Commission and states that the public interest requires that the State of Iowa acquire certain rights in *agricultural ~~xxxxxxxxxxx~~ land hereinafter described, by condemnation proceedings, as authorized and provided by law.

The lands and/or property rights affected and the record owners, lienholders, encumbrancers, and other persons interested therein, are as listed on the sheets hereto attached and made a part hereof, and are shown with reference to their location as to lands affected on the plat hereto attached, marked Exhibit "A" and made a part hereof.

The State of Iowa desires certain specific rights in the land herein sought to be condemned for Primary Road right of way and/or access control and/or for highway drainage and/or for the purpose of obtaining and removing therefrom material suitable for the improvement and/or maintenance of the Primary Roads of the State of Iowa.

The State of Iowa and the Iowa State Highway Commission as the agency used by the State of Iowa for the improvement of its Primary Roads has been unable to secure the described rights in lands by purchase and conveyance.

NOW, THEREFORE, the Iowa State Highway Commission hereby requests the appointment of a compensation commission of six persons qualified as prescribed in Sec. 306.19, Code of Iowa, 1971, not interested in the same or a like question, to view the real estate involved and appraise the damages which the owners thereof, lienholders, encumbrancers, or other persons interested therein will sustain by reason of the appropriation herein sought to be condemned, for the purpose herein stated, and make their report in writing to the Sheriff as provided by law.

Dated at Ames, Iowa, this 29th day of July, 1974.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

BY Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General and
Counsel to the Iowa State Highway Commission

Filed in duplicate in my office at Des Moines, Iowa, this 30 day of July, 1974.

Gibson C. Holliday
Chief Judge of the 5th Judicial District
including Madison County, Iowa

Final Settlement see Misc Rec 111-351 filed May 23, 1975

located in Madison County, Iowa

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

Group "E"

TO:

Dwight Casper, 121 W. Lane Street, Winterset, Iowa
Robert E. Casper, R.R. 2, Winterset, Iowa
Margaret M. Casper, R.R. 2, Winterset, Iowa
Robert M. Casper, 103 W. Lane Street, Winterset, Iowa
Gretchen Casper, 103 W. Lane Street, Winterset, Iowa
Reed Brothers, Inc., Hwys. 169 and 92, Winterset, Iowa
Iowa Power and Light Co., Inc., c/o Guy G. Gilchrist, 823 Walnut, Des Moines, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

$SE\frac{1}{4}NE\frac{1}{4}$ and parts of $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$ of Sec. 25, and part of $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 36, all in T76N, R28W of the 5th P.M. and lying partially within the City of Winterset, Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the $SE\frac{1}{4}SE\frac{1}{4}$ of Sec. 25 and the $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 36, both in T76N, R28W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Relocated Primary Road No. U.S. 169, and on the west side of part of the following described centerline of Present Primary Road No. U.S. 169, as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline of Relocated Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from west to east is described as follows: Beginning at Sta. 756+37.2 a point 37.1 ft. North of the NE Corner of said Sec. 36, on the east line of the $SE\frac{1}{4}$ of said Sec. 25, thence N89°23'W 1337.2 ft. to Sta. 743+00. Also, beginning at said Sta. 756+37.2, thence S89°23'E 0.1 ft. to Sta. 756+37.3.

The centerline of Present Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from south to north is described as follows: Beginning at Sta. 2015+99.2 (Present Primary Road No. U.S. 169), a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 756+37.3, thence N0°34½'W 300.8 ft. to Sta. 2019+00.0.

Said parcel is described as follows: Bounded on the west by the west line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25; on the north by a line beginning at a point 75 ft. normally distant northerly of centerline on the west line of said $SE\frac{1}{4}SE\frac{1}{4}$, thence to a point 150 ft. normally distant northerly from Sta. 754+75, thence to a point 105 ft. normally distant westerly from Sta. 2018+00 (Present Primary Road No. U.S. 169), thence to a point 105 ft. normally distant westerly of centerline on a line 304.95 ft. North of and parallel to the south line of the $SE\frac{1}{4}$ of said Sec. 25, thence easterly along said line to the east line of the $SE\frac{1}{4}$ of said Sec. 25; on the east by the east line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25; on the south by a line beginning at the SW Corner of said $SE\frac{1}{4}SE\frac{1}{4}$, thence easterly along the south line of

said $SE\frac{1}{4}SE\frac{1}{4}$ to the point of intersection of said south line and the west line of the West 313 Feet of the $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ of said Sec. 36, thence to a point 160 ft. normally distant southerly of centerline on said west line, thence to a point 175 ft. normally distant southerly of centerline on the east line of said West 313 Feet of said $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, thence northerly along said east line to the south line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25, thence easterly along said south line to the SE Corner of said Sec. 25.

Said parcel contains 5.7 acres, more or less, exclusive of present established road.

Note: The east line of the $SE\frac{1}{4}$ of said Sec. 25 is assumed to bear North and South..

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 743+21 on the north side, and at Sta. 749+92 on both sides. Also, all rights of direct access between Present Primary Road No. U.S. 169 and that portion of condemnees' remaining property abutting thereon are condemned.
2. Any and all improvements, including fences, located wholly within the land sought in fee simple title are condemned in their entirety.
3. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 100 ft. northerly of centerline from the west line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25 to Sta. 743+55.
4. Any field tile lines, or outlets, which are located within the land being acquired under this proceeding, in any estate, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. Any 1974 crops growing on the land sought to be appropriated are reserved to the condemnees until January 15, 1975. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.
6. The temporary easement rights of the State of Iowa shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than December 31, 1979.

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

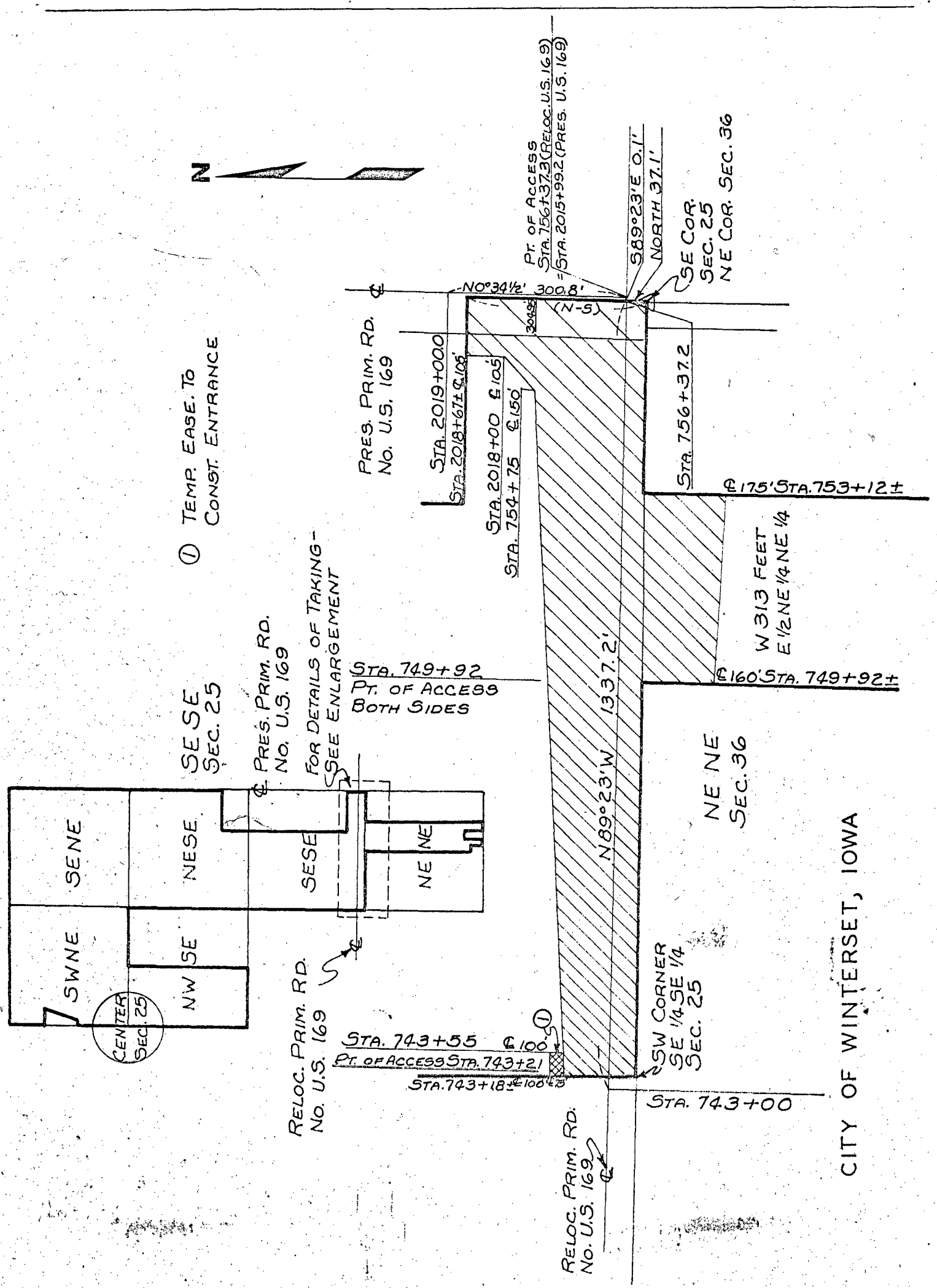
COUNTY MADISON STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 26

SECTION 25:36 TOWNSHIP 76 N RANGE 28 W

ROW - FEE 5.7 AC, EASE AC, EXCESS - FEE AC

ACQUIRED FROM DWIGHT CASPER, ET AL



DATE DRAWN SCALE FILMED

3350-25

5

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Relocated Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

STIPULATION

TO:

Dwight Casper, 121 W. Lane Street, Winterset, Iowa
Robert E. Casper, R.R. #2, Winterset, Iowa
Margaret M. Casper, R.R. #2, Winterset, Iowa
Robert M. Casper, 103 W. Lane Street, Winterset, Iowa
Gretchen Casper, 103 W. Lane Street, Winterset, Iowa
Reed Brothers, Inc., Hwys. 169 and 92, Winterset, Iowa
Iowa Power and Light Co., Inc., c/o Guy G. Gilchrist, 823 Walnut, Des Moines, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

Comes now the Iowa State Highway Commission in connection with the above entitled proceedings and stipulates as follows:

It is not the intent, and the State of Iowa does not claim, to acquire by virtue of said proceedings any rights of direct access between Present Primary Road No. U.S. 169 and that portion of condemnees' remaining property abutting thereon in the SE¼NE¼ and NE¼SE¼ of Sec. 25, T76N, R28W of the 5th P.M., Madison County, Iowa.

Dated at Ames, Iowa, this 11th day of September, 1974.

APPROVED:

Gordon A. Sweitzer

GORDON A. SWEITZER
Right of Way Director

IOWA STATE HIGHWAY COMMISSION
By Richard C. Turner
Attorney General of Iowa

By Asher E. Schroeder

ASHER E. SCHROEDER
Special Assistant Attorney General and
Counsel to the Department of Transportation
Ames, Iowa

Filed in my office at Winterset, Iowa, this 11th day of Sept., 1974.

Rex Rouse

Rex Rouse, Sheriff of
Madison County, Iowa

Madison County Project No. FN-169-3(3)--21-61
Dwight Casper, et al (Parcel 26)

kls: 9/12/74

3

RECEIVED
9-13-74
9:30 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Relocated Primary Road No. U.S. 169 in and west of

Winterset

located in Madison County, Iowa

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

Group "E"

DISMISSAL

TO: Parcel 4

F. L. Warren Construction Company, Inc., c/o Laurrene Warren,
700 42nd St., West Des Moines, Iowa
Chuck B. Smith, RR 3, Winterset, Iowa
Betty Smith, RR 3, Winterset, Iowa
John Hancock Mutual Life Insurance Co., c/o Insurance Commissioner of the State of Iowa, Lucas State Office Bldg., Des Moines, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

The NW1/4NW1/4, NE1/4NW1/4, SE1/4NW1/4 and SW1/4NW1/4, and parts of the NW1/4SW1/4, SW1/4SW1/4 and SE1/4SW1/4 of Sec. 11, T75N, R28W of the 5th P.M., Madison County, Iowa.

The Iowa State Highway Commission dismisses, without prejudice the above-entitled proceeding against all properties and property owners.

Dated at Ames, Iowa, this 12th day of September, 1974.

IOWA STATE HIGHWAY COMMISSION

RICHARD C. TURNER
Attorney General of Iowa

Asher E. Schroeder

ASHER E SCHROEDER
Special Assistant Attorney General and General Counsel to the Department of Transportation

Filed in my office at Winterset, Iowa, this 13 day of Sept., 1974

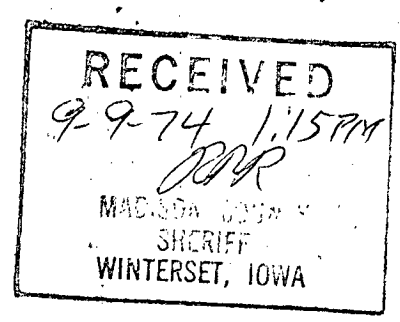
Rep Reese

SHERIFF OF MADISON COUNTY, IOWA

7

kls: 9/9/74

84



In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Relocated Primary Road No. U.S. 169 in and west of

Winterset

located in Madison County, Iowa DISMISSAL

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

Group "E"

TO: Parcel 24 A

William R. Kent, 802 N. 4th Avenue, Winterset, Iowa
Elzara H. Kent, 802 N. 4th Avenue, Winterset, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

Part of the NW1/4NE1/4 of Sec. 36, T76N, R28W of the 5th P.M., in the City of Winterset, Madison County, Iowa.

The Iowa State Highway Commission dismisses, without prejudice the above-entitled proceeding against all properties and property owners.

Dated at Ames, Iowa, this 9th day of September, 1974.

IOWA STATE HIGHWAY COMMISSION

RICHARD C. TURNER
Attorney General of Iowa

By Asher E. Schroeder

ASHER E. SCHROEDER
Special Assistant Attorney General and General Counsel to the Department of Transportation

Filed in my office at Winterset, Iowa, this 9 day of Sept, 1974.

Rep Purse

SHERIFF OF MADISON COUNTY, IOWA

DP 374 5

Condemnation
Project No. FN-169-3(3)--21-61
Group "E"

TO: Iowa State Highway Commission

RE: Condemnation Proceedings for acquisition of property for improvement of Relocated Primary Road No. U.S. 169 in and West of Winterset, Madison County, Iowa.

RECEIVED
9-9-74 9AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

DISCLAIMER OF CONDEMNATION AWARD

The undersigned, JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, does hereby disclaim any interest in any award in the condemnation of the referenced matter.

The undersigned executes this Disclaimer as the owner and holder of a Mortgage executed by F. L. WARREN CONSTRUCTION CO., INC., dated August 26, 1965, and recorded in Book 111 of Mortgages, Page 445, in the office of the Recorder for Madison County, Iowa.

This Disclaimer is limited to the property affected by the above referred to proceedings and shall not affect the priority, validity or enforceability of such Mortgage on the land unaffected by such proceedings.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY

By C. S. Perkins SL
C. S. Perkins Assistant Treasurer

Dated: August 27, 1974

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10 6

RECEIVED
8-5-74 9:30 AM
RR
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

Form 492

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

SELECTION AND APPOINTMENT OF COMPENSATION COMMISSIONERS BY THE CHIEF JUDGE OF THE 5TH JUDICIAL DISTRICT

An Application for Condemnation having been filed with me by the Iowa State Highway Commission 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	QUALIFICATIONS
Earl Whitworth	MACKSBURG ~~Winterset~~	Licensed Real Estate Salesman or Broker
Gene Vierling	115 W. Buchanan Winterset	Licensed Real Estate Salesman or Broker
Ernest Stowell	610 W. Fillmore Winterset	Knowledgeable of Property Values by Virtue of Occupation
Irvin Martens	RR 2 Winterset	Knowledgeable of Property Values by Virtue of Occupation
Don Beeler	Winterset	Agricultural
Chester Haymond	RR Winterset	Agricultural

I further designate, select, and appoint, the above named Ernest Stowell 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-entitled matter.

Dated at Des Moines, Iowa, this 30 day of July, 1974.

Gibson C. Holliday

Gibson C. Holliday
Chief Judge of the 5th Judicial District
Including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 5 day of Aug, 1974.

Rex Rouse

Rex Rouse
Sheriff of Madison County, Iowa

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset
Located in Madison County, Iowa

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

Group "E"

ORDER APPOINTING SUBSTITUTE COMPENSATION COMMISSIONER

RECEIVED
8-16-74 900 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

NOW ON THIS 14 day of August, 1974, an Order Appointing Substitute Compensation Commissioner having been presented to me due to the inability of Ernest Stowell, and his alternate Kenneth Ritter, both having qualifications as being Knowledgeable of Property Value by Virtue of Occ, to serve as a compensation commissioner in the condemnation referenced above, it is ordered that the vacancy shall be filled by the following commissioner:

QUALIFICATIONS	NAME	ADDRESS
Knowledgeable	Wayne Newton	Winterset - Commissioner
"	John Foster	Winterset - Alternate

The Sheriff of Madison County, Iowa, shall notify the substitute commissioner in the same manner as the original commissioners were notified.

Dated at Des Moines, Iowa, this 14th day of August, 1974.

Gibson C. Holliday
Judge of the 5th Judicial District, including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 16 day of Aug., 1974.

Rex Rouse
Sheriff of Madison County, Iowa

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Form 493

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

TO: Earl Whitworth, Macksburg, Iowa

SUMMONS TO COMMISSIONERS

RECEIVED
8-5-74
930 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

The Iowa State Highway Commission has filed with the Chief Judge of the 5th 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 the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th 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 Ernest Stowell 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 Winterset, Madison County, State of Iowa, on 11th day of Sept. ,1974 , at 9:30 o'clock a.m. (cdt) 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.

Earl Whitworth 8-6-74

Filed in my office at Winterset , Iowa, this 7 day of Aug , 1974.

Rex Rouse

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

_____

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

Form 493

9

8-5-74 9:30 PM
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: **Gene Vierling, 115 W. Buchanan, Winterset, Iowa**

The Iowa State Highway Commission has filed with the Chief Judge of the 5th 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 the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th 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 **Ernest Stowell** 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 Winterset, Madison County, State of Iowa, on 11th day of Sept. ,1974 , at 9:30 o'clock a.m. (cdt) 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.

Gene Vierling

Filed in my office at Winterset , Iowa, this 7 day of Aug , 1974.

Rex Rouse

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

_____

13

14

Form 493

RECEIVED
8-16-74
9:00 PM
[illegible] COUNTY
SHERIFF
WINTERSET, IOWA

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U. S. 169 in and west of Winterset

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "E"

TO: John Foster, 317 N. 4th Ave., Winterset, Iowa

The Iowa State Highway Commission has filed with the Chief Judge of the 5th 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 the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5thJudicial 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 John Foster 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 11th day of September ,1974 , at 9:30 o'clock a.m. (cdt) 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.

John M. Foster

Filed in my office at Winterset, Iowa, this 19 day of Aug, 1974.

Rex Rouse

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

_____

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Form 493

Primary Road No. U.S. 169 in and west of Winterset

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

RECEIVED
8-5-74
930 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

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

Group "E"

TO: **Ernest Stowell, 610 W. Fillmore, Winterset, Iowa**

The Iowa State Highway Commission has filed with the Chief Judge of the 5th 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 the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th 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 Ernest Stowell 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 Winterset, Madison County, State of Iowa, on 11th day of Sept. ,19 74, at 9:30 o'clock a.m. (cdt) 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.

Ernest Stowell

Filed in my office at Winterset, Iowa, this 5 day of Aug, 1974.

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

_____

Form 493 1/2

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

TO: Don Beeler, Peru, Iowa

SUMMONS TO COMMISSIONERS

RECEIVED 8-5-74 930 AM MADISON COUNTY SHERIFF WINTERSET, IOWA

The Iowa State Highway Commission has filed with the Chief Judge of the 5th 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 the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th 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 Ernest Stowell 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 Winterset, Madison County, State of Iowa, on 11th day of Sept., 1974, at 9:30 o'clock a.m. (cdt) 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.

Don Beeler

Filed in my office at Winterset, Iowa, this 5 day of Aug, 1974.

Rex Rouse

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

_____

Form 493 13

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa In the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

RECEIVED
9-5-74
9:30 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: Chester Haymond, Winterset, Iowa

The Iowa State Highway Commission has filed with the Chief Judge of the 5th 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 the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th 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 Ernest Stowell 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 Winterset, Madison County, State of Iowa, on 11th day of Sept., 19 74, at 9:30 o'clock a.m. (cdt) 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.

Chester Haymond

Filed in my office at Winterset, Iowa, this 12 day of Aug, 1974.

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

_____

17

In the Matter of the Condemnation of
Certain Rights in Land by the Iowa
State Highway Commission for the
Use and Benefit of the State of Iowa
In the Improvement of

Primary Road No. U.S. 169 in and west of

Winterset

Form 493 18 14

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "E"

TO: Irvin Martens, RR 2, Winterset, Iowa

RECEIVED
8.5.74
930 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

The Iowa State Highway Commission has filed with the Chief Judge of the 5th 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 the improvement and/or the maintenance of primary roads and/or for highway drainage in Madison County, and

WHEREAS, pursuant to Iowa law, you have been selected and appointed by the Chief Judge of the 5th 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 Ernest Stowell 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 Winterset, Madison County, State of Iowa, on 11th day of Sept. ,1974, at 9:30 o'clock a.m. (cdt) 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 5-a

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.

Original

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

Irvin A. Martens

Filed in my office at Winterset, Iowa, this 5 day of Aug, 1974.

Rex Rouse

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

_____

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

Form 494

OATH OF COMMISSIONERS

located in Madison County, Iowa

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

Group "E"

STATE OF IOWA)
)ss
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 the improvement and/or the maintenance of primary roads and/or for highway drainage and make a written report to the sheriff as authorized and prescribed in Chapters 306, 306A, 306B, 313, 471 and 471 and 472, Code of Iowa, 1971 and any amendments thereto, and in accordance with the instructions of the Chief Justice of the Supreme Court, 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.

Gene Wiesling
Name:
Licensed Real Estate Salesman or Broker

Earl Schubert
Name:
Licensed Real Estate Salesman or Broker

Ernest Stowell
Name:
Knowledgeable of Property Values by Virtue of Occupation

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

Chester Haymond
Name:
(As appropriate to type of property involved) Agricultural

Don Beeler
Name:
(As appropriate to type of property involved) Agricultural

Subscribed and sworn to before me this 11th day of September, 1974.

Margaret N. Wheeler
~~(Notary Public)~~ (Clerk of Court) in and for said Madison County and State

Filed in my office at Winterset, Iowa, this 11th day of Sept., 1974.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

STATE OF IOWA
MADISON COUNTY

I hereby certify that I have this 11th day of September, 1974 read aloud the "WRITTEN INSTRUCTIONS FOR MEMBERS OF THE COMPENSATION COMMISSION" submitted to me for this purpose by the Chief Justice of the Iowa Supreme Court. (Senate File 1171 - 63 rd GA 2nd Session)

Rex Rouse
Rex Rouse, Sheriff

240

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Form 495, Sheet 1

Relocated Primary Road No. U.S. 169 in and west of

Winterset

located in Madison County, Iowa

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

Group "E"

NOTICE

RECEIVED
8-5-74
930 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

TO:

Dwight Casper, 121 W. Lane Street, Winterset, Iowa
Robert E. Casper, R.R. 2, Winterset, Iowa
Margaret M. Casper, R.R. 2, Winterset, Iowa
Robert M. Casper, 103 W. Lane Street, Winterset, Iowa
Gretchen Casper, 103 W. Lane Street, Winterset, Iowa
Reed Brothers, Inc., Hwys. 169 and 92, Winterset, Iowa
Iowa Power and Light Co., Inc., c/o Guy G. Gilchrist, 823 Walnut, Des Moines, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

$SE\frac{1}{4}NE\frac{1}{4}$ and parts of $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$ of Sec. 25, and part of $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 36, all in T76N, R28W of the 5th P.M. and lying partially within the City of Winterset, Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the $SE\frac{1}{4}SE\frac{1}{4}$ of Sec. 25 and the $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 36, both in T76N, R28W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Relocated Primary Road No. U.S. 169, and on the west side of part of the following described centerline of Present Primary Road No. U.S. 169, as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline of Relocated Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from west to east is described as follows: Beginning at Sta. 756+37.2 a point 37.1 ft. North of the NE Corner of said Sec. 36, on the east line of the $SE\frac{1}{4}$ of said Sec. 25, thence N89°23'W 1337.2 ft. to Sta. 743+00. Also, beginning at said Sta. 756+37.2, thence S89°23'E 0.1 ft. to Sta. 756+37.3.

The centerline of Present Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from south to north is described as follows: Beginning at Sta. 2015+99.2 (Present Primary Road No. U.S. 169) a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 756+37.3, thence N0°34½'W 300.8 ft. to Sta. 2019+00.0.

Said parcel is described as follows: Bounded on the west by the west line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25; on the north by a line beginning at a point 75 ft. normally distant northerly of centerline on the west line of said $SE\frac{1}{4}SE\frac{1}{4}$, thence to a point 150 ft. normally distant northerly from Sta. 754+75, thence to a point 105 ft. normally distant westerly from Sta. 2018+00 (Present Primary Road No. U.S. 169), thence to a point 105 ft. normally distant westerly of centerline on a line 304.95 ft. North of and parallel to the south line of the $SE\frac{1}{4}$ of said Sec. 25, thence easterly along said line to the east line of the $SE\frac{1}{4}$ of said Sec. 25; on the east by the east line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25; on the south by a line beginning at the SW Corner of said $SE\frac{1}{4}SE\frac{1}{4}$, thence easterly along the south line of

said $SE\frac{1}{4}SE\frac{1}{4}$ to the point of intersection of said south line and the west line of the West 313 Feet of the $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ of said Sec. 36, thence to a point 160 ft. normally distant southerly of centerline on said west line, thence to a point 175 ft. normally distant southerly of centerline on the east line of said West 313 Feet of said $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, thence northerly along said east line to the south line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25, thence easterly along said south line to the SE Corner of said Sec. 25.

Said parcel contains 5.7 acres, more or less, exclusive of present established road.

Note: The east line of the $SE\frac{1}{4}$ of said Sec. 25 is assumed to bear North and South.

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 743+21 on the north side, and at Sta. 749+92 on both sides. Also, all rights of direct access between Present Primary Road No. U.S. 169 and that portion of condemnees' remaining property abutting thereon are condemned.
2. Any and all improvements, including fences, located wholly within the land sought in fee simple title are condemned in their entirety.
3. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 100 ft. northerly of centerline from the west line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25 to Sta. 743+55.
4. Any field tile lines, or outlets, which are located within the land being acquired under this proceeding, in any estate, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. Any 1974 crops growing on the land sought to be appropriated are reserved to the condemnees until January 15, 1975. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.
6. The temporary easement rights of the State of Iowa shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than December 31, 1979.

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 5th day of August, 1974 and on the 7th day of August, 1974 I served the same upon the Madison County, Iowa by offering to read the same to George Abrahams, he being the Auditor 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

BBB

RETURN OF SERVICE — GOVERNMENTAL BODY

STATE OF IOWA, Madison County, ss.

The within Notice came into my hands on the 5th day of August, 1974 and on the 7th day of August, 1974, I served the same upon the City of Winterset, Iowa by offering to read the same to Dale Simmons, he being the City Clerk 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

Form 495, Sheet

That such condemnation is sought for primary road right of way and/or highway drainage and/or for the purpose of obtaining suitable material with which to improve or maintain and/or to maintain primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 306B, 313, 471 and 472 of the Code of Iowa and any amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed as by law provided.

You are further notified that said commission will on the 11th day of September, 1974, at 10:40 o'clock, a.m. (cdt) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

BY Asher E Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General
and Counsel to the Iowa State Highway
Commission, Ames, Iowa 50010

- - - - - - - - - - - - -

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice is hereby accepted and receipt of a copy thereof acknowledged, and I hereby waive time of service and/or any publications of such notice in a newspaper.

Dated at _____ this _____ day of _____, 19_____.

_____

State of Iowa, County, ss:

Received the within notice the 5th day of August, 19 74, and I hereby certify that I have served to each of said persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite their respective names:

Name	Month	Day	Year	Township, City or Town	County	State
Dwight Casper	August	6th	1974	Center	Madison	Iowa
Robert E. Casper	August	6th	1974	Douglas	Madison	Iowa
Margaret M. Casper	August	6th	1974	Center	Madison	IOWA
Robert M. Casper	August	6th	1974	Center	Madison	Iowa
Gretchen Casper	August	6th	1974	Douglas	Madison	Iowa
Reed Bros., Inc. blw Fred Reed, President of Reed Bros. Inc.	August	6th	1974	Douglas	Madison	Iowa

Fees:
Service $ 4.25
Mileage $ [redacted]
Total $ [redacted]

Rex Rouse
Rex Rouse

Sheriff, Madison County, Iowa

By, _____ Deputy

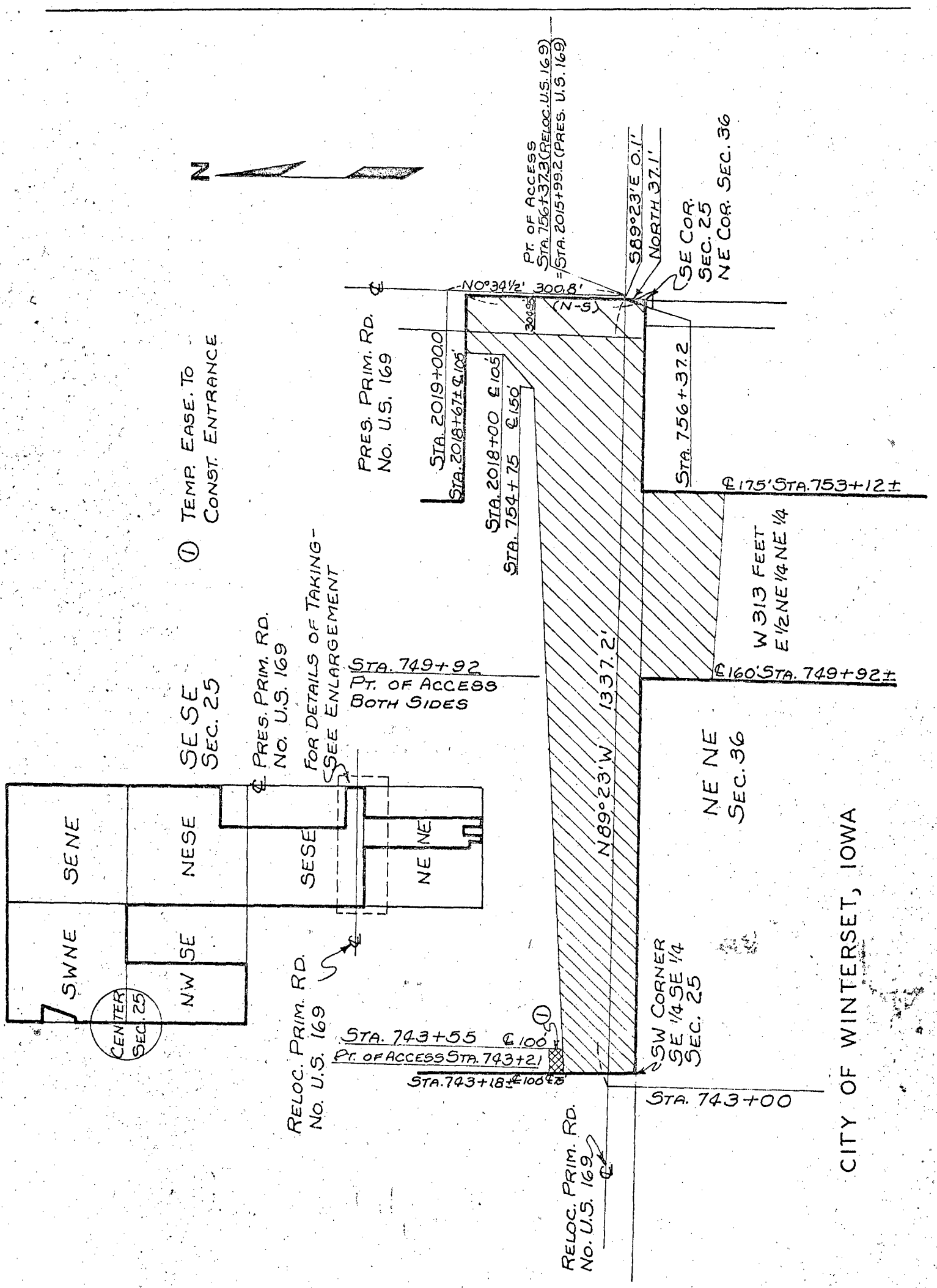
Form 137
11-71

24
90

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 10
PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 26
SECTION 25:36 TOWNSHIP 76 N RANGE 28 W
ROW - FEE 5.7 AC, EASE AC, EXCESS - FEE AC
ACQUIRED FROM DWIGHT CASPER, ET AL



DATE DRAWN SCALE FILMED

3350-25

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Form 495, Sheet 1

Relocated Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

NOTICE

RECEIVED
9-10-74
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

TO:

Dwight Casper, 121 W. Lane Street, Winterset, Iowa
Robert E. Casper, R.R. 2, Winterset, Iowa
Margaret M. Casper, R.R. 2, Winterset, Iowa
Robert M. Casper, 103 W. Lane Street, Winterset, Iowa
Gretchen Casper, 103 W. Lane Street, Winterset, Iowa
Reed Brothers, Inc., Hwys. 169 and 92, Winterset, Iowa
Iowa Power and Light Co., Inc., c/o Guy G. Gilchrist, 823 Walnut, Des Moines, Iowa
City of Winterset, Iowa, c/o City Clerk, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described real estate:

$SE\frac{1}{4}NE\frac{1}{4}$ and parts of $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$ of Sec. 25, and part of $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 36, all in T76N, R28W of the 5th P.M. and lying partially within the City of Winterset, Madison County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically described as follows and shown with reference to their location as to lands affected on the plat Exhibit "A" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing Madison County, Iowa and in the Office of the Sheriff of Madison County, Iowa, to which you are referred:

The title in fee simple sought to be appropriated is in land described as follows:

A parcel of land located in the $SE\frac{1}{4}SE\frac{1}{4}$ of Sec. 25 and the $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 36, both in T76N, R28W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Relocated Primary Road No. U.S. 169, and on the west side of part of the following described centerline of Present Primary Road No. U.S. 169, as shown on the plat Exhibit "A" attached hereto and by reference made a part hereof.

The centerline of Relocated Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from west to east is described as follows: Beginning at Sta. 756+37.2 a point 37.1 ft. North of the NE Corner of said Sec. 36, on the east line of the $SE\frac{1}{4}$ of said Sec. 25, thence N89°23'W 1337.2 ft. to Sta. 743+00. Also, beginning at said Sta. 756+37.2, thence S89°23'E 0.1 ft. to Sta. 756+37.3.

The centerline of Present Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from south to north is described as follows: Beginning at Sta. 2015+99.2 (Present Primary Road No. U.S. 169), a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 756+37.3, thence N0°34½'W 300.8 ft. to Sta. 2019+00.0.

Said parcel is described as follows: Bounded on the west by the west line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25; on the north by a line beginning at a point 75 ft. normally distant northerly of centerline on the west line of said $SE\frac{1}{4}SE\frac{1}{4}$, thence to a point 150 ft. normally distant northerly from Sta. 754+75, thence to a point 105 ft. normally distant westerly from Sta. 2018+00 (Present Primary Road No. U.S. 169), thence to a point 105 ft. normally distant westerly of centerline on a line 304.95 ft. North of and parallel to the south line of the $SE\frac{1}{4}$ of said Sec. 25, thence easterly along said line to the east line of the $SE\frac{1}{4}$ of said Sec. 25; on the east by the east line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25; on the south by a line beginning at the SW Corner of said $SE\frac{1}{4}SE\frac{1}{4}$, thence easterly along the south line of

said $SE\frac{1}{4}SE\frac{1}{4}$ to the point of intersection of said south line and the west line of the West 313 Feet of the $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ of said Sec. 36, thence to a point 160 ft. normally distant southerly of centerline on said west line, thence to a point 175 ft. normally distant southerly of centerline on the east line of said West 313 Feet of said $E\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$, thence northerly along said east line to the south line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25, thence easterly along said south line to the SE Corner of said Sec. 25.

Said parcel contains 5.7 acres, more or less, exclusive of present established road.

Note: The east line of the $SE\frac{1}{4}$ of said Sec. 25 is assumed to bear North and South..

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 743+21 on the north side, and at Sta. 749+92 on both sides. Also, all rights of direct access between Present Primary Road No. U.S. 169 and that portion of condemnees' remaining property abutting thereon are condemned.
2. Any and all improvements, including fences, located wholly within the land sought in fee simple title are condemned in their entirety.
3. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 100 ft. northerly of centerline from the west line of the $SE\frac{1}{4}SE\frac{1}{4}$ of said Sec. 25 to Sta. 743+55.
4. Any field tile lines, or outlets, which are located within the land being acquired under this proceeding, in any estate, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemnor outside of said land being acquired under this proceeding, and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
5. Any 1974 crops growing on the land sought to be appropriated are reserved to the condemnees until January 15, 1975. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.
6. The temporary easement rights of the State of Iowa shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than December 31, 1979.

Form 495, Sheet

That such condemnation is sought for primary road right of way and/or highway drainage and/or for the purpose of obtaining suitable material with which to improve or maintain and/or to maintain primary roads of the state of Iowa in the manner prescribed in Chapters 306, 306A, 306B, 313, 471 and 472 of the Code of Iowa and any amendments thereto.

That a commission for the purpose of appraising and awarding damages which will be caused by said appropriation and condemnation has been selected and appointed as by law provided.

You are further notified that said commission will on the 14th day of September, 1974, at 10:40 o'clock, a.m. (C.S.T.) view the real estate described above and proceed to appraise said damages at which time you may appear before said commission if you care so to do.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

BY Asher E. Schroeder
ASHER E. SCHROEDER
Special Assistant Attorney General
and Counsel to the Iowa State Highway
Commission, Ames, Iowa 50010

- - - - - - - - - - - - -

ACCEPTANCE OF SERVICE

Service of the above and foregoing notice is hereby accepted and receipt of a copy thereof acknowledged, and I hereby waive time of service and/or any publications of such notice in a newspaper.

Dated at _____ this _____ day of _____, 19_____.

_____

State of Iowa, County, ss:

Received the within notice the day of , 19 , and I hereby certify that I have served to each of said persons named below, by delivering a true copy of the same to each of said persons at the time and place set opposite their respective names:

Name	Month	Day	Year	Township, City or Town	County	State

Fees:
Service $
Mileage $_____
Total $

_____
Sheriff, County, Iowa

By, _____ Deput

Form 137
11-71

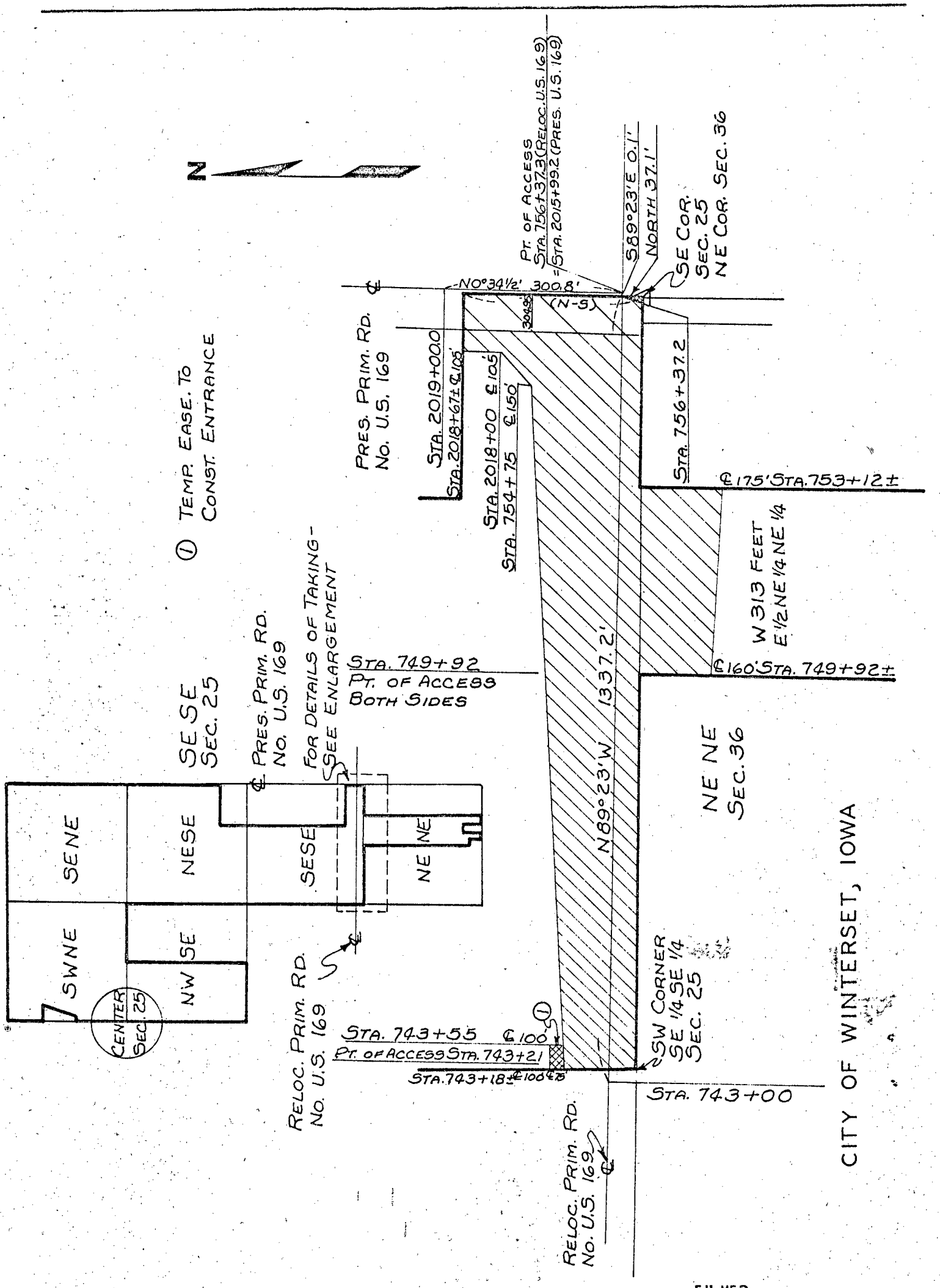
IOWA STATE HIGHWAY COMMISSION

28

34

RIGHT OF WAY PLAT
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 10
PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 26
SECTION 25:36 TOWNSHIP 76 N RANGE 28 W
ROW - FEE 5.7 AC, EASE AC, EXCESS - FEE AC
ACQUIRED FROM DWIGHT CASPER, ET AL



DATE DRAWN SCALE FILMED

3350-25

25

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 5TH day of AUGUST, 19 74; and that on the 5TH day of AUGUST, 19 74, I served the same on the within named defendant IOWA POWER AND LIGHT COMPANY at DES MOINES, IOWA (Address), Polk County, Iowa, by delivering a true copy thereof, with ~~copy of petition attached~~ (Strike out if not so attached) to GUY GILCHRIST REGISTERED AGENT (Give title of person served) of said IOWA POWER AND LIGHT COMPANY (Name of defendant)

Fees:
Mileage $ 30
County $ 75
Total $ 1.05 Pd 8-26-74
Paid by Plt'ffs. Attorney.

SAM WISE
Sheriff of Polk County, Iowa.

By Barbara Carlson Deputy

"Polk County Corporation Notice Return"

Bradley Printing

29

Form 130
6-70

30

24

In the Matter of the Condemnation of
Certain Rights in Land by the Iowa
State Highway Commission for the
Use and Benefit of the State of Iowa
In the Improvement of

AFFIDAVIT OF FINAL OFFER

Primary Road No. U.S. 169 in and west of
Winterset

located in Madison County, Iowa

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

Group "E"

On this the 11th day of September, 1974, comes the Iowa State Highway Commission and states, as by law provided, that the most recent offers made to the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights in certain land as described by the Applicant in the Application filed in the above matter are as follows:

(Names as on Notice)

PARCEL 26 -
Dwight Casper

Robert E. Casper

Margaret M. Casper

Robert M. Casper

Reed Brothers, Inc.

City of Winterset, c/o City Clerk

Madison County Treasurer
Iowa Power & Light Company, Inc.

$ 17500.00

$0

IOWA STATE HIGHWAY COMMISSION

BY: Gordon A. Sweitzer
Gordon A. Sweitzer
Right of Way Director by Robert X. Rush
Condemnation Agent

Subscribed and sworn to before me this 11th day of September, 1974.

Margaret N. Keeler
Notary Public in and for ~~County~~ Madison County, Iowa

Clerk of Court

Filed in my office at Winterset, Iowa, this 11th day of September, 1974.

Rep Rouse
Sheriff of Madison County, Iowa

Form 496
7-71

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

27

REPORT OF COMPENSATION COMMISSION

TO: Rex Rouse, Sheriff of Madison County, Iowa

We, the undersigned, being the duly appointed and qualified commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights as set forth and described in the Application filed in the above entitled matter respectfully report as follows:

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Parcel 4 - F. L. Warren Construction Co., Inc., c/o Laurrene Warren; Chuck B. & Betty Smith; John Hancock Mutual Life Insurance Co., c/o Insurance Commissioner of the State of Iowa; Madison County Treasurer	$	$	$	$
Parcel 24A - William R. & Elzara H. Kent; City of Winterset City Clerk; Madison County Treasurer	$	$	$	$
Parcel 26 - Dwight, Robert E., Margaret M., Robert M. & Gretchen Casper; Reed Brothers, Inc.; City of Winterset City Clerk; Madison County Treasurer	$	$	$ 18,500.00	$
Iowa Power and Light Co., Inc., c/o Guy G. Gilchrist	$	$	$ -0-	$

Respectfully reported at Winterset, Iowa, this 11 day of September, 1974

Ernest Stowell
Don Beeler
Emil DeSchwantz
Chester Haymond
John W. Foster

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Winterset, Iowa, this 11th day of Sept., 1974

Rex Rouse
Sheriff, Madison County, Iowa

31

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

ENDORSEMENT OF SHERIFF OF MAILING OF NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

I, the undersigned, Sheriff of Madison County, Iowa, hereby endorse and certify to the Report of Compensation Commission appearing upon the opposite side hereof that I have mailed by ordinary mail on this 11th day of Sept, 19 74, the attached Notices of Appraisement of Damages and Time for Appeal to each of the persons to which they are addressed.

Rep Ponse

SHERIFF OF MADISON COUNTY, IOWA

Form 486
7-71

39

In the Matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

located in Madison County, Iowa

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

Group "E"

Parcel No. 26

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Dwight Casper; Robert E. Casper; Margaret M. Casper; Robert M. Casper; Gretchen Casper; Reed Brothers, Inc.; City of Winterset, c/o City Clerk; Madison County Treasurer; Iowa Power and Light Company	$	$	$ 18,500.00	$
	$	$	$	$
	$	$	$	$
	$	$	$ 0	$
	$	$	$	$
	$	$	$	$

You and each of you are hereby notified that the duly appointed and qualified commissioners assessed and appraised the damages sustained by reason of the condemnation as set out above, and that pursuant to Section 472.18 of the Code of Iowa, as amended by House File 215, Acts of the 64th General Assembly, you may within thirty (30) days from the date of mailing of this Notice, appeal to the district court as by law provided.

Date: 11th Day of Sept, 1974

Rep Rouse

SHERIFF OF MADISON COUNTY, IOWA

33

34
30

IN THE MATTER OF THE CONDEMNATION OF CERTAIN REAL ESTATE FOR PRIMARY ROAD PURPOSES BY THE STATE HIGHWAY COMMISSION OF THE STATE OF IOWA.

IN Madison COUNTY

PROJECT NO. FN-169-3(3)--21-61 Groupe "E"

SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

To: Iowa State Highway Commission, Ames, Iowa

I hereby certify that the commissioners in the above-entitled cause convened at Winterset, Iowa, on the 11th day of September, 1974 and thereupon proceeded to view the premises and said commissioners did thereafter on the 11th day of September, 1974 file their report in my office awarding damages as follows:

NAME	AMOUNT
Parcel 26 Dwight Casper; Robert E. Casper; Margaret M. Casper; Reed Brothers, Inc.; City of Winterset, % City Clerk; Madison County Treasurer.	$ 18,500.00
Iowa Power and Light Compa ny.	0
TOTAL DAMAGES AWARDED	$ 18,500.00

I further certify that costs incident to this proceeding have been taxed as follows: Serving Notices as listed below:

Date:	Name of Persons Served	Fee	Mileage	Rate xx15	Amount	Total
8-6-74	Chuck B. Smith	.75				.75
8-6-74	Betty Smith	.50				.50
8-7-74	Madison County, Iowa	.50				.50
8-7-74	William R. Kent	.75				.75
8-7-74	Elzara H. Kent	.50				.50
8-7-74	City of Winterset	.50				.50
8-7-74	Madison County, Iowa	.50				.50
8-6-74	Dwight Casper	.75				.75
8-6-74	Robert E. Casper	.50				.50
8-6-74	Margaret M. Casper	.50				.50
8-6-74	Robert M. Casper	.50				.50
8-6-74	Gretchen Casper	.50				.50
8-6-74	Feed Bros. Inc. blw	.50				.50
8-7-74	City of Winterset	.50				.50
8-7-74	Madison County, Iowa	.50				.50
		51				7.65

Sheriff, Summoning and attending commissioners $7.50

Copy $1.50 + postage $2.50 4.00

Sheriff, Mileage while attending commissioners, 10 Miles @ xxx 15 1.50

$ 28.90

John Foster of Winterset, Iowa

one	day service	$ 50.00
10	miles at .10	1.50
one	meals	2.00
Lodging	Hotel	
	Total	$ 53.50

Earl Whitworth of Macksburg, Iowa

one	day service	$ 50.00
~~10~~ 34	miles at .10	5.10
one	meals	2.32
Lodging	Hotel	
	Total	$ 57.42

Eugene Vierling of Winterset, Iowa

one	day service	$ 50.00
10	miles at .10	1.50
one	meals	2.00
Lodging	Hotel	
	Total	$ 53.50

Ernest Stowell of Winterset, Iowa

one	day service	$ 50.00
10	miles at .10	1.50
one	meals	2.35
Lodging	Hotel	
	Total	$ 53.85

~~Dean~~ Donald Beeler of Peru, Iowa

one	day service	$ 50.00
30	miles at .10	4.50
one	meals	2.35
Lodging	Hotel	
	Total	$ 56.85

Chester Haymond of Winterset, Iowa

one	day service	$ 50.00
16	miles at .10	2.40
one	meals	2.35
Lodging	Hotel	
	Total	$ 54.75

Total "COMMISSIONERS AND SHERIFF"S " Expense 358.77

Given under my hand this 11th day of September, 19~~5~~ 74.

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

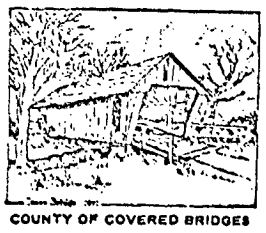
I certify that the foregoing amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Dated this 11th day of September, 19 74.

Rex Rouse
Rex Rouse
Sheriff of Madison County

I further certify that this file contains all the Original thereto:

Rex Rouse Sheriff 35



OFFICE OF
Sheriff of Madison County
REX ROUSE, SHERIFF
EDWARD POWELL, DEPUTY
WINTERSET, IOWA 50273

TELEPHONE
DAY OR NIGHT
462 - 3575
AREA CODE 515

Sept. 25, 1974

TO: Dwight Casper; Robert E. Casper; Margaret M. Casper; Robert M. Casper; Gretchen Casper; Reed Bros., Inc.; City of Winterset; Madison County Treasurer.

This is to advise you that there has been deposited with me Check #03158495 in the amount of $18,500.00. This check represents the amount of the Condemnation Conpensation Commission award made on Sept. 11, 1974. This check may be picked up at the Madison County Sheriff's Office at your convenience between the hours of 8 A.M.-Noon and 1 P.M.-5 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, Iowa 50273

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FILED
1974 SEP 26 AM 8:34
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

In the matter of the Condemnation of Certain Rights in Land by the Iowa State Highway Commission for the Use and Benefit of the State of Iowa in the Improvement of

Primary Road No. U.S. 169 in and west of Winterset

Located in Madison County, Iowa

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

Group "E"

DWIGHT CASPER, ROBERT E. CASPER, MARGARET M. CASPER, ROBERT M. CASPER, AND GRETCHEN CASPER,

Plaintiffs,

vs.

IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa,

Defendant.

Sheriff's filing of Record after receiving Notice of Appeal

(Parcel 26)

To: Margaret Wheeler, Clerk of the Madison County District Court

This is to advise you that I have this 25th day of September, 1974, been served with a Notice of Appeal by the above named plaintiffs. These proceedings were held on the 11th day of September, 1974.

I hereby certify that the attached documents are the ORIGINAL/TRUE COPIES of the Proceedings which were held on the 11th day of September, 1974 and I am in receipt of $18,500.00 which represents the Jury Award in this matter.

Rex Rouse Sheriff

Rex Rouse

37

RECEIVED
9-25-74
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

DWIGHT CASPER, ROBERT E. CASPER, MARGARET M. CASPER, ROBERT M. CASPER, and GRETCHEN CASPER,	:	LAW NO.
Plaintiffs,	:	
vs.	:	
IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa,	:	NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY.
Defendant.	:	

TO.....IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa.
REED BROTHERS, INC.;
IOWA POWER AND LIGHT CO., INC.;
CITY OF WINTERSET, IOWA;
MADISON COUNTY, IOWA; and
REX ROUSE, Sheriff of Madison County, Iowa.

YOU, AND EACH OF YOU, are hereby notified that the above-named plaintiffs hereby appeal to the District Court aforesaid from the award made to plaintiffs by the Condemnation Commission on the 11th day of September, 1974, as damages as a result of the condemnation and taking by right of eminent domain for highway purposes by the defendant, Iowa State Highway Commission, for the use and benefit of the State of Iowa, of the following described real estate, to-wit:

The title in fee simple of the following described real estate, to-wit:

A parcel of land located in the SE¼SE¼ of Sec. 25 and the NE¼NE¼ of Sec. 36, both in T76N, R28W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Relocated Primary Road No. U.S. 169, and on the west side of part of the following described centerline of Present Primary Road No. U.S. 169, as shown on the plat Exhibit "A" attached herto and by reference made a part hereof.

The centerline of Relocated Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from west to east is described as follows: Beginning at Sta. 756+37.2 a point 37.1 ft. North of the NE corner of said Sec. 36, on the east line of the SE¼ of said Sec. 25, thence N89°23'W 1337.2 ft. to Sta. 743+00. Also, beginning at said Sta. 756+37.2, thence S89°23'E 0.1 ft. to Sta. 756+37.3.

The centerline of Present Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from south to north is described as follows: Beginning at Sta. 2015+99.2 (Present Primary Road No. U.S. 169), a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 756+37.3, thence N0°34½'W 300.8 ft. to Sta. 2019+00.0.

Said parcel is described as follows: Bounded on the west by the west line of the SE¼SE¼ of said Sec. 25; on the north by a line beginning at a point 75 ft. normally distant northerly of centerline on the west line of said SE¼SE¼, thence to a point 150 ft. normally distant northerly from Sta. 754+75, thence to a point 105 ft. normally distant westerly from Sta. 2018+00 (Present Primary Road No. U.S. 169), thence to a point 105 ft. normally distant westerly of centerline on a line 304.95 ft. North of and parallel to the south line of the SE¼ of said Sec. 25, thence easterly along said line to the east line of the SE¼ of said Sec. 25; on the east by the east line of the SE¼SE¼ of said Sec. 25; on the south by a line beginning at the SW Corner of said SE¼SE¼, thence easterly along the South line of said SE¼SE¼ to the point of intersection of said south line and the west line of the West 313 Feet of the E½NE¼NE¼ of said Sec. 36, thence to a point 160 ft. normally distant southerly of centerline on said west line, thence to a point 175 ft. normally distant southerly of centerline on the east line of said West 313 Feet of said E½NE¼NE¼, thence northerly along said east line to the south line of the SE¼SE¼ of said Sec. 25, thence easterly along said south line to the SE Corner of said Sec. 25.

Said parcel contains 5.7 acres, more or less, exclusive of present established road.

Note: The east line of the SE¼ of said Sec. 25 is assumed to bear North and South.

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 743+21 on the north side, and at Sta. 749+92 on both sides. Also, all rights of direct access between Present Primary Road No. U.S. 169 and that portion of condemnees' remaining property abutting thereon are condemned.

2. Any and all improvements, including fences, located wholly within the land sought in fee simple title are condemned in their entirety.

3. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 100 ft. northerly of centerline from the west line of the SE¼SE¼ of Sec. 25 to Sta. 743+55.

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

expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.

5. Any 1974 crops growing on the land sought to be appropriated are reserved to the condemnees until January 15, 1975. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.

6. The temporary easement rights of the State of Iowa shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than December 31, 1979.

All as described and referred in the notice of condemnation and assessment served upon the plaintiffs in said matter.

YOU ARE FURTHER NOTIFIED that said appeal will come on for hearing before said Court, which convenes and is held at Winterset, in Madison County, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

By Jerrold B. Oliver

Jerrold B. Oliver
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone: 515-462-3731

ATTORNEYS FOR PLAINTIFFS.

ACCEPTANCE OF SERVICE

Rex Rouse, Sheriff of Madison County hereby acknowledges due, timely and legal service of the foregoing notice and acknowledges receipt of a copy there of at Winterset, Iowa, on this 25th day of Sept., 1974.

Rex Rouse

Rex Rouse, Sheriff of Madison County, Iowa

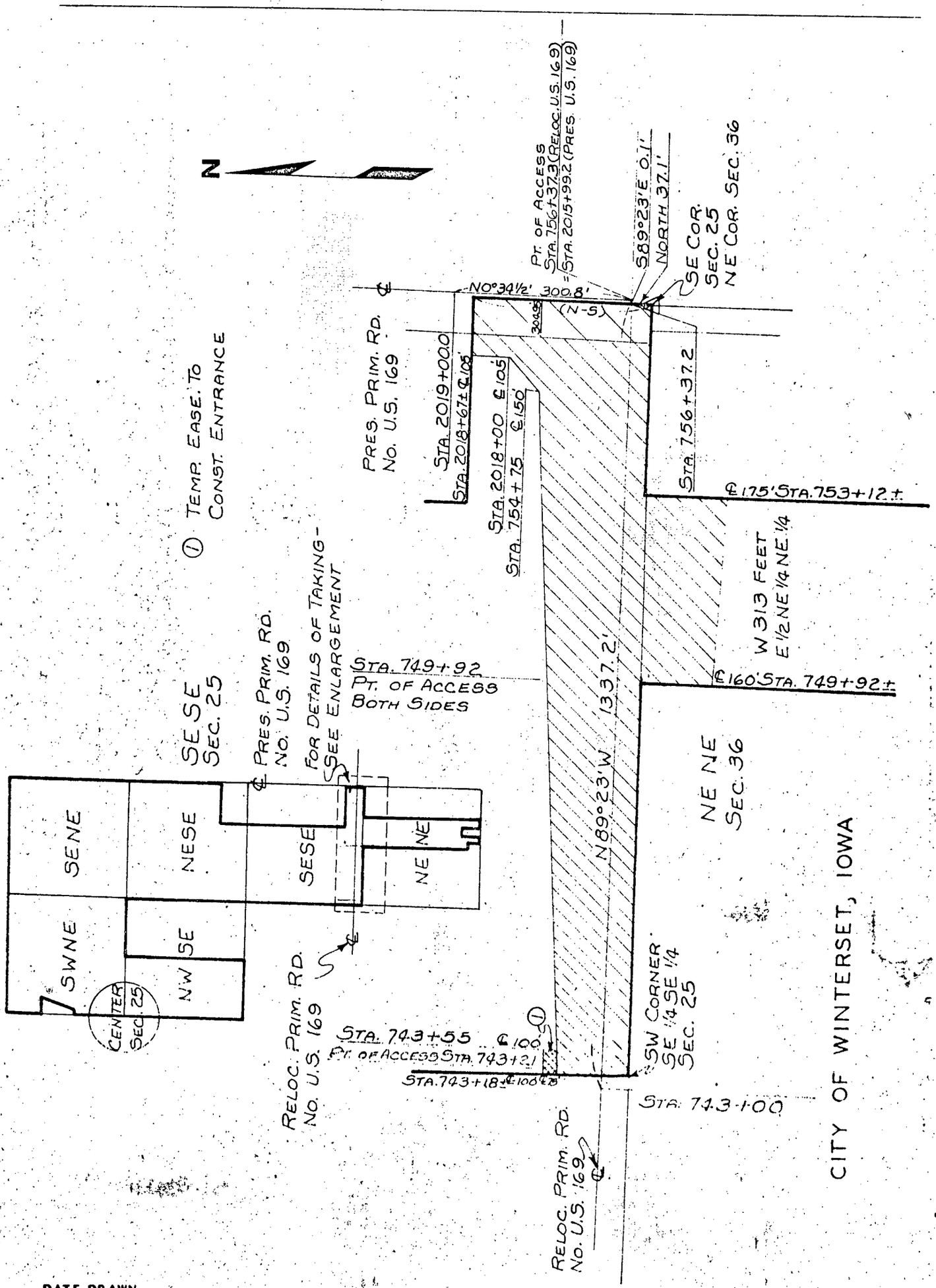
Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

36

RIGHT OF WAY PLAT
EXHIBIT "A"

COUNTY MADISON STATE CONTROL NO. 10
PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 26
SECTION 25:36 TOWNSHIP 76 N RANGE 28 W
ROW - FEE 5.7 AC, EASE AC, EXCESS - FEE AC
ACQUIRED FROM DWIGHT CASPER, ET AL



DATE DRAWN SCALE FILMED

41

3350-25

SEP 26 '74

42
37

FILED
1974 SEP 30 PM 1:49
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE DISTRICT COURT OF THE STATE OF IOWA

IN AND FOR MADISON COUNTY

DWIGHT CASPER, ROBERT E. CASPER, MARGARET M. CASPER, ROBERT M. CASPER, and GRETCHEN CASPER,	:	LAW NO.
Plaintiffs,	:	
vs.	:	
IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa,	:	NOTICE OF APPEAL TO THE DISTRICT COURT OF IOWA, IN AND FOR MADISON COUNTY.
Defendant.	:	

TO.....IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa.
REED BROTHERS, INC.;
IOWA POWER AND LIGHT CO., INC.;
CITY OF WINTERSET, IOWA;
MADISON COUNTY, IOWA; and
REX ROUSE, Sheriff of Madison County, Iowa.

YOU, AND EACH OF YOU, are hereby notified that the above-named plaintiffs hereby appeal to the District Court aforesaid from the award made to plaintiffs by the Condemnation Commission on the 11th day of September, 1974, as damages as a result of the condemnation and taking by right of eminent domain for highway purposes by the defendant, Iowa State Highway Commission, for the use and benefit of the State of Iowa, of the following described real estate, to-wit:

The title in fee simple of the following described real estate, to-wit:

A parcel of land located in the SE¼SE¼ of Sec. 25 and the NE¼NE¼ of Sec. 36, both in T76N, R28W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following described centerline of Relocated Primary Road No. U.S. 169, and on the west side of part of the following described centerline of Present Primary Road No. U.S. 169, as shown on the plat Exhibit "A" attached herto and by reference made a part hereof.

The centerline of Relocated Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from west to east is described as follows: Beginning at Sta. 756+37.2 a point 37.1 ft. North of the NE corner of said Sec. 36, on the east line of the SE¼ of said Sec. 25, thence N89°23'W 1337.2 ft. to Sta. 743+00. Also, beginning at said Sta. 756+37.2, thence S89°23'E 0.1 ft. to Sta. 756+37.3.

The centerline of Present Primary Road No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from south to north is described as follows: Beginning at Sta. 2015.99.2 (Present Primary Road No. U.S. 169), a point on the centerline of Relocated Primary Road No. U.S. 169 located at Sta. 756.37.3, thence N0°34½'W 300.8 ft. to Sta. 2019.00.0.

Said parcel is described as follows: Bounded on the west by the west line of the SE¼SE¼ of said Sec. 25; on the north by a line beginning at a point 75 ft. normally distant northerly of centerline on the west line of said SE¼SE¼, thence to a point 150 ft. normally distant northerly from Sta. 754.75, thence to a point 105 ft. normally distant westerly from Sta. 2018+00 (Present Primary Road No. U.S. 169), thence to a point 105 ft. normally distant westerly of centerline on a line 304.95 ft. North of and parallel to the south line of the SE¼ of said Sec. 25, thence easterly along said line to the east line of the SE¼ of said Sec. 25; on the east by the east line of the SE¼SE¼ of said Sec. 25; on the south by a line beginning at the SW Corner of said SE¼SE¼, thence easterly along the South line of said SE¼SE¼ to the point of intersection of said south line and the west line of the West 313 Feet of the E½NE¼NE¼ of said Sec. 36, thence to a point 160 ft. normally distant southerly of centerline on said west line, thence to a point 175 ft. normally distant southerly of centerline on the east line of said West 313 Feet of said E½NE¼NE¼, thence northerly along said east line to the south line of the SE¼SE¼ of said Sec. 25, thence easterly along said south line to the SE Corner of said Sec. 25.

Said parcel contains 5.7 acres, more or less, exclusive of present established road.

Note: The east line of the SE¼ of said Sec. 25 is assumed to bear North and South.

In connection with this condemnation proceeding it is specifically provided as follows:

1. No rights of direct access to and from Relocated Primary Road No. U.S. 169 shall inure to that portion of condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 743+21 on the north side, and at Sta. 749.92 on both sides. Also, all rights of direct access between Present Primary Road No. U.S. 169 and that portion of condemnees' remaining property abutting thereon are condemned.

2. Any and all improvements, including fences, located wholly within the land sought in fee simple title are condemned in their entirety.

3. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 100 ft. northerly of centerline from the west line of the SE¼SE¼ of Sec. 25 to Sta. 743+55.

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

expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.

5. Any 1974 crops growing on the land sought to be appropriated are reserved to the condemnees until January 15, 1975. Any crops not removed by said date shall become the property of the State of Iowa to dispose of as is deemed fitting.

6. The temporary easement rights of the State of Iowa shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than December 31, 1979.

All as described and referred in the notice of condemnation and assessment served upon the plaintiffs in said matter.

YOU ARE FURTHER NOTIFIED that said appeal will come on for hearing before said Court, which convenes and is held at Winterset, in Madison County, Iowa, as by law provided.

WEBSTER, JORDAN & OLIVER

By Jerrold B. Oliver

Jerrold B. Oliver
Farmers & Merchants State Bank Bldg.
Winterset, Iowa 50273
Telephone: 515-462-3731

ATTORNEYS FOR PLAINTIFFS.

ACCEPTANCE OF SERVICE

The Iowa State Highway Commission, for the use and benefit of the State of Iowa, hereby accepts due, timely and legal service of the foregoing notice and acknowledge receipt of a copy thereof at Ames, Iowa, on this 26 day of September, 1974.

IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa.

By Asher E. Schroeder

Asher E. Schroeder, Special Assistant Attorney General and Counsel to the Iowa State Highway Commission

Form 137
11-71

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IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

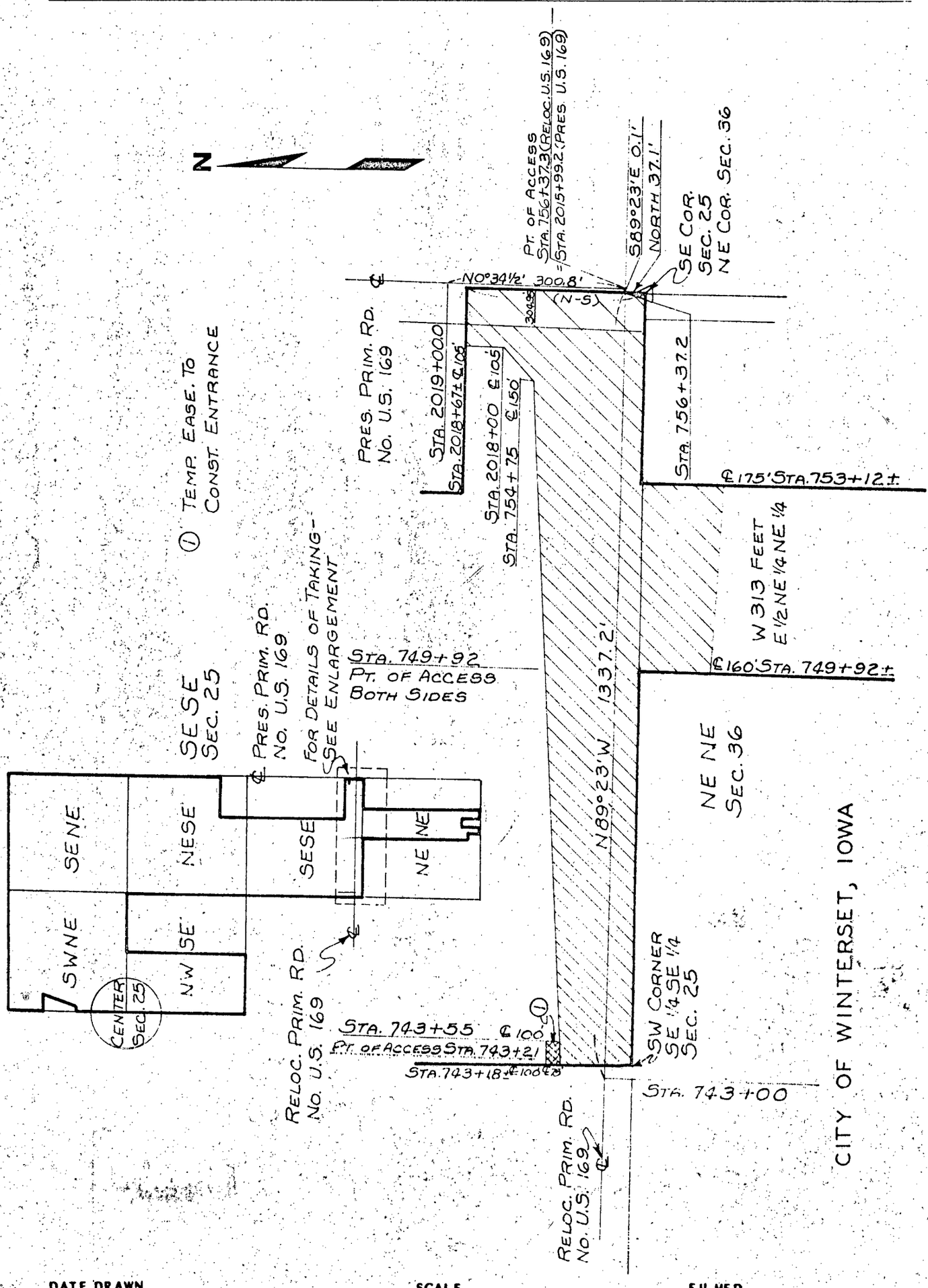
COUNTY MADISON STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 26

SECTION 25:36 TOWNSHIP 76 N RANGE 28 W

ROW - FEE 5.7 AC, EASE AC, EXCESS - FEE AC

ACQUIRED FROM DWIGHT CASPER, ET AL



DATE DRAWN SCALE FILMED

3350-25

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