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. 1664
BOOK 111 PAGE 89

1974 OCT 14 PM 4:23

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee $ 90 50

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

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 25 day of July, 1974.

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

For Settlement see 111 - 348 filed May 2, 1975



Recd 8-2-74 RDR

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

Group "C"

---

TO:

Will C. Johnson, Winterset, Iowa
Louise Johnson, Winterset, Iowa
Clarence E. Johnson, 223 S. 6th Avenue, Winterset, Iowa
Ronald Stuart, 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:

The NW¼NE¼, NE¼NE¼, SW¼NE¼, SE¼NE¼ and parts of the NW¼SE¼ and NE¼SE¼ of Sec. 35, 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 NE¼ and SE¼ of Sec. 35, 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 Reloc. Prim. Rd. No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from south to northeast, is described as follows: Commencing at the N¼ Corner of said Sec. 35, 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 westerly 250.0 ft. along a spiral curve, concave southerly and tangent to the preceding and following courses, having a long tangent of 166.7 ft., a short tangent of 83.3 ft., and a deflection angle of 3.07½°, to Sta. 701+14.0, thence southwesterly 3312.0 ft. along a 2291.8 ft. radius curve, concave southeasterly and tangent to the preceding and following courses, to Sta. 668+02.0, thence southerly 250.0 ft. along a spiral curve, concave easterly and tangent to the preceding and following courses, having a short tangent of 83.3 ft., a long tangent of 166.7 ft., and a deflection angle of 3.07½°, to Sta. 665+52.0, thence S1°56'W 1052.0 ft. to Sta. 655+00.

Said parcel is described as follows: Beginning at a point 90 ft. radially distant northerly of centerline on the north line of the NE¼ of said Sec. 35, thence East along said north line to the NE Corner of said Sec. 35, thence southerly along the east line of said NE¼ to a point 230 ft. radially distant southerly of centerline, thence to a point 155 ft. radially distant southerly from Sta. 701+40, thence to a point 105 ft. radially distant southerly from Sta. 697+00, thence to a point 90 ft. radially distant southerly from Sta. 692+00, thence concentric with centerline to a point 90 ft. radially distant easterly from Sta. 670+00, thence to a point 105 ft. normally distant easterly from Sta. 664+00, thence to a point 80 ft. normally distant easterly of centerline on the south line of the N 40 Acres of the SE¼ of said Sec. 35, thence westerly along said south line to the west line of the SE¼ of said Sec. 35, thence northerly along said west line to a point radially distant westerly from Sta. 669+00, thence to a point 90 ft. radially distant westerly from Sta. 669+00, thence concentric with centerline to a point 90 ft. radially distant northwesterly from Sta. 683+95, thence to a point

300 ft. radially distant northwesterly from centerline on the centerline of Side Road Connection, thence to a point 105 ft. radially distant northwesterly from Sta. 687+85, thence to a point 90 ft. radially distant northerly of centerline on the north line of the NE¼ of said Sec. 35, the Point of Beginning.

Said parcel contains 20.4 acres, more or less, exclusive of 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 that no rights of direct access to and from Reloc. Prim. Rd. 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. 667+00, on the east side, at Sta. 680+00, and Sta. 686+00 on both sides, and at Sta. 694+25 and Sta. 702+34, on the south side.

The easements for highway purposes sought to be appropriated are described as follows:

Two parcels of land located in the NE¼ of said Sec. 35, lying on both sides of part of the following described centerline of Side Road Connection and on both sides of part of the following described centerline of Local Road as shown on said plat, Exhibit "A".

The centerline of the Side Road Connection, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 1686+00.0 a point on the centerline of Reloc. Prim. Rd. No. U.S. 169 located at Sta. 686+00, thence N40°02½'W 194.5 ft. to Sta. 1684+05.5, thence northwesterly 712.1 ft. along an 818.5 ft. radius curve, concave southerly and tangent to the preceding and following courses, to Sta. 1676+93.4, thence N89°53½'W 153.4 ft. to Sta. 1675+50.

The centerline of Local Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1702+34.0, a point on the centerline of Reloc. Prim. Rd. No. U.S. 169 located at Sta. 702+34.0, thence S14°46'E 237.1 ft. to Sta. 1699+96.9, thence southerly 546.7 ft. along a 2,291.8 ft. radius curve, concave westerly and tangent to the preceding and following courses, to Sta. 1694+50.2, thence S1°06'E 200.2 ft. to Sta. 1692+50.

Said parcels are described as follows: Beginning at a point normally distant southerly from Sta. 1675+50 on the present southerly right of way line of the present E-W Side Road, thence easterly along said right of way line to a point 65 ft. radially distant northerly of centerline, thence concentric with centerline to a point 65 ft. radially distant northeasterly from Sta. 1682+00, thence to a point 75 ft. radially distant northeasterly of centerline on the northwesterly line of the land sought in fee simple title, thence to a point 300 ft. radially distant northeasterly of centerline (Reloc. Prim. Rd. No. U.S. 169) on the centerline of Side Road Conn., thence to a point 70 ft. radially distant southwesterly of centerline (Side Rd. Conn.) on the westerly line of the land sought in fee simple title, thence to a point 60 ft. radially distant southwesterly from Sta. 1682+00, thence concentric with centerline to a point 60 ft. radially distant southerly from Sta. 1678+50, thence to a point normally distant southerly from Sta. 1675+50 on the present southerly right of way line of Side Road, the Point of Beginning.

Also, bounded on the east by the present westerly right of way line of Local Road; on the north by the southerly line of the land sought in fee simple title; on the west by a line beginning at a point normally distant westerly from Sta. 1692+50 on said westerly right of way line of Local Road, thence to a point 50 ft. normally distant westerly from Sta. 1694+00, thence to a point 50 ft. radially distant westerly from Sta. 1698+50, thence to a point 50 ft. normally distant westerly from centerline on the southerly line of the land sought in fee simple title.

Said parcels contain 1.8 acres, more or less.

The easement to pond water to an elevation of 1093.0 ft. above mean sea level sought to be appropriated is in land described as follows: Bounded on the north by the southerly line of the land sought in fee simple title; on the west by a line radial to centerline through Sta. 700+00 (Reloc. Prim. Rd. No. U.S. 169); on the east by a line radial to centerline through Sta. 701+25; on the south by a line beginning at a point 450 ft. radially distant southerly from Sta. 700+00, thence to a point 440 ft. radially distant southerly from Sta. 701+25.

Said parcel contains 0.8 acre, more or less.

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


Continued on next sheet

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

2. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 140 ft. southerly of centerline of Reloc. Prim. Rd. No. U.S. 169 from Sta. 693+75 to Sta. 694+75.

3. 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.

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.

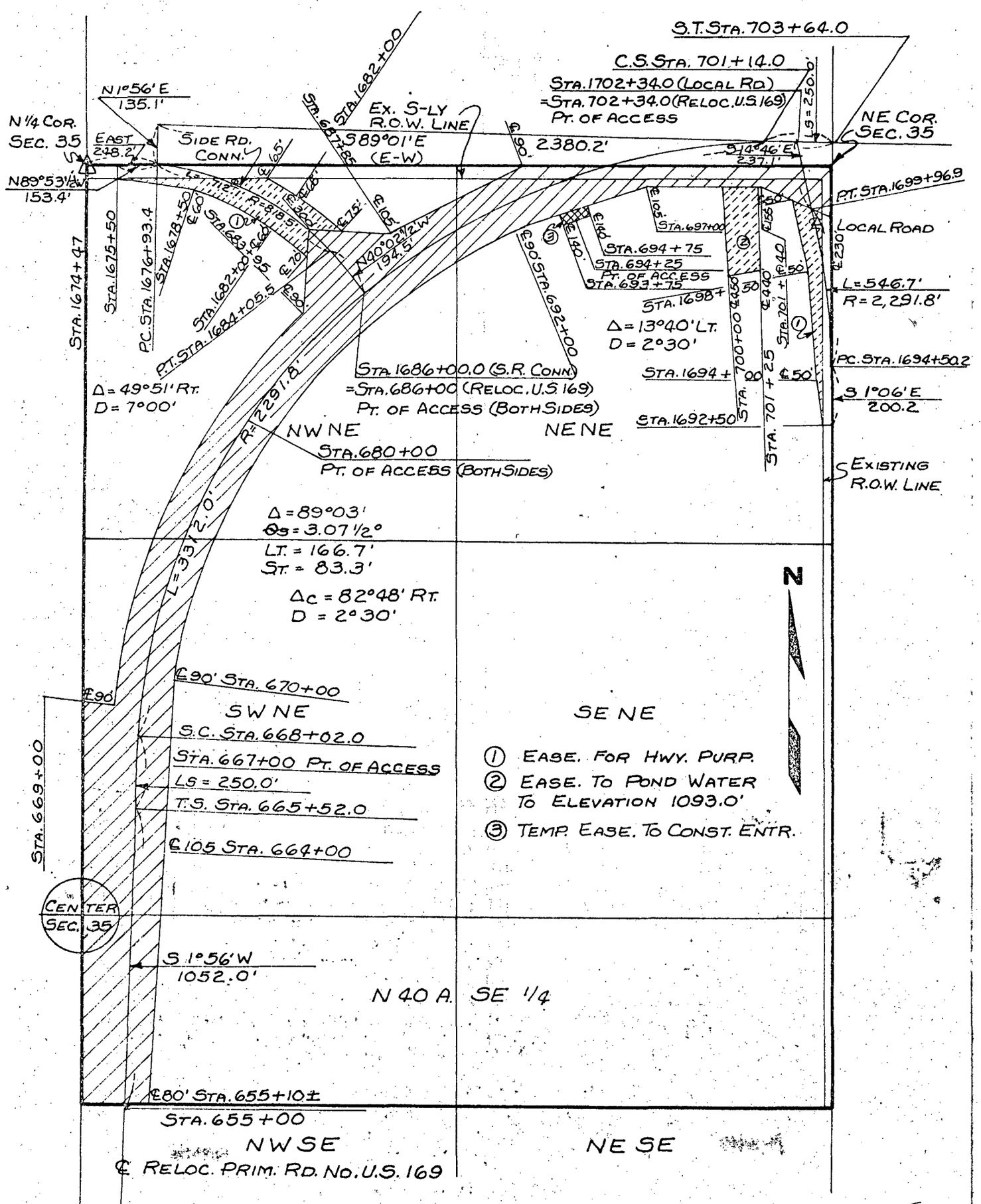
5. The temporary easement rights of the State of Iowa shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than December 31, 1979.

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. 18
SECTION 35 TOWNSHIP 76 N RANGE 28 W
ROW-FEE 20.4 AC, EASE 1.8 AC, PONDING 0.8 AC
ACQUIRED FROM WILL C. JOHNSON AND CLARENCE E. JOHNSON



94

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"

AMENDMENT TO APPLICATION TO THE CHIEF JUDGE FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

and

AMENDMENT TO NOTICE

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

To: Rex Rouse: Sheriff of Madison County, Iowa.

To:
Will C. Johnson, Winterset, Iowa
Louise Johnson, Winterset, Iowa
Clarence E. Johnson, 223 S. 6th Avenue, Winterset, Iowa
Ronald Stuart, R. R. #4, Winterset, Iowa
Madison County, Iowa, c/o County Auditor, Winterset, Iowa

Comes now the Iowa State Highway Commission and amends the Application and Notice filed in the above entitled proceedings as follows:

By striking and voiding Lines 49,50,51,52,53,54 and 55 of Sheet 2 of the description of the property rights sought to be appropriated from Will C. Johnson, et al. (Parcel 18) to wit:

> "The easement to pond water to an elevation of 1093.0 ft. above mean sea level sought to be appropriated is in land described as follows: Bounded on the north by the southerly line of the land sought in fee simple title; on the west by a line radial to centerline through sta. 700+00 (Reloc. Prim. Rd. No. U.S. 169); on the east by a line radial to centerline through sta. 701+25; on the south by a line beginning at a point 450 ft. radially distant southerly fron sta. 700+00, thence to a point 440 ft. radially distant southerly from sta. 701+25."
>
> Said parcel contains 0.8 acre, more or less."

And substituting therefor the following to wit:

> "The State of Iowa shall have a right of temporary easement, for the specific purpose of filling to an elevation of 1093.0 feet above mean sea level in land described as follows: Bounded on the north by the southerly line of the land sought in fee simple title; on the west by a line radial to centerline through sta. 700+00 (Reloc. Prim. Rd. No. U.S. 169); on the east by a line radial to centerline through sta. 701+25; on the south by a line beginning at a point 450 ft. radially distant southerly from sta. 700+00, thence to a point 440 ft. radially distant southerly from sta. 701+25."
>
> Said parcel contains 0.8 acre, more or less."

And further amending by striking and voiding "Exhibit 'A' 18 Plat of Land Sought to be Appropriated Owners: - Will C. Johnson et al"and substituting therefor "Exhibit 'B' 18 Plat of Land Sought to be Appropriated Owners: - Will C. Johnson et al" copy of which is attached hereto and by this reference made a part hereof.

Dated at Ames, Iowa, this 6th day of September, 1974.

APPROVED:

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 Iowa State Highway Commission

Filed in my office at Winterset, Iowa, this 9th day of September, 1974

Rex Rouse
Rex Rouse, Sheriff of
Madison County, Iowa

Form 137
11-71

# IOWA STATE HIGHWAY COMMISSION

## RIGHT OF WAY PLAT
## EXHIBIT "B"

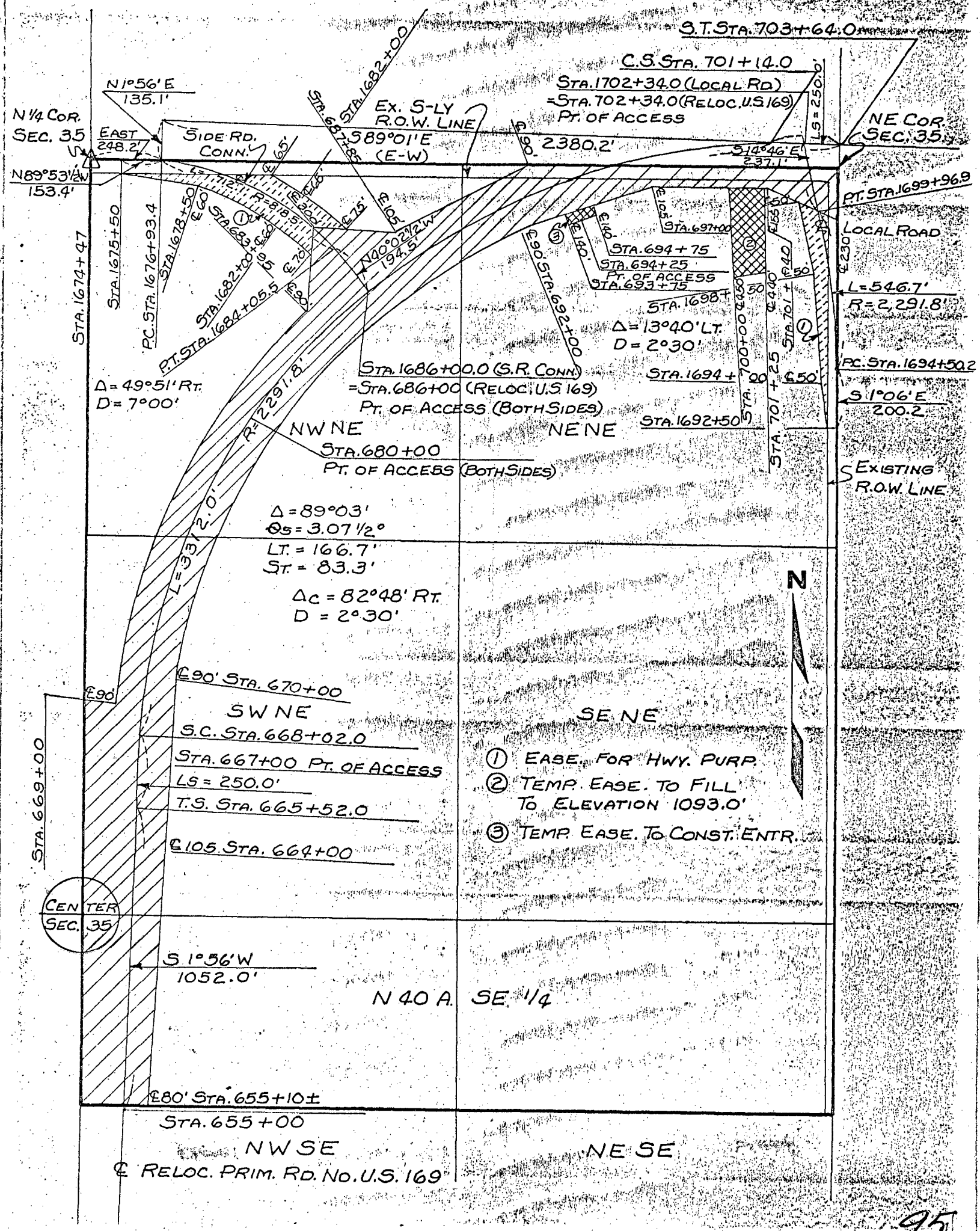
COUNTY MADISON — STATE CONTROL NO. 10

PROJECT NO. FN-169-3(3)--21-61 — PARCEL NO. 18

SECTION 35 — TOWNSHIP 76 N — RANGE 28 W

ROW - FEE 20.4 AC, EASE 1.8 AC, ____ AC

ACQUIRED FROM WILL C. JOHNSON AND CLARENCE E. JOHNSON



2

96

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 AM
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.

Ray Ponse

SHERIFF OF MADISON COUNTY, IOWA

3

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 492

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, 19 74.

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, 19 74.

Rex Rouse
Sheriff of Madison County, Iowa

97

98

4

RECEIVED
8.15.74 9:10 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 ~~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 Halliday

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

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

RE... 4-15-74 9:10 pm
MA... SHERIFF
WINTERSET, IOWA

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

Project No. FN-169-3(3)--21-61 "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, 19 74.

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

100

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 2, 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 9:40 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 493 102

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

located in Madison County, Iowa

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

Group "C"

RECEIVED
7-2-74 8 10 AM
MADISON COUNTY
SHERIFF
WINTERSET, IOWA

Form 493

SUMMONS TO COMMISSIONERS

---

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

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

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

104

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
8.22.74
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

_____

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 493

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

SUMMONS TO COMMISSIONERS

located in Madison County, Iowa

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

Group "C"

---

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

4

106

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.

Farrell F. Olson
Name:
Licensed Real Estate Salesman or Broker

Earl R. Abbott
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 Reeder
Name:
(As appropriate to type of property involved) Agricultural

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

SEAL OF THE DISTRICT COURT MADISON COUNTY IOWA

Subscribed and sworn to before me this 5th 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 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

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 495, Sheet 1

NOTICE

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

---

TO:

Will C. Johnson, Winterset, Iowa
Louise Johnson, Winterset, Iowa
Clarence E. Johnson, 223 S. 6th Avenue, Winterset, Iowa
Ronald Stuart, 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:

The NW¼NE¼, NE¼NE¼, SW¼NE¼, SE¼NE¼ and parts of the NW¼SE¼ and NE¼SE¼ of Sec. 35, 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 NE¼ and SE¼ of Sec. 35, 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 Reloc. Prim. Rd. No. U.S. 169, designated by station points 100 feet apart, numbered consecutively from south to northeast, is described as follows: Commencing at the N¼ Corner of said Sec. 35, 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 westerly 250.0 ft. along a spiral curve, concave southerly and tangent to the preceding and following courses, having a long tangent of 166.7 ft., a short tangent of 83.3 ft., and a deflection angle of 3.07½°, to Sta. 701+14.0, thence southwesterly 3312.0 ft. along a 2291.8 ft. radius curve, concave southeasterly and tangent to the preceding and following courses, to Sta. 668+02.0, thence southerly 250.0 ft. along a spiral curve, concave easterly and tangent to the preceding and following courses, having a short tangent of 83.3 ft., a long tangent of 166.7 ft., and a deflection angle of 3.07½°, to Sta. 665+52.0, thence S1°56'W 1052.0 ft. to Sta. 655+00.

Said parcel is described as follows: Beginning at a point 90 ft. radially distant northerly of centerline on the north line of the NE¼ of said Sec. 35, thence East along said north line to the NE Corner of said Sec. 35, thence southerly along the east line of said NE¼ to a point 230 ft. radially distant southerly of centerline, thence to a point 155 ft. radially distant southerly from Sta. 701+40, thence to a point 105 ft. radially distant southerly from Sta. 697+00; thence to a point 90 ft. radially distant southerly from Sta. 692+00, thence concentric with centerline to a point 90 ft. radially distant easterly from Sta. 670+00, thence to a point 105 ft. normally distant easterly from Sta. 664+00, thence to a point 80 ft. normally distant easterly of centerline on the south line of the N 40 Acres of the SE¼ of said Sec. 35, thence westerly along said south line to the west line of the SE¼ of said Sec. 35, thence northerly along said west line to a point radially distant westerly from Sta. 669+00, thence to a point 90 ft. radially distant westerly from Sta. 669+00, thence concentric with centerline to a point 90 ft. radially distant northwesterly from Sta. 683+95, thence to a point

300 ft. radially distant northwesterly from centerline on the centerline of Side Road Connection, thence to a point 105 ft. radially distant northwesterly from Sta. 687+85, thence to a point 90 ft. radially distant northerly of centerline on the north line of the NE¼ of said Sec. 35, the Point of Beginning.

Said parcel contains 20.4 acres, more or less, exclusive of 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 that no rights of direct access to and from Reloc. Prim. Rd. 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. 667+00, on the east side, at Sta. 680+00, and Sta. 686+00 on both sides, and at Sta. 694+25 and Sta. 702+34, on the south side.

The easements for highway purposes sought to be appropriated are described as follows:

Two parcels of land located in the NE¼ of said Sec. 35, lying on both sides of part of the following described centerline of Side Road Connection and on both sides of part of the following described centerline of Local Road as shown on said plat, Exhibit "A".

The centerline of the Side Road Connection, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 1686+00.0 a point on the centerline of Reloc. Prim. Rd. No. U.S. 169 located at Sta. 686+00, thence N40°02½'W 194.5 ft. to Sta. 1684+05.5, thence northwesterly 712.1 ft. along an 818.5 ft. radius curve, concave southerly and tangent to the preceding and following courses, to Sta. 1676+93.4, thence N89°53½'W 153.4 ft. to Sta. 1675+50.

The centerline of Local Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1702+34.0, a point on the centerline of Reloc. Prim. Rd. No. U.S. 169 located at Sta. 702+34.0, thence S14°46'E 237.1 ft. to Sta. 1699+96.9, thence southerly 546.7 ft. along a 2,291.8 ft. radius curve, concave westerly and tangent to the preceding and following courses, to Sta. 1694+50.2, thence S1°06'E 200.2 ft. to Sta. 1692+50.

Said parcels are described as follows: Beginning at a point normally distant southerly from Sta. 1675+50 on the present southerly right of way line of the present E-W Side Road, thence easterly along said right of way line to a point 65 ft. radially distant northerly of centerline, thence concentric with centerline to a point 65 ft. radially distant northeasterly from Sta. 1682+00, thence to a point 75 ft. radially distant northeasterly of centerline on the northwesterly line of the land sought in fee simple title, thence to a point 300 ft. radially distant northeasterly of centerline (Reloc. Prim. Rd. No. U.S. 169) on the centerline of Side Road Conn., thence to a point 70 ft. radially distant southwesterly of centerline (Side Rd. Conn.) on the westerly line of the land sought in fee simple title, thence to a point 60 ft. radially distant southwesterly from Sta. 1682+00, thence concentric with centerline to a point 60 ft. radially distant southerly from Sta. 1678+50, thence to a point normally distant southerly from Sta. 1675+50 on the present southerly right of way line of Side Road, the Point of Beginning.

Also, bounded on the east by the present westerly right of way line of Local Road; on the north by the southerly line of the land sought in fee simple title; on the west by a line beginning at a point normally distant westerly from Sta. 1692+50 on said westerly right of way line of Local Road, thence to a point 50 ft. normally distant westerly from Sta. 1694+00, thence to a point 50 ft. radially distant westerly from Sta. 1698+50, thence to a point 50 ft. normally distant westerly from centerline on the southerly line of the land sought in fee simple title.

Said parcels contain 1.8 acres, more or less.

The easement to pond water to an elevation of 1093.0 ft. above mean sea level sought to be appropriated is in land described as follows: Bounded on the north by the southerly line of the land sought in fee simple title; on the west by a line radial to centerline through Sta. 700+00 (Reloc. Prim. Rd. No. U.S. 169); on the east by a line radial to centerline through Sta. 701+25; on the south by a line beginning at a point 450 ft. radially distant southerly from Sta. 700+00, thence to a point 440 ft. radially distant southerly from Sta. 701+25.

Said parcel contains 0.8 acre, more or less.

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


Continued on next sheet

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

2. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 140 ft. southerly of centerline of Reloc. Prim. Rd. No. U.S. 169 from Sta. 693+75 to Sta. 694+75.

3. 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.

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.

5. 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.

118

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

(5)



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, 1974, at 10:00 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 |
| Clarence E. Johnson | August | 5th | 1974 | Center | Madison | Iowa |
| Ronald Stuart | August | 5th | 1974 | Douglas | Madison | Iowa |
| | | | | | | |
| | | | | | | |

Fees:
Service $ 2.75
Mileage $ [illegible]
Total $ [illegible]
2.75

REx Rouse
REx Rouse

Sheriff, Madison County, Iowa

By _____ Deputy

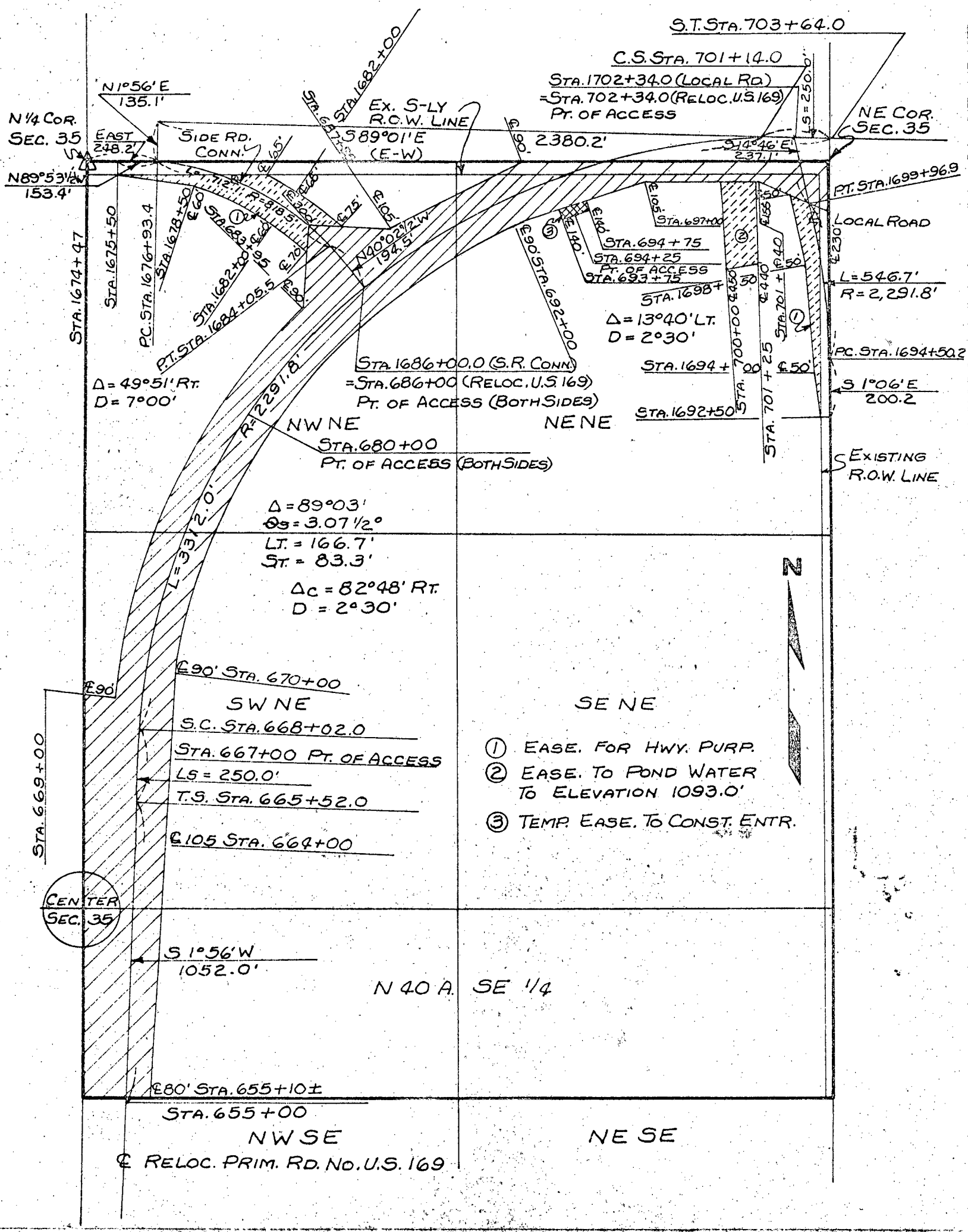
111

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. 18
SECTION 35 TOWNSHIP 76 N RANGE 28 W
ROW - FEE 20.4 AC, EASE 1.8 AC, PONDING 0.8 AC
ACQUIRED FROM WILL C. JOHNSON AND CLARENCE E. JOHNSON



Form 130
6-70

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"

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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) $ 44000 ⁰⁰

PARCEL 18 -
Will C. Johnson

Louise Johnson

Clarence E. 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

19 74 Subscribed and sworn to before me this 5th day of September

Notary Public in and for Story County, Iowa
Madison

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

Sheriff of Madison County, Iowa

2:45

113

9

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. 18

# NOTICE OF APPRAISEMENT OF DAMAGES AND TIME FOR APPEAL

TO:

| | Land & Improvements | Consequential Damages | Total Award | Condemnees' Atty. Fees and Costs |
|---|---|---|---|---|
| Will C. Johnson | $ | $ | $ 55300. | $ 350 |
| Louise Johnson | $ | $ | $ | $ |
| Clarence E. Johnson | $ | $ | $ | $ |
| Madison County Treasurer | $ | $ | $ | $ |
| | $ | $ | $ | $ |
| ~~TENANT: Ronald Stuart~~ | $ | $ | $ | $ |

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 Reese

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

**REPORT OF COMPENSATION COMMISSION**

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

Group "C"

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 Edwards

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., 1974, the attached Notices of Appraisement of Damages and Time for Appeal to each of the persons to which they are addressed.

Rex Rouse

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<br>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,<br>Madison Co unty 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

117

Earl Whitworth of Macksburg, Iowa

| | | |
|---|---|---|
| one | day service | $ 50.00 |
| ~~XX~~ 17 | miles at ~~.10~~ .15 | 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

| | | |
|---|---|---|
| pme | 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, 1974.

Rex Rouse
Sheriff of Madison County, Iowa

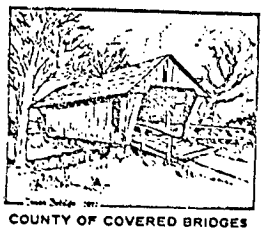
I certify that the foregoing amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

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

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; Clarence E. Johnson;
Madison County Treasurer

S

This is to advise you that there has been deposited with me Check #03145184 in the amount of $55,300.00. 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,

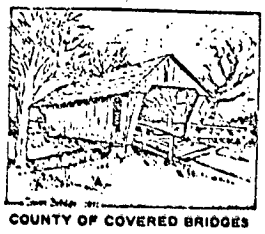
Rex Rouse

Rex Rouse, Sheriff
Madison County, Iowa 50273

119

120

13




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; Clarence E. Johnson; Chester Bentz

This is to advise you that there has been deposited with me Check # 03145185 in the amount of $350.00. 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

14

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 and CLARENCE E. JOHNSON,

Plaintiffs,

vs.

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

RONALD STUART and

MADISON COUNTY, IOWA,

Defendants.

Sheriff's filing of Record after receiving Notice of Appeal

(Parcel 18 )

FILED
1974 OCT -1 PM 3:00
MARGARET WHEELER
CLERK OF DISTRICT COURT
MADISON COUNTY, IOWA

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 $55,300.00 which represents the Jury Award in this matter.

Rex Rouse, Sheriff

15

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

IN THE DISTRICT COURT OF IOWA

IN AND FOR MADISON COUNTY

| | | |
|---|---|---|
| WILL C. JOHNSON, LOUISE JOHNSON and CLARENCE E. JOHNSON, Plaintiffs, vs. IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa, RONALD STUART and MADISON COUNTY, IOWA, Defendants. | ) | No._____ LAW<br>NOTICE OF APPEAL TO THE MADISON COUNTY, IOWA, DISTRICT COURT FOR DAMAGES IN CONDEMNATION PROCEEDINGS AGAINST CERTAIN REAL ESTATE OF THE PLAINTIFFS. |

TO.....IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa; RONALD STUART; 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:

Beginning at a point 90 feet radially distant northerly of centerline on the north line of the NE¼ of said Section 35, thence East along said north line to the NE Corner of said Section 35, thence southerly along the east line of said NE¼ to a point 230 feet radially distant southerly of centerline, thence to a point 155 feet radially distant southerly from Sta. 701+40, thence to a

point 105 feet radially distant southerly from Sta. 697+00, thence to a point 90 feet radially distant southerly from Sta. 692+00, thence concentric with centerline to a point 90 feet radially distant easterly from Sta. 670+00, thence to a point 105 feet normally distant easterly from Sta. 664+00, thence to a point 80 feet normally distant easterly of centerline on the south line of the N 40 Acres of the SE¼ of said Sec. 35, thence westerly along said south line to the west line of the SE¼ of said Sec. 35, thence northerly along said west line to a point radially distant westerly from Sta. 669+00, thence to a point 90 ft. radially distant westerly from Sta. 669+00, thence concentric with centerline to a point 90 feet radially distant northwesterly from Sta. 683+95, thence to a point 300 ft. radially distant northwesterly from centerline on the centerline of Side Road Connection, thence to a point 105 ft. radially distant northwesterly from Sta. 687+85, thence to a point 90 ft. radially distant northerly of centerline on the north line of the NE¼ of said Sec. 35, the Point of Beginning.

Said parcel contains 20.4 acres, more or less, exclusive of 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 that no rights of direct access to and from Reloc. Prim. Rd. 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. 667+00, on the east side, at Sta. 680+00, and Sta. 686+00 on both sides, and at Sta. 694±25 and Sta. 702+34, on the south side.

The easements for highway purposes sought to be appropriated are described as follows:

Two parcels of land located in the NE¼ of said Sec. 35, lying on both sides of part of the following described centerline of Side Road Connection and on both sides of part of the following described centerline of Local Road as shown on said plat, Exhibit "A".

The centerline of the Side Road Connection, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 1686+00.0 a point on the centerline of Reloc. Prim. Rd. No. U.S. 169 located at Sta. 686+00, thence N40°02½'W 194.5 ft. to Sta. 1684+05.5, thence northwesterly 712.1 ft. along an 818.5 ft. radius curve, concave

southerly and tangent to the preceding and following courses, to Sta. 1676+93.4, thence N89°53½'W 153.4 ft. to Sta. 1675+50.

The centerline of Local Road, designated by station points 100 feet apart, numbered consecutively from south to north, is described as follows: Beginning at Sta. 1702+34.0, a point on the centerline of Reloc. Prim. Rd. No. U.S. 169 located at Sta. 702+34.0, thence S14°46'E 237.1 ft. to Sta. 1699+96.9, thence southerly 546.7 ft. along a 2,291.8 ft. radius curve, concave westerly and tangent to the preceding and following courses, to Sta. 1694+50.2, thence S1°06'E 200.2 ft. to Sta. 1692+50.

Said parcels are described as follows: Beginning at a point normally distant southerly from Sta. 1675+50 on the present southerly right of way line of the present E-W Side Road, thence easterly along said right of way line to a point 65 ft. radially distant northerly of centerline, thence concentric with centerline to a point 65 ft. radially distant northeasterly from Sta. 1682+00, thence to a point 75 ft. radially distant northeasterly of centerline on the northwesterly line of the land sought in fee simple title, thence to a point 300 ft. radially distant northeasterly of centerline (Reloc. Prim. Rd. No. U.S. 169) on the centerline of Side Road Conn., thence to a point 70 ft. radially distant southwesterly of centerline (Side Rd. Conn.) on the westerly line of the land sought in fee simple title, thence to a point 60 ft. radially distant southwesterly from Sta. 1682+00, thence concentric with centerline to a point 60 ft. radially distant southerly from Sta. 1678+50, thence to a point normally distant southerly from Sta. 1675+50 on the present southerly right of way line of Side Road, the Point of Beginning.

Also, bounded on the east by the present westerly right of way line of Local Road; on the north by the southerly line of the land sought in fee simple title; on the west by a line beginning at a point normally distant westerly from Sta. 1692+50 on said westerly right of way line of Local Road, thence to a point 50 ft. normally distant westerly from Sta. 1694+00, thence to a point 50 ft. radially distant westerly from Sta. 1698+50, thence to a point 50 ft. normally distant westerly from centerline on the southerly line of the land sought in fee simple title.

Said parcels contain 1.8 acres, more or less.

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

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

2. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 140 ft. southerly of centerline of Reloc. Prim. Rd. No. U.S. 169 from Sta. 693+75 to Sta. 694+75.

3. 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.

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.

5. 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.

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

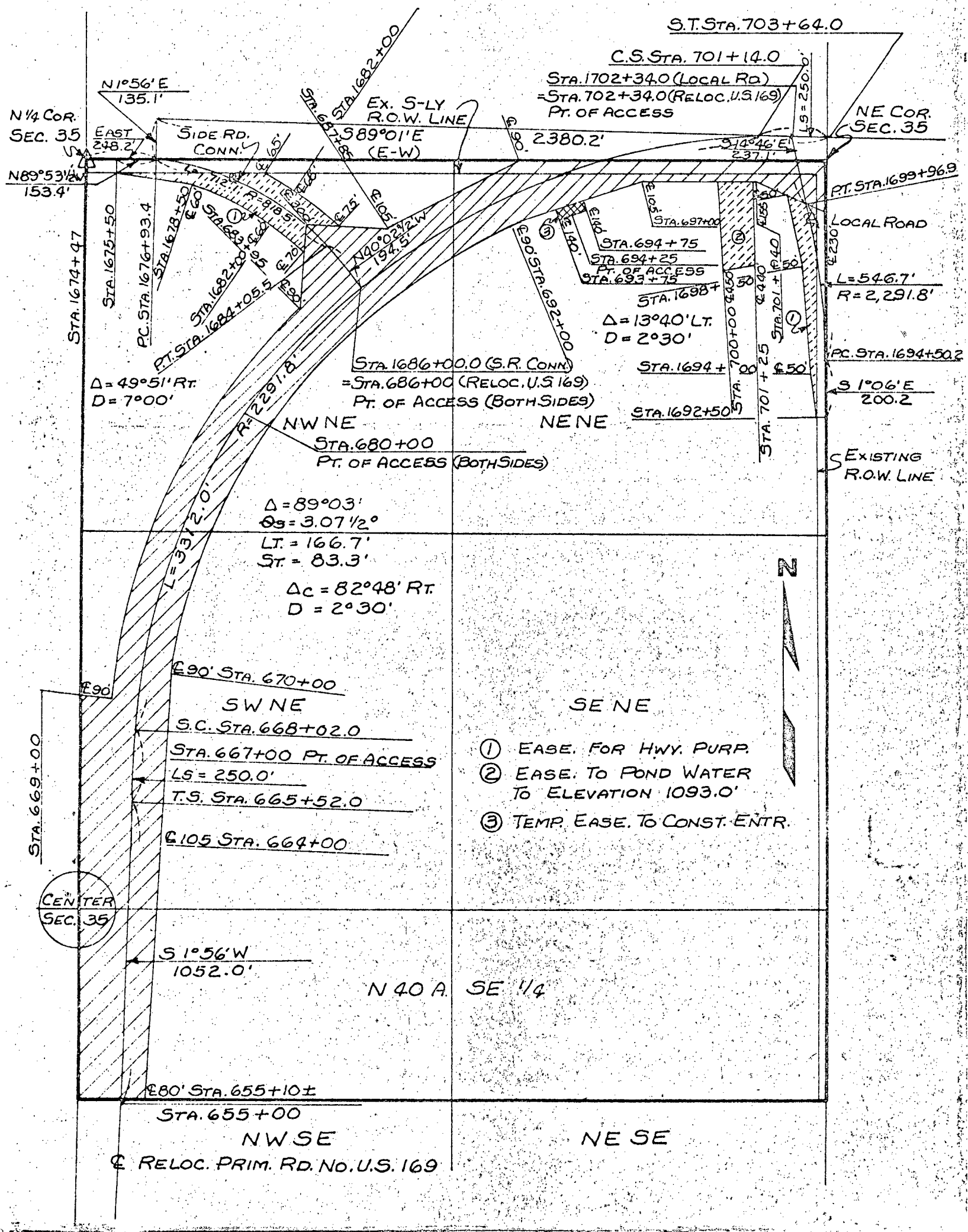
126

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. 18
SECTION 35 TOWNSHIP 76 N RANGE 28 W
ROW - FEE 20.4 AC, EASE 1.8 AC, PONDING 0.8 AC
ACQUIRED FROM WILL C. JOHNSON AND CLARENCE E. JOHNSON



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.

128
19

FILED
1974 OCT -3 PM 3:02
MARGARET WHEELER
CLERK OF DIS. DIST. COURT
MADISON COUNTY, IOWA

IN THE DISTRICT COURT OF IOWA

IN AND FOR MADISON COUNTY

| | |
|---|---|
| WILL C. JOHNSON, LOUISE JOHNSON and CLARENCE E. JOHNSON,<br><br>Plaintiffs,<br><br>vs.<br><br>IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa,<br><br>RONALD STUART and<br><br>MADISON COUNTY, IOWA,<br><br>Defendants. | No. 21272 LAW<br><br>NOTICE OF APPEAL TO THE MADISON COUNTY, IOWA, DISTRICT COURT FOR DAMAGES IN CONDEMNATION PROCEEDINGS AGAINST CERTAIN REAL ESTATE OF THE PLAINTIFFS. |

TO.....IOWA STATE HIGHWAY COMMISSION, for the use and benefit of the State of Iowa; RONALD STUART; 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:

Beginning at a point 90 feet radially distant northerly of centerline on the north line of the NE¼ of said Section 35, thence East along said north line to the NE Corner of said Section 35, thence southerly along the east line of said NE¼ to a point 230 feet radially distant southerly of centerline, thence to a point 155 feet radially distant southerly from Sta. 701+40, thence to a

point 105 feet radially distant southerly from Sta. 697+00, thence to a point 90 feet radially distant southerly from Sta. 692+00, thence concentric with centerline to a point 90 feet radially distant easterly from Sta. 670+00, thence to a point 105 feet normally distant easterly from Sta. 664+00, thence to a point 80 feet normally distant easterly of centerline on the south line of the N 40 Acres of the SE¼ of said Sec. 35, thence westerly along said south line to the west line of the SE¼ of said Sec. 35, thence northerly along said west line to a point radially distant westerly from Sta. 669+00, thence to a point 90 ft. radially distant westerly from Sta. 669+00, thence concentric with centerline to a point 90 feet radially distant northwesterly from Sta. 683+95, thence to a point 300 ft. radially distant northwesterly from centerline on the centerline of Side Road Connection, thence to a point 105 ft. radially distant northwesterly from Sta. 687+85, thence to a point 90 ft. radially distant northerly of centerline on the north line of the NE¼ of said Sec. 35, the Point of Beginning.

Said parcel contains 20.4 acres, more or less, exclusive of 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 that no rights of direct access to and from Reloc. Prim. Rd. 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. 667+00, on the east side, at Sta. 680+00, and Sta. 686+00 on both sides, and at Sta. 694±25 and Sta. 702+34, on the south side.

The easements for highway purposes sought to be appropriated are described as follows:

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southerly and tangent to the preceding and following courses, to Sta. 1676+93.4, thence N89°53½'W 153.4 ft. to Sta. 1675+50.

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Also, bounded on the east by the present westerly right of way line of Local Road; on the north by the southerly line of the land sought in fee simple title; on the west by a line beginning at a point normally distant westerly from Sta. 1692+50 on said westerly right of way line of Local Road, thence to a point 50 ft. normally distant westerly from Sta. 1694+00, thence to a point 50 ft. radially distant westerly from Sta. 1698+50, thence to a point 50 ft. normally distant westerly from centerline on the southerly line of the land sought in fee simple title.

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

2. The State of Iowa shall have a temporary easement right, for the specific purpose of constructing an entrance, to a maximum distance of 140 ft. southerly of centerline of Reloc. Prim. Rd. No. U.S. 169 from Sta. 693+75 to Sta. 694+75.

3. 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.

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.

5. 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.

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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.

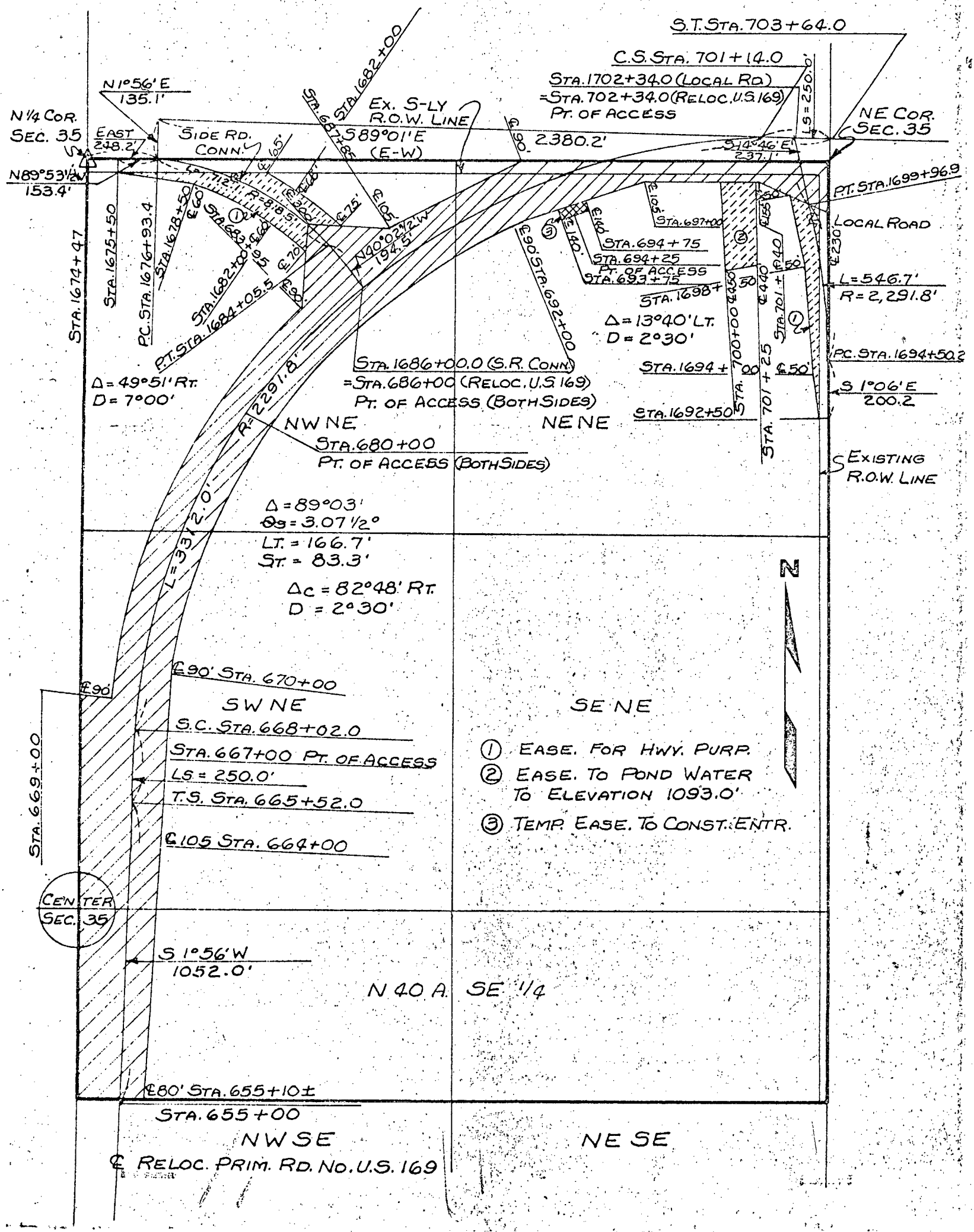
C. R. Bentz
210 North First Street
Winterset, Iowa 50273.
Telephone: 462-3392
ATTORNEY FOR PLAINTIFFS

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. 18
SECTION 35 — TOWNSHIP 76 N — RANGE 28 W
ROW - FEE 20.4 AC, EASE 1.8 AC, PONDING 0.8 AC
ACQUIRED FROM WILL C. JOHNSON AND CLARENCE E. JOHNSON



ACKNOWLEDGMENT OF SERVICE

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

Dated at Ames, Iowa this 1st 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