1

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 "C"

Form 490

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

FILED NO 1663
BOOK 111 PAGE 46
1974 OCT 14 PM 4:21
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee 50 86

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 ~~*other than agricultural~~ 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 22 day of July, 1974.

IOWA STATE HIGHWAY COMMISSION

BY RICHARD C. TURNER
Attorney General of Iowa

Asher E. Schroeder

BY _____
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 25 day of July, 1974.

Gibson C. Holliday

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

For settlement see 111-354 filed May 9, 1975

Rec'd 8-2-74 ROR

located in Madison County, Iowa

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

Group "C"

TO:

Will C. Johnson, 223 S. 6th Ave., Winterset, Iowa
Louise Johnson, 223 S. 6th Ave., Winterset, Iowa
Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson, 222 W. Court, Winterset, Iowa
Susan R. Farlow, 1604 Fourth Street N., Ankeny, Iowa
Michael K. Johnson, 222 W. Court, Winterset, Iowa
Gean Mapes, R.R. 4, 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:

$NW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ and parts of $NE\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$ of Sec. 25, T76N, R28W of the 5th P.M., 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 $SW\frac{1}{4}$ of Sec. 25, 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, 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: Commencing at the $N\frac{1}{4}$ Corner of Sec. 35, T76N, R28W, thence East 248.2 ft., thence N1°56'E 135.1 ft., thence S89°01'E 2380.2 ft. to Sta. 703+64.0, the Point of Beginning, thence continuing S89°01'E 2696.0 ft. to Sta. 730+50.

Said parcel is described as follows: All that part of the $SW\frac{1}{4}$ of said Sec. 25 lying southerly of a line beginning at a point 250 ft. normally distant northerly of centerline on the northeasterly right of way line of the Chicago, Rock Island and Pacific Railroad, thence to a point 100 ft. normally distant northerly from Sta. 707+00, thence to a point 100 ft. normally distant northerly from Sta. 714+00, thence to a point 180 ft. normally distant northerly from 717+00, thence to a point 150 ft. normally distant northerly from Sta. 725+00, thence to a point 100 ft. normally distant northerly of centerline on the east line of the $SW\frac{1}{4}$ of said Sec. 25.

Said parcel contains 10.0 acres, more or less, exclusive of the present established roads.

Note: The north line of the $NE\frac{1}{4}$ of said Sec. 35 is assumed to bear East and West.

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 the condemnees' remaining property abutting thereon, excepting and

Continued on next sheet

reserving to the condemnees the right of access at Sta. 713+00, Sta. 724+00, and Sta. 730+00, all on the north side.

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

3. Any field tile lines, or outlets, which are located within the land being acquired under this proceeding, 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1979.

4. 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.

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

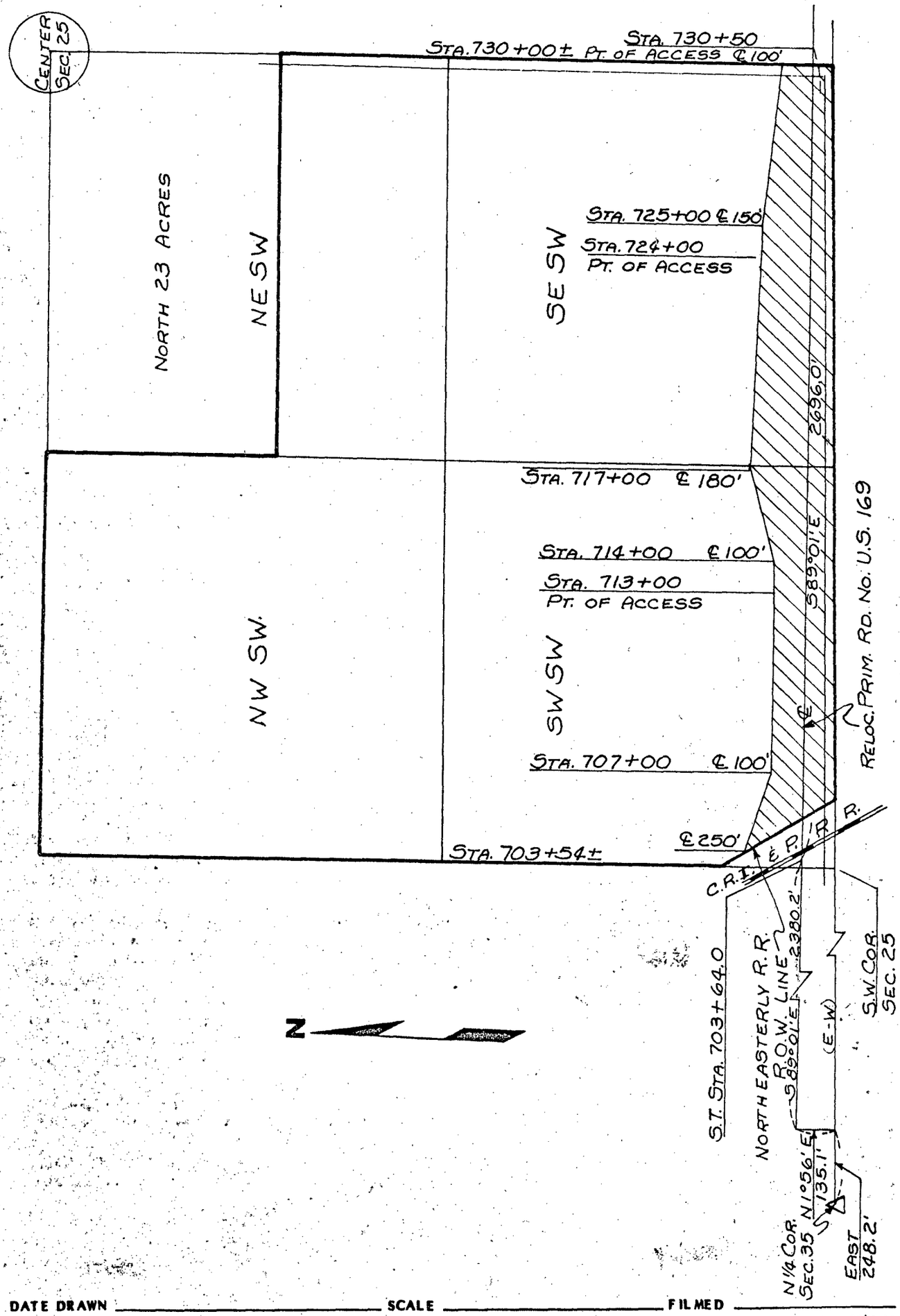
COUNTY MADISON STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 22

SECTION 25 TOWNSHIP 76N RANGE 28W

ROW - FEE 10.0 AC, EASE ____ AC, EXCESS - FEE ____ AC

ACQUIRED FROM WILL C. JOHNSON ETAL



DATE DRAWN ____ SCALE ____ FILMED ____

3350-25

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 "C"

DISMISSAL

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

TO: Parcel No. 20

Clarence E. Johnson, 223 S. 6th Avenue, Winterset, Iowa
Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson, 222 W. Court, Winterset, Iowa
Michael K. Johnson, 222 W. Court, Winterset, Iowa
Susan R. Farlow, 1604 Fourth Street N., Ankeny, 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:

Parts of the NE¼SE¼, SE¼SE¼ of Sec. 26, T76N, 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 9th 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 Counsel to the Iowa State Highway Commission

Filed in my office at Winterset, Iowa, this 10th day of September, 1974.

Roy Ponse

SHERIFF OF MADISON COUNTY, IOWA

3

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 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 "C"

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
Ole Olson	Winterset	Licensed Real Estate Salesman or Broker
Earl Whitworth	Winterset	Licensed Real Estate Salesman or Broker
Ernest Stowell	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Wayne Newton	Winterset	Knowledgeable of Property Values by Virtue of Occupation
Don Beeler	Winterset	Agricultural
Raymond Clark	Winterset	Agricultural

I further designate, select, and appoint, the above named Earl Whitworth 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 25 day of July, 1974.

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

Filed in my office at Winterset, Iowa, this 2 day of Aug, 1974.

Rex Rouse
Sheriff of Madison County, Iowa

51

52

RECEIVED
8.15.74 9¼0 pm
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 ~~XXXXXXX~~ Road No. U.S. 169 in and west of Winterset
Located in Madison County, Iowa

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

Group C

ORDER APPOINTING SUBSTITUTE COMPENSATION COMMISSIONER

NOW ON THIS 12 day of August, 1974, an Order Appointing Substitute Compensation Commissioner having been presented to me due to the inability of Wayne Newton, and his alternate Kenneth Ritter, both having qualifications as being Knowledgeable, 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	John Foster	Winterset - Commissioner
"	Wallace Jackson	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 12th day of August, 1974.

Gibson O Holliday

Chief Judge of the 5th Judicial District, including Madison County, Iowa

Filed in my office at Winterset, Iowa, this 15 day of Aug, 1974.

Rep Rouse

Sheriff of Madison County, Iowa

Form 493

RECEIVED
4-15-74
9:10 pm
MADISON COUNTY
CLERK
WINTERSET, IOWA

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

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. FN-169-3(3)--2i-61 "C"

Group "C"

TO: Mr. John Foster, 317 N. 4th Ave., Winterset, Iowa 50273

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 Earl Whitworth 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 5th day of September ,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

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 W. 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

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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

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 "C"

RECEIVED
8-2-74 9:10 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: **Ernest Stowell, 610 W. Filmore, Winterset**

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 **Earl Whitworth** 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 **5th** day of **September**, 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 7 day of August, 1974
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 9 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

_____

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 "C"

RECEIVED
8-2-74
9:10 pm
SHERIFF
WINTERSET, IOWA

Form 493

SUMMONS TO COMMISSIONERS

TO: Don Beeler, R R, Peru, 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 Earl Whitworth 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 5th day of September, 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.

Don Beeler

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

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 "C"

Form 493 56

RECEIVED
8-2-74 9:10 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: **Earl Whitworth, Macksburg, 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 **Earl Whitworth** 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 **5th** day of **September**, 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.

Earl Whitworth 8-3-74

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

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

RECEIVED
8-2-74
8 10 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

Form 493

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "C"

TO: **Mr. Ole Olson, 623 W. Washington, Winterset**

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 **Earl Whitworth** 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 **5th** day of **September**, 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.

Lowell L. Olson

Filed in my office at Winterset, Iowa, this 7 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

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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 "C"

Form 493

RECEIVED
8-22-74 9:10 pm
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: Raymond Clark, ~~Winterset~~ Booneville, 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 Earl Whitworth 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 5th day of September, 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

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.

Raymond Clark

Filed in my office at Winterset, Iowa, this 6 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

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 "C"

RECEIVED
8-2-74 9:10 PM
[illegible] COUNTY
SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

TO: Wayne Newton, R R 2, 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 Earl Whitworth 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 5th 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
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 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

Wayne Newton

59

6

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

Form 494

OATH OF COMMISSIONERS

located in Madison County, Iowa

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

Group "B"

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.

Lowell L. Olson
Name:
Licensed Real Estate Salesman or Broker

Earl DeWolf
Name:
Licensed Real Estate Salesman or Broker

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

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

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

Raymond Clark
Name:
(As appropriate to type of property involved) Agricultural

Subscribed and sworn to before me this 5th day of September, 1974.

Margaret Wheeler
~~(Notary Public)~~ (Clerk of Court) Madison County and State

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

Rex Rouse
Rex Rouse
Sheriff of Madison County, Iowa

STATE OF IOWA
MADISON County

I hereby certify that I have this 5th 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 - 63rd GA 2nd Session)

Rex Rouse Sheriff
Rex Rouse

7

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 "C"

NOTICE

RECEIVED
8-2-74 10AM
JDR
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

TO:

Will C. Johnson, 223 S. 6th Ave., Winterset, Iowa
Louise Johnson, 223 S. 6th Ave., Winterset, Iowa
Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson, 222 W. Court, Winterset, Iowa 8-5
Susan R. Farlow, 1604 Fourth Street N., Ankeny, Iowa
Michael K. Johnson, 222 W. Court, Winterset, Iowa
Gean Mapes, R.R. 4, 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:

$NW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ and parts of $NE\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$ of Sec. 25, T76N, R28W of the 5th P.M., 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 $SW\frac{1}{4}$ of Sec. 25, 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, 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: Commencing at the $N\frac{1}{4}$ Corner of Sec. 35, T76N, R28W, thence East 248.2 ft., thence N1°56'E 135.1 ft., thence S89°01'E 2380.2 ft. to Sta. 703+64.0, the Point of Beginning, thence continuing S89°01'E 2696.0 ft. to Sta. 730+50.

Said parcel is described as follows: All that part of the $SW\frac{1}{4}$ of said Sec. 25 lying southerly of a line beginning at a point 250 ft. normally distant northerly of centerline on the northeasterly right of way line of the Chicago, Rock Island and Pacific Railroad, thence to a point 100 ft. normally distant northerly from Sta. 707+00, thence to a point 100 ft. normally distant northerly from Sta. 714+00, thence to a point 180 ft. normally distant northerly from 717+00, thence to a point 150 ft. normally distant northerly from Sta. 725+00, thence to a point 100 ft. normally distant northerly of centerline on the east line of the $SW\frac{1}{4}$ of said Sec. 25.

Said parcel contains 10.0 acres, more or less, exclusive of the present established roads.

Note: The north line of the $NE\frac{1}{4}$ of said Sec. 35 is assumed to bear East and West.

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 the condemnees' remaining property abutting thereon, excepting and

reserving to the condemnees the right of access at Sta. 713+00, Sta. 724+00, and Sta. 730+00, all on the north side.

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

3. Any field tile lines, or outlets, which are located within the land being acquired under this proceeding, 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1979.

4. 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.

KOCH BROTHERS, DES MOINES K23999

RETURN OF ORIGINAL NOTICE

STATE OF IOWA, Madison County, ss.

The within notice came into my hands on the 2nd day of August 1974, and on the 5th day of August, 1974, I served the same on Gean Mapes, by leaving a true copy thereof at the house of Gean Mapes, situated in the Township of Douglas Madison County, Iowa, the same being the usual place of residence of said defendant, with Mrs. Gean Mapes, 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, $_____

Copies, $_____

Mileage, $_____

Total, $_____

Rex Rouse

Rex Rouse

Sheriff 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 2nd day of August, 1974, and on the 5th 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

Rex Rouse

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 5th day of September, 19 74, 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 2nd 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
Will C. Johnson	August	5th	1974	Center	Madison	Iowa
Louise Johnson	August	5th	1974	Center	Madison	Iowa
Michale K. Johnson	August	5th	1974	Center	Madison	Iowa
Mary Elizabeth Johnson Individually and as Administrator of the Estate of Dwight G. Johnson	August	5th	1974	Center	Madison	Iowa

Fees:
Service $ 3.35
Mileage $ [redacted]
Total $ [redacted]

Rex Rouse
Rex Rouse
Sheriff, Madison County, Iowa

By, _____ Deputy

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

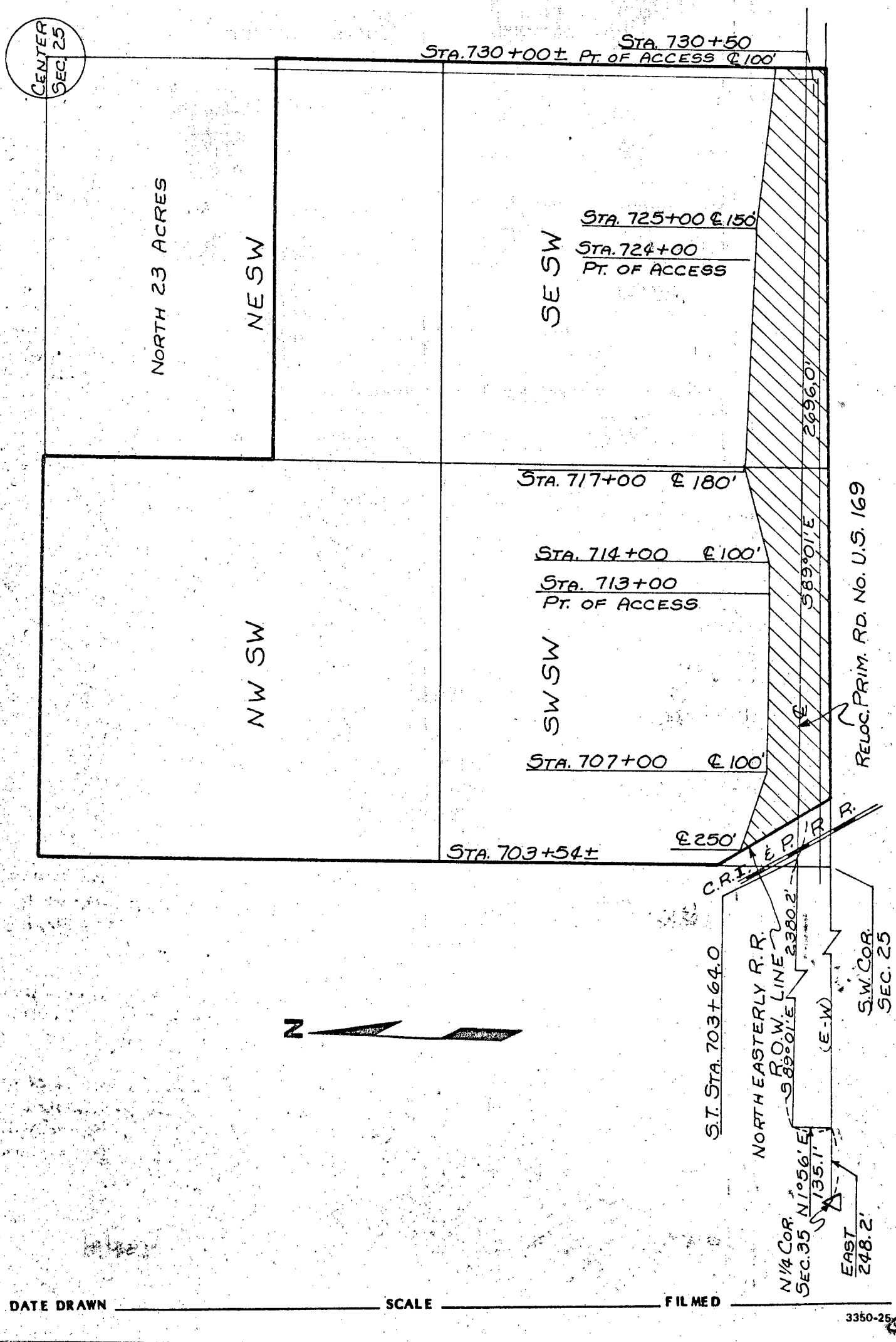
COUNTY MADISON STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 22

SECTION 25 TOWNSHIP 76N RANGE 28W

ROW-FEE 10.0 AC, EASE ____ AC, EXCESS-FEE ____ AC

ACQUIRED FROM WILL C. JOHNSON ET AL



DATE DRAWN ____ SCALE ____ FILMED ____

3350-25

66

Form 495, Sheet 1

RECEIVED
1974 AUG -2 AM 8:49
SAM WISE
SHERIFF
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

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 "C"

NOTICE

RECEIVED
8-28-74
930
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

TO:

Will C. Johnson, 223 S. 6th Ave., Winterset, Iowa
Louise Johnson, 223 S. 6th Ave., Winterset, Iowa
Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson, 222 W. Court, Winterset, Iowa
Susan R. Farlow, 1604 Fourth Street N., Ankeny, Iowa
Michael K. Johnson, 222 W. Court, Winterset, Iowa
Gean Mapes, R.R. 4, 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:

$NW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ and parts of $NE\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$ of Sec. 25, T76N, R28W of the 5th P.M., 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 $SW\frac{1}{4}$ of Sec. 25, 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, 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: Commencing at the $N\frac{1}{4}$ Corner of Sec. 35, T76N, R28W, thence East 248.2 ft., thence N1°56'E 135.1 ft., thence S89°01'E 2380.2 ft. to Sta. 703+64.0, the Point of Beginning, thence continuing S89°01'E 2696.0 ft. to Sta. 730+50.

Said parcel is described as follows: All that part of the $SW\frac{1}{4}$ of said Sec. 25 lying southerly of a line beginning at a point 250 ft. normally distant northerly of centerline on the northeasterly right of way line of the Chicago, Rock Island and Pacific Railroad, thence to a point 100 ft. normally distant northerly from Sta. 707+00, thence to a point 100 ft. normally distant northerly from Sta. 714+00, thence to a point 180 ft. normally distant northerly from 717+00, thence to a point 150 ft. normally distant northerly from Sta. 725+00, thence to a point 100 ft. normally distant northerly of centerline on the east line of the $SW\frac{1}{4}$ of said Sec. 25.

Said parcel contains 10.0 acres, more or less, exclusive of the present established roads.

Note: The north line of the $NE\frac{1}{4}$ of said Sec. 35 is assumed to bear East and West.

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 the condemnees' remaining property abutting thereon, excepting and

Continued on next sheet

reserving to the condemnees the right of access at Sta. 713+00, Sta. 724+00, and Sta. 730+00, all on the north side.

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

3. Any field tile lines, or outlets, which are located within the land being acquired under this proceeding, 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1979.

4. 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.

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 5th day of September, 19 74, 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

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 2nd day of August 1974, and that on the 2nd day of August, 1974, I served the same on the within named defendant Susan R. Farlow by delivering a true copy thereof, with ~~copy of petition attached~~, to said Susan R. Farlow (Strike out if not so attached) DMACC Comm College Hoyt Hall Rm. B, Bldg. H, at Ankeny (Address),

Polk County, Iowa.

Fees:
Mileage $ 2.40
County $ 11
Total $ 3.15 pd 8-26-74
Paid by Plt'ffs. Attorney.
"Polk County Personal Notice Return"

SAM WISE
Sheriff of Polk County, Iowa.
By Gerald Holmes
Deputy

Bradley Printing

Service $
Mileage $
Total $

Sheriff, County, Iowa

By, Deputy

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

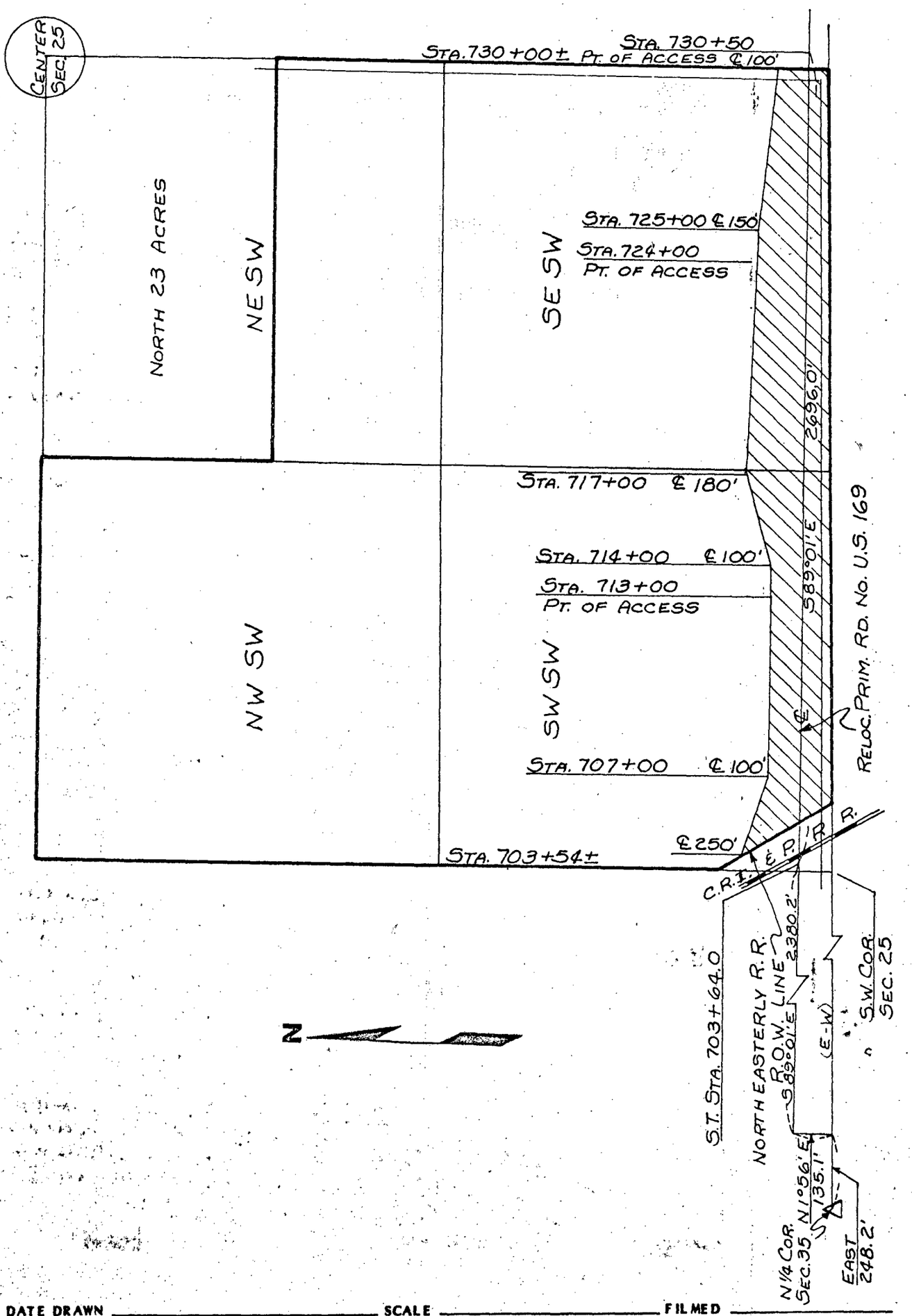
COUNTY MADISON STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 22

SECTION 25 TOWNSHIP 76N RANGE 28 W

ROW - FEE 10.0 AC, EASE ____ AC, EXCESS - FEE ____ AC

ACQUIRED FROM WILL C. JOHNSON ET AL



DATE DRAWN ____ SCALE ____ FILMED ____

3350-25

69

Form 130
6-70

10
8

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

AFFIDAVIT OF FINAL OFFER

located in Madison County, Iowa

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

Group "C"

On this the 5th 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) $ 15000 ev

PARCEL 22 -
Will C. Johnson

Louise Johnson

Mary Elizabeth Johnson

Susan R. Farlow

Michael K. Johnson

Madison County Treasurer

IOWA STATE HIGHWAY COMMISSION

BY: Gordon A. Sweitzer
Gordon A. Sweitzer
Right of Way Director by Robert L. North
Condemnation Agent

Subscribed and sworn to before me this 5th day of September, 1974.

NOTARIAL SEAL

Notary Public in and for Madison County, Iowa

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

Sheriff of Madison County, Iowa

2.145

Form 486
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 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 "C"

Parcel No. 22

NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

	Land & Improvements	Consequential Damages	Total Award	Condemnees' Atty. Fees and Costs
Will C. Johnson; Mary Elizabeth Johnson, Indiv. and as Admn. of the Estate of Dwight G. Johnson;	$	$	$ 17,400.00	$ 175.00
Louise Johnson	$	$	$	$
Susan R. Farlow	$	$	$	$
Michael K. Johnson	$	$	$	$
Madison County Treasurer	$	$	$	$
TENANT: Gean Mapes			$ 10.00	

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: 5 Day of Sept., 1974

Rep Rouse

SHERIFF OF MADISON COUNTY, IOWA

71

Form 496
17-71

12
10

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

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

Group "C"

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 18 - Will C. and Louise Johnson, Clarence E. Johnson, Madison County Treasurer	$	$	$ 55300.00	$ 350.00
~~TENANT - Ronald Stuart~~	$	$	$	$
PARCEL 20 - Clarence E. Johnson, Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson, Michael K. Johnson, Susan R. Farlow, Madison County Treasurer	$	$	$	$
PARCEL 22 - Will C. and Louise Johnson, Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson, Susan R. Farlow, Michael K. Johnson, Madison County Treasurer	$	$	$ 17,400.00	$ 175.00
TENANT - Gean Mapes	$	$	$ 10.00	$
	$	$	$	$

Respectfully reported at Winterset, Iowa, this 5th day of September, 1974

Lowell L. Olson
John W. Foster
Raymond Clark
Ernest Stowell
Don Beeler
Earl Stewart

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 5 day of Sept., 1974

Rex Rouse
Sheriff, 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 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 "C"

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 5th 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.

Rex Reese

SHERIFF OF MADISON COUNTY, IOWA

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 Group C

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 5th day of September, 1974 and thereupon proceeded to view the premises and said commissioners did thereafter on the 5th day of September, 1974 file their report in my office awarding damages as follows:

NAME	AMOUNT
Parcel 18 - Will C. and Louise Johnson	
Clarence E. Johnson Madison County Treasurer	$ 55,300.00
Chester Bentz, Attorney	350.00
Parcel 22	
Will c. and Louise Johnson	
Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson	17,400.00
Susan R. Farlow, Michael K. Johnson, Madison County Treasurer	
Tenant - Gean Mapes	10.00
Attorney Chester Bentz	175.00
TOTAL DAMAGES AWARDED	$ 73,235.00

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 .~~10~~.15	Amount	Total
8-5-74	Will C. Johnson	.75				.75
8-5-74	Louise Johnson	.50				.50
8-5-74	Clarence E. Johnson	.50				.50
8-5-74	Ronald Stuart	.50				.50
8-5-74	Madison County	.50				.50
8-5-74	Clarence E. Johnson	.75				.75
8-5-74	Mary E. Johnson	.50				.50
8-5-74	Mike Johnson	.50				.50
8-5-74	Madison County	.50				.50
8-5-74	Will C. Johnson	.75				.75
8-5-74	Louise Johnson	.50				.50
8-5-74	Mary E. Johnson	.50				.50
8-5-74	Mike Johnson	.50				.50
8-5-74	Gean Mapes	.50				.50
8-5-74	Madison County	.50				.50
			20			3.00

Sheriff, Summoning and attending commissioners $7.50

COPY ~~XXXX~~ 1.50 POSTAGE 2.40 3.90

Sheriff, Mileage while attending commissioners, 10 Miles @ ~~10~~ .15 1.50

$ 24.15

Earl Whitworth of Macksburg, Iowa

one	day service	$ 50.00
~~17~~ 15	miles at .~~10~~	2.55
one	meals	2.32
Lodging	Hotel	
	Total	$ 54.87

John Foster of Winterset, Iowa

one	day service	$ 50.00
10	miles at .~~10~~ 15	1.50
one	meals	2.32
Lodging	Hotel	
	Total	$ 53.82

Ole Olson of Winterset, Iowa

one	day service	$ 50.00
10	miles at .~~10~~ 15	1.50
one	meals	2.32
Lodging	Hotel	
	Total	$ 53.82

Ernest Stowell of Winterset, Iowa

one	day service	$ 50.00
10	miles at .~~10~~ 15	1.50
one	meals	2.32
Lodging	Hotel	
	Total	$ 53.82

Donald Beeler of Peru, Iowa

one	day service	$ 50.00
30	miles at .~~10~~ 15	4.50
one	meals	2.11
Lodging	Hotel	
	Total	$ 56.61

Raymond Clark of Booneville, Iowa

~~o~~me	day service	$ 50.00
28	miles at .~~10~~ 15	4.20
one	meals	2.32
Lodging	Hotel	
	Total	$ 56.52

TOTAL COMMISSIONER AND SHERIFF"S EXPENSES $353.61

Given under my hand this 5th day of September, 19~~7~~74.

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.

I further certify that this file contains the original copies of the papers in this proceeding.

Dated this 5th day of September, 1974.

Rex Rouse
Sheriff of Madison County

76

12

COUNTY OF COVERED BRIDGES

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. 24, 1974

TO: Will C. Johnson; Louise Johnson; Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson; Susan R. Farlow; Michael K. Johnson; Madison County Treasurer.

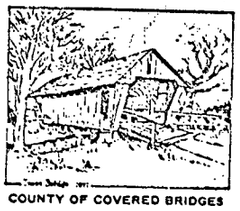
This is to advise you that there has been deposited with me Check #03145186 in the amount of $17,400.00. This check represents the amount of the Condemnation Conpensation Commission award made on Sept. 5, 1974. This check may be picked up at the Madison County Sheriff's Office at your convenience between 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

13.



COUNTY OF COVERED BRIDGES

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. 24, 1974

TO: Will C. Johnson; Louise Johnson; Mary Elizabeth Johnson, Individually and as Administrator of the Estate of Dwight G. Johnson; Susan R. Farlow; Michael K. Johnson; Chet Bentz, attorney.

This is to advise you that there has been deposited with me Check # 03145187 in the amount of $175.00. This check represents the amount of the Condemnation Conpensation Commission award made on Sept. 5, 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

77

78
14

FILED
1974 OCT -1 PM 3:00
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 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 "C"

WILL C. JOHNSON, LOUISE JOHNSON, MARY ELIZABETH JOHNSON, Individually and as Administrator of the Estate of Dwight G. Johnson, SUSAN R. FARLOW, AND MICHAEL K. JOHNSON, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa, GEAN MAPES and MADISON COUNTY, IOWA, Defendants	Sheriff's filing of Record after receiving Notice of Appeal (Parcel 22)

To: Margaret Wheeler Clerk of the Madison County District Court

This is to advise you that I have this 1st day of October, 1974, been served with a Notice of Appeal by the above named plaintiffs. These proceedings were held on the 5th day of September, 1974.

I hereby certify that the attached documents are the ORIGINAL/TRUE COPIES of the Proceedings which were held on the 5th day of September 1974 and I am in receipt of $17,400.00 which represents the Jury Award in this matter.

Rex Rouse, Sheriff

15

RECEIVED
10-1-74 11AM
DJR
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

IN THE DISTRICT COURT OF IOWA

IN AND FOR MADISON COUNTY

WILL C. JOHNSON, LOUISE JOHNSON, MARY ELIZABETH JOHNSON, Individually and as Administrator of the Estate of Dwight G. Johnson, SUSAN R. FARLOW, and MICHAEL K. JOHNSON,	)	No. _____ LAW
Plaintiffs,	)	
vs.	)	NOTICE OF APPEAL TO THE MADISON COUNTY, IOWA, DISTRICT COURT FOR DAMAGES IN CONDEMNATION PROCEEDINGS AGAINST CERTAIN REAL ESTATE OF THE PLAINTIFFS.
IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa, GEAN MAPES and MADISON COUNTY, IOWA,	)	
Defendants.	)	

TO.....IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa; GEAN MAPES; 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 the Plaintiffs by the Condemnation Commission on the 5th 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 SW¼ of Sec. 25, T76N, R28W of the 5th P.M., Madison County, Iowa, lying on both sides of part of the following

79

described centerline of Relocated Primary Road No. U.S. 169, as shown on the plat Exhibit "A" hereto attached 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: Commencing at the N¼ Corner of Sec. 35, T76N, R28W, thence East 248.2 ft., thence N1°56'E 135.1 ft., thence S89°01'E 2380.2 ft. to Sta. 703+64.0, the Point of Beginning, thence continuing S89°01'E 2696.0 ft. to Sta. 730+50.

Said parcel is described as follows: All that part of the SW¼ of said Sec. 25 lying southerly of a line beginning at a point 250 ft. normally distant northerly of centerline on the north-easterly right of way line of the Chicago, Rock Island and Pacific Railroad, thence to a point 100 ft. normally distant northerly from Sta. 707+00, thence to a point 100 ft. normally distant northerly from Sta. 714+00, thence to a point 180 ft. normally distant northerly from 717+00, thence to a point 150 ft. normally distant northerly from Sta. 725+00, thence to a point 100 ft. normally distant northerly of centerline on the east line of the SW¼ of said Sec. 25.

Said parcel contains 10.0 acres, more or less, exclusive of the present established roads.

Note: The north line of the NE¼ of said Sec. 35 is assumed to bear East and West.

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 the condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 713+00, Sta. 724+00, and Sta. 730+00, all on the north side.

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

3. Any field tile lines, or outlets, which are located within the land being acquired under

this proceeding, 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1979.

4. 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.

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.

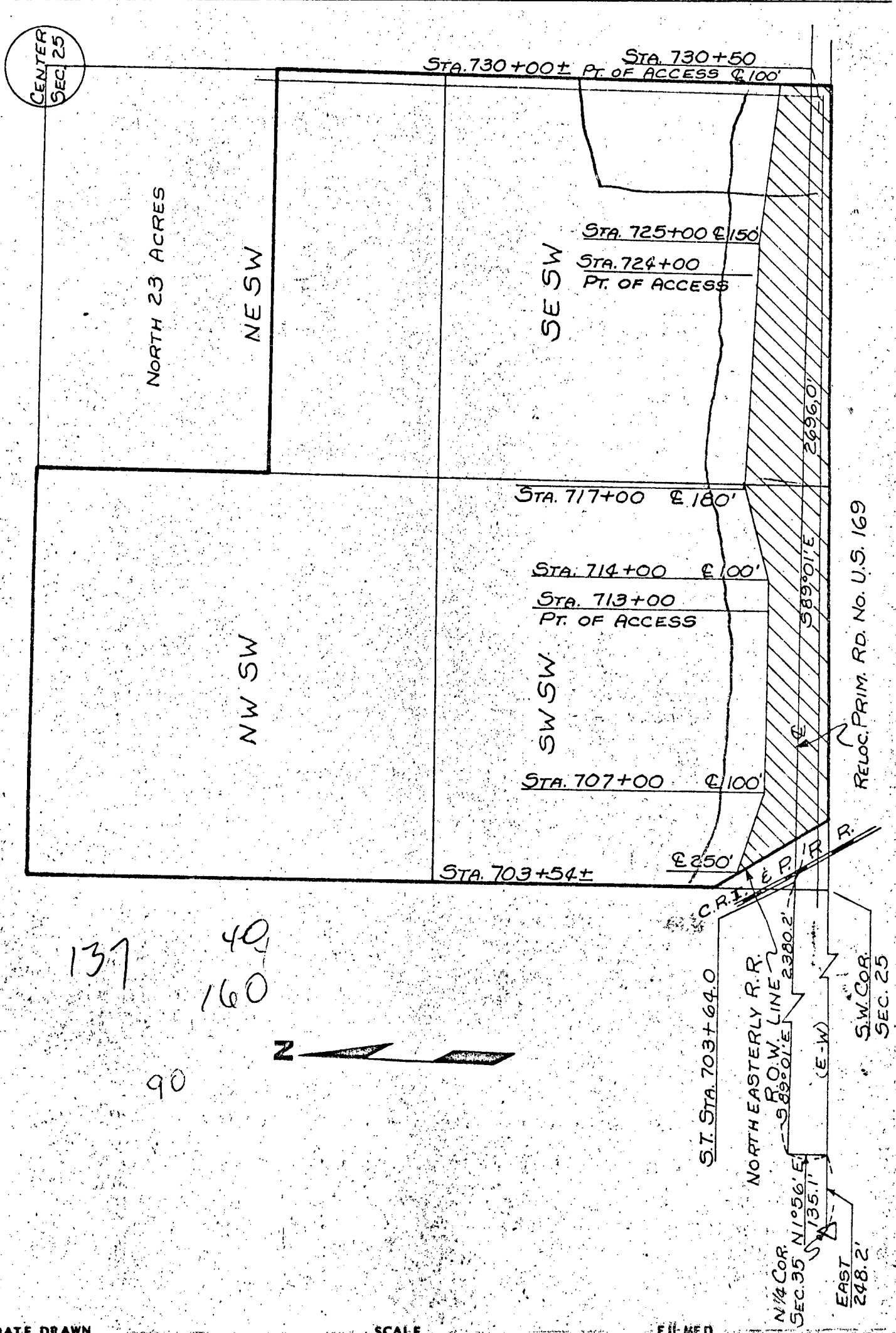
C. R. Bentz
210 North First Street
Winterset, Iowa 50273
Telephone: 462-3392
ATTORNEY FOR PLAINTIFFS.

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. 22
SECTION 25 TOWNSHIP 76N RANGE 28 W
ROW-FEE 10.0 AC, EASE AC, EXCESS-FEE AC
ACQUIRED FROM WILL C. JOHNSON ET AL



DATE DRAWN SCALE FILMED

3360-25

ACKNOWLEDGMENT OF SERVICE

I, Rex Rouse, Sheriff of Madison County, Iowa hereby acknowledge service of the within and foregoing notice of appeal dated at Winterset, Iowa this _____ day of _____, 1974.

_____

Rex Rouse, Sheriff of Madison County, Iowa.

84
16

FILED
1974 OCT -3 PM 3:01
MARGARET WINTERER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

IN THE DISTRICT COURT OF IOWA

IN AND FOR MADISON COUNTY

WILL C. JOHNSON, LOUISE JOHNSON, MARY ELIZABETH JOHNSON, Individually and as Administrator of the Estate of Dwight G. Johnson, SUSAN R. FARLOW, and MICHAEL K. JOHNSON,	)	No. 21271 LAW
Plaintiffs,	)	
vs.	)	NOTICE OF APPEAL TO THE MADISON COUNTY, IOWA, DISTRICT COURT FOR DAMAGES IN CONDEMNATION PROCEEDINGS AGAINST CERTAIN REAL ESTATE OF THE PLAINTIFFS.
IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa,	)	
GEAN MAPES and	)	
MADISON COUNTY, IOWA,	)	
Defendants.	)	

TO.....IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa; GEAN MAPES; 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 the Plaintiffs by the Condemnation Commission on the 5th 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 SW¼ of Sec. 25, 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, as shown on the plat Exhibit "A" hereto attached 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: Commencing at the N¼ Corner of Sec. 35, T76N, R28W, thence East 248.2 ft., thence N1°56'E 135.1 ft., thence S89°01'E 2380.2 ft. to Sta. 703+64.0, the Point of Beginning, thence continuing S89°01'E 2696.0 ft. to Sta. 730+50.

Said parcel is described as follows: All that part of the SW¼ of said Sec. 25 lying southerly of a line beginning at a point 250 ft. normally distant northerly of centerline on the north-easterly right of way line of the Chicago, Rock Island and Pacific Railroad, thence to a point 100 ft. normally distant northerly from Sta. 707+00, thence to a point 100 ft. normally distant northerly from Sta. 714+00, thence to a point 180 ft. normally distant northerly from 717+00, thence to a point 150 ft. normally distant northerly from Sta. 725+00, thence to a point 100 ft. normally distant northerly of centerline on the east line of the SW¼ of said Sec. 25.

Said parcel contains 10.0 acres, more or less, exclusive of the present established roads.

Note: The north line of the NE¼ of said Sec. 35 is assumed to bear East and West.

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 the condemnees' remaining property abutting thereon, excepting and reserving to the condemnees the right of access at Sta. 713+00, Sta. 724+00, and Sta. 730+00, all on the north side.

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

3. Any field tile lines, or outlets, which are located within the land being acquired under

this proceeding, 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. The temporary easement rights, if any so acquired, shall terminate immediately upon completion of said restoration and in no event later than December 31, 1979.

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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.

C. R. Bentz
210 North First Street
Winterset, Iowa 50273
Telephone: 462-3392
ATTORNEY FOR PLAINTIFFS.

Form 137
11-71

IOWA STATE HIGHWAY COMMISSION

RIGHT OF WAY PLAT
EXHIBIT "A"

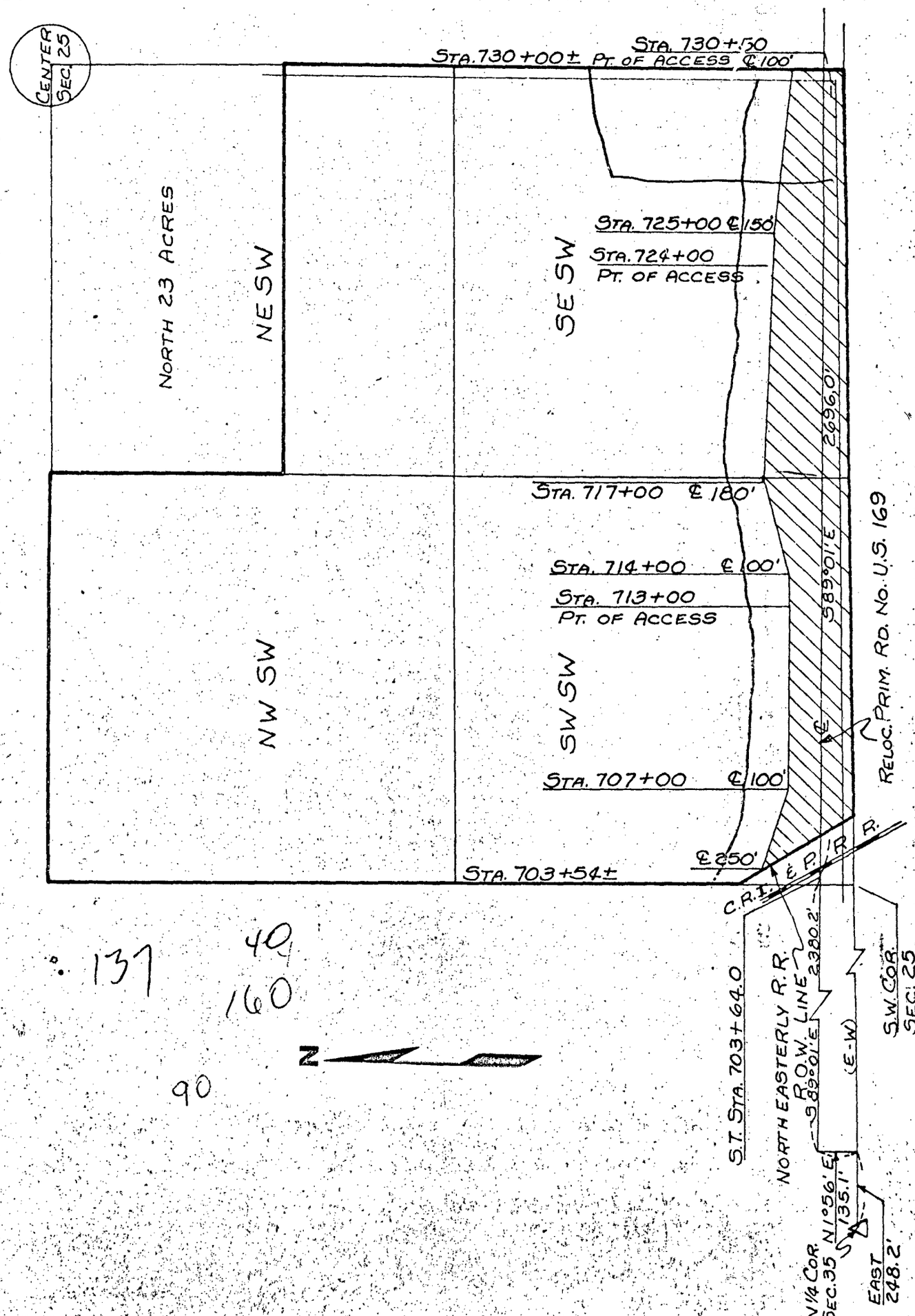
COUNTY MADISON STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 PARCEL NO. 22

SECTION 25 TOWNSHIP 76N RANGE 28 W

ROW-FEE 10.0 AC, EASE AC, EXCESS-FEE AC

ACQUIRED FROM WILL C. JOHNSON ET AL



137 40
160
90

DATE DRAWN SCALE FILMED

3350-25

87

ACKNOWLEDGMENT OF SERVICE

Iowa State Highway Commission hereby acknowledges service of the within and foregoing notice of appeal.

Dated at Ames, Iowa this 15th day of October, 1974.

IOWA STATE HIGHWAY COMMISSION

by Asher E. Schroeder

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